

## PROPOSED REVISIONS TO PURPOSE AND INTENT SECTION OF LANDMARKS ORDINANCE

This document provides proposed revisions to the Purpose and Intent section of the Landmarks Ordinance as revised following the discussion by the Ad Hoc Landmarks Ordinance Review Committee at its meeting on August 14, 2014.

In general, the revised version of this section substantially narrows the scope of the Purpose and Intent of the ordinance. In particular, the revised draft changes the current ordinance's broad consideration of property values and economic benefits at a city level to a very narrow consideration of such issues at a district level.

That narrow scope is inconsistent with historic preservation ordinances around the country, including the recently released New York model ordinance, which consider historic districts a part of the overall economy of the city. The Purpose and Intent section should reflect the following principles that are not currently reflected in the revised draft:

- 1. Cities grow, develop, and change over time, and historic districts are an important part of the evolving urban fabric.** Historic districts are not museums, but instead reflect an urban character that is maintained although the individual elements of the district grow, develop, and change over time. The following statements of purpose reflect this:
  - a. "To ensure the harmonious, orderly, and efficient growth and development of the (Village/Town/City)." *New York Model Ord. 2(b)*.
  - b. "To insure the harmonious, orderly and efficient growth and development of the municipality." *Charleston Ord. 54-230*.
  - c. "To ensure complementary, orderly, and efficient growth and development." *Lexington Ord. 13-1(a)*.
  - d. "Encouraging new development to sensitively incorporate historic structures and artifacts." *Portland Ord. 33.846.030(A)*.
  
- 2. New development can complement existing structures in historic districts.** This provides investment and economic development within a district while maintaining the overall character of the district. The following statements of purpose reflect this:
  - a. "To enhance the visual character of the city by encouraging new design and construction that complements the (Village/Town/City)'s historic buildings." *New York Model Ord. 2(c)*.
  - b. "Assure that continued new structures and alterations to existing structures within historic districts, sites, areas, neighborhoods, places, and geological and archaeological sites will be in keeping with the visual and aesthetic character to be preserved." *Lexington Ord. 13-1-(c)(6)*.
  
- 3. Historic districts have an impact on property values and economic growth in the rest of the city.** Therefore, they should be considered as part of the overall health of the city's economy. The following statements of purpose reflect this:

- a. "To protect and promote the economic benefits of historic preservation to the (Village/Town/City), its inhabitants and visitors." *New York Model Ord. 2(d)*.
- b. "To enhance property values and to increase economic and financial benefits to the city and its inhabitants." *Riverside Ord. 20.05.010*.
- c. "To stabilize and improve property values in such locations of historic resources, and thus to strengthen the economy of the city." *Wichita Ord. 2.12.1017(c)*.
- d. "To promote and encourage restoration, rehabilitation, and maintenance of neighborhoods and districts and thus combat urban blight and decay." *Wichita Ord. 2.12.1017(d)*.

The following revisions to the draft Purpose and Intent section reflect these principles:

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- (1) Purpose and Intent. The Common Council recognizes that the City of Madison contains buildings, structures, signs, features, improvements, sites, and areas that have significant architectural, archaeological, anthropological, historical, and cultural value (referred to hereafter as "historic resources"). The Common Council further recognizes that these historic resources are representative of the City's unique heritage, serving as a source of great civic pride for its residents, and keen interest for its visitors. It is therefore hereby declared as a matter of public policy that the identification, protection, preservation, promotion, conservation and 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 is therefore to:
- (a) Provide a regulatory framework for implementing, balancing, and accomplishing the public policy announced in this section.
  - (b) Accomplish the identification, protection, preservation, promotion, conservation and use of the City's historic resources, as embodied and reflected in the city's landmarks and historic districts.
  - (c) Ensure the harmonious, orderly, and efficient growth and development of the City and encourage new development that sensitively incorporates historic structures and artifacts.
  - (d) Enhance the visual and aesthetic character of the City by encouraging new design and construction that complements the City's historic resources.
  - (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~~ providing a clear regulatory framework to encourage such maintenance.
  - (d) Recognize that the city's historic resources are economic assets that ~~can impact~~ the overall goals of the city to 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.
  - (f) Promote the use of and investment in historic districts and landmarks for the education, pleasure and welfare of the people of the City.

## PROPOSED REVISIONS TO COMMISSION COMPOSITION AND POWERS AND DUTIES SECTIONS OF LANDMARKS ORDINANCE

This document provides proposed revisions to the Commission Composition and Powers and Duties sections of the Landmarks Ordinance included in the draft referred to the Ad Hoc Landmarks Ordinance Review Committee on July 1, 2014 as Legistar 34577. These revisions are based on the following ordinance provisions found in other municipalities:

- The Commission shall consist of nine members, including one real estate professional, one construction professional, one architect, one historian, and one archaeologist. *Stockton Ord. 16.220.040.*
- The Board shall consist of seven members who reside or conduct business in the city, with a demonstrated interest in architecture, landscape architecture, and urban design, including two architects, one engineer, and one attorney. *Charleston Ord. 54-233.*
- The Commission shall consist of seven members each with demonstrated interest, knowledge, or training in history, architecture, planning, archaeology, historic preservation, or urban design, including two members who meet the minimum professional requirements of the Department of the Interior. *Annapolis Ord. 21.08.060.*
- The Commission shall consist of seven members, including one with expertise in historic preservation and one with expertise in real estate investment, with the other five members having expertise in architecture, design, law, real estate appraisal, or construction. *Columbia Ord. 29-21.4.*

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### Alternative 1

**(3) Landmarks Commission Composition and Terms.** A Landmarks Commission is hereby created, consisting of seven (7) members. One (1) shall be a historical preservation professional; ~~at least~~ one (1) shall be a licensed architect; one (1) shall be a licensed real estate professional; one (1) shall be a construction professional; one (1) shall be an alderperson; and ~~three two (32)~~ shall be professionals with expertise in architecture, planning, urban design, engineering, real estate, or construction. Each member shall have, to the highest extent practicable, a known interest in historic preservation and professional or academic training in an area of expertise specified in this section. 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 for each member shall be three (3) years. The terms shall be staggered.

## Alternative 2

**(3) Landmarks Commission Composition and Terms.** A Landmarks Commission is hereby created, consisting of seven (7) members. One (1) shall be a historical preservation professional; ~~at least one (1) shall be a licensed architect; one (1) shall be a licensed real estate professional; one (1) shall be a construction professional; one (1) shall be an alderperson;~~ and three (3) shall be ~~citizen members~~ professionals with expertise in architecture, planning, urban design, engineering, real estate, or construction. Each member shall have, to the highest extent practicable, a known interest in historic preservation and professional or academic training in an area of expertise specified in this section. 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 for each member shall be three (3) years. The terms shall be staggered.

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**(4) Powers and Duties.** The Landmarks Commission shall:

(a) Uphold the Landmarks Ordinance with advice from the Preservation Planner and guidance from the Secretary of the Interior's Standards for Rehabilitation, at all times in a manner that is consistent with the purpose and intent of the ordinance. If there is conflict between the Guidelines and Standards adopted by this ordinance and the Secretary of the Interior's standards, the Standards and Guidelines of this ordinance shall prevail.

(b) Conduct a periodic survey for the identification of significant properties, structures, sites and areas that exemplify the cultural, social, economic, political or architectural history of the nation, state, or city, and maintain such information and updated information on national and local historic districts and landmarks in an inventory accessible to the public.

(c) Recommend to the Common Council the designation and rescission of landmarks and designation of historic districts within the City limits of Madison.

(~~e~~d) Review and act upon requests for Certificates of Appropriateness for new structures, exterior alterations and demolition/removal relating to any landmark site, landmark, or improvement within an historic district.

(~~e~~e) Review and act upon requests for Certificates of Appropriateness, when required by the provisions of this ordinance, for erecting or affixing signs on structures that are landmarks, on landmarks sites, or in an historic district.

(~~e~~f) Review requests for demolition or removal and provide an advisory report to Plan Commission regarding the historic value of the property pursuant to Sec. 28.185(7)(a)4.

(~~f~~g) Review any development on a zoning lot adjoining a landmark site for which Plan Commission or Urban Design Commission review is required to determine whether the proposed development would adversely affect the historic character and integrity of the adjoining landmark site. The Landmarks Commission review shall be advisory to the Plan Commission and Urban Design Commission.

(~~g~~h) Review and act upon requests for Certificates of Appropriateness for proposed land divisions, combinations, and subdivision plats of landmark sites and properties in historic districts ~~to determine whether the proposed lot sizes adversely impact the historic character or significance of a landmark and whether the proposed lot sizes are compatible with adjacent lot sizes and maintain the general lot size pattern of the historic district.~~

(~~h~~i) Work closely with the appropriate State of Wisconsin officials for the National Register of Historic Places of the United States National Park Service in attempting to list such properties hereunder designated as landmarks on the National Register.

(~~i~~j) Actively work for the passage of legislation which would provide financial or other incentives to landmark owners and owners of properties in historic districts which would assist in carrying out the purpose and intent of this ordinance.

(~~j~~k) Solicit and receive funds for the purpose of historic preservation in the City of Madison. Such funds shall be placed in a special City account for such purpose.

(~~k~~l) Work for the continuing education of the citizens of Madison about the historic heritage of the city and the landmarks, landmark sites, and historic districts designated under the provisions of this ordinance.

(~~l~~m) Adopt policies and procedures to implement the provisions of this ordinance.

(~~m~~n) Adopt historic preservation plans consistent with the provisions of this ordinance.

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**(5) Powers and Duties of the Preservation Planner.** The Preservation Planner is a member of the Planning Division who shall staff the Landmarks Commission and carry out those duties properly designated to her or him by the provisions of this Ordinance or by the Landmarks Commission under this Ordinance. In carrying out those duties, the Preservation Planner shall exercise his or her own professional judgment and expertise in a manner that is consistent with the purpose and intent of the ordinance.