



Legislation Details (With Text)

**File #:** 081377      **Version:** 1  
**Type:** Ordinance      **Status:** Passed  
**File created:** 1/16/2009      **In control:** JUDICIARY & LEGISLATION COMMITTEE  
**On agenda:**      **Final action:** 2/10/2009

**Effective date:**  
**Title:** A substitute ordinance amending the authority of the administrative review appeals board with respect to jurisdiction.

**Sponsors:** ALD. BAUMAN

**Indexes:** ADMINISTRATIVE REVIEW APPEALS BOARD

**Attachments:** 1. Fiscal Note, 2. Hearing Notice List, 3. Notice Published on 2-26-09

Date	Ver.	Action By	Action	Result	Tally
1/16/2009	0	COMMON COUNCIL	ASSIGNED TO		
1/27/2009	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
2/2/2009	1	JUDICIARY & LEGISLATION COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	4:1
2/10/2009	1	COMMON COUNCIL	PASSED	Pass	15:0
2/19/2009	1	MAYOR	RETURNED NOT SIGNED		
2/26/2009	1	CITY CLERK	PUBLISHED		

081377  
SUBSTITUTE 1

ALD. BAUMAN

A substitute ordinance amending the authority of the administrative review appeals board with respect to jurisdiction.

308-81-9-g am

308-81-14 rp

This ordinance amends and clarifies the authority of the administrative review appeals board with respect to recommendations of the historic preservation commission. Most of the commission's recommendations are appealable to the common council, except for issuance of certificates of appropriateness for demolition which are appealable to the administrative review appeals board. This ordinance amends the appeal process with respect to historic preservation by deleting reference to the administrative review appeals board for demolitions, and directing those appeals to the common council.

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

Part 1. Section 308-81-9-g of the code is amended to read:

**308-81. Historic Preservation Commission.**

**9. REGULATION OF CONSTRUCTION, RECONSTRUCTION, REHABILITATION AND DEMOLITION.**

g. Demolition. Notwithstanding the provisions of the preceding paragraphs, if an applicant for a

certificate of appropriateness seeks approval for demolition, the commission may by affirmative vote within 30 days after the public hearing defer determination on the application for a period not to exceed one year from the date of application for the demolition permit, and shall provide the applicant with a written report setting forth the reason or reasons for its deferral on the certificate application. An applicant whose application for certification of appropriateness for demolition has been deferred may appeal the deferral to the ~~[[administrative review appeals board pursuant to s. 320-11]]>>~~ common council<<. If the commission determines to defer a demolition on the application, the commission and the applicant shall undertake serious and continuing discussions for the purpose of finding a mutually agreeable method of saving the subject property. Furthermore, during this time, the owner shall take whatever steps are necessary to prevent further deterioration of the building. At the end of the one year period, the commission shall act on the suspended application by either granting or refusing to grant a certificate of appropriateness for the proposed demolition.

Part 2. Section 308-81-14 of the code is repealed.

(Note: the provisions being repealed read as follows:

14. ADMINISTRATIVE REVIEW APPEALS BOARD. Any person or any city officer, department or board aggrieved by any decision of the commission made under the provisions of this section may appeal said decision to the administrative review appeals board pursuant to s. 320-11.)

APPROVED AS TO FORM

\_\_\_\_\_  
Legislative Reference Bureau

Date: \_\_\_\_\_

IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

\_\_\_\_\_  
Office of the City Attorney

Date: \_\_\_\_\_

LRB 09027-2

BJZ:lp

1/26/09