

Sec. 78-517. - Downtown design overlay district.

- (1) *Purpose.* This district is intended to preserve and enhance the historical and aesthetic qualities of the downtown, and retain a consistent and visually pleasing image for the downtown area.
- (2) *Boundaries.* This district has the same boundaries as the Main Street Historic District as listed on the National Register of Historic Places, as depicted on the official zoning map.
- (3) *Definitions.* In this section, the following terms have the following meanings:
 - (a) “Maintenance” means work involving maintaining the existing, exterior appearance of a building or structure (such as repainting, re-roofing, residing or replacing with the same colors, finishes, and materials).
 - (b) “Renovation” means work involving a change in the appearance of a building or structure (such as painting, roofing, siding, architectural component substitution, fencing, paving, or signage with different colors, finishes, or materials).
 - (c) “Structural Project” means work involving modification to the physical configuration of an existing building or structure (such as grading, the erection of a new building or structure, or the addition or removal of bulk to an existing building or structure).
 - (d) “Demolition” means the razing or destruction, entirely or in significant part, of a building or structure, and includes the removal or destruction of any façade of a building or structure.
 - (e) “Design Guidelines” means the guidelines set forth in the booklet entitled *Historic Downtown Stoughton Design Guidelines – A Guide to Renovation and Rehabilitation of Commercial Buildings on Main Street*, prepared by Lynch & Company, Ltd., Waukesha, June 1993, and on file with the Stoughton City Clerk.
 - (f) “Development Agreement” means an agreement that requires an owner to construct a new building or structure that is replacing an existing building or structure in the district, within a reasonable time.
- (4) *Application of Regulations.*
 - (a) Except as expressly provided otherwise in this Section, the regulations of this section apply to all maintenance, renovation, structural projects and demolition within the district.

- (b) This section does not apply to any building or improvement designated as a landmark or located within a historic district established pursuant to Chapter 38 of this Code.
 - (c) This section does not apply to the demolition of a building or structure that has been ordered to be razed by a court of competent jurisdiction pursuant to Wis. Stat. § 66.0413(2).
 - (d) This section does apply to the demolition of a building or structure ordered razed by the building inspector pursuant to Wis. Stat. § 66.0413(1), and neither the owner, the city nor any city official may demolish a building pursuant to Wis. Stat. § 66.0413 without first obtaining approval pursuant to this section.
- (5) *Procedural Requirements and Standards for Approval.*
- (a) Maintenance. Maintenance shall be subject to approval by the Zoning Administrator. The Zoning Administrator shall approve a maintenance application upon verifying that the proposed work consists only of maintenance.
 - (b) Renovation. Renovation shall be subject to approval by the Plan Commission. The Plan Commission shall approve an application for renovation if the applicant demonstrates that the renovation will conform with the Design Guidelines. Applications for approval of renovation shall be made to the Zoning Administrator, and shall be accompanied by all of the following:
 1. The building permit application if such an application is required.
 2. A clear depiction of the existing appearance of the property. Clear color photographs are recommended for this purpose. Scaled and dimensioned drawings of existing components such as windows, doors, railings, fencing or other site components, and/or detailed building elevations which are proposed for alteration or replacement may be required by the City;
 3. A clear depiction of the proposed appearance of the property. Paint charts, promotional brochures, and/or clear color photographs of replacement architectural components are recommended for this purpose. Scaled and dimensioned drawings of proposed components such as windows, doors, railings, fencing or other site components, and/or detailed building elevations which are proposed for alteration or replacement may be required by the City;
 4. A written description of the proposed modification, including a complete listing of proposed components, materials, and colors.

5. Written explanation regarding how the proposed alteration will conform to the Design Guidelines.

(c) Structural Projects. Structural Project applications shall be subject to approval by the Plan Commission. Before acting on an application for a Structural Project, the Plan Commission shall conduct a public hearing on the application, which hearing shall be preceded by publication of a Class 2 Notice. The Plan Commission shall approve an application if the applicant demonstrates that the Structural Project will conform to the Design Guidelines. Applications for approval of Structural Projects shall be made to the Zoning Administrator, and shall be accompanied by all of the following:

1. A building permit application.
2. A clear depiction of the existing appearance of the property. Clear color photographs are recommended for this purpose. Scaled and dimensioned drawings of existing components such as windows, doors, railings, fencing or other site components, and/or detailed building elevations which are proposed for alteration or replacement may be required by the City.
3. A clear depiction of the proposed appearance of the property. Paint charts, promotional brochures, and/or clear color photographs of replacement architectural components are recommended for this purpose. Scaled and dimensioned drawings of proposed components such as windows, doors, railings, fencing or other site components, and/or detailed building elevations which are proposed for alteration or replacement may be required by the City.
4. For all projects involving a new building, or an addition to an existing building, a detailed site plan which provides the following information:
 - a. A title block indicating name and address of the current property owner, developer and project consultants;
 - b. The date of the original plan and the latest date of revision to the plan;
 - c. A north arrow and a graphic scale. Said scale shall not be smaller than one inch equals 100 feet;
 - d. All property lines and existing and proposed right-of-way lines with bearings and dimensions clearly labeled;
 - e. All existing and proposed easement lines and dimensions with a key provided and explained on the margins of the plan as to ownership and purpose;

- f. All existing and proposed buildings, structures, and paved areas, including walks, drives, decks, patios, fences, utility poles, drainage facilities, and walls;
 - g. All required building setback lines;
 - h. A legal description of the subject property;
 - i. The location, type and size of all signage on the site;
 - j. The location, type and orientation of all exterior lighting on the subject property;
 - k. The location of all access points, parking and loading areas on the subject property, including a summary of the number of parking stalls and labels indicating the dimension of such areas;
 - l. The location of all outdoor storage areas;
 - m. The location and type of any permanently protected green space areas;
 - n. The location of existing and proposed drainage facilities;
 - o. In the legend, the following data for the subject property:
 - Lot area;
 - Floor area;
 - Floor area ratio;
 - Impervious surface area;
 - Impervious surface ratio; and
 - Building height.
5. A detailed landscaping plan of the subject property, at the same scale as the main plan, showing the location, species and size of all proposed plant materials.
 6. A written description of the proposed project, including a complete listing of proposed components, materials, and colors.
 7. Written explanation regarding how the proposed alteration will conform to the Design Guidelines.

(6) *Demolition.*

- (a) Demolition is subject to approval by the Common Council. Before the Common Council may act on a demolition application, the application shall be submitted to the Landmarks Commission and the Plan Commission for review and recommendation to the Common Council. If either the Landmarks Commission, the Plan Commission or both have not made their recommendation to the Common Council within 90 days after the application has been submitted to the Landmarks Commission and Plan Commission, the Common Council may act on the application without such recommendation or recommendations.
- (b) Demolition shall not be approved unless the applicant demonstrates any of the following:
 - 1. (i) Notwithstanding the condition of the building or structure, there is no economically viable use of the building or structure, and (ii) a permit for construction of a new building or structure on the site has been approved and issued, and (iii) the owner has entered into a Development Agreement with the City; or
 - 2. (i) The building or structure is not in good repair; (ii) the cost of repairing the building or structure would exceed 85% of the assessed value of the building or structure, and (iii) a permit for construction of a new building or structure on the site has been approved and issued prior to or simultaneously, and (iv) the owner has entered into a Development Agreement with the City; or
 - 3. The building or structure, through no fault of an owner, is detrimental to, or does not contribute to, the architectural or aesthetic character of the district. Where a building or structure has been allowed to deteriorate in a manner that failed to comply with City property maintenance ordinances, such deterioration is the fault of the owner.
 - 4. A denial of the permit will result in a taking of the of the owner's property without just compensation in violation of the Constitution of the State of Wisconsin or the Constitution of the United States of America.