



# City of Madison

City of Madison  
Madison, WI 53703  
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## Meeting Minutes - Approved AD HOC LANDMARKS ORDINANCE REVIEW COMMITTEE

*Consider: Who benefits? Who is burdened?  
Who does not have a voice at the table?  
How can policymakers mitigate unintended consequences?*

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Wednesday, January 20, 2021

5:30 PM

Virtual Meeting

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Some or all members of the Landmarks Ordinance Review Committee and members of the public participated in the meeting remotely by teleconference or videoconference.

### CALL TO ORDER / ROLL CALL

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

**Excused:** 1 - Michael J. Tierney

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

The meeting was called to order at 5:30 pm

### APPROVAL OF MINUTES

A motion was made by Martin, seconded by Rummel, to Approve the January 12, 2021 Minutes. The motion passed by voice vote/other.

### DISCLOSURES AND RECUSALS

None

### PUBLIC COMMENT

1. [59517](#) Public Comment - Ad Hoc Landmarks Ordinance Review Committee  
*Kurt Stege, registering neither in support nor in opposition and available to answer questions*

2. [56918](#) Draft Historic Preservation Ordinance  
*Anna Andrzejewski, registering neither in support nor in opposition and available to answer questions*

Furman said that his goal was to figure out a path forward by having a discussion about the new construction section and moving closer to a consensus on all of the other sections. He and Rummel had spoken previously about the illustrated design guidelines and agreed they could begin accumulating information for the guidelines prior to finishing the ordinance. Heck asked what the intended audience was for the illustrated design guidelines, and Bailey said that they are for everyone who uses the

ordinance. She said that it will be helpful for staff when talking to property owners and discussing projects with the Landmarks Commission. Heck pointed out that the challenge is making sure the ordinance can stand on its own, even if the guidelines may be more accessible to some. Rummel said that she wasn't considering the illustrated design guidelines a separate piece because she didn't want people to have to go elsewhere to find the information and pointed out the tables in the zoning code. Furman said that he didn't think they would put the guidelines in the ordinance, but they would be a valuable resource available to people. Martin said that the illustrated design guidelines are important for accessibility and agreed that they should work on them now rather than after the ordinance is completed. Strange pointed out that the charts in the zoning code are part of the law, not guidelines or descriptors, whereas the illustrated design guidelines in the historic preservation ordinance are only guidelines, not laws. He said that if there end up only being a few illustrations, it might be okay to put them inside the ordinance, but if there are a lot, they may need to be attached as an appendix. Heck asked if the original intention was to hire a consultant to create the illustrated design guidelines. Bailey confirmed that because they are not part of Planning staff's work plan, it would be challenging to do them in-house. She said that it's a relatively small project to make visual the text of the ordinance, but they need to have the text finalized first. She said that her recommendation would still be to hire a consultant to create the final product for the illustrated design guidelines. Heck asked if they should keep an eye out and mark places they recommend an illustration be created as they work through the ordinance, and Martin agreed that was a good idea.

Furman said that he would like the committee to decide on the direction for all sections except new construction. Rummel said that it is difficult to compare staff's draft with the Alliance's draft because they are completely different approaches and suggested they consider the benefits of each. Heck said that he has a hard time wrapping his head around the Alliance's preservation principles and what flows from there, partially because the draft is so massive with many different sections. He agreed that the two approaches are substantially different and difficult to compare, so it is more of a discussion about the philosophies of each approach rather than a side-by-side comparison. He pointed out that staff's draft gives specific details right at the beginning, whereas the Alliance's draft starts with general principles, which are addressed again with more detail in each historic district section. Martin said that staff's version is easier for a layperson to navigate and find what they are looking for. She said that the Alliance's preservation principles provide a more overarching view, which can be helpful, but when it comes down to finding the information one needs, staff's version is more accessible to those unfamiliar with these terms and philosophies. Furman agreed and said that the Alliance's draft seems like a research paper, whereas staff's seems like an instruction manual that is easier to jump into and find what one is looking for. Heck said the Alliance has a lot of information up front, including how to generate district-specific standards, that most users would skip over to get to the district-specific sections, which makes it unwieldy and complicated.

Heck said that the committee has discussed the option of keeping what is in the current ordinance for the district-specific new construction sections and asked about the process to clean up or bolster those sections when they are so different from the draft ordinances. Strange said that if the committee decides to keep the district-specific ordinances for new construction, they could update those ordinances as part of the overall amendment process. Heck spoke about the different approaches to updating the new construction section and said that he wanted to make sure that

any decisions the committee makes now won't prevent them from making changes to the new construction section in the future. He asked the group to envision how a hybrid approach could work. Bailey said there are multiple ways to interpret "hybrid," and went over the various options to hybridize the new construction section.

Bailey referred to Heck's earlier comments on language for creating new historic districts. She said that the current language requires the nominator to develop their own historic district ordinance, which is a lot of work and a large hurdle for people. She said that this ends up being limiting for our historic districts and creates some equity issues. Not all neighborhoods have the time and resources to create standards. She said that she was hoping to shift to the City providing standard ordinance language and the nominator making the case for significance, period of significance, boundaries, etc. This would create a known quantity with a neighborhood knowing what to expect from the historic property protections. She said that this way, people can work with standards that already exist as opposed to having to create everything each time. Rummel said this resonated with her because there is so much pressure to tear buildings down; if nominators didn't have to go through a long process to write an ordinance, it would be easier to create those protections, which appeals to her.

Furman asked for thoughts on moving forward. Rummel said that part of her thinks the draft ordinance might be too oppressive with this much regulation, and another part wonders if they're missing any unique aspects of the historic districts that aren't included. She said she considers this a detailed ordinance, and asked if that is considered best practice right now. Bailey said that staff was trying to provide a level of detail that addresses the types of projects they see at the Landmarks Commission, which was also in response to feedback at the neighborhood meetings where people asked for specific information about what they could do to their properties. She said that staff tried to weigh providing that level of detail while not being so prescriptive that the ordinance was too hard to understand and use. She said that she's not sure they've struck that balance, but they've tried hard to get there, and at this point, she needs feedback on what areas might be too detailed or where they might need more detail.

Heck referenced Martin's earlier comment that staff's draft was easier to follow and asked if she thought that was true about the new construction section as well. He said that he probably agreed staff's draft was easier to follow. She said she thought staff's draft was a lot easier to reference and find the answers one is looking for because of how it is formatted and broken down into sections. Heck asked if the committee should decide whether they are going to have district-specific standards for new construction now or if they should leave their options open and make the decision later. Furman said he thought they could come to a decision with the goal of doing no harm and emphasized the importance of bringing more of the public into the discussion to get feedback. Rummel said that all of the sections aside from new construction relate to the existing building and what fits the architecture, lot, etc., but new construction gets at the bigger cultural question of how to preserve the historic district given that some new buildings will be next to old buildings. She said that those bigger questions are more difficult. She referenced staff's comments that the other sections related to existing buildings are the bulk of the Landmarks Commission's work, so they are important. She said they might not be quite right yet, but they have a start that she supports moving forward to get feedback. Strange said that if the committee ends up with unified standards for everything but new construction, they can create a transition

rule that explains the new ordinance applies to those areas and the district-specific ordinances will continue to apply for new construction purposes, which will allow for a multi-step process while moving forward what the committee has ready.

3. [54448](#)

Discussion of Next Steps and Schedule

*Frederic Mohs, registering neither in support nor in opposition and available to answer questions*

Andrzejewski referenced Martin's suggestion at the last meeting to hold a working session with the Landmarks Commission and said that it might be a good time to do that now. Martin said the committee has been working on the draft for so long, and they need to hear other people's thoughts on it. Furman asked if they should deal with everything aside from new construction or if that should be included too. Martin said that they should hold off on new construction because they are in disparate parts of the process for each. Heck agreed that they should focus on the sections aside from new construction but thought there might be a way to get input on new construction too. He said they'll have to think carefully about how to structure the public engagement meetings with solid goals of what feedback they're hoping to get. Rummel said that she wants to make sure they don't delay the new construction section too long because it is part of their mission to protect historic resources. She asked if they should work through case studies at the joint meeting with the Landmarks Commission, and Bailey agreed that would be helpful. Furman said that at a future meeting, they need to discuss their public engagement strategy for the existing structures sections.

**ADJOURNMENT**

**A motion was made by Heck, seconded by Rummel, to Adjourn at 7:15 pm. The motion passed by voice vote/other.**