**Ordinance No. 1-16-673**
**Monona Common Council**

# AN ORDINANCE AMENDING SECTION 13-1-64 OF THE CODE OF ORDINANCES CONCERNING HISTORIC CONSERVATION

**WHEREAS**, section 13-1-64 of the Code of Ordinances requires the Plan Commission to make certain determinations whenever an application for a zoning or occupancy permit involves a landmark.

**WHEREAS**, the Landmark Commission is responsible for designating landmarks in the City and possesses expertise which would be of assistance to the Plan Commission in making the determinations required by section 13-1-64.

**WHEREAS**, the Common Council desires to specify criteria for the designation of landmarks; to provide nonbinding input by the Landmarks Commission to the Plan Commission to assist it in making the determinations required by section 13-1-64; and to additionally require such review when building and demolition permit applications involve landmarks.

**NOW, THEREFORE**, the Common Council of the City of Monona, Dane County, Wisconsin, do ordain as follows:

**SECTION 1.** Section 13-1-64 of the Code of Ordinances is hereby amended to read as follows:

**Sec. 13-1-64 Historic Conservation.**

(a) **Purpose and Intent.** The protection, enhancement, perpetuation and use of improvements of special character or special historical interest or value are in the public interest. The purpose of historic conservation is to:
   (1) Protect, enhance and perpetuate improvements and districts which represent or reflect elements of the city's cultural, social, economic, political and architectural history;
   (2) Safeguard the city's historic and cultural heritage, as embodied and reflected in such landmarks and historic districts;
   (3) Stabilize and improve property values;
   (4) Foster civic pride in the beauty and noble accomplishments of the past;
   (5) Protect and enhance the city's attractions to residents, tourist and visitors, and serve as a support and stimulus to business and industry;
   (6) Strengthen the economy of the city; and
   (7) Promote the use of historic districts and landmarks for the education, pleasure and welfare of the people of the city.

(b) **Definitions**
   (1) **Landmark.** 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 landmark pursuant to the provisions of this Chapter.
   (2) **Landmark Site.** Any parcel of land of historic significance due to a substantial value in tracing the history of aboriginal people, or upon which an historic event has occurred, and which has been designated as a landmark site under this Chapter, or a parcel, or part thereof, on which is situated a landmark.

(c) **Landmarks and Landmark Sites Designation Criteria.** The Landmarks Commission may designate as a landmark or landmark site any site, natural or improved, including any building, improvement or structure located thereon, or any area of particular historical, architectural or cultural significance to the city, such as historic structures or sites 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 distinguishing characteristics or an architectural type 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 whose individual genius influenced his or her age; or
(5) Represent a unique natural resource or cultural asset to the community that should be preserved.

(d) **Reports and Recommendations.** The Landmarks Commission shall report to the Common Council any new landmarks and landmark sites it designates and shall recommend procedures for acquisition or preservation of such landmarks and sites.

(e) **Determination of Effect on Proposed Use or Improvement.** If an application for a zoning, building or demolition permit under this Code involves a landmark or landmark site designated as such by the Landmarks Commission, the Plan Commission shall determine:
(1) Whether the proposed work would detrimentally change, destroy, or adversely affect any architectural feature of the landmark; and
(2) In the case of a new construction, whether the exterior or such construction would be in harmony with the external appearance of other landmarks on the site; and
(3) Whether the proposal would significantly alter or destroy the historic characteristics of the landmark or the landmark site.

(f) **Action on Permit Application.** The permit application shall be first referred to the Landmarks Commission for consideration. The Landmarks Commission shall issue an advisory report to the Plan Commission as to the matters referred to in subsection (e). The Plan Commission shall make a determination as to those matters, after consideration of the Landmarks Commission report, and forward the application with its determination to the appropriate body for action in accordance with section 13-1-182 (Zoning Permits in Single-Family and Two-Family Residence District), 13-1-183 (Zoning Permits in all other Districts), 15-1-23 (Building Permits), and 15-1-83 (Demolition Permits). Notwithstanding the previous sentence, upon the recommendation of the Landmarks Commission, and after consideration of the purpose and intent of this section, if the Plan Commission deems it appropriate, it shall refer the application to the Common Council for consideration of acquisition or preservation of the landmark or landmark site.

**SECTION 2.** This ordinance shall take effect upon passage and publication as provided by law.

Adopted this 19th day of January, 2016.

BY ORDER OF THE CITY COUNCIL
CITY OF MONONA, WISCONSIN

Robert E. Miller
Mayor

ATTEST: Joan Andrusz
Joan Andrusz
City Clerk

Requested By: Landmarks Commission – 10/19/15
Drafted By: William S. Cole, City Attorney – 11/6/15
Approved As To Form By: William S. Cole, City Attorney – 11/6/15

Council Action:
Date Introduced: 1-4-16
Date Approved: 1-19-16
Date Disapproved: _____

REDLINE SUMMARY OF AMENDMENTS TO EXISTING SECTIONS

**Sec. 13-1-64 Historic Conservation.**

(a) **Purpose and Intent.** The protection, enhancement, perpetuation and use of improvements of special character or special historical interest or value are in the public interest. The purpose of historic conservation is to:

(1) Protect, enhance and perpetuate improvements and districts which represent or reflect elements of the city's cultural, social, economic, political and architectural history;

(2) Safeguard the city's historic and cultural heritage, as embodied and reflected in such landmarks and historic districts;

(3) Stabilize and improve property values;

(4) Foster civic pride in the beauty and noble accomplishments of the past;

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(7) Promote the use of historic districts and landmarks for the education, pleasure and welfare of the people of the city.

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(1) **Landmark.** 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 landmark pursuant to the provisions of this Chapter.

(2) **Landmark Site.** Any parcel of land of historic significance due to a substantial value in tracing the history of aboriginal people, or upon which an historic event has occurred, and which has been designated as a landmark site under this Chapter, or a parcel, or part thereof, on which is situated a landmark.

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

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(d) **Reports and Recommendations.** The Landmarks Commission shall report to the Common Council any new landmarks and landmark sites it designates and shall recommend procedures for acquisition or preservation of such landmarks and sites.

~~(a)~~(e) **Determination of Effect on Proposed Use or Improvement**. If an application for a zoning, building or ~~occupancy~~demolition permit under this Code involves a landmark or landmark site designated as such by the Landmarks ~~Board, within thirty (30) days,~~Commission, the Plan Commission shall determine:

(1) Whether the proposed work would detrimentally change, destroy, or adversely affect any architectural feature of the landmark~~.~~; and

(2) In the case of a new construction, whether the exterior or such construction would be in harmony with the external appearance of other landmarks on the site or nearby~~.~~; and

(3) Whether the proposal would significantly alter or destroy the historic characteristics of the landmark or the landmark site.

~~(b)~~(f) **Action ~~of Determination. If~~on Permit Application.** The permit application shall be first referred to the Landmarks Commission for consideration. The Landmarks Commission shall issue an advisory report to the Plan Commission as to the matters referred to in subsection (e). The Plan

Commission shall make a determination as to those matters, after consideration of ~~Subsection (a), the~~the Landmarks Commission report, and forward the application with its determination to the appropriate body for action in accordance with section 13-1-182 (Zoning Permits in Single-Family and Two-Family Residence District), 13-1-183 (Zoning Permits in all other Districts), 15-1-23 (Building Permits), and 15-1-83 (Demolition Permits). Notwithstanding the previous sentence, upon the recommendation of the Landmarks Commission, and after consideration of the purpose and intent of this section, if the Plan Commission deems it appropriate, it shall refer the application to the Common Council ~~to determine, within thirty (30) days, action for~~ for consideration of acquisition or preservation of ~~such landmarks~~the landmark or ~~sites.~~landmark site.