ORDINANCE #23-O1049

ORDINANCE TO REPEAL AND RECREATE §17.705 OF THE CITY ZONING ORDINANCE PERTAINING TO HISTORIC PRESERVATION AND TO CREATE §17.706 OF THE CITY ZONING ORDINANCE WHICH RENUMBERS THE SECTION PERTAINING TO THE ROLE OF THE ZONING ADMINISTRATOR

WHEREAS, §62.23(7)(em) of the Wisconsin State Statutes requires any city containing property on the National Register of Historic Places to enact an ordinance to regulate any place, structure, or object with a special character, historic, archaeological, or aesthetic interest, or other significant value, and;

WHEREAS, the City of Oconomowoc contains six properties listed on the National Register of Historic Places, and;

WHEREAS, the City of Oconomowoc Zoning Ordinance does not currently contain a section related to the regulation of historic structures, and;

WHEREAS, the Common Council wishes to add provisions to the City of Oconomowoc Zoning Code related to the creation of a Historic Preservation Commission and the regulation of historic property.

NOW, THEREFORE, the Common Council of the City of Oconomowoc, Waukesha County, Wisconsin, does ordain as follows:

SECTION I. REPEALING AND RECREATION OF §17.705

§17.705 is hereby repealed and recreated to read as follows:

See Attachment.

SECTION II. CREATION OF §17.706

The prior section §17.705 is hereby renumbered to §17.706 and will continue to read as follows:

Section 17.706 Zoning Administrator

(1) **Designation:** The Zoning Administrator, or such other person as may be designated by the Common Council, is hereby designated as the administrative and enforcement officer for the provisions of this Code and is also herein referred to as the Zoning Administrator. The duty of

the Zoning Administrator is to interpret and administer this Zoning Ordinance and to issue all permits required by this 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 Site Analyses, Building Permits, Occupancy permits, Sign Permits, Site Plans, (and their constituent plans) comply with all provisions of this Chapter.

(b) Conduct (or request that the Building Inspector or Fire Department 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 by him to ensure compliance with this Chapter. If, however he/she is refused entry after presentations of identification, he/she may procure a special inspection warrant in accordance with Wisconsin Statutes 66.0119. Conduct inspections of buildings, structures, waters and land to determine compliance with all provisions of this Chapter.

(d) Provide staff assistance to the Common Council, Plan Commission and Zoning Board of Appeals as may be required.

(e) 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 therefore.

(f) Receive, file and forward all applications for all procedures governed by this Chapter to the designated official bodies.

(g) Investigate all complaints made relating to the location of structures and the use of structures, lands, and waters, give notice of all violations of this Code to the owner, resident, agent, or occupant of the premises, and report uncorrected violations to the City Attorney in a manner specified by him/her.

(h) Institute, in the name of the City, any appropriate actions or proceedings against a violator of this Chapter, as provided by law.

(i) Prohibit the use or erection of any structure, land or water until he/she has inspected and approved such use or erection.

(j) Where useful, the Zoning Administrator, or his/her agent, may set marks on bridges or buildings or other markers which show the depth of the regional flood; or may set marks delineating the boundaries of wetlands.

(k) Request assistance and cooperation from the Building Inspector, Director of Public Works, City Engineer, City Fire Department, City Police Department and City Attorney as deemed necessary.

(l) Make available to the public, to the fullest extent possible, all reports and documents concerning the City's comprehensive plan and ordinances. In addition, information in the form of reports, bulletins, maps, and engineering data shall be readily available and widely distributed. The Common Council may set fees necessary to recover the cost of providing information to the public.

(m) Make interpretations regarding the provisions of this Chapter.

(n) Grant minor variations from the dimensional (setback, height, and area) requirements of this Ordinance; up to a maximum variation of 5% for setbacks and height limitations; and

up to a maximum variation of 5% or 1,000 square feet for area requirements (whichever is less); so long as the spirit and intent of the performance standards are preserved.

SECTION III. SEVERABILITY

Should any portion of this ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any other provisions of this ordinance.

SECTION IV. EFFECTIVE DATE

This ordinance shall become effective upon passage and publication as required by law.

DATED: _____

CITY OF OCONOMOWOC

By: _____
Robert P. Magnus, Mayor

ATTEST:

_____
Diane Coenen, Clerk

Adopted: _____

Published: _____

Effective Date: _____