

1 **10.303. HD (Historic) Overlay Zoning District**

2 **(1) Statement of purpose.**

3 The purpose of the historic overlay district is to effect and accomplish the protection,
4 enhancement and perpetuation of such sites and structures which represent or reflect
5 elements of the county's cultural history, and to safeguard the county's historic and
6 cultural heritage as embodied in such sites and structures, expanding upon such
7 protection as is afforded by chapter 157, 1987 Wis. Stats.

8 **(2) Designation.**

9 No site may be designated which is not cataloged and no structure may be designated
10 without the owner's written consent. The County of Dane is hereby deemed to have
11 consented to the designation of all county-owned sites and structures which may
12 hereafter be designated by the park commission with the approval of the county board.

13 **(3) Indication.**

14 Sites and structures which are designated shall be indicated by attaching the suffix "HD"
15 to the zoning district in which the site or structure is located.

16 **(4) Protection of historic sites.**

17 No building or structure, whether or not a permit therefore is required under this
18 ordinance, shall be erected on, and no use which involves soils disturbance shall be
19 made of, any historic site except that with consent of the committee, an owner may
20 remove, replace or add vegetation designed to preserve the site. There shall be a clear
21 area extending 25 feet in all directions from any historic site except that on substandard
22 lots where the clear area distance of 25 feet cannot reasonably be maintained, the clear
23 area distance shall be reduced to a distance equal to twice the depth of any excavation
24 intended to be constructed on the lot or 10 feet, whichever is greater, unless a more
25 restrictive minimum distance is imposed by state statute in which case the statutory
26 minimum shall apply.

27 **(a)** The committee is empowered to grant a waiver from the clear zone requirements
28 above for any lot provided that the committee finds that the owner cannot
29 otherwise make reasonable use of the lot for the zoning classification it bears and
30 that the site is preserved intact. The committee shall seek the advice of the park
31 commission when considering any waiver application.

32 **(b)** In no event shall a waiver under this section allow a structure to be located closer
33 to an historic site than a distance equal to twice the depth of any excavation
34 intended to be used for that part of the structure closest to the historic site, and in
35 any event not closer than is permitted by statute.

36 **(c)** Replacement private onsite sewage treatment systems, and existing roads,

37 including repairs thereto, may be located in clear areas.

38 **(d)** Where the designation of a particular parcel of land as an historic site under this
39 ordinance results in a property owner being deprived of all, or substantially all, of
40 the beneficial use of the property, compensation shall be paid as provided for by
41 law.

42 **(5)** Protection of historic structures.

43 Historic structures may be modified, altered or changed only when necessary to protect
44 the continued existence of the structure or, for other purposes, when done according to
45 the standards outlined by the department of the interior for the restoration,
46 rehabilitation and adaptive reuse of historic structures. The owner of an historic
47 structure who or which has opened the structure to the public may erect and maintain
48 supporting structures, including lighting, protective fences and fire protection systems,
49 as may be necessary for the maintenance or ease of use of the site.

50