

## Chapter 221

### HISTORIC PRESERVATION<sup>1</sup>

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[HISTORY: Adopted by the Town Board of the Town of Washington 5-14-2008 by Ord. No. 2008-2. Amendments noted where applicable.]

#### GENERAL REFERENCES

Building construction — See Ch. 170.

Zoning — See Ch. 360.

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#### § 221-1. Purpose and intent.

The purpose of this chapter is to:

- A. Effect and accomplish the protection, enhancement, and preservation of such improvements, sites and districts which represent or reflect elements of the Town's cultural, social, economic, political and architectural history.
- B. Safeguard the Town's historic, prehistoric and cultural heritage, as embodied and reflected in such historic structures, sites and districts.
- C. Stabilize and improve property values and enhance the visual and aesthetic character of the Town.
- D. Protect and enhance the Town's rural character and attractions to residents, tourists and visitors and serve as a support and stimulus to business and industry.

#### § 221-2. Definitions.

The definitions shall be as follows:

**CERTIFICATE OF APPROPRIATENESS** — The certificate issued by the Committee approving alteration, rehabilitation, construction, reconstruction or demolition of an historic structure or historic site or any improvement in an historic district.

**COMMITTEE** — The Historic Preservation Committee created under this chapter.

**HISTORIC DISTRICT** — A geographic area of particular historic, architectural or cultural significance to the Town and designated an historic district by the Town Board on recommendation of the Committee pursuant to the provisions of this chapter.

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1. Clerk's Note: Adopted at Town Board Meeting, 5/14/2008 Ordinance 2008-02, Chapter 221.

**HISTORIC SITE** — Any parcel of land of historic significance due to a substantial value in tracing the history or prehistory of man, or upon which a historic event has occurred, and which has been designated as an historic site pursuant to the provisions of this chapter, 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** — Any improvement which has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of the Town, state or nation and which has been designated as an historic structure pursuant to the provisions of this chapter.

**IMPROVEMENT** — 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.

**§ 221-3. Historic Preservation Committee.**

- A. An Historic Preservation Committee is hereby created, consisting of three to five members. Of the membership, one shall be a Town Board member. The remainder of the Committee shall be citizen members. Each member shall have, to the highest extent practicable, a known interest in historic preservation. The Town Board Chairman shall appoint the Committee members (including as necessary from time to time fill any vacancy on the Committee) subject to confirmation by the Town Board.
- B. Members of the Committee shall be appointed for one-, two- or three-year terms and may be reappointed for additional terms, provided that a person who shall have served for six consecutive years shall not be eligible for reappointment. Any such person shall become eligible for appointment after being off the Committee for one year. Each member shall serve until the end of his or her term and reappointment or replacement by a successor member. The Town Board may remove or replace any member of the Committee at any time, without cause, by written notice to the Committee and such removed or replaced member.
- C. A majority of the members of the Committee shall constitute a quorum for the transaction of business by the Committee at any meeting of the Committee.
- D. The Committee shall have a Chair and a Secretary elected annually from the membership of the Committee by a majority vote of the Committee members present at the first meeting in April at which there is a quorum.
- E. The Chair shall preside at all meetings. The Secretary shall keep minutes of all meetings and furnish a copy to the Town Board promptly following the approval of such minutes by the Committee. In addition the Secretary shall correspond (or designate another member to correspond) on behalf of the Committee.
- F. The Committee shall meet as needed to carry out the purposes as stated in this chapter, at scheduled times and places decided upon by the Committee membership, with notice of such meetings to be given as provided in this chapter or

otherwise by law. The Committee shall meet with the Washington Island Zoning and Planning Committee and the Washington Island Economic Development Committee from time to time as the Chair of the Committee and the Chair of the Zoning and Planning Committee and the Chair of the Economic Development Committee shall determine to be necessary or appropriate.

- G. All meetings of the Committee shall be conducted in accordance with Subchapter IV of Chapter 19 of the Wisconsin Statutes, commonly known as the "Wisconsin Open Meetings Law."
- H. Meetings shall be called and conducted in accordance with Robert's Rules of Order.
- I. The Committee may, from time to time, select and appoint one or more advisory committees of interested persons to provide research, advice and such other assistance as the Committee may require in connection with its carrying out the purposes as stated in this chapter. Members of such committees may be removed or replaced by the Committee without cause at any time by written notice to such removed or replaced member. The Committee shall provide the Town Board with the names and addresses of any such committee members and information about the activities of such committees.

**§ 221-4. Historic structure, site and 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, archaeological or cultural significance to the Town, such as historic structures, sites, or districts which:
  - (1) Exemplify or reflect the broad cultural, political, economic or social history of the nation, 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 age; or
  - (5) Have yielded, or may be likely to yield, information important to prehistory or history.
- B. The Committee shall adopt specific operating guidelines for historic structure, historic site and historic district designation, providing such are in conformance with the provisions of this chapter.

**§ 221-5. Powers and duties of Committee.**

- A. Designation and rescission of designation. The Committee shall have the power, subject to § 221-6, to recommend the designation of historic structures, historic sites and historic districts within the Town limits and to recommend the rescission of a prior designation, provided that, once a property is locally designated it can only be rescinded if the property has lost the characteristics for which it was originally listed or if an economic hardship can be proven. Such recommendations shall be made to the Town Board based on § 221-4 of this chapter. Once designated by the Town Board, such historic structures, historic sites and historic 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 to demolish such property unless a certificate of appropriateness (C of A) has been granted by the Committee. Also, unless the Committee has granted such certificate of appropriateness, 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 Committee, the Committee 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 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 historic 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 such historic 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 Town and state; or
    - (e) In the case of a request for the demolition of a deteriorated building or structure, any economic hardship or difficulty claimed by the owner is

self-created or is the result of any failure to maintain the property in good repair.

- (3) If the Committee 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 (i.e., none of the disqualifying factors in this section are applicable), it shall issue the certificate of appropriateness. The Committee shall make this decision and issue the certificate of appropriateness within 45 days of the filing of the application.
  - (4) The issuance of a certificate of appropriateness shall not relieve the applicant from obtaining other permits and approvals required by the Town, county and state. 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.
  - (5) Ordinary maintenance and repairs may be undertaken without a certificate of appropriateness provided that the work involves repairs to existing features of an historic structure or historic 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 Committee fail to issue a certificate of appropriateness as required by this section, the applicant may appeal such decision to the Town Board within 30 days after the expiration of the forty-five-day period specified above. In addition, if the Committee determines not to issue a certificate of appropriateness, the Committee shall so notify the applicant and, with the cooperation of the applicant, work with the applicant in an attempt to address issues necessary to obtain a certificate of appropriateness within the guidelines of this chapter.
- D. Designation of historic structures, sites and districts. At such time as an historic structure, historic site or historic district has been properly designated, the Committee, in cooperation with the property owner, may cause to be prepared and erected on such property, at Town expense, a suitable plaque declaring that such property is an historic structure, historic site or historic district.

#### **§ 221-6. Procedures.**

- A. Designation of historic structures and historic sites and rescission of prior designations.
- (1) For preservation purposes, the Committee shall, after application of the criteria in § 221-4 above, identify specific structures and/or sites within the Town to be recommended to the Town Board for designation as an historic structure and/or historic site and shall cause an historic preservation report to be prepared for each such structure and/or site so identified. Each historic preservation report prepared for or by the Historic Preservation Committee with respect to a structure and/or site shall include a cultural and architectural

analysis supporting the historic significance of the structure and/or site and a statement of preservation objectives. The Committee, upon application by a property owner affected by a prior designation or upon its own motion, may consider the recommendation of the rescission of a prior designation, provided that once a property is locally designated it can only be rescinded if the property has lost the characteristics for which it was originally listed or if an economic hardship can be proven.

- (2) Review and adoption procedure.
  - (a) Historic Preservation Committee. The Historic Preservation Committee shall hold a public hearing when considering the recommendation of a structure and/or site for designation as an historic structure and/or historic site or the recommendation of the rescission of a prior designation. Notice of the time, place and purpose of the public hearing shall be sent by the Town Clerk/Treasurer to the member(s) of Town Board, the owners of record, as listed in the office of the Assessor or the Door County Register of Deeds, who are the owners of the structure and/or site being proposed for designation or rescission of designation and the owners of property situated in whole or in part within 200 feet of the boundaries of the structure and/or site proposed for designation or rescission of designation as an historic structure and/or historic site. In addition to the notified persons, the Committee may hear expert witnesses and shall have the power to subpoena such witnesses and records as it deems necessary. The Committee may conduct an independent investigation into the proposed designation or rescission. Said notice is to be sent at least 10 days prior to the date of the public hearing, and the historic preservation report of the Committee with respect to the proposed recommendation shall be available for inspection at the office of the Town Clerk/Treasurer. Within 10 days after the public hearing the Historic Preservation Committee shall vote to recommend, reject or withhold action on the proposed designation or rescission.
  - (b) The Town Board. The Town Board, upon receipt of a recommendation from the Historic Preservation Committee, shall hold a public hearing, notice to be given as noted in Subsection A(2)(a) above. Within 60 days following the public hearing the Town Board shall take action to either accept or reject the recommended designation or rescission of designation of the historic structure and/or historic site. After the designation or rescission has been approved, notification shall be sent to the affected property owner or owners. Notification shall also be given to the State Historical Society of Wisconsin. The Town Clerk/Treasurer shall cause the designation or rescission to be recorded, at Town expense, in the County Register of Deeds office.

B. Creation of historic district.

- (1) For preservation purposes, the Historic Preservation Committee, after

application of the criteria in § 221-4 above, may select geographically defined areas within the Town to be recommended to the Town Board for designation as historic districts and shall cause an historic preservation plan to be prepared for each such recommended historic district. An historic district may be designated for any geographic area of particular historic, architectural or cultural significance to the Town. Each historic preservation plan prepared for or by the Historic Preservation Committee 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.

- (2) Review and adoption procedure.
  - (a) Historic Preservation Committee. The Historic Preservation Committee shall hold a public hearing when considering the plan for an historic district. Notice of the time, place and purpose of the public hearing shall be sent by the Town Clerk/Treasurer to the member(s) of Town Board and the owners of record, as listed in the office of the Assessor or the Door County Register of Deeds, who are owners of the property situated in whole or in part within 200 feet of the boundaries of the proposed historic district. In addition to the notified persons, the Committee may hear expert witnesses and shall have the power to subpoena such witnesses and records as it deems necessary. The Committee may conduct an independent investigation into the proposed designation. Said notice is to be sent at least 10 days prior to the date of the public hearing. Following the public hearing the Historic Preservation Committee shall vote to recommend, reject or withhold action on the plan.
  - (b) The Town Board. The Town Board, upon receipt of the recommendation from the Historic Preservation Committee, shall hold a public hearing, notice to be given as noted in Subsection B(2)(a) above, and shall, following the public hearing, either designate or reject the historic district designation of the historic district. Approval of such historic district designation by the Town Board shall constitute adoption of the plan prepared for that district and authorization for the implementation of such plan.

**§ 221-7. Interim control.**

No building permit shall be issued by the Building Inspector for alteration, construction, demolition, or removal of a nominated historic structure or historic site or any property or structure within a nominated historic district from the date of the meeting of the Historic Preservation Committee at which a nomination form is first presented until the final disposition of such nomination by the Historic Preservation Committee and, if recommended, the Town Board, unless such alteration, removal or demolition is authorized by formal resolution of the Town Board as necessary for public health, welfare or safety. In no event shall delay be for more than 180 days.

**§ 221-8. Violations and penalties.**

Any person or persons violating any provision of this chapter shall be subject to being fined \$50 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.