

NOTICE IS HEREBY GIVEN that a Public Hearing be held on the proposed Zoning Ordinance by and before the Common Council of the City of Racine, Council Chambers of City Hall, Room 205, at 7:00p.m., 730 Washington Avenue, Racine, WI on February 18, 2009.

The proposed amendment is as follows:

Ordinance No. 4-09

To amend Sec. 58-1, amend Sec. 58-61, amend Sec. 58-62, amend Sec. 58-63, create Secs. 58-63.4 and 58-63.5, repeal and recreate Sec. 58-64, create Sec. 58-64.5, amend Secs. 58-76 and 58-78, create Division 4 Section 58-79, amend Sec. 114-1, amend Sec. 114-617 and Sec. 114-619 of the Municipal Code of the City of Racine, Wisconsin relating to H - Historic Properties District.

Part 1:

Section 58-1 of the Municipal Code of the City of Racine is hereby amended by adding the following definition before the definition "*Commission*":

"Certificate of appropriateness for properties within a designated H-Historic Properties District is an official ruling of the Department of City Development or Landmarks Preservation Commission approving exterior treatment for activities such as additions, alterations, rehabilitation, restoration, construction, reconstruction or demolition of a landmark, landmark site or contributing property, or new construction on vacant or cleared lots of parcels."

And by adding the following definition after the definition of "*Commission*":

"Contributing property is a designated property or structure that, in accordance with criteria in section Sec. 58-61, contributes to the character or understanding of the historical context of a defined geographic area. A Contributing property is designated as one or a multiple of properties or structures that comprise the cohesive basis for the establishment of an H-Historic properties district."

Part 2:

Section 58-61 of the Municipal Code of the City of Racine is hereby amended as follows:

Amend the title to read:

"Sec. 58-61. Criteria for designation of landmarks, landmark sites and contributing properties."

Amend "(a)" to read: "The criteria for the designation of properties to be landmarks, landmark sites or contributing properties shall be that which:" ...

Add "(5)" at the end of the section to read as follows:

"(5) Contributes to the character or understanding of a district and is one property, or a multiple of properties or structures, that helps forms the basis of a district."

Part 3:

Section 58-62 of the Municipal Code of the City of Racine is hereby amended by changing the title to read:

"Sec. 58-62. Procedure for identification of landmarks, landmark sites or contributing properties for designation."

Amend "(a)" by adding a comma after the word "landmark" in the last sentence, by deleting the word "or" at the end of the paragraph and by adding the phrase "or contributing property." at the end of the paragraph.

Amend "(b)" by adding the phrase "or contributing property" at the end of the first sentence.

Amend "(d)" by deleting "or a" in the first sentence, by inserting a comma after the word "landmark" and by adding the phrase "or contributing property" after the word "site" in the first sentence.

Amend "(e)" by inserting a comma after the word "landmark" in the second sentence, by deleting the word "or" in the second sentence and by inserting the phrase "or contributing property" after the word "site" in the second sentence.

Amend "(f)" by deleting the word "such" and adding in its place the word "the" and by adding the phrase "of a landmark or landmark site" after the word "designation".

Part 4:

Section 58-63 of the Municipal Code of the City of Racine is hereby amended by changing the title to read:

"Sec. 58-63. Maintenance and repair of landmark, landmark site or contributing property and prevention of neglect."

By repealing and recreating "(a)" to read as follows:

"(a) Subject to obtaining the required permits, ordinary maintenance and repair of designated landmarks, landmark sites or contributing properties may be undertaken without a finding of appropriateness by the Department of City Development (department) or commission if the activity involves maintenance and repair of existing features. If the activity involves the replacement of elements comparably identical in appearance, and does not substantially or irreversibly change the exterior appearance then, only department review is required. If the activity does involve the substantial or irreversible change of the exterior appearance than commission review is required. All reviews shall be conducted as specified by Secs. 58-64, 58-64.5, and 114-619 of the municipal code. Section 58-63(a) shall not apply to properties designated as landmarks

or landmark sites under this chapter prior to January 1, 2006, unless the landmark or landmark site is re-designated in accordance with section 58-66.”

Part 5:

Sections 58-63.4 and 58-63.5 of the Municipal Code of the City of Racine are hereby created to read as follows:

“Sec. 58-63.4. Building permits required.

For purposes of this chapter, the following exterior alterations to designated landmarks, landmark sites or contributing properties, or construction on vacant or cleared lots or parcels require a finding of appropriateness and a building permit:

- (a) Porches and exterior stairs.
- (b) Exterior doors.
- (c) Front yard fencing.
- (d) Siding.
- (e) Windows.
- (f) Roofs and chimneys.
- (g) Decks, fire escapes, exit platforms, and other exterior structural elements.
- (h) Building additions and exterior alterations.
- (i) New construction on vacant or cleared lot or parcel.
- (j) Accessory structures.

Sec. 58-63.5. Preapplication conference for alterations to landmarks, landmark sites and contributing properties.

Prior to making a formal application for a finding of appropriateness for alterations to a landmark, landmark site properties or contributing property, a preapplication conference is highly recommended. The purpose of the conference is to acquaint all pertinent city staff with the proposal, and acquire the views and concerns of those participating. The preapplication conference occurs with the department at the conceptual stage of the project when plans are flexible and adjustments are possible. The preapplication conference is also intended to assist the applicant in bringing the project plan into conformance with this article and other applicable regulations.”

Part 6:

Section 58-64 of the Municipal Code of the City of Racine is hereby repealed and recreated to read as follows:

“Sec. 58-64. Alterations and new construction.

(a) Within a designated H-Historic Properties District no owner or owner’s agent shall receive a building permit to commence an activity resulting in a minor or major change to the exterior appearance of a designated landmark, landmark site, contributing property, or a vacant or cleared lot or parcel without first obtaining a finding of appropriateness.

(b) Minor changes: for purposes of this chapter, the department may review an application and render a finding of appropriateness if an activity is determined by the

department to be a minor change that does not alter the exterior appearance of a property, or vacant or cleared lot or parcel. The department shall conduct a review in accordance with subsection (e) below.

(c) Major changes: for purposes of this chapter, the commission shall review an application and render a finding of appropriateness if an activity is determined by the department to be a major change that will result in the substantial or irreversible alteration or demolition of, or the construction of any improvement upon a part or the entire exterior of such designated landmark, landmark site, or contributing property, or new construction on a vacant or cleared lot or parcel. The commission shall conduct a review in accordance with subsection (e) below, Sec. 58-64.5, and Sec. 114-619.

(d) The chief building inspector shall not accept applications for building permits for exterior modifications, new construction, or razing permits, nor issue such permits for properties for which the owner or its representative has a petition filed for the consideration of a rezoning to the "H" historic properties district designation. Subsections (a) through (f) shall not apply to properties designated under this chapter as landmarks or landmark sites prior to January 1, 2006, unless re-designated in accordance with section 58-66.

(e) Findings of appropriateness shall be rendered unless it is determined that:

(1) The activity will be detrimental to the maintenance and overall historic character of the landmark, landmark site, contributing property or district;

(2) The activity will impede the current or future preservation or restoration of the subject property or district;

(3) Adequate measures will not be taken to protect the integrity of distinctive features, finishes, construction techniques, or examples of craftsmanship of the subject or adjacent landmark, landmark sites or contributing property;

(4) The activity is contrary or detrimental to the findings of the original designation of the subject property or district;

(5) The activity will not stabilize the landmark, landmark site or contributing property for future preservation or restoration efforts; or

(6) The activity does not conform to criteria adopted by the common council to provide guidelines for the alteration and restoration of historic properties such as, but not limited to, those contained in Sec. 58-64.5. H-Historic Properties District design guidelines and Section 114-619 Architectural Guidelines.

(f) In addition to the application for a finding of appropriateness, an owner or owner's agent requesting designation of a landmark or landmark site shall submit to the director of city development be accompanied by all information and applicable fees required for a finding with respect to the standards of subsection (3). Within 10 days of submittal for the department, and 45 days of submittal for the commission, a review of the application shall be conducted and a written finding issued to the applicant, the director of city development, and the chief building inspector by the director of city development.

- (1) Upon a finding of appropriateness, the applicant may request all necessary permits and, upon receiving such permits, proceed with the approved activity.
- (2) Within 90 days after the date of a finding of appropriateness date of denial or of a finding of appropriateness, the applicant may adjust the plans to address factors that resulted in the finding, and resubmit the adjusted plans for review as described in (b) or (c) above, or may appeal the finding to the plan commission. The plan commission shall review the appeal and the department or commission's finding within 30 days and forward its recommendation to the common council for final action.
- (g) In instances of overlapping jurisdictions between the department and/or commission and a design or development review body established by chapter 114, the design or development review body shall conduct the application review, consult with the department and/or commission, and where substantiated, issue a finding of appropriateness following the standards provided in subsection (e) of this section and Sec. 58-64.5 and Sec. 114-619."

Part 7:

Section 58-64.5 of the Municipal Code of the City of Racine is hereby created to read as follows:

"Sec. 58-64.5. H-Historic Properties District design guidelines.

(a) General Guidelines. The following general guidelines are based on 36 CFR Part 67, the Secretary of the Interior's Standard, and shall be applied to projects taking into consideration economic and technical feasibility.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials 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 historical development, such as adding conjectural features or architectural elements from other buildings, shall not be withdrawn.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where

possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

7. Chemical or physical treatments, such as sandblasting, that causes damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

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

10. New additions and adjacent or related new construction shall 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 impaired.

(b) New construction on vacant or cleared lots or parcels within an H - Historic Properties District shall be executed in a manner that is not detrimental to the district or adjacent properties.

(c) Guidelines for Specific Architectural Components. Refer to Section 114-619 H - Historic Properties District, Architectural Guidelines for reference to specific descriptions addressing the addition, alteration, repair, restoration, replacement or new construction of architectural components or structures.”

Part 8:

Sections 58-76 and 58-78 and 58-78 (4) of the Municipal Code of the City of Racine is hereby amended by adding the phrase “or contributing property” after the words “landmark site” where it appears in these sections.

Part 9:

Division 4, Section 58-79 of the Municipal Code of the City of Racine is hereby created to read as follows:

“Division 4. Enforcement.

Section 58-79. Enforcement.

Enforcement authority and applicable powers for this chapter is herein granted to the Zoning Administrator through Section 114, Article II Administration and Enforcement of the Municipal Code of the City of Racine.”

Part 10:

Section 114-1 of the Municipal Code of the City of Racine is hereby amended by adding the following definition before the definition of "*Certificate, occupancy*":

"Certificate of appropriateness for properties within a designated H-Historic Properties District is an official ruling of the Department of City Development or Landmarks Preservation Commission approving exterior treatment for activities such as additions, alterations, rehabilitation, restoration, construction, reconstruction or demolition of a landmark, landmark site or contributing property, or new construction on vacant or cleared lots of parcels."

And by adding the following definition after the definition of "*Community living*":

"Contributing property is a designated property or structure that, in accordance with criteria in section Sec. 58-61, contributes to the character or understanding of the historical context of a defined geographic area. A Contributing property is designated as one or a multiple of properties or structures that comprise the cohesive basis for the establishment of an H-Historic properties district."

Part 11:

Section 114-617 of the Municipal Code of the City of Racine is hereby amended by adding the words "landmarks preservation" before the word "commission" and by adding the phrase "or contributing property" at the end of the paragraph.

Part 12:

Section 114-619 of the Municipal Code of the City of Racine is hereby created to read as follows:

"Sec. 114-619. Architectural Guidelines.

Architectural guidelines may be adopted and amended from time to time by resolution of the common council. The purpose of these guidelines is to provide guiding principals and component specific framework relating to each architectural quality of a property to achieve the outcome of a durable project that upholds or enhances the value of it and adjacent properties. In applying the guidelines, consideration shall be given to the context of the built and natural surroundings in which the property is situated."

Part 13:

This ordinance shall take effect upon passage and the day after publication.

Dated this 30th Day of January , 2009.

Janice M. Johnson-Martin
City Clerk