

## PROPOSED REVISIONS TO COMMISSION COMPOSITION SECTION OF LANDMARKS ORDINANCE

This document provides proposed revisions to the Commission Composition section of the Landmarks Ordinance included in the revised draft posted on Legistar following the Committee's last meeting. The Commission Composition section should reflect the following principles that are not currently reflected in the revised draft:

1. **The Commission should be composed of industry professionals with expertise in one of several areas relevant to the powers and duties of the Commission.** The Commission's decisions involve issues related to architecture, engineering, construction, planning, and other areas. The Commission needs the expertise to thoroughly evaluate these issues in making decisions. The following provisions reflect this:
  - a. 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.*
  - b. 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.*
  - c. 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.*
  - d. 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.*
  
2. **The alder seat should not be limited to an alder representing a historic district.** Limiting qualified candidates for a seat to three or four individuals could create unintended problems in making appointments. The mayor's office should continue to have flexibility, as under the current ordinance, to appoint an alder best suited for exercising the powers and duties of the Commission. The alder seat is subject to the requirement of all other seats that the member have a known interest in historic preservation to the highest extent practicable. The following provision reflects this:
  - a. The Commission shall include seven members, including one registered architect, one historian or architectural historian interested in the field of historic preservation, one real estate professional, **one member of the common council** (with or without historic district representation), and three citizen members. *Milwaukee Ord. 320-21.4.a.*

The following revisions to the draft Commission Composition section reflect these principles:

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**(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 historical preservation professional; at least one (1) shall be a licensed architect; one (1) shall be a construction professional; and ~~three (3)~~two (2) shall be professionals with expertise in architecture, planning, urban design, engineering, real estate, or construction~~citizen members, at least one of whom has expertise in 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.

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

This document provides proposed revisions to the 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. The Powers and Duties sections should reflect the following principles that are not currently reflected in the revised draft:

1. **The Commission should conduct a periodic survey of potentially significant properties in the city.** The Commission should endeavor to improve the city's understanding of existing historic resources and also to improve public access to such information. This will allow property owners and developers to better understand the landscape of existing historic resources in long-term planning processes. Identifying a resource in the survey does not necessarily mean the resource should be designated as a landmark; that should remain a separate determination.
2. **The Commission should consider the Purpose and Intent of the ordinance in applying the specific provisions of the ordinance.** This will assure that the Commission maintains focus on the broader purposes of the ordinance when making determinations on particular substantive and technical issues.
3. **The Commission should only have the power to require a Certificate of Appropriateness where required by the ordinance.** For example, not every sign within a historic district or affixed to a landmark should require a Certificate of Appropriateness. Further, historic preservation plans adopted by the Commission should be consistent with the ordinance and not go beyond those requirements.
4. **The standard for granting a Certificate of Appropriateness should be defined in a separate section later in the ordinance.**
5. **The Preservation Planner appropriately has powers and duties defined in the ordinance not dependent upon a delegation of authority from the Commission.**

The following revisions to the draft Powers and Duties sections reflect these principles:

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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.

(ed) 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.

(de) 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.

(ef) 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.

(fg) 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.

(gh) 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.~~

(hi) 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.

(ij) 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.

(jk) 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.

(kl) 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.

(lm) Adopt policies and procedures to implement the provisions of this ordinance.

(mn) 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.