

TITLE 5
ZONING REGULATIONS

Chapter 17

HISTORIC PRESERVATION

5-17-1: 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, archaeological 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 Chapter is to:

- (A) Effect and accomplish the protection, enhancement, and preservation of such improvements, sites and districts which represent or reflect elements of Monroe's cultural, social, economic, political and architectural history.
- (B) Safeguard Monroe'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 Monroe.
- (D) Protect and enhance Monroe's attraction to residents, tourists and visitors, and serve as a support and stimulus to business and industry. (1-16-1996)

5-17-2: Definitions:

The following definitions shall apply in this Chapter:

CERTIFICATE OF APPROPRIATENESS: 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: The Historic Preservation Commission created under this Chapter.

HISTORIC DISTRICT: An area designated by the Common Council on recommendation of the Commission, that contains two (2) or more historic improvements or sites.

HISTORIC SITE: 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 an improvement parcel, or part thereof, on which is situated a historic structure and any abutting improvement parcel, or part thereof, used as and constituting part of the premises on which the historic structure is situated.

HISTORIC STRUCTURE: Any improvement which has a special character or special historic interest or value as part of the development, heritage or cultural characteristic of the City of Monroe, the State or Nation and which has been designated a historic structure pursuant to the provisions of this Chapter.

IMPROVEMENT: 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. (1-16-1996)

5-17-3: Historic Preservation Commission:

A Historic Preservation Commission is hereby created, consisting of seven (7) members. One member shall be a licensed real estate broker; one shall be a historian; one shall be a registered architect; one shall be an Alderperson; and three (3) shall be citizens. Each shall have, to the highest extent practicable, a known interest in historic preservation. The Mayor shall appoint the commissioners subject to confirmation by the Common Council, to the following terms commencing May 1 of the year of appointment: the Alderperson shall serve for a term of one year; the licensed real estate broker and one citizen member shall serve for an initial term of one year and succeeding terms of three (3) years; the historian and one citizen member shall serve for an initial term of two (2) years and succeeding terms of three (3) years; the registered architect and one citizen member shall serve for an initial and succeeding terms of three (3) years. If no person meeting the required qualifications is available, a citizen member shall be appointed to fill such position so that the Commission has at all times seven (7) members. (6-3-1997)

5-17-4: Historic structure, historic site and Historic District designation criteria:

(A) For purposes of this Chapter, a historic structure, historic site, or historic 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 City, 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 or her age; or
5. Have yielded, or may be likely to yield, information important to prehistory or history.

(B) The Commission shall adopt specific operating guidelines for historic structure, historic site and historic district designation providing such are in conformance with the provisions of this Chapter. (1-16-1996)

5-17-5: Powers and duties:

(A) Designation: The Commission shall have the power, subject to Section 5-17-6 of this Chapter, to designate historic structures and historic sites and to recommend designation of historic districts within Monroe's limits. Such designations shall be made based on Section 5-17-4 of this Chapter. Historic districts shall be approved by the Common Council. 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 within a historic district shall reconstruct, alter or demolish all or any part of the exterior of such property or construct any improvement upon such designated property or cause or permit any such work to be performed upon such property or demolish such property unless a certificate of appropriateness has been granted by the Historic Preservation Commission. Upon receipt of an application for a building permit for any work to be performed on the exterior of a historic structure or upon receipt of an application for a demolition permit for a historic structure the Building Inspector shall forward a copy thereof to the Commission. Unless a certificate of appropriateness has been granted by the Commission, the Building Inspector shall not issue a permit for any such work. (9-5-2006)

2. Upon filing of any application for a certificate of appropriateness with the Commission, the Commission shall approve the application unless:

(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 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 district, the proposed construction, reconstruction, exterior alteration or demolition does not conform to the purpose and intent of this Chapter and to 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 City and the 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 Commission 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 Commission shall make this decision within forty five (45) days of the filing of the application.

4. This issuance of a certificate of appropriateness shall not relieve the applicant from obtaining other permits and approvals required by the City. A building 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 Commission 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 Common Council within thirty (30) days. In addition, if the Commission fails to issue a certificate of appropriateness, the Commission 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 Commission, in cooperation with the property owner, may cause to be prepared and erected on such property at the City's expense, a suitable plaque declaring that such property is a historic structure, site or district. (1-16-1996)

5-17-6: Procedures:

(A) Designation of Historic Structures and Historic Sites:

1. The Commission may, after notice and public hearing, recommend to the Council designation of historic structures and historic sites, or rescission of such designation or recommendation, after application of the criteria in Section 5-17-4 of this Chapter. At least 10 days prior to such hearing, the Commission shall notify the owners of record, as listed in the office of the City Assessor, who are owners of property in whole or in part situated within two hundred feet (200') of the boundaries of the property affected.

2. The Commission 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 Commission may conduct an independent investigation into the proposed designation or rescission. Within 10 days after the close of the public hearing, the Commission may recommend to the Common Council that the property be designated as either a historic structure or a historic site or rescission of such designation, provided however, the Commission shall not recommend rescission of the designation unless it finds that the characteristics of the property have materially changed since the property was designated such that it is no longer appropriate that it be designated or that failure to rescind the designation will create a substantial economic hardship for the owner of such property.

3. The Common Council, upon receipt of the recommendations from the Historic Preservation Commission, shall hold a public hearing. Notice of the time, place and purpose of the public hearing shall be sent by the City Clerk to the Alderperson of the aldermanic district in which the proposed historic structure or a historic site is located, and the owners of record, as listed in the office of the City Assessor, who are owners of the property in whole or in part situated within two hundred feet (200') of the boundaries of the property affected. Said notice is to be sent at least 10 days prior to the date of the public hearing. Following the public hearing, the Common Council shall vote to adopt, reject or withhold action on the designation or rescission. Notification of the decision shall be sent to the property owner or owners. Notification shall also be given to the City Clerk, Building Inspector, Plan Commission, and the City Assessor. The Commission shall cause the designation or rescission to be recorded, at the City's expense, in the Green County Register of Deeds office.

(9-5-2006)

(B) Creation Of Historic District:

1. For preservation purposes, the Historic Preservation Commission shall select geographically defined areas within the City to be designated as historic districts and shall prepare a historic preservation plan for each area. A historic district may be designated for any geographic area of particular historic, architectural or cultural significance to the City, after application of the criteria in Section 5-17-4 of this Chapter. Each historic preservation plan prepared for or by the Historic Preservation Commission

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 Commission: The Historic Preservation 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 City Clerk to the Alderperson of the aldermanic district or districts in which the proposed historic district is located, and the owners of record, as listed in the office of the City Assessor, who are owners of the property within the proposed historic district or are situated in whole or in part within two hundred feet (200') of the boundaries of the proposed historic district. Said notice is to be sent at least ten (10) days prior to the date of the public hearing. Following the public hearing, the Historic Preservation Commission shall vote to recommend, reject or withhold action on the plan.

(b) The Common Council: The Common Council, upon receipt of the recommendations from the Historic Preservation Commission, shall hold a public hearing, notice to be given as noted in subsection (B)2(a) of this Section, and shall, following the public hearing, either designate or reject the historic district. Designation of the historic district shall constitute adoption of the plan prepared for that district and direct the implementation of said plan. (1-16-1996)

5-17-7: Interim control:

No building permit shall be issued by the Building Inspector for alteration, construction, demolition, or removal of a nominated historic structure, historic site, or any property or structure within a nominated historic district from the date of the meeting of the Historic Preservation Commission at which a nomination form is first presented until the final disposition of the nomination by the Historic Preservation Commission or the Common Council unless such alteration, removal or demolition is authorized by formal resolution of the Common Council as necessary for public health, welfare or safety. In no event shall the delay be for more than one hundred eighty (180) days. (1-16-1996)

5-17-8: Penalties for violations:

Any person or persons violating any provision of this Chapter shall be fined fifty dollars (\$50.00) for each separate violation. 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 Building Inspector. (1-16-1996)

5-17-9: Separability:

If any provision of this Chapter or the application thereof to any person or circumstances is held invalid, the remainder of this Chapter and the application of such provisions to other persons or circumstances shall not be affected thereby. (1-16-1996)

Public Hearing Date: 9 / 5 / 2000

**ORDINANCE REPEALING AND RECREATING SECTIONS 5-17-5(B) 1. AND 5-17-6(A)
OF THE MONROE CITY CODE:
PROCEDURES FOR DESIGNATION OF HISTORIC PROPERTIES AND HISTORIC SITES**

THE COMMON COUNCIL of the city of Monroe do ordain as follows:

SECTION 1: Section 5-17-5(B) 1. of the Monroe City Code is hereby repealed and recreated to read as follows:

1. No owner or person in charge of a historic structure, historic site or structure within a historic district shall reconstruct, alter or demolish all or any part of the exterior of such property or construct any improvement upon such designated property or cause or permit any such work to be performed upon such property or demolish such property unless a certificate of appropriateness has been granted by the Historic Preservation Commission. Upon receipt of an application for a building permit for any work to be performed on the exterior of a historic structure or upon receipt of an application for a demolition permit for a historic structure the Building Inspector shall forward a copy thereof to the Commission. Unless a certificate of appropriateness has been granted by the Commission, the Building Inspector shall not issue a permit for any such work.

SECTION 2: Section 5-17-6(A) of the Monroe City Code is hereby repealed and recreated to read as follows:

(A) Designation of Historic Structures and Historic Sites:

1. The Commission may, after notice and public hearing, recommend to the Council designation of historic structures and historic sites, or rescission of such designation or recommendation, after application of the criteria in Section 5-17-4 of this Chapter. At least 10 days prior to such hearing, the Commission shall notify the owners of record, as listed in the office of the City Assessor, who are owners of property in whole or in part situated within two hundred feet (200') of the boundaries of the property affected.
2. The Commission 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 Commission may conduct an independent investigation into the proposed designation or rescission. Within 10 days after the close of the public hearing, the Commission may recommend to the Common Council that the property be designated as either a historic structure or a historic site or rescission of such designation, provided however, the Commission shall not recommend rescission of the designation unless it finds that the characteristics of the property have materially changed since the property was designated such that it is no longer appropriate that it be designated or that failure to rescind the designation will create a substantial economic hardship for the owner of such property.
3. The Common Council, upon receipt of the recommendations from the Historic Preservation Commission, shall hold a public hearing. Notice of the time, place and purpose of the public hearing shall be sent by the City Clerk to the Alderperson of the aldermanic district in which the proposed historic structure or a historic site is located, and the owners of record, as listed in the office of the City Assessor, who are owners of the property in whole or in part situated within two

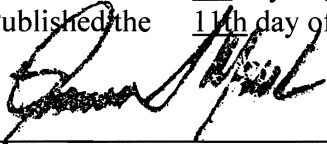
**Ordinance Repealing and Recreating Sections 5-17-5(B) 1. and 5-17-6(A) of the
Monroe City Code: Procedures for Designation of Historic Properties and Historic Sites**

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hundred feet (200') of the boundaries of the property affected. Said notice is to be sent at least 10 days prior to the date of the public hearing. Following the public hearing, the Common Council shall vote to adopt, reject or withhold action on the designation or rescission. Notification of the decision shall be sent to the property owner or owners. Notification shall also be given to the City Clerk, Building Inspector, Plan Commission, and the City Assessor. The Commission shall cause the designation or rescission to be recorded, at the City's expense, in the Green County Register of Deeds office.

SECTION 3: This ordinance shall be in full force on the day following its passage and official publication.

Dated the 5th day of September, 2006
Passed the 5th day of September, 2006
Published the 11th day of September, 2006



Mayor



City Clerk

Public Hearing Date 12 / 16 / 2008

**ORDINANCE REPEALING AND RECREATING SECTION 5-17-6 (B) 2. (a)
OF THE MONROE CITY CODE: HISTORIC PRESERVATION COMMISSION**

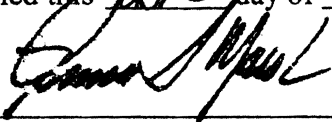
THE COMMON COUNCIL of the City of Monroe do ordain as follows:

SECTION 1. Section 5-17-6 (B) 2. (a) of the Monroe City Code is hereby repealed and recreated to read as follows:

(a) Historic Preservation Commission: The Historic Preservation 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 published in the manner required by law for adoption by the Common Council of an ordinance creating or amending zoning regulations. Following the public hearing, the Historic Preservation Commission shall vote to recommend, reject or withhold action on the plan.

SECTION 2. This ordinance shall be in full force the day following its passage and official publication.

Dated this 16th day of December, 2008
Passed this 16th day of December, 2008
Published this 23rd day of December, 2008



Mayor



City Clerk

Public Hearing Date: 8 / 17 / 2010

**ORDINANCE AMENDING SECTION 5-17-2 AND REPEALING AND RECREATING
SECTION 5-17-5 OF THE MONROE CITY CODE:
POWERS AND DUTIES OF THE HISTORIC PRESERVATION COMMISSION**

THE COMMON COUNCIL of the City of Monroe do ordain as follows:

SECTION 1. The following definitions are hereby added to Section 5-17-2 of the Monroe City Code:

- ALTER OR ALTERATION:** means any act or process that materially changes one or more of the architectural features of a structure, other than a temporary sign, including but not limited to, erection, construction, reconstruction, removal, or a material change to the color or texture.
- ARCHITECTURAL FEATURE:** means the architectural elements embodying style, design, general arrangement and components of all of the visible surfaces of a structure, including but not limited to the type of building materials and the type and style of all windows, doors, lights, signs and other fixtures appurtenant to such structure.
- CERTIFICATE OF APPROPRIATENESS:** means a certificate issued by the Building Inspector authorizing alteration, rehabilitation, construction, reconstruction or demolition of a historic structure, historic site or any improvement in a historic district.
- SIGN:** means any medium, including its structure, words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trademarks, by which anything is made known and which is used to advertise or promote an individual, firm, association, company, profession, business, commodity, event or product.
- STRUCTURE:** means any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, including but not limited to, roofed and walled buildings, signs, gas or liquid storage tanks and culverts.
- TEMPORARY SIGN:** means any sign, handbill, or poster that is placed for a limited period of time to advertise or announce a specific event or occurrence, or that pertains to a specific event or occurrence. Examples of temporary signs include, but are not limited to signs, handbills or posters relating to civic or athletic events, concerts, special events or products or services offered for sale at a reduced price or on special terms.
- VISIBLE SURFACE:** means any part of the exterior surface of a structure or a sign that is clearly visible from any public sidewalk, street or highway, including signs or architectural features located on the inside of a transparent surface, such as a window, that are positioned in a manner that is clearly designed to be observed from the a public sidewalk, street or highway.

SECTION 2. Section 5-17-5 of the Monroe City Code is hereby repealed and recreated to read as follows:

5-17-5: POWERS AND DUTIES:

- (A) **Designation:** The Commission shall have the power, subject to Section 5-17-6 of this Chapter, to designate historic structures and historic sites and to recommend designation of historic districts within Monroe's limits. Such designations shall be made based on Section 5-17-4 of this Chapter. Historic districts shall be approved by the Common Council. Once designated, such historic structures, sites and districts shall be subject to all the provisions of this Chapter.

**Ordinance Amending Section 5-17-2 and Repealing and Recreating Section 5-17-5
of the Monroe City Code: Powers and Duties of the Historic Preservation Commission**

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(B) Regulation of Construction, Reconstruction, Alteration and Demolition:

1. **Certificate of Appropriateness.** No owner or person in charge of a historic structure, historic site or structure within a historic district shall reconstruct, alter or demolish all or any part of the visible surface of such property or construct any improvement having a visible surface upon such property or cause or permit any such work to be performed upon such property unless a certificate of appropriateness has been issued authorizing such work. The Building Inspector shall establish procedures to monitor alterations to the visible surface of a historic structure, historic site or structure within a historic district and shall report all such alterations to the Commission.

(a) **Approval by Commission.** Except as provided in subsection (b), no certificate of appropriateness shall be issued until the issuance thereof has been approved by the Commission.

(b) **Administrative Authority of Building Inspector.** The Commission may by resolution delegate to the Building Inspector authority to administratively issue a certificate of appropriateness for an alteration if such alteration falls within a class of work that has been clearly identified and appropriately defined by the Commission as work that may be approved administratively by the Building Inspector. Issuance of a certificate of appropriateness for such work by the Building Inspector shall be deemed for all purposes to be approval thereof by the Commission.

2. **Criteria for Approval of Certificate of Appropriateness.** Upon filing of any application for a certificate of appropriateness, the Commission, or the Building Inspector in a case falling within the administrative approval authority of the Building Inspector, shall within 45 days determine if the proposed changes are consistent with the character and features of the property or district, and approve the issuance of the certificate of appropriateness unless:

(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 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 district, the proposed construction, reconstruction, alteration or demolition does not conform to the purpose and intent of this Chapter and to 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 City and the 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. **Other Approvals.** Issuance of a certificate of appropriateness shall not relieve the applicant from obtaining other permits and approvals required by the City. A building or other City permit needed to perform work on the visible surface of a historic structure, historic site or structure within a

**Ordinance Amending Section 5-17-2 and Repealing and Recreating Section 5-17-5
of the Monroe City Code: Powers and Duties of the Historic Preservation Commission**

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historic district shall be invalid if it is obtained without the presentation of the certificate of appropriateness required for the proposed work.

4. **Maintenance and Repairs.** Ordinary maintenance and repairs may be undertaken without a certificate of appropriateness provided that the work does not alter a historic structure or site and does not require the issuance of a building permit.

5. **Issuance.** Upon approval of an alteration and fulfillment of all conditions placed upon such approval the Building Inspector shall issue a certificate of appropriateness.

6. **Fees.** The fee for issuance of a certificate of appropriateness and for actions required to comply with this chapter shall be established from time to time by resolution of the common council.

(C) **Appeals:** Should the Building Inspector, in a case falling within the administrative approval authority of the Building Inspector, fail to approve a certificate of appropriateness, the applicant may appeal such decision to the Commission within 30 days. Should the Commission fail to approve a certificate of appropriateness, the applicant may appeal such decision to the common council within 30 days. In addition, if the Commission fails to approve a certificate of appropriateness, the Commission 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 Commission, in cooperation with the property owner, may cause to be prepared and erected on such property at the City's expense, a suitable plaque declaring that such property is a historic structure, site or district.

SECTION 3. This ordinance shall be in full force the day following its passage and official publication.

Dated this 17th day of August, 2010.
Passed this 17th day of August, 2010.
Published this 26th day of August, 2010.

W. Ross

Mayor

Carol J. Stamm

City Clerk