

308-71. Architectural Review Board.

1. PURPOSE AND FINDINGS. The common council finds that the physical and architectural character of certain neighborhoods and locations in the city require special regulation with respect to the alteration, rehabilitation and construction of buildings, structures or sites because of significant historical, cultural, social or commercial attributes. In order to promote this goal, an architectural review board is created to review all applications for the alteration, rehabilitation or construction of any building, structure or site within a designated district, except for those exempted under sub. 10, prior to the issuance of permits under s. 200-24 by the department of city development.

2. DEFINITIONS. In this section:

a. "Alteration" means any material change in the exterior appearance of any building, structure or site within the district.

b. "Board" means the architectural review board.

c. "Certificate of appropriateness" means a certificate issued by the board approving the alteration, rehabilitation or construction of any building, structure or site within the district

d. "Design guidelines" means guidelines adopted by the common council for the alteration, rehabilitation or construction of any building, structure or site within the district.

e. "District" means the area designated by common council resolution 870501 as business improvement district #2. This area shall also be known as the "Historic Third Ward District." "District" also means such additional areas as may be designated by the common council.

f. "Rehabilitation" means the improvement of property through repair or alteration.

g. "Structure" shall include, but is not limited to, a temporary or permanent sign or advertisement placed or erected on the exterior of any building, structure, site or in the public way in the district.

3. COMPOSITION.

a-1. The board shall be composed of 7 members. The members shall consist of one member of the historic preservation commission appointed by its chair; the commissioner of the department of neighborhood services or the commissioner's designee; one member of the common council representing the district under sub. 2-e appointed by the president of the common council, and 4 citizen members appointed by the mayor and confirmed by the common council. A majority of the citizen members shall own or occupy property in the district. Citizen members and the historic preservation commission member shall be appointed for terms of 3 years or until their successor is appointed and confirmed. Members may be reappointed to succeeding terms.

a-2. The mayor, common council president and chair of the historic preservation commission shall make his or her appointment within 60 days after commencement of a new common council term or within 60 days after the expiration of a member's term or a vacancy in such board position occurs, whichever is later.

a-3. The common council board member may designate an alternate in writing by filing with the city clerk's office. The alternate may represent the common council member and exercise all powers of the member when such member is unable to attend board meetings.

b. With respect to any board for any district created after the effective date of this section, two of the initial citizen members shall be appointed for one year; one for 2 years and one for 3 years.

c. Citizen members shall be exempt from city service provisions.

d. Citizen members may be removed for cause by the mayor.

e. Board members shall receive no compensation.

f. No member of the board shall vote on any matter that materially affects the property, income, or business interest of that member or creates the appearance of a conflict of interest.

4. FUNCTIONS, POWERS AND DUTIES. The board shall:

a. Adopt by-laws, rules and procedures concerning the operation of the board.

b. Designate one of its citizen members, or retain the services of a consultant, as its administrative officer to perform administrative functions pursuant to the direction of the board and to draft decisions, findings and orders for consideration by the board.

c. Utilize the design guidelines when reviewing applications for certificates of appropriateness for the alteration, rehabilitation and construction of buildings, structures and sites in the district.

d. Issue certificates of appropriateness for the alteration, rehabilitation or construction of any building, structure or site within the district.

e. Advise and assist property owners and other persons and groups, regarding the design guidelines, programs and regulations concerning the district.

f. Work closely with the department of neighborhood services to provide training and technical assistance on issues relating to the design, preservation, repair, renovation and maintenance of buildings, structures and sites within the district.

g. Make recommendations to the common council regarding amendments to the design guidelines and the designation of additional areas for inclusion within the district.

5. PROHIBITED ACTS. No person or entity shall, with respect to the exterior of any building, structure or site within the district, alter, rehabilitate, or reconstruct all or any part of, undertake any new construction with respect to, or permit any work to be performed upon a building, structure or site, nor shall the commissioner of city development issue a permit for any such work unless a certificate of appropriateness has been issued by the board, as provided in sub. 6.

6. CERTIFICATE OF APPROPRIATENESS.

a. Application. Applications for a certificate of appropriateness shall be obtained from and filed with the district office which address shall be on file in the city clerk's office.

b-1. Review. Upon receipt of an application for a certificate of appropriateness for the alteration, rehabilitation or construction of any building, structure or site within the district, the board shall review it at its next regular meeting, provided the application is complete and is received before the board's published deadline for the receipt of applications.

b-2 The board may designate one or more persons to administratively approve applications for certificates of appropriateness that comply with the design guidelines without board review, provided that the board shall first adopt a written policy on the types of projects which may be administratively approved.

b-3. Except as provided in sub. b-2 above, the board shall review the proposed alteration, rehabilitation or construction project to determine if it complies with the design guidelines. If the proposed project complies with the design guidelines, the board shall find the proposed project appropriate and issue a certificate of appropriateness. If the board finds that the proposed project does not comply with the guidelines, the board shall deny the application and provide written notice of this denial to the applicant within 5 days of such denial.

b-4. In the event that the board denies an application for a certificate of appropriateness pursuant to sub. b-3 above, the applicant may request a public hearing before the board by submitting a written request to the district office within 30 days of the date of denial.

c-1. Public Hearing. Upon receipt of a written request for a public hearing on the board's denial of an application for a certificate of appropriateness, the board shall schedule that hearing within 30 days.

c-2. Notice of the public hearing shall be sent by certified mail, return receipt requested, addressed to the applicant's address as stated in the application. Notice shall also be posted by the city clerk and be sent to the common council member representing the district.

c-3. The notice of public hearing may require the applicant to provide supplemental information, including but not limited to photographs, plans, floor plans, elevations or detailed drawings of any building, structure, site or portion thereof.

c-4. If the applicant is unable to furnish any or all required supplemental information by the date set for the hearing, the applicant may request an adjournment. The board may grant adjournments for any reason upon good cause.

c-5. At the public hearing the applicant shall be entitled to call witnesses and present evidence in support of the application for the certificate of appropriateness. The board shall take testimony from and consider the evidence of any person in attendance at the hearing. An audiotape record shall be made of all proceedings at the public hearing, which tapes shall be made available to any person upon payment of the reasonable costs to process and reproduce such tapes.

c-6. After all evidence has been received, the board shall review the record to determine whether, notwithstanding non-compliance with the design guidelines, the application for a certificate of appropriateness should be granted. In making this determination the board shall consider:

c-6-a. The degree to which the proposed work would alter or affect any significant architectural feature of the building, structure or site upon which the work is to be done.

c-6-b. The degree to which the proposed alteration, rehabilitation or construction would harmonize with the character and appearance of neighboring buildings, structures or sites within the district.

c-6-c. Whether the proposed alteration, rehabilitation or construction would conform to the objectives of the design guidelines.

c-6-d. The existence of extraordinary circumstances under which strict adherence to the design guidelines would cause a substantial hardship on the applicant.

c-7. Following review of the record from the public hearing, the board shall either affirm its denial of the application for a certificate of appropriateness or grant the application. If denial of the application is affirmed, the board shall notify the applicant of its decision by certified mail, return receipt requested, within 15 days of its decision. The board shall set forth the findings of fact that constitute the basis for its decision. All decisions of the board shall be filed with the commissioners of neighborhood services and city development.

d. Appeals. Applicants may appeal the denial of an application for a certificate of appropriateness following a public hearing to the common council. Appeals shall be in the form of a written request filed with the city clerk within 30 days after the mailing of the certified letter containing the board's decision. The city clerk shall file the appeal with the common council. The council shall hold a public hearing

on the appeal and shall, by a majority vote of its members, affirm or reverse the decision of the board.

e. Resubmission of Application. Whenever an application for a certificate of appropriateness is denied and such denial is affirmed by the common council, the proposed alternation, rehabilitation or construction project is ineligible for reconsideration for a period of one year following the denial.

f. The board shall issue a certificate of appropriateness within 30 days of the board's decision granting such application or within 30 days of a decision of the common council reversing the denial of an application of a certificate of appropriateness by the board after public hearing.

7. OTHER PERMITS AND APPROVALS REQUIRED. The issuance of a certificate of appropriateness shall not relieve the applicant from obtaining other necessary permits and approvals required by the city. All other ordinances, rules and regulations of the city remain applicable.

8. COMPLIANCE WITH CERTIFICATES OF APPROPRIATENESS.

a. Within 12 months of the issuance of the certificate of appropriateness, work on the project must begin, shall at all times be in compliance with the certificate, and be completed within 24 months of the issuance of the certificate of appropriateness, or the certificate shall be subject to revocation by the board. The board may grant extensions to complete a project upon good cause.

b. Projects currently approved, started, and not completed shall be granted an extension of 24 months from the effective date of this section.

c. Failure to comply with a certificate of appropriateness shall be a violation of this section. In the event work is being performed without, or not in accordance with, the required certificate of appropriateness, the board shall request that a stop work order be issued by the commissioner of neighborhood services.

9. PERMIT REVOCATION. Any permit issued by the commissioner of city development under the terms of this chapter may be revoked by the commissioner of neighborhood services whenever any of the conditions under which the permit was issued are not complied with.

10. EXCEPTIONS.

a. The Henry W. Maier Festival grounds, except for the grounds' perimeter fences, are exempt from the provisions of this section.

b. Ordinary routine maintenance and repair of buildings, structures or sites may be undertaken without a certificate of appropriateness, provided that the work involves routine maintenance or repair of existing features of a building or structure or the replacement of elements of a building or structure with pieces identical in appearance and provided that the work does not change the exterior appearance and does not require the issuance of a building permit.

11. VIOLATIONS.

a. Whenever the commissioner of neighborhood services determines that a violation of this section exists or has reasonable grounds to believe that such a violation exists, the commissioner is authorized to order the owner to correct the violation or issue a stop work order, if requested, as provided in sub. 8-c.

b. Any person violating any provision of this section shall be subject to the penalties under s. 200-19.