

**CITY OF MADISON
OFFICE OF THE CITY ATTORNEY
Room 401, CCB
266-4511**

Date: March 4, 2015

MEMORANDUM

TO: Landmarks Ordinance Review Committee
Stuart Levitan, Chairman of the Landmarks Commission
Amy Scanlon, Preservation Planner

FROM: John W. Strange, Assistant City Attorney

RE: Draft Changes to Landmarks Ordinance

At its January 31, 2015 meeting, the Landmarks Ordinance Review Committee (LORC) completed its full review of the Landmarks Ordinance, with the exception of the historic district ordinances, which will be reviewed during Phase 2 of this process. At the conclusion of the meeting, Committee members requested to see all changes suggested by the Committee to date as well as a draft of what the ordinance will look like once it is transitioned to a new Historic Preservation ordinance (Chapter 41). Thus, I have now completed two drafts for your review, both of which are attached to Legistar file #34202. The purpose of this memo is to briefly describe the purpose of each draft.

A. Chapter 33.19 Draft (Legistar # 34202, item #81)

This is the draft ordinance from which the LORC has been working all along. The tracked changes represent the suggested changes made by LORC thus far. As previously noted, LORC has yet to vote to adopt these changes. Accordingly, it is most appropriate for LORC to continue reviewing this document, with track changes, so that it can keep track of what it has suggested in the form on which it suggested them. I would urge LORC to vote to accept, reject, or modify these suggested changes so that we can move forward to working solely from the Chapter 41 draft discussed below.

B. Chapter 41, Historic Preservation Ordinance (Legistar # 34202, item #82)

The LORC has been unanimous in suggesting that the Landmarks Ordinance be transitioned to its own chapter of the Madison General Ordinances. It will become Chapter 41, entitled Historic Preservation. At the last meeting, committee members indicated a desire to see what the ordinance will look like in its new form. The transition process will require a substitute ordinance creating Chapter 41 and amending those sections of Section 33.19 that have to remain in that section (the creation of the Landmarks Commission itself). Thus, attached is a Draft Substitute Ordinance for your review. To make this new draft substitute readable, I accepted all changes suggested by LORC thus far. Accordingly, this is a clean draft so that LORC and the public can see what the ordinance will look like once the substance of the ordinance is complete.

As the LORC votes to accept, reject, or modify its suggested changes thus far (as discussed above), I will modify this Draft Substitute Chapter 41 accordingly.

A few key things to note regarding the Chapter 41 Draft Substitute:

1. If adopted by the Common Council, a Table of Contents will precede the ordinance in the ordinance books. I suggest that prior to reading the Draft Substitute, you scroll to the very bottom of the document, where you will find the Table of Contents.
2. As noted above, two sections of Section 33.19 must remain in Section 33.19 because Chapter 33 is the ordinance where boards, commissions, and committees are created. Thus, the creation of the Landmarks Commission and its powers and duties will remain in that section. This amendment to Section 33.19 can also be found by scrolling to the bottom of the document, just preceding the Table of Contents. I have edited Chapter 33.19 and Chapter 41 to talk to each other.
3. As you can imagine, there are hundreds of internal references in this ordinance. I will not touch these until the substance and form of the document is finalized. So, please bear with the fact that some of the internal references will make no sense. Keep the Table of Contents handy and you should be fine.
4. I made some editorial and organizational changes to Chapter 41 to respond to comments received throughout the process to make the ordinance more accessible and reader friendly.