

CHAPTER 22

HISTORIC SITES PRESERVATION COMMISSION

- 22.01 Purpose and Intent
- 22.02 Definitions
- 22.03 Membership
- 22.04 Historic Structures and Sites Designation Criteria
- 22.05 Duties and Powers
- 22.06 Voluntary Restrictive Covenants
- 22.07 Creation of Historic District
- 22.08 Recognition of Historic Structures and Sites
- 22.09 Annual Report
- 22.10 Severability

HISTORIC SITES PRESERVATION COMMISSION 22.01

22.01 PURPOSE AND INTENT.

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

(a) Effect and accomplish the protection, enhancement and perpetuation of such improvements and of districts which represent or reflect elements of the County's cultural, social, economic, political, engineering, anthropological, archaeological and architectural history and prehistory.

(b) Safeguard the County's historic, prehistoric, and cultural heritage, as embodied and reflected in such historic structures, sites and districts.

(c) Stabilize and improve property values.

(d) Foster civic pride in the beauty and noble accomplishments of the past.

(e) Protect and enhance the County's attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry.

(f) Strengthen the economy of the County.

(g) Promote the use of historic and prehistoric structures, sites and districts for the education, pleasure and welfare of the people of the County.

(2) This ordinance shall apply to unincorporated areas in the County of La Crosse. This ordinance shall not apply retroactively.

22.02 DEFINITIONS.

(1) In this section, unless the context clearly requires otherwise:

(a) Commission means the Historic Sites Preservation Commission created under this section.

(b) Commissioner means a member of the Historic Sites Preservation Commission.

(c) Improvement means any building, structure, place, work of art or other object constituting a physical betterment of real property, or any part of such betterment.

(d) Improvement parcel is 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 purposes 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.

HISTORIC SITES PRESERVATION COMMISSION 22.02(1)(e)

(e) Historic district is an area designated by the County Board on recommendation of the commission, composed of 2 or more improvement parcels that together compromise a district of special character or special historic interest or value as part of the development, heritage or cultural characteristics of the County, state or nation, and which has been designated as a historic district pursuant to the provisions of this chapter.

(f) Historic structure means any improvement which has a special character or special historic or value as part of the development, heritage or cultural characteristics of the County, state or nation and which has been designated as a historic structure pursuant to the provisions of this chapter.

(g) Historic site means any parcel of land whose historic significance is due to a substantial value in tracing the history or prehistory of Native American people, or upon which a historic event has occurred, and which has been designated as a historic site under this section, or an improvement parcel, or part thereof, on which is situated a historic structure and any abutting improvement parcel, or part thereof, used as and constituting part of the premises on which the historic structure is situated.

(h) History is also defined to include all prehistoric periods.

22.03 MEMBERSHIP.

(1) The Historic Sites Preservation Commission shall be composed of 7 members. The membership shall be composed of: 1 architect or architectural historian; 1 historian qualified in the field of historic preservation; 1 licensed real estate broker; 1 County Board Supervisor; 1 qualified archaeologist; or make a reasonable effort to find members with these qualifications; and 2 citizen members. Each member shall have, to the highest extent practicable, a known interest in historic preservation.

(2) The La Crosse County Board Chair shall appoint the commissioners subject to confirmation by the County Board. Of the initial members so appointed, 2 shall serve a term of 1 year, 2 shall serve a term of 2 years, and 3 shall serve a term of 3 years. Thereafter, the term for each member shall be 3 years. The Commission shall elect its chair and vice chair on an annual basis.

22.04 HISTORIC STRUCTURES AND SITES DESIGNATION CRITERIA.

(1) A historic structure or historic 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, archaeological, architectural or cultural significance to the County of La Crosse, such as historic structures of sites which:

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

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

(c) Embody 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,

HISTORIC SITES PRESERVATION COMMISSION 22.04(1)(d)

- (d) Are representative of the honorable work of a master builder, designer or architect whose individual genius influenced his/her age; or,
- (e) Have yielded, or may be likely to yield, information important to prehistory or history.

22.05 DUTIES AND POWERS. The Commission shall have the following duties and powers:

- (1) Adopt specific operating guidelines for landmark sites designation providing such are in conformance with the provisions of this paragraph.
- (2) Publically advocate opinions and recommendations on issues involving historic preservation.
- (3) Cooperate with the Historic Preservation Officer for the State of Wisconsin and the State Historic Preservation Review Board in attempting to include such properties hereunder designated as historic structures, sites, or districts in the National Register of Historic Places.
- (4) Work for the continuing education of the citizens about the historic heritage of this County and the historic structures and sites designated under the provisions of this section.
- (5) As it deems advisable, receive and solicit funds for the purpose of historic preservation in the County. Such funds shall be placed in a County account for such purpose.
- (6) Designation. The Commission shall have the power, subject to the provisions and criteria of sections 22.04 and 22.07 of this Code, to designate historic structures, historic sites and historic districts within the unincorporated areas of the County. Once designated by the Commission, such historic structures, sites and districts shall be subject to all the provisions of this Code, and such designation shall be recorded, at County expense, at the La Crosse County Register of Deed's Office.

(a) Procedure.

- 1. Any person, including the owner of a structure or site, or any member of the Commission, may nominate a specific site, structure, or district for designation by the Commission. Any person who wishes to nominate a structure, site, or district for approval by the Commission, shall submit such a request in writing to the Commission.
- 2. Upon receipt of a nomination for a historic structure, site, or district, the Commission shall call a public hearing to be held on the nomination. Notice of the time and place of such hearing shall be given by publication in the County of a class 2 notice under ch. 985 of the Wisconsin Statutes. A copy of the notice shall also be mailed by certified or registered mail to the address of the owner or owners of the structure, site, or district to be considered, which notice shall include a statement of the effect of designation of the property under this Chapter, including the provisions of s. 22.05. At said public hearing, the public shall have an opportunity for written and oral comment regarding said nominations.

3. As soon as possible after such public hearing, the Commission shall act on the nomination, either approving, modifying and approving, or disapproving of the same. If the nomination is approved, a resolution shall be prepared and presented to the Planning, Resource and Development Committee for approval and presentation to the County Board. If approved by the County Board, the resolution shall be recorded at the Register of Deeds, and a copy sent to the current landowner(s) within 10 days of recording by certified or registered mail, informing the landowner(s) of the resolution approved, the recording action, and that the property shall be subject to the provisions of this Chapter.

(7) Regulation of Construction, Demolition, Reconstruction and Exterior Alteration.

(a) The owner of a designated historic site or structure or of any property within a historic district who plans to construct, demolish, reconstruct or make exterior alterations to the structure, site or property, shall apply to the Commission for review of the work.

(b) The applicant shall submit a detailed description for the proposed construction, reconstruction, excavation or alteration together with any architectural drawings, if those services have been utilized by the application, and a sufficient description of the construction or alteration and use to enable the Commission to determine what the final appearance of the property will be, including measurements, building materials, furnish materials, and name brands of products when available. Upon filing of any application with the Historic Sites Preservation Commission, the Commission shall review the application and assess the effects of the application on the historic site, structure, district or archaeological site. The Commission shall make recommendations regarding the application within 21 days of receipt of the application. The Commission shall advise, cooperate, educate and work with the applicant in an attempt to preserve the historical significance of the site or structure.

(c) The owner, person, or entity in charge of a historic property or object shall refrain from reconstructing or altering 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 on such property or demolish such property while the application is being reviewed by the Commission.

(d) Upon filing of any application with the Commission, the Commission shall consider the following guidelines in reviewing the application:

1. Whether the property will be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment;

2. Whether the historic character of the property shall be retained and preserved. The removal of historic material or alteration of features and spaces that characterize a property shall be avoided.

3. Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historic development, such as adding conjectural features or architectural elements from other buildings, shall be discouraged;

HISTORIC SITES PRESERVATION COMMISSION 22.07(d)4.

4. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property should be preserved;

5. Deteriorated historic features should be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature should match the old in design, color, texture and other visual qualities and, where possible, materials.

6. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of historic structures shall be undertaken using the methods promulgated by the U.S. Department of the Interior, National Park Service, the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitation Historic Buildings (36 CFR 67 and 68 as amended).

7. New additions, exterior alterations, or related new construction should not destroy historic materials that characterize the property. The new should be differentiated from the old and should be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

8. New additions and adjacent or related new construction should be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(e) Ordinary maintenance and repairs shall be undertaken without an application to the Commission provided that the work involves repairs to existing features of a historic property site or the replacement of elements of a property or site with materials similar in appearance and provided that the work does not change the exterior appearance of the property or site and does not require the issuance of a building permit.

22.06 VOLUNTARY RESTRICTIVE COVENANTS. The owner of any historic structure or site may, at any time following such designation of its property, enter into a restrictive covenant on the subject property after negotiation with the commission. The Commission may assist the owner in preparing such covenant in the interest of preserving the historic property. The owner shall record such covenant in the County Register of Deed's Office, and shall notify the County Historical Society of such covenant and the incorporated conditions.

22.07 CREATION OF HISTORIC DISTRICT.

(1) For preservation purposes, the Historic Sites Preservation Commission shall select geographically defined areas within the unincorporated areas of the County of La Crosse to be designated as historic districts and shall, with the assistance of the County Zoning, Planning and Land Information Department, prepare a historic preservation plan for each area. A historic district may be designated for any geographic area of particular historic, architectural, archaeological or cultural significance to the County of La Crosse which:

(a) Exemplifies or reflects the broad cultural, political, economic, social history or prehistory of the nation, state or community; or,

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

HISTORIC SITES PRESERVATION COMMISSION 22.07(1)(c)

(c) Embodies the distinguishing characteristics or architectural type specimens inherently valuable for the study of a period or periods, styles, methods or construction, indigenous materials or craftsmanship; or,

(d) Is representative of the notable works of master builders, designers, or architects who influenced their age.

(2) Each historic preservation plan prepared for or by the Historic Sites 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.

22.08 RECOGNITION OF HISTORIC STRUCTURES AND SITES. At such time as a historic structure or site has been properly designated, the Commission may cause to be prepared, at County expense, a suitable plaque declaring that such property is a historic structure or site.

22.09 ANNUAL REPORT. The Historic Sites Preservation Commission shall submit an annual report to the La Crosse County Board concerning its entire operation and activities. The Commission shall also submit a required annual report to the State of Wisconsin Historical Society, Division of Historic Preservation.

22.10 SEVERABILITY. If any provision of this Chapter or the application thereof to any person or circumstances is held invalid, the remainder of this Chapter and the application of such provisions to other persons or circumstances shall not be affected thereby.