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CHAPTER 19

HISTORIC PRESERVATION COMMISSION

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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.

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(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.