



12 December, 2014
Ad Hoc Landmarks Ordinance Review Committee
Comments from Madison Trust for Historic Preservation
RE: draft ordinance dated 06-24-2014 (Sections 13-14)

(13) Appeal.

- (a) An appeal from the decision of the Landmarks Commission to approve or deny a Certificate of Appropriateness may be taken to the Common Council by the applicant for the Certificate, the Alderperson of the district in which the subject property is located, or by the owners of twenty percent (20%) of the parcels of property within two hundred (200) feet of the subject property. *[How is 200 feet measured? Same as visually-related area?]*
- (b) Such appeal shall be initiated by filing a petition to appeal, specifying the grounds therefore, **and the identity and address of the petitioner(s)** with the City Clerk within ten (10) days of the date the final decision of the Landmarks Commission is made. The City Clerk shall file the petition to appeal with the Common Council. The Council shall hold a public hearing with Class 1 public notice.
- (c) The Council may, by favorable vote of two-thirds (2/3) of its members, reverse or modify the decision of the Landmarks Commission, with or without conditions, or refer the matter back to the Commission with or without instructions.
- (d) In making its determination under (c), the Council shall:
1. Consider the Standards and Guidelines specified in this ordinance, and the application of those Standards and Guidelines by the Commission; and,
 - ~~2. Balance the public interest in preserving the subject property with the public interest in approving or denying the Certificate of Appropriateness. In balancing the public interests, the Council shall take into account whether the owner or applicant has failed to meet requirements to maintain the property in accordance with this ordinance.~~
 2. Find that the Landmarks Commission's decision was inconsistent with applicable standards, or improperly exercised its discretion.

(14) Conditions Dangerous to Life, Health or Property. Nothing contained in this section shall prohibit the making of necessary construction, reconstruction, alteration or demolition of any improvement on a landmark site or in an historic district pursuant to order of any governmental agency or pursuant to any court judgment, for the purpose of remedying emergency conditions determined to be dangerous to life, health or property. In such case, no approval from the Commission shall be required.