

CHAPTER 424

LANDMARKS AND HISTORIC PRESERVATION

424-1 Purpose and Intent.

This ordinance is designed to promote the general welfare of the community and of the state by regulating any place, structure or object with a special character, historic interest, aesthetic interest or other significant value for the purpose of preserving the place, structure or object and its significant characteristics. The intent of this ordinance is to create the Village of Allouez Historic Preservation Committee to designate historic landmarks and establish historic districts and to regulate all historic landmarks and all property within each historic district to preserve the historic landmarks and property within the district and the character of the district. The purpose of this section 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 of Allouez's cultural, social, economic, political and architectural history.
- B. Safeguard the Village of Allouez'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 of Allouez.
- D. Foster civic pride in the beauty and accomplishments of the past.
- E. Enhance the Village's attraction to residents, tourists and visitors and serve as a support and stimulus to local business.
- F. Strengthen the economy of the Village.
- G. Promote the use of historic structures, sites and districts for the education, pleasure and welfare of the residents of Allouez.

424-2 Definitions

Unless otherwise indicated, the below words, terms or phrases used herein shall have the following meanings:

ALTERATION – Any act or process which changes one or more of the exterior features of a structure, including but not limited to the erection, construction, reconstruction or moving of any improvement.

CERTIFICATE OF APPROPRIATENESS – A statement verifying that the Committee has reviewed an application to allow the alteration, rehabilitation, reconstruction or demolition of any improvement upon an historic site or within an historic district; that the Committee has found the requested action to be appropriate to the general character of the historic site or historic district; and that the requested action may be taken subject to applicable building and zoning codes.

COMMITTEE– The Historic Preservation Committee created under this section.

DEMOLITION – Any act or process which destroys in part or in whole an improvement.

HISTORIC DISTRICT – A place or area designated as an historic district by the Village Board on recommendation of the committee. In order to be designated, the following requirements shall be met: The historic district may contain, within definable geographic boundaries, one or more historic structures along with such other buildings, places or areas which, while not of such historic significance to be designated as historic structures, nevertheless contribute to the overall visual characters of the historic structure or structures located within the District.

HISTORIC STRUCTURE – 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 and which has been designated as an historic structure pursuant to the provisions of this chapter.

IMPROVEMENT – Any building, structure, place, work of art or other object constituting a physical betterment of real property or any part of such betterment.

LANDMARK – Any improvement which has a special character of special historic interest or value as part of the development, heritage or cultural characteristics of the Village which has been designated as a landmark pursuant to the provisions herein.

LANDMARK SITE – Any parcel of land of historic significance due to a substantial value in tracing the history of aboriginal man or upon which an historic event has occurred and which has been designated as a landmark site.

424-3 Historic Preservation Committee

A Historic Preservation Committee is hereby created, consisting of seven (7) members. Of the membership, if available in the community, one shall be a registered architect; one shall be a licensed real estate broker, and five 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 committee, subject to confirmation by the Village Board.

424-4 Historic Structure, Historic Site and Historic District Designation Criteria

- A. For purposes of this ordinance, an 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 age; or
 5. Have yielded, or may likely yield, information important to prehistory or history
- B. The committee shall adopt specific operating guidelines for historic structure, historic site and historic district designation providing such are in conformance with the provisions of this ordinance.

424-5 Powers and Duties

- A. The committee shall have the power, subject to Section 424-6, to designate historic structures and historic sites and to recommend designation of historic districts within the village limits. Such designation shall be made based on Section 424-4. 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 ordinance.
- B. Regulation of Construction, Reconstruction, Alteration and Demolition

1. No owner or person in charge of an historic structure, historic site or structure within an 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 Committee. Also, unless such certificate has been granted by the committee, 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 committee, the committee shall approve the application unless:
 - i. 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;
 - ii. In the case of the construction of a new improvement upon an historic 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;
 - iii. In the case of any property located in an historic district, the proposed construction, reconstruction, exterior alteration or demolition does not conform to the purpose and intent of this section and to the objectives and design criteria of the historic preservation plan for said district;
 - iv. 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;
 - v. 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 committee 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 committee shall make this decision within thirty (30) days of the filing of the application.
4. The *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 an 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 committee fail to issue a *Certificate of Appropriateness* due to 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 committee fails to issue a *Certificate of Appropriateness* the committee 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 ordinance.

D. Recognition of Historic Structures, Sites and Districts

At such time as an historic structure, site or district has been properly designated, the committee, 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 an historic structure, site or district.

424-6 Procedures

A. Designation of Historic Structures and Historic Sites

1. After receipt of recommendation from the committee, the village board may, after notice and public hearing, designate historic structures, sites and districts. At least ten (10) days prior to such hearing, the village clerk shall notify the owners of record, who are owners of property in whole or in part situated within two hundred (200) feet of the boundaries of the property affected.
2. The village board shall then conduct such public hearing. Within thirty (30) days after the close of the public hearing, the village board may designate the property as either an historic structure, or an historic site. If the properties are designated as an historic structure or an historic site, notification shall be made of this decision to the property owner or owners by certified mail, return receipt. The designation shall be recorded, at village expense, at the County Register of Deed's office.

B. Creation of Historic District

1. For preservation purposes, committee shall select geographically defined areas within the village to be designated as historic districts and shall prepare an historic preservation plan for each area. 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 in Section 424-4 above. Each historic preservation plan prepared for or by the committee 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. The Historic committee shall hold a public hearing when considering the plan for an historic district. Notice of the time, place and purpose of the public hearing shall be sent by the secretary of the historic committee to the owners of the property within the proposed district or who are situated in whole or in part within two hundred feet of the boundaries of the proposed district. Said notice shall be sent at least ten days prior to the date of the hearing. Following the public hearing,

the committee shall vote to recommend, reject or withhold action on the plan.

- b. The village board, upon receipt of the recommendations from the committee shall hold a public hearing, notice to be given by the village clerk as noted in section A.1 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.

424-7 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 committee at which a nomination form is first presented until the final disposition of the nomination by the committee, of 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 ninety (90) days.

424-8 Penalties for Violations

Any person or persons violating any provision of this section shall be fined according to Section 1.05 of the Village Code of Ordinances (1-10,000 dollars) 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 building inspector.

424-9 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 provision to other persons or circumstances shall not be affected thereby.