

OFFICIAL NOTICE AND AGENDA

The City of Stoughton will hold a **Regular** meeting of the **Landmarks Commission** on **Thursday, November 9, 2017, at 7:00 pm** in the **Hall of Fame Room, Lower Level, City Hall, 381 E. Main Street**, Stoughton, Wisconsin, 53589.

AGENDA:

1. Call to order.
2. Consider approval of the Landmarks Commission meeting minutes of September 20, 2017.
3. Request by Joe Cabibbo for certificate of appropriateness approval to repair a window frame and replace a storm window at 404 S. Fifth Street.
4. Continue discussion related to the request by the Common Council to develop an ordinance for consideration by the council that would amend existing City ordinances such that no building in a historic district listed on the National Register of Historic Places may be demolished without review and recommendation by Landmarks Commission and a decision by the Common Council based on appropriate and lawful standards.
5. Status update for Highway Trailer / Moline Plow building redevelopment.
6. Status update for 2017 local landmark grants.
7. Discuss potential candidates to replace Stephen Mar-Pohl.
8. Commission Reports/Calendar.
9. Future agenda items.
10. Adjournment.

11/1/17mps

COMMISSIONERS:

Peggy Veregin, Chair
Alan Hedstrom, Vice-Chair

Tim Swadley (Council Rep)
Greg Pigarelli, Secretary

Kimberly Cook
Todd Hubing

EMAIL NOTICES:

Art Wendt
Council Members
Receptionists
Joe DeRose

Desi Weum
Matt Dregne, City Attorney
smonette@stolib.org
Joe Cabibbo

Stoughton Hub
Leadership Team
Steve Kittelson

For security reasons, the front door of City Hall will be locked after 4:30 P.M. (including the elevator door). Please use the east employee entrance.

IF YOU ARE DISABLED AND NEED ASSISTANCE, PLEASE CALL 873-6677 PRIOR TO THE MEETING.

NOTE: AN EXPANDED MEETING MAY CONSTITUTE A QUORUM OF THE COUNCIL.

Landmarks Commission Meeting Minutes

Wednesday September 20, 2017 – 7:00 pm

City Hall, Overland Room, Lower Level, 381 E. Main Street, Stoughton, WI.

Members Present: Peggy Veregin, Chair; Alan Hedstrom, Vice-Chair; Stephen Mar-Pohl; Todd Hubing; Greg Pigarelli and Tim Swadley

Absent: Kimberly Cook

Staff: Michael Stacey, Zoning Administrator and Martin Briggs, Building Maintenance

Guests: Attorney Matt Dregne and Paul Blommel

1. Call to order. Veregin called the meeting to order at 7:04 pm.

2. Consider approval of the Landmarks Commission meeting minutes of August 10, 2017.

Motion by **Mar-Pohl** to approve the minutes as presented, 2nd by **Hubing**. Motion carried 6 – 0.

3. The City of Stoughton requests a certificate of appropriateness for exterior repairs to the RR Depot Building, 532 E. Main Street.

Veregin introduced the request. Martin Briggs was available for questions.

Mar-Pohl stated the proposed type “N” mortar is too strong for that era of building. Type “O” at the most is appropriate for this application. The method for mortar removal should be described. A 5 in 1 tool should be used.

Mar-Pohl agreed to meet with the contractor to go over the proper process for mortar removal. Proper color and texture match is necessary. A close match for brick replacement where necessary.

Motion by **Mar-Pohl**, 2nd by **Hubing** to approve the COA contingent on:

- Using type “O” mortar;
- Matching the color and texture of the existing mortar;
- Matching the replacement brick as closely as possible where necessary;
- Use of a 5 in 1 tool for mortar replacement;
- Contacting Stephen Mar-Pohl regarding process to remove mortar.

Motion carried 6 – 0.

4. Continue discussions related to the request by the Common Council to develop an ordinance for consideration by the council that would amend existing City ordinances such that no building in a historic district listed on the National Register of Historic Places may be demolished without review and recommendation by Landmarks Commission and a decision by the Common Council based on appropriate and lawful standards.

Mar-Pohl left at 7:30pm

Veregin provided information related to:

- Requirements for demolition of a local landmark;
- Demolition by neglect;
- Creating and amending a historic district;
- Constructing, altering, demolishing structures in historic districts;
- Definitions

Attorney Matt Dregne gave an overview of the requirements proposed for amendment.

The group had a lengthy discussion regarding the role of the Landmarks Commission for non-local landmark buildings.

The Commission is in agreement that if the standards for the Downtown Design Overlay Zoning District (DDOZD) in chapter 78 are acceptable then the Planning Commission should continue to have review authority for non-local landmark buildings.

The group discussed demolition criteria for local landmarks.

Stacey to email Attorney Dregne a recent local landmark nomination approval.

Attorney Dregne read standards that he helped develop for the Village of Oregon related to building minimum maintenance requirements.

Attorney Dregne will start drafting the ordinances for further discussion at the October 12th Landmarks meeting.

5. Discuss Local History and Historic Preservation Conference.

Veregin stated the conference is in Lacrosse on October 20-21 and gave an overview of the sessions offered.

Motion by Hedstrom to reimburse registration fees for Commission members, 2nd by Swadley. Hedstrom withdrew his motion.

6. Status update for Highway Trailer / Moline Plow building redevelopment.

Veregin stated work continues on this potential redevelopment and there will be more information for the next meeting.

7. Status update for 2017 local landmark grants.

Veregin sent follow-up letters to the 3 award recipients. Veregin has also been in touch with the South School Association regarding the local landmark status and that will be moving forward.

8. Commission Reports/Calendar.

Hedstrom brought 5 bins of landmark information that he had stored in his home. Hedstrom stated the materials should be reviewed by the Commission when there is less on the agenda. Veregin is interested in going through those materials. Veregin stated she has a file for each local landmark property that the Commission has reviewed during her time on the Commission.

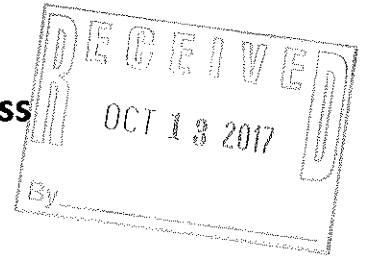
9. Future agenda items. Paul Blommel of Indigenous Wines and Ciders has an offer to purchase the old Freight Depot at 529 E. Main Street (local landmark) and discussed the certificate of appropriateness needed as a contingency of the offer. Paul stated the roof, soffit-fascia, brick and mortar all need to be addressed at next month's meeting. Paul plans to use the building for wine production and have a wine tasting room. Mar-Pohl is working with Paul on the certificate of appropriateness application.

10. Adjournment. Motion by **Hedstrom** to adjourn at 10:05 pm, 2nd by **Pigarelli**. Motion carried 5 - 0.

Respectfully Submitted,

Michael P. Stacey

**City of Stoughton Certificate of Appropriateness
Application Form**



1. **Name of Property:** OK ROE HOUSE
Address of Property: 404 S. 5TH ST
Name of historic district in which property is located: _____

2. Owner & Applicant Information

Owner Name: JOE + RUBY CABIBBO
Street Address: 404 S. 5TH ST
City: STOUGHTON **State:** WI **Zip:** 53589

Daytime Phone, including Area Code:

608. 873. 5525

Applicant (if different from owner):

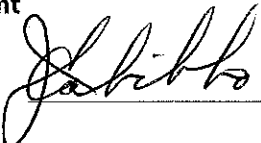
Applicant's Daytime Phone, including Area Code: _____

3. Attachments. The following information is enclosed:

- _____ Photographs
- _____ Sketches, elevation drawings
- _____ Plan drawings
- _____ Site plan showing relative location of adjoining buildings, if located within a Historic
- _____ Specifications
- _____ Other (describe)

4. Description of Proposed Project (on next page)

5. Signature of Applicant

Signed:  **Date:** 10/12/17

Printed: _____

Return To: Zoning Administrator, Stoughton City Hall, 381 E. Main Street

Description of Proposed Project
(attach additional sheets as necessary)

Architectural Feature: WINDOWS

Approximate date of feature: 1893

Describe existing feature: _____

Describe proposed work, materials to be used and impact to existing feature:

PAINTING + REPAIR (IF NECESSARY)
WINDOW FRAMES + SASH. REPLACE
WOOD STORM WINDOWS WITH ALUMINUM
(ALMOND COLOR WITH FLUSH MOUNT TRIM)

Photograph No. _____ Drawing No. _____

Architectural Feature:

Approximate date of feature: _____

Describe existing feature: _____

Describe proposed work, materials to be used and impact to existing feature:

Photograph No. _____ Drawing No. _____

CITY OF STOUGHTON HISTORIC PRESERVATION

Landmarks Commission

September 20, 2017

EXISTING CATEGORIES

Chapter 38 “Historical Preservation”	Chapter 78 “Zoning”	National Historic Preservation Act
<ul style="list-style-type: none">• Landmarks• Landmark Sites• Historic Districts (none at present)	<ul style="list-style-type: none">• Downtown Design Overlay District	<ul style="list-style-type: none">• Listed buildings• Listed sites• Listed districts

National Register – purposes served

- Historic resources must be considered and ideally protected in the context of federally or state funded projects.
- Private owner purposes:
 - Honorific program.
 - Tax credit eligibility.
- This designation does not lead to regulation of privately-funded private activities (renovation, alteration, demolition). Possible de-listing of property.
- State notice process – not “approval” process. Allows for documentation.
- Owner may veto listing.

Purposes served by different ordinances

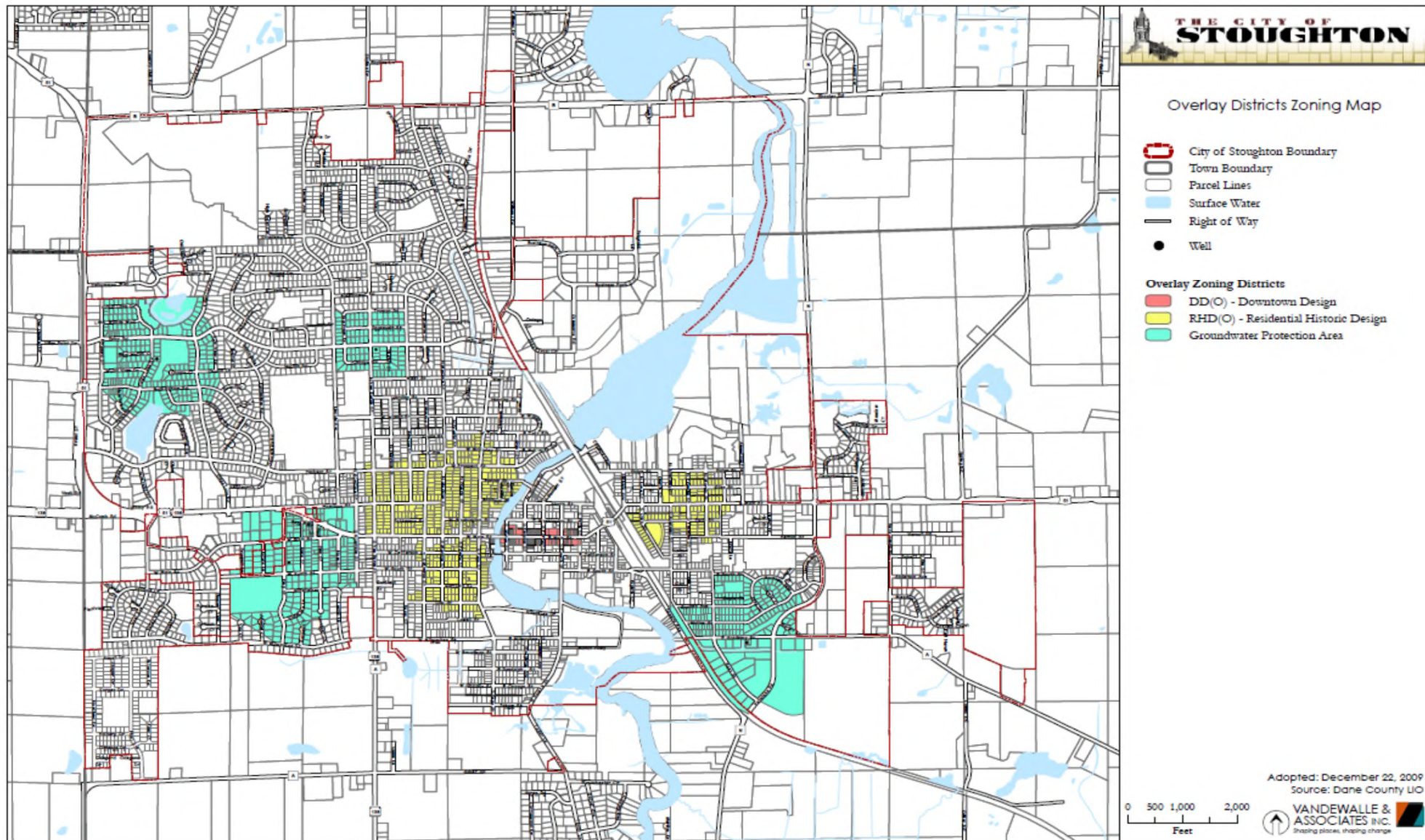
Chapter 38 – Historical Preservation

- Promote historic preservation by designating local landmarks, landmark sites and historic districts, and regulating changes to local landmarks, landmark sites, and historic districts.

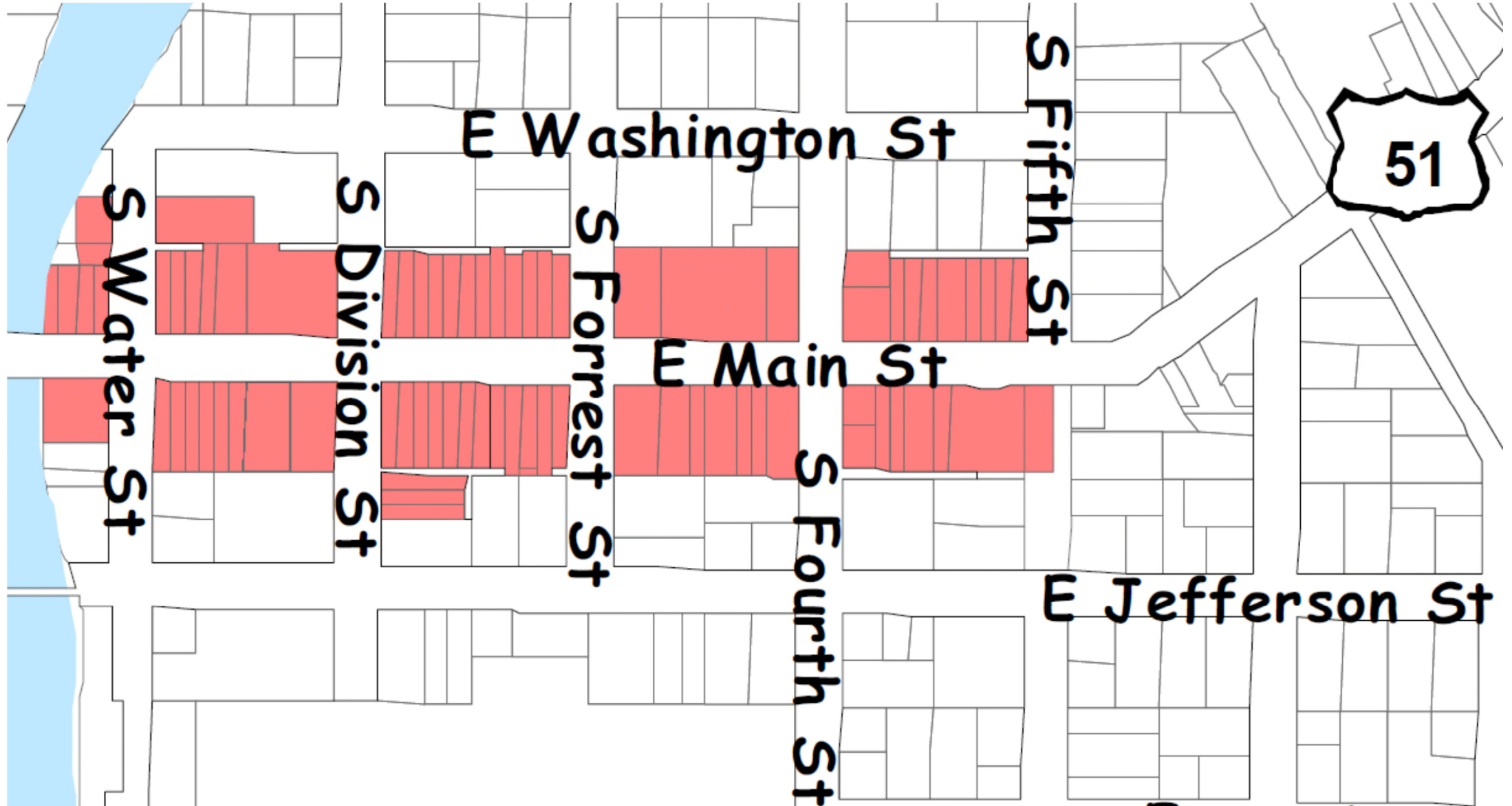
Chapter 78 – Zoning Code

- “Preserve and enhance aesthetic qualities ... and attain a consistent visually pleasing image” in the Downtown Design Overlay Zoning District. (Sec. 78-913(1).

OVERLAY DISTRICT ZONING MAP

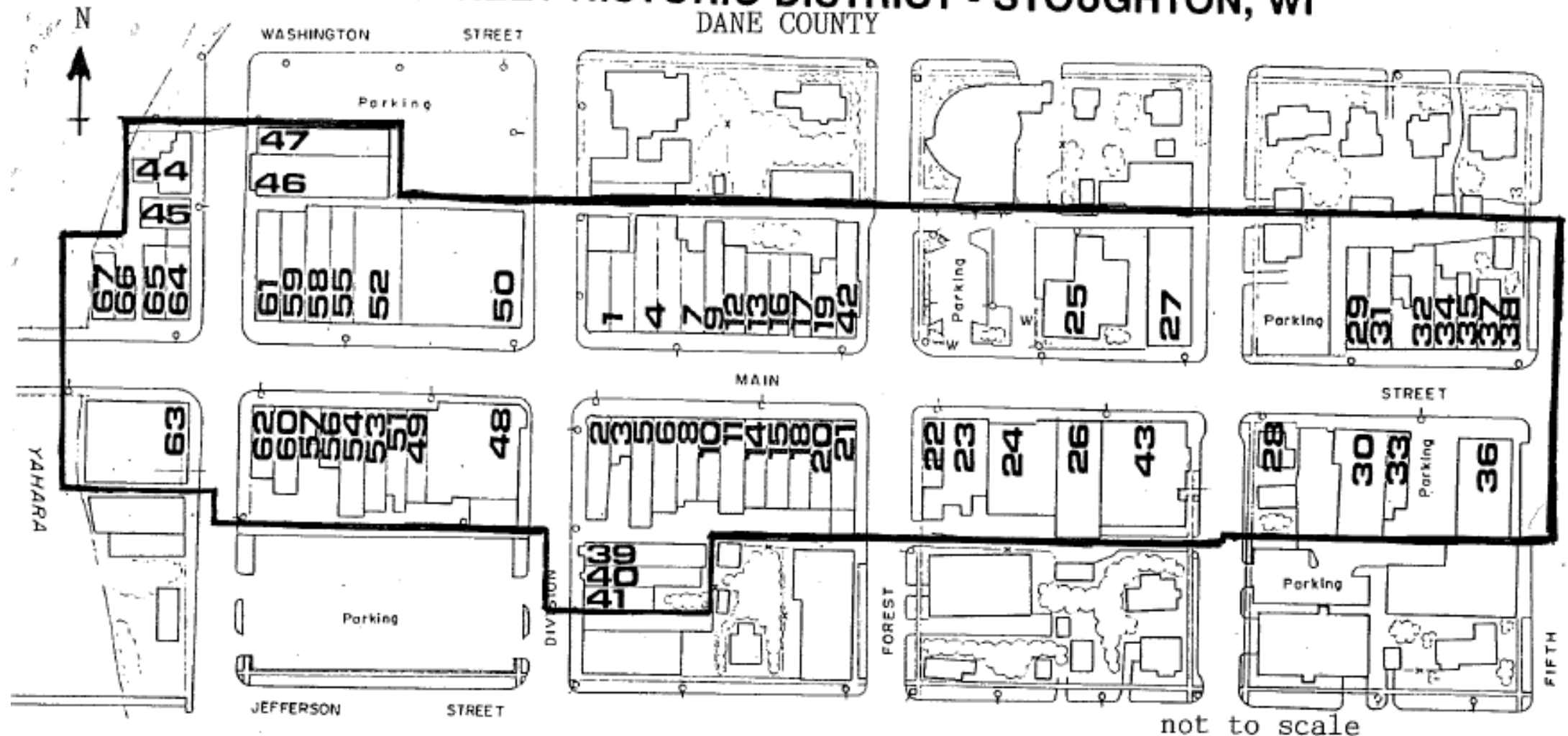


DOWNTOWN DESIGN OVERLAY DISTRICT



MAIN STREET HISTORIC DISTRICT (State Historical Society)

MAIN STREET HISTORIC DISTRICT - STOUGHTON, WI DANE COUNTY



INVENTORY OF PROPERTIES

Inventory of Properties			
Key	Address	Map Code	Class
1	- 100-110 E. Main	61/16	c*
2	- 105 E. Main	62/2	c*
3	- 113 E. Main	62/7	n.c.*
4	- 120-130 E. Main	61/15	c*
5	- 121 E. Main	62/8	c*
6	- 129 E. Main	62/9	n.c.*
7	- 134 E. Main	40/21	c*
8	- 139 E. Main	62/10	c*
9	- 144 E. Main	40/20	c*
10	- 147 E. Main	62/11	c*
11	- 151 E. Main	62/12	c*
12	- 154 E. Main	61/13	c*
13	- 160 E. Main	40/22	c*
14	- 157-161 E. Main	62/13	c*
15	- 167 E. Main	62/14	c*
16	- 164 E. Main	40/23	c*
17	- 172 E. Main	61/12	n.c.*
18	- 175 E. Main	62/15	c*
19	- 180-184 E. Main	40/24	c*
20	- 183 E. Main	62/16	c*
21	- 195 E. Main	62/17	c*
22	- 207-211 E. Main	59/19	n.c.
23	- 225-299 E. Main	59/18	n.c.
24	- 243 E. Main	59/17	n.c.
25	- 246 E. Main	40/14	c
26	- 255 E. Main	40/13	c
27	- 288 E. Main	59/9	c
28	- 315 E. Main	59/15	c
29	- 334 E. Main	57/11	n.c.
30	- 341-345 E. Main	40/9	c
31	- 340 E. Main	58/8	n.c.
32	- 348-354 E. Main	58/9	c
33	- 355-357 E. Main	59/14	c
34	- 374 E. Main	40/12	c
35	- 378 E. Main	58/10	n.c.
36	- 381 E. Main	59/12	c

* These properties were included in the original Main Street Historic District Nomination.

37	- 384 E. Main	58/11	c
38	- 388 E. Main	58/12	n.c.
39	- 317 S. Division	57/2	c
40	- 319 S. Division	57/5	c
41	- 321 S. Division	57/3	c
42	- 218 S. Forrest	61/11	n.c.*
43	- 304 S. Fourth	59/10	c
44	- 212 S. Water	59/3	n.c.
45	- 218-210 S. Water	59/4	c
46	- 211 S. Water	60/20	c
47	- Circa 209 S. Water	60/21	c
48	- 101 W. Main	62/5	c*
49	- 127-133 W. Main	62/4	c*
50	- 124 W. Main	61/17	n.c.*
51	- 143 W. Main	62/3	c*
52	- 154 W. Main	40/33	c*
53	- 155 W. Main	62/2	c*
54	- 159 W. Main	61/24	n.c.*
55	- 168 W. Main	61/18	c*
56	- 171 W. Main	40/29	c*
57	- 173 W. Main	61/23	n.c.*
58	- 176 W. Main	61/19	c*
59	- 184 W. Main	61/20	c*
60	- 187 W. Main	40/30	c*
61	- 188 W. Main	40/27	c*
62	- 193 W. Main	61/22	c*
63	- 201 W. Main	61/21	c*
64	- 204 W. Main	59/5	c
65	- 206-208 W. Main	59/6	n.c.
66	- 214 W. Main	59/7	n.c.
67	- 220 W. Main	59/8	n.c.

c = Contributing n.c. = non contributing

CITY-DESIGNATED LANDMARKS: CHAPTER 38

HISTORIC NAME	ADDRESS	YEAR BUILT	DESIGNATIONS	APPROVAL DATE
Stoughton Universalist Church	324 S. Page Street	1858	LDL, NRHP, SRHP, SWHD	3/10/1981
Gjertrud & Jens J. Naeset House	126 E. Washington Street	1878	LDL, NRHP, SRHP	5/10/1988
Iverson Johnson House	327 E. Washington Street	1898	LDL, NRHP, SRHP	5/10/1988
Carnegie Public Library	304 S. Fourth Street	1907	LDL, NRHP, SRHP, MSHD	5/10/1988
Stoughton City Hall, Library & Opera House	381 E. Main Street	1900	LDL, NRHP, SRHP, MSHD	5/10/1988
Scheldrup Block	100/110 E. Main Street	1897	LDL, NRHP, SRHP, MSHD	5/10/1988
Hausmann Block	111 E. Main Street	1903	LDL, NRHP, SRHP, MSHD	5/10/1988
Brickson Block	120/130 E. Main Street	1884	LDL, NRHP, SRHP, MSHD	5/10/1988
Boyce Block	134 E. Main Street	1905	LDL, NRHP, SRHP, MSHD	5/10/1988
Ole K. Roe House	404 S. Fifth Street	1892	LDL, NRHP, SRHP	5/10/1988
West School	404(400) Garfield Street	1886	LDL, NRHP, SRHP, SWHD	5/10/1988
Hyland-Olson Block	201(217) W. Main Street	1897	LDL, NRHP, SRHP, MSHD	5/10/1988
Masonic Hall	160 E. Main Street	1869	LDL, NRHP, SRHP, MSHD	9/12/1989
Frank Allen Building	172 E. Main Street	c1859	LDL, NRHP, SRHP, MSHD	9/12/1989
Erickson Block	Water Street	1905	LDL, NRHP, SRHP, MSHD	9/12/1989
Stoughton City Power Plant #1	515 S. Fourth Street	1911	LDL	9/12/1989
1892 High School	211 N. Forrest Street	1892	LDL, NRHP, SRHP	7/9/1991
G. Chrestoffer Building	183(187) E. Main Street	1889	LDL, NRHP, SRHP, MSHD	7/9/1991
J. Hausmann Building	195 E. Main Street	1889	LDL, NRHP, SRHP, MSHD	7/9/1991
Depot	532 E. Main Street	1913	LDL	12/8/1992
Turner, Dearborn & Atkinson Tobacco Whse	515 E. Main Street	1885	LDL	
Badger Theater	255 E. Main Street	1921	LDL, NRHP, SRHP, MSHD	10/12/1996
Lewis Rinde House	201 S. Franklin Street	1903	LDL, NRHP, SRHP, ESHD	2/9/1999
Sarah & August E. Ovren House	401 W. South Street	1884	LDL, NRHP, SRHP, SWHD	7/25/2000
Brown – Sewell House	101 S. Fifth Street	1859-1867	LDL, NRHP, SRHP	9/13/2001
Jens & Ingeborg Cold House	111 S. Fifth Street	1892-1904	LDL, NRHP, SRHP	9/13/2001
Jennie B. and John A. Martin	620 S. Prairie Street	1903	LDL, NRHP, SRHP, SWHD	2/24/2004
Luke Stoughton Home	315 N. Division Street	1848		8/24/2004
Hans Peterson Building	154(148) E. Main Street	1865	LDL, MSHD	
South School	1009 Summit Avenue	1900	NRHP, SRHP	
Era H. and Harriet Grout Gerard House	118 N. Page Street	1886	NRHP, LDL, NWHD	
Depot	529 E. Main Street	1885	LDL	10/25/2016

KEY TO DESIGNATIONS

Main Street Historic District MSHD

East Side Historic District ESHD

Southwest Historic District SWHD

Northwest Historic District NWHD

National Register of Historic Places NRHP

State Register of Historic Places SRHP

Locally Designated Landmark LDL

ACTIVITIES REGULATED

Chapter 38

- Landmarks:
 - Alterations or reconstruction affecting exterior
 - Demolition
- Historic Districts:
 - Unclear what is regulated

Chapter 78

- Changes in appearance (such as painting)
- Physical modifications, including demolition

National Historic Preservation Act

- None
- Historical Society notice prior to demo.

APPROVAL PROCEDURES

Chapter 38

- Landmarks:
 - Certificate of appropriateness must be approved by Landmarks Commission
- Historic Districts:
 - Unclear and problematic language in Section 38-41(f)
- Demolition:
 - Landmarks Commission approval required, but approval is not possible (see Section 38-37)

Sec. 78-913

- Landmarks:
 - Landmarks Commission makes recommendation
 - Plan Commission makes final decision
- Non-Landmarks:
 - Plan Commission makes final decision

Sec. 78.517

- “Landmarks commission shall have regulatory power for locally-recognized landmarks.”
- At request of owner, city staff or plan commission, landmarks commission shall advise on non-landmarks.

Issues

- Overlapping and inconsistent procedures in Chapters 38 and 78.

Options

- Use Zoning Code only (and eliminate the certificate of approval process under Chapter 38).
- Use Historic Preservation Code only (and eliminate Downtown Design Overlay Zoning).
- Retain current structure, but remove “landmarks” from review under Ch. 78.
 - Landmarks Commission role.
 - Plan Commission role.

Issues

- Overlapping and inconsistent procedures in Chapters 38 and 78.

Options

- Landmarks Commission recommends retaining current structure, but removing “landmarks,” “landmark sites” and “landmark districts” from review under Ch. 78.
- Landmarks Commission would review such applications under Ch. 38.
- Plan Commission would not review landmarks, landmark sites, landmark districts.

Issues

- What role (if any) should the Landmarks Commission have in reviewing and approving applications under Chapter 78?

Options

- Landmarks Commission acts only on COA under Chapter 38, and not on applications under Chapter 78.
- Landmarks Commission must consider and make recommendation on Chapter 78 applications, before Plan Commission action.
- Landmarks Commission advice may be requested (as in sec. 78-517).

Issues

- What role (if any) should the Landmarks Commission have in reviewing and approving applications under Chapter 78?

Options

- Landmarks Commission still working on this issue. Commission wants to see what standards will be included in Chapter 78, before deciding this issue. If the standards are sufficiently clear and acceptable, then Landmarks Commission may not need to be involved under Ch. 78.

Issues

- Need standards governing proposed demolition of locally designated landmarks. (See Sec. 38-37.) Current ordinance doesn't allow Landmarks Commission to approve under any circumstances.

Options

- Standards relating to whether the structure retains the qualities that made it a landmark.
- Standards relating to the physical integrity of the structure, and whether repair/restoration is reasonable and viable.

Issues

- Need standards governing proposed demolition of locally designated landmarks. (See Sec. 38-37.) Current ordinance doesn't allow Landmarks Commission to approve under any circumstances.

Options

- Demolition to be approved only if: (1) the physical characteristics of the building have changed; (2) the change has caused the structure to no longer have the physical characteristics that led to its landmark designation; and (3) the change was not caused by a current or prior owner's failure to maintain the building.

Issues

- Unclear rules regarding locally designated historic districts. (See Sec. 38-41.

Options

- What activities should be regulated?
- What standards should apply?

Issues

- Unclear rules regarding locally designated historic districts. (See Sec. 38-41.

Options

- Landmarks Commission put resolution of this issue on hold. Because there are currently no locally designated historic districts in the City, the Commission wants to address higher priority issues first.

Issues

- Confusing standards for reviewing an application under Chapter 78.
 - 78-517: Detailed “design standards” are provided.
 - 78-913: Decisions to be based on “Sound land use, urban design, and economic revitalization principles.”

Options

- Clearly apply “design standards” in 78-517 to “design review” and “project review.” **[This is the Landmarks Commission recommendation.]**

Issues

- Demolition is included under Chapter 78 “project review.”
- What standard should apply?
 - 78-517: Detailed “design standards” are provided. Inapplicable to demolition.
 - 78-913: Decisions to be based on “Sound land use, urban design, and economic revitalization principles.”

Options

- Use existing “sound land use, etc. standard.
- Develop a new standard.
- [Landmarks Commission is working on this issue. No recommendation yet.]

Issues

- Significant applicability language in Sec. 78-517(3): Buildings “not in compliance with standards” are not required to follow design standards.
- This seems to mean that a building in the downtown design overlay district could be exempt from review under 78-517 and 78-913?
- Is this understood? Desirable?

Options

- Retain current language.
- Adjust or eliminate current language.
- [Landmarks Commission is working on this issue. No recommendation yet.]

Issues

- Should the City Council make the final decision about demolition of a building in the Downtown Design Overlay District?”

Options

- Plan Commission recommendation, Council final decision.
- Plan Commission final decision, appealable to Council.

Issues

- Should the City Council make the final decision about demolition of a building in the Downtown Design Overlay District?”

Options

- Landmarks Commission recommends:
 - Landmarks Commission recommendation to Plan Commission
 - Plan Commission recommendation to Council
 - Final decision by Council.

Issues

- Should the City Council make the final decision about demolition of a locally designated Landmark?

Options

- Landmarks Commission recommendation, Council final decision.
- Landmarks Commission final decision, appealable to Council. [This is the Landmarks Commission recommendation]

Issues

- Should the City adopt maintenance standards applicable to the Downtown Design Overlay Zoning District / Downtown Historic District?

Options

- Landmarks Commission wants to consider this. Village of Oregon historic district maintenance standards will be provided as an example.

20.01 TITLE. This chapter shall be known as the “Downtown Historic District Exterior Maintenance Code.”

20.02 AUTHORITY. This chapter is adopted under the authority granted by Wis. Stat. § 61.34.

20.03 PURPOSE. The purpose of this Chapter is to promote the general welfare and economic well-being of the Village by establishing minimum standards for the maintenance of outdoor areas within, and exterior and structural components of buildings and structures on, lands in the Downtown Historic Preservation District.

20.04 APPLICABILITY. This Chapter applies to all lands, buildings and structures located in the South Main Street Historic District as entered in the National Register of Historic Places. Nothing in this Chapter limits the applicability of other sections of this Code to lands, buildings and structures in the South Main Street Historic District.

20.05 PROPERTY MAINTENANCE REQUIREMENTS. All lands, buildings and structures located in the Downtown Historic Preservation District shall be maintained in accordance with the following minimum standards and requirements:

- (1) *Drainage.* Courts, yards and other outdoor areas shall be graded to divert surface water away from buildings. Ground surface areas shall be sloped away from buildings at a grade of at least one-half inch per foot for a minimum of five feet where possible, or by alternative means such as eaves, troughs or downspout extensions.
- (2) *Weeds.* Outdoor areas shall be kept free from noxious weeds and otherwise maintained in accordance with section 10.03 of this Code.
- (3) *Debris.* Outdoor areas and adjacent rights of way shall be maintained in a clean and sanitary condition, free from debris, dust, rubbish, physical hazards, rodent harborage and infestation, and animal feces.
- (4) *Fences and Walks.* Fences and walks shall be maintained in a safe and sanitary manner and kept in good condition, free from defects or deterioration.
- (5) *Exterior Surfaces.* All exterior surfaces of buildings, fences and other structures that are not inherently resistant to deterioration, including but not limited to exterior surfaces of windows and doors, shall be treated with a protective coating of paint or other suitable preservative that will provide protection from weathering and maintain an attractive appearance. Exterior surfaces treated with paint or other preservative shall be maintained so as to prevent chipping, cracking, or other deterioration of the exterior surface or the surface treatment and to present an attractive appearance. Any proposed change in exterior color or materials shall comply with Section 17.913(b).

- (6) *Yard Areas.* Outdoor areas shall be kept in a clean and sanitary condition, free from any accumulation of materials that are not used as an integral part of the landscaping or authorized business carried out on the property. Outdoor areas shall not be used to store appliances, furnaces, hot water heaters, water softeners, landscaping or building materials not used within five days, or any unsightly bulk items, other than materials used in the business carried out on the premises so long as such materials are kept in accordance with zoning and other regulations applicable to the property. All excavation and land filling operations shall be leveled off to permit mowing of grass and weeds. Vacant land shall be planted with grass or otherwise landscaped in a manner that will effectively prevent soil erosion, and in compliance with any applicable site plan or landscaping plan to which the land is subject by law.
- (7) *Structural Requirements.* Every foundation, exterior wall, roof, canopy, overhang and chimney shall be weather tight, watertight, rodent proof and shall be kept in good repair, and free from any condition that could cause structural degradation of the building. Any sagging or bulging portion of a building shall be repaired to a stable condition that is, to the extent practicable, level and plumb. All chimneys and breaching shall be constructed and maintained so that they safely and properly remove the products of combustion from the building.
- (8) *Windows and Doors.* Windows, doors, and basement hatchways shall be weather tight, watertight, and rodent proof, and kept in good repair. All door and window hardware shall be installed and maintained in proper working condition.
- (9) *Outdoor Stairs and Porches.* Outdoor stairs, porches and appurtenances thereto shall be constructed in accordance with applicable building code requirements, and maintained to be safe, in good repair, and attractive.
- (10) *Outdoor Displays and Furniture.* Street furniture, outdoor display areas and other temporary furnishings and material shall be maintained in an orderly and attractive manner, and in conformance with Village approvals and all other required permits and regulations.
- (11) *Waste Containers and Dumpsters.* Waste containers and dumpsters shall be maintained in good repair and to prevent overflow of waste. Waste container enclosures shall be kept in good repair.
- (12) *Vegetative Buffers and Other Vegetation.* Vegetative buffers shall be maintained in such a manner as to comply with any applicable screening height, density or other requirements. Vegetative buffers and other vegetation shall be trimmed, watered and cared for in such manner as to stay in a healthy and attractive condition.

- (13) *Driveway, Parking and Loading Areas.* All driveway, parking, loading and outside storage areas shall be surfaced and maintained in accordance with any applicable legal requirements, including any site plan or landscaping plan to which the land is subject. Paved surfaces shall be kept in good repair, and shall be repaired or replaced when any deterioration occurs to the extent that the rock or sub-base is visible.
- (14) *Signage.* Permitted signs shall be maintained in good repair, and in conformance with any applicable legal requirements. Exterior surfaces of signs treated with paint or other preservative shall be maintained so as to prevent chipping, cracking, or other deterioration of the exterior surface or the surface treatment and to present an attractive appearance.
- (15) *Lighting.* Lawful exterior lighting shall be maintained in the permitted and constructed condition and in good working order.

20.06. STANDARDS APPLICABLE TO MAINTENANCE. All maintenance and other work done on buildings and structures located in the Downtown Historic Preservation District shall be done in compliance with Chapter 17 of this Code, and with the applicable standards and best practices for the work as set forth in 36 Code of Federal Regulations 67.7.

20.07 PERMIT REQUIREMENTS.

- (1) *Permit required for cleaning.* Except as provided in section 20.07(2), before proceeding with cleaning the exterior surface of brick or masonry on a building in the Downtown Historic Preservation District, a permit for such work shall be obtained from the Building Inspector. The applicant shall provide a written description of the proposed work and the means, methods and materials to be used. The Building Inspector shall issue the permit if the application shows that the means, methods and materials proposed for the work meet the requirements of this Chapter, Chapter 17 of this Code, and 36 Code of Federal Regulations 67.7. Appeals from a denial of the application shall be made to the Historic Preservation Commission.
- (2) *Exception to permit requirement.* A permit is not required for cleaning buildings in the Downtown Historic Preservation District when washing with clear water, scrubbing with a natural bristle or synthetic brush (never metal) or using a garden hose or low-pressure (100 psi or below) washer. Non-ionic detergents may be used.
- (3) *Other Permits.*
 - (a) Any proposed exterior renovation (same color, design and material) shall comply with Section 17.913(3)(a).
 - (b) Any proposed exterior design change (different color, design or material) shall comply with Section 17.913(3)(b).

- (c) Any proposed exterior project (addition or demolition of any portion of a building or structure) shall comply with Section 17.913(3)(c).

20.08 RESPONSIBILITY FOR COMPLIANCE. Owners of lands in the Downtown Historic Preservation District shall be responsible for maintaining or causing maintenance of their lands in compliance with this Chapter.

20.09 ENFORCEMENT AND PENALTIES.

- (1) *Enforcement Authority.* This Chapter may be enforced by the Zoning Administrator, Building Inspector, Village Attorney, or other person authorized by the Village Board.
- (2) *Opportunity to Correct Violations.* Before initiating legal action to recover forfeitures or obtain injunctive or other relief for violations of this Chapter, the Zoning Administrator, Building Inspector, Village Attorney, or other person authorized by the Village Board, shall notify the owner of the violation or violations, and order the owner to correct the violation or violations within such time as the applicable Village official deems appropriate under the circumstances. The applicable Village official may enter an agreement with the owner, subject to approval by the Historic Preservation Commission, providing for correction of the violation or violations. An order to correct violations may be appealed to the Historic Preservation Commission by filing a notice of appeal with the Village Clerk within 10 days after the order is issued. An appeal shall stay the order. If the owner corrects the violation or violations in accordance with an order or agreement under this section, the owner shall not be subject to forfeitures for such violation or violations. If the owner fails to correct the violation or violations in accordance an order or agreement under this section, the Village may recover forfeitures for each day of noncompliance, beginning with the first day of noncompliance. Notwithstanding any of the foregoing, if the applicable Village official determines that the violation or violations presents an imminent risk of harm or damage to any historic structure, historic site, or the public health or safety, the applicable Village official may take immediate legal action to enforce this Chapter, and there shall be no right to appeal such action to the Historic Preservation Commission.
- (3) *Forfeitures.* Violations of this Chapter shall be subject to a forfeiture of not less than \$50.00 nor more than \$250.00, together with the costs of prosecution and applicable penalty assessments, fees and surcharges. Each day of violation or noncompliance shall constitute a separate offense.
- (4) *Injunctions.* As a substitute for or in addition to forfeiture actions, the Village may institute a court action seeking injunctive relief to enforce the provisions of this chapter. It shall not be necessary for the Village to take corrective action or prosecute for forfeiture before seeking injunctive relief.

- (5) *Corrective Action.* If maintenance or other work is done to a building or structure in the Downtown Historic Preservation District in violation of this Chapter, Chapter 17 or 36 Code of Federal Regulations 67.7, the Historic Preservation Commission may order the owner of the subject land to take such corrective action as the Commission deems appropriate to restore the building to the condition it would have been in if the work had been done in compliance with this Chapter, Chapter 17 and 36 Code of Federal Regulations 67.7. An order by the Commission to take corrective action may be appealed to the Village Board, within 30 days after the order is issued, for a de novo review. On appeal, the Village Board may order the owner of the subject land to take such corrective action as the Board deems appropriate to restore the building to the condition it would have been in if the work had been done in compliance with this Chapter, Chapter 17 and 36 Code of Federal Regulations 67.7.