

Chapter 26 HISTORIC PRESERVATION*

***Cross references:** Buildings and building regulations, ch. 14; utilities, ch. 62; zoning, ch. 66.

- Sec. 26-1. Intent.
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Sec. 26-1. Intent.

- (a) The intent of this chapter is to enhance and protect the historic structures, sites and districts of the village which represent or reflect elements of the village's cultural, social, economical, political and architectural history.
- (b) The requirements of this chapter will strengthen the appeal of the village to residents and visitors, enhance property values and safeguard the village's historical and cultural heritage, all of which are in the public interest.

(Ord. No. 3, § I)

State law references: Continuation of historic preservation ordinances generally, Wis. Stats. § 44.34(11).

Sec. 26-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Certificate of appropriateness means 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 means the historic preservation commission created by this chapter.

Historic district means an area designated by the village board on the recommendation of the commission that contains two or more historic improvements or sites, as well as those abutting improvement parcels which the commission determines should fall under the provisions of this chapter to ensure that their appearance and development is harmonious with such historic structures or historic sites.

Historic site means any parcel of land of historic significance due to a 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, used as and constituting part of the premises on which the historic structure is situated.

Historic structure means any improvement which has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of the village, county, state or nation. In keeping with the age criterion of the state historical society, any structure 50 years of age or older may be evaluated for designation by the commission as a historic structure.

Improvement means 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.

Plan commission is as provided in chapter 66 of this Code.

(Ord. No. 3, § II)

Cross references: Definitions generally, § 1-2.

Sec. 26-3. Historic preservation commission created.

A historic preservation commission is created, consisting of five members serving without compensation. All members of the historic preservation commission should have a special interest in the preservation of village and county history. All members of the commission shall be appointed by the village president subject to confirmation by the board. Of the five members, one may be from outside the village, if that person has a related expertise that cannot be found in the village, but must be a permanent resident of the county and have a vested interest in the village. It is suggested that the commission should consist of an architect, a historian, a real estate broker and either a village trustee or a member of the plan commission. The commission shall be viewed as a regular standing committee of the village, with the chairperson appointed by the village president with confirmation by the board. Terms are to be staggered. The original commission should have the chair and one member for a three-year term, two members for a two-year term and one member for a one-year term. If a vacancy exists, new members will be appointed to finish the term of the outgoing member. Terms are renewable for an indefinite period.

(Ord. No. 3, § III)

Sec. 26-4. Historic structures, historic sites and historic district designation criteria.

- (a) For the 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 village such as historic structures, sites or districts which:
- (1) Exemplify or reflect broad cultural, political, economic or social history of the nation, state or community;
 - (2) Are identified with historic personages or with important events in national, state or local history;
 - (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;
 - (4) Are representative of notable work of a master builder, designer or architect who influenced an era; 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.
- (Ord. No. 3, § IV)

Sec. 26-5. Powers and duties of commission.

- (a) *Designation.* The commission shall have the power, subject to section 26-6, to designate historic structures and historic sites and to recommend designation of historic districts within the village limits. Such designations shall be made based on section 26-6. Historic districts shall be approved by the village board. Once designated, such historic structures, historic sites and historic 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 or 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 properties 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. Also, unless such certificate has been granted by the commission, a building permit shall not be issued.
 - (2) Upon filling 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 such 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 such district;
 - d. 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 village, county and 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 45 days of the filling of the application unless special circumstances warrant longer review. In the case of special circumstances, the commission will notify the applicant and any appropriate village committee within the initial 45-day period, setting forth its reasons for a longer review period and stating the timeframe within which it will make its recommendation.
 - (4) The issuance of a certificate of appropriateness shall not relieve the applicant from obtaining other permits and approvals required by the village. A building permit and other permits shall be invalid if obtained without the presentation of the certificate of appropriateness required for the proposed work. The plan commission shall consider, independently of any proceedings in certification by the historic preservation commission, applications for permits and approvals required by the village, and shall not be bound by any determination by the historic preservation commission, nor shall there be a presumption in favor of approval or denial of required permits and approvals based on any action by the historic preservation commission.
 - (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 board of appeals within 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 a 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 village expense, a suitable plaque declaring that such property is a historic structure, site or district.

(Ord. No. 3, § V)

Sec. 26-6. Procedures.

- (a) *Designation of historic structures and historic sites.*
 - (1) *Generally.* The commission may, after notice and public hearing, designate historic structures and historic sites or rescind such designation or

recommendations after application of the criteria in section 26-4. At least ten days prior to such hearing, the commission shall notify the owners of record, as listed in the office of the village administrator, of property in whole or in part situated within 200 feet of the boundaries of the property affected.

- (2) *Public hearing.* 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 ten days after the close of the public hearing, the commission may designate the property as either a historic structure, a historic site or rescind the designation. After the designation or rescission has been made, notification shall be sent to the property owners. Notification shall also be given to the village administrator, clerk-treasurer, president and board and the plan commission. The commission shall cause the designation or rescission to be recorded, at village expense, in the county register of deeds office.
- (3) *Appeal of a commission designation.* If the owner of a designated historic structure or historic site disagrees with the commission's designation, the owner may appeal such designation to the zoning board of appeals. The zoning board shall use the same criteria as the designation of a historic district as noted in subsection (b) of this section. The appeal shall be made within 30 days of the commission's designation.

(b) *Creation of a historic district.*

- (1) *Generally.* For preservation purposes, the historic preservation commission shall select geographically defined areas within the village 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 village, after application of criteria in section 26-4. 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, specific guidelines for development and a statement of preservation objectives.
- (2) *Review and adoption procedure.*
 - a. 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 village administrator to the board and the owners of record, as listed in the administrator's office, who are owners of the property within the proposed historic district or are situated in whole or in part within 200 feet of the boundaries of the proposed historic district. Such notice is to be sent at least ten 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 board, 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 such plan.

(Ord. No. 3, § VI)

Sec. 26-7. Interim control.

No building permit shall be issued for the 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 board unless such alteration, removal or demolition is authorized by formal resolution by the board as necessary for public health, welfare or safety. In no event shall the delay be for more than 180 days.

(Ord. No. 3, § VII)

Sec. 26-8. Penalties for violations.

Any person violating any provision of this chapter shall be subject to section 1-12 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 village administrator.

(Ord. No. 3, § VIII)