

## ORDINANCE

An Ordinance to amend Section 15.790 of 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 15.790 is amended to read as follows:

### **15.790 Downtown Design Review Overlay District.**

**(1) Applicability.** No person may erect, construct, reconstruct, move, or enlarge a commercial structure or commercial building, or alter a commercial building's or commercial structure's exterior architectural features or signs shall be erected, constructed, reconstructed, moved, enlarged, or commercial exterior architectural feature and signs altered in the Downtown Design Review 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 for 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 or repainting of existing features within the District. Buildings located within the boundaries of a City of Manitowoc Historic District shall also be subject to MMC 15.650.

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**(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~~ provide the applicant written notice of its findings.

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**(7) Violations and Penalties. Failure to comply with the requirements under this section is subject to penalties under MMC § 15.630."**

**Section 2.** The bond schedule for violations of 15.790 Downtown Design Review Overlay District, shall be:

1 <sup>st</sup> Offense:	\$250 + costs
2 <sup>nd</sup> Offense:	\$400 + costs
3 <sup>rd</sup> and Subsequent Offense:	\$600 + costs

**Section 3.** This ordinance shall take effect the day after publication.

INTRODUCED \_\_\_\_\_ ADOPTED \_\_\_\_\_

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Justin M. Nickels, Mayor

**Fiscal Impact:** Minimal; creation of citations would be non-budgeted potential revenue and expenses are already budgeted salary of staff  
**Funding Source:** N/A  
**Finance Director Approval:** SMA  
**Approved as to form:** EMM

This ordinance was drafted by Elizabeth Majerus, Assistant City Attorney.

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