

Village of Sister Bay Code of Ordinances

Chapter 26

Historic Preservation

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Section 26.1 Intent

- (a) The intent of this chapter is to enhance and protect the historic structures, sites, and districts of the village which represent or reflect elements of the village's cultural, social, economic, political and architectural history.
- (b) The requirements of this chapter will strengthen the appeal of the village to residents and visitors, enhance property values and safeguard the village's historical and cultural heritage, all of which are in the public interest. (Ord No. 3, §I)

Section 26.2 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 a historic structure, historic site or any improvement in a historic district.

Commission means the historic preservation commission created by this chapter.

Historic district means an area designated by the village board on the recommendation of the commission that contains two or more historic improvements of sites, as well as those abutting improvement parcels which the commission determines should fall under the provisions of this chapter to ensure that their appearance and development is harmonious with such historic structures or historic sites.

Historic site means any parcel of land of historic significance due to a value in tracing the history or prehistory of man or upon which a historic event has occurred and which has been designated as a historic site under this chapter, or an 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 village, county, state or nation. In keeping with the age criterion of the state historical society, any structure 50 years or age or older may be evaluated for designation by the commission as a historic structure.

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.

Plan commission is as provided in Chapter 66 of this Code. (Ord No. 3, §II)

Section 26.3 Historic Preservation Commission Created

A historic preservation commission is created, consisting of five members serving without compensation. All members of the historic preservation commission should have a special interest in the preservation of village and county history. All members of the commission shall be appointed by the village president subject to confirmation by the board. Of the five members, one may be from outside the village, if that person has related expertise that cannot be found in the village, but must be a permanent resident of the county and have a vested interest in the village. It is suggested that the commission should consist of an architect, a historian, a real estate broker and either a village trustee or a member of the plan commission. The commission shall be viewed as a regular standing committee of the village, with the chairperson appointed by the village president with confirmation by the board. Terms are to be staggered. The original commission should have the chair and one member for a three-year term, two members for a two-year term and one member for a one-year term. If a vacancy exists, new members will be appointed to finish the term of the outgoing member. Terms are renewable for an indefinite period. (Ord No. 3, §III)

Section 26.4 Historic structures, historic sites and historic district designation criteria

- (a) For the purposes of this chapter, a historic structure, historic site or historic district designation may be placed on any site, natural or improved, including an building, improvement or structure located

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1 thereon, or any area of particular historic, architectural, archeological or cultural significance to the
2 village such as historic structures, sites or district which:

- 3 1. Exemplify or reflect broad cultural, political, economic or social history of the nation,
4 state or community;
- 5 2. Are identified with historic personages or with important events in national, state or local
6 history;
- 7 3. Embody the distinguishing characteristics of an architectural type or specimen inherently
8 valuable for a study of period, style, method of construction, or of indigenous materials or
9 craftsmanship;
- 10 4. Are representative of notable work of a master builder, designer, or architect who influ-
11 enced the era; or
- 12 5. Have yielded, or may be likely to yield, information important to prehistory or history.

13 (b) The commission shall adopt specific operating guidelines for historic structure, historic
14 site and historic district designation providing such are in conformance with the provisions
15 of this chapter. (Ord. No. 3, §IV)

16 **Section 26.5 Powers and Duties of Commission**

17 (a) *Designation.* The commission shall have the power, subject to Section 26.6, to designate historic
18 structure and historic sites and to recommend designation of historic districts within the village
19 limits. Such designations shall be made based on Section 26.6. Historic districts shall be approved
20 by the village board. Once designated, such historic structures, historic sites and historic districts
21 shall be subject to all the provisions of this chapter.

22 (b) *Regulation of construction, reconstruction, alteration and demolition.*

- 23 1. No owner or person in charge of a historic structure or historic site or structure within a
24 historic district shall reconstruct, alter or demolish all or any part of the exterior of such
25 property or construct any improvement upon such designated properties or cause or permit
26 any such work to be performed upon such property or demolish such property unless a cer-
27 tificate of appropriateness has been granted by the historic preservation commission. Also,
28 unless such certificate has been granted by the commission, a building permit shall not be
29 issued.
- 30 2. Upon filing of any application for a certificate of appropriateness with the commission, the
31 commission shall approve the application unless:
 - 32 a. In the case of a designated historic structure or historic site, the proposed work
33 would detrimentally change, destroy or adversely affect any exterior feature of the
34 improvement or site upon which such work is to be done;
 - 35 b. In the case of the construction of a new improvement upon a historic site, or within
36 a historic district, the exterior of such improvement would adversely affect or not
37 harmonize with the external appearance of other neighboring improvements on
38 such site or within the district;
 - 39 c. In the case of any property located in a historic district, the proposed construction,
40 reconstruction, exterior alteration or demolition does not conform to the purpose
41 and intent of this chapter and to the objectives and design criteria of the historic
42 preservation plan for such district;
 - 43 d. The building or structure is of such architectural or historic significance that its
44 demolition would be detrimental to the public interest and contrary to the general
45 welfare of the people of the village, county, and state;

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1 e. In the case of a request for demolition of a deteriorated building or structure, any
2 economic hardship or difficulty claimed by the owner is self-created or is the result
3 of any failure to maintain the property in good repair.

4 3. If the commission determines that the application for a certificate of appropriateness and
5 the proposed changes are consistent with the character and features of the property or dis-
6 trict, it shall issue the certificate of appropriateness. The commission shall make this deci-
7 sion within 45 days of the filing of the application unless special circumstances warrant
8 longer review. In the case of special circumstances, the commission will notify the appli-
9 cant and any appropriate village committee within the initial 45-day period, setting forth its
10 reasons for a longer review period and stating the timeframe within which it will make its
11 recommendation.

12 4. The issuance of a certificate of appropriateness shall not relieve the applicant from obtain-
13 ing other permits and approval required by the village. A building permit and other permits
14 shall be invalid if obtained without the presentation of the certificate of appropriateness
15 required for the proposed work. The plan commission shall consider, independently of any
16 proceedings in certification by the historic preservation commission, applications for per-
17 mits and approvals required by the village, and shall not be bound by any determination by
18 the historic preservation commission, nor shall there be a presumption in favor of approval
19 or denial of required permits and approvals based on any action by the historic preservation
20 commission.

21 5. Ordinary maintenance and repairs may be undertaken without a certificate of appropriate-
22 ness provided that the work involves repairs to existing features of a historic structure or
23 site or the replacement of elements of a structure with pieces identical in appearance and
24 provided that the work does not change the exterior appearance of the structure or site and
25 does not require the issuance of a building permit.

26 (c) *Appeals*. Should the commission fail to issue a certificate of appropriateness due to the failure of
27 the proposal to conform to the guidelines, the applicant may appeal such decision to the board of
28 appeals within 30 days. In addition, if the commission fails to issue a certificate of appropriate-
29 ness, the commission shall, with the cooperation of the applicant, work with the applicant in an at-
30 tempt to obtain a certificate of appropriateness within the guidelines of this chapter.

31 (d) *Recognition of historic structures, sites and districts*. At such a time as a historic structure, site or
32 district has been properly designated, the commission, in cooperation with the property owner, may
33 cause to be prepared and erected on such property at village expense, a suitable plaque declaring
34 that such property is a historic structure, site or district. (Ord No. 3, § V)

36 Section 26.6 Procedures

37 (a) *Designation of historic structures and historic sites*.

38 1. *Generally*. The commission may, after notice and public hearing, designate historic struc-
39 tures and historic sites or rescind such designation recommendation after application of the
40 criteria in section 26.4. At least ten days prior to such hearing, the commission shall notify
41 the owners of record, as listed in the office of the village administrator, of property in
42 whole or in part satiation within 200 feet of the boundaries of the property affected.

43 2. *Public hearing*. The commission shall then conduct such public hearing and, in addition to
44 the notified persons, may hear expert witnesses and shall have the power to subpoena such
45 witnesses and records as it deems necessary. The commission may conduct an independent
46 investigation into the proposed designation or rescission. Within ten days after the close of
47 the public hearing, the commission may designate the property as either a historic struc-
48 ture, a historic site or rescind the designation. After the designation or rescission has been

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1 made, notification shall be sent to the property owners. Notification shall also be given to
2 the village administrator, Village Clerk, president and board and the plan commission. The
3 commission shall cause the designation or rescission to be recorded at village expense, in
4 the county register of deeds office.

- 5 3. *Appeal of a commission designation.* If the owner of a designated historic structure or his-
6 toric site disagrees with the commission's designation, the owner may appeal such designa-
7 tion to the zoning board of appeals. The zoning board shall use the same criteria as the des-
8 ignation of a historic district as noted in subsection (b) of this section. The appeal shall be
9 made within 30 days of the commission's designation.

10 (b) *Creation of a historic district.*

- 11 1. *Generally.* for preservation purposes, the historic preservation commission shall select geo-
12 graphically defined areas within the village to be designated as historic districts and shall
13 prepare a historic preservation plan for each area. A historic district may be designated for
14 any geographic area of particular historic, architectural or cultural significance to the vil-
15 lage, after application of criteria in section 26.4. Each historic preservation plan prepared
16 for or by the historic preservation commission shall include a cultural and architectural
17 analysis supporting the historic significance of the area, specific guidelines for develop-
18 ment and a statement of preservation objectives.

19 2. *Review and adoption procedure.*

- 20 a. The historic preservation commission shall hold a public hearing when considering
21 the plan for a historic district. Notice of the time, place and purpose of the public
22 hearing shall be sent by the village administrator to the board and the owners of
23 record, as listed in the administrator's office, who are owners of the property
24 within the proposed historic district or are situated in whole or in part within 200
25 feet of the boundaries of the proposed historic district. Such notice is to be sent at
26 least ten days prior to the date of the public hearing. Following the public hearing,
27 the historic preservation commission shall vote to recommend, reject or withhold
28 action on the plan.

- 29 b. The board, upon receipt of the recommendations from the historic preservation
30 commission, shall hold a public hearing, notice to be given as noted in subsection
31 (b)(2)a of this section and shall, following the public hearing, either designate or
32 reject the historic district. Designation of the historic district shall constitute adop-
33 tion of the plan prepared for the district and direct implementation of such plan.
34 (Ord No. 3, § VI)

35 **Section 26.7 Interim Control**

36 No building permit shall be issued for the alteration, construction, demolition or removal of a nomi-
37 nated historic structure, historic site or any property or structure within a nominated historic district from
38 the date of the meeting of the historic preservation commission at which a nomination form is first pre-
39 sented until the final disposition of the nomination by the historic preservation commission opr the board
40 unless such alteration, removal or demolition is authorized by formal resolution by the board as necessary
41 for public health, welfare or safety. In no event shall the delay be for more than 180 days. (Ord. No. 3, §
42 VII)

43 **Section 28.8 Penalties for Violations**

44 Any person violating any provision of this chapter shall be subject to section 1.12 for each separate
45 violation. Each and every day during which a violation continues shall be deemed to be a separate offense.
46 Notice of violations shall be issued by the village administrator. (Ord No. 3, § VIII)