

DATE: January 23, 2020

TO: Landmarks Ordinance Review Committee (LORC)

FROM: James Matson,
Madison Alliance for Historic Preservation

SUBJECT: **Historic Preservation Ordinance**

Last week, the Madison Alliance for Historic Preservation (“Alliance”) offered LORC a common sense way to update and improve Madison’s current historic district ordinances. That approach would provide overall consistency and a basic level of protection in all districts, while allowing for needed flexibility within and between districts. It would:

- Clearly define key terms, and ensure consistent use of terms in all district ordinances.
- Provide clear, concise, and useful Preservation Principles for *all* historic districts, both current and future. These Preservation Principles will guide the development of standards applicable to property owners in individual historic districts, and improve the consistency of standards between districts. They will not apply directly to district property owners, except as implemented by district-specific standards.
- Implement the Preservation Principles by means of district-specific standards that are appropriate to the context of each historic district.
 - Preservation principles can be readily translated into standards for individual historic districts, and adapted to the context of individual districts as appropriate.
 - Each district ordinance will provide a convenient, “one stop” source for district property owners who want to know all the standards that apply to them.
 - There will be no confusing overlaps or conflicts between general and district-specific standards. Confusing exceptions, add-ons, cross-references, and interpretive dilemmas will be avoided.
 - Standards will be clearer, more practical, and more easily understood by district property owners, because they will reflect the unique context of each district. Standards may be supplemented by guidelines (suggestions, examples and best practice tips) that help district property owners to understand and comply with district standards.
- Use *district advisory committees*, appointed by district alders, to ensure well-informed, balanced, and well-focused district input into the development of district standards.
- Retain current district-specific standards for now, but redraft them for clarity, consistent use of defined terms, and consistency of format. These non-substantive edits could be done right away, pending substantive updates later (we will offer draft edits).

We would like to be clear about our proposed use of *district advisory committees*. When I was in state government, we often used advisory committees to help develop regulatory standards related to especially complex and controversial topics. The advisory committees were not the final decisionmakers; they served only in an advisory capacity. But without exception they provided important ideas and input that resulted in better, clearer, and more practical regulatory standards. They reduced misunderstanding, encouraged civil dialogue, and helped achieve greater consensus and community buy-in. We think the same idea can work here.

Our proposal would *authorize* (not require) an alder, after consulting with the City Preservation Planner, to appoint a *district advisory committee* for a historic district that the alder represents.

- The purpose of the district advisory committee would be to review and recommend historic district ordinance standards, based on the Preservation Principles that apply to all districts. The committee would also consider existing district ordinance standards, if any.
- The alder would determine the size and membership of the district advisory committee, and appoint a non-voting committee chair. The alder could serve as committee chair or as a non-voting member of the committee, but would not be required to do so.
- A district advisory committee would include knowledgeable district residents; owners of historic resources and other properties in the district; experienced rehabilitation contractors; experienced historic district infill developers; architects; and neighborhood association leaders.
- The City Preservation Planner could assist a district advisory committee, suggest key discussion topics, and offer draft ordinance language for consideration by the committee.
- District advisory committee meetings would be conducted as open meetings. Members of the public could attend, but could not participate in the meetings unless invited to do so. The committee could seek public input in a variety of ways.
- District advisory committee recommendations are *advisory only*, not mandatory. They do not in any way change or limit the powers or prerogatives of the Landmarks Commission, City Plan Commission or Common Council.

In the coming weeks, we will be offering an ordinance draft to implement our proposed approach. We understand that you, not we, are responsible for policy decisions and ordinance drafting. But we have prepared draft language in order to be as clear as possible about what we are proposing. We also think we have some drafting and organizational ideas that may be helpful to you and city staff. Last week, we provided you with proposed *definitions* that will work in tandem with our proposed ordinance text to ensure greater clarity, consistency and ease of reference for all ordinance users.

At the last LORC meeting, on January 14, we offered a preliminary outline of our proposed approach. We have since made a few alterations, based on the feedback we heard from some LORC members:

- We now use the term “Preservation Principles” rather than “Guiding Principles,” to distinguish them from practice guidelines that are used to explain and interpret district ordinance standards.
- We have consolidated our previously proposed district ordinance “Checklist” into our current proposed “Preservation Principles,” eliminating the need for a separate Appendix (which LORC members found confusing). The “Preservation Principles” cover the same material, but with greater detail and clarity.
- We have refined Subchapter D of our proposed ordinance draft, to articulate our proposal with greater clarity. A revised Table of Contents is attached.

Thank you for your consideration.

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