



Legislation Text

File #: 970344, Version: 0

970344
ORIGINAL

THE CHAIR

An ordinance relating to method of notifying applicants concerning historically significant structures.

308-81-8-a am
308-81-9-c am
308-81-9-f am
308-81-10.5 am
308-81-12-f-0 am
308-81-12-g am
- Analysis -

This ordinance changes the method of notifying applicants of decisions with respect to historically significant structures, from the current practice of registered mail to certified mail.

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

Part 1. Section 308-81-8-a of the code is amended to read:

308-81. Historic Preservation Commission.

8. NOMINATION AND DESIGNATION OF HISTORIC SITES, STRUCTURES AND DISTRICTS.

a. The commission shall schedule a public hearing on the question of the recommendation for designation. Notice of the time, place, and purpose of the hearing shall be sent by [[registered]] >>certified<< letter at least 25 days prior to the hearing to the owner of the subject property. Notice shall also be given at least 25 days prior to the hearing to the city clerk, to the aldermen of the aldermanic district or districts in which the proposed designation is located, and to the city plan commission which shall submit a report within 25 days recommending, rejecting or withholding action. Following the public hearing and the receipt of a report from the city plan commission, the commission shall vote to make recommendations to the common council regarding the designation.

Part 2. Section 308-81-9-c and f of the code is amended to read:

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

c. Notification. Notice of hearing shall be by [[registered]] >>certified<< letter addressed to the applicant at his >>or her<< residence or place of business, or if the applicant is a corporation, at the address stated in the application. There shall also be public notice given by the commission, as well as notice to the parties cited in sub. 8-a. The letter to the applicant may contain requirements for supplemental information, including but not limited to any photographs, plans, floor plans, elevations and detail drawings of any structure or portion thereof to be subject to change. If the applicant is unable to furnish any or all required supplemental information by the date set for a hearing on [[his]] >>the<< application, the applicant may request such a delay in the hearing as may be reasonable for obtaining the same. The commission may also grant a request for a delay for any other good cause.

f. Appeal. If upon a hearing by the commission the application for a certificate is disapproved and no conditional certificate is issued, or the applicant refuses to accept the changes in [[his]] >>the<< plans recommended by the commission, the commission shall notify the applicant of its decision by [[registered]] >>certified<< mail within 15 days. The aggrieved applicant may appeal to the common council. Appeals shall be by a written request filed with the city clerk within 20 days after the mailing of the [[registered]] >>certified<< letter to the applicant of the commission's decision. The city clerk shall file the request to appeal with the common council. After a public hearing, the council may, by vote of 2/3 of its members, reverse or modify the decision of the commission if, after balancing the interest of the public in preserving the subject property and the interest of the owner in using it for his >>or her<< own purposes, the council finds that, owing to special conditions pertaining to the specific piece of property, failure to grant the certificate of appropriateness will preclude any and all reasonable use of the property and/or will cause serious hardship for the owner, provided that any self- created hardship shall not be a basis for reversal of modification of the commission's decision.

Part 3. Section 308-81-10.5-a of the code is amended to read:

10.5. INTERIM DESIGNATION. a. Public Hearing. Prior to nomination or final designation of a structure as a historic structure, the commission must, after it is petitioned in accordance with par. b, hold a public hearing on the question of whether or not a structure should be designated, on an interim basis, not to exceed 180 days, either as a historic structure or as a nonsignificant structure not qualifying as a historic structure. Notice of the time, place and purpose of the hearing shall be sent by [[registered]] >>certified<< letter at least 7 days prior to the hearing to the

owner or owners of the subject structure, and notice shall also be sent by first class mail or other comparable means to the alderman of the district in which the structure is located and to the department of building inspection. The decision on interim designation shall be made within 5 days after the close of the public hearing, and shall be forwarded by [[registered]] >>certified<< letter to the owner or owners of the subject structure and also be sent by first class mail or other comparable means to the alderman of the district in which the structure is located and to the department of building inspection.

Part 4. Section 308-81-12-f-0 and g of the code is amended to read:

12. MOTHBALLING CERTIFICATE.

f. Appeal. If, upon a hearing by the commission, the application for a mothballing certificate is denied, the conditions attached to an approved mothballing certificate are unacceptable to the applicant, or a mothballing certificate is revoked by the commission, the applicant may appeal the commission's decision to the common council. Appeals shall be by written request filed with the city clerk within 20 days after the mailing of the [[registered]] >>certified<< letter to the applicant of the commission's decision. The city clerk shall file the appeal request with the common council. After a public hearing, the council may, by vote of 2/3 of its members, reverse or modify the decision of the commission if it finds that doing so would:

g. Revocation. If the department of building inspection or any owner or owners of property within 200 feet of a property with a currently valid mothballing certificate files a written petition with the commission requesting revocation of such certificate and stating the reasons for such request, the commission shall consider revocation of the certificate at its next regularly scheduled meeting which is at least 15 days from the date of receipt of the petition. Notice of the request for certificate revocation, along with the time and place of the commission meeting at which revocation will be considered, shall be sent to the certificate holder by [[registered]] >>certified<< mail at least 10 days prior to such meeting.

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: _____

City Development

LRB97350.1

BJZ:ave

5/20/97 _____

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