

16. All portions of an approved PUD/PIP not fully developed within five years of final City Council approval shall expire, and no additional PUD-based development shall be permitted. The City Council may extend this five year period by up to five additional years with a majority vote following a public hearing.

Section 15.915 Historic Preservation Regulations

- (1) **Purpose and Intent:** It is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of improvements or sites of special character or special architectural or historic interest or value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the people. The purpose of this Section is to:
 - (a) Effect and accomplish the protection, enhancement and preservation of such improvements, sites and districts which represent or reflect elements of the City of Sheboygan's cultural, social, economic, political and architectural history.
 - (b) Safeguard the City of Sheboygan'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 City of Sheboygan.
 - (d) Protect and enhance the City of Sheboygan's attractions to residents, tourists and visitors, and serve as a support and stimulus to business industry.
- (2) **Definitions:** The definitions shall be as follows:
 - (a) **Certificate of Appropriateness** means the certificate issued by the Historic Preservation Commission approving alteration, rehabilitation, construction, reconstruction or demolition of a historic structure, historic site or any improvement in a historic district.
 - (b) **Historic district** is an area designated by the City Council on recommendation of the Historic Preservation Commission, that contains two or more historic improvements or sites.
 - (c) **Historic site** means any parcel of land of historic significance due to a substantial value in tracing the history or prehistory of man, or upon which a historic event has occurred, and which has been designated as a historic site under this section, or an improvement parcel, or part thereof, on which is situated a historic structure and any abutting improvement parcel, or part thereof, used as and constituting part of the premises on which the historic structure is situated.

- (d) **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 City of Sheboygan, state or nation and which has been designated as a historic structure pursuant to the provisions of this Section.
 - (e) **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.
- (3) **Historic Preservation Commission Composition:** A 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 an alderperson; and three shall be citizen members. Each member shall have, to the highest extent practicable, a known interest in historic preservation. The Mayor shall appoint the commissioners subject to confirmation by the City Council. Of the initial members so appointed, two shall serve a term of one year, two shall serve a term of two years, and three shall serve a term of three years, so as to stagger the terms. Thereafter, the term of each member shall be three years. (G. O. 89-00-01; 4/4/01)
- (4) **Historic Structure, Historic Site and Historic District Designation Criteria:**
- (a) For purposes of this Section, a historic structure, historic site, or historic district designation may be placed on any site, natural or improved, including any building, improvement or structure located thereon, or any area of particular historic architectural, archeological or cultural significance to the City of Sheboygan such as historic structures, sites, or districts which:
 1. Exemplify or reflect the broad cultural, political, economic or social history of the nation, state or community; or
 2. Are identified with historic personages or with important events in national, state or local history; or
 3. 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
 4. Are representative of the notable work of a master builder, designer or architect who influenced his age; or
 5. Have yielded, or may be likely to yield, information important to prehistory or history.
 - (b) The Historic Preservation Commission may adopt specific operating guidelines for historic structure, historic site and historic district

designation providing such are in conformance with the provisions of this Section

(5) **Powers and Duties: (Gen. Ord. No. 94-05-06, 2-20-06)**

(a) **Designation:** The Historic Preservation Commission shall have the power subject to subsection 15.915(6), to recommend designation of historic structures and historic sites and to recommend designation of historic districts within the City of Sheboygan limits. Such designations shall be made based on subsection 15.915(4). Historic structures, sites and districts shall be approved by the City Council. Once designated, such historic structures, sites and districts shall be subject to all the provisions of this Section.

(b) **Regulation of Construction, Reconstruction, Alteration, and Demolition:**

1. No owner or person in charge of a historic structure, historic site or structure within a historic district shall be issued a permit to reconstruct, alter or demolish all or any part of the exterior of such property or to construct any exterior improvement upon such designated property or properties or cause or permit any such work to be performed upon such property or demolish such property unless a Certificate of Appropriateness has been granted by the Historic Preservation Commission. No Certificate of Appropriateness is required for interior work or other work that is not subject to the City's building permit requirements.
2. Upon filing of any application for a Certificate of Appropriateness with the Historic Preservation Commission, the Historic Preservation Commission shall approve the application unless:
 - a. In the case of a designated historic structure or historic site, the proposed work would detrimentally change, destroy or adversely affect any exterior architectural feature of the improvements or site upon which said work is to be done;
 - b. In the case of the construction of a new improvement upon a historic site, or within a historic district, the exterior of such improvement would adversely affect or not harmonize with the external appearance of other neighboring improvements on such site or within the district;
 - c. In the case of any property located in a historic district, the proposed construction, reconstruction, exterior alteration or demolition does not conform to the purpose and intent of this Section and to the objectives and design criteria of the historic preservation plan for said district as duly adopted by the City Council;

- d. The building or structure is of such architectural or historical significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the City of Sheboygan and State of Wisconsin;
 - e. In the case of a request for the demolition of a deteriorated building or structure, any economic hardship or difficulty claimed by the owner is self-created or is the result of any failure to maintain the property in good repair.
 3. If the Historic Preservation 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 Historic Preservation Commission shall make this decision within forty-five (45) days of the filing of the application.
 4. The issuance of a Certificate of Appropriateness shall not relieve the applicant from obtaining other permits and approvals required by the City of Sheboygan. A building permit or other municipal permit shall be invalid if it is obtained without the presentation of the Certificate of Appropriateness required for the proposed work.
 5. Ordinary maintenance and repairs may be undertaken without a Certificate of Appropriateness provided that the work involves repairs to existing features of a 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.
 6. A Certificate of Appropriateness shall be valid for twelve (12) months from the date of issuance, and the work authorized by the certificate shall conform to the provisions of the certificate. The City may inspect the work during and after construction in order to assure compliance. Failure to comply with a Certificate of Appropriateness or failure to obtain a Certificate of Appropriateness shall be a violation of this section. In addition to other penalties and remedies, the City shall issue a stop work order, and all work shall cease on the designated property. No additional work shall be undertaken as long as such stop work order shall continue in effect. In the event the work authorized by the certificate is not completed within twelve (12) months after the issuance of the certificate, all work shall cease on the designated property until such time as a new certificate has been granted by the Historic Preservation Commission upon filing of a new application by the owner or person in charge of the historic structure, historic site or structure within a historic district. **(Subs. of Gen. Ord. No. 59-06-07, 12-06)**

- (c) **Appeals:** Should the Historic Preservation 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 City Council within thirty (30) days. In addition, if the Historic Preservation Commission fails to issue a Certificate of Appropriateness, the Historic Preservation 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 Section.

Recognition of Historic Structures, Sites and Districts: (Subs. of Gen. Ord. No. 59-06-07, 12-06)

1. At such time as a historic structure or site has been properly designated, the Historic Preservation Commission, in cooperation with the property owner, may cause to be prepared and erected on such property in a location to be approved by the Commission, at the property owner's expense, a suitable plaque, conforming to city specifications, declaring that such property is a historic structure or site.
2. At such time as a historic district has been properly designated, the Historic Preservation Commission, in cooperation with the property owners within the district, may cause to be prepared and erected, at City expense, a suitable plaque conforming to City specifications, declaring that such area is a historic district.
3. Recommendations of the Historic Preservation Commission recognizing historic structures, sites and districts shall be submitted to the Common Council for final approval.

(6) **Procedures:**

(a) **Designation of Historic Structures and Historic Sites:**

1. The Historic Preservation Commission may, after notice and public hearing, recommend to the City Council the designation of historic structures, historic sites and historic districts, or recommend rescinding such designation after application of the criteria in subsection 15.915(4). At least ten (10) days prior to such hearing, the Historic Preservation Commission shall notify the owners of record, as listed in the office of the City of Sheboygan Assessor, who are owners of property in whole or in part situated within one hundred feet of the boundaries of the property affected or within the boundaries of the historic district. These owners shall have the right to confer with the Commission prior to final action by the Commission on the recommendation. Notice of such hearing shall also be published as a Class 1 notice, under the Wisconsin Statutes. The Commission shall also notify the following: Department of Public Works, Fire and Police Departments, and Department of City Development. Each such department may respond to the Commission within thirty days of

notification with its comments on the proposed designation or rescission.

2. The Historic Preservation 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 Historic Preservation 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 recommend designation of the property as either a historic structure or historic site, or its inclusion in a historic district, or rescind the designation. (Subs. (revised) GO 66-06-07/2-19-07). After the designation or rescission has been approved by the City Council, notification shall be sent to the property owner or owners. Notification shall also be given to the City Clerk, Building Inspector, Plan Commission, and the City Assessor. The City Clerk shall cause the designation or rescission to be recorded, at the City of Sheboygan's expense, in the County Register of Deeds office.
3. No structure or site may be designated as a historic structure or historic site if any owner or owners of record of the affected property containing the structure or site file (s) a written objection to such designation with the City Clerk at least 24 hours prior to action by the Common Council on such designation. (Subs. (Revised) GO 66-06-07/2-19-07).

(b) **Creation of Historic District:**

1. For preservation purposes, the Historic Preservation Commission shall select geographically defined areas within the City of Sheboygan to be designated as Historic Districts and shall, with the assistance of the City of Sheboygan Department of Community Development, prepare a historic preservation plan for each area. A Historic District may be designated for any geographic area of particular historic, architectural or cultural significance to the City of Sheboygan, after the application of the criteria in 15.915(4), 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.

2. **Review and Adoption Procedure:**

- a. **Historic Preservation Commission:** The Historic Preservation Commission shall hold a public hearing when considering the plan for a Historic District. Notice of the time, place and purpose of such hearing shall be given by publication as a Class 1 Notice under the Wisconsin

Statutes in the official City paper. Notice of the time, place and purpose of the public hearing shall also be sent by the City Clerk to the Alderperson of the Aldermanic District or Districts in which the Historic District is located, and the owners of record, as listed in the office of the City Assessor, who are owners of the property within the proposed Historic District or are situated in whole or in part adjacent to 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. This recommendation shall be forwarded to the City Council, which shall in turn refer the recommendation to the City Plan Commission for review and recommendation. The Plan Commission shall make its recommendation on the historic district plan within thirty days.

- b. **The City Council:** The City Council, upon receipt of the recommendations from the Historic Preservation Commission and Plan Commission shall hold a public hearing, notice to be given as notice in subsection 15.915(6)(b)2.a., above, and shall following the public hearing either designate or reject the Historic District. Designation of the Historic District shall constitute adoption of the plan prepared for that district and direct the implementation of said plan. However, the designation of a Historic District shall not be effective if the owners of record of a majority of the parcels within the proposed district file a written objection to such designation with the City Clerk at least 24 hours prior to action b the Common Council on such designation. (Subs. (revised) of GO 66-06-07/2-19-07)

- (7) **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 Historic Preservation Commission at which a nomination form is first presented until the final disposition of the nomination by the Historic Preservation Commission or the City Council unless such alteration, removal or demolition is authorized by formal resolution of the City Council as necessary for public health, welfare or safety. In no event shall the delay be for more than one hundred eighty (180) days.
- (8) **Penalties for Violations:** Any person or persons violating any provision of this Section 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.
- (9) **Separability:** If any provision of this Section or the application thereof to any person or circumstances is held invalid, the remainder of this Section and the