

**Statement of James Matson,
Madison Alliance for Historic Preservation**

**To the Landmarks Ordinance Review Committee,
March 15, 2019**

I am James Matson, representing the Madison Alliance for Historic Preservation. This past week, the Alliance provided you with a discussion draft illustrating a possible approach to historic district ordinances. That draft spells out basic minimum standards for all historic districts. It also retains current *district-specific* standards pending further review. It provides definitions to ensure clear and consistent use of terms. And it combines general and district-specific standards in a concise and streamlined way. The resulting package is far shorter than the consultant's lengthy and confusing "one-size-fits-all" proposal.

This draft does not involve any radical ordinance changes or blind leaps of faith. Its concise general standards are based on current ordinance criteria and well-established preservation principles. The *district-specific* standards are the same ones that district property owners have followed and relied upon for decades. We have retained these current standards pending further review, but have edited them for clarity, readability, consistent use of terms, and compliance with current state law. We have offered specific ordinance language, not just vague concepts.

This draft is intended as a tool, not a final draft ordinance. We think it will help you see what already exists, what is missing, and what improvements may be needed. We think it provides a useful model, and a useful standard of reference to which other approaches can be compared. But there is certainly room for improvement. For example:

- The general standards that we have included are, from our perspective, the basic minimum. Other general standards can, and probably should, be added. We may offer some thoughts on that as we move forward.
- If you read the current district-specific standards, you will see some common headings such as roof shapes, roof materials, siding, windows and doors, porches and street facades. Some common provisions under these headings could be distilled into general standards, applicable to all districts. We support this approach, *where it makes sense*. But, in the name of citywide uniformity, we should not "throw out the baby with the bath water." We should pause before tossing out clear neighborhood standards in favor of vague citywide standards that are subject to conflicting interpretation. We must also remember that, under the same general heading such as "roof materials," district-specific ordinances often have very *different* standards that reflect the unique historic character of each district: roof materials that are specifically allowed in some districts are specifically prohibited in others, presumably for good reason.

- The oldest historic districts (Mansion Hill and Third Lake Ridge) have very weak district-specific standards, while the newer districts (University Heights, Marquette Bungalows, and First Settlement) have very detailed standards. We think that Mansion Hill and Third Lake Ridge need clearer, stronger standards. Standards for other districts should also be reviewed and updated as necessary. But we should take the time to do the job right, and we should make sure that proposed changes provide *at least* an equivalent level of protection. We may have some suggestions regarding district-specific ordinance standards as we move forward.
- Design and rehabilitation guidelines can help to interpret ordinance standards, but they are not themselves enforceable standards. Our draft cites, as examples, some guideline documents that can be used *where relevant* to help interpret ordinance standards. Some guidelines, such as those published by the Secretary of Interior, are designed mainly for landmarks and historic properties that qualify for federal tax credits, and may be less relevant to non-historic properties that are ineligible for those credits. Other guideline documents, such as the Build II design manual for Williamson St., apply only to certain parts of a historic district and may have goals beyond historic preservation. We believe that some key guidelines can be converted into enforceable historic preservation standards; but that must be done with care. We should *not* automatically transform pages and pages of highly detailed federal “guidelines” into mandatory, one-size-fits-all ordinance “standards” that are applied to all residential, commercial and institutional properties in all historic districts. That simply will not work.

A workable approach to historic districts will require an intelligent mix of general and district-specific standards. We do not claim that our draft represents the perfect mix. But we believe that it does provide a clear, concise, coherent, transparent, legally sound, and solid structure on which all of us can build with confidence.