

Plan Comm.
6-15-20

20-0599

ORDINANCE

An Ordinance to repeal Section 15.290, amend Section 15.650 and create Section 15.790 to the Manitowoc Municipal Code regulating Downtown Design Review and Historic Preservation regulations.

The Mayor and Common Council of the City of Manitowoc do ordain as follows:

Section 1. Section 15.290(8) is amended to read as follows:

(8) Design Review Reserved

~~(a) Applicability. No structure (except signs exempt from the provisions of this chapter) and no building shall be erected, constructed, reconstructed, moved, enlarged, or exterior architectural feature altered in the "B-4" District until a certificate of appropriateness has been obtained from the Community Development Authority (CDA) of the City of Manitowoc. A certificate of appropriateness shall be in addition to, not in lieu of, a building permit. A certificate of appropriateness shall not be required for interior alterations or design features not subject to any public view or ordinary repairs and maintenance to the exterior of any structure or building where the purpose of such work is to correct any decay or damage and to restore, as nearly as practicable, its prior condition. Buildings located within the boundaries of a National Register Historic District and which are determined by the National Park Service to contribute to that district shall obtain a certificate of appropriateness under MMC 15.650.~~

~~(b) Application. Application for a certificate of appropriateness shall be made in writing upon a form furnished by the Director of Building Inspection. Applications shall include the following information: statement of ownership and control of the property affected; statement describing in detail the character and extent of improvements contemplated; site layout drawn to scale showing location, orientation, and dimensions of buildings and structures; front elevations and architectural definitions of buildings and structures by sketches, drawings, photographs or other information showing the proposed exterior alterations, additions, changes, or new construction as reasonably required by the CDA to make a decision. The Director of Building Inspection shall transmit the application for a certificate of appropriateness to the CDA for their determination.~~

~~(c) Findings. Before granting a certificate of appropriateness, the CDA shall find that to the maximum extent practicable:~~

- ~~1. The historic or cultural significance of buildings or structures affected is maintained or enhanced;~~
- ~~2. The architectural style, value and significance and general design arrangement, texture, material, and color of the architectural features of buildings and structures are visually and functionally coordinated with other buildings and structures in the area;~~
- ~~3. Principal entrances are visually and functionally related and coordinated with other buildings and pedestrian ways;~~
- ~~4. Activity nodes such as plazas and arcades are created, retained and coordinated;~~
- ~~5. Building facades and other appurtenances such as fences, walls, and landscaping are coordinated to form cohesive walls of enclosure along streets or other public ways;~~
- ~~6. The scale, orientation, and directional expression of buildings and structures are visually and functionally coordinated with other buildings and structures in the area; and~~
- ~~7. Views are protected, created, or enhanced.~~

~~(d) Procedures. After the Director of Building Inspection transmits the application for a certificate of appropriateness, together with the supporting information and materials to the CDA, the CDA shall act upon the application within 30 days of the filing thereof. Failure~~

~~of the CDA to act within 30 days shall be deemed to be approval of the application and a certificate of appropriateness shall be issued. Nothing herein shall prohibit an extension of time where mutual agreement has been made and the CDA may advise the application and make recommendations in regard to the application. If the CDA approves the application, a certificate of appropriateness shall be issued. If the CDA disapproves the application, a certificate of appropriateness shall not be issued. If the CDA disapproves an application, it shall give written notice of its findings.~~

~~(e) Appeals of CDA Decisions. Any applicant or person aggrieved by a final decision of the CDA shall have the right to appeal and be heard before the City Council provided a written appeal is filed with the City Clerk within 30 days of the CDA decision. The City Clerk shall notify the Mayor and schedule a public hearing before the City Council not less than 30 days after the filing with the City Clerk. A Class 2 notice pursuant to Wis. Stat. Ch. 985 shall be published in the official newspaper of the City specifying the date, time, and place of the hearing and the matters to come before the City Council. A concurring vote of at least two-thirds of the City Council present at the proceedings shall be necessary to reverse a final decision of the CDA.~~

Section 2. Section 15.650 is amended and renumbered to read as follows:

"15.650 Historic Preservation.

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(8) Conditions Dangerous to Life, Health or Property. Nothing contained in this section shall prohibit the making of necessary construction, reconstruction, alteration or demolition of any historic structure, any improvement on an historic site or in an historic district pursuant to order of any governmental agency or pursuant to any court judgment, for the purpose of remedying emergency conditions determined to be dangerous to life, health or property. In such cases, no approval from the Commission shall be required.

(9) Applicability. The following districts have been established in conformance with subsection 3(a) and 5(c) and are subject to the restrictions of this Section.

(a) 8th Street Historic District

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

Section 3. Section 15.790 is created to read as follows:

Section 15.790 Downtown Design Review Overlay District

(1) Applicability. No commercial structure or commercial building shall be erected, constructed, reconstructed, moved, enlarged, or commercial exterior architectural feature and signs altered in the downtown design overlay district until a certificate of appropriateness has been obtained from the Community Development Authority (CDA), or in some instances the Community Development Department (Department), of the City of Manitowoc. For work requiring a certificate of appropriateness, the CDA shall be the issuer. A certificate of appropriateness shall be in addition to any required building permit. A certificate of appropriateness shall not be required for interior alterations or design features not subject to any public view or ordinary repairs and maintenance to the exterior of any structure or building where the purpose of such work is to correct any decay or damage and to restore, as nearly as practicable, its prior condition. The Community Development Department has the authority to issue a certificate of appropriateness for a sign within the District. Buildings located within

(4) Findings. Before granting a certificate of appropriateness, the CDA or the Department shall find that to the maximum extent practicable:

- (a) The historic or cultural significance of buildings or structures affected is maintained or enhanced;
- (b) The architectural style, value and significance and general design arrangement, texture, material, and color of the architectural features of buildings and structures are visually and functionally coordinated with other buildings and structures in the area;
- (c) Principal entrances are visually and functionally related and coordinated with other buildings and pedestrian ways;
- (d) Activity nodes such as plazas and arcades are created, retained and coordinated;
- (e) Building facades and other appurtenances such as fences, walls, and landscaping are coordinated to form cohesive walls of enclosure along streets or other public ways;
- (f) The scale, orientation, and directional expression of buildings and structures are visually and functionally coordinated with other buildings and structures in the area; and
- (g) Views are protected, created, or enhanced; and
- (h) Conformance with the Downtown Manitowoc Design Guidelines as adopted by the CDA.

(5) Procedures. If the review is to be completed by the Department, the review shall be completed within 30 days of receipt of a completed application. After completion of the review, the Department shall transmit written notice of its findings and, if approved, a certificate of appropriateness to the applicant. Failure of the Department to act within 30 days shall be deemed as approval of the application and a certificate of appropriateness shall be issued. If the review requires the approval of the CDA, the Department shall transmit the application for a certificate of appropriateness, together with the supporting information and materials to the CDA. The CDA shall act upon the application within 30 days of the filing thereof. Failure of the CDA to act within 30 days shall be deemed as approval of the application and a certificate of appropriateness shall be issued. Nothing herein shall prohibit an extension of time where mutual agreement has been made and the CDA may advise the application and make recommendations in regard to the application. If the CDA approves the application, a certificate of appropriateness shall be issued. If the CDA disapproves the application, a certificate of appropriateness shall not be issued. If the CDA disapproves an application, it shall give written notice of its findings.

(6) Appeals. Any applicant or person aggrieved by a final decision of the Department shall have the right to appeal and be heard before the CDA provided a written appeal is filed with the City Clerk within 30 days of receipt of a written decision from the Department. The City Clerk shall notify the Department and the item shall be placed on the next regularly scheduled meeting of the CDA. A concurring vote of at least two-thirds of the CDA shall be necessary to reverse a decision of the Department. Any applicant or person aggrieved by a final decision of the CDA shall have the right to appeal and be heard before the Common Council provided a written appeal is filed with the City Clerk within 30 days of the CDA decision. The City Clerk shall notify the Mayor and schedule a public hearing before the Common Council not less than 30 days after the filing with the City Clerk. A Class 2 notice pursuant to Wis. Stat. Ch. 985 shall be published in the official newspaper of the City specifying the date, time, and place of the hearing and the matters to come before the Common Council. A concurring vote of at least two-thirds of the Common Council present at the proceedings shall be necessary to reverse a final decision of the CDA.”

Section 4. Section 15.450 is amended to read as follows:

“15.450 Sign Ordinance.

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(12) General Design Requirements. (k) All buildings and signs located in the “B-4” Downtown Design Review Overlay District or within the 8th Street Historic District are subject to design review requirements under MMC 15.290(8)790 and historic preservation requirements under MMC 15.650. A map of the Historic District is available in the Community Development office of the City Planner.

(14) Signs Permitted by Zoning District. (g) Central Business District (B-4). 3. Permitted Signs. F. Off-Premises Signs. The erection of billboards and off-premises signs in a "B-4" Zoning District after October 18, 1999, is expressly prohibited. However, any billboard or off-premises sign legally erected and fully installed in a "B-4" Zoning District as of October 18, 1999, may, from that date forward and for one time only, be replaced or reconstructed at its current location, or relocated to another location in a "B-4" Zoning District as long as the new location and design of the sign are approved by the City Plan Commission and it complies with the requirements in subsection (14)(h)(3) of this section, and contains the same number or fewer faces, the same number or less square footage of copy area, and is constructed of steel with no more than one support pole, and is likewise approved by the Community Development Authority under MMC 15.290(8)790 and 15.650. Failure to relocate a billboard in the "B-4" Zoning District within three years from the date a billboard was first removed from its then-current location in the "B-4" District shall terminate this right to relocate to another location in a "B-4" Zoning District.

(14) Signs Permitted by Zoning District. (g) Central Business District (B-4). 7. Design Review. Signs in the "B-4" District shall be subject to design review under MMC 15.290(8)790.

Section 5. This ordinance shall take effect the day after publication.

INTRODUCED **JUN 15 2020**

ADOPTED _____

Justin M. Nickels, Mayor

APPROVED _____

Fiscal Impact: N/A
Funding Source: N/A
Finance Director Approval: /SAC
Approved as to Form: /KMM

This Ordinance was drafted by Adam Tegen, Community Development Director

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