

VILLAGE OF FRIENDSHIP  
ORDINANCE NO. 1997-43

**SYNOPSIS:** An ordinance to promote the preservation of the Village of Friendship cultural, social, economic, political and architectural history.

**WHEREAS,** the Village of Friendship has within its corporate boundaries architectural structures that the public interest requires recognition and preservation thereof;

**NOW, THEREFORE,** be it ordained by the Village of Friendship Board of Trustees that:

The attached Historic Preservation Ordinance be hereby adopted.

Adopted by a vote of 3 in favor, 1 against and 3 absent this 3rd day of March, 1997.

Charles J. Spargo,/s/  
Village President

Attest:

Kathleen M. Pierce/s/  
Clerk/Treasurer

Published: March 12, 1997

# VILLAGE OF FRIENDSHIP HISTORIC PRESERVATION ORDINANCE

## ARTICLE I PURPOSE & INTENT

1.1 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 or historic interest or value is a public necessity and is required in the interest of health, prosperity, safety and welfare of the people. The purpose of this ordinance is to:

- (a) Effect and accomplish the protection, enhancement, and perpetuation of such improvements, sites and districts which represent or reflect elements of the village's cultural, social, economic, political and architectural history.
- (b) Safeguard the village's historic and cultural heritage, as embodied and reflected in such historic structures, sites and districts.
- (c) Foster civic pride in the notable accomplishments of the past.
- (d) Stabilize and improve property values.
- (e) Protect and enhance the village's attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry.
- (f) Improve and enhance the visual and aesthetic character of the village.
- (g) Educate the public regarding the need and desirability of a village historic preservation program and its enhancement of the quality of life.

## ARTICLE II DEFINITIONS

2.1 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 ordinance.
- (c) Historic district is an area designated by the village board on recommendation of the commission, that contains two or more historic improvements or sites, as well as those abutting improvement parcels which the commission determines should fall under the provisions of this ordinance to assure that their appearance and development is harmonious with such historic structures or historic 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 as a historic site under this ordinance, or an improvement parcel, or part thereof, on which is situated a historic structure and any abutting improvement parcel, or part thereof, used as and constituting part of the premises on which the historic structure is situated.

(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 village, state or nation and which has been designated as a historic structure pursuant to the provisions of this ordinance.

(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, alleys, sidewalks, curbs, lighting fixtures, signs and the like.

(g) Improvement parcel is the unit of property which includes a physical betterment constituting an improvement and the land embracing the site thereof, and is treated as a single entity for the purpose of levying real estate taxes. Provided, however, that the term "improvement parcel" shall also include any unimproved area of land which is treated as a single entity for such tax purposes.

### ARTICLE III COMMISSION OPERATING GUIDELINES

3.1 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 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.

3.2 Operating Guidelines. The commission may adopt specific operating guidelines for historic structure, historic site and historic district designation providing such are in conformance with the provisions of this ordinance.

ARTICLE IV  
HISTORIC PERSERVATION COMMISSION

4.1 Historic Preservation Commission. A Historic Preservation Commission is hereby created, consisting of seven (7) members.

4.2 Composition of Commission. Of the membership, if available in the community, one shall be a registered architect; one shall be a historian; one shall be a licensed real estate broker; one shall be an alderman; and three shall be citizen members. Each member shall have, to the highest extent practical, a known interest in historic preservation.

4.3 Appointment. The village president shall appoint the commissioners subject to confirmation by the Village Board.

4.4 Term. The term of a commission member shall be three (3) years. Of the initial members so appointed, two shall serve a term of one year, two shall serve a term of two years, and three shall serve a term of three years.

ARTICLE V  
COMMISSSION, POWER & DUTIES

5.1 Powers and Duties. The commission shall have the power, subject to Article VI, to designate historic structures and historic sites and to recommend designation of historic districts within the village limits. Such designations shall be made based on the criteria set forth in Article III. 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.

5.2 Regulation of Construction, Reconstruction, Alteration and Demolition.

(a) 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 said 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 historical structure or historic 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;

2. 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;

3. 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;

4. 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;

5. 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;

6. 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

7. 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;

8. 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.

(c) 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:

1. A property shall be used for its historic purposes or be placed in a new use that requires minimal change to the defining characteristics of the building and its sites and environment.

2. 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.

3. 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.

4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.

7. 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.

8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

10. 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.

(d) 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 with 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.

(e) Agencies of the village and all public utility and transportation companies, undertaking projects affecting historic structures, historic sites or 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 buildings on property, easements, or streets owned or franchised by the village.

(f) The issuance of a Certificate of Appropriateness shall not relieve the applicant from obtaining other permits and approvals required by the village. A building permit or other municipal permit shall be invalid if it is obtained without the presentation of the Certificate of Appropriateness required for the proposed work. Insofar as they are applicable to a historic structure, historic site, or improvement in a historic district designated under this ordinance, any provision of the plumbing code, electrical code, or building or housing codes of the village shall apply, unless waived by the appropriate state or village officials. The commission may support or propose such waivers before the appropriate state or village appeals body.

(g) Compliance with Certificates of Appropriateness shall be started within twelve (12) months after the issuance of the certificate, and the work shall conform to the provisions of the certificate. The village 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 ordinance. In addition to other penalties and remedies, the village 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.

(h) Ordinary maintenance and repairs may be undertaken without a Certificate of

Appropriateness provided that the work involves repairs to existing features of a historic structure or site or the replacement of elements of a structure with pieces identical in appearance and provided that the work does not change the exterior appearance of the structure or site and does not require the issuance of a building permit.

5.3 Appeals. Should the commission fail to issue a Certificate of Appropriateness due to the failure of the proposal to conform to the guidelines, the applicant may appeal such decision to the Village Board within thirty (30) days. In addition, if the commission fails to issue a Certificate of Appropriateness, the commission shall, with the cooperation of the applicant, work with the applicant in an attempt to obtain a Certificate of Appropriateness within the guidelines of this ordinance.

5.4 Recognition of Historic Structures, Sites and Districts. At such time as a historic structure, site or district has been properly designated, the commission may cause to be prepared and erected on such property at village expense, a suitable plaque declaring that such property is a historic structure, site or district. 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.

5.5 Other duties. In addition to those duties already specified in this ordinance, the commission shall:

(a) Work for the continuing education of the citizens about historical heritage of this village and the historical properties designated under the provision of this ordinance.

(b) Cooperate with the State of Wisconsin historic preservation officer and the State Historic Preservation Review Board in attempting to include such properties hereunder designated as landmarks or landmark sites, or historic districts in the National Register of Historic Places and the State Register of Historic Places.

(c) As it deems advisable, receive and solicit funds for the purpose of historic preservation in the village. Such funds shall be placed in a special village account for such purpose.

## ARTICLE VI DESIGNATION OF HISTORIC STRUCTURES & SITES

6.1 Designation of Historic Structures and Historic Sites. The commission may, after notice and public hearing, designate historic structures and historical sites, or rescind such designation or recommendation, after application of the criteria in Article III above. At least ten (10) days prior to such hearing, the commission shall notify the owners of record, as listed in the office of the village assessor, who are owners of property in whole or in 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 I Notice, under the Wisconsin Statutes. The commission shall also notify the Plan Commission. The Plan Commission may respond to the commission with its comments on the proposed designation or rescission.

The commission shall then conduct such public hearing and, in addition to the notified persons, may hear expert witnesses and shall have the power to subpoena such witnesses and records as it deems necessary. The commission may conduct an independent investigation into the proposed designation or rescission. Within ten (10) days after the close of the public hearing, the

commission may designate the property as either a historic structure or historic site, or rescind the designation. After the designation or rescission has been made, notification shall be sent to the property owner or owners. Notification shall also be given to the Village Clerk, Village Plan Commission and the Village Assessor. The commission shall cause the designation or rescission to be recorded at village expense, in the County Register of Deeds office.

6.2 Designation of Historic Districts. For preservation purposes, the Historic Preservation Commission shall select geographically defined areas within the village to be designated as Historic Districts and shall, with the assistance of the Village Planning Commission, prepare a historic preservation plan in ordinance form for each area. A Historic District may be designated for any geographic area of particular historic, architectural or cultural significance to the village 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 of indigenous materials or craftsmanship; or
- (d) Is representative of the notable works of master builders, designers, or architects who influenced their age.
- (e) Has yielded, or may be likely to yield, information important to history or prehistory. 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.

6.3 Guideline Criteria of Historic Districts . 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 Sec. 5.2(a) through 5.2(c).
- (b) All new structures shall be construed to a height visually compatible with the building 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 building 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 the 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 (especially trim) 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 the 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) The street facade should blend with other buildings via directional expression. When adjacent buildings have a dominant horizontal or vertical expression, this expression should be carried over and reflected.

(n) Architectural elements should be incorporated as necessary to relate the new with the old and to preserve and enhance the inherent characteristics of the area.

6.4 Review and Adoption Procedure for Historic Districts. (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 give by publication as a Class I Notice under the Wisconsin Statutes in the official village paper. Notice of the time, place and purpose of the public hearing shall also be sent by the Village Clerk to each Village trustee, and the owners of record, as listed in the office of the Village 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 Village Plan Commission and the Village Board.

The Village Plan Commission shall review the Historic District plan and make a recommendation to the Village Board. The Plan Commission shall make its recommendation on the Historic District plan within thirty (30) days.

The Village Board, upon receipt of the recommendations from the Historic Preservation Commission and Plan Commission, shall hold a public hearing, notice to be given as a Class I Notice and shall following the public hearing either designate or reject the Historic District Plan. 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.

ARTICLE VII  
MAINTENANCE OF HISTORIC STRUCTURES

7.1 Interim Control. No building permit shall be issued by the building inspector for alteration, construction, demolition, or removal of a nominated historic structure, historic site, or any property or structure within a nominated historic district from the date of the meeting of the Historic Preservation Commission at which a nomination form is first presented until the final disposition of the nomination by the Historic Preservation Commission or the Village Board unless such alteration, removal or demolition is authorized by formal resolution of the Village Board as necessary for public health, welfare or safety. In no event shall the delay be for more than one hundred eighty (180) days.

7.2 Conformance with Regulations. 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 Village Board may appoint the building inspector or any other individual or group of individuals to enforce this ordinance. The duties of the inspection officer shall include periodic inspection at intervals provided by the Village Board of designated historic structures, historic sites and historic districts. These inspections may include physical entry upon the property and improvement, with permission of the owner, to insure that interior alterations or maintenance will not jeopardize the exterior appearance or structural stability of the improvement. If an owner refuses permission for the enforcement officer to enter for purposes of inspection, the inspection officer may obtain a warrant of entry pursuant to Wis. Stats. Sec. 66.122, and take any other reasonable measures to further enforcement of this ordinance.

7.3 Required Upkeep. 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 portions 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 in a state of disrepair, including but not limited to:

- (a) The deterioration of exterior walls or other vertical supports;
- (b) The deterioration of roofs or other horizontal members;
- (c) The deterioration of external chimneys;
- (d) The deterioration or crumbling of exterior plasters or mortar;
- (e) The ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors;
- (f) The peeling of paint, rotting, holes and other forms of decay;
- (g) The deterioration of surrounding environment, e.g., fences, gates, sidewalks, steps, signs, accessory structures, and landscaping;
- (h) The deterioration of any features so as to create or permit the creation of any hazardous or unsafe condition or conditions.

(i) All interior portions thereof which may cause the exterior to deteriorate or become damaged or otherwise to fall into a state of disrepair.

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

7.4 Modification or Waiver of Building Code or Similar Ordinance. Insofar as they are applicable to a historic structure, historic site or improvement in a historic district, designated under this ordinance, any provision of the Building Code or similar ordinances and regulations of the Village may be varied or waived, on application, by the appropriate board having such jurisdiction over such code or ordinance or, in the absence of such board, by the building inspector, provided such variance or waiver does not endanger public health or safety.

#### ARTICLE VIII PENALTIES FOR VIOLATIONS

8.1 Penalties for Violations. Any person or persons violating any provision of this ordinance shall be fined two hundred dollars (\$200.00) for each separate violation. Each and every day 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 village may, at its election, impose fines and/or have the violations corrected at the village's expense and have a lien placed against the property equal to the cost of the repairs, plus applicable fines and administrative costs.

#### ARTICLE IX EMERGENCY CONDITIONS

9.1 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 remedy of those conditions without the approval of the commission. The building inspector shall promptly notify the commission of the action being 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 use the design guidelines of the commission when remedying the emergency conditions.

#### ARTICLE X SEPARABILITY

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

