

ORDINANCE OF THE COMMON COUNCIL			
An ordinance amending multiple sections of Chapter 34, Historical Preservation, of the Citi of Lake Geneva Municipal Code			
Committee	Finance, Licensing, and Regulation Committee to consider on August 15, 2023		
Fiscal Impact:	N/A		
File Number:	23-08	First Reading :	August 28, 2023
		Second Reading :	August 28, 2023

The City of Lake Geneva Common Council does ordain as follows:

CITY OF LAKE GENEVA, WI
Chapter 34. Historical Preservation

Article I
IN GENERAL

Sec. 34-1. Purpose and intent of chapter.

[Ord. No. 96-2, §-I, 1-22-1996]

In accordance with the authority granted by W.S.A. §-62.23(7)(em), it is declared a matter of public policy that the protection, enhancement, perpetuation and use of historic structures, sites, and districts that represent and define the ~~City's~~City of Lake Geneva's cultural, social, economic, political and architectural history is a public necessity and is required in the interest of health, prosperity, safety and welfare of the people. Furthermore, the purpose of this section is to:

- ~~(1)~~ — Foster civic awareness and pride in the notable accomplishments of the past.
- ~~(2)~~ — Educate the public as to the need and value of ~~the~~ City of Lake Geneva's historic preservation program and its enhancements of the quality of life.
- ~~(3)~~ — Stabilize and improve the property values.
- ~~(4)~~ — Enhance the visual and aesthetic character of the City- of Lake Geneva.
- ~~(5)~~ — Protect the ~~City's~~City of Lake Geneva's special architectural history and character for

its residents and guests.

(6) ~~—~~ Serve as a support and stimulus to business, industry and tourism thereby strengthening the economy of the City.

Sec. 34-2. Definitions.

[Ord. No. 96-2, § II, 1-22-1996]

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ALTERATION

- Any act or process which changes the exterior features of a property or an improvement which has been designated for preservation pursuant to the provision of this chapter.

CERTIFICATE OF APPROPRIATENESS

- ~~_____~~ The certificate of approval issued by the Historic Preservation Commission approving alteration, construction or demolition of a designated historic structure or historic site.

COMMISSION

- ~~_____~~ The Historic Preservation Commission established under Article II with the power and duties granted under this chapter.

CONSTRUCTION

- Any act or process which requires a building permit.

DEMOLITION

- Any act or process which destroys or removes, in whole or in part, an improvement which has been designated for preservation pursuant to the provisions of this chapter. For purposes of this chapter demolition requires a permit.

EXTERIOR FEATURES

- The architectural ~~style, the general design features and arrangement of materials exhibited on~~ the exterior of a building, ~~structure or improvement, and natural features.~~

HISTORIC DISTRICT

- Any area designated by the City Council of Lake Geneva on recommendation of the Historic Preservation Commission that contains two or more historic structures or sites related historically or aesthetically and which has been designated a historic district pursuant to the provisions of this chapter.

HISTORIC SITE

~~Any parcel of land of national, state or local historic, geological or archeological 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 nominated and accepted as a historic site pursuant to the provisions of this chapter.~~

HISTORIC STRUCTURE

~~Any improvement which has a special character, historic interest, significance or value as part of the developmental heritage or cultural characteristics of the City, state or nation, and which had been nominated and accepted by the owner as a historic structure pursuant to the provisions of this chapter.~~

IMPROVEMENT

- Any building, structure, place, work of art or other object, (such as parking facility fence, gate, wall, etc.) constituting a physical betterment of real property or any part of such betterment (such as light fixtures, signs, sidewalk, street furniture, etc.).

NATIONAL AND/OR STATE HISTORICAL REGISTER PROPERTY

~~Is any property that is listed on the National Register of Historic Places in the state or the state register of historic places.~~

LANDMARK –

- a. Any improvement which has architectural, cultural, or historic character or value reflecting the development, heritage, or cultural characteristics of a distinct community present in the city, the city itself, the state or the nation and which has been designated as a landmark under the provisions of this chapter, or
- b. Any land of historic significance due to a substantial value in tracing the history or humankind, or upon which an historic event has occurred, and which has been designated as a landmark under the provisions of this chapter.

LANDMARK SITE – the lot or parcel identified in the official landmark designation maintained by the city. If a landmark designation does not identify a lot or parcel, landmark site means any lot, or part thereof, on which is situated a landmark, and any abutting lot, or part thereof, used as and constituting part of the premises on which the landmark is situated.

The

RESCISSION

~~To rescind, reverse or annul prior historic designation.~~

Sec. 34-3 Maintenance.

~~{Ord. No. 96-2, § VI, 1-22-1996}~~

~~(a) The owner of a historic structure or site shall be encouraged to keep in good repair all of the exterior portions of such, and all interior portions which, if not so maintained, may cause or tend to cause the exterior portions of such to fall into a state of disrepair as follows:~~

~~(1) The deterioration of exterior walls or other vertical supports.~~

~~(2) The deterioration of roofs or other horizontal members.~~

~~(3) The deterioration of external chimneys.~~

~~(4) The deterioration or crumbling of exterior plaster or mortar.~~

~~(5) The ineffective waterproofing of exterior walls, roof and foundation, including broken windows or doors.~~

~~(6) The peeling of paint, rotting holes and other forms of decay.~~

~~(7) The deterioration of surrounding environment, e.g., fences, gates, sidewalks, steps, signs, accessory structures and landscaping.~~

~~(8) The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe conditions.~~

~~(9) All interior portions which may cause the exterior to deteriorate or become damaged or to otherwise fall into a state of disrepair.~~

~~(b) The purpose of this section is to encourage the prevention of deterioration or damage by vandalism or natural causes that may require subsequent demolition or reduced marketability of a building or a structure that is designated a historical structure or site.~~

~~Sec. Commission may adopt specific operating guidelines for landmark sites designation, provided that such are in conformance with the provisions of this section.~~

RESCISSION ~~34-4 Conditions dangerous to life, health or property.~~

~~- The removal of a landmark designation placed on a property under the provisions of this ordinance.~~

~~[Ord. No. 96-2, § VIII A., 1-22-1996]~~

~~Nothing contained in this chapter shall prohibit the making of necessary repairs, alteration or demolition of any historic structures, any improvement on a historic site or in a historic district pursuant to order of any government agency or pursuant to any court judgment for the purpose of remedying emergency conditions determined to be dangerous to life, health or property. In such cases, approval from the Commission shall not be necessary.~~

~~Sec. 34-5. through Sec. 34-30. (Reserved)~~

Article

II

HISTORIC PRESERVATION COMMISSION

~~Sec.~~

Sec. 34-31. Creation and establishment; composition.

[Ord. No. 96-2, §-III A., 1-22-1996; amended 12-10-2012 by Ord. No. 12-25]

The Historic Preservation Commission of the municipal government of the City of Lake Geneva is hereby created and established. The Historic Preservation Commission shall consist of seven members all of whom shall be citizens and residents of the City- of Lake Geneva. To the greatest extent possible the commissioners shall represent expertise in the fields of architecture, history, architectural history, construction, planning, archaeology, cultural anthropology, landscape architecture, and other closely related fields.

The following persons, if available in the community shall be considered desirable for membership: An attorney, a registered architect, an educator, a historian or person active in historic or architectural preservation, an artist, licensed real estate broker, and local businessperson. In addition, the Commission shall include one member of the City Council- of Lake Geneva. Each member shall have, to the highest extent practicable, a known interest and concern for historic preservation. Members of the Commission shall be appointed by the Mayor and approved by the City Council of Lake Geneva by majority vote.

Sec. 34-32. Terms; vacancies; removal; compensation.

[Ord. No. 96-2, §-III B., 1-22-1996]

Of the initial members so appointed to the Commission, two shall serve a term of one year; two shall serve a term of two years and two shall serve a term of three years. Thereafter, the terms of each member shall be for three years. The Alderperson member shall serve a one-year term and may be reappointed. Vacancies caused by resignation otherwise shall be filled by appointment for the period of the unexpired term. A member may be removed from the Commission by the Mayor with the approval of a majority of the City Council- of Lake Geneva. Members of the Commission shall serve without compensation.

Sec. 34-33. Election of officers; rules; records; meetings; quorum.

[Ord. No. 96-2, §-III C., 1-22-1996; amended 12-10-2012 by Ord. No. 12-25]

(a) Meeting. The Commission shall meet a minimum of four times per year. Additional meetings may be called by the Chairman or by action of the members at a duly called meeting. All meetings shall be held at the Lake Geneva City Hall unless otherwise designated by the Chairman.

(b) Rules of order. The Chairperson shall call the meeting to order, shall

preserve order and decorum, shall decide all questions of order, and shall conduct the proceedings of the meeting in accordance with Robert's Rules of Order, unless otherwise provided by statute or by the rules stated herein.

(c) ~~Quorum.~~ A majority of the membership of the Commission shall constitute a quorum for the transaction of business.

(d) ~~Organization.~~ The members of the Historic Preservation Commission shall elect a Chairman from amongst its members. The Commission may elect other officers necessary or appropriate to aid in the efficient running of the Commission.

(e) ~~Agenda.~~ The Chairperson is responsible for the preparation of the agenda and shall provide a digital or electronic copy of such agenda to the City Clerk for posting and distribution to other Commission members and the public at least 48 hours prior to such meeting. Informational material for items identified on the agenda shall also be provided with the agenda when practical.

~~(f) Commission action. Unless otherwise stated herein, the Historic Preservation Commission is advisory in its capacity and shall make recommendations to the City Council.~~

(g) ~~Submittal of minutes.~~ The Acting Secretary shall submit in a timely fashion a digital copy of the meeting minutes to the City Clerk for posting and distribution.

If action by the City Council of Lake Geneva is desired, such action shall be so noted in the minutes.

Sec. 34-34. Powers and duties.

[Ord. No. 96-2, § IV, 1-22-1996]

~~(a) Recommendation of designation of historic districts.~~

The Commission shall have the ~~duty~~power to recommend to the City Council of Lake Geneva designation of landmarks, landmark sites, and historic districts within the City of Lake Geneva.

(a) Recommendation of designation of landmarks, landmark sites, and historic districts. The Commission shall recommend to the City Council of Lake Geneva designation of individual landmarks, landmark sites and historic districts. Such recommendations shall be in accordance with SectionSec. 34-61-61a

~~(b) Nomination of properties as historic landmarks, landmark sites, and structureshistoric districts. The Commission may nominate properties or areas of the city for designation as landmarks, landmark sites, or historic sites or structuresdistricts. Such nomination shall be in accordance with SectionSec. 34-62-63. The Commission shall also provide a nomination form which may be used by any resident of the city to nominate any property or area within the city for designation as a landmark, landmark site or historic district.~~

~~(c) Authorizing certificates of appropriateness. The Commission may authorize certificates of appropriateness. Such authorization shall be in accordance with Article IVSec. 34-81 of~~

this chapter.

(d) — Additional duties. The Commission:

- (1) — Shall work for the continuing education of the public about the historic heritage of the City of Lake Geneva and the ~~historic structures, landmarks, landmark~~ sites, and ~~historic~~ districts designated under the provisions of this chapter.
- (2) — Shall function as a resource, providing information and suggestions concerning ways in which modifications of ~~landmarks, landmark sites, and historic structures~~ districts can be made in keeping with the provisions of this chapter.
- (3) — May make use of the state historical preservation guidelines to facilitate ~~the review of proposals received in accordance with the provisions of this chapter.~~
- (4) — May prepare or cause to be prepared a historic preservation master plan ~~in accordance with the provisions of this chapter.~~
- (5) — Shall develop a historic district plan ~~for each designated historic district~~ in accordance with provisions of ~~Article IV Sec. 34-62~~ of this chapter.
- (6) — Shall provide assistance to residents in their efforts to obtain ~~for their property local, state or federal~~ historic designation ~~on local, state and national lists of historic structures for their property.~~
- (7) — Shall maintain a ~~listing of historic structures, list of individual landmarks, landmark~~ sites, and ~~historic districts, and designated under the provision of this ordinance and~~ shall make ~~copies of the list publicly available to the City Council, state and federal review agencies, and the public.~~
- (8) — May prepare, or cause to be prepared ~~at the city's expense~~, appropriate markers or signs to be placed upon ~~or near landmarks, landmark site, and in prominent locations~~ in historic ~~structures, sites, and~~ districts.
- (9) — Shall cooperate with the state ~~historic preservation officer~~ office and the state historic preservation review board in attempting to include ~~properties that have been accepted as historic structures under this chapter as local landmarks, landmark sites, and historic sites, structures or districts in the state register~~ State Register of ~~historic places~~ Historic Places and the National Register of Historic Places.
- (10) — May solicit and receive revenue for the purpose of historic ~~preservation in the City. Such revenue shall be placed in a special City fund for such purpose.~~
- (11) — Shall research, maintain and distribute to the public information ~~concerning tax and other financial incentives available for historic preservation.~~

(12) — The Commission shall encourage financial institutions to offer
 favorable loans for rehabilitation or restoration of historic properties. The
 Commission shall advise and assist property owners in obtaining
 information on special financing programs.

Sec. 34-35. through Sec. 34-60. (Reserved)

Article III

DISTRICTS, STRUCTURES AND SITES. LANDMARK, LANDMARK SITE, OR HISTORIC DISTRICT DESIGNATION.

Sec. 34-61. Designation and nomination criteria for district designations and property nominations.

[Ord. No. 96-2, § V, 1-22-1996]

For the purpose of this chapter, landmark, landmark 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 or cultural significance to the City of Lake Geneva.

Properties or groupings of properties in Lake Geneva are historically significant and eligible for landmark designation if they meet any of the following criteria:

(1) Reflects the cultural, political, economic or social history of the community, state or nation;

(2) Is associated with the productive life of historic personages or important events in national, state or local history;

(3) Embodies the distinguishing characteristics of an architectural type or specimen inherently valuable for a study of a period's style, method of construction, or of indigenous materials or craftsmanship;

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

(5) Has yielded, or may be likely to yield, information important to prehistory or history.

Sec. 34-62. Development of historic district plan.

[Ord. No. 96-2, § VIII, 1-22-1996]

(a) Plan analyses and objectives. Each historic district plan approved 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.

(b) Design criteria. Design criteria to be considered in the development of historic district plans are as follows:

(1) The gross volume and height of any new structure shall be visually compatible with the buildings and environment with which it is visually related.

(2) In the street elevation of a building, the proportion between the building and environment with which it is visually related shall be considered.

(3) The proportions and relationships between doors and windows in the street facade should be compatible with the buildings and environment with which it is visually related.

(4) The rhythm of solids to voids, created by openings in facade, should be compatible with buildings and environment with which it is visually related.

(5) The existing rhythm created by existing building masses and spaces between them should be preserved.

(6) The materials, texture, colors and patterns used in the final facade should be compatible with the buildings and environment with which it is visually related.

(7) The design of the roof should be visually compatible with the buildings and environment with which it is visually related.

(8) The landscape plan should be sensitive to the individual building, its occupants and their needs and be compatible with the buildings and environment with which it is visually related.

(9) The street facade should blend with other buildings via directional expression. When adjacent buildings have a horizontal or vertical expression, this expression should be carried over and reflected.

(10) 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.

Sec. 34-63. Procedures for historic district designations.

[Ord. No. -96-2, § V, 1-22-1996]

The Commission may, after notice published as a Class I notice and public

hearing, as well as due notice to the parties in interest and adjacent property owners, recommend historic districts, or rescind such designation or recommendation, after application of the criteria a

~~[Ord. No. 96-2, § V, 1-22-1996]~~

Procedures for the designation of historic districts are as follows:

~~(1) —~~

~~(1) Submission of recommended area to Planning Commission. The Commission may upon its own initiative submit to the Planning Commission for public hearing and recommendation to the City Council, areas to be designated as historical districts.~~

~~(2) —~~

~~(2) Public hearing; recommendations to City Council. The Planning Commission, upon receipt of the proposed designation of historical districts, shall hold a public hearing on the proposed district and pursuant to the criteria in Section 34-63, and shall make their recommendations to the City Council within 60 days.~~

~~(3) —~~

~~(3) Notice of hearing. Notice of such hearing shall be published as a Class 1 notice under W.S.A. §-985.06(2) pursuant to W.S.A. §-62.11(4). In cases of designation of historic districts, notice of the time, place and purpose of the public hearing shall be sent by the Commission to the Alderpersons of the Aldermanic District or Districts in which the historic district is located.~~

~~(4) —~~

~~(4) Notification of owners of record. In the matter of the designation of historic district, the City Council, upon review of the recommendation from the Planning Commission, shall notify the owners of record, who are owners of property, in whole or in part, situated within 100 feet of the boundaries of the property affected or within the boundaries of the proposed historic district. For the purpose of this chapter owners of record are those listed in the office of the City Assessor.~~

~~(5) Effect on properties. Properties within a historic district are not affected by any requirements of this chapter unless such properties are nominated and accepted as historical sites or structures by the owners as established in Section~~

~~34-62.~~

Sec. 34-6264. Procedures for historielocally designated landmark structure or landmark site nominations.

[Ord. No. 96-2, § V B., 1-22-1996; Ord. No. 07-02, § 1, 2-12-2007]

~~Nomination procedures for historic structures or sites shall be as follows:~~

~~(~~

~~1) — Nominations made to property owners; acceptance or rejection. Historic structure or site nominations shall be made directly to the property owner by certified mail with notification by the Commission. Commission nominations for local city-owned landmarks shall be referred to the Planning Commission for public hearing and recommendation to the City Council of Lake Geneva.~~

~~2. Acceptance of nomination; plaque. — No action will be taken until such time as When the nomination is either accepted or rejected. of a landmark or landmark site has been accepted, the Commission, in cooperation with the property owner, may cause to be prepared and erected on such property, a suitable plaque provided by the City of Lake Geneva.~~

~~(2) — (Reserved)~~

~~(~~

~~3) — Application by owner. Property ownersLake Geneva residents who feel ~~that their~~ property may meet the criteria to qualify as historical structures or sites landmark structure or landmark site under this chapter may apply to the Commission in writing for nominations as a historical landmark structure or landmark site. Acceptance by the Commission of any such application will be made by the Commission pursuant to its rules and the criteria established and set forth in SectionSec. 34-63~~61~~.~~

~~(4) — Commission nominations. Commission nominations shall be referred to the Planning Commission for public hearing and recommendation to the City Council.~~

~~(5) — Acceptance of nomination; plaque. When the nomination of a historic structure or site has been accepted, the Commission, in cooperation with the property owner, may cause to be prepared and erected on such property, a suitable plaque provided by the City.~~

~~**Sec. 34-63 Designation and nomination criteria for district designations and property nominations.**
[Ord. No. 96-2, § V C., 1-22-1996]~~

~~Historic district designation and property nominations may be recommended using the following criteria:~~

~~(1) — Reflects the cultural, political, economic or social history of the community, state or nation;~~

~~(2) — Is identified with historic personages or important events in national, state or local history;~~

~~(3) — Embodies the distinguishing characteristics of an architectural type or specimen inherently valuable for a study of a period's style, method of construction, or of indigenous materials or craftsmanship;~~

~~(4) — Is representative of the notable work of a master builder, designer or architect who influenced his age; or~~

~~(5) — Has yielded, or may be likely to yield information important to prehistory or history.~~

~~**Sec. 34-64 Rescission procedures.**
[Ord. No. 96-2, § V D., 1-22-1996]~~

~~Rescission procedures are as follows:~~

~~(1) — The Commission may recommend that any designation of a historic district or accepted nomination of a historic site or structure should be rescinded.~~

~~(2) — Criteria to be considered for rescission may include, but are not limited to, an application that demonstrates that the owner wishes to sell but is unable to find a buyer willing to preserve such historic structure or site.~~

~~(3) — Rescission recommendations are to be made to the Planning Commission and the City Council pursuant to Section 34-61~~(2), (3), (4)~~.~~

~~**Sec. 34-65 Development of historic district plan.**
[Ord. No. 96-2, § VIII, 1-22-1996]~~

~~(a) — Plan analyses and objectives. Each historic district plan approved 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.~~

~~(b) Design criteria. Design criteria to be considered in the development of historic district plans are as follows:~~

~~(1) The gross volume and height of any new structure shall be visually compatible with the buildings and environment with which it is visually related.~~

~~(2) In the street elevation of a building, the proportion between the building and environment with which it is visually related shall be considered.~~

~~(3) The proportions and relationships between doors and windows in the street facade should be compatible with the buildings and environment with which it is visually related.~~

~~(4) The rhythm of solids to voids, created by openings in facade, should be compatible with buildings and environment with which it is visually related.~~

~~(5) The existing rhythm created by existing building masses and spaces between them should be preserved.~~

~~(6) The materials, texture, colors and patterns used in the final facade should be compatible with the buildings and environment with which it is visually related.~~

~~(7) The design of the roof should be visually compatible with the buildings and environment with which it is visually related.~~

~~(8) The landscape plan should be sensitive to the individual building, its occupants and their needs and be compatible with the buildings and environment with which it is visually related.~~

~~(9) The street facade should blend with other buildings via directional expression. When adjacent buildings have a horizontal or vertical expression, this expression should be carried over and reflected.~~

~~(10) 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.~~

~~Sec. 34-66 through Sec. 34-90~~80. (Reserved)

Article

IV

CERTIFICATES OF APPROPRIATENESS

Sec. ~~34-91~~81. Procedures.

[Ord. No. 96-2, § VII A., 1-22-1996; Ord. No. 07-02, § 1, 2-12-2007]

Any application for a permit from the Building Inspector involving the exterior of a designated landmark or a designated structure within an historic district shall be filed with the Historic Preservation Commission.

An owner, lessee, or person in charge of a designated landmark who applies for a permit to alter, ~~construct~~ or demolish a ~~nominated and accepted historic structure, site, or national or state historic registry~~

~~structure~~designated landmark or a property in a historic district must first receive a certificate of appropriateness from the Commission prior to being issued a building permit by the City of Lake Geneva Building Inspector, pursuant to the following procedures:

~~(1)~~ —

(1) Application. Applications for certificate of appropriateness shall be submitted to the Commission ~~in combination with requested standard review information and material with supporting materials~~ such as drawings, plans, renderings, elevations, or descriptions of proposed work ~~that is necessary for Commission review and recommendation to adequately review the proposed alterations against the standards in Sec. 34-62.~~

~~(2)~~ —

(2) Deadline for submission. Application and ~~review information deadline.~~ ~~The application and requested review information~~ supporting materials must be submitted no less than 10 days prior to the ~~Commission's~~ Commission's regularly scheduled monthly meeting.

~~(3)~~ —

(3) Review of application. Review of the application for certificate of appropriateness will be held at the ~~Commission's~~ Commission's monthly meeting.

~~(4) — Grant; issuance.~~

(4) Issuance of Certificate. If after review, the Commission grants a certificate of appropriateness to the applicant, a written certificate shall be issued and mailed to the applicant within three (3) business days.

~~(5)~~ —

(5) Certificate does not ~~to~~ relieve applicant from other permit and approval requirements. Issuance of a certificate of appropriateness shall not relieve the applicant from obtaining other permits and approvals required by the City. A building permit or other municipal permits shall be invalid if it is obtained without the presentation of the certificate required for the proposed work.

~~(6)~~ —

(6) Denial; written notice; alternatives for applicant. If after review, the Commission denies the certificate of appropriateness, a written notice of denial and reasons for denial shall be mailed to the applicant within three business days. The Commission ~~may~~ shall assist the applicant by recommending acceptable alternatives that would qualify for a certificate of appropriateness.

~~(7)~~ —

(7) Ordinary maintenance and repairs. Ordinary maintenance and repairs may be undertaken without a certificate of appropriateness, provided that the work involves repairs to existing features of a ~~historic~~ landmark structure or a 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.

~~(8) Appeals~~

(8) Appeal. ~~Any decision of denials. Upon denial of the Commission may be appealed to the City Council through the following procedures:~~

(a) If 30 days after the Commission denies a certificate of appropriateness, no satisfactory resolution has been reached between the Commission and the applicant, the applicant may,

within an additional 30 days thereafter, appeal to the City _____ Council of Lake Geneva from the Commission's decision by written request, specifying the grounds for the appeal.

(b) After a public hearing the City Council of Lake Geneva may reverse or modify the decision of the Commission if, after balancing the interests of the public and the preservation of the subject property owners may choose to appeal the denial of such and interest of the owner, the City Council finds that owing to unique conditions pertaining to the specific piece of property, failure to grant the certificate of appropriateness through the procedures set forth in Section will cause serious hardship to the owner. Any such decision will be by majority of Council members present.

~~34-93.~~

Sec. 34-9282. Criteria and standards for approval.

[Ord. No. 96-2, § VII B., 1-22-1996]

~~(a) _____~~

(a) Upon filing of any application for a certificate of appropriateness with the Commission, the Commission shall approve the application if the following criteria are met:

(1) ~~(1) _____~~ For ~~nominated and accepted historic structures or sites~~ designated landmarks, the proposed changes would not destroy or adversely affect any exterior feature of the structure or site, visible to a street.

~~(2) _____~~

(2) For the construction of a new improvement upon a historielandmark site or within a historic district, the exterior of such improvement, visible from a street, would harmonize with the external appearances of neighboring improvements.

~~(3) _____~~

(3) The historic building or structure is not of such architectural or historical significance that its demolition would be detrimental to the public interest and/or contrary to the general welfare of the people of the City of Lake Geneva and the state.

~~(4) _____~~

(4) For the demolition of a deteriorated building or structure, any economic hardship or difficulty claimed by the owner ~~would~~ was not ~~be~~ self-created or ~~be~~ the result of any failure to maintain the property in good repair.

~~(b) _____~~

(b) In addition to the criteria of Subsection (a) of this section, the Commission may consider and give decisive weight to any of the following standards:

~~(1) _____~~

(1) The use of the property shall require minimal change in the defining characteristics of the building and its site and environment.

~~(2) _____~~

(2) The historic character of a property shall be retained and preserved. The removal of historic

materials or alterations of features and spaces that characterize a property shall be avoided.

~~(3)~~ —

(3) Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historic development, such as adding conjectural features or architectural elements from other buildings, shall be avoided.

~~(4)~~ —

(4) Properties change over time. Those changes which have acquired historic significance in their own right shall be retained and preserved.

~~(5)~~ —

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

~~(6)~~ —

(6) Deteriorated historic features shall be repaired rather than replaced whenever practicable. Where the severity of deterioration requires replacement of distinctive features, the new feature shall match the old 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)~~ —

(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)~~ —

(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)~~

(9) 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. However, for restoration, reconstruction or exterior alteration of structures of unusual or uncommon design and of materials and/or textures that cannot be reproduced without great difficulty and/or expense, appropriate alternative design, materials and/or texture may be authorized.

~~(10)~~ —

(10) New additions and adjacent or related new construction shall be undertaken in such manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Sec. 34-93 Appeals. ~~83. through Sec. 34-90. (Reserved)~~

Article V. MAINTENANCE AND RESCISSION

Sec. 34-91. Maintenance.

[Ord. No.-96-2, § ~~VII~~ VI, 1-22-1996]

(a) The owner of a landmark structure or site shall keep in good repair all of the

exterior portions of such, and all interior portions which, if not so maintained, may cause or tend to cause the exterior portions of such to fall into a state of disrepair as follows:

- (2) The deterioration of exterior walls or other vertical supports.
- (2) The deterioration of roofs or other horizontal members.
- (3) The deterioration of external chimneys.
- (4) The deterioration or crumbling of exterior plaster or mortar.
- (5) The ineffective waterproofing of exterior walls, roof and foundation, including broken windows or doors.
- (6) The peeling of paint, rotting holes and other forms of decay.
- (7) The deterioration of surrounding environment, e.g., fences, gates, sidewalks, steps, signs, accessory structures and landscaping.
- (8) The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe conditions.
- (9) All interior portions which may cause the exterior to deteriorate or become damaged or to otherwise fall into a state of disrepair.

(b) The purpose of this section is to encourage the prevention of deterioration or damage by vandalism or natural causes that may require subsequent demolition or reduced marketability of a building or a structure that is designated a historical structure or site.

Sec. 34-92. Conditions dangerous to life, health or property.

[Ord. No. 96-2, § VIII A., 1-22-1996]

Nothing contained in this chapter shall prohibit the making of necessary repairs, alteration or demolition of any historic structures, any improvement on a historic site or in a historic district pursuant to order of any government agency or pursuant to any court judgment for the purpose of remedying emergency conditions determined to be dangerous to life, health or property. In such cases, approval from the Commission shall not be necessary.

Sec. 34-93. Rescission procedures.

[Ord. No. 96-2, § V D., 1-22-1996]

Rescission procedures are as follows:

- (1) The Commission may recommend that any designation of a historic district or accepted nomination of a historic site or structure should be rescinded.

Criteria to be considered for rescission may include, but are not limited to, an application that demonstrates that the owner wishes to sell but is unable to find a buyer willing to preserve such historic structure or site. ~~(a) If 30 days after the Commission denies a certificate of appropriateness, no satisfactory resolution has been reached between the Commission and the applicant, the applicant may, within 30 days thereafter, appeal to the City Council from the Commission's decision by written request, specifying the grounds for the appeal.~~

- ~~(b) After a public hearing the City Council may reverse or modify the decision of the Commission if after balancing the interests of the public and the preservation of the subject property and interest of the owner, the City Council finds that owing to unique conditions pertaining to the specific piece of~~

~~property, failure to grant the certificate of appropriateness will cause serious hardship to the owner. Any such decision will be by majority of Council members present.~~

(2)

(3) Rescission recommendations are to be made to the Planning Commission and the City Council and utilize the procedures set forth under Sec. 34-81.

- 1. This ordinance shall take effect upon passage by a majority vote of the members-elect of the Common Council and publication/posting as required by law.**

Approved by the City of Lake Geneva Common Council on this 28th day of August, 2023.

Council Action: Adopted Failed **Vote** _____

Mayoral Action: Accept Veto

Charlene Klein, Mayor Date

Attest:

Lana Kropf, City Clerk Date