

CHAPTER 18
CITY BOUNDARIES, WARDS, AND
LANDMARKS COMMISSION

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CITY BOUNDARIES, WARDS, AND LANDMARKS COMMISSION

18.01 CITY BOUNDARIES AND WARDS.

(1) Census and redistricting. The City of Middleton shall redistrict aldermanic districts based on the 2011 census and the redistricted wards.

(2) Aldermanic districts. The City of Middleton's aldermanic districts shall be as follows:

- a. Aldermanic District 1: Wards 1, 2, 9, and 20.**
- b. Aldermanic District 2: Wards 3, 4, and 19**
- c. Aldermanic District 3: Wards 5 and 8**
- d. Aldermanic District 4: Wards 6 and 7**
- e. Aldermanic District 5: Wards 10 and 11**
- f. Aldermanic District 6: Wards 12 and 13**
- g. Aldermanic District 7: Wards 14 and 15**
- h. Aldermanic District 8: Wards 16, 17, 18, and 21.**

18.10 LANDMARKS COMMISSION.

(1) Purpose and Intent. It is hereby declared a matter of public policy that the protection, enhancement, perpetration and use of improvements of special character or 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 perpetration of such improvements and of districts which represent or reflect elements of the City's cultural, social, economic and political and architectural history;

(b) Safeguard the City's historic and cultural heritage, as embodied and reflected in such landmarks and historic 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 City's attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry;

(f) Strengthen the economy of the City; and

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

(2) Definitions. In this section, unless the context clearly requires otherwise:

(a) "Commission" means the Landmarks Preservation Commission created under this section.

(b) "Historic District" is an area designated by the Commission which contains one or more landmarks or landmark sites, as well as those abutting improvement parcels which the Commission determines should fall under the provisions of this section to assure that their appearance and development is harmonious with such landmarks or landmark sites.

(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 the physical betterment constituting an improvement and the land embracing the site thereof, and is treated as a single entity for the purpose 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.

(e) "Landmark" 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 City, state or nation and which has been designated as a landmark pursuant to the provisions of this Chapter.

(f) "Landmark Site" means any parcel of land of historic significance due to a substantial value in tracing the history of aboriginal man, or upon which an historic event has occurred, and which has been designated as a landmark site under this section, or an improvement parcel, or part thereof, on which is situated a landmark and any abutting improvement parcel, or part thereof, used as and constituting part of the premises on which the landmark is situated.

(3) Landmarks Commission; Composition and Terms. The Commission shall be composed of seven qualified persons, competent and informed in the historical, architectural and cultural traditions of the community, to be appointed by the Mayor, subject to confirmation by the City Council by majority vote. Members shall be appointed for three (3) year terms and may serve successive terms. A vacancy occurring in the membership for any cause shall be filled by a person appointed by the Mayor and confirmed by the Council for the unexpired term. The members of the Commission shall receive no compensation except for necessary expenses sustained in carrying out their duties, which expenses shall be paid by the City as may be authorized by the Council.

(4) Landmarks and Landmark Sites Designation Criteria.

(a) For purposes of this ordinance a landmark or landmark site is any site, natural or improved, including any building, improvement or structure located thereon, or any area of particular historic, 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 the 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. Are unique and irreplaceable assets to the City and its neighborhoods; or
 6. Provide for this and future generations examples of the physical surroundings in which past generations lived.
- (b) The Commission may adopt specific operating guidelines for landmark and landmark site designation providing such are in conformance with the provisions of this paragraph.

(5) Powers and Duties.

(a) Designation. The Commission shall have the power subject to subsection (6) hereof to designate landmarks, landmark sites and historic districts within the City. Such designations shall be made based upon the criteria established under subsection (4). Once designated by the Commission, such landmarks, landmark sites and historic districts shall be subject to all the provisions of this section.

(b) Regulation of Construction and Alteration.

1. Any application for a permit from the Building Inspector involving a designated landmark, landmark site or improvement in an historic district, shall be filed with the Commission.

2. No owner or person in charge of a landmark, landmark site, or improvement in a historic district shall alter or reconstruct all or any part of the exterior of such property, construct any improvement upon any such designated property, or cause or permit any such work to be performed upon such property unless the written approval of the Commission has been granted. Unless such approval has been granted by the Commission, the Building Inspector shall not issue any permit for any such work.

3. Upon the filing of an application with the Commission, the Commission shall determine:

a. Whether, in the case of a landmark, the proposed work would change, destroy, or affect any exterior architectural feature of the improvement upon which said work is to be done, and

b. Whether, in the case of construction of a new improvement, the exterior of such improvement would affect or not harmonize with the external appearance of other neighboring improvements on such site or in such district.

4. If the Commission determines both paragraphs a. and b. in the negative, it shall approve the permit; otherwise, it shall deny the request for approval. The Commission shall make this decision within 30 days after the filing of the application. Nothing contained herein shall be deemed to prevent the appeal of such denial to circuit court.

5. If the Commission denies the request for approval, the Commission and applicant shall cooperate and work together for a period of up to six months following the date of the initial application to find a suitable method of completing the proposed work. If no method is determined within the six month period, the Building Inspector shall issue the building permit without approval of the Commission.

(c) Regulation of Demolition. No permit to demolish all or part of a landmark, or improvement in an historic district shall be granted by the Building Inspector except as follows:

1. No person in charge of a landmark, or improvement in an historic district shall be granted a permit to demolish such property without written approval of the Commission.

2. At such time as such person applies for a permit to demolish such property, such application shall be filed with the Commission. Upon such application, the commission may refuse to grant such written approval for a period of up to 10 months from the time of such application during which time the Commission and the applicant shall undertake serious and continuing discussions for the purpose of finding a method to save such property. During such period, the applicant and the Commission shall cooperate in attempting to avoid demolition of the property. At the end of this 10 month period if no method of saving the subject property bearing a reasonable prospect of eventual success is underway or if no application for funds from any governmental unit or nonprofit organization to preserve the subject property is pending, the Building Inspector may issue the permit to demolish the subject property without the approval of the Commission.

(d) Recognition of Landmarks and Landmark Sites. At such time as a landmark or landmark site has been properly designated in accordance with subsections (4) and (6), the Commission shall cause to be prepared and erected on such property at City expense, a suitable plaque declaring that such property is a landmark or landmark site. Such plaque shall be so placed as to be easily visible to passing pedestrians. In the case of a landmark, the plaque shall state the accepted name of the landmark, the date of its construction, and other information deemed proper by the Commission. In the case of a landmark site which

is not the site of a landmark building, such plaque shall state the common name of the site, and such other information deemed appropriate by the Commission.

(e) **Other Duties.** In addition to those duties already specified in this section, the Commission shall:

1. **Actively work for the passage of enabling legislation which would permit the granting of full or partial tax exemptions to properties it has designated under the provisions of this section.**

2. **Work closely with the State of Wisconsin liaison officer and the Governor's liaison committee for the National Register of Historic Places of the United States National Park Service in attempting to include such properties hereunder designated as landmarks or landmark sites on the Federal Register.**

3. **Work for the continuing education of the citizens of Middleton about the historic heritage of this city and the landmarks and landmark sites designated under the provisions of this Chapter.**

(6) Procedures.

(a) **Designation of Landmarks, Landmark Sites and Historic Districts.** The Commission may establish landmarks, landmark sites and historic districts after notice and a public hearing thereon, and after application of the criteria in subsection (4). At least ten (10) days' notice of such hearing shall be given by mail to the owners of the premises, as well as to the owners of all lands located within 200 feet of the boundaries of the property affected. Notice of the hearing shall be published as a Class 1 notice pursuant to Wis. Stat. Chapter 985, and the Commission shall also notify the Board of Park, Recreation and Forestry Commissioners, the Public Works Committee, the Board of Police and Fire Commissioners and the Building Inspector of the hearing. Each such board or officer shall respond to the commission by filing its comments on the proposed designation. The Commission shall conduct such public hearing and, in addition to the notified persons and boards, may hear expert witnesses and shall have the power to subpoena such witnesses and records as it deems necessary or advisable. The Commission shall likewise conduct an independent investigation into the proposed designation. At any time after the closing of the public hearing, the Commission may designate the site or property as either a landmark, a landmark site or include it in an historic district. After such designation has been made, notification thereof shall be sent to the property owner or owners. Notification shall also be given to the City Clerk, Building Inspector and City Assessor. The Commission shall cause such designation to be recorded in the office of the Register of Deeds of Dane County.

(b) **Voluntary Restrictive Covenants.** The owner of any landmark or landmark site may, at any time following such designation of the property, enter into a restrictive covenant on the subject property after negotiating with the Commission. The Commission may assist the owner in preparing such covenant in the interest of preserving the landmark or landmark site and shall record such covenant in the Office of the Dane County Register

of Deeds, and shall notify the City Assessor of such covenant and the conditions thereof.

(7) Conformance with Regulations. Every person in charge of any landmark, landmark site or improvement in an historic site or improvement in an historic district shall maintain the same or cause or permit it to be maintained in a condition consistent with the provisions of this Chapter.

(8) Maintenance of Landmarks, Landmark Sites an Historic Districts. Every person in charge of an improvement on a landmark site or in an historic district shall keep in good repair all of the exterior portions of such improvement and all interior portions thereof which, if not so maintained, may cause or tend to cause the exterior portions of such improvement to deteriorate, decay or become damaged or otherwise to fall into a state of disrepair. This provisions shall be in addition to all other provisions of law requiring such improvement to be kept in good repair.

(9) Conditions Dangerous to Life, Health or Property. Nothing contained in this section shall prohibit the making of necessary construction, reconstruction, alteration or demolition of any improvement on a landmark site or in an historic district pursuant to order of any governmental agency or pursuant to any court judgment, for the purposes of remedying conditions determined to be dangerous to life, health or property. In such case, no approval from the Commission shall be required.

(10) Sales of Landmarks and Landmark Sites. Any party who is listed as the owner of record of a landmark site at the time of its designation, who can demonstrate to the Commission that by virtue of such designation the party is unable to find a buyer willing to preserve such landmark or landmark site, even though the party has made reasonable attempts in good faith to find and attract such a buyer, may petition the Commission for a rescision of its designation. Following the filing of such petition with the secretary of the Commission:

(a) The owner and the Commission shall work together in good faith to locate a buyer for the subject property who is willing to abide by its designation.

(b) If, at the end of a period not exceeding six (6) months from the date of such petition, no such buyer can be found, and if the owner still desires to obtain such rescision, the Commission shall rescind its designation of the subject property.

(c) In the event of such rescision, the Commission shall notify the City Clerk, Building Inspection Superintendent, and the City Assessor of same, and shall cause the same to be recorded at its own expense, in the office of the Dane County Register of Deeds.

(d) Following any such rescision, the Commission may not redesignate the subject property a landmark or landmark site for a period of not less than five (5) years following the date of rescision.

(11) Issuance of Demolition Permits. No demolition or building permits shall be issued for potential landmarks, landmark sites or historic sites or districts during the period of time

between the date of publication of the notice of hearing on the designation and fifteen days after the hearing date.

(12) Penalty for Violations. Any person violating any provision of this Chapter shall be subject to a forfeiture of not more than \$200 for each separate violation. Each and every day during which a violation continues shall be deemed a separate offense.

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