MILWAUKEE
HISTORIC
PRESERVATION
COMMISSION

LIVING WITH HISTORY

MILWAUKEE HISTORIC PRESERVATION COMMISSION

BY-LAWS & PROCEDURES

Adopted on July 25, 2011

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. 320-21of the Milwaukee Code of Ordinances. 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 the following Procedures and By-Laws.

MILWAUKEE HISTORIC PRESERVATION COMMISSION

BY-LAWS

ARTICLE 1

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, whenever possible, preside at meetings and legally required 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 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. The Vice-Chair shall succeed to the Chair at the expiration of the Chair's term.

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 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. The Chair or majority of the members of the Commission may, at least 24 hours prior, decide to change the location or starting time of a regular meeting.

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 will automatically be re-docketed and heard at the next regularly scheduled hearing of the Commission.

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 may be removed from office following a hearing and a two-thirds vote of the Commission.

Milwaukee Historic Preservation Commission

Procedures

Section 1. Agenda Deadline

All requests to be placed on the Commission agenda shall be received by the office of the City Clerk no later than 12:00 noon, 12 working days before the next scheduled meeting. All requests shall be in form as approved by the Commission. Commission staff shall determine whether or not submissions are complete and in proper form.

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

Section 3. Sign-in Policy

Members of the public who wish to speak on agenda items shall register and complete the appropriate form. Sign in shall be allowed up to the time of discussion for each agenda item.

Section 4. 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 5. Definitions

1. <u>ELEVATION</u>

A drawing showing the elements of a building as seen in a vertical plane.

2. FOOTPRINT

The outline of a building on land.

3. NEW CONSTRUCTION

Any work undertaken on a new building or structure is considered new construction.

4. PLAN

A drawing illustrating the elements of a building as seen in a horizontal plane.

5. STREETSCAPE

A view or picture of the street setting depicting the proposed or existing building in relationship to other buildings on the street.

(N.B.: Other important definitions may be found in s. 320-21 of the Milwaukee Code of Ordinances.)

Section 6. Historic Designation Applications

1. NOMINATION PROCEDURES

A. Staff shall review all applications for historic designation for accuracy and completeness and prepare a written recommendation for the Commission as to whether or not the application appears to satisfy the criteria for designation. If the application is deficient, the staff shall contact the applicant and attempt to correct the deficiencies before presenting the application to the Commission.

B. The Commission shall process all applications for designation in the order received. If two or more applications are received on the same property, the first received at the offices of the staff shall be the recognized application. The Commission does not designate sponsors, nor does it favor any group over another. The interest of all groups and individuals is invited as the Commission proceeds in considering the merit of a designation.

2. COMMISSION REVIEW OF APPLICATIONS

A. When practical, Commission review shall include a presentation depicting the site and its environs. During this initial review of an application, the Commission shall not take testimony on the application from anyone other than its staff. It shall confine its deliberations to whether or not the nomination satisfies any of the designation criteria contained in s. 320-21 of the Milwaukee Code of Ordinances. After consideration, the Commission shall vote to either:

(1) Recommend that the staff schedule the site for a public hearing and prepare preservation guidelines; or

(2) Request that the petitioner amend the request or provide additional information; or

(3) Table the petition for consideration at a later date; or

(4) Deny the petition.

Written notification of the action of the Commission shall be transmitted to the applicant and owner.

B. If the Commission determines that a nomination satisfies at least one criteria of significance, a public hearing will be scheduled in compliance with the provisions of the ordinance. Notification shall include a copy of the Historic Designation Study Report. The Historic Designation Study Report shall be available for public scrutiny at the offices of the staff of the Historic Preservation Commission or by mail upon individual request.

Section 7. Certificate of Appropriateness

1. GENERAL PROCESS

A. In general, the process for applying for a Certificate of Appropriateness shall be as set forth in s. 320-21-11 of the Milwaukee Code of Ordinances.

2. DOCUMENTATION.

A. Applications for Certificate of Appropriateness must be fully documented to allow for proper and speedy review. Applicants not meeting this criterion will be returned to the applicant with a list of items requiring additional documentation. Only fully documented applications will be scheduled for review. All documents submitted to the Commission as part of applications shall become records of the Commission. Work not administratively approved by the commission staff shall be submitted to the Commission for review.

B. Documentation Required for New Construction Applications

(1) Site plan or measured drawing indicating the following:

a. Location of existing structures, driveways, curb cuts, property lines, right-of-ways, existing planting materials and size; and other pertinent information, including but not limited to lot and parcel number, existing zoning, existing variances and easements.

b. Proposed building footprint with dimensions relative to property lines, right-of-ways, and building setbacks; demolition or removal of site features and the construction of new site features including new parking

(2). Photographs showing:

a. Streetscape.

b. Individual views of the building immediately adjacent to and across the street and across the alley, if appropriate.

(3) Building elevations:

a. Design of all elevations

b. Vertical dimensions, grade lines, depth of foundation and roof slopes.

c. Fenestration and entrances to buildings indicating types of operation, dimensions and materials.

d. Porch configuration.

e. All mechanical vents and equipment.

f. Location and type of outdoor light fixtures.

g. Proposed materials of walls, roofs, chimney flues, gutters and downspouts, exterior stairs and all other exterior features.

(4) Plan and Elevation of Streetscape drawn to scale, depicting the footprint of buildings on the block and the elevation of the street façade of the proposed new construction and a minimum of two existing buildings on each side of the proposed site. If the site is a corner location, then the streetscape drawing shall depict the buildings adjacent to the site on both sides of the street.

(5) Floor Plans depicting the arrangement of interior spaces, location of windows and doors, mechanical equipment, and electrical and other utility service access. Floor plans do not need to be ready-for-bid construction documents, but they need to indicate dimension.

(6) Materials Specification Outline with samples, brochures, or photographs of all exterior materials, finishes and fixtures.

(7) Narrative Describing the Project including: its intended use; density of development; pertinent marketing facts, if applicable; and anticipated date of construction and completion.

(8) Phased Development Plan, if applicable. Documentation shall include items 1 through 7 in addition to a construction development schedule and final

a. Prior to commencing work on each phase, staff shall review the proposed construction.

(9) Minimum Submission Requirements: A minimum of one copy of the following documents shall be submitted with the application:

a. Elevation of streetscape, when applicable.

b. Site plan.

c. Building elevations and floor plans.

d. Materials specifications outline.

e. Phased development plan, when applicable..

C. Documentation Required for Rehabilitation of Existing Structure Application

The following requirements apply to those items of work in a rehabilitation project that constitute a change in the present exterior appearance of a property.

All applications require photographs of the building elevations depicting the existing features of the structure. Photographs shall be a minimum of 3" x 5" and shall be labeled to indicate location and photo direction.

(1) Change to siding or trim of a building

a. Drawings of proposed changes indicating dimensions, configuration, type of materials and where these are to be applied, for siding, indicate the area (square feet) of the siding to be replaced. One copy is required.

b. Written description of proposed work indicating the condition of existing materials or method of installation for new work.

c. Material samples.

(2) Changes to roofing materials, gutters or downspouts

a. Written description of gutter system (whether box, roof mounted, hung, fascia-mounted, or other type), indicating type of material, size and finish; description of downspouts (round, square or rectangular), indicating type of material, size and finish.

b. Written description of proposed replacement gutter or downspouts (type, size, material and finish).

c. Detail drawings if the proposed system is a modification or change from the existing system. Two copies are required.

(3) Structural alterations (remodeling, new additions, new porches)

a. Photographs of each side of the building, depicting existing conditions.

b. Site plan drawn to scale showing the building footprint, location of proposed addition or porch to be built or removed, location of all existing bushes as well as trees more than 6" in diameter, identified according to species (common name), location of existing sidewalks and material and dimensions, and location of garages and other buildings. One copy is required.

c. Floor plan and elevations for new additions or porches, showing dimensions and location of columns, windows, doors, vents, railings, steps, materials and finishes. One copy is required.

d. Samples and brochures of roofing and siding showing the color; brochures or photographs of new windows, doors, light fixtures, hardware, skylights, ventilators and other fixtures or equipment, as applicable.

(4) Removal of significant existing additions, porches or features

a. Photographs of each side of the building depicting existing conditions.

b. Site plan drawn to scale showing the building footprint and the relationship of the feature or architectural element to the main structure and the property lines. One copy is required.

c. Written statement indicating the date of construction of the feature with supporting evidence.

d. Description of the structural system, if applicable, and the material components, as well as its physical dimensions.

e. Description of its present use.

f. Written statement giving the reasons for the proposed removal of architectural elements or features.

g. Additional supporting materials and substantiating documentation may be required as per subsection C.

(5) New landscaping and fixtures or changes to existing landscape

a. Site plan drawn to scale showing location of the footprints of the main structure and existing out-buildings with respect to property lines; all existing trees of more than six inches in diameter; all bushes identified according to species (common name); and all existing and proposed sidewalks, fences, fountains, and other appurtenances. One copy is required.

b. Elevation and detail drawings indicating dimensions of all proposed site fixtures including fences, fountains, gazebos, play equipment, retaining walls, paving, and other appurtenances. Brochures and photographs of equipment or manufactured fixtures may be submitted in lieu of measured drawings; manufacturer and item model number or designation must be included. One copy is required.

c. List of all proposed planting materials indicating their size at the time of installation and at their maturity.

D. Documentation Required for Demolition of Structures

(1) Photographs of all sides of the building or structure for which demolition is proposed. Photographs shall be 3" x 5" minimum format and shall be labeled to identify location and photo direction.

(2) An inspection report certified by a registered architect, professional engineer, or a building official of the city, affirming the structural condition of the building.

(3) Proof of economic hardship or insubstantial effect, if required.

E. Documentation Required for Sign Applications

(1) Drawing indicating the dimensions, materials and configuration of the proposed sign; style and size of lettering; sample of colors to be utilized; and, mounting height.

(2) Site plan showing the relationship of the proposed sign to the building and the property lines, when free standing.

(3) Photograph of building façade if sign is to be affixed to the structure, indicating mounting height and method of installation. Photographs shall be 3" x 5" format and shall be labeled to identify location and photo direction.

A minimum of one copy of the required documentation shall be submitted.

F. Documentation Required for Moving Structures to an Historic Area

(1) Photographs showing:

a. Each side of the structure or building at is present site and a general view of its surroundings that will include the adjacent buildings.

b. The front of the proposed new site that will include at least two of the adjacent buildings or sites.

Photographs shall be 3” x 5” minimum format and shall be labeled to identify location and photo direction.

(2) Historic profile of the building to be moved that includes: the date of construction, if known; a chronology of ownership; real estate transactions associated with the property (i.e., chain of title); and other pertinent documentation about the architect, owners or events associated with it.

(3) Site plan of the proposed new site indicating the location and dimension of the property lines with respect to any existing right-of-ways, of any utility easements and of building setbacks. A footprint of the building at its proposed location must also be included on the site plan.

(4) Legal description of the new site.

(5) A copy of any deed restrictions or covenants on the property and improvements, existing or to be attached to it as a condition for the relocation of the building.

(6) Comprehensive scope of the work for the moving operation and the rehabilitation of the building once relocated indicating materials, exterior finishes, modifications if any, and a projected schedule.

(7) Floor plans and elevation if modifications or additions are to be made.

(8) Explanation of why the building must be moved.

(9) Statement explaining the intended use of the property.

(10) Minimum Submission Requirements
A minimum of one set of the following documents shall be submitted with the application:

a. Site plan.

b. Comprehensive scope of work.

c. Floor plans and elevations, if applicable.

d. Explanation of why the building must be moved.

3. STAFF REVIEW OF CERTIFICATES OF APPROPRIATENESS

A. The staff shall review the Certificate of Appropriateness Application for accuracy and completeness. If the application is deficient, the staff shall contact the applicant and attempt to correct the deficiencies before presenting the application to the Commission. 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 of Ordinances 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 Commission review:

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

(2) Fences and retaining walls, landscaping and site restoration.

(3) Paving for driveways, sidewalks 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.

(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 on all commercial structures and properties.

4. COMMISSION REVIEW OF CERTIFICATES OF APPROPRIATENESS

A. In general, the procedure for Commission review of Certificates of Appropriateness shall be as set forth in s. 320-21-11-b of the Milwaukee Code of Ordinances.

B. The Commission may direct issuance of a Certificate of Appropriateness, without scheduling a public hearing, conditioned upon the applicant's express written agreement to make specified changes in the project necessary to bring it into conformity with the design guidelines or to submit revised plans, material samples, or other information.

Adopted with revision July 25, 2011