

***Municipal Code of the Village of Rochester, Racine County, Wisconsin***

CHAPTER 38 HISTORIC PRESERVATION

38-1 PURPOSE AND INTENT.

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

- A. Effect and accomplish the protection, enhancement, and preservation of such improvements, sites and districts which represent or reflect elements of the Village of Rochester's cultural, social, economic, political and architectural history.
- B. Safeguard the Village of Rochester's historic, prehistoric and cultural heritage, as embodied and reflected in such historic structures, sites and districts.
- C. Stabilize and improve property values, and enhance the visual and aesthetic character of the Village of Rochester.
- D. Protect and enhance the Village of Rochester's attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry.

38-2 DEFINITIONS

The terms used in this chapter shall have the following definitions:

"Certificate of Appropriateness" means the certificate issued by the commission approving alteration, rehabilitation, construction, reconstruction or demolition of a historic structure, historic site or any improvement in a historic district.

"Commission" or "Committee" means the Historic Preservation Committee created under this Chapter.

"Historic Preservation Overlay District" means an area designated by the Village Board on recommendation of the Committee and the Plan Commission that contains two or more historic improvements or sites.

"Historic Site" means any parcel of land of historic significance due to a substantial value in tracing the history or prehistory of man, or upon which a historic event has occurred, and which has been designated as a historic site under this Chapter, or a parcel of land, of part thereof, on which is situated a historic structure and any abutting parcel, or part thereof, used as and constituting part of the premises on which the historic structure is situated.

"Historic Structure" means any improvement which has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of the village, state or nation and which has been designated as a historic structure pursuant to the provisions of this Chapter.

"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, including streets, alleys, sidewalks, curbs, lighting fixtures, signs and the like.

38-3 HISTORIC PRESERVATION COMMITTEE COMPOSITION

A Historic Preservation Committee is hereby created, consisting of at least four members. Of the membership, if available in the community, one shall be a historian, one a member of the Rochester Village Board, and all shall be Village of Rochester residents or property owners. Each member shall

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have, to the highest extent practicable, a known interest in historic preservation. The President shall appoint the Committee members subject to confirmation by the Rochester Village Board.

**38-4 HISTORIC STRUCTURE, HISTORIC SITE AND HISTORIC PRESERVATION OVERLAY DISTRICT DESIGNATION.**

- A. For purposes of this Chapter, a historic structure, historic site, or historic preservation overlay district designation may be placed on any site, natural or improved, including any building, improvement or structure located thereon, or any area of particular historic, architectural, archeological or cultural significance to the Village of Rochester such as historic structures, sites, or districts 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 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. Are representative of the notable work of a master builder, designer or architect who influenced his age; or
  - 5. Have yielded, or may be likely to yield, information important to prehistory or history.
- B. The Committee shall adopt specific operating guidelines for historic structure, historic site and historic preservation overlay district designations providing such are in conformance with the provisions of this Chapter.

**38-5 POWERS AND DUTIES.**

- A. Designation. The Committee shall have the power to designate historic structures and historic sites and, subject to Chapter 35, to recommend designation of historic districts within the Village of Rochester limits. Such designation shall be made based on the criteria found in section 38-4. Historic Preservation Overlay Districts shall be zoning districts, approved by the Committee and reviewed by the Plan Commission, and approved by the Village Board, as set forth in Chapter 35. Once designated, such historic structures, sites and districts shall be subject to all the provisions of this Chapter.
- B. Regulation of Construction, Reconstruction, Alteration and Demolition.
  - 1. No owner or person in charge of a historic structure, historic site, or structure or site within a historic preservation overlay district shall reconstruct, alter or demolish all or any part of the exterior of such structure or construct any improvement upon such designated property or properties or cause or permit any such work to be performed upon such property or demolish such structure unless a Certificate of Appropriateness has been granted by the Historic Preservation Committee. Unless such certificate has been granted by the Committee, the Building Inspector and Zoning Administrator shall not issue permits for any such work.
  - 2. Upon filing of any application for a Certificate of Appropriateness with the Committee, the Committee shall approve the application unless:

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- a. In the case of a designated historic structure or historic site, 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;
  - b. In the case of the construction of a new improvement upon a historic site, or within a historic preservation overlay 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.
  - c. In the case of any property located in a historic preservation overlay district, the proposed construction, reconstruction, exterior alteration or demolition does not conform to the purpose and intent of this section and the objectives and design criteria of the historic preservation plan for said district;
  - d. 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 Village of Rochester and state;
  - e. In the case of a request for the demolition of a deteriorated building or structure, 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.
3. If the Committee determines that the application for a Certificate of Appropriateness and the proposed changes are consistent with the character and features of the property or district, it shall issue the Certificate of Appropriateness. The Committee shall make this decision within 45 days of the filing of the application.
  4. The issuance of a Certificate of Appropriateness shall not relieve the applicant from obtaining other permits and approvals required by the Village of Rochester. A building permit, zoning permit or other municipal permit shall be invalid if it is obtained without the presentation of the Certificate of Appropriateness required for the proposed work.
  5. Ordinary maintenance and repairs may be undertaken without a Certificate of Appropriateness provided that the work involves repairs to existing features of a historic structure or site 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 or site and does not require the issuance of a building permit.
- C. Appeals. Should the Committee fail to issue a Certificate of Appropriateness due to the failure of the proposal to conform to the guidelines, the applicant may appeal such decision to the Village Board within 30 days of the Committee's written decision. In addition, if the Committee fails to issue a Certificate of Appropriateness, the Committee shall, with the cooperation of the applicant, work with the applicant in an attempt to obtain a Certificate of Appropriateness within the guidelines of this Chapter.
- D. Recognition of Historic Structures, Sites and Districts. At such time as a historic structure, site or district has been properly designated, the Committee, in cooperation with the property owner, may cause to be prepared and erected on such property at the Village of Rochester's' expense, a suitable plaque declaring that such property is a historic structure, site or district.

**38-6 PROCEDURES.**

- A. Designation of Historic Structures and Historic Sites.
1. The Committee may, after notice and public hearing, designate historic structures and historic sites, or rescind such designation or recommendation, after application of the

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criteria in s. 38-4 above. At least ten days prior to such hearing, the Committee shall notify the owners of record, as listed in the office of the Village of Rochester assessor, who are owners of property and the owners of property in whole or in part situated within 200 feet of the boundaries of the property affected.

2. The Committee shall then conduct such public hearing and, in addition to the notified persons, may hear expert witnesses and shall have the power to subpoena such witnesses and records as it deems necessary. The Committee may conduct an independent investigation into the proposed designation or rescission. Within ten days after the close of the public hearing, the Committee may designate the property as either a historic structure, or a historic site, or rescind the designation. After the designation or rescission has been made, notification shall be sent to the property owner or owners of the site. Notification shall also be given to the Village Clerk, Building Inspector, Plan Commission, Zoning Administrator, and the Village Assessor. The Committee shall cause the designation or rescission to be recorded, at the Village of Rochester's expense, in the Racine County Register of Deeds' office.

**B. Creation of Historic Preservation Overlay District.**

1. For preservation purposes, the Historic Preservation Committee shall select geographically defined areas within the Village of Rochester to be designated as Historic Preservation Overlay Districts and shall prepare a historic preservation plan for each area. A Historic Preservation Overlay District may be designated for any geographic area of particular historic, architectural or cultural significance to the Village of Rochester, after application of the criteria in Section 38-4 above. Each Historic Preservation Plan prepared for or by the Historic Preservation Committee 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.
2. Review and Adoption Procedure.
  - a. Historic Preservation Committee. The Historic Preservation Committee, together with the Plan Commission, shall hold a public hearing when considering the plan for a Historic District. Notice of the time, place and purpose of the public hearing shall be sent by the Village Clerk to the owners of record, as listed in the office of the Village Assessor, who are owners of the property within the proposed Historic Preservation Overlay District or are situated in whole or in part within 200 feet of the boundaries of the proposed District. Said notice is to be sent at least ten days prior to the date of the public hearing. Following the public hearing, the Historic Preservation Committee and the Plan Commission shall vote to recommend, reject or withhold action on the plan. A Historic Preservation Overlay District is a zoning classification and is subject to the provisions of Chapter 35 of this Municipal Code.
  - b. The Village of Rochester Board. The Village Board, upon receipt of the recommendations from the Historic Preservation Committee and the Plan Commission, shall hold a public hearing as required by Chapter 35 and either designate or reject the Historic Preservation Overlay District. Designation of the Historic Preservation Overlay District shall constitute adoption of the plan prepared for that district and direct the implementation of said plan.

**38-7 INTERIM CONTROL**

No building permit or zoning permit shall be issued for alteration, construction, demolition, or removal of a nominated historic structure, historic site, or any property or structure within a nominated historic preservation overlay district from the date of the meeting of the Historic Preservation Committee at which

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a nomination form is first presented until the final disposition of the nomination by the Historic Preservation Committee, Plan Commission and the Village Board unless such alteration, removal or demolition is authorized by formal resolution of the Village Board as necessary for public health, welfare or safety. In no event shall the delay be for more than 180 days.

**38-50 PENALTIES FOR VIOLATIONS.**

Any person or persons violating any provision of this Chapter shall be subject to a penalty as set forth in Chapter 50. Each and every day during which a violation continues shall be deemed to be a separate offense. Notice of violations shall be issued by the Zoning Administrator.