



# City of Madison

City of Madison  
Madison, WI 53703  
www.cityofmadison.com

## Meeting Minutes - Approved AD HOC LANDMARKS ORDINANCE REVIEW COMMITTEE

---

Tuesday, January 14, 2020

5:30 PM

215 Martin Luther King Jr. Blvd.  
Room 153 (Madison Municipal Building)

---

### CALL TO ORDER / ROLL CALL

**Present:** 4 - Patrick W. Heck; Arvina Martin; Keith Furman and Marsha A. Rummel

**Excused:** 1 - Christian A. Albouras

Staff present: Heather Bailey and Bill Fruhling, Planning Division; Amy Scanlon, Engineering Division; John Strange, City Attorney's Office

The meeting was called to order at 5:35 pm

### APPROVAL OF MINUTES

**A motion was made by Rummel, seconded by Heck, to Approve the December 10 and December 17, 2019 Minutes. The motion passed by voice vote/other.**

### SUSPENSION OF RULES

**By unanimous consent, the committee voted to suspend the rules.**

### PUBLIC COMMENT

*Anna Andrzejewski, registering neither in support nor in opposition and wishing to speak*

*Jim Murphy, registering neither in support nor in opposition and wishing to speak*

Andrzejewski introduced herself as the Chair of the Landmarks Commission, but was not representing the Commission with her comments tonight. She thanked committee members for their work, and said that it was important to have a functioning landmarks ordinance that is up-to-date and reflects best historic preservation practice. She said that she wanted to speak about consistency and clarity in relation to the ordinance. She explained that as a new commission member, she struggled with the five different historic district standards, and her initial feeling was that it would be easier if they were consistent. She said that over time, she has seen that consistency is impossible because the historic districts are very different and it would be challenging to have one ordinance that speaks for all historic districts; however, at the same time, the closer they can move toward consistency, clarity, and defining things, it would help the Landmarks Commission do a better job. Rummel said that the draft ordinance seems long, and asked Andrzejewski for her opinion as someone who will be implementing the ordinance. Andrzejewski said that while it may take longer and require commissioners to do their homework, she would rather have an ordinance that was clear and spelled out in detail.

Murphy, representing the Marquette Bungalows Neighborhood Group, said that they support having district-specific standards and developing the ordinances with the neighbors on alder-appointed committees as was done previously.

## DISCLOSURES AND RECUSALS

None

1. [57170](#) Discussion of Madison Alliance for Historic Preservation's "Proposed Historic Preservation Ordinance"

*David Mollenhoff, registering neither in support nor in opposition and wishing to speak*  
*James Matson, registering neither in support nor in opposition and wishing to speak*  
*Kurt Stege, registering in support and wishing to speak*  
*John Martens, registering in support and wishing to speak*

Mollenhoff said that the Alliance and the LORC have a common goal of developing a best-practice ordinance that embodies an effective system for preserving the historic character of Madison's historic districts, and the Alliance provided recommendations to do so. He explained their first recommendation to adopt guiding principles for all historic districts, not uniform standards. Matson said the Alliance proposes including the guiding principles in the ordinance, and they would be used to develop more district-specific standards to provide the specificity and clarity that is important to property owners and the Landmarks Commission. Mollenhoff discussed the second recommendation to use district-specific standards rather than uniform general standards because the historic districts differ. He discussed the complexity of Third Lake Ridge and the BUILD II report, which he said was a good product because it was developed with a group of neighbors. He explained that as one considers the spectrum of change in a historic district, from new construction to additions, alterations, and repairs, the need for district-specific standards declines as one moves toward repairs and maintenance, so there could potentially be generic standards for maintenance. Matson said that while the ordinance revisions were underway, the existing district-specific standards should be left in place and edited for clarity. Mollenhoff said their third recommendation was to use district stakeholder committees to propose district-specific standards because the process used to develop the standards matters, and creating stakeholder committees would generate buy-in from the neighborhood. Matson said that all of the standards a property owner needs to know would be in the district-specific ordinance, which would be more practical and clear to have it available in one place. He said they also like the concept of general guiding principles for all the districts to encourage consistency. Mollenhoff discussed their last recommendation to reorganize and update Chapter 41. Matson referenced Attachment #4, a proposed table of contents to incorporate the Alliance's recommendations. He said that most changes proposed would be in Subchapter D, as well as the definitions section and adding the historic district checklist in Appendix A. He said that they made other organizational changes to make the ordinance clearer, including the addition of a section on property owner responsibilities in Subchapter E and consolidating enforcement provisions in Subchapter H. He explained that they also propose that Subchapter I, the current historic district ordinances, be reorganized and edited so they are more consistent in formatting and language. He mentioned that they also included a list of definitions in Attachment #5, and that the Alliance is almost finished with their draft ordinance that implements these recommendations. Furman thanked

the Alliance for their work.

Stege, representing the Madison Trust for Historic Preservation, said that he is also a member of the Alliance. He said that the Trust supports the activities of the Alliance and its intent to make the ordinance as easy to understand as possible. He said that the Trust is comfortable with the need for district-specific standards, and the concept of alder-organized groups to develop the ordinance in each historic district offers opportunities for buy-in and good results.

Martens provided a handout, "Summary of Design Parameters in Existing Subchapter 41G," and explained that as he worked with the ordinance, he made this reference sheet to keep track of the differences in each historic district. He said that it would be useful to develop consistent categories for each historic district that are organized and defined in the same way. He explained that the chart is organized chronologically by the year each historic district was instituted, from 1976 to 2002. He said that there are more regulations as you move through time, and that inconsistency is another reason to revise the ordinances. He said that when he started working with the code, he also struggled with the five different ordinances, but over time came to understand the subtle, clear differences between the historic districts. In terms of having a general ordinance versus individual requirements, he said that trying to apply the same rules to each district does not reflect the wisdom of how our codes have evolved and been used in the past.

Rummel thanked Matson for his involvement in LORC 1 and for staying involved in the process. She referred to the guiding principles, and said that the language wasn't clear to her because Attachment #1 discusses "District Standards: Key Considerations," which says to "Consider the following factors," which are the "principles." Matson said they plan to include the guiding principles in the ordinance, which are intended to be general guidance as to what should be addressed in the ordinance standards. Rummel said that the Alliance's idea of having stakeholder committees be an alder-driven process may need more thought, as she has three historic districts within her aldermanic district, which would be a lot to take on. Heck said that he was also confused about Attachment #1 and how that fits into the table of contents. He asked for clarification on whether the checklist was independent of this, and was the Alliance's recommendation on how to develop 41.10. Matson said that they would add the checklist to the list of items included in 41.10, on pg. 2 of Attachment #4. He explained that the checklist would reflect the guiding principles in a quick summary form. Heck asked about the remainder of Attachment #1 that includes examples of guidelines. Matson said the guidelines are suggestions about what the standards should address. Heck asked if they envisioned those guidelines being included in 41.10, and Matson said they did. Matson said the standards would be developed using the guiding principles on a district-specific basis, and those standards would go in Subchapter I. He said that the standards could be supplemented by guidelines.

**Martin left at 6:48 pm.**

Furman said that he doesn't think the draft ordinance document the committee has been reviewing, which includes requirements and guidelines, is all that different from what the Alliance is proposing. He pointed out that the committee hasn't discussed the district-specific standards yet, but they aren't that far off from one another and can continue to discuss how the ordinance is organized. Matson agreed, and said that

there is a question of process in terms of how they ultimately get to the district-specific standards.

Martens asked how the ordinance would be approved. Strange said that typically, the LORC would produce a draft ordinance, the Landmarks Commission would review it and make any changes, and it would then go to the Common Council, so there would be a variety of opportunities for public input in that process. He said that if a separate process were to happen, such as formal neighborhood group reviews, that would have to be built into the existing process. Furman said that the committee will need to discuss community buy-in and getting feedback at a future meeting. Mollenhoff said that it is really important to have a local review based on the actual standards that will apply to that district. Furman agreed, and said that the struggle is that where they currently are in the process is still very abstract, so it would be difficult to invite public input when they haven't dug in to a lot of specifics yet. Rummel referenced Martens' design chart, along with an earlier version of it, and said that it was brilliant because it was concise. She said that she was concerned the ordinance will be too long, and suggested they include a similar chart to help make it easier to understand. Bailey agreed that a chart was a great way to proceed, and said that staff had created something similar.

Furman asked the Alliance members if there were any topics they thought the committee should discuss or make a decision about at the next meeting. Mollenhoff said that the two main things the Alliance discussed tonight that represent significant policy differences from what the committee has been doing are the stakeholder committee process and the district-specific standards. Mollenhoff said they have additional documents and charts that could help with the committee's discussion on district-specific standards. Furman said they could discuss community engagement at the next meeting. He said that he isn't convinced they are moving in different directions on the district-specific standards, they just might be working toward it in different ways.

There was a brief discussion of additional materials the Alliance could provide, as well as the terminology used in their current materials. Matson said that the "guiding principles" would guide the creation of district-specific ordinances, and "guidelines" would appear within a district-specific ordinance to clarify the standards. Mollenhoff suggested that perhaps they should change their terminology. Rummel agreed that it was confusing, and suggested that the "guiding principles" be called "principles" or "preservation principles." Furman said that the chart in Attachment #3 where they compare the July 30 staff proposal to the BUILD II standards is not entirely fair based on where the committee is in the process, and what was proposed on July 30 is not the final document. He pointed out that there is still a lot of work to be done on the district-specific standards as well.

2. [56918](#) Draft Historic Preservation Ordinance

No action was taken.

3. [54448](#) Discussion of Next Steps and Schedule

Furman asked committee members what they would like to discuss at the next meeting, or if they should plan on working through the "parking lot." Bailey referenced the handout regarding definitions, and said that the language has been pulled from multiple sources, and they plan to add staff recommendations for the proposed

language as well. Fruhling said that the document contains all the terms the committee had previously requested be defined, as well as definitions from the current ordinance, zoning code, and the Alliance's document. Furman asked if they should resolve more topics in the "parking lot" before jumping into the definitions, and there was agreement that was reasonable.

#### **ADJOURNMENT**

**A motion was made by Rummel, seconded by Heck, to Adjourn at 7:11 pm. The motion passed by voice vote/other.**