

AGENDA # 4

City of Madison, Wisconsin

REPORT OF: LANDMARKS COMMISSION

PRESENTED: June 10, 2013

TITLE: Landmarks Ordinance Revisions
(17835)

REFERRED:

REREFERRED:

REPORTED BACK:

AUTHOR: Amy Scanlon, Secretary

ADOPTED:

POF:

DATED: June 10, 2013

ID NUMBER:

Members present were: Stu Levitan, Chair; Erica Fox Gehrig, Vice Chair; Jason Fowler, Christina Slattery, Marsha Rummel, David McLean and Michael Rosenblum. Rosenblum left during discussion of Item 3.

SUMMARY:

Assistant City Attorney Maureen O'Brien is in attendance to answer questions and be part of the conversation.

Levitan suggested that the Commission discuss the voluntary restrictive covenant language of the ordinance.

ACA O'Brien explained the enforcement process for a restrictive covenant and that using the Certificate of Appropriateness process is a known process that is outlined in the ordinance. ACA O'Brien explained that as currently written, the Landmarks Commission would request from the Common Council the ability to file an injunction against a property owner in violation of a covenant.

Staff explained that there hadn't been any language prepared about the future need for repair or possible replacement before the meeting. ACA O'Brien explained that standards would be necessary before holding a covenant.

Joe Lusson, registering in support and available to answer questions. Mr. Lusson explained that he is concerned that the Landmarks Ordinance allows for the possible replacement of windows in Landmarks and saw the voluntary restrictive covenant as a way to better protect the windows and front door at 627 East Gorham Street. Mr. Lusson explained that the covenant seems like a way to have the City more involved with the preservation of a landmark and that having the City draw up the covenant is a way to assist a landmark owner with the costs of document preparation.

Levitan noted that in the current ordinance language, the Landmarks Commission is not explicitly stated as the other party in the covenant.

Ald. Bidar-Sielaff encouraged the Landmarks Commission to base the Commission's actions in a known process by adding more information and restriction in the Certificate of Appropriateness.

Gehrig asked if Mr. Lusson had considered donating as a façade easement instead. Mr. Lusson explained that this option was not really considered because he felt the covenant would carry more weight to protect the landmark for future transactions with other owners.

ACA O'Brien explained that Building Inspection may not be able to be enforcement for the covenant.

Ms. Zellers explained that the covenant language seems to allow jurisdiction on matters that would typically be outside of the Ordinance.

Rummel noted that the language is currently "voluntary" and that could be interpreted to mean the property owner volunteers to have more restriction than the Ordinance typically allows.

Levitan suggested that because this section is under "Designation of Landmark", the language be changed from a "voluntary restrictive covenant" to a "condition of designation" that could be agreed to at the time of designation or in some cases after, that would be part of the designation process. This allows the more specific restriction to be placed in a document that already is formed through a known and enumerated process and allows the Common Council to view the restriction in the designation process. This also allows the enforcement to come through the typical Certificate of Appropriateness process.

A motion was made by Rosenblum, seconded by Slattery, to table the current ordinance discussion to return to the specific discussion for 627 East Gorham (Item 3). The motion passed by voice vote/other.

A motion was made by Rummel, seconded by McLean, to take the item off the table to continue the discussion. The motion passed by voice vote/other.

Levitan asked that the Commission reconsider the name change. There was discussion about how "Historic Preservation Commission" might better represent the mission and established powers and duties of the Commission. There was also discussion that the Commission is known as "Landmarks Commission" and a name change would be confusing to those that don't already understand the responsibilities of the Commission.

There was a discussion about the definition of visually related area and adding dates of significance to the definitions. Slattery requested that we find different terminology for these dates.

There was a discussion about the definitions of landmark and landmark site.

The Landmarks Commission is interested in updating the Preservation Plan.

There was a discussion about numerous aspects of the Ordinance that will be reviewed at a future Landmarks Commission meeting.

The Ordinance language will be revised based on this discussion.

No action was taken.