

20.30.000 SITE PLAN AND DESIGN REVIEW

20.30.010 PURPOSE.

- A. In order that commercial, industrial, public and multi-family development within the City be compatible with the general character of the surrounding neighborhood and with the environmental and aesthetic goals of the community, and thereby provide both a satisfying physical environment and greater economic stability through preservation and enhancement of property values, new construction or exterior remodeling within those Zoning Districts enumerated below shall not be issued a Building Permit until the Design Review Board has recommended and the Plan Commission approved all building, site, landscaping and operational plans, except those involving Planned Unit Developments or Conditional Uses which are to be submitted directly to the Plan Commission.
- B. Historic Preservation. Pursuant to sec. 62.23(7)(em), Stats., in all zoning districts of the City every building, property, place, structure, object or landmark listed on, or within and contributing to a historic district listed on, the national register of historic places in Wisconsin, the state register of historic places, or identified as potentially eligible to be listed on such national or state registers, or listed on the inventory of historic places maintained by the City entitled Intensive Survey Report (1998), as such registers, identification or inventory may be amended from time to time, and every building, property, place, structure, object or landmark subsequently designated by the Common Council with the consent of the owner as having historic or archeological significance, including groups of properties designated by the Common Council as a historic district, shall be regulated as provided in Sections 20.30.010 through 20.30.050, inclusive.
- C. Pursuant to Wis. Stats. Sec. 62.23 (7) (em). Historic Preservation, in addition to the above number under A, regardless of zoning district and including single family residences, any property or place on the national register of historic places as of December 31, 1995, and any place, structure or object subsequently designated by the Common Council with the consent of the owner as having historic or archeological significance, including groups of property designated by the Council as an historic district, shall be regulated under this section.
1. The purposes of such historic designation shall be to aid in the preservation, enhancement, and restoration of such places or structures to reflect the City's cultural heritage, without impeding the continuing progress of the City and the stabilization or improvement of property values, commerce and the evolving social and economic character of the City.
 2. Before a place, structure, or object is presented to the Council for consideration under this section, it shall first receive the favorable endorsement of the Plan Commission after hearing from the Design Review Board, (see 20.30.030 and 20.30.050 below). Nomination for such endorsement may be by the Council, Commission, or by citizen petition, provided that prior to Council action, the reasons for nomination are set forth by the petitioner and the standards by which the place, structure, or object are to be administered under this section are also set forth and further provided written consent shall have been obtained from the owner

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for individual properties being individually nominated, and from a two-thirds majority of owners for properties being nominated for district status. In cases where district status is involved, the petitioners shall identify any individual properties which best epitomize the character of the district. Such leader properties shall not be included in the district without the consent of the current owner. Once the district is created, any current or subsequent owner of a leader property may become part of the district upon written request to the Council.

20.30.020 ZONING DISTRICTS AFFECTED. The Director of Planning and Development shall refer to the Design Review Board an application for a building permit in any case involving all new development or construction, or the complete redesign or remodeling of the exterior appearance of an existing building located in any of the following districts: Commercial Districts (B-1, B-2, B-3, B-4, BP, OOS, OHS, OPD, OAG); Industrial Districts (I-1 and I-2); OIP Institutional and Public Service Districts; RM-1 Single and Two Family Residence Districts having dwellings of three (3) or more units by a conditional use grant; Multiple Family Residential Districts (RM-2, RM-3, RM-4); dwellings of three (3) or more units in the CCM Multiple Family (Central City Mixed) District; and buildings in any district subject to OCP Conservation Protection Overlay or ONP Neighborhood Preservation Overlay.

In the case of historic buildings, properties, places, structures, objects or landmarks described in or designated under Section 20.30.010 B. which are located in a zoning district other than a residential district, the plans for any proposed erection, construction, reconstruction, alteration, conversion or maintenance affecting the same shall be referred to the Design Review Board for its review and recommendation, and for review and action by the Plan Commission, as provided in Section 20.30.040C.

In the case of historic buildings, properties, places, structures, objects or landmarks described in or designated under Section 20.30.010 B. which are located in any zoning district, or in the case of buildings in any zoning district subject to ONP Neighborhood Preservation Overlay, an application for a razing permit shall be referred to the Design Review Board for its review and recommendation, and for review and action by the Plan Commission, including issuance of a Certificate of Appropriateness, as provided in Section 20.30.040C.

20.30.030 DESIGN REVIEW BOARD ACTION.

Action by the Design Review Board shall take the form of advisory recommendations to the Plan Commission. Upon receipt of a plan referral from the Director of Planning and Development, or upon receipt of a referral from the Building Inspector relating to an application for a razing permit, the Chairperson shall convene the Board so as to render its advice to the Plan Commission in time for Commission consideration at its regular meeting, pursuant to consent agenda, unless the referral occurs less than three weeks prior to such meeting date, in which case the Board may make its report for the next following Plan Commission Meeting. The Chairperson shall invite the permit applicant to the Board meeting to observe its deliberations and recommendations.

20.30.040 REVIEW STANDARDS; REGULATION OF CONSTRUCTION, RECONSTRUCTION ALTERATION AND RAZING OF HISTORIC BUILDINGS AND STRUCTURES; PROCEDURES; APPEALS.

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A. The Design Review Board shall render its advice as to the appropriateness of the proposed site plan with respect to the requirements established in Chapter 20.31.000 of the Zoning Ordinance, as well as the type of materials, general form and proportions, window, entrances and colors of buildings or structures in relation to these criteria:

1. The building or structure is not of such unorthodox or abnormal character in relation to the surroundings as to be unsightly or offensive to generally accepted taste.
2. The building is not so identical with those adjoining as to create excessive monotony and drabness. In applying this criteria to attached or row buildings, to apartment groupings, or commercial shopping centers, the overall composition and aesthetic effect shall be considered.
3. The building shall not have any exposed facade that is finished, including choice of materials, so as to be aesthetically incompatible with the other facades.

B. All Other Areas Except Historic Areas: In those districts where the Plan Commission has not adopted an architectural theme, the Board shall render its advice as to the appropriateness of the proposed use and type of materials, general form and building proportions, window entrance and sign treatment and colors, in relation to these criteria:

1. The building or structure is not of such unorthodox or abnormal character in relation to the surroundings as to be unsightly or offensive to generally accepted taste.
2. The building is not so identical with those adjoining as to create excessive monotony and drabness. In applying this criteria to attached or row buildings, to apartment groupings, or commercial shopping centers, the overall composition and aesthetic effect shall be considered.
3. The building will not have any exposed facade that is finished, including choice of materials, so as to be aesthetically incompatible with the other facades.

C. Regulation of Historic Buildings, Sites, Structures, etc.

1. Erection, Construction, Reconstruction, Alteration, Conversion or Maintenance. No owner or person in charge of a historic building, property, place, site, structure, object or landmark described in or designated under Section 20.30.010 B. which is located in a zoning district other than a residential district shall erect, construct, reconstruct, alter or convert all or any part of the exterior of the same or construct any improvement upon the same or cause or permit any such work to be performed upon the same unless the Design Review Board has made its recommendations, and the Plan Commission has

approved the plans for such work. Also, unless the Plan Commission has granted such approval, the Building Inspector shall not issue a permit for any such work.

- a. In reviewing and/or approving such proposed erection, construction, reconstruction, alteration or conversion the Design Review Board and Plan Commission shall use the following criteria:
 - i. In the case of a designated historic building, structure or site, whether 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.
 - ii. In the case of the construction of a new improvement to or upon a historic building, structure or site, or within a historic district, whether 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.
 - iii. In the case of any property located in a historic district, whether the proposed erection, construction, reconstruction, exterior alteration or conversion 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.
 - b. Ordinary maintenance and repairs may be undertaken without the review and recommendation of the Design Review Board and approval of the Plan Commission provided that the work involves repairs to existing features of a historic building, structure or site or the replacement of elements of a historic building or structure with pieces identical in appearance, and provided that the work does not change the exterior appearance of the building, structure or site and does not require the issuance of a building permit.
 - c. Section 20.30.040 C. 1. a. hereof shall not apply to the proposed erection, construction, reconstruction, alteration or conversion of a historic building, property, place, site, structure, object or landmark described in or designated under Section 20.30.010 B. which is located in a residential zoning district.
2. Razing. No owner or person in charge of a historic building, property, place, site, structure, object or landmark described in or designated under Section 20.30.010 B. which is located in any zoning district shall raze the same, or cause the same to be razed, unless such person has applied for a razing permit and a Certificate of Appropriateness, the Design Review Board has made its review and recommendations, and the Plan Commission has approved such

work, including the issuance of a Certificate of Appropriateness. Also, unless such Certificate has been issued by the Plan Commission, the Building Inspector shall not issue a permit for any such work.

- a. In reviewing and/or approving such proposed razing the Design Review Board and Plan Commission shall use the following criteria:
 - i. In the case of any property located in a historic district, whether the proposed 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.
 - ii. Whether 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 and state.
 - iii. In the case of a request for the demolition of a deteriorated building or structure, whether 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.
 - b. If the Plan Commission determines that the application for a Certificate of Appropriateness is consistent with the character and features of the property or district, it shall issue the Certificate of Appropriateness. The Plan Commission shall make this decision within forty-five (45) days of the date of filing of the application.
 - c. The issuance of a Certificate of Appropriateness shall not relieve the applicant from obtaining other permits and approvals required by the City for the demolition work. A razing, building or other city permit shall be invalid if it is obtained without the presentation of the Certificate of Appropriateness required for the proposed demolition work.
 - d. Nothing in this Section shall be deemed to abrogate or limit the authority of the Common Council, Building Inspector or other designated City officer under § 66.0413, Stats. to order the owner of a building which is old, dilapidated or out of repair and consequently dangerous, unsafe, unsanitary or otherwise unfit for human habitation to raze or repair the building, or the City's right to commence and prosecute a court action to obtain an order determining that the building constitutes a public nuisance, or for any other relief.
3. Appeals. Should the Plan Commission fail to approve the proposed work or fail to issue a Certificate of Appropriateness for the proposed demolition due to the failure of the plan or proposal to conform to the above standards, the

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applicant may appeal such decision to the Zoning Board of Appeals within thirty (30) days thereof. In addition, if the Plan Commission fails to issue a Certificate of Appropriateness, the Common Council shall, with the cooperation of the applicant, work with the applicant in an attempt to obtain a Certificate of Appropriateness within the standards set forth in this ordinance.

20.30.050 DESIGN REVIEW BOARD.

- A. Membership. The Design Review Board shall consist of the Director of Building Inspection, the City Engineer, one representative from the Police and Fire Department appointed by the Mayor and approved by the Plan Commission, and two citizen members appointed by the Mayor, subject to confirmation by the Common Council. One citizen member should be a graduate architect in the State of Wisconsin, and the other citizen member should have design, development or construction experience. Each citizen member shall serve a term of three years. The members of the Board shall, at its regular May meeting, elect one member to act as Chairperson for a term of one year, or until a successor is duly elected. The Chairperson shall preside over all meetings of the Board. In the event of the Chairperson's absence, the City Engineer shall preside, and, in the event of the City Engineer's absence, the Director of Building Inspection shall preside. The Director of Planning and Development shall be responsible for processing applications, agendas and minutes for the Board, and for presenting the recommendations of the Board to the Plan Commission.
- B.. Duties and Powers. The Board shall have the duty and authority to review and provide recommendations to the Plan Commission regarding all building, site and operational plans; conditional uses; conditional use grants; planned unit developments; the razing of historic buildings, properties, places, structures, objects or landmarks described in or designated under Section 20.30.010 B. which are located in any zoning district; and the proposed erection, construction, reconstruction, alteration, conversion or maintenance of historic buildings, properties, places, structures, objects or landmarks described in or designated under Section 20.30.010 B. which are located in a zoning district other than a residential district.
- C. Records: The Board shall keep records of all its proceedings and its recommendations shall be stated in writing for submittal to the Plan Commission and the permit applicant.
- D. Historic Preservation Membership. The Design Review Board established by this ordinance shall include two (2) technical advisors appointed by the Mayor subject to confirmation by the Common Council to provide advice to the Plan Commission on issues related to historical preservation
- E. Term of Office: Technical advisors to the Design Review Board advising that Board for purposes of historic preservation shall have terms of three (3) years except that, upon the first appointment, one technical advisor's term shall be for two (2) years and the other technical advisor's term shall be for three (3) years.

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