

Chapter 3

Historic Preservation

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Sec. 13-3-1 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, archeological or historic interest or value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the people. The purpose of this Chapter is to:

- (a) Effect and accomplish the protection, enhancement, and preservation of such improvements, sites and districts which represent or reflect elements of the Village's cultural, social, economic, political and architectural history.
- (b) Safeguard the Village's historic, prehistoric and cultural heritage, as embodied and reflected in such historic structures, sites and districts.
- (c) Stabilize and improve property values and enhance the visual and aesthetic character of the Village.
- (d) Protect and enhance the Village's attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry.
- (e) Strengthen the economy of the Village.
- (f) Promote the use of historic structures, sites and districts for the education, pleasure and welfare of the people of the Village.

Sec. 13-3-2 Definitions.

The following definitions shall be applicable in this Chapter:

- (a) **Certificate of Appropriateness.** 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.
- (b) **Commission.** The Historic Preservation Commission created under this Chapter.
- (c) **Historic District.** An area designated by the Village Board on recommendation of the Commission, that contains two (2) or more historic improvements or sites that together comprise a district of special character or special historic interest or value.
- (d) **Historic Site.** Any parcel of land of historic significance due to a substantial 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, on which is situated a historic structure and any abutting improvement parcel, or part thereof, used as constituting part of the premises on which the historic structure is situated.
- (e) **Historic Structure.** Any improvement which has a special character or special historic interest or value as part of the development, heritage or culture characteristics of the Village, state or nation and which has been designated as a historic structure pursuant to the provisions of this Chapter.
- (f) **Improvement.** 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.

Sec. 13-3-3 Historic Preservation Commission.

A Historic Preservation Commission is hereby created, consisting of five (5) members. Of the membership, if available in the community, one (1) shall be a carpenter/builder; one shall be a historian; one (1) shall be the Building Administrator; and two (2) shall be citizen members. Each member shall have, to the highest extent practicable, a known interest in historic preservation. The Village President shall appoint the Commissioners subject to confirmation by the Village Board.

Sec. 13-3-4 Historic Structure, Historic Site and Historic District Designation Criteria.

- (a) For 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 the broad cultural, political, economic or social history of the nation, state or community; or
 - (2) Are identified with historic personages or with important events in national, state or local history; or
 - (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; or
 - (4) Are representative of the notable work of a master builder, designer or architect who influenced his/her age; 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.

Sec. 13-3-5 Powers and Duties.

- (a) **Designation.** The Commission shall have the power, subject to Section 13-3-6, to designate historic structures and historic sites and to recommend designations of historic districts within the Village limits. Such designations shall be made based on Section 13-3-4. Historic districts shall be approved by the Village Board. Once designated, such historic structures, sites and 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, 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 property or 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, the Building Inspector shall not issue a permit for any such work.
 - (2) Upon filing 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 said work is to be done;
 - b. In 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 said district;
 - d. The building or 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 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 forty-five (45) days of the filing of the application.
 - (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 or other municipal permit shall be invalid if it is obtained without the presentation of the Certificate of Appropriateness required for the proposed work.
 - (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 structures 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 Village Board within thirty (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 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.

Sec. 13-3-6 Procedures.

(a) **Designation of Historic Structures and Historic Sites.**

- (1) **Designation.** The Commission may, after notice and public hearing, designate historic structures and historic sites, or rescind such designation or recommendation, after application of the criteria in Section 13-3-4 above. At least ten (10) days prior to such hearing, the Commission shall notify the owners of record, as listed in the Village Hall, who are owners of property in whole or in part situated within three hundred (300) feet of the boundaries of the property affected.
- (2) **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 (10) days after the close of the public hearing, the Commission may designate the property as either a historic structure, or a historic site, or rescind the designation. After the designation or rescission has been made, notification shall be sent to the property owner or owners. Notification shall also be given to the Village Clerk, Zoning Administrator, and the Village Assessor. The Commission shall cause the designation or rescission to be recorded, at Village expense, in the County Register of Deeds office.

(b) **Creation of Historic District.**

- (1) **Defined Areas.** 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 the criteria in Section 13-3-4 above. 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, the specific guidelines for development, and a statement of preservation objectives.

(2) **Review and Adoption Procedure.**

- a. **Historic Preservation Commission.** 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 Clerk to Village Board members and the owners of record, as listed in the Village Hall, who are owners of the property within the proposed Historic District or are situated in whole or part within three hundred (300) feet of the boundaries of the proposed Historic District. Said notice is to be sent at least ten (10) 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. **Village Board.** The Village Board, upon receipt of the recommendations from the Historic Preservation Commission shall hold a public hearing, notice to be given as noted in subparagraph a. above 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 said plan.

Sec. 13-3-7 Interim Control.

No building permit shall be issued by the Building Inspector for 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 Village Board unless such alteration, removal or demolition is authorized by formal resolution of the Village Board as necessary for public health, welfare or safety. In no event shall the delay be for more than one hundred eighty (180) days.

Sec. 13-3-8 Penalties for Violations.

Any person or persons violating any provisions of this Chapter shall be fined Fifty Dollars (\$50.00) for each separate violation. Each and every day during which violation continues shall be deemed to be a separate offense. Notice of violations shall be issued by the Building Inspector.