

**BUSINESS IMPROVEMENT DISTRICT NO.2**  
**ARCHITECTURAL REVIEW BOARD**

**BY-LAWS & PROCEDURES**  
**Revised 05/30/09**

## **INTRODUCTION**

The Business Improvement District No. 2 Architectural Review Board conducts public hearings in accordance with the provisions of Section 200-61 of the Milwaukee Code of Ordinances. The Board's concern in reviewing applications for a Certificate of Appropriateness is the preservation and enhancement of the Business Improvement District No. 2/Historic Third Ward.

When the Board 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 Board and staff attempt to resolve as quickly and as equitably as possible the differences between the objectives of the owner and the goals of the Architectural Review Board.

The Board views each building, site or historic district as a unique whole which 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 Business Improvement District No. 2 /Historic Third Ward and all are subject to the review process. In the interest of better defining how the Board operates, the Board has developed the following Procedures and By-Laws

BUSINESS IMPROVEMENT DISTRICT NO. 2 ARCHITECTURAL REVIEW BOARD  
BY-LAWS

ARTICLE I  
THE BOARD

Section 1. Name of Board. The name of the Board shall be the “Business Improvement District No. 2 Architectural Review Board” (ARB).

Section 2. Office of Commission. The Board shall meet in the Historic Third Ward Association office in the City of Milwaukee. The official records of the Board shall be maintained in the office of the Chair of the Board or his designee.

ARTICLE II  
OFFICERS

Section 1. Officers. The officers of the Board shall be a Chairman, a Vice Chairman, and an Executive Secretary. The two former shall be members of the Board while the latter shall be the Executive Director of the Historic Third Ward Association.

Section 2. Chairman. The Chairman shall, whenever possible, preside at meetings and legally required Public Hearings of the Board and shall perform such duties as are customarily exercised by a presiding officer. In addition, the Chairman may appoint general or special committees if and when the occasion requires.

Section 3. Vice Chairman. The Vice Chairman shall perform all of the duties of the Chairman in the absence or incapacity of the Chairman. In case of resignation, removal or death of the Chairman, the Vice Chairman shall succeed to the duties of the Chairman for the balance of the term for which the Chairman was elected. The Board may select and acting chairman to perform the duties of the Chairman under these conditions: (a) In the absence of the Chairman and Vice Chairman during meetings; or (b) Upon resignation of both Chairman and Vice Chairman. The Vice Chairman will succeed to Chairmanship at the expiration of the Chairman’s term.

Section 4. Executive Secretary. The Executive Secretary or his designee shall keep the records of the Board, including minutes of all the meetings and shall perform the duties customarily carried out by such officer and, in addition, the functions and duties imposed by applicable statutes and ordinances.

Section 5. Election of Officers. The Chairman and Vice Chairman shall be elected during the first meeting of the calendar year. The term of office for each shall be one (1) year which shall begin at the meeting following the one at which they were elected. The position of Executive Secretary shall be the Executive Director of the Historic Third Ward Association.

## ARTICLE III MEETINGS

Section 1. Regular Meetings. Regular meetings shall occur at the call of the Chair but be held no later than 30 days of receipt of a Certificate of Appropriateness request. The Board shall hold its regular meetings at such times and places as determined by the Board. The Board Chair or majority of the voting members of the Board may, at least twenty-four (24) hours prior, decide to change the location and/or starting time of a regular meeting. All meetings at which an official action is taken shall be open to the public except those allowed for under Chapter 19 Wisconsin Statutes.

Section 2. Special Meetings. Whenever the Chair of the Board, because of the business requirements of the Board, shall deem it necessary to call a special meeting, such special meeting may be called for a designated time and place upon 24-hour public notice in compliance with Chapter 19, Wisconsin Statutes under. The Chair shall direct the Executive Secretary to send notice of the special meeting under the signature of the Chair. If a majority of members shall request of the Chair in writing that a special meeting be called, such meeting shall be called, and if the Chair shall refuse to call such meeting, the Executive Secretary shall thereupon give notice and call such meeting.

Section 3. Quorum. At all meetings of the Board, 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 Board members may meet as a Committee for consideration of Board matters, such matters to be reconsidered when a quorum is attained.

Section 4. Voting. A simple majority of all voting members is required for an issue to win approval. Members prior to voting may consider, where appropriate, findings of fact based upon the common council approved Designed Guidelines. All Board members shall abstain from voting during the consideration of any issue if such voting could reasonably be construed as involving a conflict of interest. In any case where a vote of the board does not result in an official action of the board, the application will automatically be redocketed and heard at the next scheduled hearing of the Board.

Business Improvement District No. 2 Architectural Review Board

PROCEDURES  
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Business Improvement District No. 2 Architectural Review Board  
Procedures

**Section 1. Agenda Deadline.**

All requests to be placed on the Architectural Review Board (ARB) agenda shall be received by Historic Third Ward Association staff no later than 12:00 noon, twelve days before the next scheduled meeting. All requests shall be in the form of the appropriate fully completed Board standard form. The Architectural Review Board staff shall determine whether or not the form is adequately complete for inclusion on the Board agenda.

**Section 2. Order of Business.**

At the regular meetings of the Board, the following shall be the order of business, and unless otherwise provided for, with respect to the procedure at meetings, Roberts Rules of Order shall apply:

1. Roll call.
2. Approval of minutes of previous meeting (s).
3. Old business.
4. New business.
5. Adjournment

The Architectural Review Board may, however, consider any issue out of the above order if a member so requests and there is no objection from the remaining members of the Board. Issues carried over from one meeting to the next shall, at subsequent meetings, be placed at the head of the category into which they fall.

**Section 3. Sign-in Policy.**

Those who attend meetings of the Board shall register with the Executive Director of the Historic Third Ward Association in writing for an official record of attendance. Those of the public who wish to speak on agenda items shall register with the Executive Director and sign the appropriate form. Sign in will be allowed up to the time of discussion for each agenda item.

**Section 4. Procedure for consideration of individual agenda issues.**

1. Presentation by property owner or representative of proposed modifications.
2. Questioning of the property owner or representative of proposed modifications by Commission members.
3. Presentations by proponents of the issue.
4. Presentations by opponents of the issue.
5. Discussion of the issue by Board members and expression of individual positions.
6. Decision to approve, deny, conditionally approve, or continue this issue.

**Section 5. Definitions**

1. **BOARD:** refers to the Business Improvement district No. 2 Architectural Review Board appointed under Section 200-61 of the Milwaukee Code of Ordinances
2. **DESIGN GUIDELINES:** The written guidelines adopted by the Common Council that guide the Board in its deliberation of Certificates of Appropriateness.
3. **CERTIFICATE OF APPROPRIATENESS:** All property owners or agents may not construct, alter, or demolish any exterior structure or feature within the Business Improvement District No. 2 boundary until the property owner or his agent has filed with the staff of the Board and application for a Certificate of Appropriateness, plans, specifications, and other materials prescribed, and a Certificate of Appropriateness has been issued. However, this does not:
  - a. Prevent the ordinary maintenance or repair of any exterior architectural structure or feature that does not involve a change in design, or outward appearance and does not require a building permit.
  - b. Prevent any structural change certified by the Department of Building Inspection as immediately required for the public safety because of hazardous conditions.
4. **ELEVATION:** a drawing showing the elements of a building as seen in a vertical plane.
5. **FOOTPRINT:** the outline of a building on the land.
6. **NEW CONSTRUCTION:** any work undertaken on a new building or structure is considered new construction.
7. **PLAN:** a drawing illustrating the elements of a building as seen in a horizontal plane.
8. **REHABILITATION:** any work undertaken on an existing building, regardless of the age of the building.
9. **STREETSCAPE:** a view or picture of the street setting depicting the proposed or existing building in relationship to other buildings on the street.

## **Section 6. Certificates of Appropriateness**

1. **APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS**
  - A. In order to construct any exterior architectural feature or reconstruct, alter, or demolish any exterior structure or feature in BID No. 2, a Certificate of Appropriateness must be applied for and granted. A Certificate is required before the proposed work may be started and before a building permit can be issued by the Department of City Development. Certificate of Appropriateness application forms are available from the Board staff.
  - B. Construction or alterations of structures or features in the District that are performed prior to review and approval are non-conforming. A letter of non-compliance shall be sent to the building owner and, when applicable, the business operator indicating that an application for Certificate of Appropriateness must be received within ten (10) working days of the date of the letter. If no application has been received within the specified time, enforcement action by the Department of Neighborhood Services shall commence. If a building owner or business operator submits an application for a Certificate of Appropriateness after enforcement action has begun, the property

must be returned to the original condition before the application has been placed on the agenda.

- C. No Certificate of Appropriateness application for any proposed construction or alteration of structures or features in the District may be placed on an Architectural Review Board agenda if any other aspect of that property is currently non-compliant and had been referred to the Department of Neighborhood Services.

## 2. APPLICATION FILING DEADLINES

Applications for a Certificate of Appropriateness are due by 12 noon 12 days prior to the Board meeting at which they are to be considered. If the applicant needs assistance in filling out the application or has questions regarding the proposed work, the Board staff is available for technical assistance. Applicants are encouraged to call for an appointment.

## 3. DOCUMENTATION OF APPLICATIONS FOR CERTIFICATES OF APPROPRIATENESS

All work requiring a Certificate of Appropriateness must be reviewed and approved by the Board. Applications for Certificates of Appropriateness must be fully documented to allow for proper and speedy review. Applications 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.

### A. 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 (s) setbacks; demolition or removal of site features and the construction of new site features including: new parking and driveways, utilities, planting and landscaping, sidewalks and patios, mechanical equipment, and other appurtenances.
- 2) Color slides showing:
  - a) A general view of the street showing building site adjacent properties (streetscape)
  - b) Individual views of the building immediately adjacent to and across the street and/or alley from the site.
- 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 building 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 dimensions.
- 6) Materials Specification Outline with samples, brochures, and/or photographs of all exterior materials, finishes, and fixtures
- 7) Narrative Describing the Project: 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 must include items 1 through 7 in addition to a construction development schedule, and final construction documents for each phase to be submitted prior to commencing work.
  - a) Prior to commencing work on each phase, the staff must review the proposed construction.
  - b) Any modification to the development plan requires a new application for Certificate of Appropriateness.
- 9) Minimum Submission Requirements: A minimum of one copy of the following documents must 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

These documents will remain in the possession of the Architectural Review Board.

#### B. Documentation Required for Rehabilitation of Existing Structure Applications

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 should be a minimum of 3" X 5" format in color or black and white and must be labeled to indicate location and photo direction.

- 1) Change to siding and/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 (when necessary) 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 and/or downspouts
  - a) Written description of gutter system (whether box, roof mounted, hung, fascia-mounted, or other type), indicating type a material, size, and finish.

- b) Written description of proposed replacement gutter and/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 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 elevation 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- Documentation Required for Demolition of structures, item 2,3, and 4 of H. P. C. Procedures and Policies.
- 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 trees of more than 6 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.

#### C. Documentation Required for Demolition of Structures

- 1) Photographs of all side of the building or structure for which demolition is proposed. Photographs should be 3" X 5" minimum format in black and white or color and must 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.

D. 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 brackets.
- 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 of sign is to be affixed to the structure, indicating mounting height and method of installation. Photograph should be c" X 5" format in black and white or color and must be labeled to identify location and photo direction.

A minimum of one copy of the required documentation must be submitted. All materials submitted will remain with the records of the ARB.

4. STAFF REVIEW OF APPLICATIONS FOR 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 Board.

B. Certain applications for Certificates of Appropriateness may be reviewed and approved by the Executive Secretary without the review of the Commission. The executive Secretary shall be guided by the Design Guidelines for the site when reviewing Certificate of Appropriateness applications. In any case where the Executive Secretary finds the proposed work to be inappropriate and no agreement can be reached with the applicant to modify the work to bring it into conformance with the design standards for the property, the application shall be submitted to the Board for review. The following types of alterations may be approved by the Executive Secretary without Board 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
- 2) Fences and retaining walls.
- 3) Paving.
- 4) Mechanical systems (air conditioners, etc.) not visible from the public right-of-way.
- 5) Window and door unit replacements within existing openings.
- 6) Siding and masonry repairs and minor carpentry where materials are being replaced or repaired in kind.
- 7) Porch guard rails.
- 8) Previously approved real estate signs where an extension to the six month time limit is requested up to five extensions.
- 9) Signs provided the proposal meets the Design Guidelines requirements.
- 10) Sidewalk café furniture and planters.

5. BOARD REVIEW OF CERTIFICATES OF APPROPRIATENESS

Upon hearing an application for a Certificate of Appropriateness, the Board will determine whether the proposal is appropriate to the economic development and preservation of the character of the area.

- A. The Board shall consider the following when applying the “Design Guidelines” adopted by the Common Council of the City of Milwaukee when determining whether or not to issue a Certificate of Appropriateness:
  - 1) Whether the proposed change is consistent with the design standards for the particular property.
  - 2) Whether new construction is architecturally compatible with the property and to historic and architecturally significant structures that either adjoin, abut or face the property,
  - 3) Whether the character of property is to be preserved, and
  - 4) Whether the work is necessary in order to provide structural stability.
- B. The Board may direct issuance of a Certificate of Appropriateness, without scheduling a public hearing, conditioned upon the applicants’ express written agreement to make specified changes in the project necessary to bring it into conformance with the design guidelines or to submit revised plans, material samples etc. to a subcommittee of the Commission for approval.
- C. The review and approval of elements placed or constructed prior to approval and the review and approval for new proposals located on properties that are currently non-conforming is contingent on the following:
  - 1) A 10-day grace period from date of notification of a non-compliant or unapproved condition shall be given prior to enforcement.
  - 2) Once enforcement action has been initiated, the property must be returned to the original condition before review and approval can be given.
  - 3) If enforcement has been initiated against a property for a non-compliant condition, no other matter can be scheduled for that property until the non-conformity has been eliminated.
- D. Failure of the Board to approve or conditionally approve a Certificate of Appropriateness will result in the scheduling of a Public Hearing within 30 days in accordance with the provisions of Section 200-61.
- E. A complete set of approved final architectural construction drawings must be submitted to the Board prior to a Certificate of Appropriateness being issued.

#### 6. REVISIONS TO PREVIOUSLY APPROVED PLANS.

Modifications to projects that occur during the construction process and deviate from the plans as approved are subject to review by the Architectural Review Board. The Architectural Review Board shall make a determination as to whether the proposed changes constitute a substantial revision upon reviewing the proposal. The applicant may, at any time withdraw the proposed revision from consideration. The developer may then submit as built documents that highlight where the changes have occurred. Those changes may be determined as non compliant with the Design Guidelines and corrective action may be necessary. Any related aspect of a project may receive additional review when a proposed change is submitted for review.

#### 7. ADDITIONAL REQUIREMENTS FOR SUBSTANTIAL FAÇADE ALTERATIONS

When a façade alteration of an existing pivotal or contributing building involves greater than 50% of the façade, additional requirements may be placed as a condition of approval that the building owner provide an analysis of the whole façade which verbally or graphically demonstrates any areas of the façade where repair or enhancement is required to restore the façade to a level of finish in keeping with the quality of the District.

**Section 7 Notification**

Reasonable efforts shall be made to notify adjacent property owners by letter, mailed at least five (5) days prior to any hearing when a proposed project involves new construction and/or significant alterations and/or additions to the exterior of a building will be proposed. Such additional notification shall be a courtesy to the property owner(s). Any member of the staff and/or the Board may request that additional notices be sent out if they believe that it fulfills the Boards intent on notification. Email notification is an acceptable alternative e and shall be sent out no later than two (2) days prior to the meeting.

History:  
By-laws:

Procedures:

Section 6_Article 5-E added	02/05/03
Section 7 added	02/05/03
Section 6_Article 6 & 7 added	01/23/08
Section 6_Article 4 -B_ sub 8 added	06/01/08
Section 6_Article 4-B_sub 9 & 10 added	03/11/09
Section 6_Article 4-B_sub 10 revised	05/06/09