

CHAPTER XIX

HISTORIC PRESERVATION

19.01	Purpose and Intent
19.02	Definitions
19.03	Powers & Duties
19.04	Penalties for Violations

19.01 PURPOSE AND INTENT. It is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of improvements or sites of special character or special architectural or historic interest or value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the residents of the Village. It is the intent of this ordinance to safeguard the Village's historic heritage, as embodied and reflected in historic structures and sites.

19.02 DEFINITIONS. For the purpose of this ordinance:

(1) "Certificate of Appropriateness" means that a certificate issued by the Village Board approving the alteration, rehabilitation, construction, reconstruction or demolition of a historic structure or site.

(2) "Historic Site" means any parcel of land that is listed on the National Register of Historic Places in Wisconsin or the State Register of Historic Places in Wisconsin.

(3) "Historic Structure" means any improvement listed on the National Register of Historic Places in Wisconsin or the State Register of Historic Places in Wisconsin

(4) "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 of real property, including streets, allies, sidewalks, curbs, lighting fixtures, signs and the like.

19.03 POWERS AND DUTIES.

(1) Regulation of Construction, Reconstruction, Alteration and Demolition. No owner or person in charge of a historic structure or site shall reconstruct, alter or demolish all or any part of the exterior of such property or construct any improvement upon such designated property 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 Village Board. Unless such Certificate has been granted by the Village Board, the Building Inspector shall not issue a permit for any such work.

(2) Certificate of Appropriateness. Upon filing of any application for a Certificate of Appropriateness with the Village Clerk, the Village Board shall approve the application unless:

(a) in the case of a designated historic structure or site, the proposed work would detrimentally change, destroy or adversely affect any exterior architectural feature of the improvement or site upon which said work is to be done;

(b) in the case of the construction of a new improvement upon a historic site, the exterior of such improvement would adversely affect or not harmonize with the external appearance of any neighboring improvements on such site;

(c) the structure is of such architectural or historical significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the Village.

(d) the structure is of such old and unusual or uncommon design, texture, and/or material that it could not be reproduced without great difficulty and/or expense: or

(e) in the case of a request for the demolition of a deteriorated building or structure, 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, provided, however, that the village Board shall approve the application if, in case of a request for a demolition permit, the denial of the permit would result in the loss of all reasonable and beneficial use or return from the property.

(3) Standards for Certificate of Appropriateness. In determining whether to issue a Certificate of Appropriateness, the Village Board shall consider the following standards.

(a) a property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment;

(b) the historic character of a property shall be retained and preserved;

(c) each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historic development, such as adding conjectural features or architectural elements from other buildings shall not be undertaken;

(d) distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved;

(e) deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.

(f) chemical or physical treatments, such as sandblasting, that cause damage to historic materials should be avoided. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means practicable; new additions, exterior alterations, or related new means construction shall not destroy historic materials that characterize the property. The new works shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

(4) Hardship. The Village Board may issue a Certificate of Appropriateness if it determines that the denial of said Certificate shall cause undue hardship on the owner.

(5) Issuance of Certificate. If the Village Board determines that the application for a Certificate of Appropriateness and the proposed changes are consistent with the character and

features of the property and with the above guidelines, it shall issue the Certificate of Appropriateness. Upon the issuance of such Certificate, the building permit shall then be issued by the Building Inspector. The Village Board shall make this decision within 45 days of the filing of the application. 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 or other municipal permit shall be invalid if it is obtained without the presentation of the Certificate of Appropriateness required for the proposed work. Work shall be started within 12 months after the issuance of the Certificate and the work shall conform to the provisions of the Certificate. The Village may inspect the work during and after construction in order to assure compliance.

(6) Ordinary Maintenance/Repairs. 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.

19.04 PENALTIES FOR VIOLATIONS. Any person or persons violating any provision of this ordinance shall be fined not less than \$200.00 nor more than \$1,000.00 for each violation, and shall pay the costs of prosecution, including reasonable attorneys' fees. 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 Building Inspector. If any provision of this Ordinance is held invalid, the remainder of the Ordinance and the application of such remaining provision shall not be affected.