

# PRESERVATION TOPICS 3

Historic Preservation Commission

City of Milwaukee

## AN EXPLANATION OF THE NATIONAL REGISTER OF HISTORIC PLACES AND THE CITY OF MILWAUKEE HISTORIC PRESERVATION COMMISSION

### Introduction

In Milwaukee there are two programs that designate historic structures, sites or districts: the Milwaukee Historic Preservation Commission and the National Register of Historic Places. Although they are very different in their intent, powers and benefits, the two are frequently confused. The purpose of this Preservation Topic is to answer some of the most frequently asked questions about them.

### Who operates the program?

The National Register of Historic Places is a federal program established by Congress, which operates under the auspices of the National Park Service branch of the U.S. Department of the Interior. The program has been in existence since 1966 and **is administered in Wisconsin through the Historic Preservation Division of the Wisconsin Historical Society.**

The Milwaukee Historic Preservation Commission is a municipal program established by the Common Council in 1981 and ~~is~~ administered by a seven-member commission appointed by the Mayor.

The Historic Preservation Commission succeeded the now defunct Milwaukee Landmarks Commission, with which it is frequently confused. The Landmarks Commission was in existence from 1967 to 1981 and was essentially an honorific body that recognized historic sites and districts by designating them as Landmarks and marking them with plaques.

### What is the purpose of the program?

The National Register is the official list of the country's cultural properties worthy of preservation. It is part of a nationwide effort to coordinate and support public and private efforts to identify, evaluate and protect cultural resources. It does this primarily by recognizing properties, making special financial incentives available to encourage their restoration or adaptive reuse and offering limited protection from the harmful effects of federally assisted projects.

The Historic Preservation Commission seeks to identify properties important to the cultural history of the City of Milwaukee and protect them from demolition or insensitive alteration. It does this by recommending properties for designation by the Common Council and imposing special controls over the issuance of demolition and building permits.

### What are the criteria for designation?

To be eligible for listing in the National Register of Historic Places a site, structure or district can be located anywhere in the nation and must be of significance to American history, architecture, archeology or culture. It should possess integrity of location, design, setting, materials, workmanship, feeling and association. A property is considered to be of historic cultural significance if it:

- A. is associated with events that have made a significant contribution to the broad patterns of our history;
- B. is associated with the lives of persons significant in our past;
- C. embodies the distinctive characteristics of a type, period, or method of construction, or represents a significant and distinguishable entity whose components may lack individual distinction;
- D. has yielded or may be likely to yield information important in prehistory or history.

Ordinarily cemeteries, birth places or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the last fifty years are not considered to be eligible for listing in the National Register. Such properties will qualify if they are integral parts of districts that meet the criteria or if they qualify otherwise as exceptions.

To be eligible for designation by the Historic Preservation Commission, a property must be located in the City of Milwaukee and must be of historic, architectural or cultural significance. A property is considered to be of significance if it retains integrity of location, design, setting, materials, workmanship, and association and:

- A. it exemplifies the development of the cultural, economic, social, or historic heritage of the City of Milwaukee, State of Wisconsin or the United States;
- B. its location was the site of a significant historic event;
- C. it is identified with a person or persons who significantly contributed to the culture and development of the City of Milwaukee;
- D. it portrays the environment of a group of people in an era of history characterized by a distinctive architectural style;
- E. it embodies the distinguishing characteristics of an architectural type or specimen;
- F. it is the work of an artist, architect, craftsman, or master builder whose individual works have influenced the development of the City of Milwaukee;

- G. it embodies elements of architectural design, detail, materials, or craftsmanship which represent a significant architectural innovation;
- H. it is related to other distinctive areas which are eligible for preservation according to a plan based on an historic, cultural, or architectural motif;
- I. it is uniquely located as a singular physical characteristic, which represents an established and familiar visual feature of a neighborhood, community or the City of Milwaukee.

**How are properties designated?**

Anyone can nominate a property to the National Register of Historic Places by submitted an application to the State Historic Preservation Office (SHPO). In Wisconsin the SHPO is the Historic Preservation Division of the Wisconsin Historical Society. After review by the staff, the nomination is presented to the Historic Preservation Review Board, which decides whether or not to forward the property to the National Register of Historic Places in Washington, D.C. for further consideration. The Keep of the National Register reviews the application and makes the final decision as to whether or not the property will be listed.

Anyone can submit a property for consideration by the Milwaukee Historic Preservation Commission by completing a historic designation application and returning it to the Commission staff. The staff will then prepare a Historic Designation Study Report with its recommendation. Staff will schedule a public hearing on the application, after which the Historic Preservation Commission will consider all the evidence and vote to make a recommendation to the Common Council that the site be designated. The Common Council then makes the final decision as to whether or not to designate the property.

**What are the benefits of designation?**

Listing in the National Register of Historic Places makes a property eligible for favorable income tax treatments, grants and a limited degree of protection. Briefly, the owner of an individually listed property or a contributing property within a historic district may be eligible for special income tax credits if it is a depreciable structure that has been rehabilitated in accordance with the provisions of the Economic Recovery Tax Act of 1981, as amended. If funds are available, an owner may also qualify for a federal matching grant to restore the designated property. Finally, a property listed in the National Register of Historic Places is afforded a limited amount of protection from the harmful affects of federally assisted projects.

The principal benefit of designation by the Milwaukee Historic Preservation Commission is the degree of protection it affords a property from demolition or harmful alteration. Once designated, no alteration requiring a building or demolition permit can proceed without first being approved by the Historic Preservation Commission. In its review, the Commission attempts to ensure that the historic character of a designated property is not compromised by inappropriate changes and those structures important to the cultural and historical heritage of Milwaukee are not demolished without consideration of all feasible alternatives. Since the provisions of the ordinance are binding in perpetuity, all subsequent owners will be subject to the

same review requirements. As a result, the Milwaukee historic preservation ordinance affords the greatest degree of protection available for historic structures in Wisconsin. In addition, under certain circumstances, depreciable contributing structures within local historic districts may be eligible for the same federal income tax incentives available to structures listed in the National Register of Historic Places.

**What restrictions are placed on designated properties?**

Listing in the National Register of Historic Places imposes few restrictions on a property. A National Register property may be demolished, altered or sold just like any other property without any special review or approval required. A property listed in the Register does not have to be made available for public inspection. There are, however, two restrictions that apply uniquely to Register properties. The first is that federally assisted projects must be undertaken in such a way that they will not harm the historic character of listed properties. For example, the federally funded rehabilitation of a National Register property would have to be carried out in accordance with the Secretary of the Interior's Standards for Rehabilitation. These are a special set of federal design guidelines intended to prevent historic structures from being insensitively altered. The second restriction is that the owner of a depreciable National Register property who demolishes it is required to capitalize the demolition costs as part of the cost of the land rather than deduct them from his federal income tax as he would otherwise be allowed to do.

Designation by the Milwaukee Historic Preservation Commission imposes some controls over the alteration or demolition of a historic property. Once designated, no building or demolition permits can be obtained for exterior work on a historic structure without the prior approval of the Historic Preservation Commission. Interior work that does not affect the exterior appearance of the structure does not require Commission approval. This power is exercised by the Commission to prevent the demolition or insensitive alteration of structures important to the cultural heritage of Milwaukee. These provisions are binding upon all subsequent owners of a designated property as long as the ordinance remains in effect.

If you have questions, would like an application for designation, or need further information on any preservation-related topic, please contact the Commission staff:

**Historic Preservation Commission**

Office of the City Clerk  
200 E. Wells Street, Room B-4  
Milwaukee, WI 53202

Phone (414) 286-5712 or 286-5722 FAX (414) 286-3004  
[www.city.milwaukee.gov/hpc](http://www.city.milwaukee.gov/hpc)

**For information on State tax credits, please call:**

**Wisconsin Historical Society**

Division of Historic Preservation  
816 State Street  
Madison, WI 53706  
Phone: (608) 264-6500