



Historic Preservation Commission

335 South Broadway

Regular Meeting

De Pere, WI 54115
<http://www.de-pere.org>

Revised Agenda

Monday, September 21, 2015

6:00 PM

De Pere City Hall Council Chambers

Pursuant to Wisconsin Statutes 19.84, Notice is hereby given to the public that a meeting of the **Historic Preservation Commission** of the City of De Pere will be held on **September 21, 2015** at **6:00 PM** in the **De Pere City Hall Council Chambers, 335 S. Broadway Street, De Pere, WI 54115.**

Call to Order

1. Roll Call.
2. Approval of the minutes of the August 17, 2015 meeting.
3. Update on the N.E.W. Master Gardener Association Riverwalk landscape project.
4. Review and Discussion of Historic Preservation.
 - A. Review Historic Preservation ordinance
 - B. Review Razing and Moving of Buildings Ordinance
 - C. Review Secretary of Interior Standards
 - C. Review Historic Building Article
5. Future agenda items.

Adjournment

Any person wishing to attend this meeting who, because of disability, requires special accommodations should contact the City Planner's office at 339-4043 by Noon on Monday, September 21, 2015 so that arrangements can be made.

AGENDA SENT TO:

Commission Members
Alderspersons
Department Heads
News Media
De Pere Chamber of Commerce
Brown County Library, De Pere Branch
Joe De Rose, Historic Preservation Division

City of De Pere, Wisconsin



Request For Historic Preservation Commission Action

MEETING DATE: September 21, 2015

DEPARTMENT: Planning

FROM: Sarah Wallace

SUBJECT: Approval of the minutes of the August 17, 2015 meeting.

ATTACHMENTS:

- HPC_Aug2015_Minutes_Draft (PDF)



Historic Preservation Commission

335 South Broadway

De Pere, WI 54115

<http://www.de-pere.org>

Regular Meeting

Draft Minutes

Monday, August 17, 2015
6:00 PM
De Pere City Hall Council Chambers

Call to Order

The meeting was called to order at 6:00 PM by Commissioner Mike Fleck

Attendee Name	Title	Status	Arrived
Scott Crevier	Alderpersion	Present	
Mike Fleck	Commissioner	Present	
Gene Hackbarth	Commissioner	Present	
Brian Netzel	Commissioner	Present	
Sue Sands	Commissioner	Present	
Kate Sabel	Commissioner	Excused	
Adam Turriff	Commissioner	Present	

Also present: City Planner Sarah Wallace and City Administrator Larry Delo.

- Approval of the minutes of the July 20, 2015 meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gene Hackbarth, Commissioner
SECONDER:	Scott Crevier, Alderpersion
AYES:	Crevier, Fleck, Hackbarth, Netzel, Sands, Turriff
EXCUSED:	Kate Sabel

- Update from Students on the Front Street Mural Project.

There were no students present at the meeting to provide an update.

- Review and Comment on the progress of the SNC Historic Building Research/Tour Project.

Gene Hackbarth reported that the project is moving forward, and a good portion of the text is set for the brochure. St. Norbert College is working out the details with the De Pere Historical Society to use their photos. They will have plenty of time to complete the project before SNC Day, which is scheduled for Saturday, September 19th.

- Update on the Irwin School Development Project.

Staff reported that the proposed project for this site has been pulled. The site will exist as it is today with the current owner.

- Request to Apply for a 2016 Certified Local Government Sub-grant for the completion and update of the City of De Pere's 2001 Intensive Survey. *

Gene Hackbarth stated that the 2001 Intensive Survey is due for an update, as recommended by the state Historical Society, to add any buildings that are now over 50 years of age. He recommended that the Commission send a Letter of Intent to the Wisconsin Historical Society requesting a CLG grant to cover the cost of updating the survey. Gene and Brian Netzel will work together to compose the letter, which is due September 11th. These subgrants are only available to CLG communities; while not guaranteed, intensive surveys do get a higher rating than other projects that are being proposed. Gene noted that De Pere has a good reputation for applying and receiving

Attachment: HPC_Aug2015_Minutes_Draft (3975 : minutes)

grants. Sue Sands motioned, seconded by Adam Turriff, to move forward with the application process. Upon vote, motion carried unanimously.

7. Review and Recommendation on the Historic Preservation Commission Budget for 2016.

City Planner Sarah Wallace provided an overview of the 2016 draft budget for the Historic Preservation Commission. She noted that the Seminars and Conferences category was reduced while Mileage was increased, to reflect actual spending from previous years. Gene Hackbarth motioned, seconded by Brian Netzel, to request that the Seminars & Conferences budget be increased by \$300 due to next year's Convention of the Wisconsin Association of Historic Preservation Commissions being held in De Pere. Upon vote, motion carried unanimously. Gene Hackbarth motioned, seconded by Adam Turriff, to replace the phrase "historical heritage" with "cultural heritage" in the last sentence of the Cost and Benefits of Program and Services section of the budget. Upon vote, motion carried unanimously.

8. Discussion and approval of funding for DPHPC members to attend the 2015 Local History and Historic Preservation Conference.

Commission members discussed attendance at the Local History and Historic Preservation Conference in Middleton on October 9th-10th. Any members who plan to attend should notify staff member Carey Danen. There is a 10% discount for conference registration prior to August 21st.

9. Future Agenda Items.

Gene Hackbarth requested that members from the Brown County Master Gardener Association be invited to present on their beautification project along the Riverwalk.

Adjournment

Scott Crevier motioned, seconded by Brian Netzel, to adjourn the meeting at 6:17 P.M. Upon vote, motion carried unanimously.

Respectfully submitted,
Carey Danen

City of De Pere, Wisconsin

**Request For Historic Preservation Commission Action**

MEETING DATE: September 21, 2015

DEPARTMENT: Planning

FROM: Sarah Wallace

SUBJECT: Update on the N.E.W. Master Gardener Association Riverwalk landscape project.

The Commission will receive a report from co-managers Claudia Schultz and JoAnn Holloway for the De Pere Riverwalk landscape project within the De Pere Lock and Dam historic district. See attached pictures.

ATTACHMENTS:

- Fwd N.E.W.Master Gardener project on Wildlife Pier (MSG)

Carey E. Danen

From: EugeneHackbarth <genehackbarth@gmail.com>
Sent: Saturday, August 22, 2015 3:37 PM
To: Sarah Wallace
Cc: Mike Fleck
Subject: Fwd: N.E.W.Master Gardener project on Wildlife Pier

Sarah,
 Please add to the Monday, September 21 HPC meeting Agenda.
 De Pere Riverwalk landscape project within De Pere Lock and Dam Historic District.
 Report by Project Co-Managers Claudia Schultz and JoAnn Holloway at 6:15PM.
 See photos below showing project progress. Please include photos with packet.
 Thanks
 Gene

Begin forwarded message:

From: Claudia Schultz <cxsdia@gmail.com>
Subject: N.E.W.Master Gardener project on Wildlife Pier
Date: August 14, 2015 at 2:45:25 PM CDT
To: GENE & KATHY HACKBARTH <genehackbarth@gmail.com>

Do you still want someone to speak on the 17th?

Attachment: Fwd N.E.W.Master Gardener project on Wildlife Pier (3977 : master gardeners)



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Sent from my iPad

City of De Pere, Wisconsin



Request For Historic Preservation Commission Action

MEETING DATE: September 21, 2015

DEPARTMENT: Planning

FROM: Sarah Wallace

SUBJECT: Review and Discussion of Historic Preservation.

ATTACHMENTS:

- HPC_Historic Preservation_Memo (PDF)

CITY OF DE PERE

335 South Broadway
De Pere, WI 54115
Fax No.: 920/339-4049
Web: <http://www.de-pere.org>



September 14, 2015

To: Historic Preservation Commission

From: Sarah Wallace, Associate Planner

RE: Agenda Item #4 - Request from Chair to review the City's Historic Preservation Ordinance

As you will recall, at the July HPC Meeting we had a general discussion of the process and information for local historic districts. As part of that packet you were provided a copy of the City Ordinance for Historic Preservation. Staff is currently working to create information for the process of creating local designation, creating applications, and creating education material as it was discussed at the July meeting. Staff has also been in contact with the State Historical Society and will be providing them with a draft copy for review and comment prior to bringing it back to HPC for review and action.

See below and attached for information pertaining to this discussion item.

The Wisconsin State Statutes 62.23 (7)(em) Planning Subsection/Zoning /Historic Preservation provides the Statutory language that creates the Historic Preservation Commission, under the City's authority of Zoning. The language specifically states:

(em) Historic preservation. A city, as an exercise of its zoning and police powers for the purpose of promoting the health, safety and general welfare of the community and of the state, may regulate by ordinance, or if a city contains any property that is listed on the national register of historic places in Wisconsin or the state register of historic places shall, not later than 1995, enact an ordinance to regulate, any place, structure or object with a special character, historic, archaeological or aesthetic interest, or other significant value, for the purpose of preserving the place, structure or object and its significant characteristics. A city may create a landmarks commission to designate historic or archaeological landmarks and establish historic districts. The city may regulate, or if the city contains any property that is listed on the national register of historic places in Wisconsin or the state register of historic places shall regulate, all historic or archaeological landmarks and all property within each historic district to preserve the historic or archaeological landmarks and property within the district and the character of the district.

The City has adopted Chapter 38 – Historic Preservation, which creates the Historic Preservation Commission. The full section of the ordinance is attached for your reference and review as we discuss the code at the meeting. Also attached is section 54-8 Moving or Razing Buildings. This has been attached and is included as part of the review for Codes related to the Commission.

Attachment: HPC_Historic Preservation_Memo (3976 : Review of HP)

It also seems that there are questions about the use of the Downtown De Pere Building Design Guidelines – it is my understanding that the City of De Pere, the State Main Street program, Definitely De Pere, and the Historic Preservation Commission worked to create these guidelines. Ultimately these are guidelines. The City of De Pere encourages business owners who are looking at making modifications to their commercial building to utilize all the resources available to them, especially when applying for a City Façade Grant.

The Department of Interior Design Standards (attached as an appendix to the Downtown De Pere Building Design Guidelines) consist of information and guidance for the exterior and interior rehabilitation, restoration, reconstruction and preservation of a property. These are guidelines and are not regulatory through the City. Attached you will find some general information on these standards. The Complete standards can be found online. You can learn more about them here - <http://www.nps.gov/tps/standards.htm>

As a result of my conversations with the State Historical Society, I have also attached an article with some additional information called “Is Your Building Historic”. They also have a good resource for members that can be found at the active link below for those that receive this electronically. Otherwise you can go to the Wisconsin history website and search “training”.
<http://www.wisconsinhistory.org/Content.aspx?dsNav=Ny:True,Ro:0,N:4294963828-4294961311&dsNavOnly=Ntk:All%7ccommission+traning%7c3%7c,Ny:True,Ro:0&dsRecordDetails=R:CS245&dsDimensionSearch=D:training,Dxm:All,Dxp:3&dsCompoundDimensionSearch=D:training,Dxm:All,Dxp:3>

Hopefully this provides you with information regarding Historic Preservation. Contact me if you have any questions.



City of De Pere, Wisconsin

Request For Historic Preservation Commission Action

MEETING DATE: September 21, 2015
DEPARTMENT: Planning
FROM: Sarah Wallace
SUBJECT: A. Review Historic Preservation ordinance

ATTACHMENTS:

- Sec._38_1.____Purpose_and_intent_of_chapter (PDF)

Chapter 38 - HISTORIC PRESERVATION^[1]

Footnotes:

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Cross reference— Platting and division of land, ch. 46; building code, ch. 54; zoning, app. A.

Sec. 38-1. - Purpose and intent of chapter.

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. The purpose of this section is to:

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

(Code 1974, § 11.01; Ord. No. 02-01, § 1, 1-2-2002)

Sec. 38-2. - Definitions.

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:

Certificate of appropriateness means the certificate issued by the commission approving alteration, rehabilitation, construction, reconstruction, or demolition of an historic structure, historic site, or any improvement in an historic district.

City means City of De Pere, Wisconsin.

Commission means the historic preservation commission created under this chapter.

Historic district means an area designated by the common council, on recommendation of the commission, that contains two or more historic improvements or sites.

Historic site means any parcel of land of historic significance due to a substantial value in tracing the history or prehistory of humans, or upon which an historic event has occurred, and which has been designated as an historic site under this section, or an improvement parcel, or part thereof, on which is

situated an 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.

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, state, or nation, and which has been designated as an historic structure pursuant to the provisions of this chapter.

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.

Improvement parcel means 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.

(Code 1974, § 11.02; Ord. No. 02-01, § 1, 1-2-2002)

Cross reference— Definitions, § 1-3.

Sec. 38-3. - Historic preservation commission; composition.

An historic preservation commission is hereby created, consisting of seven members. Of the membership, if available in the community, one shall be a registered architect; one shall be an historian; one shall be a licensed real estate broker; one shall be a council member; and three shall be citizen members, one of which must reside within an historic district. Each member shall have, to the highest extent practicable, a known interest in historic preservation. The mayor shall appoint the commissioners subject to confirmation by the common council. 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. Thereafter, the term for each member shall be three years.

(Code 1974, § 11.03; Ord. No. 02-01, § 1, 1-2-2002)

Cross reference— City administration, ch. 10.

Sec. 38-4. - Historic structure, historic site and historic district designation criteria.

- (a) For purposes of this chapter, an historic structure, historic site, or historic district designation may be placed on any site, natural or improved, including any building, improvement, or structure located thereon, or any area of particular historic, architectural, archeological, or cultural significance to the city, such as historic structures, sites, or districts which:
- (1) Exemplify or reflect the broad cultural, political, economic, or social history of the nature, state, or community;
 - (2) Are identified with historic personages or with important events in national, state, or local history;
 - (3) Embody the distinguishing characteristics of an architectural type or specimen inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship;
 - (4) Are representative of the notable work of a master builder, designer, or architect who influenced his or her age; or

- (5) Have yielded, or may be likely to yield, information important to prehistory or history.
- (b) 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 chapter.

(Code 1974, § 11.04; Ord. No. 02-01, § 1, 1-2-2002; Ord. No. 13-17, § 15, 8-20-2013)

Sec. 38-5. - Powers and duties of commission.

- (a) Designation. Upon request of the property owner, the commission shall have the power, subject to section 38-6, infra, to designate historic structures and historic sites. The commission shall have the power to recommend designation of historic districts within the city limits. Such designations shall be made based on section 38-4, supra. Historic districts shall be approved by the common council. Once designated, such historic structures, sites, and districts shall be subject to all the provisions of this chapter.
- (b) Regulation of construction, reconstruction, alteration, and demolition.
 - (1) No owner or person in charge of an historic structure, historic site, or structure within an historic district shall reconstruct, alter, or demolish all or any part of the exterior of such property or construct any improvement upon such designated property or properties, or cause or permit any such work to be performed upon such property, or demolish such property unless a certificate of appropriateness has been granted by the historic preservation 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 any application for a certificate of appropriateness with the commission, the commission shall approve the application unless:
 - a. In the case of a designated historic 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;
 - b. In the case of the construction of a new improvement upon an historic site or within an historic district, the exterior of such improvement would adversely affect or not harmonize with the external appearance of other neighboring improvements on such site or within the district;
 - c. In the case of any property located in an historic district, the proposed construction, reconstruction, exterior alteration, or demolition does not conform to the purpose and intent of this chapter 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 and state;
 - 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. Except as provided herein, 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. Upon the request for a demolition permit for a structure determined to be unfit for human habitation, occupancy, or use by any authorized public official or agency, the commission may defer the granting

of approval for a period of up to six months from the time of such application, during which time the commission and the property owner shall undertake serious and continuing discussions for the purpose of finding a method to save such property. During such period, the property owner and the commission shall cooperate in attempting to avoid demolition of the property. At the end of this six-month period, if no mutually agreeable method of saving the subject property bearing a reasonable prospect of eventual success is under way, or if no formal application for funds from any governmental unit or nonprofit organization to preserve the subject property is pending, the building inspector may issue the permit to demolish the subject property without the approval of the commission. If such mutually agreeable method for saving the subject property is not successful or no such funds to preserve the subject property have been obtained and available for disbursement within a period of two months following the end of such six-month period, the building inspector may issue the permit to demolish the subject property without the approval of the commission.

- (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. 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.
 - g. 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.
 - h. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
 - i. 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.
 - j. 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 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 45 days of the filing of the application. Failure of the commission to act upon a request for a certificate of appropriateness within 45 days shall result in the issuance of such certificate.
- (5) Agencies of the city 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 city.
- (6) The 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 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 an historic structure, historic site, or improvement in an historic district designated under this section, any provision of the plumbing code, electrical code, or building or housing 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 12 months after the issuance of the certificate, and the work shall conform to the provisions of the certificate. The city 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 repairs may be undertaken without a certificate of appropriateness provided the work involves repairs to existing features of an historic structure or site, or the replacement of elements of a structure with pieces identical in appearance, and provided that the work does not change the exterior appearance of the structure or site and does not require the issuance of a building permit.
- (c) Appeals. Should the commission deny a certificate of appropriateness due to the failure of the proposal to conform to the guidelines, the applicant may appeal such decision to the common council within 30 days. In addition, if the commission denies 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 chapter.
- (d) Recognition of historic structures, sites, and districts. At such time as an historic structure, site, or district has been properly designated, the commission may cause to be prepared and erected on such property, at city expense, a suitable plaque declaring that such property is an historic structure, site, or district. Such plaque shall be so placed as to be easily visible to passing pedestrians. The plaque shall state the accepted name of the historic property, the date of its construction, and other information deemed proper by the commission.
- (e) Other duties. In addition to those duties already specified in this section, the commission shall:
 - (1) Work for the continuing education of the citizens about the historical heritage of the city and the historic properties designated under the provisions of this chapter.

- (2) Cooperate with the state 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.
- (3) As it deems advisable, receive and solicit funds for the purpose of historic preservation in the city. Such funds shall be placed in a special city account for such purpose.

(Code 1974, § 11.05; Ord. No. 02-01, § 1, 1-2-2002)

Sec. 38-6. - 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 38-4, above. At least ten days prior to such hearing, the commission shall notify the owners of record, as listed in the office of the city assessor, who are owners of property in whole or in part situated within 100 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 the Wisconsin Statutes. The commission shall also notify the following: department of public works, redevelopment authority, parks department, fire and police departments, health department, building inspection department, and plan commission. Each such 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 the proposed designation or rescission. Within ten days after the close of the public hearing, the commission may designate the property as either an 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 city clerk, building inspection department, plan commission, and the city assessor. 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.

- (1) For preservation purposes, the historic preservation commission shall select geographically defined areas within the city to be designated as historic districts and shall, with the assistance of the city planning department, prepare an historic preservation plan in ordinance form for each area. An 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;
 - b. Is identified with historic personages or with important events in national, state, or local history;
 - 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;

- d. Is representative of the notable works of master builders, designers, or architects who influenced their age; or
 - e. Has yielded, or may be likely to yield, information important to history or prehistory.
- (2) 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.
- (3) 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 subsections 38-5(b)(1)—(3).
 - b. All new structures shall be constructed 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 they are 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 they are 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 they are 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.
- (4) Review and adoption procedure.
- a. Historic preservation commission. The historic preservation commission shall hold a public hearing when considering the plan for an 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 paper. Notice of the time, place, and purpose of the public hearing shall also be sent by the city clerk to the council member of the aldermanic district or districts in which the historic district is located, and the owners of record, as listed in the Office of the city assessor, who are owners of the property within the proposed historic district or are situated in whole or in part within 100 feet of the boundaries of the proposed historic district. Said notice is to be sent at least ten 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 the common council.

- b. The city plan commission. The 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 45 days.
- c. The common council. The common council, upon receipt of the recommendation from the historic preservation commission and plan commission, shall hold a public hearing, with notice to be given as noted in subsection a., above, and shall, following the public hearing, either designate or reject the historic district. Designation of the historic district shall constitute adoption of the plan in ordinance form prepared for that district and direct the implementation of said plan.

(Ord. No. 02-01, § 1, 1-2-2002)

Sec. 38-7. - Interim control.

No building permit shall be issued by the building inspector for alteration, construction, demolition, or removal of a nominated historic structure, historic site, or any property or structure within a nominated historic district from the date of the meeting of the 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 common council 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 180 days.

(Ord. No. 02-01, § 1, 1-2-2002)

Sec. 38-8. - Conformance with regulations.

- (a) Every person in charge of an historic structure, historic site, or improvement in an historic district shall maintain same or cause or permit it to be maintained in a condition consistent with the provisions of this ordinance. The common council may appoint the building inspector or any other individual or group of individuals to enforce this chapter. During the period of the certificate, the duties of the inspection officer may include periodic inspection at intervals provided by the common council of designated historic structures, historic sites, and historic districts.
- (b) Every person in charge of an improvement on an historic site or in an 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 into a state of disrepair, including, but not limited to:
 - (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 plasters or mortar;
 - (5) The ineffective waterproofing of exterior walls, roofs, and foundations, 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 features so as to create or permit the creation of any hazardous or unsafe condition or conditions; or
 - (9) All interior portions thereof which may cause the exterior to deteriorate or become damaged or otherwise to fall into a state of disrepair.
- (c) 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.
 - (d) The building inspector shall give the commission notice of properties which, in his/her opinion, are unfit for human habitation, occupancy, or use prior to issuance of any raze orders under state statutes or municipal ordinances.
 - (e) Insofar as they are applicable to an historic structure, historic site, or improvement in an historic district designated under this section, any provision of the Plumbing Code, the Minimum Housing and Property Maintenance Code, Building Code, Heating, Ventilating and Air Conditioning Code, and Outdoor Signs and Outdoor Advertising Structures regulations of the general ordinances may be varied or waived, on application, by the appropriate board having such jurisdiction over such chapter or, in the absence of such board, by the building inspector, provided such variance or waiver does not endanger public health or safety.

(Ord. No. 02-01, § 1, 1-2-2002)

Sec. 38-9. - Penalties for violations.

Any person or persons violating any provision of this section may be fined no less than \$200.00 for each separate violation. Each and every day during which a violation continues shall be deemed to be a separate offense. Notice of violations shall be issued by the building inspector.

(Ord. No. 02-01, § 1, 1-2-2002)

Sec. 38-10. - Emergency conditions.

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

(Ord. No. 02-01, § 1, 1-2-2002)

Sec. 38-11. - Separability.

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

(Ord. No. 02-01, § 1, 1-2-2002)



City of De Pere, Wisconsin

Request For Historic Preservation Commission Action

MEETING DATE: September 21, 2015

DEPARTMENT: Planning

FROM: Sarah Wallace

SUBJECT: B. Review Razing and Moving of Buildings Ordinance

ATTACHMENTS:

- Sec._54_8.____Moving_or_razing_buildings (PDF)

Sec. 54-8. - Moving or razing buildings.

(a) Permit required.

- (1) Except as provided below, a permit is required to move or raze any building in the city. Before such permit is granted by the building inspector, the party applying therefore shall submit a properly completed application for the permit to the building inspection department. Such application shall include:
 - a. Name of applicant;
 - b. Name and address of property owner(s);
 - c. Address and legal description(s) of property involved;
 - d. Description of work to be completed, including street route and travel time where building moving is involved; and
 - e. Such other information as determined necessary by the building inspector.

- (2) The permit shall require the applicant to indemnify and hold harmless the city from any and all liability arising from said moving or razing activities.

- (3) A permit shall not be required for moving or razing private accessory sheds.

- (b) Bond required. The applicant shall include with such application a surety bond in the sum of \$250,000.00, which bond shall indemnify the city from any costs and expenses which may accrue against the city as the result of granting such permit.
- (c) Insurance requirements. No permit to move or raze any building shall be granted until the applicant files a certificate of insurance naming the city as an additional insured with the city clerk-treasurer, giving evidence of liability insurance in the following amounts:

(1) Moving permit.

- a. Public liability:
 - i. Bodily injury: \$1,000,000.00 each occurrence, \$2,000,000.00 aggregate.
 - ii. Property damage: \$500,000.00 each occurrence, \$1,000,000.00 aggregate.
- b. Auto liability:
 - i. Bodily injury: \$100,000.00 each occurrence, \$300,000.00 aggregate.
 - ii. Property damage: \$100,000.00 each occurrence.

(2) Razing permit.

- a. Public liability:
 - i. Bodily injury: \$1,000,000.00 each occurrence, \$2,000,000.00 aggregate.
 - ii. Property damage: \$500,000.00 each occurrence, \$2,000,000.00 aggregate.

- (d) Compliance with state law. The permit holder shall comply with all relevant state statutes and other applicable provisions of this Code.

(e) Additional conditions for moving permit.

- (1) Applicant shall obtain a street closure permit from the department of public works. Such permit request shall include all necessary approvals from public utilities or communications carriers.

- (2) The street closure permit may order the move to occur between the hours of 6:30 p.m. and 6:00 a.m. for public safety reasons.
- (3) The progress in moving any building shall be as continuous as possible during the hours of the day, and day by day, and night if the building inspector or street closure order requires, until complete, with the least possible obstruction of traffic movement.
- (4) No building shall be allowed to remain overnight on any street crossing or intersection so near thereto as to prevent easy access to any fire hydrant, driveway or within 50 feet of the property line of the intersection of the street extended. Any building left in the street overnight shall be barricaded to protect traffic in accordance with the latest state department of transportation Manual of Uniform Traffic Devices.
- (5) Tree trimming.
 - a. No permit shall be granted to move a building in, along or upon the public streets of the city if the measurements shown on the application indicate that street trees along the proposed route will be injured. Trees and shrubs shall not be trimmed or otherwise disturbed without the approval of the director of parks, recreation and forestry and their owner.
 - b. If it is necessary to trim any city-owned trees or shrubs to move the building and such trimming is approved by the director of parks, recreation and forestry, such department will trim the trees or shrubs and bill the party receiving the permit. The sureties referred to in this section shall be held until full payment of the costs of such trimming is received from the permit holder.
- (f) Additional conditions for razing permit.
 - (1) Except as provided below, a raze permit may be issued not less than 10 calendar days following the building inspector's receipt of a fully completed application.
 - a. The building inspector shall forward such completed application to the chair of the historic preservation commission for it to determine whether the structure subject to the raze permit is listed on the national, state or local register of historic places or if the structure is included in a federal, state or local historic district as a contributing structure. The historic preservation commission may document such structure within the ten calendar day period as permitted by property owner.
 - b. If such structure is listed as on the local register of historic places or if such structure is listed as a contributing property in a local historic district under section 38-6 of this Code, the regulations of that chapter shall govern the issuance of any permit to raze the structure.
 - c. This subsection shall not apply to structures for which an order has been issued for razing or rehabilitation in accordance with Wis. Stats. § 66.0413 or section 94-12 of this Code.

(Ord. No. 14-01, § 1, 1-7-2014)

Editor's note— Ord. No. 14-01, § 1, adopted Jan. 7, 2014, repealed the former § 54-8, and enacted a new section as set out herein. The former § 54-8 pertained to moving buildings and derived from Ord. No. 08-31, § 1, 11-18-2008.



City of De Pere, Wisconsin

Request For Historic Preservation Commission Action

MEETING DATE: September 21, 2015
DEPARTMENT: Planning
FROM: Sarah Wallace
SUBJECT: C. Review Secretary of Interior Standards

ATTACHMENTS:

- HPC_Sec of Interior Standards_Article(PDF)

[Home](#) > The Standards

The Secretary of the Interior's Standards

The Secretary of the Interior's Standards for the Treatment of Historic Properties are common sense historic preservation principles in non-technical language. They promote historic preservation best practices that will help to protect our nation's irreplaceable cultural resources.

[Standards for Preservation](#)[Standards for Rehabilitation](#)[Standards for Restoration](#)[Standards for Reconstruction](#)[History of the Standards](#)[Guidelines for the Treatment
of Historic Properties](#)[Guidelines for the Treatment
of Cultural Landscapes](#)[Guidelines for Rehabilitating
Historic Buildings](#)[Guidelines on Sustainability](#)

The Treatment of Historic Properties

The Standards are a series of concepts about maintaining, repairing, and replacing historic materials, as well as designing new additions or making alterations. The Guidelines offer general design and technical recommendations to assist in applying the Standards to a specific property. Together, they provide a framework and guidance for decision-making about work or changes to a historic property.

The Standards and Guidelines can be applied to historic properties of all types, materials, construction, sizes, and use. They include both the exterior and the interior and extend to a property's landscape features, site, environment, as well as related new construction.

Federal agencies use the Standards and Guidelines in carrying out their historic preservation responsibilities. State and local officials use them in reviewing both Federal and nonfederal rehabilitation proposals. Historic district and planning commissions across the country use

the Standards and Guidelines to guide their design review processes.

The Standards offer four distinct approaches to the treatment of historic properties—preservation, rehabilitation, restoration, and reconstruction with Guidelines for each.

The Standards for the Treatment of Historic Properties are regulatory for all grant-in-aid projects assisted through the national Historic Preservation Fund.

The Standards for Rehabilitation, codified in 36 CFR 67, are regulatory for the review of rehabilitation work in the Historic Preservation Tax Incentives program.

The Guidelines are advisory, not regulatory.



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City of De Pere, Wisconsin

Request For Historic Preservation Commission Action

MEETING DATE: September 21, 2015
DEPARTMENT: Planning
FROM: Sarah Wallace
SUBJECT: C. Review Historic Building Article

ATTACHMENTS:

- HPC_Historic Building_Article (PDF)

GENERAL INFORMATION

Is Your Building Historic?

PRINT EMAIL A FRIEND FACEBOOK TWITTER MORE...

You may wonder if your old house or commercial building is officially "historic." Not all older houses and buildings are considered to be historic as defined by local, state and federal standards. If your house or building could be eligible for an official designation as historic, you may want to seek a historic designation. A historic designation can offer you benefits in the form of federal and state tax credits for rehabilitation projects. A historic designation may or may not affect how you can use and renovate your property.

The Meaning of "Historic"

To be considered "historic," your house or building must be historically important, or significant. Significance can be derived from one or more factors, including:

- Embodying a distinctive architectural style.
- Association with an important cultural, political or social event.
- Identification with an individual who is important to the history or development of a community, state or the nation.

A historic building is one that also retains its architectural integrity. This means that the building's original appearance has not been compromised through insensitive alteration and still conveys a visual sense of time past.

One benchmark for defining a property as "historic" is the 50-year rule used by the National Park Service. Under this definition, a property is not considered historic unless it is at least 50 years old. This time frame provides enough perspective to assess the property within the context of its construction era. However, a 50-year-old building is not automatically deemed to be historic. Only old buildings that are deemed to have sufficient significance are granted a national, state or local historic designation.

Types of Historic Designation

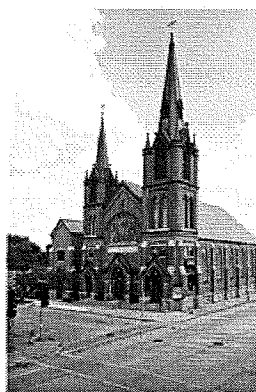
If you think your house or building could be considered historic, you have four possible options for a historic designation. The National Register of Historic Places is the official list of historic properties in the United States that are considered worthy of preservation. This list is maintained by the National Park Service (part of the U.S. Department of the Interior). A property may be listed either individually or as part of a historic district. Wisconsin also has a State Register of Historic Properties that is administered by the Wisconsin Historical Society. The criteria for listing on the State Register are the same as those for the National Register. This means that if your house or building is eligible for one register, it is eligible for both.

A National Register listing does the following:

- Bestows an honorific recognition of historical significance.
- Qualifies an income-producing property for federal tax credits for rehabilitation projects.
- Qualifies an owner-occupied residence for state tax credits for rehabilitation projects.
- Provides for a review of state and federally funded projects and assessment of impacts to historic properties.

A National Register listing does not:

- Restrict property owners from remodeling, renovating or demolishing properties.
- Require public visitation.



St. Paul Evangelical Lutheran Church, 1907

Appleton, Wisconsin. St. Paul Evangelical Lutheran Church was individually listed on the State and National Registers in 2007/2008. Source: Photographer Mark Fay. View the property record: AHI 39593

Explore the Category

Category: How to Preserve Your Historic Building

Topics in This Category

Building Systems
Energy Efficiency
Exterior Features
Financing
Interior Features
Paint
Plan Your Project
Roofs and Gutters
Windows and Doors
Understanding Historic Preservation

Have Questions?

Contact Jen Davel by phone at 608-264-6490 or by email:

jen.davel@
wisconsinhistory.org

- Guarantee protection from federally funded projects.

Sometimes a property that is not listed on the National Register is deemed to be potentially eligible for listing. This determination may have occurred at some time in the past if the Society sponsored an architectural survey of your county or city, but no further action was taken to list a property or group of properties. If your property has this determination of eligibility, you could pursue listing on the National Register based on the preliminary research or survey already on file.

In addition to the State and National Registers, there are two types of local historic designation. Some communities designate individual buildings as local landmarks. In addition, cities and towns can designate an area as a local historic district, and all the buildings located within the boundaries of the district are considered to be contributing to the historic district.

Historic Designation Controls

The controls that could apply to your property for each of the four types of historic designation are summarized below:

- **Individual listing on the State and National Registers of Historic Places.** An individual listing on the State and National Registers of Historic Places will not place controls on the use of your property unless you receive state or federal funds, such as historic tax credits or grants, for a renovation project. However, keep in mind that any alteration to the exterior of your house or building could compromise its historic character.
- **Contributing structure within a State and National Register historic district.** Designation as a contributing structure within a State and National Register historic district places no controls on the use of your property unless you receive state or federal funds, such as historic tax credits or grants, for a renovation project.
- **Individual local landmark.** Designation as an individual local landmark will place controls on only the exterior changes that you make to your property. Your city's historic preservation ordinance will specify what you can and cannot do. The ordinance will also include design guidelines to help you make design decisions in keeping with the requirements of the ordinance.
- **Contributing structure within a local historic district.** Designation as a contributing structure within a local historic district will place controls on only exterior changes that you make to your property. Your city's historic preservation ordinance will specify what you can and cannot do. The purpose of the ordinance is to preserve the historic character of a historically significant part of your city, whether commercial or residential in nature. The ordinance will also include design guidelines to help you make design decisions in keeping with the requirements of the ordinance.



Charles Smith Senior House, 1927

Wausau, Wisconsin. This historic house is listed on the State and National Registers of Historic Places as a contributing building in the East Hill Residential Historic District in Wausau. Source: Photographer Mark Fay. View the property record: AHI 51007

Historic District Requirements

If your property is located within a historic district, your property will probably be subject to some level of design review administered by a historic preservation commission (HPC). Your local commission could have some variation on that name, such as design review board, historic district commission or historic zoning commission. Your HPC will use your design guidelines to help your local government and owners of historic buildings determine appropriate methods and designs for rehabilitation.

Your HPC is usually appointed by your mayor and can include whatever number of individuals your historic preservation ordinance specifies. Your HPC will usually include architects, historic preservation specialists, a representative from the local planning department and at least one resident of the historic district. Staff members will be available to help you and other property owners get information about historic zoning, historic preservation and renovation, building permits and other related matters.



Alma, Wisconsin. The Alma Historic District was listed on the National Register of Historic Places in 1982. Source: Photographer Mark Fay

The boundaries of a historic district are defined by street names. However, boundaries rarely form precise geometric shapes, so it will not always be possible to determine whether your address is included within the prescribed boundaries. To determine whether your building is in a historic district, contact your local city planning office. Ask whether your town has a historic preservation ordinance and, if so, how to contact your HPC.

City of De Pere, Wisconsin**Request For Historic Preservation Commission Action**

MEETING DATE: September 21, 2015

DEPARTMENT: Planning

FROM: Sarah Wallace

SUBJECT: Future agenda items.
