

Historic Preservation Ordinance Frequently Asked Questions (FAQ's)

Disclaimer: This information attempts to summarize the various provisions affecting historic preservation within the City of Fitchburg. It does not replace the Historic Preservation Ordinance or other City ordinances, nor does it replace the Commission's approved procedures.

While an attempt has been made to ensure that this document correctly summarizes the various provisions of the Ordinances, it should not be relied upon for legal determinations.

What properties are eligible for designation as local historic structures or sites?

A historic structure or historic site designation may be placed on any site, natural or improved, including any building, improvements or structure located thereon, or any area of particular historic, architectural, cultural, archaeological, or geographical significant to the city such as historic structures or sites that:

1. Exemplify or reflect the broad cultural, political, economic, geographical, prehistory, or social history of the nation, state or community;
2. Area identified with historical personages or with important events in the national, state or local history;
3. Embody the distinguishing characteristics or an architectural type of specimen, inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship; or
4. Are representative of the notable work of a master builder, designer or architect whose individual genius influenced an age.

How are structures and sites designated?

Anyone may petition the City of Fitchburg Landmarks Preservation Commission to consider the designation of a building or property. After receipt of a designation request, the Commission will review to determine whether the property might satisfy one or more of the criteria described in the ordinance for designation.

The Commission may, after notice and public hearing, establish historic structures and sites after review of the designation criteria.

If after the preliminary review of a property the Commission concludes that the property may satisfy at least one criteria of significance, the Commission shall schedule a public hearing on the designation of the property in compliance with the provisions of the Ordinance. Within ten days after the close of the public hearing, the Commission may designate the property as either a historic structure or a historic site.

After designation has been made, notification shall be sent to the property owner or owners. Notification shall also be given to the city clerk, the parks and recreation department, zoning and planning department, assessing department, building inspection department, fire department, police department and the plan commission. Designation of a property shall also be recorded in the office of the Dane County Register of Deeds.

What approvals are needed to make changes to a historic site or structure?

No person in charge of a historic site or structure shall undertake alteration, construction, removal or demolition on a designated property until it has been granted a certificate of appropriateness by the Landmarks Preservation Commission.

Alteration means any act or process that changes one or more of the exterior features of a structure or site including, but not limited to, the erection, construction, reconstruction, or removal of any structure or site.

Construction means the act of adding an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.

Removal means any relocation of a structure on its site or to another site.

Demolition means any act or process that destroys in part or in whole a historic site or structure.

The Commission then reviews the request and shall determine:

1. Whether, in case of a designated historic site or structure, the proposed work would detrimentally change, destroy or adversely affect the significance of the site based on the analysis of the site made at the time of its designation;
2. Whether, in the case of a designated historic structure, 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;
3. Whether, in the case of the construction of a new improvement upon a historic site, the new improvement would adversely affect the physical appearance of the site, or not harmonize with the external appearance of existing improvements on the site; and
4. Whether the proposed alteration, construction, or removal does not conform to the guidelines for development or preservation objectives outlined in the analysis made at the time of designation.

The Commission will then review the request based on standards listed in the ordinance and determine whether to grant the request within 30 days of an application.

Can designated historic properties be demolished?

No historic site or structure shall be demolished until approval has been granted by the Landmarks Preservation Commission and a certificate of appropriateness has been issued.

An owner or operator wishing to demolish a locally designated landmark shall file an application for demolition permit. The Commission shall consider the following standards when determining whether to grant approval of a demolition permit:

1. Whether the building or structure is of such architectural or historic 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;
2. Whether demolition of the subject property would be contrary to the purpose and intent of the City's Historic Preservation Ordinance and the objectives outlined in the analysis made at the time of designation;
3. Whether the building or structure is of such old and unusual or uncommon design, texture and/or material that it could not be reproduced or be reproduced only with great difficulty and/or expense;
4. Whether retention of the structure or site would promote the general welfare of the people of the city and the state by encouraging the study of American history, architecture and design or by developing an understanding of the American culture and heritage;
5. Whether the structure or site is in such a deteriorated condition that it is not structurally or economically feasible to preserve or restore it, provided that any hardship or difficulty claimed by the owner is not self-created or the result of any failure to maintain the property in good repair.