



**AGENDA**  
**HISTORIC PRESERVATION COMMISSION**  
**THURSDAY, JANUARY 28, 2016 at 6:30 P.M.**

Common Council Chambers, 224 East Jefferson Street, Burlington, WI 53105

Tom Stelling, Chairman  
Tom Preusker, Aldermanic Representative  
Darrel Eisenhardt, Park Board President  
Jeff Erickson  
Maria Veronico-Ventura  
Joel Weis  
Kevin O'Brien

1. Call to order
2. Roll Call
3. Citizen Comments
4. Approval of minutes of November 24, 2015
5. Letters and Communications: None
6. Old Business: None
7. New Business:
  - A. A Certificate of Appropriateness application from Kiki Brackett of Headquarters Salon for property located at 161 E. Chestnut Street to install one barber pole luminaire.
8. Discussion items:
  - A. Review of Façade Grant Funding Status.
  - B. An ordinance to consider amending several sections of Ch. 315 of the Municipal Code to allow the HPC to recommend Certificates of Appropriateness regarding Signage be forwarded to the Building Inspector for a final review and approval, with no Common Council approval being required.
9. Adjournment.

NOTE: If you are disabled and have accessibility needs or need information interpreted for you, please call the City Clerk's Office at 262-342-1161 at least 24 hours prior to the meeting.



**HISTORIC PRESERVATION COMMISSION  
MEETING MINUTES  
Tuesday, November 24, 2015**

The meeting was called to order by Chairman Tom Stelling at 6:00 p.m. Commissioner Darrel Eisenhardt; Commissioner Kevin O'Brien; and Commissioner Joel Weis were present. Alderman Tom Preusker; Commissioner Maria Veronico; and Commissioner Jeff Erickson were excused.

**CITIZEN COMMENTS**

None

**APPROVAL OF MINUTES**

Commissioner Weis moved, and Commissioner O'Brien seconded to approve the minutes of October 22, 2015. All were in favor and the motion carried.

**LETTERS AND COMMUNICATIONS**

None

**OLD BUSINESS**

None

**NEW BUSINESS**

**A. A Certificate of Appropriateness application from Lorrie BeBord of Taylored Image Hair Design & Skin Therapy for property located at 581 N. Pine Street to install one overhanging sign.**

- Chairman Stelling introduced and opened this item for discussion.
- Commissioner Weis stated both options look great and option A is Ms. DeBord's preferred choice.
- Commissioner Eisenhardt stated the colors in option A, fit within the historic colors.
- There were no further comments.
- Commissioner Eisenhardt moved, and Commissioner Weis seconded to recommend approval of the Certificate of Appropriateness for design option A of the sign, subject to Patrick Meehan's memorandum.
- All were in favor and the motion carried.

**B. A Sign Permit application from Lorrie BeBord of Taylored Image Hair Design & Skin Therapy for property located at 581 N. Pine Street to install one overhanging sign.**

- Chairman Stelling introduced and opened this item for discussion.
- There were no comments.
- Commissioner Eisenhardt moved, and Commissioner O'Brien seconded to recommend approval the Sign Permit to install one overhanging sign, subject to Patrick Meehan's memorandum.
- All were in favor and the motion carried.

**DISCUSSION ITEMS**

**A. Review of Façade Grant Funding Status.**

- Chairman Stelling introduced and opened this item for discussion.
- Chairman Stelling stated that the funds are at a zero balance. He stated that no applications are to be taken for now until there are funds. Chairman Stelling also stated the Council is undecided if the funds will be replenished.
- There were no further comments.

**ADJOURNMENT**

Commissioner Weis moved, and Commissioner Eisenhardt seconded to adjourn the meeting at 6:09 p.m. *All were in favor and the motion carried.*

Recording Secretary,

Kristine Anderson  
Administrative Assistant



## CITY OF BURLINGTON

**Building & Zoning Department**  
300 N. Pine Street, Burlington, WI, 53105  
(262) 342-1164 – (262) 763-3474 fax  
www.burlington-wi.gov

<b>Historic Preservation Commission Item:</b> 7A	<b>Date:</b> January 28, 2016
<b>Submitted By:</b> Gregory Guidry, Building Inspector	<b>Subject:</b> Certificate of Appropriateness for 161 E. Chestnut Street

**Details:**

Kiki Brackett of Headquarters Salon is requesting approval of a Certificate of Appropriateness located at 161 E. Chestnut Street. The proposed project consists of:

- The installation of one (1) 22-inch tall, vertical, cylindrical-shaped, barber pole luminaire proposed to be mounted 6 feet-8 inches (as measured from the bottom of the barber pole luminaire) from the grade of the E. Chestnut Street. The minimum height requirement shall be 8 feet. The proposed barber pole luminaire (with light), made by Pibbs Industries, is made of durable indoor/outdoor plastic cover, and is 15 lbs. in weight. Based upon the photographs submitted by the applicant, the barber pole luminaire appears to be proposed to be mounted and secured to a corner of the recessed entryway of the Headquarters Salon. No other changes are proposed to the historic building.

Patrick Meehan, City Planner, recommends a conditional approval of this request.

**Financial Remarks:**

The approved items will be paid 100% by the owner.

**Executive Action:**

This item is for consideration to approve the Certificate of Appropriateness at the January 28, 2016 Historic Preservation Commission meeting and be placed on the February 2, 2016 Committee of the Whole and Common Council meetings for consideration.

# MEEHAN & COMPANY, INC.

PATRICK J. MEEHAN, AICP, AIA  
PRESIDENT

P. O. BOX 925  
HALES CORNERS, WI 53130-0925  
PHONE: (414) 529-9559  
FAX: (414) 529-9559

## MEMORANDUM

**TO:** Historic Preservation Commission  
City of Burlington

**FROM:** Meehan & Company, Inc.  
Patrick J. Meehan, AICP

**SUBJECT:** Review of the Application for a "Certificate of Appropriateness" for the Attachment of a Barber Pole Luminaire on Property Located at 161 E. Chestnut Street in the City of Burlington (Zoned in the HPO Historic Preservation Overlay District and B-2 Central Business District). Applicant: Kiki Brackett and Trish Muzzy (Headquarters Salon); Property Owner: MDC

**DATE:** December 15, 2015

### INTRODUCTION

Pursuant to the December 8, 2015 written request of Kristine Anderson, Administrative Assistant of the City of Burlington, Meehan & Company, Inc. has prepared the following review of the application for a "Certificate of Appropriateness" for the attachment of a barber pole luminaire to property located at 161 E. Chestnut Street in the City of Burlington. The subject property is zoned in the HPO Historic Preservation Overlay District and B-2 Central Business District. The proposal calls for the following:

- The installation of one (1) 22-inch tall, vertical, cylindrical-shaped, barber pole luminaire proposed to be mounted 6'-8" (as measured from the bottom of the barber pole luminaire) from the grade of the E. Chestnut Street entryway of the Headquarters Salon. The proposed barber pole luminaire (with light) is made by Pibbs Industries, is made of durable indoor/outdoor plastic cover, and is 15 lbs in weight. Based upon the photographs submitted by the applicant, the barber pole luminaire appears to be proposed to be mounted and secured to a corner of the recessed entryway of the Headquarters Salon. No other changes are proposed to the historic building.

Based upon Meehan & Company, Inc.'s review of the "National Register of Historic Places Registration Form for the Burlington Downtown Historic District" dated January 1992 and the "Downtown Historic District Map" attached thereto, the building is considered as a "Contributing" building to that historic district designation. The subject property is a two-story, brick, commercial building. The building is known as the Klingele-Folz Block, is of a Queen Anne style architecture, was constructed in 1853, was remodeled around 1873, and received its most recent appearance around 1904.

The drawings and data submitted by the applicant include the "Application for a Certificate of Appropriateness," 2 pages, dated 11/16/15 with six (6) pages of attachments including: a letter (undated) from Jamie Rafeldt (of MPC, the property owner) approving the installation of the barber pole luminaire, one (1) page of product information (with characteristics indicated), and four photographs (with dimensions and location indicated).

REQUIREMENTS OF CITY ZONING ORDINANCE SECTION 315-74C "PROJECTING AND HANGING SIGNS" AND SECTION 315-74F "SIGNAGE COLOR" IN THE HPO DISTRICT

Although the proposed barber pole luminaire is NOT a sign and is not specifically addressed by the City Zoning Code, an analogy of the proposed barber pole luminaire to the City's requirements for a "projecting and hanging sign" placed on an historical structure is appropriate to the following types of requirements which a hanging type of luminaire may be required to be met. Hanging signs located in the HPO Historic Preservation Overlay District proposed to extend only over public rights-of-way occupied by pedestrian sidewalks are subject to the following. Following each item listed below is a comment (*in underlined italics*) on whether the applicant meets each specified application requirement:

(1) All such projecting or hanging signs in the HPO District shall be elevated a minimum height of eight feet. Projecting or hanging signs may be placed above the sign band; however, no projecting or hanging sign shall extend above the top edge of the largest second story window.

*The minimum 8-foot height requirement is not met by the applicant's proposed 6'-8" height of the proposed barber pole luminaire. Therefore, the barber pole luminaire would need to be safely and securely mounted at a minimum of 8 feet (as measured from the bottom of the barber pole luminaire) from the grade of the E. Chestnut Street entryway of the Headquarters Salon.*

*The proposed barber pole luminaire does not extend above the top edge of the largest second story window.*

(2) Any such projecting or hanging sign in the HPO District shall not project more than five feet from the surface of its supporting building. All such projecting signs in the HPO District shall not be permitted to extend closer than two feet to any public street curb or pavement or to any public alley curb or pavement.

*The proposed barber pole luminaire meets both of the above requirements.*

(3) All projecting and hanging signs in the HPO District shall be placed perpendicular to the building facade and not flush with the building facade.

*This requirement appears to be met since the proposed barber pole luminaire is proposed to be placed perpendicular to the building facade.*

CONSISTENCY WITH "CERTIFICATE OF APPROPRIATENESS" APPLICATION REQUIREMENTS OF SECTION 315-139 OF THE CITY OF BURLINGTON ZONING ORDINANCE

Under the requirements of Section 315-139 of the City of Burlington Zoning Ordinance, the following items are required to be submitted by an applicant for a "Certificate of Appropriateness." Following each item listed below is a comment (*in underlined italics*) on whether the applicant meets each specified application requirement:

A. Architectural plans, elevations, photographs, color samples, and/or perspective drawings. Architectural plans, elevations, and/or perspective drawings and sketches illustrating the design and character of all proposed alterations (except painting) shall

be submitted. A color building elevation or perspective rendering of the exterior of the proposed building(s) shall be required for review by the Historic Preservation Commission for all types of alterations except painting. Said elevations and perspective drawings, when required, shall indicate the location and placement of all auxiliary building equipment, such as heating, ventilating and/or air-conditioning equipment. These drawings are to be drawn to a recognized architectural scale with the name of the project noted. Building plans shall be submitted with all detail drawn on each elevation. Plans drawn with partial building details indicated will be returned to the applicant for redrafting. For alterations consisting of painting only, color samples and photographs shall be submitted indicating the areas to be painted.

Complete to the extent needed to convey the proposed work to be accomplished.

B. Name and address. Name and address of the applicant.

Complete.

C. Owner/developer. Owner's and/or developer's name and address.

Complete.

D. Architect/engineer. Architect's and/or engineer's name and address.

No architect/engineer appears to be involved with the proposed project.

E. Date. Date of submittal of plans.

Complete.

F. Scale. Scale of drawings noted on each drawing.

Complete to the extent needed to convey the proposed work to be accomplished. Photographs illustrating the conditions and providing dimensions have been submitted by the applicant.

G. Building type, size, and location. The type, size, and location of all structures with all building dimensions shown.

Complete to the extent needed to convey the proposed work to be accomplished.

H. Height. The height of building(s).

The height of the portion of the building located above the upper edge of the typical sign band area of the building was not specifically provided; however, this data was not needed to complete the analysis based upon the various other application materials submitted.

I. Exterior materials samples to be provided. Samples of exterior materials and their colors.

Not needed for the analysis.

J. Additional information may be required. Additional information and data that may be

required by the City Administrator, City Planner, City Engineer, Historic Preservation Commission or the Common Council may include, but not be limited to, the following upon request:

- (1) Photographs from the site of adjacent neighboring structures and/or property.

Photographs have been submitted by the applicant illustrating the existing conditions.

- (2) Detailed drawings of decorative elements of the building(s) or structure(s).

No decorative elements are involved with the attachment of the barber pole luminaire.

- (3) Sectional building or site drawings drawn to a recognized engineering or architectural scale.

Not applicable.

#### CONSISTENCY WITH HPO DISTRICT STANDARDS OF REVIEW FOR THE COMMON COUNCIL'S APPROVAL OF A "CERTIFICATE OF APPROPRIATENESS" PURSUANT TO THE REQUIREMENTS OF SECTION 315-42B. AND E. OF THE CITY OF BURLINGTON ZONING ORDINANCE

Under the requirements of Section 315-42B. and E. of the City of Burlington Zoning Ordinance, the following are the standards of review for the approval of a "Certificate of Appropriateness" by the Common Council pursuant to the requirements of Section 315-42B. and E. of the City of Burlington Zoning Ordinance. Following each item listed below is a comment (*in underlined italics*) on whether the application meets each specified standard for approval.

- B. District standards. District standards shall conform to those required in the underlying basic zoning district. In addition, the design guidelines as set forth in the publication titled "Burlington Historic Downtown Main Street District: Design Quality - Standards Guidelines," as amended, published by the Burlington Historic Downtown Main Street District, shall be used by the Historic Preservation Commission, Plan Commission, and Common Council as HPO District design standards and guidelines.

The proposed barber pole luminaire appears to be consistent with the general intent of the design guidelines as set forth in the publication titled "Burlington Historic Downtown Main Street District: Design Quality - Standards Guidelines." [Note for Informational Purposes Only: It is the understanding of Meehan & Company, Inc. that past policy, interpretations, and actions by the Historic Preservation Commission regarding other applications for similar attachments to buildings (such as signage) and the use of more weather durable materials (such as plastics and PVC materials) have been permitted in the past due, in part, to their higher degree of longer term durability than some painted wooden materials which could be used.]

- E. Limitation on structural or appearance changes. Structural changes shall be regulated in the following manner:

- (1) Certificate of appropriateness required. There shall be no alteration in the architectural appearance of any structure within an HPO District without the

approval or conditional approval of plans for such alterations by the Common Council. In determining whether to grant approval or approve with conditions or reject the request for a certificate of appropriateness, the Common Council shall take into consideration the recommendation of the Historic Preservation Commission. The recommendation of the Historic Preservation Commission to the Common Council may be to grant approval, approve with conditions or reject the request for a certificate of appropriateness. For the purposes of this section, alterations shall include any exterior change (including painting), addition to, or demolition of any part or all of the exterior of a structure. The Common Council shall make its decision within 45 days of its receipt of the Historic Preservation Commission's recommendation regarding the application for a certificate of appropriateness. Persons who are granted a certificate of appropriateness by the Common Council are required to obtain all other permits required by this Municipal Code or by the State of Wisconsin, from the appropriate authority, for the proposed alteration. [Amended 2-20-2001 by Ord. No. 1650(54); 12-7-2004 by Ord. No. 1762(14)]

Based upon the application materials submitted, it appears that the intent of the design guidelines as set forth in the publication titled "Burlington Historic Downtown Main Street District: Design Quality - Standards Guidelines" would be met since the design embodied by the proposed barber pole luminaire appears historic in design, color, and size.

- (2) Basis for approval. No alterations shall be permitted that would tend to destroy or seriously impair the particular character and quality of the HPO Historic Preservation Overlay District. No change or alteration (including painting) of an historic structure, historic site, or historic district shall be permitted which destroys, seriously impairs, or significantly alters its character in terms of its historical or architectural interest.

Based upon the application materials submitted and that the building itself will not be changed (only a barber pole luminaire which can be removed is proposed to be installed by the applicant), it appears that the intent of the design guidelines as set forth in the publication titled "Burlington Historic Downtown Main Street District: Design Quality - Standards Guidelines" would be met.

- (3) Repairs, destruction and reconstruction. [Amended 12-7-2004 by Ord. No. 1762(14)]
- (a) Notwithstanding the provisions of Section 315-84, total lifetime structural repairs, restoration, or alterations of a preservation structure may exceed 50% of the City's equalized value of the structure if the Common Council determines, upon recommendation by the Historic Preservation Commission, that the structure will be repaired, restored, or altered in a way that maintains the character of the structure and the character of the HPO District without significant alteration or change in such character. No person in charge of an historic structure or improvement in an HPO Historic Preservation Overlay District shall be granted a permit to demolish such property without review and recommendations by the Historic Preservation Commission to the Common Council.

Not applicable. [NOTE: 2011 Wisconsin Act 170 regarding

nonconforming structures may impact the validity of the Section of the City Zoning Ordinance as set forth above. It is recommended that the City seek legal opinion on its continued validity and implementation as this Section is currently written.]

- (b) In the case of a two-story structure in the HPO District which has been destroyed, the Common Council may determine, upon recommendation by the Historic Preservation Commission, that the replacement structure may be constructed as a one-story structure but in a way that maintains the historic character of the destroyed two-story structure and the character of the HPO District streetscape facade without significant alteration or change in such character.

Not applicable.

## RECOMMENDATIONS

*Based upon the foregoing findings, it is recommended that the Historic Preservation Commission recommend to the Common Council the conditional approval of the proposed "Certificate of Appropriateness" for the proposed barber pole luminaire subject to:*

- a. *The application and various other attached materials submitted to the City by the applicant; and*
- b. *The barber pole luminaire shall be safely and securely mounted a minimum of 8 feet (as measured from the bottom of the barber pole luminaire) from the grade of the E. Chestnut Street entryway of the Headquarters Salon; and*
- c. *Any additional conditions which may be recommended by the Historic Preservation Commission consistent with City Zoning Ordinance requirements for the HPO Historic Preservation Overlay District.*



Application for the Certificate of Appropriateness

Per section § 315-42 of the HPO Historic Preservation Overlay District zoning ordinance, the following application must be completed when alterations in the architectural appearance of any structure within the HPO district is proposed.

Please provide the following:

1. Architectural plans, elevations, photographs, color samples and/or perspective drawings and sketches illustrating the design and character of all proposed alterations (except painting, see below) must be submitted. Said elevations and drawings shall indicate the location and placement of all auxiliary building equipment such as heating, ventilating, and/or air-conditioning equipment. These drawings are to be completed to a recognized architectural scale with the name of the project noted. Building plans shall be submitted with all detail drawn on each elevation. Plans drawn with partial building details indicated will be returned to the Applicant for redrafting.

For alterations consisting of painting only, color samples and photographs shall be submitted indicating the areas to be painted.

2. Applicant Name: KIKI BRACKETT + TRISH MUZZY
3. Contact Name: KIKI BRACKETT
4. Name of Tenant: KIKI BRACKETT
5. Name of Business: HEADQUARTERS SALON
6. What is (are) the existing use(s) of the building? HAIR SALON / BARBERS SHOP
7. Telephone Number: 262 763 0838 Facsimile Number: 262 745-3398
8. E-Mail Address: KIKIBRACKETT@mc.com
9. Project Address: 161 E Chestnut, Burlington, WI
10. Mailing Address: 161 E Chestnut
11. Does the applicant own the project building?  Yes  No
12. If no, please list owner's name and address: MPC 109 E Chestnut S
13. Architect or engineer's name and address: N/A
14. Date of submittal of plans: 11/16/15
15. Scale of drawings noted on each drawing: included photos
16. Building type, size and location: HISTORICAL DOWNTOWN "THE LOOP" 161 E Chestnut
17. Height of building: 2 STORY
18. Exterior material samples to be provided: No Changes - addition of BARBER POLE

NOTE: Please supply material samples of all exterior alterations for the HPC meeting.

19. Proposed Start Date: as soon as approved
20. Proposed Completion Date: within 2 week of approval  
we will not purchase this item until its is approved

21. Additional information may be requested to include, but not limited to, the following:

- A. Photographs from the site adjacent neighboring structures and/or property;
- B. Detailed drawings of decorative elements of the buildings and/or structure(s);
- C. Sectional building or site drawings drawn to recognized engineering or architectural scale.

**NOTE: Please provide any and all information that will illustrate to the Commission the effect of the proposed change.**

**Property Owner**

MPC paperwork signed is included.  
Print Signature Date

**Applicant**

Riki BRACKETT Riki Brackett 11/16/15  
Print Signature Date

- Please reserve my position for Façade grant money in the event additional funding is made available in the future. I understand I would be required to complete a Façade Grant Application within 25 business days of notification of fund availability or I would lose my reserved position.



STOP! Have you included the following with your application?

1. Color photographs of current building façade, including some view of the buildings on either side for context;
2. Architectural plans, elevations, and/or perspective drawings and sketches illustrating the design and character of all proposed alterations completed to a recognized architectural scale with the name of the project noted;
3. Historic photos of your building as it appeared in the past. You are required to visit the Burlington Historical Society Museum at 232 North Perkins Blvd. for this information if your project includes façade renovations;
4. Material samples of all exterior alterations; i.e., color samples, siding. Only one sample per design element is required;
5. 10 copies of all supplemental information; i.e., drawings, renderings, elevations, photos/pictures, etc. that are not easily duplicated due to size or other restrictions.

If any of the above pertain to your project and are not included with your application, your application will be considered INCOMPLETE and will not be placed on the meeting agenda for discussion.

THANK YOU FOR YOUR COOPERATION!



PROPERTY  
MANAGEMENT

109 E. Chestnut Street · Burlington, WI 53105

Phone (262)661-4284 · Fax (888)611-4191

Email: info@mpcpm.com

Headquarters Salon  
161 E Chestnut Street  
Burlington, WI 53105

To Whom It May Concern,

We have reviewed the following plans for a barber pole to be installed at the address of 161 E Chestnut Street, Burlington, WI 53105 that was submitted by Kiki Brackett and Trish Muzzy at Headquarters Salon, this is approved to be installed per the submitted plan.

If you have any questions please call our office at 262-661-4284

Sincerely,

A handwritten signature in black ink, appearing to read 'Jamie Rafeldt', written over a horizontal line.

Jamie Rafeldt  
Account Manager

[Try Prime](#)

pibbs original Barberpole

Department

[Gregory's Amazon.com](#)

[Today's Deals](#)

[Gift Cards](#)

[Sell](#)

[All Beauty](#)

[Luxury Beauty](#)

[Makeup](#)

[Skin Care](#)

[Hair Care](#)

[Fragrance](#)

[Tools &](#)

## BR Beauty PIBBS Original Salon Barber Pole w/ Light (Model: 148) from BR Beauty

[9 customer reviews](#)



### About the Product

- Made by Pibbs Industries
- Classic Barber Pole w/ Light
- Durable Indoor/Outdoor Plastic Cover
- 22" Tall & 15 Pounds - Very Easy to Install

Customers Who Viewed This Item Also Viewed





↑  
We'd like to place the 22" inch bottom of the banner pole at 6'8" on this side of the doorway



**CITY OF BURLINGTON**

**Administration Department**  
300 N. Pine Street, Burlington, WI, 53105  
(262) 342-1161 – (262) 763-3474 fax  
www.burlington-wi.gov

<b>Historic Preservation Commission Item: 8A</b>	<b>Date: January 28, 2016</b>
<b>Submitted By: Megan Watkins, Director of Administrative Services</b>	<b>Subject: Façade Grant Funding</b>

**Details:**

Attached please find the Façade Grant Funding report for Round 6 dated January 15<sup>th</sup>, 2016 with an allotment of \$20,000 for 2016. Round 5 with \$19,368.62 obligated funds, attached for your convenience, continues to have four projects currently under construction.

**Executive Action:**

This item is for discussion only at the January 28, 2016 Historic Preservation Commission meeting.







## CITY OF BURLINGTON

**Administration Department**  
300 N. Pine Street, Burlington, WI, 53105  
(262) 342-1164 – (262) 763-3474 fax  
www.burlington-wi.gov

<b>Historic Preservation Commission Item: 8B</b>	<b>Date:</b> January 28, 2016
<b>Submitted By:</b> City Administrator Carina Walters	<b>Subject:</b> An ordinance to consider amending several sections of Ch. 315 of the Municipal Code to allow the HPC to recommend Certificates of Appropriateness regarding Signage be forwarded to the Building Inspector for a final review and approval, with no Common Council approval being required.

### Details:

At the request of the Common Council, the attached text amendment was drafted to allow a sign permit request in the Historic Preservation Overlay (HPO) District be approved by the Building Inspector following the recommendation of the Historic Preservation Commission (HPC). Currently, the process of a sign permit request in the HPO will go before the HPC for recommendation, followed by consideration by the Common Council. This process can delay a business owner from installing their sign up to four weeks as they wait for approval. The current process from time of submittal to final consideration is roughly five to seven weeks. This amendment would streamline the process down to roughly four weeks from time of submittal. This text amendment would not change the consideration process for Certificates of Appropriateness (COA), which are applied for when a change to the exterior of a building in the HPO is requested. A COA for exterior changes would still go before the Common Council for final consideration.

Joe DeRose of the Wisconsin State Historical Society has confirmed that this ordinance will not negatively affect our Certified Local Government (CLG) status.

This ordinance would go into effect following approval by the Common Council and publication in the Standard Press newspaper.

### Financial Remarks:

There are no financial implications with this text amendment.

### Executive Action:

This item is for consideration at the January 28, 2016 Historic Preservation Commission meeting. It will be placed on the February 2, 2016 Committee of the Whole agenda with a Public Hearing the same night and placed on the February 16, 2016 Common Council meeting for consideration.

**AN ORDINANCE TO AMEND SEVERAL SECTIONS OF CHAPTER 315 OF THE MUNICIPAL CODE TO ALLOW THE HISTORIC PRESERVATION COMMISSION TO RECOMMEND CERTIFICATES OF APPROPRIATENESS FOR SIGNAGE TO THE BUILDING INSPECTOR WITHOUT COMMON COUNCIL REVIEW**

The Common Council of the City of Burlington do ordain as follows:

I. Chapter 315 of the Municipal Code of the City of Burlington, Racine County, Wisconsin, Zoning, Section 315-42, HPO Historic Preservation Overlay District, subsection E, Limitation on structural or appearance changes, subsection (1), Certificate of appropriateness required, is hereby amended as follows:

315-42E(1) Certificate of appropriateness required. There shall be no alteration in the architectural appearance of any structure within an HPO District without the approval or conditional approval of plans for such alterations by the Common Council. In determining whether to grant approval or approve with conditions or reject the request for a certificate of appropriateness, the Common Council shall take into consideration the recommendation of the Historic Preservation Commission. The recommendation of the Historic Preservation Commission to the Common Council may be to grant approval, approve with conditions or reject the request for a certificate of appropriateness. For the purposes of this section, alterations shall include any exterior change (including painting), addition to, or demolition of any part or all of the exterior of a structure. The Common Council shall make its decision within 45 days of its receipt of the Historic Preservation Commission's recommendation regarding the application for a certificate of appropriateness. The recommendation by the Historic Preservation Commission for a Certificate of Appropriateness for signage; however, shall be forwarded to the Building Inspector for a final review and approval, with no Common Council approval being required. Persons who are granted a certificate of appropriateness by the Common Council are required to obtain all other permits required by this Municipal Code or by the State of Wisconsin, from the appropriate authority, for the proposed alteration.

II. Chapter 315 of the Municipal Code of the City of Burlington, Racine County, Wisconsin, Zoning, Article VII, Signs, Section 315-83, Administration of sign regulations in HPO District is hereby amended as follows:

No signage shall be placed within the HPO Historic Preservation Overlay District without review and recommendation by the Historic Preservation Commission to the Plan Commission and final approval by the Building Inspector as provided under §315-113 and §315-42E(1) of this chapter.

III. Chapter 315 of the Municipal Code of the City of Burlington, Racine County, Wisconsin, Zoning, Section 315-113, Powers, subsection B Regulation of construction, reconstruction, and exterior alteration, subsection (3) is hereby amended as follows:

(3) Whether, in the case of any property in an HPO Historic Preservation Overlay District designated pursuant to the criteria established in this chapter, the proposed construction,

reconstruction, or exterior alteration does not conform to the objectives and design criteria of the historic preservation plan for said HPO Historic Preservation Overlay District as duly adopted by the Plan Commission.

The Historic Preservation Commission shall forward its recommendation to the Common Council for a final determination regarding the Certificate of Appropriateness, except that a Certificate of Appropriateness for signage which shall be forwarded to the Building Inspector for final determination, as provided in §315-42E(1) of this chapter. In cases where the Plan Commission must review the application for another reason, ~~such as for a sign permit~~, the Historic Preservation Commission's recommendation shall be attached to the application when it proceeds to Plan Commission, and upon the Plan Commission's approval, the application shall be forwarded to the Common Council for consideration of the Certificate of Appropriateness.

**IV.** It is further ordained that the application of this ordinance shall be effective after its public hearing, passage and publication as required by law.

All other language as contained in Chapter 315 of the Municipal Code of the City of Burlington shall remain without change and in full force and effect.

Introduced:

Adopted:

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Robert Miller, Mayor

Attest:

---

Diahnn Halbach, City Clerk

STATE OF WISCONSIN

COUNTY OF RACINE

The Common Council in and for the City of Burlington

**NOTICE OF PUBLIC HEARING  
FOR AMENDING THE CODE OF THE CITY OF BURLINGTON**

To Whom It May Concern:

**NOTICE** is hereby given that the Common Council of the City of Burlington proposes to amend sections of Chapter 315 of the Municipal Code to allow the Historic Preservation Commission (HPC) to recommend Certificates of Appropriateness regarding Signage be forwarded to the Building Inspector for a final review and approval, with no Common Council approval being required.

Chapter 315 of the Municipal Code of the City of Burlington shall be amended as necessary to reflect these changes, with the remainder of Chapter 315 remaining without change and in full force and effect.

**NOTICE IS FURTHER GIVEN** that a Public Hearing on the above matter will be held by the Common Council in the Council Chambers at the Police Department, 224 East Jefferson St., Burlington on:

**TUESDAY, FEBRUARY 2, 2016 DURING THE MEETING OF THE COMMON COUNCIL SCHEDULED TO BEGIN AT 6:30 P.M. OR SHORTLY THEREAFTER**

to hear any persons objecting to, or in support thereof, on the above mentioned matter.

Dated at Burlington, Wisconsin, this 13<sup>th</sup> day of January 2016.

Diahnn Halbach, City Clerk

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## Chapter 315. Zoning

### Article III. Zoning Districts

#### § 315-42. HPO Historic Preservation Overlay District.

[Added 10-5-1999 by Ord. No. 1607(11)]

- A. District intent. The HPO Historic Preservation Overlay District is intended to:
- (1) Provide for the protection and preservation of those structures whose historic or architectural interests are valuable contributions to the character and charm of the City or areas of the City. Such structures and areas are hereby deemed to represent a community asset justifying the public regulation of such structures and areas to ensure their preservation.
  - (2) Protect the historic community character of such structures and districts whose historic or architectural interests are valuable contributions to the character and charm of the City or areas of the City.
  - (3) Effect and accomplish the protection, enhancement, and perpetuation of improvements and of districts that represent or reflect elements of the City's cultural, social, economic, political, and architectural history.
  - (4) Safeguard the City's historic and cultural heritage, as embodied and reflected in such historic structures and historic districts.
  - (5) Stabilize and improve property values.
  - (6) Foster civic pride in the beauty and noble accomplishments of the past.
  - (7) Protect and enhance the City's attractions to residents, tourists, and visitors for education, pleasure, and general welfare.
  - (8) Serve as a support and stimulus to business and industry.
  - (9) Strengthen the economy of the City.
- B. District standards. District standards shall conform to those required in the underlying basic zoning district. In addition, the design guidelines as set forth in the publication titled "Burlington Historic Downtown Main Street District: Design Quality - Standards Guidelines," as amended, published by the Burlington Historic Downtown Main Street District, shall be used by the Historic Preservation Commission, Plan Commission, and Common Council as HPO District design standards and guidelines.
- C. Recommendation of the Historic Preservation Commission. A copy of a petition for rezoning to an HPO District shall be submitted to the Historic Preservation Commission when the petition is filed with the City Clerk for review and comment. When considering a petition for rezoning for an HPO District, the Plan Commission and the Common Council, in making their respective recommendations and determinations, shall take into consideration the recommendation of the Historic Preservation Commission.
- D. Designation of historic sites and historic districts. The Plan Commission, upon referral to and the recommendation of the Historic Preservation Commission, may recommend to the Common Council the designation of historic structures, historic sites, and historic districts within the City. Such designation should, however, be based upon the criteria established in § 315-114 of this chapter. Appropriate records, including photographs and plans, shall be kept as part of the City's official zoning file.
- E. Limitation on structural or appearance changes. Structural changes shall be regulated in the following manner:
- (1) Certificate of appropriateness required. There shall be no alteration in the architectural appearance of any structure within an HPO District without the approval or conditional approval of plans for such alterations by the Common Council. In determining whether to grant approval or approve with conditions or reject the request for a certificate of appropriateness, the Common Council shall take into consideration the recommendation of the Historic Preservation Commission. The recommendation of the Historic Preservation Commission to the Common Council may be to grant approval, approve with conditions or reject the request for a certificate of appropriateness. For the purposes of this section, alterations shall include any exterior change (including painting), addition to, or demolition of any part or all of the exterior of a structure. The Common Council shall make its decision within 45 days of its receipt of the Historic Preservation Commission's recommendation regarding the application for a certificate of appropriateness. Persons who are granted a certificate of appropriateness by the Common Council are required to obtain all other permits required by this Municipal Code or by the State of Wisconsin, from the appropriate authority, for the proposed alteration.  
[Amended 2-20-2001 by Ord. No. 1650(54); 12-7-2004 by Ord. No. 1762(14)]
  - (2) Basis for approval. No alterations shall be permitted that would tend to destroy or seriously impair the particular character and quality of the HPO Historic Preservation Overlay District. No change or alteration (including painting) of an historic structure, historic site, or historic district shall be permitted which destroys, seriously impairs, or significantly alters its character in terms of its historical or architectural interest.
  - (3) Repairs, destruction and reconstruction.  
[Amended 12-7-2004 by Ord. No. 1762(14)]
    - (a) Notwithstanding the provisions of § 315-84, total lifetime structural repairs, restoration, or alterations of a preservation structure may exceed 50% of the City's equalized value of the structure if the Common Council determines, upon recommendation by the Historic Preservation Commission, that the structure will be repaired, restored, or altered in a way that maintains the character of the structure and the character of the HPO District without significant alteration or change in such character. No person in charge of an historic structure or improvement in an HPO Historic Preservation Overlay District shall be granted a permit to demolish such property without review and recommendations by the Historic Preservation Commission to the Common Council.

- (b) In the case of a two-story structure in the HPO District which has been destroyed, the Common Council may determine, upon recommendation by the Historic Preservation Commission, that the replacement structure may be constructed as a one-story structure but in a way that maintains the historic character of the destroyed two-story structure and the character of the HPO District streetscape facade without significant alteration or change in such character.
- (4) Placement of satellite antenna dishes. [Added 8-16-2005 by Ord. No. 1784(8)]
- (a) Definition. A "satellite antenna dish" is defined as:
    - [1] A dish antenna that is one meter (39.37 inches) or less in diameter and is designed to receive direct broadcast satellite service, including direct-to-home satellite service; or
    - [2] An antenna that is one meter or less in diameter or diagonal measurement and is designed to receive video programming services via MMDS (wireless cable). Such antennas may be mounted on masts to reach the height needed to establish line-of-sight contact with the transmitter; or
    - [3] An antenna that is designed to receive local television broadcast signals; or
    - [4] Other contemporary communications devices similar to the above, as may be defined by the Federal Communications Commission, and as the above descriptions may be amended by the Federal Communications Commission from time to time.
  - (b) Regulations. All satellite antenna dishes erected in the Historic Preservation Overlay District shall conform to the following regulations:
    - [1] Whenever a satellite antenna dish is affixed to a building, it must be installed to avoid damaging the structure. For example, when affixed to a masonry structure, it should be attached to mortar joints, not the brick or stone.
    - [2] No more than two satellite antenna dishes are allowed on a lot or per dwelling unit, whichever is greater.
    - [3] Satellite antenna dishes shall be no larger than one meter in diameter.
    - [4] Satellite antenna dishes shall not be visible from a public street unless no signal reception is possible or reception will be substantially degraded if located in an allowed location on the lot.
    - [5] Satellite antenna dishes mounted to a tower where the total height will exceed 12 feet (as measured from surrounding grade) require a building permit.
    - [6] No signage is to be placed on satellite antenna dishes or antenna structures.
    - [7] The following satellite antenna dish placement shall not require a review for a certificate of appropriateness:
      - [a] Satellite antenna dishes, as well as other contemporary communications devices, which are located unobtrusively within the HPO District. The placement of these devices will not require a review if they are located on or near a structure so that they are not visible from the street. Specifically, the antennas should be located at the rear of the primary building or attached to the rear of the primary building (either on the rear walls or the rear slopes of the roof).
    - [8] On the front of a building. If the only possible location for the placement of a satellite antenna dish is attachment to the front of a building, either attached to the wall of the building or on the front roof slope, then the proposed design and location of the antenna, as well as any proposed screening material, must be submitted to the HPC for review. The antenna should be placed so that it is screened from view from the street or compatibly incorporated into the facade design. These options are only available if there is no other location for placement of the satellite dish antenna and it would be considered a hardship situation.
    - [9] Mounting hardware, including but not limited to wiring and poles, shall not be visible from a public street.
- (5) Revocation and expiration of certificate of appropriateness. In any case where a certificate of appropriateness has been granted by the Common Council for alterations in the architectural appearance of any structure within an HPO District and has not been established within one year after the date of granting thereof, then without further action by the Historic Preservation Commission or Common Council, the certificate of appropriateness authorization shall be null and void unless upon the showing of valid cause by the applicant, the Common Council (upon recommendation of the Historic Preservation Commission) may grant an extension of such certificate of appropriateness for a period not to exceed one year.  
[Added 9-20-2011 by Ord. No. 1931(8)]
- F. Permitted, accessory, and conditional uses. As per underlying basic zoning district classification.

## Chapter 315. Zoning

### Article VII. Signs

#### § 315-83. Administration of sign regulations in HPO District.

[Added 10-5-1999 by Ord. No. 1607(11)]

No signage shall be placed within the HPO Historic Preservation Overlay District without review and recommendation by the Historic Preservation Commission to the Plan Commission as provided under § **315-113** of this chapter.

## Chapter 315. Zoning

### Article XI. Historic Preservation Commission

#### § 315-113. Powers.

The Historic Preservation Commission shall have the following powers:

- A. Designation. The Historic Preservation Commission shall have the power to recommend the designation of historic structures, historic sites, and HPO Historic Preservation Overlay Districts within the City to the Plan Commission based upon criteria established in § 315-114 of this chapter.
- B. Regulation of construction, reconstruction, and exterior alteration. No owner or person in charge of an historic structure, historic site, or structure within an HPO Historic Preservation Overlay District shall reconstruct or alter all or any part of the exterior of such property, construct any improvement upon such designated property, or cause or permit any such work to be performed upon such property (including the placement of signage) unless a certificate of appropriateness has been granted by the Common Council upon recommendation by the Historic Preservation Commission. Applications for a certificate of appropriateness shall be filed with the Historic Preservation Commission. Within 60 days of submission of the application, the Historic Preservation Commission shall make a recommendation to grant approval, approve with conditions, or reject the request for a certificate of appropriateness, or table the application for a stated reason based upon the following determinations:  
[Amended 12-7-2004 by Ord. No. 1762(14)]
  - (1) Whether, in the case of a designated historic structure or historic site, the proposed work would detrimentally change, destroy, or adversely affect any exterior architectural feature of the improvement upon which said work is to be done;
  - (2) Whether, in the case of the construction of a new improvement upon an historic site, the exterior of such improvement would adversely affect or not harmonize with the external appearance of other neighboring improvements on such site; and
  - (3) Whether, in the case of any property in an HPO Historic Preservation Overlay District designated pursuant to the criteria established in this chapter, the proposed construction, reconstruction, or exterior alteration does not conform to the objectives and design criteria of the historic preservation plan for said HPO Historic Preservation Overlay District as duly adopted by the Plan Commission.  
The Historic Preservation Commission shall forward its recommendation to the Common Council for a final determination regarding the certificate of appropriateness. In cases where the Plan Commission must review the application for another reason, such as for a sign permit, the Historic Preservation Commission's recommendation shall be attached to the application when it proceeds to Plan Commission, and upon the Plan Commission's approval, the application shall be forwarded to the Common Council for consideration of the certificate of appropriateness.
- C. Regulation of demolition. No person in charge of an historic structure or an improvement in an HPO Historic Preservation Overlay District shall be granted a permit to demolish such property unless a certificate of appropriateness has been granted by the Common Council pursuant to a review and recommendation from the Historic Preservation Commission.  
[Amended 12-7-2004 by Ord. No. 1762(14)]
- D. Recognition of historic structures and historic sites. Whenever an historic structure or historic site has been properly designated according to this chapter, the Historic Preservation Commission may cause to be prepared and erected on such property, at City expense, a suitable plaque declaring that such property is an historic structure or historic site. Such plaque shall be so placed to be easily visible to passing pedestrians. For an historic structure, the plaque shall state the accepted name of the historic structure, the date of its construction, and other information deemed proper by the Historic Preservation Commission. For an historic site that is not the site of an historic structure, such plaque shall state the common name of the site and such other information deemed appropriate by the Historic Preservation Commission.
- E. Sale of historic sites. Any party who is listed as the owner of record of an historic structure or historic site at the time of its designation who can show to the Historic Preservation Commission that by virtue of such designation he is unable to find a buyer willing to preserve such historic site, although he has made reasonable attempts in good faith to find and attract such a buyer, may petition the Historic Preservation Commission to recommend to the Plan Commission a Common Council rescission of its designation. Following the filing of such petition with the Secretary of the Historic Preservation Commission:
  - (1) The owner and the Historic Preservation Commission shall work together in good faith to locate a buyer for the subject property who is willing to abide by its designation.
  - (2) If, at the end of a period not exceeding six months from the date of such petition, no such buyer can be found, and if the owner still desires to obtain such rescission, the Historic Preservation Commission shall recommend to the Plan Commission to recommend to the Common Council to rescind its designation of the subject property.
  - (3) In the event of such rescission, the Historic Preservation Commission shall notify the City Clerk, the Building Inspector, and the City Assessor of the same and shall cause the same to be recorded, at the City's expense, in the office of the Racine or Walworth (as applicable) County Register of Deeds.
  - (4) Following any such rescission, the Historic Preservation Commission may not recommend to redesignate the subject property an historic structure or historic site for not less than five years following the date of rescission.
- F. Other duties of the Historic Preservation Commission. In addition to those duties already specified in this section, the Historic Preservation Commission shall:
  - (1) Actively work for the passage of enabling legislation that would permit the granting of full or partial tax exemptions to properties it has designated under the provisions of this section to encourage historic structure owners to assist in carrying out the provisions of this chapter.
  - (2) Cooperate with the State of Wisconsin Historic Preservation Officer and the State Historic Preservation Review Board in attempting to include such

properties designated as historic structures, historic sites, or historic districts on the National Register of Historic Places.

- (3) Work for the continuing education of the citizens about the historic heritage of the City of Burlington, its historic structures, and its historic sites.
- (4) As it deems advisable, receive and solicit funds for historic structure preservation in the City. Such funds shall be placed in a special City account for such purposes.
- (5) Make recommendations to the City's Zoning Board of Appeals on all appeals and applications to the Zoning Board of Appeals regarding errors, variances, and interpretations relating to the HPO Historic Preservation Overlay District. Said recommendation to the Zoning Board of Appeals shall be made by the Historic Preservation Commission within 30 days of such request.