

Demolition delay ordinance for historic structures

Section 1. Title, intent, and purpose

1.1 Title. This ordinance shall be known and may be cited as the "Demolition Delay Ordinance of the City of La Crosse, Wisconsin."

1.2 Intent. The intent of this ordinance is to provide the City of La Crosse and its citizens a reasonable period to consider alternatives to demolition for historically significant buildings and structures, allowing time for options such as relocation, rehabilitation, or purchase by an interested party.

1.3 Purpose. The purpose of this ordinance is to:

- Protect and preserve structures and buildings within the City of La Crosse that are 50 years of age or older, possess architectural or historical significance, and contribute to the city's unique cultural heritage.
- Protect, enhance, and perpetuate historically significant properties that reflect the City's cultural, social, and architectural history.
- Safeguard the city's historic and cultural heritage.
- Stabilize and improve property values.
- Foster civic pride and strengthen the local economy.
- Ensure that demolition is a last resort for historically significant buildings.

1.4 This ordinance is intended to supplement and not replace existing state and local regulations, including the City of La Crosse's existing historic preservation ordinances for designated landmarks and districts.

SECTION 2. DEFINITIONS

2.1 "Historic Structure": Any building or structure, or part thereof, located within the City of La Crosse that is 50 years of age or older and is at least 500 square feet in size.

2.2 "Historically significant properties": Buildings, sites, districts, and objects deemed nationally important in American history and culture, or which meet criteria for inclusion in the National Register of Historic Places. These properties must retain their historical integrity, often be at least 50 years old, and demonstrate significance through criteria related to history, architecture, archaeology, engineering, or culture.

2.3 "Demolition": The razing, dismantling, or removal of a historic structure, or a portion thereof, that would result in the loss of its historic integrity.

2.4 "Commission": The City of La Crosse Historic Preservation Commission.

2.5 "Building Inspector": The Chief Building Inspector or authorized designee of the City of La Crosse.

SECTION 3. APPLICABILITY

3.1 This ordinance applies to all historic structures within the City of La Crosse, whether or not they are locally designated as historic landmarks or located within a historic district.

3.2 The Building Inspector, upon receiving a demolition permit application, is responsible for determining the age of the structure and referring all qualifying applications to the Commission.

3.3 This ordinance does not apply to structures ordered for emergency demolition due to an immediate and significant threat to public health and safety, as determined by the Building Inspector and/or Fire Chief.

SECTION 4. DEMOLITION PERMIT APPLICATION AND REVIEW

4.1 Application Requirements. Any person, partnership, or corporation seeking to demolish a historic structure must file an application for a demolition permit with the Building Inspector.

The application must include:

- Name and address of the applicant, property owner, and contractor.
- Location and identification of the property and structure.
- Age, type, and square footage of the structure.
- Reason for demolition.
- Photographs of all sides (elevations) of the structure.
- A brief statement explaining why alternatives to demolition are not feasible.
- Future plans for the site following demolition.
- Names and addresses of all property owners abutting the property.

4.2 Application Review and Referral. Upon receiving a complete application, the Building Inspector shall:

- Refer the application to the Commission within 14 business days.
- Post a public notice sign on the property for at least 30 consecutive days. The sign shall be at least 36" x 48" and visible from the nearest public street.
- Cause notice of the application to be published in a newspaper of substantial circulation in the city within 7 business days.
- Mail notice of the application to the Commission and all abutting property owners within 7 business days.

4.3 Commission Review and Action.

- **Public Hearing:** The Commission shall hold a public hearing to consider the demolition application. All parties may present testimony and evidence.

- **Commission Determination:** The Commission shall determine if the historic structure is "preferably preserved." In making this determination, the Commission shall consider:
 - The structure's architectural, cultural, and historical significance.
 - The condition of the structure and the feasibility of repair or restoration.
 - The impact of demolition on the character of the neighborhood.
 - The reasonableness of alternatives to demolition, such as adaptive reuse or moving the structure.
- **Demolition Delay:** If the Commission determines that the structure is preferably preserved, it shall issue a demolition delay of up to 120 days. The delay period begins upon the filing of the complete application.

SECTION 5. PROCEEDINGS DURING DEMOLITION DELAY

5.1 During the delay period, the Commission will work with the property owner to explore alternatives to demolition. This may include:

- Listing the property for sale with a preservation-friendly covenant.
- Seeking alternative funding for rehabilitation.
- Incorporating the structure into the owner's redevelopment plans.
- Investigating the feasibility of relocating the structure.

5.2 The Commission may waive or terminate the delay period if it determines that a good faith effort to pursue alternatives has failed.

SECTION 6. DEMOLITION PERMIT ISSUANCE

6.1 Following the delay period or a waiver from the Commission, the Building Inspector may issue the demolition permit, provided all other city ordinances have been met.

6.2 A demolition permit issued for a historic structure is valid for 6 months. If demolition does not occur within this time, the permit expires, and the process must be reinitiated.

SECTION 7. VIOLATIONS AND PENALTIES

7.1 Any demolition of a historic structure without a valid permit is a violation of this ordinance.

7.2 Violations may result in penalties, including fines equal to the greater of \$1,000 or the assessed value of the demolished property, along with other applicable legal penalties.

In making its determination on whether a structure is "preferably preserved," the La Crosse Historic Preservation Commission would consider a combination of local, state, and national criteria regarding a property's historic significance, architectural characteristics, and contribution to the community.

Here are the specific criteria the commission would likely consider:

Architectural and design significance

- **Distinctive architectural style:** The structure embodies the characteristics of an architectural style or represents a particular period, method of construction, or trend in local history. This could include details like masonry, roof form, windows, or ornamentation.
- **Master builder or high artistic value:** The property is the work of a prominent architect, builder, or craftsman and possesses a high level of artistic quality.
- **Intact historic integrity:** The building has retained its original materials, workmanship, design, and other character-defining features, conveying a strong sense of time and place.

Historical and cultural significance

- **Association with important events:** The property is directly associated with one or more historic events that have made a significant contribution to the history of La Crosse, Wisconsin, or the nation.
- **Association with important people:** The structure is identified with the life of a historic personage who was important to the community or the state.
- **Reflection of broader history:** It exemplifies or reflects the broad cultural, political, economic, or social history of the area.

Contextual and community significance

- **Contribution to a historic district:** Even if not individually significant, the building contributes to the historic character of a historic district and its streetscape.
- **Rarity:** The property is one of the last remaining examples of its type or architectural style in the neighborhood or city.
- **Impact on the neighborhood:** The demolition would be detrimental to the overall architectural, historical, and aesthetic character of the surrounding area.

Feasibility of preservation

- **Physical condition:** The commission will consider the condition of the structure and the feasibility of repair or restoration, rather than demolition.
- **Economic factors:** While not a sole determinant, the commission may consider the economic feasibility of rehabilitating the property versus demolition.

The commission's overall goal is to identify and preserve structures that represent and reflect the city's heritage, not simply to save every building that is old.

Other factors that can influence the Historic Preservation Commission's decision include the owner's financial situation, the property's potential for demolition by neglect, environmental sustainability considerations, and broader community revitalization efforts.

Financial hardship

- **Demonstration of hardship:** A property owner may claim that preservation is not financially feasible. The burden of proof is on the owner to demonstrate genuine economic hardship. The commission will require and review financial information, such as:
 - Cost and expenditures for repairs.
 - Assessed property value and taxes.
 - Vacancy rates (for income-producing properties).
 - Financing information.
 - Listing prices and offers received if the property has been for sale or rent.
- **Cause of hardship:** The commission will investigate the cause of the financial hardship. A poor business decision is not a valid reason for demolition. If the owner has allowed the property to deteriorate intentionally, this would be considered "demolition by neglect" and not grounds for an economic hardship claim.

Demolition by neglect

- **Intentional deterioration:** The commission can deny a demolition permit if they believe the owner has purposely neglected the property to argue for its demolition. This is a tactic sometimes used to bypass preservation regulations. The ordinance provides enforcement procedures for dealing with neglected properties.
- **Penalties:** If a property owner is found to have intentionally neglected a building, they may face fines or other penalties. The commission can also recommend that the city take further action, such as pursuing property acquisition.

Alternatives to demolition

- **Adaptive reuse:** The commission will consider if there are feasible alternatives to demolition, such as repurposing the building for a new use. Adaptive reuse can preserve the structure's historical character while allowing it to serve a new purpose, such as converting a historic warehouse into apartments or a historic house into offices.

- **Relocation:** Another alternative is relocating the structure to a different site. While sometimes impractical, this option can save a historic building from being razed and allow for the original site to be redeveloped.
- **Selective demolition and salvage:** Even if a full demolition is unavoidable, the commission may encourage selective demolition to preserve key features. Deconstruction can allow for the salvage and reuse of historic materials, which reduces landfill waste and preserves historical building components.

Environmental and economic impact

- **Sustainable development:** The commission may consider the environmental impact of demolition versus rehabilitation. Renovation and reuse of historic buildings are recognized as a sustainable practice that reduces a building's carbon footprint compared to new construction.
- **Economic revitalization:** The commission can consider the economic benefits of preservation for the community. Historic preservation can boost property values, attract tourism, and contribute to downtown and neighborhood revitalization efforts.