

**AGENDA**  
**Village of Oregon**  
**Historic Preservation Commission**  
**Wednesday, June 16, 2010**

**7:00 AM**

Village Hall  
117 Spring Street  
Oregon, WI 53575  
Village Board Room

1. Call to order
2. Roll call
3. Approval of Minutes
  - a) 05/19/10
4. Public Appearances
  - a) Discussion and Possible Action re: Improvements at 101 S. Main Street
  - b) Discussion and Possible Action for Improvements/Color Selection at 123 S Main Street (Peaceful Heart) (Certificate of Appropriateness has been approved contingent upon the door having 4 inch side rails)
5. Communications and Miscellaneous Business
  - a) Chair's Report:
  - b) Update re: 119 South Main Street Building
6. Unfinished Business:
  - a) Windows for Scott Mac Williams' property at 107 South Main Street (Installed)
  - b) Discussion and possible recommendation to the Village Board re: Minimum Property Maintenance Program for Historic Districts in the Village of Oregon (Village Historic Preservation Commission Code and Hales Corners Commercial Exterior Maintenance Code)
7. Future Agendas:
8. Adjourn

**Committee members: Arlan Kay; Joan Gefke; Beth Sever; Al Miller; Patrick Molzahn, Steve Peotter and Village Board Representative: Phil Harms**

Notice is hereby given that a majority of the Village Board of the Village of Oregon is expected to be present at the meeting of the Historic Preservation Commission scheduled for June 16, 2010 to gather information about subjects over which they have decision-making responsibility. This constitutes a meeting of the Village Board of the Village of Oregon pursuant to State ex rel. Badke v. Greendale Village Board, 173 Wis. 2d 553, 494 N.W. 2d 408 (1993) and must be noticed as such although the Village Board will not take any formal action at this meeting.

Any person who has a qualifying disability as defined by the Americans with Disabilities Act that requires the meeting or materials at the meeting to be in an accessible location or format must contact the Village Clerk at (608) 835-3118, 117 Spring Street, Oregon, Wisconsin, at least twenty-four hours prior to the commencement of the meeting so that any necessary arrangements can be made to accommodate each request.

1. **Call to order:** Chair Arlan Kay called the Historic Preservation Commission to order at 7:02 am on Wednesday, May 19, 2010.
2. **Roll call:** Present: Arlan Kay; Beth Sever; Al Miller; Patrick Molzahn, and Phil Harms. Absent: Steve Peotter and Joan Gefke. Also Present: Village Administrator Mike Gracz, Director of Public Works Mark Below, Building Inspector Mike Kleisch, and Deputy Clerk/Deputy Treasurer Tracey Berman.
3. **Approval of Minutes**
  - a) 04/21/10- Harms moved to approve the April 21, 2010 Historic Preservation Commission minutes. Second by Kay. Motion carried. Motion carried 5-0.
4. **Public Appearances**
  - a) Discussion and Possible Action re: Improvements at 101 S. Main Street: Kleisch contacted Jeff Aebly to let him know about the meeting. Aebly was going to see if could make it or not. Kay had not been contacted by Aebly or his mason. Kleisch noted Aebly does intend to replace the door but needs to address the mortar problem on the roof of the building first. There was discussion regarding whether or not Kay had been contacted by the mason or not. Kay noted he has not been contacted yet. Kay suggested contacting Aebly again for clarification.
  - b) Discussion and Possible Action re: the Door Improvements to 123 S Main Street (Peaceful Heart) (only if unable to find door with side rail less than 4 inches). Gracz noted this was on the agenda in case they were not able to find a door with at least 4 inch side rails.
  - c) Discussion and Possible Action re: Improvements at 113 S. Main Street: Jerome & Bonnie Theil were in attendance regarding their property at 113 South Main Street. B. Theil discussed exploring painting the first floor front part of the building and possibly some masonry work. The Theils do not have anything finalized yet. This is for informational purposes at this point. J. Theil was looking for any suggestions the Historic Commission would offer. J. Theil has found a historic door that appears to be fairly identical to the original door of the building at 113 South Main Street and would be interested in installing the door. J. Theil discussed the situation with the neighboring building's roof and mortar repairs and the need for access to his building's roof. J. Theil was not comfortable with the equipment needed to be placed on his building's roof for repairs next door. Kay noted the Theils need to protect themselves and determine what is appropriate for their roof. There was discussion regarding what type of roof their building has. Kay noted the Commission will wait to hear from the Theils with their final proposal. Molzahn suggested the Village prepare a hand out with the mason formula on it to give residents. Kay noted he will provide the information to Village staff.
5. **Communications and Miscellaneous Business**
  - a) Chair's Report: Kay explained the WAHPC conference went well and attendance was good. Gracz noted Gefke is doing the follow up work for the conference grant.
  - b) Update re: 119 South Main Street Building: Kleisch has not heard anything since the last meeting.

- c) Letter from National Trust for Historic Preservation re: Downtown Water Tower Historic Preservation Grant: Kay stated the Village did not receive the grant. Gracz noted Joan Gefke is not giving up and will apply for more grants.
6. **Unfinished Business:**
- a) Update Re: Windows for Scott Mac Williams' property at 107 South Main Street: Kleisch noted Dane County gave the approval needed and the work will start this week. Kleisch gave a brief summary of the installation of the windows.
  - b) Discussion and possible recommendation to the Village Board re: Minimum Property Maintenance Program for Historic Districts in the Village of Oregon: Kay noted the brochure included in the packet concentrates on lead paint removal. Harms shared his lead paint course experience. Harms explained this process is time consuming and involved, but it is for the greater good of the public. Harms noted this is being left up to the contractors to dispose of the lead properly. Harms explained homeowners need to be aware of the process and should ask the contractors for proof it was done properly. Harms gave a brief explanation of the lead disposal process. Kleisch noted currently he prints a brochure for safe lead paint removal. Kleisch currently gives the brochure to contractors pulling permits. Kleisch will put copies of the brochure in the magazine rack outside of the Village Hall Clerk's office. Kay questioned if the maintenance discussion had been forwarded to the Village Board yet? Gracz noted the Historic Preservation Commission has not had enough direction to present to the Board and once the Commission has made a decision to start working on the maintenance program he will inform the Board. There was discussion regarding the property maintenance example provided in last month's packet from Hales Corners. Kay questioned if the Commission wanted to move forward on developing a minimum maintenance program for buildings and landmarks in the historic districts. Molzahn questioned if this would help the building inspector. Kleisch noted it would not burden him, but not to be under the illusion that it would allow access to the property or to be taken over it would only allow for citations to be issued. Kay noted current standards go too far and the property is lost and condemned. The Commission wishes to prevent historic buildings from condemnation. Gracz will check with the Village Attorney to see if this can be applicable to the downtown historic district exclusively. Molzahn felt this needs consideration, but does not want to hamstring business owners. **Molzahn moved to inform the Village Board regarding the Historic Preservation Commission interest in looking into pursuing a minimum property maintenance code for the Historic Districts. Second by Harms. Motion carried 5-0.** J. Theil noted his concerns regarding the hardship it may impose on property owners and suggested possible economic assistance. There was discussion regarding the current ordinance and if it addressed safety in terms of deterioration. Kleisch noted the only procedure is that of condemnation. Molzahn requested to see the existing historic zoning code and compare it with the Hales Corners example to see if there is a way to strengthen the code instead of creating a separate code.
7. **Future Agendas:**
8. **Adjournment:** Molzahn moved, Second by Harms to adjourn the Historic Preservation Commission meeting at 7:45 am on Wednesday, May 19, 2010. Motion carried 5-0.

**Historic Preservation Commission**  
**Wednesday, May 19, 2010**

Submitted by,  
Tracey Berman  
Deputy Clerk/Deputy Treasurer

4(b)

**Michael Gracz**

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**To:** John Deits  
**Cc:** Mark Below (Mark Below); Mike Kleisch; Tracey Berman; Arlan Kay  
**Subject:** RE: Facade Improvements 123 S Main Street

John:

We will give you a copy of the Certificate.

Would you mind coming to the June 16th HPC meeting to discuss the color?

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**From:** John Deits [mailto:john@peacefulheart.net]  
**Sent:** Wednesday, June 09, 2010 7:35 PM  
**To:** Michael Gracz  
**Subject:** Fw: Facade Improvements 123 S Main Street

Mike,  
 I sent the below email to Arlan but haven't heard back. Can you take a look and give us some advice on how to proceed. We are hoping to get window materials ordered next week so we need to know if the color change will cause an issue. If a change in the color will require approval, we could attend the 6/16/10 HPC meeting to address the issue.

Thanks,  
 John

----- Original Message -----

**From:** John Deits  
**To:** arlan\_archnet@tds.net  
**Sent:** Monday, June 07, 2010 5:46 PM  
**Subject:** Facade Improvements 123 S Main Street

Arlan,  
 We picked up our building permit. Mike Kleisch said he would issue it based on the meeting minutes, but that he really needs a certificate of appropriateness as well and he asked that I contact you about getting one.

Also, we were able to meet the commissions request of a door with wider side rails. The commission requested a minimum of 4" and preferably 6". The door we found has 5" side rails.

One last question, at the last meeting the commission indicated that color choices were up to us. I wanted to make sure this was true. We have changed our design to have the window framing in colonial white instead of green. We feel it ties in with the brick color nicely and will allow for a broader use of color in the future (e.g., future changes in awnings and signage by use or a future tenant).

You should start seeng activity soon!

Thanks,  
 John Deits  
[john@peacefulheart.net](mailto:john@peacefulheart.net)  
 608-235-2940

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**Total Control Panel**

[Login](#)

To: [mgracz@vil.oregon.wi.us](mailto:mgracz@vil.oregon.wi.us)      [Remove this sender from my allow list](#)  
 From: [john@peacefulheart.net](mailto:john@peacefulheart.net)

6/11/2010

**Historic Preservation Commission**  
**Wednesday, April 21, 2010**

1. **Call to Order:** Arlan Kay called the Historic Preservation Commission to order at 7:02 am on Wednesday, April 21, 2010.
2. **Roll Call:** Present: Arlan Kay; Joan Gefke; Steve Peotter and Phil Harms. Absent: Beth Sever; Al Miller; and Patrick Molzahn. Also Present: Village Administrator Mike Gracz, Public Works Director Mark Below, Building Inspector Mike Kleisch, and Deputy Clerk/Deputy Treasurer Tracey Berman.
3. **Election of Chair and Vice-Chair:** Peotter nominated Kay for Chair of the Historic Preservation Commission. Second by Harms. Motion carried 4-0.

**Peotter nominated Harms for Vice-Chair of the Historic Preservation Commission. Second by Gefke. Motion carried 4-0.**

4. **Approval of Minutes:**
  - a) **03/17/10 - Harms moved to approve the March 17, 2010 Historic Preservation Commission minutes. Second by Peotter. Motion carried 4-0.**
5. **Public Appearances:**
  - a) **Discussion and Possible Action re: Improvements at 101 S. Main Street:** Village staff and Kay have not heard anything from the property owner. Kleisch will contact the property owner to see where this process is at and update the commission.
  - b) **Discussion and Possible Action re: The Certificate of Appropriateness for the Façade Improvements to 123 S Main Street (Peaceful Heart):** John and Doris Deits were in attendance. John Deits brought a sample of the window frame. John Deits noted in the description sent to the Commission a couple things have changed, commenting the transom windows will replace the energy efficient exert glass, they would like to go with clear glass and use a dark backer. They would also like to replace the cap along the roof line, side of building and front. They are working with the masons to get estimates and will bring this back before the Commission for approval if it fits within their budget. There was discussion regarding color for the capstone. He noted the two transoms above the awnings will both have a backer on them. Kay noted if there is a backer don't put it too close to the glass because the glass can shatter. The door will be slightly taller at the bottom than shown. The frame will be aluminum. Kay suggested the width be wider on the side rail of the door. It was noted to use 4 to 6 inches for the side rail on the door. John Deits noted if they don't have a standard door with the wider side rails the will not be able to afford a custom door. Harms noted if Deits was unable to get 6 inches on the side try to get at least 4 inches. **Gefke moved to approve the Certificate of Appropriateness for the Façade Improvements to 123 S Main Street contingent upon the door having at least a 4 inch side rail.** If the door width is not available Deits will need to come back before the Commission with what door types are available. **Second by Peotter.** Deits noted the awning colors will be changed. **Motion carried 4-0.** There was discussion regarding site plans.
6. **Communications and Miscellaneous Business**
  - a) **Update re: Historic Preservation Conference and Grants:** The conference will start on Friday April 23<sup>rd</sup> at 1:00. Gefke gave an overview of the guest speak and currently there were 55 registrations. There was discussion of where the Commission members should meet before the conference. Gefke gave a brief summary of the tour routes.

**CHAPTER 20**

**Commercial Exterior Maintenance Code**

- 20.01 Title
- 20.02 Intent and Purpose
- 20.03 Applicability
- 20.04 Rules and Definitions
- 20.05 Safe, Sanitary, and Attractive Maintenance of Property
- 20.06 Fixing the Responsibility of Owners, Operators, and Occupants
- 20.07 Enforcement, Service of Notices and Orders, and Hearings
- 20.08 Appeals
- 20.09 Penalties

**20.01 TITLE.** This Chapter shall be known as the Commercial Exterior Maintenance Code.

**20.02 INTENT AND PURPOSE.**

- (1) This Chapter is adopted for the purpose of preserving and promoting the public health, safety, comfort, convenience, prosperity and general welfare of the people of the Village and environs. This includes, among others, physical, aesthetic, and monetary values.
- (2) It is recognized that there may now be or may, in the future, be commercial buildings, structures, yards or vacant areas, and combinations thereof which are so dilapidated, unsafe, dangerous, unhygienic, or inadequately maintained so as to constitute a menace to the health, safety, and general welfare of the people. The establishment and enforcement of minimum commercial property maintenance standards is necessary to preserve and promote the private and public interest.

**20.03 APPLICABILITY.**

- (1) **Application of Other Ordinances.** Nothing contained herein shall be deemed to authorize the use of a structure or premises contrary to any other provision of the Village of Hales Corners Municipal code. Repairs, additions or alterations to a structure shall be done in accordance with the procedures of State law and Chapter 3 of the Village of Hales Corners Municipal Code.

**20.04 RULES AND DEFINITIONS.**

- (1) **Rules.** In the construction of this Chapter, the rules and definitions contained in this Section shall be observed and applied, except when the context clearly indicates otherwise:
  - (a) Words used in the present tense shall include the future.
  - (b) Words used in the singular number shall include the plural number, and the plural the singular.
  - (c) The word "shall" is mandatory and not discretionary.
  - (d) The word "may" is permissive.
  - (e) The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
- (2) **Definitions.**
  - (a) Adequate. "Adequate" shall mean adequate as determined by the Zoning Administrator or his/her designee under the regulations of this Chapter or adequate as determined by an

authority designated by law or this Chapter. "Adequately" shall mean the same as adequate.

- (b) Approved. "Approved" shall mean approved by the Zoning Administrator or his/her designee under the regulations of this Chapter or approved by an authority designated by law or this Chapter.
- (c) Attractive Appearance. "Attractive appearance" shall mean an appearance which is in accordance with generally accepted professional practices for new construction within the Village and which is not likely to adversely affect the values of abutting or neighborhood properties, or of the principal property.
- (d) Building. "Building" means a combination of material to form a construction that is safe and stable, and adapted to permanent or continuous occupancy for assembly, business, educational, high hazard, industrial, institutional, mercantile, or a storage purpose; the term "building" shall be construed as if followed by the words "or portion thereof." For the purpose of this Code, each portion of a building completely separated from other portions by an unpierced fire wall shall be considered as a separate building.
- (e) Building-related Equipment. Includes heating and air-conditioning equipment, chimneys and vents, signs, antennae, gutters and downspouts, metal awnings, canopies and similar overhang extensions, fences, steps, shutters, lights, garages, sheds and accessory storage structures.
- (f) Commercial. "Commercial" shall mean not residential.
- (g) Commercial Use. "Commercial use" shall mean any nonresidential use.
- (h) Good Working Condition. "Good working condition" shall mean capable of performing the task for which it was designed and in the manner intended by this Chapter.
- (i) Imminent Hazard. A condition which could cause serious or life threatening injury or death at any time.
- (j) Impervious to Water. "Impervious to water" shall mean constructed of concrete, cement block, terrazzo, brick, tile, or other material approved by the Zoning Administrator or his/her designee, and having tight-fitting joints.
- (k) Mixed Occupancy. "Mixed occupancy" shall be occupancy of a building in part for commercial use and in part for some other use not accessory thereto.
- (l) Occupant. "Occupant" means one who occupies or has actual possession of usable space.
- (m) Operator. "Operator" shall mean any person who has charge or control of a commercial property or part thereof.
- (n) Owner. The term "Owner" shall mean every person, firm, partnership, or any individual member thereof, corporation, business organization of any kind, the state, the county, the Village, any sewer district, drainage district, and any other public or quasi-public corporation having vested interest in the property under consideration and shall include the representative, officer, agent, or other person having the ownership, control, custody, or management of any building.
- (o) Person. A "person" shall mean and include any individual, firm, corporation, association, or partnership.
- (p) Premises. Any lot, whether or not improved with a principal or accessory structure. When a lot is improved with a structure, the lot and premises shall be jointly referred to as premises.
- (q) Properly. "Properly" shall mean as deemed proper by the Zoning Administrator or his/her designee under the regulations of this Chapter or deemed proper by an authority designated by law or this Chapter.
- (r) Provided. "Provided" shall mean furnished, supplied, paid for, or under control of the owner.

- (s) **Structure.** "Structure" is anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground.
- (t) **Supplied.** "Supplied" shall mean paid for, furnished, or provided by or under control of the owner or operator.

#### 20.05 SAFE, SANITARY, AND ATTRACTIVE MAINTENANCE OF PROPERTY.

- (1) **Purpose.** The purpose of this Section is to recognize the private and public benefits resulting from the safe, sanitary, and attractive maintenance of commercial buildings, structures, yards, or vacant areas. Attractive and well-maintained property will enhance the neighborhood and Village and provide a suitable environment for increasing physical and monetary values.
- (2) **Maintenance Requirements.** Every owner or operator shall improve and maintain all property under their control to comply with the following minimum requirements:
  - (a) **Drainage.** All courts, yards, or other areas on the premises shall be properly graded to divert water away from any building or structure. Adjacent ground surface shall be sloped away from any building or structure with a grading of at least one-half (1/2) inch per foot for a minimum of five (5) feet where possible or by other means such as eaves troughs, and downspout extensions.
  - (b) **Weeds.** All exterior property areas shall be kept free from noxious weeds as required by 15.03(4) of this Code of Ordinances.
  - (c) **Debris.** All exterior property areas and adjacent public ditches and right-of-ways shall be properly maintained in a clean and sanitary condition free from debris, rubbish or garbage, physical hazards, rodent harborage and infestation, and animal feces. All animal feces shall be removed within twenty-four (24) hours.
  - (d) **Fences and Walks.** Fences, other minor construction, and walks shall be properly maintained in a safe, sanitary and substantial condition. Approved walks shall provide convenient all-weather access to buildings or structures.
  - (e) **Exterior Surfaces.** Exterior surfaces of buildings and structures not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative which will provide adequate resistance to weathering and maintain an attractive appearance. Any exterior surface treated with paint or other preservative shall be maintained so as to prevent chipping, cracking, or other deterioration of the exterior surface or the surface treatment and to present an attractive appearance. All paint or other preservative shall be applied in a workmanlike fashion.
  - (f) **Yard Areas.** Yard areas of real estate shall not be permitted to deteriorate or remain in a condition that is not in accord with the following: Yard areas shall be kept in a clean and sanitary condition, free from any accumulation of combustible or non-combustible materials (which are not used as an integral part of the authorized business carried out on the premises), debris, or refuse. Yards shall not be used to store appliances, furnaces, hot water heaters, water softeners, or building material not used within five (5) days, or any unsightly bulk items, unless these items are raw materials used in the business carried out on the premises.
  - (g) **General Requirements.** Every foundation, exterior wall, roof, canopy, overhang and chimney shall be reasonably weathertight, watertight, and rodentproof and shall be kept in proper repair and shall be capable of affording privacy. Any hazardous sagging or bulging portion of the building shall be properly repaired to a level or plumb position. All chimneys and breaching shall be so constructed and maintained so as to insure that it safely and properly removes the products of combustion from the building.

- (h) Windows and Doors. Every window, exterior door, interior door, and basement hatchway shall be reasonably weathertight, watertight, and rodentproof and kept in proper repair. All door and window hardware shall be installed and maintained in proper working condition.
- (i) Outside Stairs and Porches. Every outside stair, every porch, and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in proper condition and repair and shall present an attractive appearance. All exterior stairs and steps and every appurtenance thereto shall comply with the requirements specified in the Wisconsin Administrative Code.
- (j) Waste Containers and Dumpsters.
  - 1. The occupant shall be responsible for preventing or correcting any overflow of waste from the waste containers or dumpsters.
  - 2. Enclosures required under Section 8-2-3(1) shall be installed and maintained in accordance with approved plans.
  - 3. Waste containers and dumpsters shall be maintained in sound structural condition and in good repair.
  - 4. Waste containers and dumpsters shall be located so as not to create a nuisance.
- (k) Removal of Debris.
  - 1. No person shall dispose of rocks, trees, stumps, waste building material, or other debris from land development, building construction, street grading, or installation of underground utilities upon the surface of any land in the Village, except at approved disposal sites.
  - 2. No land owner shall allow an accumulation of rocks, trees, stumps, waste building material or other debris from land development, building construction, street grading, or installation of underground utilities upon the surface of his land for a period of more than twenty-one (21) days.
  - 3. All land filling operations shall be leveled off to permit the mowing of the weeds between June 1 and November 1. This includes the removal of stones, bottles, wire, and other debris that will interfere with mowing operations.
- (l) Buffers. All required and existing buffers shall be maintained in such a manner as to afford proper screening heights and densities of plantings and to be attractive and well-maintained. Such maintenance shall include, but not be limited to, cutting, trimming and fertilizing, if necessary. Replacement shall be required for any subsequent destroyed, eroded or dead plantings in order to preserve the screening/buffering between properties.
- (m) Driveway, Parking and Loading Areas. All driveway, parking, loading and outside storage areas on properties used for commercial purposes shall be surfaced and maintained as set forth in the approved site plan for the property and shall have smooth surfaces in good repair. Paved areas must be repaired or replaced when any deterioration occurs to the extent that the road rock or sub-base is visible.
- (n) Signage. All signage shall be maintained in the originally permitted and constructed condition.
- (o) Lighting. Exterior lighting shall be in conformance with approved site plan and/or the Village of Hales Corners Municipal Code. All lighting shall be maintained in the originally permitted and constructed condition.

**20.06 FIXING THE RESPONSIBILITY OF OWNERS, OPERATORS AND OCCUPANTS.** Every owner, operator, or occupant of a commercial property, or part thereof, shall maintain that portion of the exterior of the property controlled by him.

**20.07 ENFORCEMENT, SERVICE OF NOTICES AND ORDERS AND HEARINGS.**

- (1) Whenever the Zoning Administrator or his/her designee determines that there are reasonable grounds to believe that there has been a violation of any provision of this Chapter or of any rule or regulation adopted pursuant thereto, he shall give notice of such alleged violation to the person or persons responsible therefore.
- (2) The property owner shall notify the Zoning Administrator or his/her designee upon completion of repairs so that a re-inspection may be made.
- (3) If a violation has not been corrected within the time limits allowed by the Zoning Administrator or his/her designee, the Zoning Administrator or his/her designee shall issue a citation on the property owner regarding such violation. For noxious weed violations, pursuant to Wisconsin Statute 66.98 the Zoning Administrator or his/her designee shall have the alternative option to instruct the Weed Commissioner and/or Department of Public Works to correct said violation and charge the actual costs incurred against the property owner. If such charges are not paid by November 1 of the year in which they are billed, such charges shall be extended on the next succeeding tax roll as a tax charged against the property affected and collected in the same manner as are other taxes, pursuant to 66.98 Wis. Stats.

**20.08 APPEALS.** Any person feeling himself aggrieved by any order or ruling of the Zoning Administrator may appeal in writing to the Board of Appeals of the Village of Hales Corners within thirty (30) days of the alleged act or omission of said Zoning Administrator pursuant to § 62.23, Wisconsin Statutes, and to the rules of the Board of Appeals, Article XII of Chapter 1 of the By-Laws.

The appellant shall annex to the notice of appeal such plats, surveys, plans or specifications which are of probative value in the determination of the appeal together with the name and address of the appellant. Upon filing of such notice with the Village Clerk, the appellant shall receive a copy of the rules of the Board of Appeals. Upon the filing of notice of appeal, an appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board of Appeals that by reason of the facts stated in a certificate a stay would, in his opinion, cause imminent peril to life or property. Upon filing such notice of appeal, the Board of Appeals shall fix a time and place for the hearing of the appeal not less than 10 nor more than 30 days from the date of such filing.

**20.09 PENALTIES.** Any person who shall violate any provision of this Chapter or of any rule or regulation adopted pursuant thereto shall be subject to a penalty as provided in Section 19.04 of the Village of Hales Corners Municipal Code.

6(b)

CHAPTER 19

HISTORIC PRESERVATION COMMISSION

- 19.01 Purpose and Intent
- 19.02 Definitions
- 19.03 Historic Preservation Commission
- 19.04 Historic Structures, Historic Site and District Designation Criteria
- 19.05 Commission Powers and Duties
- 19.06 Procedures
- 19.07 Interim Control
- 19.08 Penalties for Violations
- 19.09 Separability

Historic Preservation Commission 19.01

**19.01 Purpose and Intent.** It is hereby declared as 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:

(1) 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.

(2) Safeguard the Village's historic, prehistoric and cultural heritage, as embodied and reflected in such historic structures, sites and districts.

(3) Stabilize and improve property values, and enhance the visual and aesthetic character of the Village.

(4) Protect and enhance the Village's attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry.

**19.02 Definitions.** For purposes of this Chapter, the following terms are defined to mean:



(1) "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.

(2) "Commission" means the Historic Preservation Commission created under this chapter.

(3) "Historic District" is an area designated by the Village Board on recommendation of the Commission and the Village's Plan Commission that contains two or more historic structures or sites.

(4) "Historic site" means:

- a) Any parcel of land of historic significance due to a substantial value in tracing the history or prehistory of man, or upon which an historic event has occurred; or
- b) A parcel, or part thereof, on which is situated an historic structure and any abutting parcel, or part thereof, used as and constituting a part of the premises on which the historic structure is situated,

either of which has been designated as an historic site by the Village Board.

## Historic Preservation Commission 19.03 (5)

(5) "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, state or nation and which has been so designated by the Village Board.

(6) "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.

### 19.03 Historic Preservation Commission.

(1) The Historic Preservation Commission shall consist of 7 persons competent and informed in the historical, architectural and cultural traditions of the Village. One of the Commissioners shall be a member of the Village Board and shall serve during his or her term of office as a Board member. Of the remaining 6 members of the Commission, at least 3 of them shall be residents of the Village. In addition, the Building inspector shall be an ad hoc member of the Commission and shall not be entitled to a vote.

(2) All members of the Commission shall be appointed by the Village President subject to confirmation by the Village Board. The first appointments of the 6 non-Board members shall be for the following terms: 2 for one year, 2 for two years, and 2 for three years. Thereafter, the terms of non-Board members shall be 3 years and until their successors are appointed and qualified. Non-Board members may be appointed to successive terms.

(3) Vacancies shall be filled for the unexpired term as provided in Subsection (2).

(4) No compensation shall be paid to Commission members except for expenses necessary in carrying out their duties.

(5) The Commission shall annually select from its members a Chairperson, Vice-Chairperson and Secretary and shall fill vacancies in such offices.

### 19.04 Historic Structures, Historic Site and District Designation Criteria

(1) For purposes of this Chapter, an historic structure, historic site, or historic district designation may be placed on any site, natural or improved, including any improvement located thereon, or any area of particular historic, architectural, archeological or cultural significance to the Village, such as historic structures, sites, or districts which:

(a) Exemplify or reflect the broad cultural, political, economic or social history of the nation, state or community; or

(b) Are identified with historic personages or with important events in national, state or local history; or

(c) 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

(d) Are representative of the notable work of a master builder, designer or architect who influenced his age; or

(e) Have yielded, or may be likely to yield, information important to prehistory or history.


(2) 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.

#### 19.05 Commission Powers and Duties.

(1) Recommendation. The Commission may recommend designation of historic structures, historic sites and historic districts within the Village to the Village Board based on the criteria provided under Section 19.04. Once approved by the Village Board, such historic structures, sites and districts shall be subject to all the provisions of this Chapter.

#### (2) Regulation of Construction, Alteration and Demolition.

(a) No owner or person in charge of an historic structure or site, or improvement within an historic district shall reconstruct, alter or demolish all or any part of the exterior of any such historic structure or other improvement, or construct any improvement, cause or permit any such work to be performed, or demolish any improvement within an historic district or upon any historic site, unless a Certificate of Appropriateness has been granted by the Commission. Unless such certificate has been granted by the Commission, the Building Inspector shall not issue a permit for any such work.

 (b) Upon filing of any application for a Certificate of Appropriateness with the Commission, the Commission shall approve the application unless:

1. 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 historic structure or site upon which such work is to be done;
2. In the case of the construction of a new improvement upon an historic structure or site, or within an 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;

3. In the case of any improvement located in an 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;
4. The improvement 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;
5. In the case of a request for the demolition of a deteriorated historic structure, any economic hardship or difficulty claimed by the owner is self-created or is the result of any failure to maintain the improvement in good repair.

(c) 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 historic structure, site 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, unless the time for such decision is extended by mutual agreement of the applicant and the Commission.

(d) 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 village permit shall be invalid if it is obtained without the presentation of the Certificate of Appropriateness required for the proposed work.

(e) Ordinary maintenance and repairs may be undertaken without a Certificate of Appropriateness provided (i) the work involves repairs to existing features of a historic structure or site or the replacement of elements of such improvement with pieces identical in appearance and (ii) the work does not change the exterior appearance of the improvement or site and does not require the issuance of a building permit.

(3) Appeals. If the Commission denies the issuance of a Certificate of Appropriateness due to the failure of the proposal to conform to the Commission's guidelines or this Chapter, the applicant may appeal such decision to the Village Board by filing a written appeal with the Village Clerk within thirty (30) days after such denial. After a denial and before a written appeal is filed, the Commission may, with the cooperation of the applicant, work with the applicant in an attempt to obtain a Certificate of Appropriateness within the Commission's guidelines and this Chapter.

(4) Recognition of Historic Structures, Sites and Districts. After an historic structure, site or district has been so properly designated, the Commission, in cooperation

with the property owner or owners and at Village expense, may cause to be prepared and erected on such improvement or site, or within such district, a suitable plaque declaring that such improvement or site is an historic structure, site or district.

**19.06 Procedures. (1) Designation of Historic Structures and Historic Sites. (a)** After notice and public hearing, the Commission may recommend to the Village Board that it designate an improvement or site as an historic structure or historic site. Such recommendation process may be initiated by the Commission on its own motion or by the owner of the site or improvement to be so designated by filing a written nomination with the Village Clerk.

(b) After a nomination is filed with the Village Clerk, the Commission shall set a date for conducting a hearing on the proposed designation. Written notice of the time, place and purpose of the public hearing shall be mailed by the Village Clerk to the owner of the site or improvement to be so designated and to all owners of record, as listed in the office of the Village Assessor, of all property in whole or in part situated within two hundred (200) feet of the boundaries of the property affected. Such notice shall be mailed at least ten (10) days prior to the scheduled date of the public hearing.

(c) At the public hearing the Commission may, in addition to the notified persons, hear expert witnesses and may subpoena such witnesses and records, as it deems necessary, for purposes of the hearing. Within ten (10) days after the close of the public hearing, the Commission may recommend that the affected property be designated as either an historic structure or an historic site.

(d) **Village Board Action.** Upon receipt of the recommendation from the Commission, the Village Board shall either reject or accept the recommendation for designation of an historic structure or site. If the Village Board designates an historic site or structure it shall notify the affected owner or owners of such action. Notification shall also be given to the Village Clerk, Building Inspector, Plan Commission, and Village Assessor. The Village shall cause the designation to be record, at Village expense, in the County Register of Deed office.

(e) The same procedure as set forth in pars. (a), (b), (c) and (d) shall be followed to rescind a previous historic structure or site designation.

**(2) Creation of Historic District. (a)** For preservation purposes, the Commission may recommend to the Village Board that geographically defined areas within the Village be designated as historic districts. An historic district may be designated for any geographic area of particular historic, architectural, or cultural significance to the Village after application of the criteria provided under Section 19.04.

(b) Recommendation Procedure. 1. The recommendation process may be initiated by the Commission on its own motion or by the owners of all property within a proposed historic district by filing a written nomination with the Village Clerk. If nominated by the Commission, it shall prepare or cause to be prepared an historic preservation plan for the area. If nominated by the property owners, they shall prepare at their expense such a plan. The preservation plan shall be filed with the Village Clerk at the same time the written nomination is filed. Each historic preservation plan 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. After a nomination is filed with the Village Clerk, the Commission shall set a date for conducting a hearing on the proposed designation and the corresponding historic preservation plan. Written notice of the time, place and purpose of the public hearing shall be mailed by the Village Clerk to the owners of record, as listed in the office of the Village Assessor, of all property within the proposed historic district and of all properties in whole or in part situated within 200 feet of the boundaries of the proposed historic district. Such notice shall be mailed at least ten (10) days prior to the scheduled date of the public hearing.

3. The Commission and the Village's Plan Commission shall jointly conduct the public hearing on the proposed historic district designation and its corresponding historic preservation plan. Following the public hearing, the Commission and the Plan Commission shall each separately vote to recommend the approval, rejection, or withholding of action on the designation and plan. Each body may also vote to recommend approval of the designation and the plan subject to modification.

(c) Village Board Action. Upon receipt of the recommendation from the Commission and the Plan Commission, the Village Board shall either designate or reject the historic district. Designation of the historic district shall constitute adoption and implementation of the plan prepared for that district, unless otherwise modified by the Village Board based on the recommendation of the Commission or the Plan Commission or based on its own motion. If the Village Board designates an historic district it shall notify the affected owner or owners of such action, notification shall also be given to the Village Clerk, Building Inspector, Plan Commission, and Village Assessor. The Village shall cause the designation to be recorded, at Village expense, in the County Register of Deed office.

**19.07 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 improvement within a nominated historic district from the date of the filing of the nomination until the final disposition of the nomination by the 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.

**19.08 Penalties for Violations.** Any person or persons violating any provision of this section shall be subject to a forfeiture of fifty dollars (\$50) for each separate violation. Each and every day during which a violation continues shall be deemed to be a separate offense. The Building Inspector shall issue notice of violations.

**19.09 Separability.** If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the remainder of this chapter and the application of such provisions to other persons or circumstances shall not be affected thereby.