



Legislation Details (With Text)

File #: 030891 **Version:** 0

Type: Ordinance **Status:** Passed

File created: 10/14/2003 **In control:** ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE

On agenda: **Final action:** 11/25/2003

Effective date:

Title: An ordinance relating to historic preservation procedures and regulations.

Sponsors: ALD. D'AMATO

Indexes: HISTORIC PRESERVATION, HISTORIC PRESERVATION COMMISSION

Attachments: 1. HPC Letter.pdf

Date	Ver.	Action By	Action	Result	Tally
10/14/2003	0	COMMON COUNCIL	ASSIGNED TO		
10/15/2003		ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	REFERRED TO		
11/11/2003	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
11/11/2003	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
11/18/2003	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
11/25/2003	0	COMMON COUNCIL	PASSED	Pass	16:0
11/26/2003	0	MAYOR	SIGNED		
12/15/2003	0	CITY CLERK	PUBLISHED		

030891
ORIGINAL

ALD. D'AMATO
An ordinance relating to historic preservation procedures and regulations.
308-81-8-c am
308-81-8.5 cr

Currently, there is no procedure for amending the "preservation guidelines" that are adopted for a specific historic site, structure or district at the time the common council approves the designation of the site, structure or district. This ordinance allows for the preservation guidelines to be modified by the common council through the same procedure (public hearing, notice to property owners, etc.) that is used for designation of the site, structure or district.

Whereas, When the common council designates a local historic district, site or structure, it typically adopts a "study report" prepared by the city's historic preservation staff that includes "preservation guidelines" setting forth what is and is not acceptable in terms of alterations, new construction, additions or demolition for that district, site or structure; and

Whereas, Currently, the city's historic preservation regulations do not provide a procedure for amending the preservation guidelines adopted by the common council at the time it designates a local historic district, site or structure; and

Whereas, Because of unforeseen situations and changing development patterns, it would be beneficial for the city to have a procedure in place for revising adopted historic preservation guidelines; now, therefore

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

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

308-81. Historic Preservation Commission.

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

c. The commission shall submit its recommendation for designation as a historic site, historic structure or historic district to the common council. The council in its decision on the designation shall balance the interest of the public in preserving the affected property and the interest of the owner or owners in using the property for his or her purposes. >>If the council votes to approve the designation, the council's resolution shall by reference approve the study report for the proposed historic site, structure or district prepared by the historic preservation officer, including the preservation guidelines for the site, structure or district, subject to any modifications made to the report by the historic preservation commission or common council.<<

Part 2. Section 308-81-8.5 of the code is created to read:

8.5. AMENDMENTS TO ADOPTED GUIDELINES. For any designated historic site, structure or district, the common council may amend the preservation guidelines that it adopted at the time of designation of the site, structure or district pursuant to sub. 8-c. The procedure for amending the preservation guidelines shall be the same as the procedure for nomination and designation of historic sites, structures and districts, as set forth in sub. 8. The common council may amend preservation guidelines only after receiving a recommendation from the historic preservation commission.

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:_____

LRB03297-1

JDO

10/8/03