

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

Date: June 2, 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: Summary of June 2, 2015 Draft Changes.

At its last meeting, the Landmarks Ordinance Review Committee (LORC) requested that the appeal language and special merit exception concept discussed during the meeting be included in a new draft of the ordinance. It also instructed the City Attorney's office to continue working on a list of new definitions for inclusion in the new ordinance. This memorandum summarizes drafted changes made since the last meeting.

1. In consultation with the Preservation Planner, as requested by LORC, or after consulting other model preservation ordinances (primarily, New York), this draft includes additional definitions for:
  - a) Alteration
  - b) Character (of a building and a historic district)
  - c) Historic Resource
  - d) Lot
  - e) Master
  - f) Necessary for the Public Interest
  - g) Period of Significance
  - h) Special Merit
  - i) Visually Compatible
  
2. LORC (and others) have also struggled with the definition of Visually Related Area (VRA). Additionally, LORC has requested that I find a solution to the redundant and confusing references to "visually related" and "visually related area" at various places in the ordinance. This draft eliminates the definition of VRA and reference to visually related altogether. Instead, it incorporates the 200 foot concept into each place where it is required. To understand how this works, reference draft changes to Sec. 41.11(1). Note how the introduction incorporates the VRA concept into the standards that the Commission should consider for each historic district without mentioning visually related area or visually related. Now, go to Secs. 41.22 (Mansion Hill) and 41.23 (Third Lake Ridge) to see how this concept is incorporated directly into these historic district ordinances. In Mansion Hill, reference 41.22(4), and in Third Lake Ridge, reference Secs. 41.23(3)-(8).

If LORC likes this strategy for dealing with VRA, I will apply it to Sec. 41.23 (University Heights), 41.25 (Marquette Bungalows), and 41.26 (First Settlement). If not, I will restore the previous language and continue considering alternative

definitions for VRA.

3. Based on the request of LORC members at the last meeting, I redrafted the appeal language and include the special merit exception concept to the ordinance.
4. I also made other requested changes that have accrued over the last several meetings, including:
  - a) Reworking the language of 41.01, Purpose and Intent, to even further clarify that preservation of landmarks and historic structures is in the public interest.
  - b) Adding "...abide by the regulation to which the project is subject,..." and deleting "preserve such landmark" in Sec. 41.08(3)(a).
  - c) Added an appeal process for a finding of Demolition by Neglect.
  - d) Added a list of documents that need to be produced to support a request for rescission of a landmark.
  - e) Added a provision in the COA standards related to considering whether a landmark designation has been rescinded prior to a request for demolition.
5. Finally, I have continued to review alternative organizational strategies suggested by LORC and the public to make the ordinance as clear as possible. In this draft, I've worked through Subchapter C, Landmarks, to make the process for requesting and obtaining designations and rescission of landmarks more clear and concise. I will continue forward from here. I have also started drafting a memorandum detailing all changes the Landmarks Commission and LORC have made to the ordinance during this process. This memo will serve as the drafter's analysis for the final ordinance draft sent to Council.