



Legislation Text

File #: 100110, Version: 1

100110
SUBSTITUTE 1

ALD. BAUMAN

A substitute ordinance relating to the authority of the historic preservation commission to designate persons to administratively approve applications for certificates of appropriateness.

320-21-11-b rc

This ordinance provides that the historic preservation commission may designate one or more persons to administratively approve applications for certificates of appropriateness without commission approval, provided that the commission shall first adopt a written policy on the types of work which may be administratively approved. In reviewing an application for a certificate of appropriateness, a designated person shall consider the same factors the commission is required to consider when it reviews a certificate application. Any applicant aggrieved by the decision of a designated person may appeal the decision to the commission, which shall set a public hearing date within 30 days of the designated person's decision.

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

Part 1. Section 320-21-11-b of the code is repealed and recreated to read:

320-21. Historic Preservation Commission.

11. REGULATIONS OF CONSTRUCTION, RECONSTRUCTION, REHABILITATION AND DEMOLITION.

b. Review. b-1. Upon receipt of an application from the city clerk's office, the commission shall review the project at its next regular meeting. The commission may find the project appropriate and direct a certificate to be issued or it shall set a public hearing date within 30 days of its original review.

b-2. The commission may designate one or more persons to administratively approve applications for certificates of appropriateness without commission approval, provided that the commission shall first adopt a written policy on the types of work which may be administratively approved. In reviewing an application for a certificate of appropriateness, a designated person shall consider the factors enumerated in subd. 3, and shall consider and may give decisive weight to any or all of the factors identified in par. h. Any applicant aggrieved by the decision of a designated person may appeal the decision to the commission, which shall set a public hearing date within 30 days of the designated person's decision.

b-3. When reviewing an application for a certificate of appropriateness, the commission shall consider:

b-3-a. Whether, in the case of a designated historic site, structure or district, the proposed work would detrimentally change, destroy or adversely affect any exterior feature of the improvement upon

which the work is to be done.

b-3-b. Whether, in the case of construction of a new improvement upon a designated site or within a historic district, the exterior of the improvement would adversely affect or not harmonize with the external appearance of other neighboring improvements on the site.

b-3-c. Whether, in the case of any property located in a historic district the proposed construction, reconstruction, exterior alteration, or demolition conforms to the objectives of the historic preservation plan for such district as duly adopted by the common council.

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: _____

LRB10218-1

JDO

05/24/2010