



— *M*ILWAUKEE —

**HISTORIC  
PRESERVATION  
COMMISSION**

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LIVING WITH HISTORY

**BY-LAWS**  
& PROCEDURES

## INTRODUCTION

The Milwaukee Historic Preservation Commission researches, conducts public hearings, and recommends to the Common Council that sites, structures, and districts be historically designated in accordance with the provisions of s. 320-21 of the Milwaukee Code. Once designated, the Commission oversees proposed exterior changes to designated properties through the Certification of Appropriateness process. The Commission's concern in reviewing applications for a Certificate of Appropriateness is the preservation and enhancement of those features that caused the site, structure or area to be designated.

When the Commission has found the proposed work to be appropriate, a Certificate of Appropriateness is granted. The applicant can then apply for a building permit. If, however, the proposed work is determined to be inappropriate, the Commission and staff attempt to resolve, as quickly and equitably as possible, the differences between the objectives of the owner and the goals of the Commission.

The Commission views each building, site or historic district as a unique whole that is the product of the sum of its individual parts. For this reason, all exterior alterations and new construction are deemed to affect the architectural character of the designated property and all are subject to the review process. In the interest of better defining how the Commission operates, the Commission has developed and adopted the following Procedures and By-Laws. Nothing in these By-Laws shall be construed as superseding any provision of the Milwaukee Code.

**MILWAUKEE HISTORIC PRESERVATION COMMISSION BY-LAWS**

**ARTICLE I**

**THE COMMISSION**

**Section 1. Commission Records**

The records of the Commission shall be maintained by the office of the City Clerk.

## ARTICLE II

### OFFICERS

#### **Section 1. Chair**

The Chair shall preside at meetings and public hearings of the Commission and shall perform such duties as are customarily exercised by a presiding officer. In addition, the Chair may appoint general or special committees if and when the occasion requires. The Chair may not serve successive terms.

#### **Section 2. Vice-Chair**

The Vice-Chair shall perform all of the duties of the Chair in the absence or incapacity of the Chair. In case of resignation, removal, or death of the Chair, the Vice-Chair shall succeed to the duties of the Chair for the balance of the term for which the Chair was elected. The Vice-Chair shall succeed to the Chair at the expiration of the Chair's term. The Commission may select an acting chair to perform the duties of the Chair under these conditions:

- a. In the absence of the Chair and Vice-Chair during meetings; or
- b. Upon resignation of both Chair and Vice-Chair.

#### **Section 3. Election of Officers**

The Vice-Chair shall be elected during the first meeting in January. The term of office for both the Chair and Vice-Chair shall be one year which shall be calculated from the date of the meeting at which he or she is elected.

## ARTICLE III

### MEETINGS

#### **Section 1. Regular Meetings**

Regular meetings shall be scheduled at least once a month. The Commission shall hold its regular meetings at such times and places as determined by the Commission.

#### **Section 2. Special Meetings**

The Chair of the Commission may call a special meeting, provided 48-hours' notice of the time and subject matter of the meeting is given to the office of the City Clerk. If a majority of members request of the office of the City Clerk in writing that a special meeting be called, such meeting shall be called, provided 48-hours' notice of the time and subject matter of the meeting is given.

#### **Section 3. Quorum**

At all meetings of the Commission, the continued presence of a majority of the members then serving shall constitute a quorum for the purpose of transacting business; provided, however, that a smaller number of Commissioners may meet as a committee for consideration of Commission matters. Such matters shall be reconsidered when a quorum is attained.

#### **Section 4. Voting**

A simple majority of all voting members shall be required for any motion to win approval. Commission members shall abstain from voting during the consideration of any issue if such vote could reasonably be construed as creating a conflict of interest. In any case where a vote of the Commission does not result in a dispositive action, the application shall be placed on the agenda for the next regularly scheduled meeting.

#### **Section 5. Attendance**

Appointed Commissioners shall attend the regularly scheduled meetings of the Commission. Commissioners may not have more than three excused or one unexcused absence in a calendar year. Commissioners in violation of this section shall be reported by the office of the City Clerk to the appointing authority.

## ARTICLE IV

### PROCEDURES

#### **Section 1. Order of Business**

At the regular meetings of the Commission, the following shall be the order of business, and unless otherwise provided for, with respect to the procedure at meetings, *Roberts Rules of Order, Newly Revised* shall apply:

1. Roll Call
2. Old Business
3. New Business
4. Staff report
5. Approval of minutes of previous meetings
6. Adjournment

#### **Section 2. Procedure for Consideration of Individual Agenda Issues**

Agenda items shall be considered in the following manner:

1. Presentation by staff of its report and recommendation
2. Discussion of the staff report by Commission members
3. Presentations by proponents of the issue
4. Presentations by opponents of the issue
5. Discussion of the issue by Commission members
6. Decision to approve, deny, conditionally approve or continue this issue.

#### **Section 3. Staff Review of Certificates of Appropriateness**

Certain applications for Certificate of Appropriateness may be reviewed and approved by staff without prior review of the Commission. Staff shall be guided by the Design Guidelines for the site and the provisions of s. 320-21 of the Milwaukee Code and those pertaining specifically to the subject property when reviewing Certificate of Appropriateness applications. In any case where staff finds the proposed work to be inappropriate and no agreement can be reached with the applicant to modify the work to bring it into conformity with the design standards for the property, the applicant shall be submitted to the Commission for review.

The following types of alterations may be approved by staff without prior to Commission review:

1. Roofing where the proposed action is to replace or repair in kind or to replace a nonhistoric roofing material with a different type of roofing. This includes gutter and downspout, chimney, flashing and venting repair and replacement.

2. Fences and retaining walls, landscaping and site restoration.
3. Repaving for existing driveways, sidewalks, patios, and walkways.
4. Mechanical systems (air conditioners, side wall vent pipes, etc.) not visible from the public right-of-way.
5. Window and door unit replacement within existing openings, where materials match the original.
6. Siding and masonry repairs and minor carpentry where materials are being replaced or repaired in kind.
7. Porch guard rails, decking, skirting, and Americans with Disabilities Act compliant ramps.
8. Signage, awnings and canopies in RO zones and all non-residential zones.
9. Restoration of documented, minor original features on any property, such as residential or commercial awnings, storefront transoms, and porch columns and railings.
10. Alteration to metal commercial storefront systems where the original system components can be matched and there are no alterations to historic materials (e.g., inserting a new door within an existing storefront system). Alterations must occur only within the existing openings.
11. Solar panels and skylights per the policy adopted July 13, 2021, as it may be amended from time to time.

#### **Section 4. Mural Guidelines**

1. **DEFINITION:** For the purposes of these guidelines, a “mural” shall be defined as an artistic work applied to an exterior surface of a pre-existing structure and that does not constitute a sign under ch. 244 of the Milwaukee Code.
2. **APPLICATION REQUIREMENTS:** In addition to those materials usually required for Certificates of Appropriateness (CoA), applicants seeking a CoA for a mural on an historic property shall submit:
  - a. Written approval from the property owner for the mural, provided the applicant is not the owner of the property.
  - b. A record of ownership of the mural.
  - c. A maintenance plan specifying care and the parties responsible for the maintenance of the mural. Maintenance includes, but is not limited to, graffiti removal, removal of surface dirt, reapplication of coatings, touching up damaged areas, and ensuring vegetation does not harm the mural or the supporting building.
  - d. An agreement between the artist and the property owner identifying who is responsible for removal of a mural.
  - e. Photo documentation of the completed mural shall be supplied to the Historic Preservation Commission to provide a base line for future maintenance, conservation and restoration.
3. **DESIGN STANDARDS**
  - a. Except as provided below, no mural may be located on elevations that directly face or are parallel to sidewalks and public rights-of-way.

- b. Murals shall be permitted for side or rear walls or alley walls (but not the primary facades) that have been refaced with non-historic materials such as replacing wood with parging.
- c. Murals shall be permitted for side or rear walls or alley walls that lack historic details (cornices, windows, entrances, etc.), are of painted common brick, includes no decorative masonry work, and that are not street-facing or adjacent to a sidewalk.
- d. No mural shall exceed 50% of the wall on which it is placed or twice the maximum size allowed by the Milwaukee Code for wall signage in the area, whichever is smaller.
- e. Murals shall be confined to one wall of a building and not wrap around to other sides, nor may any building have more than one mural
- f. No mural shall be permitted on an unpainted masonry wall such as brick, stone, or stucco. Murals should instead be painted on removable materials such as plywood or other suitable outdoor material. Anchoring shall be placed into masonry joints or other non-damaging areas of the walls. Framing shall be done so as not to trap water between the mural and the wall. Hanging or anchoring shall be reversible.
- g. No mural shall be permitted on wood sidings with surface detail such as, but not limited to bevel siding, board and batten siding.
- h. No mural shall be permitted on a building that has had masonry cleaning or major repointing, nor may a mural be used in lieu of cleaning or repointing on a building in need of it.
- i. No mural shall be permitted on a fence.
- j. Except as provided below, murals shall not cover over windows, doors, cornices, or other architectural elements.
  - i. Murals may be permitted on windows and doors temporarily boarded due to vandalism. They shall be permitted for no more than 90 days or the time permitted for repairs by the Department of Neighborhood Services, whichever is greater.
  - ii. No mural shall be permitted on preventative boarding.
- k. Lighting of a mural shall require a CoA.
- l. Artists shall sign and date their work in a discreet location.

#### 4. REMOVAL

- a. A CoA shall be required for removal of a mural.
- b. Upon removal, any materials used to adhere the mural shall be removed at the time the mural is removed. This includes, but is not limited to brackets, mounting hardware, caulk or grout, and adhesive glues. The surface shall be returned to its original condition.

### **Section 5. Historical Landmark Award Program**

#### 1. PROGRAM INTENT

- a. An historical landmark plaque program is established to promote and enhance the awareness, appreciation and understanding of residents and visitors about the historic, architectural or cultural significance of a district, site or structure in the city of Milwaukee and to encourage the continued preservation of landmarks and their history.
- b. Landmark awards shall consist of the following:



- i. Formal recognition at an annual award ceremony in conjunction with existing historical recognition or design awards, including but not limited to the Cream of the Cream City Awards.
- ii. A plaque to be placed at the landmark identifying it as a City of Milwaukee historic site.
- iii. An entry in a database of city landmarks maintained by the City Clerk in an online repository providing the public with information about landmarks.

2. ELIGIBILITY

- a. Any district, site or structure designated as historic by the Common Council or listed on the Wisconsin or National Registers of Historic Places shall be eligible for consideration of being awarded a plaque from the Commission.
- b. Owners may apply for a plaque simultaneously with an application for local historic designation.
- c. Such property shall not be in poor maintenance; could not be considered to have derogatory connotations related to a particular person or organization, to any protected class of persons established by Wisconsin statute or city ordinance; is not associated with a structure, person or event which could be considered obscene, blasphemous or not in good taste; and otherwise would not depict the city unfavorably or detract from the intent of the program.

3. ADMINISTRATION

- a. Applications for historical landmark plaques for all districts, sites or structures shall be submitted in writing to the Commission staff for their review and recommendation before forwarded to the Commission for its determination.
  - i. Applications by currently designated districts, sites or structures shall be submitted on or before the filing deadline established by the Commission and shall include the desired plaque wording, plaque placement and installation method.
  - ii. Applications submitted for properties that are within a district and that are not individually designated shall contain thorough primary research indicating its historical significance to Milwaukee, including: exact location, dates of significance, date built or renovated, current and historical photographs.
- b. If an applicant is not the landmark property owner, a separate letter of consent from the property owner shall be required.
- c. Requesters and applicants for landmark plaques shall be responsible for payment of all charges established by the Commission relating to the application, processing, fabrication, shipping, installation, maintenance or removal of the plaques.
- d. If an historic landmark award nomination is not approved, no new nominations shall be considered for that landmark until the following award year.
- e. An award shall not confer any special protection on a structure, site or district, provide it with any financial or legal advantage, or modify or limit the owner's property rights, unless otherwise observed in any existing city, county, state or federal designations.

4. PLAQUES

- a. A plaque shall be mounted within 60 days of receipt of the plaque and shall not be removed except as required for maintenance.
- b. The landmark owner shall maintain the plaque to prevent deterioration and to be protected from vandalism or theft.

*Adopted X X, 2024*