



## Legislation Details (With Text)

**File #:** 53620      **Version:** 1      **Name:** Forest Hill Cemetery  
**Type:** Ordinance      **Status:** Passed  
**File created:** 10/23/2018      **In control:** Attorney's Office/Approval Group  
**On agenda:** 6/11/2019      **Final action:** 6/11/2019  
**Enactment date:** 6/22/2019      **Enactment #:** ORD-19-00043  
**Title:** Amending Section 41.09 of the Madison General Ordinances to clarify when a certificate of appropriateness is required under Sec. 41.09 of the Historic Preservation Ordinance at Forest Hill Cemetery.  
**Sponsors:** Marsha A. Rummel

### Indexes:

### Code sections:

**Attachments:** 1. 53620 LC Report 5-20-19

Date	Ver.	Action By	Action	Result
6/11/2019	1	COMMON COUNCIL	Adopt	Pass
5/20/2019	1	LANDMARKS COMMISSION	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
11/7/2018	1	BOARD OF PARK COMMISSIONERS	Return to Lead with the Recommendation for Approval	Pass
10/30/2018	1	LANDMARKS COMMISSION	Referred	
10/30/2018	1	COMMON COUNCIL	Refer	Pass
10/23/2018	1	Attorney's Office/Approval Group	Referred for Introduction	

### Fiscal Note

No City appropriation required.

### Title

Amending Section 41.09 of the Madison General Ordinances to clarify when a certificate of appropriateness is required under Sec. 41.09 of the Historic Preservation Ordinance at Forest Hill Cemetery.

### Body

DRAFTER'S ANALYSIS: The Common Council designated the entire Forest Hill Cemetery as a Landmark in 1990. The form nominating Forest Hill for Landmark status provides several reasons for the historical significance of the Cemetery, including its landscape architecture and that it serves as the final resting place for several persons of transcendent importance in local, state and national history: historian Frederick Jackson Turner, Cordelia Harvey, Eston Hemings Jefferson, Robert M. LaFollette, Sr., and several other Wisconsin governors, the graves of some of Madison's earliest Jewish citizens, as well as the confederate rest area, a specific section of the cemetery surrounded by a stone outcropping where 140 CSA prisoners of war who died at Camp Randall were buried in 1862. Thus, Forest Hill's historic significance as a landmark site ranges from the uniqueness of its landscape architecture to the effigy mounds that were constructed there over a thousand years ago to the historical significance of the people who have been buried there.

In addition to being a Landmark, Forest Hill Cemetery is also an active cemetery that is operated and maintained by the City Parks Department. This means - among other things - that new gravesites and landscape features are being added often daily. Read literally, Sec. 41.09 would require a certificate of appropriateness from the Landmarks Commission any time the Parks Department interred a body or planted a

tree. Nevertheless, the City has never sought certificates of appropriateness for such actions. Instead, the city traditionally seeks certificates of appropriateness when engaging in larger projects, such as repairs to the mausoleum.

This amendment clarifies what actions require certificates of appropriateness at Forest Hill Cemetery. Under this ordinance, a certificate of appropriateness would not be required to add a new gravesite, memorial or landscape feature to the cemetery. Nor would a certificate of appropriateness be required when altering, demolishing, removing, or relocating any existing structure, object, or landscape feature that is less than fifty years old at the time of its alteration, demolition, removal, or relocation. Fifty (50) years is significant to this exception because it expresses the guidance provided by the Secretary of the Interior's Guidelines for Rehabilitation that fifty years as the amount of time that must pass before a structure, object, or landscape feature gains historic value. Finally, a certificate of appropriateness would not be required to conduct routine day-to-day cemetery operations.

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The Common Council of the City of Madison do hereby ordain as follows:

Section 41.09 entitled "Altering or Demolishing Landmarks" of the Madison General Ordinances is amended to read as follows:

**"41.09 ALTERING OR DEMOLISHING LANDMARKS.**

- (1) When Required. No person may do any of the following without a certificate of appropriateness issued under Subchapter F:
  - (1a) Add a new structure to a landmark or landmark site.
  - (2b) Materially alter a landmark or the exterior of a landmark.
  - (3c) Demolish or relocate a landmark or any part of a landmark.
  - (4d) Install a sign on the exterior of a landmark or on a landmark site.
  - (5e) Divide any lot comprising all or part of a landmark site, or voluntarily grant any easement on that lot if doing so may impair the preservation, maintenance, exterior appearance or historic character of the landmark or landmark site.
- (2) Exception. A certificate of appropriateness is not required at Forest Hill Cemetery to:
  - (a) Add a new gravesite, memorial or landscape feature to the cemetery;
  - (b) Alter, demolish, remove or relocate any existing structure, object, or landscape feature that is less than fifty (50) years old at the time of alteration, demolition, removal, or relocation; or
  - (c) Conduct routine day-to-day operations and maintenance of the cemetery."