

CHAPTER 3

Historic Preservation Code

13-3-1	Purpose and Intent
13-3-2	Definitions
13-3-3	Historic Preservation Commission Composition
13-3-4	Historic Structure, Historic Site and Historic District Designation Criteria
13-3-5	Powers and Duties
13-3-6	Procedures
13-3-7	Interim Control
13-3-8	Conformance with Regulations
13-3-9	Penalties for Violations
13-3-10	Emergency Conditions
13-3-11	Separability

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 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 of the City of Green Lake. The purpose of this article is to:

- A. Effect and accomplish the protection, enhancement, and perpetuation of such improvements, sites and districts which represent or reflect elements of the City of Green Lake's cultural, social, economic, political and architectural history.
- B. Safeguard the City of Green Lake's historic, prehistoric and cultural heritage, as embodied and reflected in such structures, sites and districts.
- C. Protect and enhance the City of Green Lake's attractions to residents, tourists, and visitors, and serve as a support and stimulus to business and industry.
- D. Improve and enhance the visual and aesthetic character of the City of Green Lake thereby stabilizing and improving property values.
- E. Educate the public regarding the need and desirability of a City of Green Lake historic preservation program and enhancement of the quality of life.

SEC. 13-3-2 DEFINITIONS.

The definitions shall be as follows:

- A. 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.

- B. Commission means the Historic Preservation Commission created under this section.
- C. Historic district is an area designated by the Common Council on recommendation of the Commission that contains two or more historic improvements or sites, as well as those abutting parcels which the Commission determines should fall under the provisions of this section to assure that their appearance and development is harmonious with such historic structures or sites.
- D. Historic site means 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 a historic site under this chapter.
- E. 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 City of Green Lake, State of Wisconsin, or United States and which has been designated as a historic structure pursuant to the provisions of this chapter.
- F. 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, sidewalks, curbs, lighting fixtures, signs and the like.

SEC. 13-3-3 RESERVED FOR FUTURE REFERENCE

SEC. 13-3-4 HISTORIC STRUCTURE, HISTORIC SITE AND HISTORIC DISTRICT DESIGNATION CRITERIA.

For purposes of this ordinance, 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 City of Green Lake 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 indigenous materials or craftsmanship; or
- D. Are representative of a 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.

The Commission may adopt specific operating guidelines for historic structures, historic site and historic district designation providing such are in conformance with the provisions of this ordinance.

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 recommend designation of historic districts within the City of Green Lake. Such designations shall be made based on Section 13-3-4.

Historic districts shall be approved by the Common Council. Once designated, such historic structures, sites and districts shall be subject to all the provision of this ordinance.

- B. **Regulations 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. 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 an application for a Certificate of Appropriateness with the Commission, the Commission shall approve the application unless:
 - a. In the case of designated historic structure or site, the proposed work would detrimentally change, destroy or adversely affect any exterior architectural feature of the improvement or site upon which said work is to be done;
 - b. In the case of the construction of a new improvement upon a historic site 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 ordinance 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 City of Green Lake.
 - e. The building or structure is of such old and unusual or uncommon design, texture, and/or material that it could not be reproduced without great difficulty and/or expense.
 - f. In the case of a request for a demolition permit, the denial of the permit would result in the loss of all reasonable and beneficial use of or return from the property; or;
 - g. In the case of a request for the demolition of a deteriorated building or structure, any hardship or difficulty claimed by the owner is self created or is the result of any failure to maintain the property in good repair.
 - h. The owner of the historic property submits information that the denial of the Certificate of Appropriateness will deprive the owner of all reasonable use of, or economic return on the property.
3. In addition, in determining whether to issue a Certificate of Appropriateness, the Commission shall consider and may give decisive weight to any or all of the following standards:
- a. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
 - b. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
 - c. Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings shall not be undertaken.
 - d. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
 - e. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
 - f. Chemical or physical treatments, such as

- sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
- g. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
 - h. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the property and its environment.
 - i. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
4. 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, and within the above guidelines, it shall issue the Certificate of Appropriateness. Upon the issuance of such Certificate, the building permit shall then be issued by the building inspector. The Commission shall make this decision within forty-five (45) days of the filing of the application.
 5. All governmental units and agencies and all public utility and transportation companies, undertaking projects affecting historic structures, historic sites and historic districts, shall be required to obtain a Certificate of Appropriateness prior to initiating any changes in the character of street paving, sidewalks, utility installations, lighting, walls, fences, structures and building on property easements or streets owned or franchised by the City of Green Lake.
 6. The issuance of a Certificate of Appropriateness shall not relieve the applicant from obtaining other required permits and approvals. A building permit or other municipal permit shall be invalid if it is obtained without the presentation of a Certificate of Appropriateness required for the proposed work. Insofar as they are applicable to a historic structure, historic site, or improvement in a historic district designated under this section, any provision of the plumbing code, electrical code, or building code of the City shall apply, unless waived by the appropriate state or city officials. The Commission may support or propose such waivers before the appropriate state or city appeals body.
 7. Compliance with Certificates of Appropriateness shall

be started within twelve (12) months after the issuance of the certificate, and work shall conform to the provisions of the certificate. The City of Green Lake may inspect the work during and after construction in order to assure compliance. Failure to comply with a Certificate of Appropriateness or failure to obtain a Certificate of Appropriateness shall be a violation of this section. In addition to other penalties and remedies, the City shall issue a stop work order, and all work shall cease on the designated property. No additional work shall be undertaken as long as such stop work order shall continue in effect.

8. Ordinary maintenance and repair may be undertaken without a Certificate of Appropriateness provided that the work involves repairs to existing features of a historic structure or site or the replacement of elements of a structure with pieces identical in appearance and provided that the work does not change the exterior appearance of the structure or site and does not require the issuance of a building permit.

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 Board of Appeals 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 ordinance.

D. Recognition of Historic Structures, Sites and Districts.

At such times 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 a suitable plaque of uniform size and quality declaring that such property is a historic structure, site or district. Such plaque shall state the accepted name of the historic property, the date of its construction of significance and other information deemed proper by the Commission.

SEC. 13-3-6 PROCEDURES.

A. Designation of Historic Structures and Historic Sites.

1. 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 fourteen (14) days prior to such hearing, the commission shall notify the owners of record, as listed in the office of the City Clerk, who are owners of property in whole or part situated within two hundred (200) feet of the boundaries of the property affected.

These owners shall have the right to confer with the commission prior to final action by the Commission on the designation. Notice of such hearing shall also be published as a Class 1 Notice under Wisconsin Statutes. The Commission shall also notify the Building Inspection and Zoning Department and Plan Commission. Each department may respond to the Commission with its comments on the proposed designation or rescission.

2. 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 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 historic site, or rescind the designation. After the designation or rescission has been made, notification shall be sent to the property owner or owners. Notifications shall also be given to the City Clerk, Building Inspection Department and Plan Commission. The Commission shall cause the designation or rescission to be recorded, at City expense, in the County Register of Deeds Office.

B. Designation of Historic Districts.

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.

1. For preservation purposes, the Historic Preservation Commission shall select geographically defined areas within the City to be designated as Historic Districts and shall prepare a historic preservation plan in ordinance form for each area with technical assistance as needed. A Historic District may be designated for any geographic area of particular historic, architectural or cultural significance to the City which:
 - a. Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state or community; or
 - b. Is identified with historic personages or with important events in national, state, or local history; or
 - c. Embodies the distinguishing characteristics of architectural types or specimens inherently valuable for the study of a period or periods, styles, methods or construction, or indigenous materials or craftsmanship; or
 - d. Is representative of the notable works of master bundlers, designers, or architects who influenced their age.

- e. Has yielded or may likely to yield, information important to history or prehistory.
- 2. Guideline criteria to be considered in the development of Historic District plans are as follows:
 - a. Regulation of construction, reconstruction, alteration and demolition shall conform to the criteria and standards in Section 13-3-5.
 - b. All new structures shall be constructed to a height visually compatible with the buildings and environment with which they are visually related.
 - c. The gross volume of any new structure shall be visually compatible with the buildings and environment with which it is visually related.
 - d. In the street elevation of a building, the proportion between the width and height in the facade should be visually compatible with the buildings and environment with which it is visually related.
 - e. The proportions and relationships between doors and windows in the street facade should be visually compatible with the buildings and environment with which it is visually related.
 - f. The rhythm of solids to voids, created by openings in the facade, should be visually compatible with buildings and environment with which it is visually related.
 - g. The existing rhythm created by existing building masses and spaces between them should be preserved.
 - h. The materials used in the final facade should be visually compatible with the buildings and environment with which it is visually related.
 - i. The texture inherent in the facade should be visually compatible with the buildings and environment with which it is visually related.
 - j. Colors and patterns used on the facade should be visually compatible with the buildings and environment with which it is visually related.
 - k. The design of the roof should be visually compatible with buildings and environment with which it is visually related.
 - l. The landscape plan should be sensitive to the individual building, its occupants and their needs. Further, the landscape treatment should be visually compatible with the buildings and environment with which it is visually related.
 - m. Architectural elements should be incorporated as necessary to relate the new with the old and preserve and enhance the inherent characteristics of the area.
- 3. Review and Adoption Procedure
 - a. 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 such hearing shall be given by publication as a Class 1 Notice under the Wisconsin Statutes in the official City newspaper. Notice of the time, place and purpose of the public hearing shall also be sent by the City Clerk to the owners of record, as listed by the City Assessor, who are owners of the property within the proposed Historic District or are situated in whole or in part within two hundred (200) 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. This recommendation shall be forwarded to the City Plan Commission and Common Council.

- b. The City Plan Commission shall review the Historic District plan and make a recommendation to the Common Council. The Plan Commission shall make its recommendation on the Historic District Plan within thirty (30) days.
- c. The Common Council, upon receipt of the recommendations from the Historic Preservation Commission and Plan Commission shall either designate or reject the Historic District. Designation of the Historic District shall constitute adoption of the plan in ordinance form 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, or historic site 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 unless such alteration, removal or demolition is authorized by formal resolution of the Common Council as necessary for public health, welfare or safety. In no event shall the delay be for more than one hundred eight (180) days.

SEC. 13-3-8 CONFORMANCE WITH REGULATIONS.

- A. Every person in charge of a historic structure, historic site or improvement in a historic district shall maintain same or cause or permit it to be maintained in a condition consistent with the provisions of this ordinance. The City Council designates the building inspector to enforce this

- ordinance.
- B. Every person in charge of an improvement on a historic site or in a historic district shall keep in good repair all of the exterior portion of such improvement and all interior portions thereof which, if not so maintained, may cause or tend to cause the exterior portions of such improvement to fall into a state of disrepair.
 - C. Insofar as they are applicable to a historic structure, historic site or improvement in a historic district, designated under this section, any provision of the building code of General Ordinances of City of Green Lake may be varied or waived, on application, by the building inspector, provided such variance or waiver does not endanger health or safety.

The purpose of this section is to prevent the demolition of a building or structure by neglecting it and permitting damage to it by weather or vandalism.

SEC. 13-3-9 PENALTIES FOR VIOLATIONS.

Any person or persons violating any provision of this section shall be fined per Section 1-1-7 of the Municipal Code. Each and every day during which a violation continues shall be deemed to be a separate offense. Notice of violations shall be issued by the building inspector. If the violations remain uncorrected after the time specified in the notice, the City may, at its election, impose fines and/or have the violations corrected at City expense and have a lien place against the property equal to the cost of the repairs, plus applicable fines and administrative costs.

SEC. 13-3-10 EMERGENCY CONDITIONS.

In any case where the building inspector determines that there are emergency conditions dangerous to life, health or property affecting a historic structure, site or property in a historic district, the building inspector may order the remedying of these conditions without the prior approval of the commission. The building inspector shall promptly notify the commission of the action taken. When the emergency conditions do not require demolition, the building inspector shall make every effort to carry out the intent of this ordinance and to pursue the design guidelines of the commission when remedying the emergency conditions.

SEC. 13-3-11 SEPARABILITY.

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

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