

**Detailed Report on Town of Baileys Harbor
Comprehensive Plan Implementation Policies**

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I. Overview

The Comprehensive Plan for the Town of Baileys Harbor, Door County, Wisconsin, adopted by the Town Board of Supervisors on August 15, 2005, contains dozens of implementation policies. This report provides further information and suggestions regarding some of those policies to help town officials as they work to institute the plan in the coming years. Plan implementation policies that are self-explanatory or primarily reactive in nature are in general not addressed in this report; anyone wishing to review or monitor all implementation policies to be undertaken by the town should look to the official Comprehensive Plan itself. The timing regarding implementation of the plan's policies is also addressed in the plan itself, not here.

There are a wide variety of resources available to town officials as they seek to implement the town plan, not the least of which are other municipalities in the county or state – many may already have implemented an ordinance or program similar to those Baileys Harbor will seek to enact and may offer advice as well as sample ordinance/program text. The Baileys Harbor Comprehensive Plan itself also lists some resources in each of the appendices, which are organized by topic area, as well as the lead and cooperative agencies that are provided for each policy in the plan's implementation charts. Several times in Sections II and III of this report, GBH Consulting specifically suggests using the organizations listed below. Contact information for those groups is therefore provided here rather than repeating it in several places. (Sections IV, V, and VI of this report reference potential resources or partners and contact information within the sections themselves.)

- **Wisconsin State Law Library**, <http://www.wsl.state.wi.us/ordinances.html>. The State Law Library has sample ordinances, programs, and agreements available that are currently in place in Wisconsin municipalities. More than 45 topic areas are covered. The website can be searched by municipality or by topic.
- **Wisconsin Towns' Association**, www.wisctowns.com or (715) 526-3157. The Wisconsin Towns' Association has many sample regulations or official forms towns may use, as well as possibly some ordinances. Assistance, while free, is only provided to town board or plan commission members although anyone may access the website's resources.
- **Baylake Regional Planning Commission**, (920) 448-2820, has or has information about many sample plans, ordinances, maps, agreements, etc. Note that the agency may require the town to become a member in order to access some of its resources; some may be available, though, through other means, such as from municipalities for whom the Commission has performed work or any publicly distributed reports. The annual membership fee for the year 2006 is .0006% of the town's total equalized property value.
- Staff at Door County agencies such as the **Planning Department**, (920) 746-2323, and the **Soil and Water Conservation Department**, (920) 746-2214, can provide valuable, free expertise on a variety of planning, zoning, and land use management issues.
- **Citizens for Responsible Development**, a new Door County non-profit comprised of members of the development community, may be willing to aid the town in ordinance review or revision. Contact board president and architect Henry Isaksen, (920) 743-3981, for more information.
- **Door County Economic Development Corporation** staff, (920) 743-3113, can provide information regarding municipal industrial parks and general housing and economic development initiatives and resources at local, state, and federal levels.

The Baileys Harbor Comprehensive Plan implementation policies reviewed in this report fall into five general categories of action: 1) review of ordinances and programs, 2) ordinance or program creation, 3) commission creation, 4) meetings, and 5) advocacy.

II. Ordinance/Program Review

A. Zoning

Most of the plan policies that fall into the “review” category address the zoning regulations in effect in the town. The Town of Baileys Harbor has adopted county zoning, which is administered by the Door County Planning Department and County Board of Supervisors’ Resource Planning Committee. At this time, town residents and officials do not wish to pursue any other zoning options (i.e., town zoning). Any changes to the zoning text regulations or maps in effect in Baileys Harbor are therefore made at the county level, although the town can support private individuals’ or sponsor its own petitions for map or text amendments.

Town officials should keep in mind that petitions for amendments to the zoning ordinance text that will impact all towns under county zoning will only be approved by the county if supported by a majority of the zoned towns. GBH Consulting therefore recommends any text amendments proposed by the town be made either as joint applications with other towns or as “overlays” that will apply only in Baileys Harbor. Note also, however, that the county may be reluctant to approve even overlays if deemed too complicated or time-consuming for county staff to administer. Finally, any petitions sponsored by the town for amendment to the Baileys Harbor zoning ordinance maps should have the support of a majority of the property owners in question in order to be successful.

The policies discussed below can be implemented – at least in part – by reviewing, in the next few years and at periodic intervals or as necessary thereafter, the zoning regulations and maps in effect in Baileys Harbor. The overall goal of the zoning review is to ensure the ordinance’s compatibility with the town’s comprehensive plan. Policies are grouped and discussed by general topic area. After town officials conduct the initial and future zoning ordinance reviews, they can, if necessary, petition the county for amendments to the town’s maps or ordinance text.

1) Planned Growth (Comprehensive Plan Policies 3.1b, 3.2a, 3.2b, 3.3a, 3.5b, 3.6a)

The general goal of ensuring that growth in the town proceeds in a planned and orderly manner is addressed in many sections of the Baileys Harbor Comprehensive Plan. The specific implementation policies enumerated above call for current and future zoning designations that:

- Ensure that commercial development in the downtown and Peninsula Center areas proceeds in an orderly manner, contiguous to existing commercial enterprises.
- Steer commercial development toward existing commercial areas, preferably that are or will be served by sewer.
- Steer new retail businesses and major government and social institutions downtown or contiguous to downtown.
- Disallow the development of high-density and multiple occupancy residential developments outside the "core" and/or sewered areas.

- Retain low- to medium-density single-family residential uses along the highway entrances to downtown.
- Have residential lot sizes progress from smallest in the "core"/sewered areas to largest in the agricultural areas, with gradual increases in between.

With regard to the above policies, GBH Consulting suggests examining the Door County Zoning Ordinance (DCZO) Table of Principal Uses (DCZO section 2.05(3)) and the Table of District Requirements (DCZO section 3.02(3)) in conjunction with the town's zoning maps, when reviewing or acting upon requests to amend – now or in the future – the Door County Zoning Ordinance (DCZO) text and maps. Questions or issues for town officials to consider include:

- Does the existing (or proposed, if amendments are being requested) zoning serve the goal of having graduated lot size requirements, radiating generally outward from smallest in the core to largest in outlying areas? (Note: Town officials probably do not need to do anything to further this goal other than support appropriate rezoning petitions by individual property owners. In general, it would make sense that most of the downtown “core” area zoning be either Single-Family 20,000, Single-Family 30,000, High Density, Commercial Center, Recreational Commercial, or Mixed Use Commercial; with surrounding lands zoned Small Estate, Heartland 3.5, or Estate; progressing on to Countryside in outlying areas; the obvious exception being the Peninsula Center area. Wetland areas should have the zoning district designation Wetland. Areas adjacent to wetlands or deemed environmentally significant for other reasons may be zoned Natural Area.)
- Are the existing zoning map designations generally consistent with existing uses? (If not, consider sponsoring or supporting rezoning requests. Note, however, rezonings to accommodate a few or scattered nonconforming uses are not suggested, though rezonings that would better accommodate an entire industry might be appropriate.)
- Is the existing/requested/proposed zoning allowing higher intensity/density uses than is planned for the area in the future? (“Spot zoning” – creating an “island” where higher intensity/density uses are allowed than called for by the plan or than allowed in nearby properties – should generally be avoided.)
- Are there appropriately zoned properties that can be (re)developed in or adjacent to existing commercial areas? (If not, rezonings in or adjacent to existing commercial areas might be appropriate.)
- Does the existing/requested/proposed zoning serve to maintain a physically well-defined downtown (or Peninsula Center) area?
- Are the issues being discussed or changes being considered consistent with sewer system planning and any housing or economic development initiatives?
- Are resources available to the town, such as Door County Planning Department staff, resources listed in the Comprehensive Plan, and local non-profit Citizens for Responsible Development, being used to ensure planning efforts are as effective as possible?

2) Development Design (Comprehensive Plan Policies 3.4a, 3.5a, 3.5c)

In addition to potential policies the town may adopt regarding historical and cultural preservation, the town plan calls for town officials to work with the county to:

- Ensure that current and future zoning regulations in effect in downtown Baileys Harbor do not allow for (re)development that is out of scale with existing development.
- Ensure that regulations specifically regarding high-density and multiple occupancy residential developments protect open space and neighboring properties and that large-scale buildings are in scale with the property upon which they are located.

When reviewing the DCZO with regard to these policies, GBH Consulting suggests specifically examining the Table of District Requirements (DCZO section 3.02(3)) regulations concerning impervious surface ratio (ISR) allowances and building setbacks for zoning districts encompassing downtown and/or those districts governing multiple occupancy and high-density developments. In addition, town officials should review the more specific regulations concerning multiple occupancy developments (DCZO section 4.08(8)) and general landscape/screening requirements (DCZO section 3.10). Questions or issues for the town to consider include:

- What types of setbacks, screening, or open space/ISRs do existing or desirable developments utilize? Would changing the regulations make those structures non-conforming, or, create new developments that are undesirable? Are any new regulations being considered actually workable when applied to the town's older buildings/developments that officials wish new development to emulate?
- In areas where (re)development/growth is desired (downtown, areas served by sewer and/or storm sewer, etc.), are the building setbacks, ISR allowances, and density maximums allowed suitable?
- If certain kinds of development are deemed undesirable, is it the setbacks, density, ISR allowance, and/or the landscaping/screening that are at fault, or something about the building design itself? Specifically define the problem.
- Are these reviews/discussions consistent with the town's Historic Preservation and Sewer Commissions' activities and any housing or economic development initiatives?
- Are the resources available to assist the town in these efforts, such as Door County Planning Department staff, other land use resources in the town plan, local non-profit Citizens for Responsible Development, the Wisconsin State Law Library, or the Wisconsin Towns' Association, being used effectively?

3) Attainable Housing (Comprehensive Plan Policies 3.6b, 6.1c)

The important goal of ensuring that attainable housing is available in Baileys Harbor is discussed in several sections of the town's Comprehensive Plan. Housing attainability is inextricably linked with economic development and land use issues as well as the demographic trends facing Baileys Harbor (and the rest of northern Door). Note that in addition to potential changes in zoning regulations – most of which would simply remove any barriers existing for developers wishing to create attainable housing – there are additional avenues town officials should consider to *guarantee* that attainable housing is created. Many communities in other areas of the state and country have established proactive housing programs that can serve as models for Baileys Harbor or Door County. GBH Consulting has information and research on some of these programs and would be happy to act as a resource for town officials regarding those and other attainable housing issues. Other resources regarding housing and economic

development issues and potential funding sources or partners are provided in the appendices to the Comprehensive Plan.

With regard to attainable housing and current zoning regulations, the Baileys Harbor Comprehensive Plan calls upon town officials to 1) re-examine the lot size requirements in current zoning districts and 2) work with other Door County towns under county zoning to propose text amendments to the county zoning ordinance that would encourage or mandate attainable housing.

Issues to consider when examining the current zoning district lot requirements – which are located in DCZO section 3.02(3), Table of District Requirements – and their impact on housing attainability include:

- Lot size and width requirements – Should they be decreased in sewerred, core, or core areas served by sewer? If yes, should the decreased requirements for the chosen area(s) of the town apply in all or some zoning districts, or to all or some uses (DCZO section 2.05(3), Table of Principal Uses)? For example, the town might wish to allow, only in core areas served by sewer, and only to accommodate construction of single-family residences, the creation of new lots that are smaller and narrower than currently required. (Note: Any amendments regarding these issues may require a cooperative effort between towns depending upon the type of changes desired.)
- Higher density development allowances – Should multiple occupancy developments (governed by DCZO section 4.08(8)) or planned residential developments (also known as “cluster housing,” governed by DCZO Chapter 6) be allowed greater density in sewerred, core, or core areas served by sewer? (Note: These too may require cooperative effort between towns.)
- Setbacks – Should road or side/rear yard setbacks be decreased or made more flexible in sewerred, core, or core areas served by sewer? (Note: May require cooperative effort between towns.)
- Countryside zoning district 10-acre minimum requirement – Would supporting a decrease to a 5-acre minimum lot size requirement, as desired by many property owners in the Countryside district, make housing development in those areas more affordable? (Note: Other issues surrounding the 10-acre minimum requirement include the ability of landowners to more easily pass land along to heirs or sell off property to fund retirement expenses. With regard to action on this matter, GBH Consulting does not recommend that town officials undertake a town-wide rezoning of areas zoned Countryside since the existing 5-acre districts, Estate or Heartland 5, do not offer landowners the variety of uses that can be established in Countryside. Rather, town officials can support, as they feel appropriate, individual property owners’ petitions to rezone their properties to a smaller lot-size district. See also the discussion immediately following regarding cluster housing regulations.)
- Cluster housing (called “planned residential development” in the DCZO) – If town officials plan to support rezoning petitions changing large areas of land currently zoned for 10-acre lots (Countryside) to districts requiring only 5-acre minimums, the plan calls for instituting stronger incentives for – or possibly mandating that – landowners use cluster housing. Regardless of the lot-size issue in outlying areas of town, the DCZO regulations regarding cluster housing (section 3.02(3), Table of District Requirements, and all of Chapter 6) should be examined as part

of any discussion of attainable housing. Current density bonuses are inconsistent (some districts offer little to no bonus for developing cluster housing versus a regular subdivision), the acreage requirements for cluster housing in many zoning districts are too large, and many landowners probably shy away from cluster housing due to the conditional use permit requirement. (Note: Amending the cluster housing regulations will probably require a cooperative effort with other towns. Amendments to the county Land Division Ordinance, in effect in all 14 towns, may also be required.)

- Are the resources available to assist the town in these efforts, such as Door County Planning Department staff, housing resources in the town plan, local non-profit Citizens for Responsible Development, the Wisconsin State Law Library, or the Wisconsin Towns' Association, being used effectively? Are efforts being coordinated with the work of the town's Historic Preservation and Sewer Commissions?

Listed below are additional types of zoning regulations that could enable or require the provision of attainable housing. As mentioned previously, make sure any new regulations being considered are actually workable when applied to any older buildings/developments or patterns of development deemed worthy of emulating. Town officials should begin by discussing these ideas with other towns under county zoning. Again, petitions for text amendments to the county zoning ordinance will be most effective if pursued with the cooperation of other towns under county zoning and if using all of the resources available to the town.

- "Inclusionary zoning" requires that a certain percentage of the lots or units in new subdivisions or multi-family developments be sold to persons earning the community's median income level or below. (This might require amendments to both the Land Division and Zoning Ordinances.)
- Some municipalities require new commercial uses/construction to provide employee housing.
- A "floating" zoning district could be created that would accommodate attainable housing developments only. Such a district could allow smaller lot sizes, decreased setbacks, and higher density.
- The minimum floor area required for new homes could be decreased in all or some zoning districts.
- Accessory residences could be allowed in greater numbers, provided that other zoning regulations can be met (impervious surface ratio, parking, setbacks, etc.).
- "Granny flats" could be allowed in residential zoning districts currently only allowing single-family homes, subject to a variety of design and density controls. Currently, a "granny flat" would be considered either a completely separate residence, requiring essentially its own lot, or, if attached to the existing house, a duplex.

4) Economic Development (Comprehensive Plan Policies 4.1a, 4.2a, 6.1d, 9.1a, 9.1c, 9.2b)

As noted above, economic development issues are intertwined with attainable housing issues – work on one set of issues will probably necessitate work on the other, as well as, again, coordination with the town's Historic Preservation and Sewer Commissions, any active efforts regarding planned growth, or countywide economic development initiatives. And, as with housing issues, town officials may need to be proactive to

ensure that desired economic development actually occurs within the town – simply designating areas as appropriate for future commercial or industrial growth is not enough. Specifically, the Baileys Harbor Comprehensive Plan states that town officials should explore the possibility of expanding the light industrial area near the intersection of County Highways F and EE as a municipal industrial park. These discussions should begin with the Door County Economic Development Corporation, which has been instrumental in the founding and development of Sturgeon Bay’s industrial park and business incubator. A wide variety of other potential funding partners and resources are also listed in the plan that may be able to assist in this and other economic development initiatives. Most have worked with communities across the state to develop programs or projects that Baileys Harbor could use as models.

With regard to zoning and its impact on economic development, town officials should review the DCZO – specifically, the Table of Principal Uses, section 2.05(3), the Table of District Requirements, section 3.02(3), and the zoning maps for the town – with an eye to the following policies outlined in the town plan:

- Does the existing/proposed zoning allow the expansion of light industrial and trades-based uses in an orderly manner – contiguous to existing light industrial uses and served by sewer? (This policy probably only requires that town officials support appropriate rezoning petitions by individual property owners as it is concerned more with the town’s zoning maps than text regulations. See also discussions above and below regarding planned growth.)
- Do current zoning regulations pose problems for existing or potential agricultural uses within the town? (Review zoning map designations and text regulations regarding agriculture with agricultural landowners/operators in the town. Petitions to amend zoning ordinance text might need to be undertaken with other towns.)
- Does the county zoning ordinance prohibit or excessively restrict desirable economic development initiatives in Baileys Harbor or other northern Door communities? (Review both the Table of Principal Uses as well as any relevant text governing economic development initiatives to be undertaken or businesses the town/area hopes to attract.)
- Can agriculture- and horticulture-related businesses as well as small manufacturing easily operate, expand, and locate within the town? (Review current and proposed zoning map designations and relevant text regulations.)
- Can trade industries, such as plumbing, carpentry, and electrical work, as well as high-tech industries, easily locate and operate/expand within the town? (Examine current and proposed zoning designations and relevant text regulations, including regulations for home offices, occupations, and businesses.)

5) Natural Resource Protection (Comprehensive Plan Policy 5.1a)

The Baileys Harbor Comprehensive Plan places great importance on continued support of existing protected natural areas in the town (The Ridges, Toft Point, Mud Lake, etc.). In addition, town officials are to examine current and future zoning regulations to ensure protection of natural areas as new development occurs. GBH Consulting suggests that town officials meet with Wisconsin Department of Natural Resources, Ridges Sanctuary, Door County Land Trust, The Nature Conservancy, Door County Soil and Water Conservation and Planning Departments, and representatives from other towns in county zoning to review and discuss the Door County Zoning Ordinance’s protection of

natural resources. Any amendments that might be pursued should ideally be undertaken with other towns in county zoning.

B. Other Ordinances and Programs

Several policies in the Baileys Harbor Comprehensive Plan involve reviewing existing ordinances and programs other than zoning.

1) Sewer System (Comprehensive Plan Policies 1.1a, 12.1d, 14.1c)

The plan calls for current sewer district definitions and rules to be reviewed, clarified, and made easily enforceable as well as readily available to the public. That work can be undertaken by the town's Sewer Commission members as they create the official sewer plan for the town (discussed below). In addition, town officials should meet with Wisconsin Department of Natural Resources (DNR) staff to review current treated sewage disposal methods. Specifically, town officials and residents have indicated a desire to further filter treated sewage through wetland areas in the town rather than discharging directly to Lake Michigan, as is the current practice required by the DNR. The Wisconsin State Law Library, the Wisconsin Towns' Association, and other municipalities in the state may serve as resources in this effort.

2) Transportation Systems (Comprehensive Plan Policy 11.1e)

Town officials are to annually review the town's existing road specification ordinance and make any changes deemed necessary. GBH Consulting suggests that town officials determine which sections of the ordinance are problematic, and then seek input as to potential revisions from the county and/or state highway departments, Wisconsin State Statutes, other municipalities in Door County, the Wisconsin State Law Library, or the Wisconsin Towns' Association.

III. Ordinance and Program Creation

Baileys Harbor Comprehensive Plan policies discussed in this section specifically call for the town to create and adopt new ordinances or programs.

A. New Ordinances and Programs, By Topic Area

1) Planned Growth (Comprehensive Plan Policies 3.1a, 12.1c)

With regard to ensuring planned growth, the plan calls for town officials to specifically define the boundaries of the downtown "core" area and to develop a five- to ten-year plan for the sewer system. When defining the "core" area, GBH Consulting suggests that town officials designate 5-, 10-, 15-, and 20-year core area boundaries – establishing one, 20-year boundary might actually allow for "leap-frogging" development and/or spot zonings, both of which are strongly discouraged by the town's plan. In defining those boundaries, the main things to consider are the probable number of new developments that will occur in each time period, based on recent trends, and the approximate amount of land those developments will require. It is important to take into account properties that are vacant and/or likely to be (re)developed when contemplating those two concepts.

To guide the sewer commission in the development of a sewer plan, GBH Consulting suggests reviewing other sewer districts' plans for ideas as to policies Baileys Harbor officials might wish to adopt concerning when/where/why/how sewer service will be

expanded as well as more technical engineering assistance/ideas. Such plans should be available through the Wisconsin State Law Library archives or possibly Baylake Regional Planning Commission.

2) Natural Resource Protection (Comprehensive Plan Policies 1.2c, 12.2a, 12.2c)

The town plan asks that town officials implement natural resource protection measures over and above zoning regulations and the efforts of local environmental groups. Specifically, the plan calls for encouraging the adoption of a county ordinance in support of the “Dark Sky” concept or adopting a town light trespass ordinance that includes the use of appropriate directional lighting and wattage in all areas of the town. Resources or contacts for suggested text for such ordinances may be available through the Door County Planning Department, local Sevastopol resident Douglas Paulin, head of the Wisconsin section of the International Dark Sky Association, www.darkskywisconsin.org and, if any such ordinances have been adopted in Wisconsin, the Wisconsin State Law Library and the Wisconsin Towns’ Association.

The plan also states that wherever possible, direct storm water discharge into the community’s lakes and streams should be avoided and that the town should develop a plan for maintenance, changes, and improvements to the storm water drainage system in the downtown commercial district. Resources to use in reviewing the existing storm water drainage system and planning for future modifications/improvements/expansions include the Door County Soil and Water Conservation Department, the Wisconsin Department of Natural Resources, the Wisconsin State Law Library, and the Wisconsin Towns’ Association.

3) Transportation Systems (Comprehensive Plan Policies 11.1e, 11.4b, 14.3b)

With regard to transportation systems, the Baileys Harbor Comprehensive Plan states that the town should 1) consider the addition of a road abandonment ordinance, 2) adopt a standard procedure for converting private roads to public, and 3) research other community ordinances and policies pertaining to landing small aircraft and private airfield development, especially as related to helicopters and aircraft capable of water-based landings.

Examples of all three types of ordinances/programs should be available through the Wisconsin State Law Library or the Wisconsin Towns’ Association or their referrals.

4) Fire Safety (Comprehensive Plan Policies 13.5d, 13.5f)

The town plan asks town officials to monitor current fire department staff levels, research alternative staffing mechanisms, and consider an ordinance requiring all alarmed structures to be equipped with Knox Box key repositories. With regard to the latter, look first to the Town of Gibraltar, which has enacted a Knox Box ordinance.

To monitor fire department staff levels and research alternatives, use the Wisconsin Towns’ Association and the Wisconsin State Law Library as initial resources. Also, the National Volunteer Fire Council in conjunction with the U.S. Fire Association has written a report entitled *Retention, Recruitment, Problems and Solutions*. This report can be ordered at www.usfa.fema.gov.

5) Intergovernmental Cooperation/Consistency (Comprehensive Plan Policies 14.1a, 14.2c, 14.3b)

The Comprehensive Plan states that Baileys Harbor officials should formalize the processes and policies by which it interacts with other governmental agencies in various situations. An overall policy calls for establishing a standard process for adoption of agreements, updating and dealing with expiration of agreements, and plans for future agreements. In order to accomplish this, town officials should look to both the Wisconsin State Law Library and the Wisconsin Towns' Association for examples and guidance.

More specifically, the town plan calls for updating and/or adopting agreements for roads shared with other towns and villages. Again, the Wisconsin State Law Library, the Wisconsin Towns' Association, and other municipalities should serve as adequate resources for town officials as they work to implement this policy.

The plan also calls for the creation of a standard set of questions for the town plan commission to consider when reviewing petitions to the Door County Board of Adjustment and Resource Planning Committee for variances, zoning text or map amendments, and conditional use permits. GBH Consulting has provided such lists for the town in Appendix One of this document. When/if the town wishes to modify or update those lists, resources include the Door County Planning Department, Wisconsin Statutes, and other municipalities. Note that once Wisconsin's Smart Growth legislation goes into effect (currently scheduled for January 1, 2010), arguably the most important consideration for the town when evaluating any zoning hearing application will be whether or not the request is consistent with the town plan.

IV. Commission Creation

A. Historic Preservation

In order to preserve and protect the historical and cultural resources of the Town of Baileys Harbor, the Comprehensive Plan states that the town shall create an Historic Preservation Commission. This commission would then be responsible for implementing all other policies and programs related to historic preservation.

Wisconsin State Statute 60.64 establishes the authority for local governments to pass an historic preservation ordinance and thereby create a local historic preservation commission. Specifically, the statute states:

The town board, in the exercise of its zoning and police powers for the purpose of promoting the health, safety and general welfare of the community and of the state, may regulate any place, structure or object with a special character, historic interest, aesthetic interest or other significant value for the purpose of preserving the place, structure or object and its significant characteristics. The town board may create a landmarks commission to designate historic landmarks and establish historic districts. The board may regulate all historic landmarks and all property within each historic district to preserve the historic landmarks and property within the district and the character of the district.

According to this statute, towns have the authority to enact preservation ordinances based solely on their "police powers," separate and independent from "zoning powers," thereby

avoiding the complications of using zoning authority. The ability of towns to enact ordinances based on their police powers becomes especially important for towns like Baileys Harbor under county zoning. In other words, a town could enact a “stand-alone” or independent ordinance for historic preservation purposes.

A town historic preservation program can utilize an Historic Preservation Commission and Historic Preservation Ordinance or other, more general historic preservation strategies, as well as a variety of funding mechanisms.

1) Historic Preservation Commission (Comprehensive Plan Policy 2.1a)

By enacting an historic preservation ordinance, communities can create an historic preservation commission that is empowered to designate local landmarks. Such ordinances also often give them some measure of authority to control the alteration or demolition of designated properties, and sometimes to review the quality of new design in the vicinity of such properties or within historic districts. Commissions sometimes are provided with staff whom they oversee in carrying out the community's overall preservation program; in other cases, commissions are advisory to planning departments or other agencies of local government whose personnel carry out the day-to-day work of the program. The degree of authority granted to such commissions varies widely; in some cases, properties may not be designated as historic without the permission of their owners; in other cases, designation depends solely on the judgment of the commission. Some ordinances place great power in the hands of the commission to control alteration or demolition of designated resources, while others place none, and still others require that the views of the commission be taken into account in decision making, but not necessarily heeded.

Local governments seeking certification to participate in the national historic preservation program under Section 101(c) of the National Historic Preservation Act must establish historic preservation commissions by ordinance and give them responsibilities and authorities mirroring and coordinating with those of the State Historic Preservation Officer with respect to survey (the process of inventorying the town's historic sites and properties), nomination of properties to the National Register, preservation planning, grants administration, consultation with federal, state, and local agencies to help them avoid damaging historic properties, and provision of education and information to the public (36 CFR Part 61.5[c][21]).

After a community enacts an ordinance, the community's chief elected official usually appoints members to the historic preservation commission. The ordinance may specify the types of expertise needed on the commission, but in general, commission membership should represent the various community groups concerned with preservation. Ideally, the commission will include community members with expertise in fields such as history, archaeology, architectural history, architecture, planning, or preservation law. Historic preservation commissions increase their effectiveness when members have professional expertise in various historical fields of interest. It is also helpful to have a commission member or two skilled in forging agreements and whose opinions are widely respected in the community. Most importantly, however, commission members should be genuinely interested in historic preservation and willing to devote the time and effort required for success.

Commission members, as part of the local governmental structure, should work closely with elected officials and with various local departments and agencies. For example,

commissions should seek annual budget appropriations to be used for brochures, markers, educational programs, and training for commission members.

To be effective, historic preservation commissions need to be connected to the preservation efforts at state and national levels. The commission may join the Wisconsin Association of Historic Preservation Commissions (WAHPC), which links historic preservation commissions throughout Wisconsin. WAHPC members share information, provide technical assistance to each other, and address common problems. To find out more about the WAHPC, contact the Historic Preservation Division at (608) 264-6500.

The commission should also consider joining the National Alliance of Preservation Commissions (NAPC), which provides similar opportunities for networking and mutual assistance nationwide. NAPC also has a nationally renowned training program for historic preservation commissions and the organization's representatives can either travel to a community or develop a curriculum tailored to a community. For more information, contact NAPC at:

National Alliance of Preservation Commissions
P. O. Box 1605
Athens, GA 30603
Phone: (706) 542-4731
FAX: (706) 583-0320
E-mail: napc@uga.edu
Website: www.arches.uga.edu/~napc/

2) Historic Preservation Ordinance (Comprehensive Plan Policies 2.1b, 2.1c)

Many communities enacting historic preservation programs adopt an historic preservation ordinance. A model historic preservation ordinance to serve as a guide for Baileys Harbor town officials can be found in Appendix Two of this report. Also, town officials may wish to contact the Town of Perry in Dane County which is under county zoning and has had an historic preservation ordinance in effect since 2001. A copy of their ordinance can be viewed at www.perry-wi.gov/documents/OrdinancesApplications/Historic%20Preservation%20Ordinance.pdf
An historic preservation ordinance generally contains the following:

- a statement of purpose;
- definitions of terms used in the ordinance;
- description of the make-up and length of office of commission members;
- the powers and duties of the commission;
- criteria and procedures for designating historic properties or landmarks;
- procedures and guidelines for regulating alterations to designated properties;
- procedures for regulating demolitions of designated historic properties;
- summary of other powers and duties;
- methods of enforcement; and
- provisions for recognizing and marking historic properties and landmarks.

Depending on the wording of a local historic preservation ordinance, landmark designation can be simply honorific or a powerful regulatory tool. Ideally, landmark designation should recognize places significant for their relation to prehistory or history,

attachment to historic people or to events, their architecture or their architect, designer or builder. Places should be designated so they can be protected for the present time and the future. Local designation is essential for properties listed in the State and National Registers of Historic Places, since the State and National Registers confer distinction but offer only limited protection.

a) Design Guidelines

For areas protected by historic preservation ordinances, general design guidelines serve two roles: first, they guide property owners in a historic district in planning exterior changes to their properties and second, they assist historic preservation commissions in reviewing the appropriateness of all proposed changes throughout the district. These guidelines ensure that historic preservation commission decisions are consistent and have a clear basis, giving the commission's decisions political and legal credibility.

For "compatible in-fill" projects – typically constituting most new developments in historic districts – good design cannot be judged solely in terms of the individual building on its site, but must be considered in the context of its surroundings. A new building should fit within the context of its immediate neighbors and the street on which it is located. Therefore, compatible infill design guidelines are intended to direct designers and project reviewers to look closely at local conditions and produce new buildings that enhance rather than detract from their surroundings.

Design guidelines are usually graphic in format, showing what is appropriate or inappropriate in drawings and photos.

3) Other Strategies (Comprehensive Plan Policies 2.1f, 2.1g, 2.1h)

Promotional and educational activities increase the public's awareness and can make a critical difference in the effectiveness of an historic preservation effort. The Baileys Harbor Comprehensive Plan suggests the use of several educational and promotional programs, including walking tours, labeling of historic sites, and informational literature.

a) Walking Tours

A walking tour that highlights significant local architecture combined with interesting local history will provide an overview of the ever-changing dynamic of a community. Walking tours bring history and style together in unique and unexpected ways. Walking tours can serve as educational tools, as well as an excellent means of fundraising. Many preservation groups sponsor an annual walking tour to provide regular funding for preservation projects.

Important smaller groups, such as the town board or plan commission, local realtors/developers, or Baileys Harbor Community Association members, can be targeted for a special tour as a way of reminding them of the significance of the community's cultural resources and the value of preserving history.

b) Wisconsin's Historical Markers Program

The State Historical Society's Division of Historic Preservation administers the Wisconsin Historical Markers Program. These on-site historical markers are placed by the state, at the request of the property owner. Applications are required for all official State of Wisconsin historical markers and plaques.

Properties must be on the Wisconsin Historic Inventory or the state Register of Historic Places. Marker applications are available at available on the web at: www.wisconsinhistory.org/histbuild/markers/apply.

c) Local Plaque Program

A plaque program organized and administered by the historic preservation commission can promote any properties or buildings deemed local historic landmarks. Such plaques may serve as an incentive for businesses to obtain local landmark designation and also as a way for the community to recognize the property owners bearing the responsibility for preserving their property in a way that benefits the whole community. Developing a plaque program is also an administratively simple, cost-effective approach to increasing the commission's visibility within the community. Besides enhancing the educational goals of the commission, it also facilitates the meeting of other municipal objectives such as community rehabilitation and heritage tourism.

For more information, see Technical Leaflet no. 168, "Establishing a Plaque Program: Bringing Local History to the Community," by Richard Bamberger and published by the American Association of State and Local History (AASLH). Copies are available from the AASLH, 1717 Church Street, Nashville, Tennessee 37203-2991, (615) 327-9013.

4) Financial Support for Historic Preservation

In order for Baileys Harbor town officials to implement some of the above programs and policies, additional financial support may be required. Finding financial support for historic preservation efforts can be difficult, although there are a number of strategies that have been successfully implemented in other Wisconsin communities.

a) Revolving Funds

Revolving funds are designed to provide a preservation organization with the financial capacity to buy, sell, and maintain property without large sources of long-term financing. They have proven to be effective preservation techniques in a wide range of situations. As the name states, funds in a revolving fund *revolve*; they are invested in a property, recovered – ideally at a profit – and then invested in another. Organizations with preservation revolving funds can respond quickly to emergencies by purchasing endangered sites or buildings directly rather than looking for a sympathetic buyer or trying to raise funds for special purchase. By buying endangered properties, the organization buys time. Buildings and structures may be rehabilitated, easements may be placed on them, and they may be resold or leased to parties who will maintain them. Alternatively, properties can be transferred and rehabilitated by the new owner according to agreements accompanying the sale. Archeological sites may be sold with covenants restricting excavation or permitting only certain kinds of land use, or might be subjected to a program of research excavation and then sold without restrictions once their important data have been extracted. When the properties are sold, the money returns to the revolving fund and can be used again to save other properties.

The problems involved in establishing and operating a revolving fund are to obtain the money to make the initial purchases, to turn these around quickly enough to generate momentum rather than allowing the fund to stall with its first

few projects, and to operate the fund in a businesslike manner. Some communities use Community Development Block Grants to establish revolving funds, while others have obtained initial funding through community-based fund raising efforts, local appropriations, grants from private foundations, and bequests.

b) Grants

Community Development Block Grants and certain federal categorical grants available through the U.S. Department of Housing and Urban Development are popular sources of funding for preservation activities. Block grants have few limitations that apply to their use and can be applied to the town's historic survey, operation of a general historic preservation program, establishment of revolving funds, direct rehabilitation projects, and a wide variety of other preservation functions. Categorical grants are typically more limited in their application.

The State Historic Preservation Officer may be a source of grant funds from the Historic Preservation Fund managed by the National Park Service. The National Historic Preservation Act provides for the pass-through of Historic Preservation Fund money to local governments whose preservation programs have been certified by the State Historic Preservation Officer and the Secretary of the Interior; these funds can then be used at the local government's discretion for historic preservation purposes, within guidelines established by the National Park Service.

Categorical grants may also be available from such federal agencies as the National Endowment for the Arts, the National Endowment for the Humanities, and various agencies of the Departments of Housing and Urban Development, Agriculture, Commerce, and Transportation, for particular project and program activities. The availability of grants for particular purposes changes from year to year as Congress approves new programs and allows others to expire or remain in existence without appropriations. The State Historic Preservation Officer should be consulted for current information.

i) Jeffris Family Foundation

The Jeffris Family Foundation is dedicated to Wisconsin cultural history and heritage through preserving regionally and nationally significant historic buildings and decorative arts projects. Founded in Janesville, Wisconsin in 1979, the Foundation currently has more than \$20 million in assets, about \$1 million of which it grants annually to projects approved by the Foundation board. The Jeffris Family Foundation provides challenge grants for preliminary studies, full restorations, and follow-up projects such as publications.

The Jeffris Family Foundation funds private nonprofit organizations and governments. Foundation support should act as a catalyst – support typically ranges from 25% to 50% of the total project cost with a significant portion of the matching funds originating from the community. The Foundation's primary focus is on projects in communities under 100,000 in population. For additional information and a grant application, contact:

Jeffris Family Foundation
P.O. Box 650
Janesville, Wisconsin 53547-0650

ii) National Trust for Historic Preservation/Jeffris Preservation Services Fund

The Jeffris Family Foundation Preservation Services Fund (PSF) was established in 1998 by a gift from Jeffris Family Foundation to the National Trust. The purpose of the Jeffris PSF is to provide seed grants to preservation organizations and local governments in small Wisconsin towns and villages. The fund is especially targeted toward communities with a population under 10,000 that are far removed from metropolitan areas.

The PSF provides financial assistance to small towns in the planning stages of preservation projects by providing “seed grants” up to \$5,000 that serve as a catalyst to move a project forward.

Grants can be used to assist with the costs of obtaining professional consultants or providing support for preservation-based educational activities. Recipients must match grants at least dollar-for-dollar and the funds cannot be used for “bricks and mortar” activities.

Typical uses for the Fund include feasibility studies regarding renovating endangered buildings or sites, architectural planning, landscape research and planning, development of heritage education, and co-sponsorship of workshops and conferences.

For additional information contact:

Jeanne Lambin
Wisconsin Field Office
National Trust for Historic Preservation
319 High Street
Mineral Point, WI 53565
Phone: (608) 987-1502
E-mail: jeanne_lambin@nthp.org

iii) Wisconsin Humanities Council/Historic Preservation Program Grants

The Wisconsin Humanities Council and the Jeffris Family Foundation have formed a partnership to support Historic Preservation Program Grants. The Wisconsin Humanities Council (WHC) will award grants with funds from both the Jeffris Family Foundation and the Wisconsin Humanities Council.

The Wisconsin Humanities Council accepts proposals for projects that enhance appreciation of the importance of particular historic buildings or that increase public awareness of the importance of particular historic buildings or decorative art works in Wisconsin. Preference will be given to significant preservation projects in small towns and rural communities

with populations under 30,000. Deadlines for Wisconsin Humanities Council Historic Preservation program grants are: January 1, March 1, May 1, July 1, September 1, and November 1 for mini-grants (up to \$2,000), and April 15, August 15, and December 15 for major grants (up to \$10,000). Applicants for major grants should also submit a draft proposal six weeks before the deadline.

Grant proposals should conform to the WHC *Grant Guidelines*, which may be viewed at www.danenet.org/whc, or obtained along with other application materials from the Wisconsin Humanities Council, 222 South Bedford Street, Suite F, Madison, WI 53703-3688.

iv) Wisconsin Coastal Zone Management/Public Access – Low-Cost Construction Grants

The Coastal Management Program provides grants to encourage the protection and wise use of Wisconsin's coastal resources and to increase public access to the water of the Great Lakes. Four types of matching grants are available, but only one (Public Access) applies to historic buildings.

Public Access – Low-Cost Construction Grants seek to stimulate the renovation of underutilized or deteriorated waterfronts (lake-front/river front) along the Great Lakes to help boost the local economy and to make waterfronts more accessible and enjoyable to the public. Eligible public access projects include construction or improvement of walkways, fishing piers, viewing decks, and waterfront public access. Public access project applications receive higher priority if they include an educational or environmental protection component. Examples of historic preservation projects the program has funded include the rehabilitation of the Potawatomi Light House on Rock Island, the Port Washington Lighthouse in Port Washington, and the Bayfield Lakeside Pavilion in Bayfield. For more information about this grant program please refer to www.doa.state.wi.us/pagesubtext_detail.asp?linksubcatid=250.

v) Wisconsin Department of Natural Resources

In addition to the Department of Commerce, the Department of Natural Resources has a variety of funding programs. The Bureau of Community Financial Assistance (CFA) is the primary source of information on these programs. Their website is www.dnr.state.wi.us/org/caer/cfa/cfindex.html.

CFA works directly with local governments and non-profits in administering the DNR's grant and loan programs. Although the programs are specifically targeted to protect the environment, promote public health and provide recreational opportunities, these same programs can simultaneously promote the protection and restoration of cultural resources.

c) Tax Incentive Programs

i) Federal and State Investment Tax Credits

Owners of historic buildings in Wisconsin are eligible to participate in federal and state income tax incentive programs for the rehabilitation of historic properties. To qualify for the investment tax credit (ITC) programs, an owner must have a building listed, or eligible for listing, on the State and National Registers of Historic Places.

Wisconsin currently has ITC programs for income-producing properties and for owner-occupied residences. While the programs are summarized below, they are subject to change, and those interested in applying for any of the programs should consult the Division of Historic Preservation for assistance.

The three ITC programs in Wisconsin currently offer the following tax credits for owners who rehabilitate their historic properties. In each case, the credit is a percentage of the rehabilitation costs:

- A 20 percent federal investment tax credit for rehabilitating income-producing historic buildings (www2.cr.nps.gov/tps/tax/).
- An additional five percent Wisconsin investment tax credit for persons who qualify for the above 20 percent tax credit.
- A 25 percent Wisconsin investment tax credit for persons who rehabilitate private owner-occupied homes.

Even though the rules for applying for the ITC programs vary, all three programs require that owners meet all of the following criteria:

- Formally apply for and obtain approval to receive the credits. Pre-approval is required for both state tax credit programs. Pre-approval for the 20% federal tax credits is not required, but is strongly recommended.
- Spend a specified, minimum amount of money on rehabilitation work.
- Carry out work according to the *Secretary of the Interior's Standards for Rehabilitation* (www2.cr.nps.gov/tps/tax/rhb/).

Each investment tax credit program has its own requirements. Property owners should contact the Division of Historic Preservation in the earliest stages of their planning if they are considering the use of any of the ITCs. More information about historic preservation tax credits can be found on the Society's website at www.wisconsinhistory.org/histbuild/architecture.

ii) Historic Buildings Tax Exemption

Under Wisconsin State Statutes §70.11, certain historic buildings may be exempt from general property taxes. In order to qualify, the law requires that a building meet all of the following requirements:

- The property is listed on either the State Register or the National Register of Historic Places.
- Is a public building as defined in s. 101.01(12).

- Is owned or leased by a tax-exempt organization under Section 501 of the Internal Revenue Service as amended December 31, 1986.
- Is used for civic, governmental, cultural, or educational purposes.
- Is subject to an easement, covenant, or similar restriction running with the land that is held by the Wisconsin Historical Society or by an entity approved by the Wisconsin Historical Society that protects the historic features of the property and that will remain effective for at least 20 years after January 1, 1989.

iii) Archaeological Tax Exemption

Wisconsin State Statutes §70.11(13m) offers an economic incentive to private landowners that wish to preserve archaeological sites on their property. If an archaeological site is listed in the State or National Register of Historic Places, and if the owner signs a protective covenant, the land included under the covenant is exempt from general property taxes. Depending on the size of the site and local tax rate, signing a covenant can provide substantial savings for the owner.

d) Other Funding Mechanisms

i) Wisconsin's Main Street Program

The Main Street Program is a comprehensive revitalization program designed to promote the historic and economic redevelopment of traditional business districts in Wisconsin. The Wisconsin Main Street Program was established in 1987 to encourage and support the revitalization of downtowns in Wisconsin communities. Each year, the Department of Commerce selects communities to join the program. These communities receive technical support and training needed to restore their Main Streets to centers of community activity and commerce.

For more information regarding Wisconsin's Main Street program go to www.commerce.state.wi.us/CD/CD-bdd-overview or contact the Bureau of Downtown Development, Division of Community Development, 201 West Washington Ave., P. O. Box 7970, Madison, WI 53707, (608) 266-7531.

ii) Business Improvement Districts

Wisconsin Act 184, signed into law in 1984, gives Wisconsin municipalities (i.e., cities, villages, and towns) the power to establish one or more Business Improvement Districts (BID) within their community. The law established an assessment methodology that allows business properties within that area to contribute to programs aimed at promotion, management, maintenance, and development. The BID assessments are restricted to commercial and industrial properties subject to real estate tax. Tax-exempt properties (i.e., religious, public utility or government properties) or those used exclusively as private residences cannot be assessed.

Some communities, such as Waupun, have Business Improvement Districts that are used to provide small grants for façade rehabilitation,

helping to revitalize a downtown business district and preserve its historic assets. Many communities, such as West Allis, Marshfield, Rice Lake, and Eagle River, use BIDs to finance their Main Street programs.

More information about Business Improvement Districts can be found on the web at www.uwex.edu/lgc/cp&d/bidpage/bid.

iii) Architectural Conservancy Districts

Under Wisconsin State Statutes §66.1007, any municipality with an historic district can establish an Architectural Conservancy District. Conservancy districts operate in a fashion similar to Business Improvement Districts in that an operating plan is developed and approved by the local municipality. The operating plan specifies how much money will be assessed to tax parcels in the district. It also details how the money raised will be spent. A board appointed by the “chief executive officer,” such as mayor, city manager, village president, or town chair, administers the approved plan. The board can use monies collected by the municipality to fund improvements in the Conservancy District.

The development of an Architectural Conservancy District is a good way for an historic district to collect funds from tax-paying individuals to spread out the cost of specific improvements across the entire historic district. Improvements funded in this way can include anything from the purchase of a preservation easement on an endangered property to the construction of historic streetlights or decorative street signs.

V. Meetings

Public information meetings were an integral part of the creation of the Baileys Harbor Comprehensive Plan. They served an important role in getting information to and exchanging ideas with community residents. To continue the dialogue begun during the plan development phase and to further community understanding on essential issues, several policies and programs for plan implementation have been designed around town-sponsored meetings.

A. Meetings By Topic Area

Below are the general topics covered in Comprehensive Plan policies calling for meetings as a means of implementation, as well as possible meeting participants. Additional resources, contacts, and possible participants are included in the plan itself.

1) Natural Resource Preservation (Comprehensive Plan Policies 1.1b, 3.3b, 5.2a)

In addition to encouraging/sponsoring educational programs regarding general environmental issues facing the town and what individual landowners can do to address those issues (Policy 5.2a), the plan calls for two specific meetings regarding natural resource preservation issues.

Theme: Geology of Door County

Specific Topics: Relationship to ground water quality, eco-tourism potential, geologic history, and impact on property development

Possible Participants: James Robertson, Director and State Geologist, UW-Extension Wisconsin Geological and Natural History Survey, (608) 262-1705; Dawn Ryan, Wisconsin Speleological Society (Northeastern Wisconsin region), (815) 338-7518; Door County Soil and Water Conservation Department, (920) 746-2214.

Theme: Roadside vegetation

Specific Topics: Native and invasive roadside plants, planting and maintaining roadside vegetation

Possible Participants: Judy Reninger, Door County Chapter of the Wild Ones, (920) 839-1182; Wisconsin Public Service Electrical Engineer, (920) 794-3214; Verizon Manager of External Communications and Public Affairs, (715) 847-1226; Door County Highway Department (920) 743-4291.

2) Senior and Disabled Residents (Comprehensive Plan Policies 8.1a, 11.1h)

Theme: Programs for Senior and Disabled Residents

Specific Topics: Housing programs for seniors, transportation systems for seniors and the disabled, social service programs for seniors and the disabled

Possible Participants: Door County Senior Resource Center, (920) 746-2542; Scandia Village Good Samaritan, (920) 854-2317; Sunshine House, (920) 743-7943.

3) Arts (Comprehensive Plan Policies 2.2b, 9.3a)

Theme: Arts

Specific Topics: Arts and economic development, the arts as part of a livable community, and zoning and the arts

Possible Participants: Door County Economic Development Corporation, (920) 743-3113; Door County Chamber of Commerce, (920) 743-4456; Brian Kelsey, President, Peninsula Arts and Humanities Alliance, (920) 743-5958; Peninsula Arts Association, (920) 854-1833.

4) Housing and Economic Development (Comprehensive Plan Policies 6.1b, 6.1c, 6.1d, 7.1b, 7.2a, 7.2b)

Theme: Housing and Economic Development

Specific Topics: Attainable housing programs in other regions, zoning and attainable housing, redevelopment for attainable housing, community cooperation and attainable housing, and funding for attainable housing

Possible Participants: Door County Board of REALTORS, (920) 743-9651; Door County Economic Development Corporation, (920) 743-3113; Habitat for Humanity, Door County Chapter, (920) 839-9651; Lakeshore-CAP, (920) 743-0192; University of Wisconsin Extension-Door County, (920) 746-2260; Wisconsin Housing and Economic Development Authority (WHEDA), (800) 334-6873; Bureau of Housing, WI Department of Commerce, (608) 266-1018.

5) Agriculture (Comprehensive Plan Policies 1.2d, 4.2b, 9.1b)

Theme: Agriculture

Specific Topics: Future of the family farm in Door County, alternative and small-scale agriculture, agriculture and tourism, agriculture and economic development, agriculture and zoning

Possible Participants: Door County Economic Development Corporation, (920) 743-3113; University of Wisconsin Extension-Door County, (920) 746-2260; 4-H Agent, (920) 746-2260; Door County Co-op, (920) 743-6555.

6) Other (Comprehensive Plan Policies 1.2 f, 12.4a, 13.9b)

There are several programs and policies discussed in the Comprehensive Plan that could be monitored and then reviewed at the town's annual meeting, including:

- Smart Growth – An update on Smart Growth plan changes and implementation progress.
- Ephraim-Gibraltar Airport – Airport upgrade plans and status.
- NWTC – Invite a representative of NWTC to attend and provide an update on NWTC programs and activities.
- Telecommunications infrastructure – Update from appropriate representatives on plans and progress.

VI. Advocacy

Within the implementation section of the Baileys Harbor Comprehensive Plan there are a number of policies stating that the town should advocate, lobby, and generally become more involved in the greater community dialogue on the important issues listed below. It is suggested that when events, meetings, conferences, or other opportunities arise relating to any of these topics a member of the Town Board or Plan Commission attend/participate. Periodic letters from the Town Board to the appropriate government organizations and representatives regarding these issues might also be appropriate.

- Air and Water Quality (Comprehensive Plan Policies 1.2b, 12.3) – Door County Soil and Water Conservation Department, Door County Sanitarian, Wisconsin Department of Natural Resources, U.S. Environmental Protection Agency.
- Attainable Housing (Comprehensive Plan Policies 6.1a, 7.1a, 8.1b) – See cooperating agencies listed in Comprehensive Plan policies 7.1a and 8.1b.
- Education (Comprehensive Plan Policies 9.2a, 13.9c) – Sevastopol and Gibraltar Area Schools, NWTC, Bjorklunden.
- Community Safety (Comprehensive Plan Policies 13.4a, 13.4c) – County Sheriff Department and State Highway Patrol.
- Transportation (11.1b, 11.1c, 11.2b, 11.3b) – Regarding speed limits, hazardous cargo routes, bicycle transportation and snowmobile trails – local snowmobile clubs, Door County Chamber of Commerce, Wisconsin Department of Transportation.

Appendix One: Questions/Issues to Consider When Evaluating Zoning Petitions

The primary consideration with regard to all of these types of zoning petitions should be whether or not the request is consistent with the goals and objectives of the town plan. Indeed, as of January 1, 2010, the date upon which Wisconsin's Smart Growth legislation goes into effect, town officials will be *required* to be able to show that decisions made affecting land use are consistent with the town plan.

1. Conditional Use Permits

(See also Door County Zoning Ordinance [DCZO] section 11.04.)

A conditional use permit application is a request to establish or expand a use that is allowed in that zoning district if the county Resource Planning Committee determines that the use or expansion can be made compatible with the surrounding area.

General statutory and case law criteria for evaluating conditional use permits

- Will the project affect the public interest? How?
- Would the proposal negatively affect public health, safety, and welfare? If yes, how?
- Would the use negatively affect the character of the surrounding area? If yes, how?

Specific criteria to evaluate, if applicable (from DCZO s. 11.04(5)(b); not limited to these)

- Affect on neighboring property values
- Similarity to other uses in area
- Consistency with county and officially adopted town plan
- Sanitary waste disposal
- Potable water supply
- Solid waste disposal
- Noise, odor, dust
- Safe vehicular and pedestrian access
- Impact on neighborhood traffic flow
- Emergency services adequacy and ability to service site
- Surface water drainage
- Visual harmony with buildings in the neighborhood
- Exterior lighting glare or spillover
- Removal of natural vegetation or alteration of topography

2. Petitions for Variance

(See also DCZO section 11.06 and Wisconsin Statutes section 59.694.)

A petition for variance is a request to relax one or more of the dimensional requirements or restrictions of the ordinance (road, water, or property line setbacks; building size or height, etc.). The DCZO does not permit a variance to be granted where a use not allowed in that zoning district would be established.

Statutory, case law, and DCZO criteria for evaluating variance petitions

- Does the property owner have “reasonable use” of the property without the variance?
- Is “unnecessary hardship” created if the ordinance is applied as written? (Determination of “unnecessary hardship” should not include evaluation of whether or not the regulation is inconvenient for the owner or causes financial hardship. Rather, the determination should be made as to whether there are actual physical conditions relating to the lot, parcel, building, structure, use, or intended use that create the unnecessary hardship.)
- Was the hardship self-created? (“Self-created” can mean either current or former owners.)
- Will granting the variance be detrimental to: neighboring properties, zoning ordinance or official comprehensive plan purposes, or the public interest?

3. Petitions to Rezone Property

(See also DCZO section 11.08 and Wisconsin Statutes section 59.69(5).)

A petition to change the zoning district designation of a property or properties may be submitted by the property owner(s) of all the land in question, owner(s) of some of the properties in question, the town board, the Resource Planning Committee, or any county board supervisor. Note that rezoning a property usually means that any use allowed in the new zoning district may be established on the property, not just the use being proposed by the current applicant.

Statutory and case law consideration in evaluating petitions to rezone

- Was the existing district due to a mistake in the mapping process?
- Have circumstances changed since the original zoning district designation?
- How are the adjacent properties zoned and used?
- Is the land area in question large or small?
- Would the new district fit official county or town plan guidelines for the property? Is the existing district a better fit?
- Is the request simply to economically benefit one property owner or a small group of property owners?
- Is there a significant public good to be gained by rezoning the property?

4. Text Amendment Petitions

(See also DCZO section 11.08 and Wisconsin Statutes section 59.69(5).)

A petition to amend the text of a zoning ordinance may be submitted by any property owner affected, the town board of a zoned town, the Resource Planning Committee, or any county board supervisor.

Considerations

- Will the amendment correct an inconsistency within the ordinance?
- Does the amendment further the goals of the county or town plan?
- Is the amendment contrary to the stated goals of the ordinance or county or town plan?

Appendix Two: A Model Historic Preservation Ordinance

I. 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, archaeological, 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 ordinance is to:

- A. Effect and accomplish the protection, enhancement, and preservation of such improvements, sites, and districts that 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 attractions to residents, tourists, and visitors and serve as a support and stimulus to business and industry.

II. Definitions

The definitions shall be as follows:

- A. Certificate of Appropriateness means 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.
- B. Commission means the Historic Preservation Commission created under this ordinance.
- C. Historic district is an area designated by the town board on recommendation of the commission that contains two or more historic improvements or sites.
- D. Historic site means: 1) any parcel of land of historic significance due to its substantial value in tracing the history or prehistory of humankind, or upon which an historic event has occurred, and which has been designated as an historic site under this ordinance, or 2) an improved parcel or part thereof on which is situated an historic structure and any abutting improved parcel or part thereof used as and constituting part of the premises on which the historic structure is situated.
- E. 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 town, state, or nation and which has been designated as an historic structure pursuant to the provisions of this ordinance.
- F. 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.

III. Historic Preservation Commission Composition

The Historic Preservation Commission is hereby created, consisting of seven (7) members. Of the membership, if available in the community, one shall be a registered architect, one shall be a historian, one shall be a licensed real estate broker, one shall be a town supervisor, and three shall be citizen members. Each member shall have, to the highest extent practicable, a known interest in historic preservation. The Town Board Chair shall appoint the commissioners, subject to confirmation by the full Town Board.

IV. Historic Structure, Historic Site, and Historic District Designation Criteria

For purposes of this ordinance, 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:

- A. Exemplify or reflect the broad cultural, political, economic, or social history of the nation, state or community; or
- B. Are identified with historic personages or with important events in national, state, or local history; or
- C. 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; or
- D. Are representative of the notable work of a master builder, designer, or architect who influenced his/her age; or
- E. Have yielded, or may be likely to yield, information important to prehistory or history.

The commission shall adopt specific operating guidelines for historic structure, historic site, and historic district designation providing such are in conformance with the provisions of this ordinance.

V. Powers and Duties

A. Designation

The commission shall have the power, subject to Section VI of this ordinance, to designate historic structures and historic sites and to recommend designation of historic districts within the town limits. Such designations shall be made based on Section IV of this ordinance. Historic districts shall be approved by the Town Board. Once designated, such historic structures, sites, and districts shall be subject to all the provisions of this ordinance.

B. Regulation of Construction, Reconstruction, Alteration, and Demolition

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 has been granted by the Historic Preservation Commission. Also, unless such certificate has been granted by the commission, the building inspector shall not issue a permit for any such work.

Upon filing of any application for a Certificate of Appropriateness with the commission, the commission shall approve the application unless:

- i. 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;
- ii. 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 other neighboring improvements on such site or within the district;
- iii. 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 ordinance and to the objectives and design criteria of the historic preservation plan for said district;
- iv. 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,
 - v. 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.

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 forty-five (45) days of the filing of the application.

The issuance of a Certificate of Appropriateness shall not relieve the applicant from obtaining other permits and approvals required by the town, county, or 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.

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 Town Board within thirty (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 this ordinance.

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 town expense, a suitable plaque declaring that such property is a historic structure, site, or district.

VI. Procedures

A. Designation of Historic Structures and Historic Sites

The commission may, after notice and public hearing, designate historic structures and historic sites, or rescind such designation or recommendation, after application of the criteria in Section IV above. At least ten (10) days prior to such hearing, the commission shall notify the owners of record, as listed in the office of the town assessor, who are owners of property in whole or in part situated within two hundred (200) feet of the boundaries of the property affected.

The commission shall then conduct such public hearing and, in addition to the notified persons, may hear expert witnesses and shall have the power to subpoena such witnesses

and records as it deems necessary. The commission may conduct an independent investigation into the proposed designation or rescission. Within ten (10) days after the close of the public hearing, the commission may designate the property as either an historic structure or an historic site or rescind the designation. After the designation or rescission has been made, notification shall be sent to the property owner or owners. Notification shall also be given to the Town Clerk and Plan Commission. The commission shall cause the designation or rescission to be recorded, at town expense, in the County Register of Deeds office.

B. Creation of Historic District

For preservation purposes, the Historic Preservation Commission shall select geographically defined areas within the town to be designated as Historic Districts and shall prepare a historic preservation plan for each. An Historic District may be designated for any geographic area of particular historic, architectural, or cultural significance to the town, after application of the criteria in Section IV above. Each historic preservation plan prepared for or by the Historic Preservation 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.

C. Review and Adoption Procedure

- i. Historic Preservation Commission. The Historic Preservation Commission 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 to the Town Board, and the owners of record, as listed in the office of the County Register of Deeds, who are owners of the property within the proposed Historic District or are situated in whole or in part within two hundred (200) feet of the boundaries of the proposed Historic District. Said notice is to be sent at least ten (10) days prior to the date of the public hearing. Following the public hearing the Historic Preservation Commission shall vote to recommend, reject, or withhold action on the plan.
- ii. The Town Board. The Town Board, upon receipt of the recommendations from the Historic Preservation Commission, shall hold a public hearing, with notice to be given as noted in subparagraph (i) above, and following the public hearing either designate or reject the Historic District Designation. Designation of the Historic District shall constitute adoption of the plan prepared for that district and direct implementation of said plan.

VII. 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 of nomination by the Historic Preservation Commission or 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 one hundred and eighty (180) days.

VIII. Penalties for Violations

Any person or persons violating any provision of this ordinance shall be fined fifty dollars (\$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.

IX. Separability

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.