

## ORDINANCE 2022-03

### AN ORDINANCE AMENDING VARIOUS PROVISIONS OF THE MCFARLAND MUNICIPAL CODE RELATING TO POWERS AND DUTIES OF THE LANDMARKS COMMISSION.

Purpose: To amend the Village Zoning Code to update the functions and powers of the Landmarks Commission.

Sponsor: Carolyn A. Clow, Village President

Recommended Referral: Plan Commission

Public Hearing: Class 2 noticed public hearing held by Plan Commission on February 21, 2022.

**WHEREAS**, the Village Board has reviewed the existing organizational structure along with the assigned functions of the various Village subordinate boards, commissions and committees and determined that revisions to that structure are appropriate; and

**WHEREAS**, as a part of that review, the Board has determined that certain changes should be made to the functions of the Landmarks Commission; and

**WHEREAS**, the Village Board has determined that the proposed amendments contained herein will promote the public interest by providing more effective and efficient regulation of historical sites and structures;

**NOW, THEREFORE**, the Village Board of McFarland, Wisconsin, does ordain as follows:

**Section 1.** Section 62-395 of the McFarland Municipal Code is repealed and recreated to read as follows:

**Sec. 62-395. - Regulation of construction, reconstruction and exterior alteration.**

- (a) Any person filing an application for a building permit involving the exterior of a designated historic structure, or structure within a Historic District shall also file such application with the Landmarks Commission.
- (b) No person in charge of a historic structure, historic site or structure within a Historic District shall reconstruct or alter any part of the exterior of such structure or construct any improvement upon such designated historic site or improvement parcel within an Historic District or cause or permit any such work to be performed upon such property unless a certificate of appropriateness has been granted by the Landmarks Commission. Unless such certificate has been granted by the Landmarks Commission, the Building Inspector shall not issue a permit for such work.
- (c) Upon receiving an application, the Landmarks Commission shall determine whether or not:

- (1) The proposed work would destroy, detrimentally change or adversely affect any existing exterior architectural feature of the improvement upon which said work is to be done; and
  - (2) The exterior of any proposed new improvement would fail to harmonize with the external appearance of other neighboring improvements on such site; or
  - (3) As to any property in a designated Historic District, construction, reconstruction or exterior alteration fails to conform to the objectives and design criteria of the historic preservation plan for said district as duly adopted by the Village Board.
- (c) Granting of certificate. If the Landmarks Commission decides the above questions applicable in the negative, it shall grant the certificate of appropriateness. Upon the issuance of such certificate, the Building Inspector shall issue the building permit. The Landmarks Commission shall make this decision within 45 days of the filing of the application. Should the Landmarks Commission deny the application, the applicant may appeal such decision to the Village Board, which may grant said certificate by a majority vote of the membership, upon a clear showing of economic hardship by the applicant. In addition, if the Landmarks Commission fails to approve an application, the Landmarks Commission shall, at the applicant's request, cooperate and work with the applicant in an attempt to obtain a certificate of appropriateness within the guidelines of this Article.

**Section 2.** Section 62-399 of the McFarland Municipal Code is amended to read as follows:

**Sec. 62-399. - Recognition of historic structures and historic sites.**

After an historic structure or site has been so designated by the Village Board, the Landmarks Commission shall cause to be placed on such property, at Village expense, a suitable plaque declaring that such property is an historic structure or site. Such plaque shall be placed in a location readily visible to pedestrians and shall contain all information deemed appropriate by the Commission.

**Section 3.** Section 62-400 of the McFarland Municipal Code is repealed and recreated to read as follows:

**Sec. 62-400. - Rescission of historic structure of site designation; sale.**

Any owner of record of an historic structure or site who wishes to sell said historic structure but is unable to find a buyer willing to preserve the historic structure or site, may petition the Landmarks Commission for a rescission of its designation. Such petition shall contain a verified statement that the owner has made reasonable attempts in good faith to find and attract such a buyer and such other information deemed reasonably necessary by the Landmarks Commission. Following the filing of such petition:

- (a) The owner and the Landmarks Commission shall work together in good faith to locate a buyer for the subject property who is willing to abide by its designation.

- (b) If, at the end of a period not exceeding 12 months from the date of such petition, no such buyer can be found and if the owner still desires to obtain such a rescission, the Landmarks Commission may recommend, and the Village Board may approve, the rescission of the designation of the subject property as historic under this Article.
- (c) In the event of such rescission, the Village Clerk-Treasurer shall notify the Building Inspector and the Village Assessor of the same, and shall cause the rescission to be recorded at Village expense in the Dane County Register of Deeds.

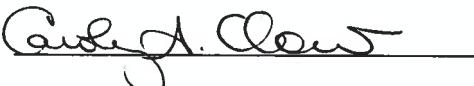
**Section 4.** Section 62-401(a) of the McFarland Municipal Code is amended to read as follows:

**Sec. 62-401. - Historic designation procedures.**

- (a) *Recommendations; notice; public hearing; independent investigation; designation.*  
The Landmarks Commission may, after notice and public hearing, recommend that the Village Board establish historic structures, sites and historic districts. At least ten days prior to such hearing, the Landmarks Commission shall give written notice to the owners of record, listed in the Village Assessor's records, of the affected property and other property situated within 200 feet of the affected property. The Landmarks Commission shall also give notice of such hearing to the Director of Public Works, Parks and Recreation Committee, Fire and Emergency Medical Services Department, Police Department, Building Inspector and Plan Commission. Each may respond to the proposed designation in writing or by appearance at the hearing. The Landmarks Commission shall then conduct such public hearing and may hear expert witnesses and may subpoena such witnesses and records as it deems necessary. The Landmarks Commission may conduct an independent investigation into the proposed designation. Within ten days after the public hearing, the Landmarks Commission may recommend to the Village Board the designation of the property as an historic structure, an historic site, or recommend to the Village Board the designation of the property as an historic structure, an historic site, or recommend its inclusion in an historic district. The Village Board may hold a separate public hearing on the owner's or its own request before designation. After the designation has occurred, notification shall be sent to the property owner and to the persons who appeared at the public hearing. The Landmarks Commission shall cause the designation to be recorded, at Village expense, in the Dane County Register of Deeds.

The foregoing Ordinance was duly adopted at a regular meeting of the McFarland Village Board on the 28<sup>th</sup> day of March, 2022.

APPROVED:

  
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Carolyn A. Clow, Village President

ATTEST:



Cassandra Suettinger  
Village Clerk-Treasurer

ORDINANCE 2022-03	
MOTION	SECOND
Clow	St. Clair
ACTION	DATE
Adopted	03/28/2022
Referred	
Tabled	
Withdrawn	
Defeated	
Published	
INDIVIDUAL VOTING RECORD	
Clow - Aye	Wreh - Aye
Brassington - Aye	Flaherty - Aye
Nelson - Aye	St. Clair - Aye
Rupert - Aye	
VOTING RESULTS	
Motion Carried	7 - 0 - 0
Motion Defeated:	