

DATE: September 26, 2014

TO: Madison City Council, Ad Hoc Committee on Landmarks Ordinance Revision;
Amy Scanlon, City Planning Staff

FROM: James Matson, on behalf of the Ordinance Committee of the Madison Alliance for Historic Preservation

SUBJECT: Comments on Draft Landmarks Ordinance Revision

I am submitting the following comments on behalf of the Ordinance Committee of the Madison Alliance for Historic Preservation, a volunteer citizen committee of which I am a member. I am a longtime resident of the historic Greenbush neighborhood. Prior to my retirement in 2011, I served for 28 years as Chief Legal Counsel for the Wisconsin Department of Agriculture, Trade and Consumer Protection. Much of my professional work involved the drafting of state statutes and administrative rules, and the review of local ordinances.

Today I am submitting comments on certain portions of the draft Landmarks Ordinance which your committee may consider at its meeting on September 29. Our citizen committee will have additional comments on other portions of the draft ordinance as your committee takes them up. This is a substantial challenge for a committee of unpaid citizens, but we think it is extremely important. We aim to be thorough, substantive and helpful partners as you work to produce a state-of-the-art landmarks ordinance that is worthy of this historic city. We hope that you will bear with us as we try to keep up with your very aggressive committee schedule.

Today, our principal comments relate to the newly revised "Purpose and Intent" section, which we received just recently. Purely from a drafting standpoint, we think it is important to make this section as simple and easily readable as possible, and to clearly delineate the broad "policy" declaration from the more specific statement of ordinance "purpose" (which is, basically, to implement the declared "policy"). The "purpose" statement should broadly introduce the ordinance to follow, without creating unnecessary conflicts or ambiguities. We suggest the following changes to clarify the draft, remove unnecessary or inflammatory language, and incorporate elements that we think important (changes are shown by underlines and strikeouts). Note that we have moved some of the proposed "purpose" language up into the "policy" declaration, because they are more appropriately statements of policy. We will, in future comments, suggest substantive ordinance provisions to address the two arguably new elements [pars. (f) and (g)] that we have added to the proposed statement of "purpose."

(1) Policy and Purpose and Intent. The Common Council recognizes that the City of Madison contains important historic resources, including buildings, structures, signs, features, improvements, sites and areas that have significant architectural, archeological, anthropological, historical and cultural value ~~(hereinafter referred to as "historic resources")~~. The Common Council further recognizes that these historic resources ~~are representative of~~ represent the City's unique heritage, ~~servicing as;~~ that they are a source of great civic pride for its residents, and keen interest for its visitors; that they are economic assets that can attract residents and visitors, create jobs, stabilize and improve property values, and stimulate business and industry; and that they foster civic pride in the beauty and noble accomplishments of the past. ~~It is therefore hereby declared~~ The Common Council therefore declares as a matter of public policy that the identification, preservation, protection, promotion, conservation and appropriate use of historic resources within the City is a public necessity to foster the health, prosperity, safety and welfare of the people. The purpose of this ~~ordinance section~~ is therefore to:

(a) Provide a regulatory framework for ~~implementing, balancing and accomplishing the the~~ fair and effective implementation of this public policy announced in this section.

(b) ~~Accomplish the identification, preservation, protection, promotion, conservation and appropriate use of the City's historic resources, as embodied and reflected in the City's landmarks and historic districts~~ Provide clear standards and procedures for the designation, protection, proper maintenance and use of landmarks and historic districts.

~~(c) Safeguard the City's historic resources by establishing an obligation to maintain them, and encouraging the vigorous enforcement of this ordinance against those who fail to do so. Establish enforcement and appeal procedures to ensure compliance with the preservation standards and procedures established under this section.~~

~~(d) Recognize that the City's historic resources are economic assets that can attract residents and visitors, create jobs, stabilize and improve property values, and stimulate business and industry.~~

~~(e) Foster civic pride in the beauty and noble accomplishments of the past.~~

~~(fd) Promote the wise use of and investment in creation and use of landmarks and historic districts ~~and landmarks~~ for the education, pleasure and welfare of the people of the City.~~

~~(e) Promote and help protect investments in the preservation of landmarks and historic districts.~~

~~(f) Promote identification of historic resources within the City, and ensure that historic preservation concerns are considered in the city's planning and zoning process.~~

~~(g) Promote education for property owners on best practices for maintaining landmarks and other historic resources.~~

At this time, we would also like to suggest one small amendment to proposed subsection (3), related to Landmarks Commission Composition and Terms, as follows:

(3) Landmarks Commission Composition and Terms. A Landmarks Commission is hereby created, consisting of seven (7) members. One (1) shall be a licensed real estate professional; one (1) shall be an alderperson who represents an historic district; one (1) shall be a historian; at least one (1) shall be a licensed architect; and three (3) shall be citizen members, at least one of whom has expertise in ~~construction~~ the physical restoration, rehabilitation, preservation and reconstruction of historic properties. Each member shall have, to the highest extent practicable, a known interest in historic preservation. Of the membership, at least two (2) shall meet the Professional Qualifications Standards established by the United States Secretary of the Interior for History, Archeology, Architectural History, Architecture, or Historic Architecture. The Mayor shall appoint the commissioners subject to confirmation by the Common Council. The term of each member shall be for three (3) years. The terms shall be staggered.

We believe that the above change would ensure that at least one member has *squarely relevant* construction experience.

Thank you for your kind consideration.