

VILLAGE OF MOUNT HOREB
ORDINANCE 2024-01

AN ORDINANCE TO AMEND SECTION 1.31 HISTORIC PRESERVATION COMMISSION
and 17.17 HISTORIC PRESERVATION

1.31 Historic Preservation Commission.

- (1) Membership. ~~The Village Plan Commission also acts as the Historic Preservation Commission.~~ *The Historic Preservation Commission shall consist of 5 members: 1 representative of the Village Board and 4 citizen members appointed by the Village President subject to confirmation of the Village Board. Citizen members shall be selected to include members with expertise in the following areas: architecture, history, planning, architectural history, archeology, conservation or other closely related fields.*
- (2) Powers and duties. The Historic Preservation Commission shall have the powers and duties as prescribed in § 17.17 of this Municipal Code.

17.17. Historic preservation.

- (1) Purpose and intent. 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, archeological 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:
 - (a) Effect and accomplish the protection, enhancement and preservation of such improvements, sites and districts which represent or reflect elements of the Village's cultural, social, economic, political and architectural history.
 - (b) Safeguard the Village's historic, 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 Village.
 - (d) Protect and enhance the Village's attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry.

- (2) Definitions. As used in this section, the following terms shall have the meanings indicated:

CERTIFICATE OF APPROPRIATENESS — 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.

COMMISSION — The Historic Preservation Commission under § 1.31 of this Municipal Code.

HISTORIC DISTRICT — An area that contains two or more historic improvements or sites, which has been designated an historic district pursuant to the provisions of this section.

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 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 — Any improvement which has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of the Village, state or nation and which has been designated as an historic structure pursuant to the provisions of this section.

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.

- (3) 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 Village, 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 or 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 Commission shall adopt specific operating guidelines for historic structure and historic site designation, providing such are in conformance with the provisions of this chapter.
 - (c) The Commission shall may select geographically defined areas within the Village to be designated as historic districts and shall prepare an historic preservation plan for each area. An historic district may be designated for any

geographic area of particular historic, architectural or cultural significance to the Village, after application of the foregoing criteria. Each historic preservation plan prepared for or by the 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.

(4) Historic preservation commission powers and duties.

(a) Designation.

1. The Commission shall have the power to recommend designation of historic structures, historic sites and historic districts within the Village limits. All historic structure, historic site and historic district designations shall be made by the Village Board and shall be made pursuant to Subsection (5) hereof.
2. Once designated, such historic structures, sites and districts shall be subject to all the provisions of this section and shall continue to be subject to all other provisions of this Chapter 17, Zoning Code, of this Municipal Code, including those provisions and requirements specific to the particular zoning district in which the said historic structure, site or district is situated.

(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 Commission. Also, 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 applications unless:
 - a. In the case of a designated historic structure of 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 or 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 section 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 Village and or state;
 - 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 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, it shall issue the certificate of appropriateness. The Commission shall make this decision within 45 days of the filing of the application.
 4. This issuance of a certificate of appropriateness shall not relieve the applicant from obtaining other permits and approvals required by the Village. A building permit or other municipal permit shall be invalid if it is obtained without the presentation of the certificate of appropriateness required for the proposed work.
 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 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 fail to issue a certificate of appropriateness due to the failure of the proposal to conform to the guidelines, the applicant may appeal such decision to the Village Board within 30 days. In addition, if the Commission fails to issue a certificate of appropriateness, the Commission shall, with the cooperation of the applicant, work with the applicant in an attempt to obtain a certificate of appropriateness within the guidelines of the section.
- (d) Recognition of historic structures, sites and districts. At such time as an historic structure, site or district has been properly designated, the Commission, in cooperation with the property owner, may cause to be prepared and erected on such property, at Village expense, a suitable plaque declaring that such property is an historic structure, site or district.

(5) Procedures.

(a) Nominations.

1. *Nominations for designation of a single property or a historic district under this chapter may be submitted to the Commission by an resident of the Village of Mount Horeb. The Commission shall review the nomination for completeness and eligibility under at least one of the criteria in 17.17 (3)(a). The Commission, at its discretion, may then forward the nomination to the Village Board along with its recommendation for or against designation.*

~~Nominations to designate historic structures and historic sites may be made to the Commission by any person with a legal interest in the real estate subject to such designation (i.e., the owner or a purchaser under an accepted offer to purchase) on forms prescribed by the Commission, which shall be available from the Village office. Such nominations may also be made by the Commission itself or by the Village Board.~~

- ~~2. Only the Commission or Village Board may nominate real estate for the creation of an historic district.~~

- (b) Hearing. The Commission shall hold a public hearing to consider nominations for designation as historic structures and historic sites and for creation of historic districts. Notice of the time, place and purpose of the hearing shall be given to the owners of record, as listed in the Village tax roll, of the nominated property or whose property is situated in whole or in part within ~~200~~ 300 feet of the said property. The notice of hearing shall be mailed to said owners at least 10 days prior to the hearing date.

- (c) Commission recommendation. Following the hearing, the Commission shall vote on the nomination and make its recommendations thereon to the Village Board.

(d) Board action.

1. Designation of historic structures and historic sites. Upon receipt of the recommendations from the Commission, the Village Board shall either designate the property an historic structure or an historic site or rescind such designation. After the designation or rescission has been made, the property owner or owners shall be notified of the Board's action. Any designation or rescission hereunder shall be recorded, at Village expense, in the Dane County, Wisconsin, Register of Deeds Office.
2. Creation of historic district. Upon receipt of the recommendations from the Commission, the Village Board shall either designate or reject the historic district. Creation of the historic district shall constitute adoption of the plan prepared for that district and direct the implementation of said plan.

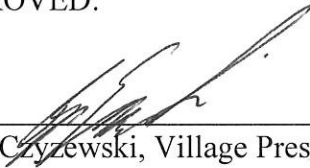
- (6) Interim control. No building permit shall be issued by the Building Inspector for

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 Commission at which a nomination form is first presented until the final disposition is authorized by formal resolution of the Village Board as necessary for public health, welfare, or safety. In no event shall the delay be for more than 180 days.

- (7) Penalties for violations. Any person or persons violating any provision of this section shall be fined \$50 plus the cost of prosecution for each separate violation. Each and every day during which violation continues shall be deemed to be a separate offense. Notice of violations shall be issued by the Building Inspector.

Introduced and passed this 3rd day of January, 2024.

APPROVED:



Ryan Czyzewski, Village President

ATTEST:



Alyssa Gaffney, Village Clerk