

AGENDA # 3

City of Madison, Wisconsin

REPORT OF: LANDMARKS COMMISSION
TITLE: Review of Draft Historic Preservation Ordinance

PRESENTED: 10/4/21
REFERRED:
REREFERRED:
REPORTED BACK:

AUTHOR: Heather Bailey, Preservation Planner
DATED: 10/6/21

ADOPTED: **POF:**
ID NUMBER: 67569

Members present were: Anna Andrzejewski, Richard Arnesen, Katie Kaliszewski, Arvina Martin, David McLean, and Maurice Taylor.

SUMMARY:

Bailey said that the Landmarks Ordinance Review Committee (LORC) is getting to a point where they will begin scheduling public meetings and gathering feedback from the public on the draft ordinance, and they have requested that the Landmarks Commission review and comment on the document.

Andrzejewski explained that the ordinance is being rewritten because preservation changes over time, and change is not a bad thing. She said the revised ordinance will be more user-friendly, provide flexibility to accommodate the spectrum of projects they review, and most importantly be legible to the public and provide them with useful guidance. She said that the commission welcomes public feedback on the draft ordinance by either attending meetings or sending in written comment well ahead of the meeting dates in order to provide time for commissioners to read, process, and reflect thoughtfully on the comments. She told commission members to lean in to their specific roles on the commission as they provide feedback on the draft document.

McLean said that he liked the glossary of terms.

Martin echoed Andrzejewski’s comments about soliciting feedback and the time needed to process that feedback. She explained that the members of the LORC who are writing the ordinance do not have the same professional background in historic preservation as those on the Landmarks Commission, and it is a challenge to quickly read and process any public comment. She said that the ordinance is dense, uses jargon, and requires significant time to properly examine. She encouraged the public to send their thoughts while being understanding of the time it may take to review them. She emphasized the significance of the ordinance review process, saying that it is really important to the committee members on the LORC, who hope to put forth a document that is usable and helpful to the public.

Arnesen said that generally, it is a great, concise document. He said that he liked the glossary and design guidelines and looked forward to adding illustrations. He said that they are heading in the right direction. He said that he would like to see a discussion of financial feasibility in the Standards for Repair – Windows and Doors section because it is something the commission has considered. He added that it is important to have people continue to invest in homes in historic districts.

Kaliszewski said the ordinance looks great. She applauded Bailey for all the excellent work she has done with rewriting the ordinance and pulling this draft together. She said that she is a big proponent of consolidating ordinances into something similar that is easy for the Landmarks Commission and the public to understand.

She said that some who disagree with this approach think that we should have different ordinances for each historic district in order for each ordinance to specifically tackle the character-defining features of each historic district. However, she said that the current district-specific ordinances do not do that. She said that they are simply different preservation policy over time; as one looks at our different historic district ordinances, one can see how preservation changed over time, but they do not necessarily preserve the character-defining features of the historic districts. She said that the draft ordinance does a nice job of bringing everything together and creating something standardized while also providing separate guidelines that will help the public interpret the ordinance language.

Andrzejewski asked Bailey to speak about whether separating the guidelines from the ordinance is a common practice. Bailey confirmed that it is standard. Andrzejewski asked Bailey to speak about the guidance of the City Attorney's Office related to the guidelines. Bailey said that the City Attorney's Office had recommended taking the guidelines out of the ordinance and putting them in a separate document in order to avoid legally fraught territory where using guidelines as standards. She said that whether to have district-specific guidelines is a point open to discussion. She said that the Alliance's draft ordinance provides language for district-specific guidelines, which is the biggest difference between their ordinance draft and the LORC's draft.

Andrzejewski said that she was struck by Kaliszewski's comments that the current ordinances captured preservation at moments in time more than the character of the historic districts, which she found extremely useful to think about in that framework.

McLean said that he liked the organization laid out from maintenance to new structures, along with the subsections that are followed in each area, which all makes it easier to find what one is looking for. He said that he liked the design guidelines, and illustrations will be helpful. He said that he could see the guidelines going beyond ordinance-related information to being really rich in historical information, pointing to Milwaukee's guidelines as an example. Andrzejewski agreed that legibility is important for the public. McLean said that it could also be entertaining legibility, not just muddling through an overwhelming ordinance.

Bailey said that the LORC had discussed treating the design guidelines in the same way the Landmarks Commission treats their policy manual. Every two years, the commission would review the guidelines to see if they are working and make tweaks. She said that if the commission ends up wanting to change the ordinance in the future, they would go through the text amendment process. Andrzejewski said that speaks to her point about change, and these documents are not set in stone because the reality of planning is that things need to be updated over time.

Martin said that as a member of the LORC, she was appreciative to hear they are on the right track. She encouraged commission members to attend the LORC meetings and provide their technical expertise. She said that it is important to the LORC to start off this big change in the best way possible, by making the ordinance accurate in terms of technical details as well as being easy to use and understand.

ACTION:

No action was taken.