

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 application of such provisions to other persons or circumstances shall not be affected thereby.

Section 15.916 Historic Preservation Regulations (GO 82-07-08, 1-08)

- (1) **Purpose:** This ordinance is adopted for the purpose of preserving and protecting significant buildings within the City which constitute or reflect distinctive features of the architectural, cultural, political, economic or social history of the City; to resist and restrain environmental influencing adverse to this purpose; to encourage owners of preferably preserved significant buildings to seek out persons who might be willing to purchase and to preserve, rehabilitate or restore such buildings, rather than demolish them; and by furthering these purposes to promote the public welfare, to preserve the resources of the City and to make the City a more attractive and desirable place in which to live.
- (2) No building permit shall be issue by the Building Inspector for demolition of a significant building other than in conformity with the provisions of this Section, as well as in conformity with the provisions of other laws and ordinances applicable to the demolition of buildings and the issuance of permits therefore generally.
- (3) The term "significant building" for the purposes of this Section means any building within the City which is in whole or substantial part fifty (50) years or more old, which is listed as potentially eligible for listing in the National Register of Historic Places at pages 248-256 in the report entitled "City of Sheboygan, Wisconsin Architectural and Historical Intensive Survey Report" prepared by LJM Architects, Inc. dated 2002, 2004 and 2006, a copy of which is on file in the office of the Director of City Development, and which has not been designated or nominated by the City as a historic structure.
- (4) The Building Inspector shall cause a copy of each application for a demolition permit for a significant building to be forwarded to the Historic Preservation

Commission whether the building which is the subject of such application is a preferably preserved significant building.

- (5) The term "preferably preserved significant building" for purposes of this Section means any significant building which the Commission determines, as provided in Subsection (6) hereof, that it is in the public interest to be preserved or rehabilitated rather than to be demolished.
- (6) The commission shall determine whether the building which is the subject of the application for a demolition permit is a preferably preserved significant building. The Commission shall hold a public hearing prior to making the determination provided for in this Subsection. 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 newspaper. At least ten (10) days prior to such hearing, the Commission shall send notice of the public hearing to the permit applicant, the owners of record as listed in the office of the City Assessor and to the owners of property in whole or in part abutting the boundaries of the property containing the building which is the subject of the application.

If the Commission determines that the demolition of the subject building would result in the demolition of a significant building whose loss would be detrimental to the historical or architectural heritage or resources of the City, such building shall be considered a preferably preserved significant building. Upon determination by the Commission that a building is not a preferably preserved significant building, or upon failure by the Commission to make any determination which ninety (90) days of the date that a copy of the application was submitted to the Commission, the Building Inspector may, subject to the Subsection (2) of this Section, grant the permit applied for.

- (7) Upon a determination by the Commission that any building which is the subject of an application is a preferably preserved significant building, it shall so advise the person who submitted the application and the Building Inspector, and no demolition permit or building permit for new construction on the premises shall be issued until ninety (90) days after the date of such determination by the Commission except as may be provided for in Subsection (12) of this Section. Notwithstanding then preceding sentence, the Building Inspector may issue a demolition permit for a preferably preserved significant building at any time after receipt of written advice from the Commission to the effect either (A) that the Commission is satisfied that there is no reasonable likelihood that either the owner or some other person or group willing to purchase the preferably preserved significant building would be willing to preserve, rehabilitate or restore such building, or (B) that the Commission is satisfied that for at least ninety (90) days since the owner first sought advice of the Commission or Commission staff in locating a person or group that might be willing to purchase such building and to preserve, rehabilitate or restore the same, the owner of the preferably preserved significant building has made continuing, bona fide, reasonable and unsuccessful efforts to locate such a purchaser.
- (8) No permit for demolition of a building determined to be a preferably preserved significant building under Subsection (6) of this Section shall be granted until all proceedings relating to amendments of the zoning code of the City have been

completed, if such proceedings have been initiated prior to the expiration of any period of delay of demolition resulting from such determination, and if such amendments affect the site of the building whose demolition has been thereby delayed.

- (9) No permit for erection of a new structure on the site of an existing significant building may be issued prior to issuance of a permit for demolition of such existing building
- (10) No permit for demolition of a building determined to be a preferably preserved significant building under Subsection (6) of this Section shall be granted until plans for use or development of the site after demolition have been filed with the Building Inspector and found to comply with all laws pertaining to the issuance of a building permit, or if for a parking lot, a certificate of occupancy, for that site. All approvals necessary for the issuance of such a building permit or certificate of occupancy, including without limitation any necessary zoning variances or conditional use permits, must be granted and all appeals from the granting of such approvals must be concluded, prior to the issuance of a demolition permit under this Section.
- (11) During the ninety (90) day delay of demolition, no application for a building permit for new construction or alterations on the premises of a preferably preserved significant building shall be granted until reviewed by the Commission as though the property were designated as a historic site or structure under Section 15.915. Until the expiration of the ninety (90) day delay period, the Commission shall review all construction, demolition, or alteration that affects the exterior architectural features, other than color, of the structure on the premises of a preferably preserved significant building.
- (12) **Emergency Demolition.** Nothing in this Section shall prevent the construction, reconstruction, alteration or demolition of any feature which the Building Inspector shall certify is required for public safety because of an unsafe or dangerous condition.
- (13) **Enforcement.** The City is authorized to institute any and all actions and proceedings, in law or in equity, as it may deem necessary and appropriate to obtain compliance with the requirements of this Section or to prevent a threatened violation thereof.
- (14) **Building Permit To Be Withheld.** No building permit shall be issued with respect to any premises upon which a significant building has been voluntarily demolished otherwise than pursuant to a demolition permit granted after compliance with the provisions of this Section for a period of one (1) year after the date of the completion of such demolition. As used in this Section, "premises" refers to the parcel of land upon which the demolished building was located and all adjoining parcels of land under common ownership or control.
- (15) **Securing of Building Required.** Upon a determination by the Commission that a building is a preferably preserved significant building, the owner shall be responsible for properly securing the building in compliance with the regulations of the Building Inspection Department. Should the owner fail to so secure the

building, the loss of such building through fire or other cause shall be considered voluntary demolition for purposes of Subsection (14) of this Section.

- (16) Nothing in this Section shall be deemed to conflict with the provisions of Section 15.915 of this Code regarding demolition of historic structures within historic districts, or interim controls of nominated structures or structures within nominated historic districts.”

Section 15.931 Purpose of Administrative Regulations

The purpose of this portion of the Subchapter is to establish the administrative and enforcement framework for the application of this Chapter.

Section 15.932 Zoning Administrator

- (1) **Designation:** The Zoning Administrator or a designee of the Zoning Administrator is hereby designated as the administrative and enforcement officer for the provisions of this Zoning Ordinance. The duty of the Zoning Administrator is to interpret and administer this Zoning Ordinance and to issue, after on-site inspection, all permits required by this Zoning Ordinance.
- (2) **Duties:** The provisions of this Chapter shall be administered and enforced by the Zoning Administrator or a designee, who in addition thereto and in furtherance of said authority shall:
- (a) Determine that all Detailed Site Analyses, Building Permits, Sign Permits, Site Plans, (and their constituent plans) comply with all provisions of this Chapter.
 - (b) Conduct inspections of buildings, structures, waters and land to determine compliance with all provisions of this Chapter.
 - (c) Be permitted access to premises and structures during reasonable hours to make those inspections as deemed necessary to ensure compliance with this Section. If refused entry after presentations of proper identification, the Zoning Administrator may procure a special inspection warrant in accordance with Section 66.122 of the Wisconsin Statutes.
 - (d) Maintain permanent and current records of this Chapter, including but not limited to all maps, amendments, conditional uses, temporary uses, sign permits, site plans, occupancy permits, variances, appeals, interpretations, and applications therefor.
 - (e) Record the first floor elevations of all structures erected, moved, altered, or improved in the floodland districts.
 - (f) Receive, file and forward all applications for any and all procedures governed by this Chapter to the designated official bodies.