

Madison Historic Districts: A Unified Approach

June 2021

Madison Alliance for Historic Preservation

June 28, 2021

The Madison Alliance for Historic Preservation proposes a state-of-the-art update to Madison's historic preservation ordinance, including streamlined standards for historic districts. This proposal builds on the work of the Common Council's Ad Hoc Landmarks Ordinance Review Committee ("LORC").

This proposal:

- Protects the character of Madison's priceless historic districts, while facilitating sensitive development, property improvements and maintenance.
- Spells out core standards for all historic districts but retains some district-specific standards *where needed*.
- Includes core standards for *New Construction, Additions, Alterations* and *Maintenance*.
- Provides clear, concise, common sense standards.
- Is organized to simplify navigation for all users (see Tab 7).
- Provides reasonable certainty and flexibility for property owners and other stakeholders.
- Is more readable and user-friendly.
- Will help LORC achieve community consensus.

This binder explains the proposal and puts key information at your fingertips. Attorney Will Cook, one of the nation's leading historic preservation experts, has called this a "state-of-the-art" approach that is well-designed to be effective and workable (see Tab 8).

This unified proposal takes its overall policy direction from LORC, and includes material developed by LORC staff. LORC may make whatever changes it deems necessary, based on further review and community input. But this proposal offers common ground, and an excellent point of departure.

Sincerely,

Dave Mollenhoff, Chair
Madison Alliance for Historic Preservation

About Us: The Madison Alliance for Historic Preservation played a key role in the successful "Phase I" update to the city's historic preservation ordinance (ch. 41, MGO). We have also spent a great deal of time researching, drafting and building consensus around this "Phase II" proposal. Our volunteer members have broad experience in historic preservation, property development, property management, architecture, law, land use planning, public administration and city government, as well as deep familiarity with Madison's historic neighborhoods and historic preservation processes. We are committed to working with LORC, the city, and community stakeholders to achieve a fair, effective, efficient and workable historic preservation ordinance that will protect Madison's priceless heritage and make us all proud.

Madison Historic Districts: A Unified Approach

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1. OVERVIEW

The enclosed materials describe a clear, unified “state-of-the-art” approach to historic preservation in Madison. This unified approach will preserve the character of our priceless historic districts, while facilitating sensitive development and improvements. This approach includes:

- Core preservation standards for all historic districts, including standards for *new construction, additions, alterations* and *maintenance*.
- A few supplementary, district-specific standards *where needed* to preserve the unique character of individual districts.
- Guidelines to provide interpretive detail.

We've included a *complete ordinance draft*, so you can see how the actual ordinance would look and feel (see Tab 9). This draft offers a helpful framework and starting point for LORC to use, going forward. LORC may make whatever changes it deems necessary, based on further review and community input.

Current Historic Districts

Madison currently has 5 historic districts, including the Mansion Hill, Third Lake Ridge, University Heights, Marquette Bungalows and First Settlement Districts. These districts comprise about 1% of the city's land area. Other districts may be proposed in the future.

Each district has its own unique character (see Tab 5). Districts vary with respect to property types, land uses, prevailing architectural styles, and period of historic interest. Districts typically include a mix of historic and non-historic properties, and may include some individually designated historic landmarks (which are subject to higher standards).

Each district currently has its own district ordinance, which defines the scope of the district and spells out preservation standards for properties in the district. Standards are designed to protect the historic character of each district. Many standards are similar across districts, but some are unique to individual districts. Standards apply to all properties in a district, but may vary by type of property (e.g., historic vs. non-historic, or commercial vs. residential).

The City Landmarks Commission administers historic district standards. New construction projects in a historic district require a “certificate of appropriateness” from the Commission, as do material *additions* or *alterations* to existing structures. Routine maintenance projects do *not* require a “certificate of appropriateness” from the Landmarks Commission unless they entail a material *addition* or *alteration* to an existing structure. The City Building Inspector administers routine maintenance requirements in historic districts, in cooperation with the Landmarks Commission.

Current historic district ordinances were adopted at different times, beginning in the 1970's, and they are showing their age. It is time for a state-of-the-art update that addresses current conditions and preservation challenges, and ensures greater consistency across districts. Tab 5 explains how the Alliance proposal will affect each of the current historic districts.

A Unified Approach

The Alliance proposal:

- **Spells out *core standards* for all historic districts (see Tabs 2 to 4).** These *core standards* achieve LORC's goal of greater uniformity, while allowing for some district-specific add-ons *where needed*. The *core standards*:
 - Apply to all current and future historic districts.
 - Address *New Construction, Additions, Alterations* and *Maintenance*.
 - Apply to all properties in a historic district, but are sensitive to property type (historic vs. non-historic, commercial vs. residential, etc.).
 - Are legally enforceable (phrased as "shalls" rather than "shoulds").
 - Mesh seamlessly with city zoning and building codes (if there is a conflict, the more restrictive provision applies as per current law).
 - Make consistent use of clearly defined terms.
- **Provides *guidelines* to interpret the *core standards* (see Tabs 2 to 4).** The *guidelines*:
 - Add needed detail.
 - Are *presumptive interpretations* of enforceable standards. The guidelines carry strong and, in most cases, decisive interpretive weight.
 - Give the Landmarks Commission some interpretive latitude, based on individual circumstances (phrased as "shoulds" rather than "shalls").
- **Streamlines district ordinances (see Tab 9, sections 41.26 to 41.30).** The revised district ordinances:
 - Are short and clear.
 - Incorporate the *core standards* and *guidelines* by reference, and delete redundant district ordinance provisions.
 - Retain some limited *district-specific* detail, *where needed*.

Note: In this draft, district-specific details are drawn from current district ordinances and city plans (such as the "Build II" plan for Williamson Street). Other district-specific provisions could be added, as needed.
 - Make consistent use of clearly defined terms.
 - Incorporate helpful district maps and descriptions, including the locations of designated *historic resources* in each district.
- **Defines Key Terms (see Tab 6).** Defined terms:
 - Are *italicized* in the ordinance text, for ease of reference.
 - Make the ordinance clear, concise and consistent.
 - Eliminate redundant verbiage.

- **Provides Online Information.** The ordinance calls for an online Historic District Design Manual, to provide convenient “one stop” assistance to property owners, developers, district residents, city officials and the public. The manual will include the following materials, organized for *each historic district* in a convenient, user-friendly format:
 - A map and description of the historic district, including the locations of designated *historic resources* in the district.
 - All ordinance *standards* and *guidelines* (both core and district-specific) that apply to the district.
 - Graphic illustrations and voluntary practice tips.

The Landmarks Commission may update the Reference Manual (including graphic illustrations and voluntary practice tips) as needed, without Common Council action; but it may not change ordinance *standards* or *guidelines* without Common Council action.

- **Clarifies Administration**
 - Reorganizes and clarifies the current ordinance (see Tab 7) to improve transparency and ease of reference (no substantive changes).
 - Clarifies the types of projects that require a “certificate of appropriateness” from the Landmarks Commission (no substantive changes).
 - Lists property owner responsibilities in one place, for ease of reference.
 - Lists enforcement provisions in one place, for ease of reference.
 - Clarifies the roles of the Landmarks Commission, Preservation Planner and Building Inspector (no substantive changes).
 - Clarifies the treatment of *landmarks* vs. *historic districts* (no substantive changes). Landmarks are individually designated historic properties that may or may not be located in a historic district.

Some Key Questions

The Alliance considered a number of key questions as it developed this proposal. We invite you to consider these questions as you review the proposal:

- Do the standards and guidelines adequately protect the unique *character* of each historic district?
- Do the standards and guidelines work for *all properties* to which they apply, in all historic districts to which they apply? For example, do they work for:
 - All commercial, residential, mixed-use, institutional and industrial properties to which they apply?
 - All historic and non-historic properties to which they apply?
 - All building styles and historic periods to which they apply?
 - *Future* properties and *future* historic districts?
- Is there an appropriate balance between *core provisions* and *district-specific provisions*? Between *standards* and *guidelines*?

- Do the standards and guidelines address all of the key concerns addressed by *current* district ordinances? If not, why not?
- Are the standards and guidelines too general or too specific?
 - Do they provide clarity where needed?
 - Do they provide flexibility where needed?
 - Are more specific standards (e.g., building size limits) needed in some cases, or in some districts?
- Do the standards consider relevant differences between historic and non-historic buildings and features?
- Is it clear which projects require a “certificate of appropriateness?”
- Are key terms clearly defined? Are defined terms easily identified, and used in a consistent way?
- Is the overall ordinance clear, well organized, and internally consistent? Is it user-friendly and easy to navigate? Does it facilitate effective, efficient and transparent administration?

2. New Construction

New construction is a key challenge for historic districts. Sensitive and appropriately scaled construction projects can maintain and enhance the character of a historic district, but bloated or poorly designed projects can destroy a district's historic character.

The Alliance proposes the following *core standards* for new construction in all historic districts (see Tab 9, section 41.11). The *core standards* (highlighted in yellow) are accompanied by interpretive *guidelines* (red font).

These *core standards* and *guidelines* are incorporated by reference in all district ordinances. Redundant portions of current district ordinances are repealed. A few district-specific provisions are retained, to provide needed specificity in some district-specific situations (see Tab 9, sections 41.26 to 41.30).

41.11(1) New Construction.

- (a) *Primary Structures*. A new *primary structure* shall be *visually compatible* with the *historic district*, and with each *historic resource* located within 200 feet of the new *structure*, with respect to the following factors:
1. Its size as indicated by its *height*, number of *stories* above grade, *gross volume*, *bulk*, and *street facade area*.
 2. Its relationship to the *lot* on which it is located, as indicated by its *lot coverage* and setbacks, and the size of its front, side and rear yards.
 3. Its overall form as indicated by its shape, *massing*, ratio of width to *height*, symmetry or asymmetry, and roof shape.
 4. The articulation of its *street façade* and other *visible facades*, including visual patterns created by building planes, wall recesses, wall protrusions, window and door openings, and *architectural features*.
 5. The *character* of its roof, including roof shape, style, pitch and surface materials, as well as roof features such as dormers, skylights, chimneys, rooftop decks, green roofs, and attached appurtenances.
 6. Its exterior wall and foundation surfaces, including surface materials, textures, detailing and trim.
 7. The *character* of its doors, windows, and related features such as storm doors, storm windows, trim and shutters. Relevant considerations may include size, shape, style, proportion, materials and placement, as well as the patterns created by door and window openings on *visible facades*.

8. The nature, size, appearance and placement of exterior *architectural features* and appurtenances such as entryways, porches, decks, balconies, railings, stairways, rescue platforms, fire escapes, accessibility features, *signs*, awnings, lighting fixtures, *HVAC equipment*, electrical equipment, elevator equipment, solar equipment, telecommunications equipment and building mechanicals.
9. Its sensitivity to the site and surrounding *landscape*. Relevant considerations may include the nature, size, appearance and location of its parking accommodations, refuse storage facilities, *landscape features* and drainage systems, as well as its sensitivity to distinctive *natural features*, archaeological features, *historically representative landscape features*, and open spaces that materially contribute to the *character* of the *historic district*.
10. Its relationship to each *block face* of which it is part, including its effect on the collective visual pattern formed by the sizes of, shapes of, directional expression of, and distances between existing *structures* represented in the *block face*.

Guidelines:

- The *visually compatible character* of a new *structure* may be enhanced by the use of design elements, *architectural features*, façade articulations, and materials that are characteristic of *historic resources* in a *historic district*. However, a new *structure* should not directly mimic *historic resources* or create a false impression of age.
- Façade articulation, upper story setbacks, distinctions between ground and upper stories, appropriate *architectural features*, and sensitive material and design choices may enhance the *visual compatibility* of new *structures*.
- Roof and exterior surface materials on new *structures* should be similar in design, scale, architectural appearance, and other visual qualities, to *historically representative* materials that are prevalent in the *historic district*.
- A *building's* main entrance should be located on its *street façade*, and should be large enough to serve as a focal point of that façade. Entrances should meet ADA accessibility requirements in a way that is *visually compatible* with the *historic district*.
- Parking accommodations should be appropriate in scale, and *visually compatible* with the *historic district*.
 - Parking accommodations should be unobtrusive, and should not diminish the *character* of the *historic district*.
 - Parking accommodations should be subordinate to the *primary structure*, and should not exceed reasonable parking needs associated with the use of the *primary structure*.

- Parking accommodations should be located and screened to be as inconspicuous as possible, when viewed from a *developed public right-of-way*. Screening should be *visually compatible* with the *historic district*.
- If a parking entrance is incorporated into a *street façade*, it should be as inconspicuous as possible and should be *visually compatible* with the *street façade* and *block face*.
- See additional *guidelines* related to *additions* and *alterations* [Tab 3], which may also be relevant to the design of new *structures*. For example, see relevant specifications related to:
 - Roof features such as dormers, skylights, vents, chimneys, green roofs and rooftop decks.
 - Roofing materials.
 - Siding materials.
 - Windows and doors.
 - Porches, balconies, stairways and decks.
 - External equipment and drainage systems.
 - Accessibility features.
 - *Landscape features*.

(b) Accessory Structures. A new *accessory structure* shall be *visually compatible* with the *primary structure* to which it pertains, and with each *historic resource* located within 200 feet of the *accessory structure*. New *accessory structures* shall be as inconspicuous as reasonably possible, when viewed from a *developed public right-of-way*.

Guidelines:

- An *accessory structure* should be subordinate to the *primary structure* that it serves.
- *Accessory structures* should be located in the back yard, if possible.

(c) Signs. A *sign* constructed on a *lot* in a *historic district* shall be *visually compatible* with the *structures* on that *lot*, with the *historic district*, and with *historic resources* located within 200 feet of the *sign*.

Guidelines:

- A *sign* must also comply with the City *sign ordinance*, Chapter 31, MGO.

3. Additions and Alterations

Additions and alterations to existing structures can have a big impact on the character of a historic district. The Alliance proposes the following *core standards* for additions and alterations in all historic districts (see Tab 9, section 41.11). The *core standards* (yellow) are accompanied by interpretive *guidelines* (red). The *guidelines* are based on LORC staff recommendations and current district ordinance provisions that are common to all districts.

These *core standards* and *guidelines* are incorporated by reference in all district ordinances. Redundant portions of current district ordinances are repealed. A few district-specific provisions are retained, to provide needed specificity in some district-specific situations (see Tab 9, sections 41.26 to 41.30).

41.11(2) *Additions and Alterations.*

(a) *General.*

1. *Additions and alterations to an existing structure shall be visually compatible with that structure.*
2. *Additions and alterations shall not diminish the historic character of a structure or landscape feature.*
3. *An addition or alteration shall not cause an existing structure to violate any standard applicable to new structures under sub. (1) or a district ordinance, or aggravate any prior nonconformity with such a standard.*

Guidelines:

- *Additions and alterations should be consistent in design and character with the existing structure, and should blend seamlessly with that structure.*
- *Additions and alterations should be subordinate to the existing structure.*
- *Additions should not be constructed on street facades, except that historically representative architectural features may be restored.*
- *An addition should not increase the height of an existing structure.*
- *Additions should not create a false impression of age.*

(b) *Historic Resources.*

1. *Additions and alterations to a historic resource shall be visually compatible with that historic resource, and shall preserve its historic character.*
2. *Historically representative architectural features that are visible from a developed public right-of-way shall be preserved or, if necessary, replaced with architectural features that are similar in design, color, scale, architectural appearance, and other visual qualities.*
3. *Additions and alterations to a landmark or landmark site shall comply with the Secretary of Interior's Standards, in addition to applicable historic district standards.*

Guidelines:

- *Additions and alterations to a historic resource should be similar to the historic resource in design, scale, architectural appearance, and other visual qualities.*
- *An addition to a historic resource should be visually distinguished from it, and should not create a false impression of being original to it. For example, an addition may be separated by setting it back from the wall plane of the historic resource, by using a simple recessed connector, or by using distinct but visually compatible surface materials.*
- *Additions to historic resources should be constructed on secondary or non-character defining elevations, so that historically representative architectural features are not obscured, damaged or destroyed.*
- *Property owners are encouraged to restore previously altered historic resources to their documented original or historically representative appearance.*

(c) Roofs.

1. *Roof additions and alterations shall be visually compatible with the existing structure, and with each historic resource located within 200 feet of the structure.*
2. *Additions and alterations to the roof of a historic resource shall preserve its historic character.*
3. *Historically representative roofing materials on historic resources shall be preserved or, when necessary, replaced with materials that are similar in design, color, scale, architectural appearance, and other visual qualities.*

Guidelines:

Roof Character

- *Roofs should be visually compatible with the existing structure in terms of:*
 - *Size, shape and pitch.*
 - *Style (e.g., gable, hipped, gambrel, flat or mansard).*
 - *Architectural features (e.g., dormers, cupolas, overhangs, chimneys, parapets and vents).*
 - *Character of roofing materials.*
- *On historic resources, defining features of street-facing roofs should not be removed or altered, except to restore historically representative features.*
- *New or altered roofs and roof features, if visible from a developed public right-of-way, should not extend above the main roof ridgeline of the existing structure.*

Dormers and Other Roof Features

- Dormers and other roof features should be *visually compatible* with the existing *structure*. Relevant considerations include size, shape, location, style, overhangs, setbacks, window placement and design, roofing material, siding material and trim.
- Dormers should not be added to existing, street-facing roofs.
- A shed dormer may be installed behind an existing dormer or gable on a side-facing roof, provided that it matches the size, shape and appearance of the existing dormer or gable.
- The front face of a dormer should not extend beyond the face of the wall below.
- Rooftop decks, terraces, green roofs, and like features and furnishings should be inconspicuous when viewed from a *developed public right-of-way*.

Roofing Materials

- Roofs should be surfaced with *historically representative* materials, or materials that closely resemble *historically representative* materials.
- Roofing materials should be *visually compatible* with the existing roof, and should not make it more susceptible to deterioration.
- Rolled roofing, tar-and-gravel, rubberized membranes and like materials should not be used on pitched roofs, but may be used on flat roofs.

Skylights

- Skylights should not be visible from a *developed public right-of-way*, except that rectangular skylights may be installed on side-facing roof slopes if they are set back from the roof edge.
- Skylights should be unobtrusive.
- Skylights visible from a *developed public right-of-way* should be of the flat (not bubble) type.
- Skylight trim should match the roof color.

Vents

- Roof vents should be as inconspicuous as possible, and should match the roof color.
- Ridge vents should have a low profile, should extend for the length of the ridge, and should be covered with material that matches the roof.
- Soffit vents should be inconspicuous, and should match the color of the soffit.
- Wind turbines and obtrusive vents should not be installed in locations that are visible from a *developed public right-of-way*.

Chimneys

- *Historically representative* chimneys should be preserved if they are visible from a *developed public right-of-way*.
- New chimneys should be constructed of materials that are *visually compatible* with the *structure*.

- New chimneys, if visible from a *developed public right-of-way*, should be constructed of stone, masonry, or other *historically representative* materials. Stone or masonry should be *visually compatible* with stone or masonry on the existing *structure*.
- Metal and wooden boxed chimneys should not be installed in locations that are visible from a *developed public right-of-way*.

Equipment and Appurtenances

- Rooftop equipment and appurtenances such as HVAC, electrical, solar, telecommunications, and mechanical equipment should be as unobtrusive as possible, consistent with essential function.

(d) Exterior Walls.

1. Exterior wall surfaces shall be *visually compatible* with the existing *structure*, and with each *historic resource* located within 200 feet of that *structure*.
2. *Historically representative* surface materials on *visible facades* of *historic resources* shall be preserved or, when necessary, replaced with materials that are similar in design, color, scale, architectural appearance, and other visual qualities.
3. An *addition* to a *historic resource* shall be surfaced with materials that are distinguishable from *historically representative* surfaces of the existing *structure*, but are similar to them in design, color, scale, architectural appearance, and other visual qualities.

Guidelines:

- *Additions* and *alterations* should be surfaced with *historically representative* surface materials such as stone, masonry or clapboards, or with materials that are similar to *historically representative materials* in design, scale, architectural appearance, and other visual qualities.
- Surface materials used on *additions* may differ from those used on the existing *structure*, provided that they are *visually compatible* and do not detract from the *historic character* of the existing structure. For example, an *addition* to a masonry *structure* may be sided with *visually compatible* clapboards.
- Clapboards should have a visible width of no more than 5 inches, except where wider clapboards are *historically representative*.
- High quality, durable metal or synthetic clapboard may be used in place of wood clapboard if it is similar in appearance. Metal or synthetic clapboard should not have fake wood grain, or frequent or conspicuous vertical seams.
- Materials such as concrete, stucco panels, pebble dash, metal panels, vertical boards, diagonal boards, rough sawn wood, rough split shingles, shakes, plastics, and exterior insulation and finish systems (EIFS) should be avoided, except where they are *historically representative*. The *Landmarks Commission* may allow limited use of such materials as accents or trim, where *visually compatible*. Concrete foundations are allowed, where *visually compatible* with existing foundations.

- When an exterior wall surface of a *historic resource* is replaced or covered, *historically representative* architectural details (including window trim, wood cornices and other ornaments) should remain uncovered and should project outward from the wall surface to the same degree as before.
- Siding transitions, if any, should occur at corners or other points of transition.
- Exposed masonry should not be covered. Unpainted masonry should not be painted or coated with other materials.
- *Historically representative* trim and details should not be covered with synthetic wraps.

(e) Windows and Doors.

1. New or altered windows and doors shall be *visually compatible* with the existing *structure*, and with each *historic resource* located within 200 feet of the *structure*.
2. *Historically representative* windows and doors on *visible facades* of a *historic resource* shall be preserved or, when necessary, replaced with windows and doors that are similar in design, color, scale, architectural appearance, and other visual qualities.
3. Window and door openings on *visible facades* of a *historic resource* shall be comparable in size, alignment, pattern and rhythm to those on *historically representative portions* of the existing *structure*.

Guidelines:

Windows

- New windows on *visible facades* should be *visually compatible* with *historically representative* windows on the existing facade, based on size, shape, style, proportion, trim, finish and placement.
- *Historically representative* window openings and configurations on *visible facades* of a *historic resource* should be preserved.
- If a window with divided lights is replaced, the replacement window should also have divided lights. The lights should be divided by true muntins or by simulated muntins that feature raised grids on each side and spacer bars between the panes of glass.
- Single-glazed sash may be altered to accommodate insulated glass if the *alteration* does not jeopardize the soundness of the sash or significantly alter the appearance of the window.
- Windows that are not *historically representative* may be replaced with *historically representative* windows that are *visually compatible* with the structure, even if they differ from the existing window.
- Storm windows installed on *historically representative* windows should have a pane configuration that does not obscure the *character* of the *historically representative* window.
- Storm window frames and trim should match the frames and trim of the windows on which they are installed.
- *Historically representative* decorative windows (e.g., stained glass, leaded glass, etched glass, or decoratively shaped windows) on *visible facades* of *historic resources* should be preserved or, if necessary, replaced with windows of similar appearance.

- Window shutters, if any, should be *visually compatible* with the windows and *structure* to which they pertain. Shutters should be sized and located so that, if workable, they would cover the window opening.
- Picture windows and bay windows should not be added to *visible facades*, except where they are *historically representative* or are replacing like windows.
- *Historically representative* windows may be replaced or altered when necessary for safety, security, energy conservation, or removal of lead paint, if no other practical and effective solutions are available. The new or altered windows shall be similar in design, color, scale, architectural appearance, and other visual qualities to the existing windows.
- Reversible window treatments may be installed to meet safety, security or energy conservation requirements.

Doors

- New doors on *visible facades* should be *visually compatible* with *historically representative* doors, based on size, shape, style, proportion, finish, and placement. Fake wood grain and unfinished metallic surfaces should be avoided.
- *Historically representative* door openings on *visible facades* should be preserved.
- A storm door should not detract from the *character* of a *historically representative* entrance door. Full view storm doors with clear-finished wood or painted trim are preferred. Trim color should be *visually compatible* with the color of the entrance door and trim. Metal grills and raw metallic finishes should be avoided, except where they are *historically representative* and *visually compatible* with the style of the *structure*.
- Double or multiple doors on *visible facades* should be of a *historically representative* style.
- Garage doors should be *visually compatible* with the existing *structure*, and should not detract from its historic *character*. New garage doors should be similar to *historically representative* garage doors in shape, surface patterns, window patterns and finish.

(f) Porches, Balconies, Stairways and Decks.

1. *Historically representative* porches, balconies and stairways on *visible facades* of *historic resources* shall be preserved or, if necessary, repaired or replaced to maintain their *historically representative* appearance.
2. Porches, balconies and decks shall not be added to *street facades*, except that *historically representative* porches or balconies may be restored.
3. *Additions* and *alterations* shall not detract from the *historically representative character* of a porch, balcony or stairway.
4. Porches, balconies, stairways and decks shall be *visually compatible* with the existing *structure*.
5. Porches, balconies, stairways and decks on *visible facades* shall have a finished appearance.

Guidelines:

- Porch, balcony, deck and stairway elements on *visible facades*, including railings, posts, ceilings, floors, stairs, trim, friezes and finishes, should be *visually compatible* with each other and with the prevailing style of the *structure*.
- Open spaces beneath first floor porches, decks and stairs on *visible facades* should be screened with lattice or other openwork that allows ventilation and is *visually compatible* with the *structure* and with the porch, deck or stairway.
- *Historically representative* open porches on *street facades* should not be enclosed, except that they may be enclosed with *visually compatible* insect screens. *Historically representative* open porches on other *visible facades* may be enclosed with *visually compatible* insect screens or storm windows, but should not be enclosed as heated spaces.
- Porch railings on *visible facades* should not be paneled or sided, except that *visually compatible* panels or siding may be used on enclosed porches or where *historically representative*.
- Open decks should not be added to *street facades*. Open decks should not be added to other *visible facades* unless they have a finished appearance comparable to that of a *historically representative* porch. Decks, including decks on rear facades, should be *visually compatible* with the structure and should not materially detract from the historic *character* of a *historic resource*.
- Accessibility ramps are allowed if needed, but should be as unobtrusive as possible. Accessibility ramps on *visible facades* should, to the maximum extent feasible, have a finished appearance that resembles the appearance of a finished porch or stairway.
- Fire escapes and rescue platforms should be as unobtrusive as possible.
 - Fire escapes and rescue platforms should not be located on *street facades* or street-facing roofs if other locations are practicable.
 - Fire escapes and rescue platforms should not be located on *visible facades* if city codes allow the use of automatic combustion products detection and alarm systems in place of rescue platforms and fire escapes.
 - Fire escapes and rescue platforms on *visible facades* should have a finished appearance that complements the *structure* to the maximum extent feasible.

(g) Architectural Features.

1. New or altered *architectural features* shall be *visually compatible* with the existing *structure*.
2. *Historically representative architectural features* of *historic resources* shall be preserved or, when necessary, replaced with features that are similar in design, color, scale, architectural appearance, and other visual qualities.

(h) External Equipment. New or altered external equipment, such as HVAC, electrical, solar, telecommunications, mechanical and security equipment,

shall be as inconspicuous as possible consistent with essential function.

Guidelines:

- Equipment should not be installed on *street facades* or street-facing roofs.
- Equipment should be designed and located to be as inconspicuous as possible.
- Equipment should not damage or obscure *historically representative architectural features*.
- Roof-mounted solar arrays on sloped roofs should be flat to the roof. Roof-mounted solar arrays on flat roofs should be inconspicuous when viewed from a *developed public right-of-way*.
- *Historically representative* light fixtures should be preserved or, if necessary, replaced with light fixtures that are similar in design, color, scale, architectural appearance, and other visual qualities.

(i) Accessibility Features.

1. *Additions and alterations* shall comply with ADA requirements in a way that is *visually compatible* with the existing *structure*. Primary entrances to public and commercial *structures* shall be accessible if possible.
2. Access ramps and other access features are allowed where needed, but shall be as *visually compatible* as possible with the existing *structure*.

(j) Drainage Systems. New or altered drainage systems shall provide effective drainage, to prevent water damage to *structures*. Exterior drainage systems on a *structure* shall be *visually compatible* with that *structure*. Visible, *historically representative* drainage systems on *historic resources* shall be preserved or, when necessary, replaced with systems that are *visually compatible* with the *historic resource*.

(k) Landscapes and Parking Areas.

1. *Landscape alterations* shall preserve legally protected natural and archaeological features. They shall also preserve distinctive *natural features*, archaeological features, *historically representative landscape features*, and open spaces that materially contribute to the *character* of a *historic resource* or the *historic district*.
2. New or altered *landscape features* shall be *visually compatible* with the existing site and *structures*, and shall not detract from the *historic character* of a site or *structure*.
3. New or altered parking areas shall be *visually compatible* with the existing site and *structures*, and shall not detract from the *historic character* of a site or *structure*.

Guidelines:

- Parking areas should be appropriate in scale, and *visually compatible* with the *historic district*.
 - Parking areas should not exceed reasonable parking needs associated with the *primary structure* on the *lot*.
 - Parking areas should be located and screened to be as inconspicuous as possible, when viewed from a *developed public right-of-way*. Screening should be *visually compatible* with the *historic district*.

- Trash storage areas should be as unobtrusive as possible, and should be screened as necessary.
- External equipment, such as *HVAC*, electrical, solar, telecommunications, mechanical and security equipment, should be as inconspicuous as possible consistent with essential function.
- Fences, retaining walls and other *landscape features* should be *visually compatible* with the *historic district*.
 - Fences should not be installed in front yards, except that the *Landmarks Commission* may allow *historically representative* fences that are no more than 3 feet tall.
 - Fences in front and side yards should reflect *historically representative* styles. Chain link fences, metal mesh fences, and rustic style fences such as rough sawn wood or split-rail fences are not appropriate, except in back yards or where *historically representative*.
 - Fences and retaining walls in front and side yards should be constructed with *historically representative* materials, or with materials that are similar in design, color, scale, architectural appearance, and other visual qualities.
 - Retaining walls in front yards should not be constructed of railroad ties, landscape timbers, boulders, plastic, or concrete blocks other than high quality concrete blocks that are made to resemble stone.

4. Maintenance

Sound maintenance is important for preserving individual properties and historic district character. The City Building Inspector administers building and housing codes that spell out basic maintenance requirements for all properties, including those in historic districts.

LORC staff have proposed additional maintenance requirements for properties in historic districts. The Alliance proposal incorporates the staff recommendations, and seamlessly integrates them with current building and housing code requirements, so as to avoid duplication and administrative confusion.

Under the Alliance proposal, the Building Inspector retains primary responsibility for enforcing maintenance requirements in historic districts, in consultation with the Landmarks Commission. Routine maintenance of historic district properties does not ordinarily require a "certificate of appropriateness" from the Landmarks Commission, unless it entails a material addition or alteration to the property. The Alliance proposal clarifies current administrative procedures.

The Alliance proposal (Tab 9, section 41.11) spells out the following *core maintenance standards* and *guidelines* for properties in historic districts:

41.11(3) Maintenance.

(a) General. An owner of property in a historic district shall do all of the following:

1. Comply with applicable City codes, as required by Sec. 41.13(1)(b).
2. Maintain the property according to the *Secretary of Interior's Standards*, if the property is a landmark or landmark site.
3. Identify and preserve *historically representative architectural features*, where possible.
4. Refrain from *demolition by neglect*, as provided in Sec. 41.13(1)(c).

Guidelines:

- The code provisions cited in Sec. 41.13(1)(b) are enforced by the *Building Inspector*, in consultation with the *Landmarks Commission* and the *Preservation Planner*.
- Maintenance projects involving a material *addition or alteration* to a *structure, landscape, or landscape feature* may require a *certificate of appropriateness* issued by the Landmarks Commission or Preservation Planner. See Secs. 41.12(2) and 41.13(2).
- A property owner may not engage in *demolition by neglect*. See Sec. 41.23.

(b) Maintaining Roofs.

1. Roofs shall be maintained and repaired, as necessary, to prevent deterioration of the roof or the *building* that it covers. Roofing materials, flashing, gutters and downspouts shall be kept in sound and operational condition.

2. Materials used to maintain or repair a roof shall be *visually compatible* with that roof, and shall not make it more susceptible to deterioration.
 4. *Historically representative* roofing materials on *historic resources* shall be preserved or, when necessary, replaced with materials that are similar in design, color, scale, architectural appearance, and other visual qualities.
- (c) Maintaining Exterior Surfaces.
1. Exterior surfaces of a *structure* shall be maintained and repaired, as necessary, to prevent deterioration of the surface and *structure*. Materials used to repair exterior surfaces shall be *visually compatible* with the existing surface, and shall not make it more susceptible to deterioration.
 2. *Historically representative* surface materials on *historic resources* shall be preserved or, when necessary, replaced with materials that are similar in design, color, scale, architectural appearance, and other visual qualities.
 3. Non-destructive methods shall be used to clean *historically representative* surfaces.
 4. Masonry shall be repaired and repointed as necessary, using *visually compatible* materials that do not contribute to masonry deterioration. Unpainted masonry shall not be painted or coated with other finishes.
 5. Painted and other finished surfaces shall be repainted or refinished as needed to maintain their appearance and prevent deterioration.

Guidelines:

Masonry

- Masonry should not be cleaned by abrasive methods that can damage masonry and mortar joints. Abrasive methods include sandblasting and the use of acids on limestone or marble.
- Masonry should only be cleaned when necessary to halt deterioration or remove heavy soiling. Cleaning methods should be as gentle as possible, and should be tested on a small area before being employed on a large area.
- Masonry should have tight mortar joints and be protected by operational drainage systems. Water should not be allowed to pool on masonry surfaces. Joints in concrete should be sealed with appropriate flexible sealants and backer rods, when necessary.
- Sealants and water-repellent coatings should not be applied to masonry surfaces.
- Unpainted masonry should not be painted. Peeling paint may be removed using methods approved by the *Landmarks Commission* or *Preservation Planner*.
- Tuckpointing should be done with a matching mortar mix that has high lime content.

Wood

- Wood surfaces should be painted, sealed or treated to protect them from deterioration.
- Paint removal and resurfacing should follow lead-safe procedures, as necessary.

- Water should not be allowed to pool on wood surfaces.
- Wood treatments and repairs should not degrade the historic *character* of *historically representative* wood features.

Metals

- Metals that are subject to corrosion should be treated or coated to prevent corrosion. Existing corrosion should be removed from metal surfaces before a surface coating is applied.
- The type of metal comprising a metal surface should be accurately identified, before the surface is cleaned or treated. Cleaning and treatment should be appropriate to the type of metal.
- Non-corrosive, non-abrasive methods should be used to clean soft metals such as lead, tinplate, copper, and zinc.
- Water should not be allowed to pool on metal surfaces.

Climbing Vegetation

- Climbing vegetation should not be planted so as to climb directly on *historically representative* surfaces of *historic resources*, but may be planted to climb on trellises attached to such surfaces.
- Existing climbing vegetation should be removed or pruned to minimize damage to *historically representative* surfaces.

(d) Maintaining Architectural Features.

1. Windows, doors, porches, stairways and other *architectural features* shall be maintained and repaired, as necessary, to prevent deterioration and facilitate continued use.
2. Maintenance and repair measures shall be *visually compatible* with the existing *architectural feature*.
3. *Historically representative architectural features* shall be maintained and repaired, as necessary, to preserve their historic *character*. Maintenance and repairs shall not diminish the historic *character* of a *historically representative architectural feature*.
2. *Historically representative architectural features* shall be preserved or, when necessary, replaced with *architectural features* that are similar in design, color, scale, architectural appearance, and other visual qualities.

Guidelines:

- Windows, doors, porches, stairways and other *architectural features* should be regularly maintained to preserve their appearance, functionality and historic *character*.
- Regular maintenance should include measures such as repainting or resealing, repointing, re-glazing, re-caulking, lubrication, weather stripping, and replacement of deteriorated, broken or nonfunctional components, as appropriate.

- (e) Maintaining Drainage Systems. Drainage systems shall be maintained and repaired, as necessary, to prevent water damage to *structures* in *historic districts*.

Guidelines:

- Drainage features and systems should be designed and maintained to direct drainage away from *structures*, and to prevent water damage to *structures*.
- Roofs, gutters and downspouts should be designed and maintained to ensure effective drainage.
- Irrigation systems should not cause excessive wetting of *structures*.

- (f) Maintaining Landscapes. *Landscapes* shall be maintained in a manner consistent with the preservation of distinctive *natural features*, *archaeological features*, *historically representative landscape features* and open spaces that materially contribute to the *character* of the *historic district*.

5. AFFECTED HISTORIC DISTRICTS

1. Mansion Hill Historic District

District Description

The Mansion Hill Historic District – the city’s oldest historic district – is designed to preserve the historic character of one of Madison’s oldest and most historically prestigious neighborhoods. Mansion Hill is closely associated with the early cultural, political, economic and social history of Madison and the State of Wisconsin.

The district has the most intact 19th Century streetscapes in Madison, including a large number of high-style architect-designed homes. Many of the homes are constructed of native sandstone, and date from Wisconsin’s early statehood. Fine examples of Italianate, Second Empire, German Romanesque Revival, Queen Anne, Prairie School, Period Revival and Art Modern architectural styles are found throughout the district.

Generous street setbacks, open spaces, and fine landscaping originally complemented the district’s architectural gems. Famous political figures, land and timber barons, leading merchants, industrialists, university professors, professionals and other prominent public figures occupied the grand residences, while less well-to-do families and students occupied more modest vernacular residences.

Many of the district’s historic resources are associated with important persons or important events in national, state and local history. The district includes outstanding examples of historically important architectural styles, methods of construction, indigenous materials and craftsmanship. Master builders, designers, architects and craftsmen created many of its structures.

In 1976, after several of the finest old homes in Mansion Hill were demolished to make way for large new buildings that were inconsistent in scale and character with historic buildings in the area, the Common Council designated Mansion Hill as Madison’s first historic district in response to a petition from district property owners.

Current District Ordinance (Sec. 41.22, MGO)

The current district ordinance, dating from 1976, is the city’s oldest. It is vague, weak, and sadly out of date. Partly because of that, Mansion Hill has been the site of several contentious, high profile historic preservation issues in recent years.

How the District Ordinance Will Change

The Alliance proposal (Tab 9, sec. 41.26) updates and improves the current ordinance, to make it more consistent with other districts. It incorporates, by reference, the *core standards and guidelines* that apply to all districts (see Tabs 2 to 4). No district-specific requirements are added. Outdated and redundant district-specific provisions are repealed.

2. Third Lake Ridge Historic District

District Description

The Third Lake Ridge Historic District is designed to preserve the historic character of an early Madison community “melting pot,” extending from the Williamson Street corridor to Lake Monona. Third Lake Ridge is Madison’s largest and most complex historic district. It is more than a mile long, and contains 37 blocks of buildings erected between 1850 and 1945. It encompasses the busy Williamson Street commercial and mixed-use corridor, as well as historically important residential areas.

Third Lake Ridge is a fine example of early “mixed use” and working class development in Madison. It has long been known for the diversity of its people, and the eclectic character of its built environment. It is a place where different cultures, social classes, businesses, industries and social institutions came together to create a rich social and cultural milieu that is unique to Madison.

Third Lake Ridge includes a power plant, two railroad depots, a tobacco warehouse, historic factories, commercial buildings, churches, corner groceries, taverns, imposing mansions, tiny cottages, and a host of mixed-use structures. Historic business signs evoke the economy of a bygone era. It was and continues to be a place where a wide diversity of people, including Yankee settlers, German and Norwegian immigrants, and subsequent immigrant groups have lived, worked and shopped together.

Third Lake Ridge powerfully reflects the cultural, social and economic history of Madison, the State of Wisconsin and the nation, including immigrant and working class history. A number of its historic resources are associated with important historical persons or events. It exemplifies a wide variety of historically significant building styles, construction methods, indigenous construction materials and craftsmanship.

The Common Council created the Third Lake Ridge Historic District in 1979, as part of a revitalization campaign initiated by the Marquette Neighborhood Association.

Current District Ordinance (Sec. 41.23, MGO):

The current district ordinance, dating from 1979, is the city’s second oldest. Although it is somewhat more complete than the Mansion Hill ordinance, it fails to address many critical issues in a clear way. Its shortcomings have become more evident in recent years, as development pressure has increased.

Development pressure focuses mainly on the diverse Williamson Street corridor. The unique and complex historic character of that corridor demands carefully nuanced district-specific treatment. In 2005, the Common Council adopted a carefully designed preservation plan (“Build II” plan) for the corridor, and directed city staff to incorporate the plan elements into the historic district ordinance. The City has not yet done so. The Alliance proposal seamlessly incorporates “Build II” provisions into the Third Lake Ridge ordinance, as contemplated by the Common Council.

How the District Ordinance Will Change

The Alliance proposal (Tab 9, section 41.27) updates and improves the current ordinance. It incorporates, by reference, the *core standards and guidelines* that apply to all historic districts (see Tabs 2 to 4); but it also adds the following district-specific provisions (drawn mainly from the "Build II" plan). Outdated and redundant provisions of the current ordinance are repealed.

- (6) New Structures; General.** New structures in the Third Lake Ridge Historic District shall comply with **[the core standards and guidelines in Tab 2]**, and with sub. (7) if applicable. The following district *guidelines* apply, in addition to the **[core guidelines in Tab 2]**:

Guidelines:

Street Facades

- On commercial and mixed-use *structures*:
 - Finished first floor elevations should be as close to grade as possible.
 - First floors should be visually distinct from upper floors.
 - Main entrances should be located on *street facades*, and should be *recessed*.
 - Angled corner entrances are encouraged on corner *buildings*.
 - First floor storefronts should be broken into bays, similar in width to those on *historically representative* storefronts. Large storefront windows and low kick panels are encouraged.
 - First floor window openings should reflect *historically representative* patterns. Transom windows are encouraged.
 - Upper floor window openings should be vertically oriented and regularly spaced.
 - Window glass should be transparent.
 - Kick panels under first floor windows should feature design details and high quality stone, masonry or other *historically representative* materials.
 - First floor windowsills should be at least 18 inches and not more than 36 inches above grade.
 - Side pilasters, parapet caps and cornices are encouraged.
 - *Sign* bands should be included, where appropriate, to encourage *visual compatibility* of *signs*.
 - *Signs* should be externally (not internally) illuminated. Exterior illumination should originate from gooseneck or other unobtrusive, downward-facing fixtures. Internal illumination, if allowed, should be subdued and should only illuminate letters and characters – not background.
 - *Sign* colors should complement *building* and awning colors.
- On houses:
 - Finished first floor elevations should be at least 18 and not more than 48 inches above grade.
 - *Historically representative* porches are encouraged.

Roofs

- Commercial and mixed-use *buildings* should have flat roofs.
- Residential *buildings*, other than mixed-use and multi-unit apartment *buildings*, should have moderate to steeply pitched roofs. Pitched roofs may be gabled or hipped.
- Pitched roofs should be surfaced with *historically representative* roofing materials, or materials that closely resemble *historically representative* materials.
 - Appropriate materials include asphalt shingles, sawn wood shingles, and fiberglass or other composition shingles that are similar in appearance to asphalt shingles.

- Shingles may include multilayered architectural shingles, 3-in-1 tab shingles, Dutch lap shingles, and French method or interlock shingles.
- Thick wood shakes are inappropriate.

Exterior Walls

- *Visible facades* should be surfaced with *historically representative* materials such as stone, masonry or horizontal clapboard. Other materials may be allowed, where *visually compatible*.
- Upper stories of clapboard-sided houses may be sided with shingles.

Porches and Stairways on *Visible House Facades*

- Porches and stairways should have a finished appearance.
- Porches and stairways should be constructed of wood or other materials that have a *historically representative* appearance. Railings may be constructed of wood, wrought iron or other materials having a *historically representative* appearance.
- Wood surfaces should be painted or opaque stained, except that flooring and stair treads may be clear finished.
- Porch floors should be surfaced with tongue-in-groove boards or other materials that have a *historically representative* appearance. Floor joists should be hidden from view. Carpeting and two-by-four decking are inappropriate.
- Porch ceilings should be surfaced with narrow beaded boards or other materials that have a *historically representative* appearance.
- Railings on stairways and open porches should have top and bottom rails. Bottom rails on porches should be raised above the porch floor, but by no more than 3.5 inches.
- Balusters on porch and stairway railings should extend from the top to the bottom rail, but not beyond. Plain, one-by-one inch balusters are preferred. Twisted or decorative balusters are inappropriate. Balusters should be constructed so that a 4-inch ball cannot pass through the railing at any point.
- Porch posts should be trimmed with decorative molding at the top and bottom of the posts.
- Open spaces beneath porches and stairways should be screened by framed lattice, narrowly spaced vertical boards, or other approved openwork that permits ventilation. The enclosure should be constructed so that a 3" ball cannot pass through any portion of it.
- Stairs should have solid risers.

(7) New Structures; Williamson Street Corridor.

(a) Williamson Street Corridor Defined. The Williamson Street Corridor includes the area designated as such on the district map under sub. (1). The corridor is divided into 5 zones (I, Ia, II, III and IV), corresponding to the zones identified in the City's "Design Guidelines & Criteria for Preservation: Williamson Street, 600-1100 Blocks," otherwise known as the "Build II Plan," approved by Common Council Resolution RES-05-00074 (2005).

(b) Standards. New structures in the Williamson Street Corridor shall comply with the following standards, in addition to the standards in sub. (6):

1. Maximum Height.

- a. Zone 1: Structures shall not exceed 2-1/2 stories except that, on the north side of the 800 and 900 block of Williamson Street, the Landmarks Commission may allow 3 stories.
- b. Zone 1a: Structures shall not exceed 4 stories, except that structures on the easterly 165 feet of the north side of the 600 block of Williamson Street may not exceed 3 stories. On the south side of the 700 block of Williamson Street, the Landmarks Commission may allow 5 stories.

- c. Zone II: Structures shall not exceed 3 stories, except that the Landmarks Commission may allow a fourth story that is stepped back so that it cannot be seen at sidewalk level from the opposite side of the street. In the 800 and 900 blocks of Williamson Street, the fourth story of a residential structure shall be set back at least 45 feet from the property line, and the fourth story of a commercial or mixed use structure shall be set back at least 30 feet from the property line.
 - d. Zone III: Structures shall not exceed the lesser of 54 feet or 5 stories.
 - e. Zone IV: Structures shall not exceed the lesser of 54 feet or 5 stories, except that the Landmarks Commission may allow a structure of up to the lesser of 85 feet or 7 stories.
 - f. Corner features on corner structures may extend a reasonable distance above the maximum height otherwise allowed if the corner feature is appropriate to the building style and is comparable in scale to historically representative corner features in the Williamson Street Corridor.
2. Setbacks.
- a. The street façade of a residential structure, other than a mixed-use structure, shall be set back at least 15 feet from the developed public right-of-way. The Landmarks Commission may allow a shorter setback of not less than 6 feet if the setback is not less than the average setback of other residential structures on the block face. A one-story unenclosed porch, including stairs, may encroach up to 6 feet into the setback but may not be located less than 6 feet from the developed public right-of-way.
 - b. The street façade of a commercial or mixed-use structure shall be set back 2 feet from the developed public right-of-way, except that the Landmarks Commission may allow a setback of up to 8 feet to accommodate an outdoor retail space.
 - c. Lots no more than 44 feet wide shall have side yard setbacks of at least 4 feet per side, totaling at least 10 feet for both sides.
 - d. Lots over 44 feet wide shall have side yard setbacks of at least 6 feet per side, totaling at least 16 feet for both sides.
 - e. Corner residential lots shall have a side yard setback of at least 8 feet on the street-facing side. The combined total setback requirement for the 2 side yards is thus increased by 4 feet.
 - f. Corner commercial and mixed-use lots shall have a side yard setback of at least 2 feet on the street-facing side. The combined total setback requirement for the 2 side yards is thus decreased by 2 feet.
 - g. Rear yard setbacks shall be at least 35 feet, or 16 feet if the structure has an underground or above-ground parking structure. The Landmarks Commission may allow a rear yard setback of 10 feet in the 700 block of Williamson Street, and in the back half of the 600 block of Williamson Street.
3. Street Facades.
- a. No structure may have a total street façade width of more than 60 feet.
 - b. Street façades more than 25 feet wide shall be divided into visually distinct masses, each of which may be no more than 25 feet wide. The visually distinct masses shall be separated from each other by at least 5 feet.

Note: Additions and alterations to existing structures may not cause them to violate standards for new structures, or aggravate a pre-existing nonconformity (see core standards for additions and alterations, Tab 3). Green highlighted standards under sub. (7) could be placed in the zoning code, rather than the historic district ordinance, although the Alliance does not necessarily recommend that approach.

3. University Heights Historic District

District Description

The University Heights Historic District is designed to preserve the historic character of University Heights, a neighborhood of distinguished architecture that has strong historical associations with the University of Wisconsin. The district includes some high-density residential and commercial areas, as well lower density residential areas.

University Heights, originally platted in 1893, featured innovative curvilinear streets and beautiful vistas. It is located near the University of Wisconsin, and supplements the historic character of the university campus. It has been home to many world famous university professors and Wisconsin business and government leaders. The official residence of the UW-Madison chancellor is currently located in University Heights.

Partly because of its connection to the University of Wisconsin, University Heights is strongly associated with the cultural, educational, political, economic and social history of Madison, the State of Wisconsin, and the nation. The district is associated with important persons and events in national, state and local history. It includes much distinguished architecture and craftsmanship, including many of Madison's most architecturally significant Queen Anne, prairie style and period revival houses designed by leading national and local architects.

The Common Council created the University Heights historic district in 1985, in response to a petition by district property owners.

Current District Ordinance (Sec. 41.24, MGO):

The current district ordinance, dating from 1985, is reasonably complete. However, it is highly detailed and rather difficult to read. Current district ordinance standards are, on the whole, comparable to the much clearer *core standards and guidelines* proposed by the Alliance (see Tabs 2 to 4). However, the current district ordinance includes district-specific size limits for buildings in the high-density residential and commercial portions of the district. It also includes more district-specific detail related to specific architectural features such as roofing and siding.

How the Current District Ordinance Will Change

The Alliance proposal (Tab 9, section 41.28) streamlines the current district ordinance, while preserving its essential features. It incorporates, by reference, the *core standards and guidelines* applicable to all historic districts (see Tabs 2 to 4). It also adds the following district-specific provisions (drawn from the current district ordinance). Other, redundant provisions of the current district ordinance are repealed.

(6) New Structures; General. New structures in the University Heights Historic District shall comply with **[the core standards and guidelines in Tab 2]**, and with sub. (7) if applicable. The following district guidelines apply, in addition to the **[core guidelines in Tab 2]**:

Guidelines:

- New primary structures should be at least 15 feet in height.
- The street facade area of a new primary structure should be no greater than 125 percent of the average street facade area of historic resources located within 200 feet of the new primary structure. This does not apply to a multi-unit residential structure whose street facade includes adequate setback variations, such that the street facade appears to repeat the proportions and rhythm of the block face and of historic resources located within 200 feet of the structure.
- Pitched roofs should be surfaced with historically representative roofing materials, or materials that closely resemble historically representative materials.
 - Appropriate roofing materials include tile, slate, sawn wood shingles, and asphalt shingles.
 - Inappropriate roofing materials include thick wood shakes, Dutch lap shingles, French method shingles and interlock shingles.
- Siding combinations should be reasonably consistent with combinations prevalent on historic resources in the historic district (e.g., brick on the first floor and clapboard on second floor of single-family residences).

(7) New Structures; Maximum Height. The following height limits apply to new structures in the University Heights Historic District:

- (a) A new primary structure in a TR-C2, TR-C3, TR-C4, TR-V1, or TR-V2 zoning district shall not exceed the lesser of 35 feet or 2.5 stories.
- (b) A new primary structure in a TR-U1, NMX, TSS, or LMX zoning district shall not exceed 40 feet.
- (c) A new primary structure in a TR-U2 zoning district shall not exceed 50 feet.
- (d) A new accessory structure shall not exceed 15 feet.

Note: Additions and alterations to existing structures may not cause them to violate standards for new structures, or aggravate a pre-existing nonconformity (see core standards for additions and alterations, Tab 3). Green highlighted standards under sub. (7) could be placed in the zoning code, rather than the historic district ordinance, although the Alliance does not necessarily recommend that approach.

4. Marquette Bungalows Historic District

District Description

The Marquette Bungalows Historic District is designed to preserve the cohesive historic and stylistic character of 47 bungalow-style houses located together on just 2 blocks on Madison's near east side.

All of the bungalows were built between 1924 and 1930. The bungalows are all of a similar style, size and shape, but they feature a myriad of different architectural details. The bungalows exemplify a high level of craftsmanship and detailing. Together, they create a striking community presence that recalls the aesthetics and character of a stylish but practical – not posh – middle class neighborhood from the 1920s.

The Marquette Bungalows Historic District is a unique, compact, and cohesive example of a key architectural movement affecting the social, cultural, and aesthetic history of Madison, the State of Wisconsin and the nation. The district embodies the distinguishing characteristics of an important architectural style that is strongly associated with a specific historical period, and reflects the ideals of style, high quality construction and craftsmanship in middle class homes.

The Common Council created the Marquette Bungalows Historic District in 1993, in response to a petition by district property owners.

Current District Ordinance (Sec. 41.25, MGO)

The current district ordinance, dating from 1985, is reasonably complete. Current district ordinance standards are, on the whole, comparable to the *core standards and guidelines* proposed by the Alliance (see Tabs 2 to 4). However, the current district ordinance includes many provisions that are specific to the bungalow style of the district.

How the District Ordinance Will Change

The Alliance proposal (Tab 9, Sec. 41.29) streamlines the current district ordinance, while preserving its essential features. It incorporates, by reference, the *core standards and guidelines* applicable to all historic districts (see Tabs 2 to 4); but it also incorporates the following district-specific details drawn from the current ordinance. These district-specific details are incorporated as guidelines, rather than standards. Redundant district-specific provisions are repealed.

(6) New Structures; General. New structures in the Marquette Bungalows Historic District shall comply with *[the core standards and guidelines in Tab 2]*. The following district guidelines apply, in addition to the *[core guidelines in Tab 2]*:

Guidelines:

Primary Structures

- *Primary structures should reflect the historically representative bungalow style of the historic district. Roofs, visible facades, wall surfaces, porches and architectural features should reflect the bungalow style. Rear facades should be visually compatible with the bungalow style.*

Accessory Structures

- *Accessory structures, such as garages, should reflect the historically representative bungalow style of the historic district.*
- *Roofs should be similar in shape, style, slope and appearance to the roof of the primary structure. Single slope roofs are inappropriate.*
- *Roofing materials should match those of the primary structure, to the maximum extent feasible.*
- *Garage doors should be consistent with the bungalow style. Horizontally paneled and flat paneled garage doors are inappropriate.*
- *Windows and pedestrian doors should be similar in style and proportion to historically representative windows and doors on the primary structure.*

Roofs

- Roofs and roof features should reflect the *historically representative* bungalow style of the *historic district*.
- Roofs should be surfaced with *historically representative* roofing materials, or materials that closely resemble *historically representative* materials.
 - Acceptable roofing materials include asphalt shingles, fiberglass shingles, or other rectangular composition shingles that are similar in appearance to 3-in-1 tab asphalt shingles.
 - Sawn wood shingles may be used where visually compatible.
 - Thick wood shakes and Dutch lap, French method and interlock shingles are inappropriate.
- Rooftop equipment should be as inconspicuous as possible, consistent with essential function.

Exterior Walls

- *Visible facades* should reflect the *historically representative* bungalow style of the *historic district*.
- *Visible facades* should be surfaced with *historically representative* materials such as stone, masonry, stucco or horizontal clapboard. Other materials may be allowed, where *visually compatible*.

Windows and Doors

- Windows and doors on *visible facades* should reflect the *historically representative* bungalow style of the *historic district*.
- Undivided picture windows are inappropriate.
- Bay windows are inappropriate, except that the *Landmarks Commission* may allow a bay window that has perpendicular sides, does not extend beyond the roof eaves, and is otherwise *visually compatible* with the existing *structure*.
- If a window opening has an area of more than 16 square feet, the window should have divided lights. Lights should be divided by true muntins or by high quality simulated muntins that feature raised grids on each side and spacer bars between the pains of glass.
- Storm windows and doors should be simple in design and free of stylistic references.
- Storm window and storm door trim should be enameled, painted or otherwise finished. Raw metal trim is not appropriate. *Historically representative* wood trim is encouraged.

Porches, Stairways and Decks

- Porches and stairways on *visible facades* should reflect the *historically representative* bungalow style of the *historic district*. Open decks are not appropriate on *visible facades*.
- Porches and stairways on *visible facades* should be constructed of stone, masonry, wood or other materials that have a *historically representative* appearance. Concrete steps are allowed, if they are *visually compatible* with the *structure* and its bungalow style. Wood steps should have solid risers.
- Porch and stairway railings should reflect the *historically representative* bungalow style. Acceptable railing designs include:
 - Wrought iron railings with balusters at least one-half inch wide.
 - Wood railings with one-by-one inch square balusters spaced no more than 3 inches apart.
 - Railings sided to match the siding of the *structure*.
- Porch windows, if any, should have a *historically representative* appearance and should be similar in proportion and style to *historically representative* windows on the *structure*.

- All porches, stairways and decks, including those on rear facades, should be visually compatible with the structure.

Note: Additions and alterations to existing structures may not cause them to violate applicable standards for new structures, or aggravate a pre-existing nonconformity (see core standards for additions and alterations, Tab 3).

5. First Settlement Historic District

District Description

The First Settlement Historic District is designed to preserve the historic character of Madison's first non-indigenous residential settlement area. Madison's first occupied non-indigenous residence (no longer in existence) was built in this area in 1837, and others followed. The First Settlement district is important for this reason; but it also includes fine examples of architectural styles, construction methods and streetscapes characteristic of 19th Century and early 20th Century Madison.

The district is currently characterized by modest 19th Century frame houses, many with front porches and other period architectural features, as well as a number of finer brick residences. The district also includes some commercial areas. Because of its location near the Capitol Square, it faces substantial development pressure.

The Common Council created the First Settlement Historic District in 2002, in response to a petition by district property owners.

Current District Ordinance (Sec. 41.26, MGO)

The current district ordinance, dating from 2002, is the newest Madison historic district ordinance. The current ordinance is relatively complete, except that it has significant gaps related to new construction. It contains a large amount of detail related to historic architectural features and styles that are somewhat unique to the district (porches, garage doors, roofs, siding, etc.). Partly because of this detail, the current ordinance is somewhat difficult to read.

How the District Ordinance Will Change

The Alliance proposal (Tab 9, sec. 41.30) streamlines the current ordinance, while preserving its essential features. It incorporates, by reference, the *core standards and guidelines* applicable to all historic districts (see Tabs 2 to 4); but it also adds the following district-specific details drawn from the current district ordinance. District-specific details are incorporated as guidelines, rather than standards. Redundant district-specific provisions are repealed.

(6) New Structures; General. New structures in the First Settlement Historic District shall comply with **[the core standards and guidelines in Tab 2]**. The following district guidelines apply, in addition to the **[core guidelines in Tab 2]**:

Guidelines:

Roofs

- Pitched roofs should have a moderate to steep pitch (not less than 4-in-12).
- Pitched roofs should be surfaced with asphalt shingles or other *historically representative* roofing materials.
 - Materials that closely resemble *historically representative* materials may be allowed.
 - Sawn wood shingles are not recommended, but may be allowed where *visually compatible* with the structure.
 - Thick wood shakes are inappropriate.

Garage Doors

- Vehicle doors on garages should have flat surfaces or approximately square panels. Garage doors with horizontal panels are inappropriate.
- Garage door windows should have arrays of small panes, such as the 6-pane arrays (3 panes across and 2 panes high) commonly found on garages from the 1920s.

House Porches, Stairways and Decks

- *Historically representative* porches are encouraged on *street facades*.
- Porches and stairways on *visible facades* should have a finished appearance:
 - Porches and stairways should be constructed of wood or other *historically representative* porch and stairway materials. Alternative materials may be used if they are similar to *historically representative* materials in shape, design, color, scale, architectural appearance, and other visual qualities.
 - Porches should have finished floors, ceilings and frieze boards. Floor joists should be hidden from view. Carpeting and two-by-four decking are inappropriate.
 - Porch ceilings should be surfaced with narrow beaded boards or other materials that have a *historically representative* appearance.
 - Porch floors should be surfaced with tongue-in-groove boards or other materials that have a *historically representative* appearance.
 - Stairways shall have solid risers.
 - Porch and stairway surfaces should be painted or opaque stained, except that porch flooring and stair treads may be clear finished.
 - Porch and stairway posts should be trimmed with decorative molding at top and bottom.
 - Porch and stairway railings should be constructed of wood, or another material that closely resembles wood. Plain (not decorative or twisted) wrought iron railings with one-by-one inch plain vertical balusters are also allowed.
 - Porch and stairway railings should have top and bottom rails. Bottom rails on porches should be raised above the porch floor, but by no more than 3.5 inches.
 - Balusters on porches and stairways should extend from top to bottom rail, but not beyond. One-by-one inch plain balusters are preferred. Balusters on porch and stairway railings should be constructed so that a 4-inch ball cannot pass through the railing at any point.
 - Porch and stairway railings should not be sided, except that a porch railing may be sided with solid framed panels if a City code requires a railing at least 42 inches high or if the porch is enclosed with storm windows.

- Open spaces beneath porches and stairways should be screened by framed lattice, narrowly spaced vertical boards, or other openwork that permits ventilation. The enclosure should be constructed so that a 3" ball cannot pass through any portion of it.
- Open decks should not be constructed on *visible facades*.
- All porches, stairways and decks, including those constructed on rear facades, should be *visually compatible* with the *structure*.

Note: *Additions and alterations to existing structures may not cause them to violate standards for new structures, or aggravate a pre-existing nonconformity (see core standards for additions and alterations, Tab 3).*

6. Definitions

The Alliance proposal defines key terms (see below), and *italicizes* them in the ordinance text. Proposed standards are drafted to incorporate these defined terms. This will add much-needed clarity and internal consistency to historic preservation standards.

Accessory structure means a *structure* that is located on the same *lot* as a *primary structure*, but which is separate from and incidental to the use of the *primary structure*. *Accessory structure* includes things like detached garages, parking facilities and storage sheds that are separate from and incidental to the use of a *primary structure*.

ADA means the Americans with Disabilities Act, 42 USC 12101 et seq.

Addition means a material exterior expansion of a *structure* or *landscape feature*.

Alteration means a material change to the exterior of a *structure*, or to a *landscape feature* or *landscape*.

Architectural feature means a significant exterior element of a *structure*, such as a dormer or other roof feature, porch, entryway, balcony, deck, window, door, railing, column, stairway, trim or decorative element. It includes roofing and siding.

Block face means the *street facades* of all *structures* on a block whose addresses have the same street name.

Building means a roofed *structure*.

Building Inspector means the Director of the Building Inspection Division of the City Department of Planning, Community and Economic Development, and includes the division's authorized agents.

Bulk means a *structure's* size relative to its site and context, as reflected by all of the following:

- (a) Its *height* and *gross volume*.
- (b) The location of its exterior walls, at all levels, relative to *lot* lines, adjacent streets and adjacent *structures*.
- (c) The sizes of its front, side and rear yards.

Certificate of appropriateness means a certificate issued under Subchapter F, authorizing a project that meets applicable historic preservation *standards* under this Chapter.

Character means the overall visual impression created by the exterior attributes and setting of a *structure*, place or thing. In the case of a *historic district*, it means the overall visual impression created by the combined exterior attributes and settings of all *historic resources* in the district.

City means the City of Madison.

City Plan Commission means the Commission created under Sec. 16.01, MGO.

City Planning Division means the Planning Division of the City Department of Planning, Community and Economic Development.

Demolition by neglect means knowingly or negligently allowing a *landmark*, a *historic resource*, a *structure* on a *landmark site*, or a *structure* in a *historic district* to decay, deteriorate, become structurally defective, or otherwise fall into serious disrepair.

Developed public right-of-way means a public right-of-way that has been developed to accommodate public vehicular, bicycle or pedestrian traffic. It includes streets, mass transit lines, paved bicycle paths and paved sidewalks, but does not include service alleys. In the case of a street, it includes the street, street terraces, and all paved bicycle paths and paved sidewalks that run along the street.

Guideline means a presumptive interpretation of a *standard*.

Gross volume means the total volume in cubic feet that is encompassed by the exterior surfaces of a *structure* from grade to roofline, including the volumes of component features such as dormers, attics, penthouses, attached garages, crawl spaces under enclosed portions of the *structure*, and above-grade portions of parking facilities located under enclosed portions of the *structure*. It does not include open porches or decks, crawl spaces under open porches or decks, roofless courtyards, open balconies, open canopied areas, or portions of a *structure* that are below grade; nor does it include features such as trim, cornices, pilasters, buttresses and overhangs that extend beyond the outside surfaces of exterior walls.

Height of a *structure* means the vertical distance in feet measured from the *structure's* arithmetic mean grade level, calculated on the basis of grade level measurements taken at no more than 10 foot intervals around the foundation perimeter, to the highest point of the *structure*. The highest point of a *building* is the highest point of its roof or parapet, whichever point is higher.

Historic district means a district created pursuant to Sec. 41.09 or a predecessor ordinance. Current *historic districts* are identified in Subchapter I.

Historic district ordinance means an ordinance that creates a *historic district* and establishes specifications and *standards* for it. Current *historic district ordinances* are contained in Subchapter I.

Historic resource means a *landmark*, or any structure or property that is designated as a *historic resource* in a *historic district* ordinance under Subchapter I.

Note: Under Sec. 41.10(1)(d), a *historic district ordinance* must designate "historic resources" in the *historic district*. These must include landmarks, landmark sites, and structures built during the district's "period of significance," and may include other structures or properties whose unique historic significance is clearly documented. The visual compatibility of new structures is determined by reference to designated "historic resources."

Historically representative means original to a *historic resource* or characteristic of *structures* of comparable style built during a *historic district's* period of significance.

HVAC equipment means external equipment related to the heating, ventilation, or air conditioning of a *structure*.

Landmark means any *structure*, *landscape feature*, or plot of land that has been designated as a *landmark* under Sec. 41.07 or a predecessor ordinance. *Landmark* does not include a property whose *landmark* designation has been rescinded.

Landmark site means the *lot* or *lots* on which a *landmark* is located.

Landmarks Commission means the Commission created under Sec. 33.19, MGO.

Landscape means the natural landscape and human modifications to it. *Landscape* includes land topography, *natural features*, *landscape features*, open spaces and the relationships between them.

Landscape feature means a built feature, other than a *primary structure* or *accessory structure*, which is integral to a *landscape*. It includes things like effigy mounds, driveways, paved walkways, in-ground stairways, patios, ornamental *structures*, fountains, monuments, sculptures, fences and retaining walls, as well as groupings of such features that have a collective identity.

Lot means a tract of land, designated by metes and bounds, land survey, minor land division or plat recorded with the Dane County Register of Deeds.

Massing means the geometrical configuration of a *structure's gross volume*. For example, the *massing* of a Queen Anne style house differs from the *massing* of a plain cube that has the same *gross volume* as the house.

Master means an architect or designer of recognized greatness who is responsible for a body of published work or *structures* that are notable for their quality, innovation, or level of proficiency within the profession or craft.

Natural feature means a distinctive natural element of a *landscape*, such as a distinctive geological feature, natural landform, natural water element, or native plant community. *Natural feature* may include things like rock outcroppings, streams, ponds, springs, oak savannas and native prairies.

Owner of a property means the property's *owner* of record, or a *person* who exercises legal custody, management or control of the property on behalf of the *owner* of record. If a property has more than one *owner*, each *owner* is jointly and severally responsible for complying with *owner* obligations under this Chapter.

Period of significance means the time period, specified in an ordinance creating or modifying a *historic district*, during which the *historic district* was associated with the important events, activities, *persons*, or characteristics that qualify the district for *historic district* status.

Person means an individual, corporation, partnership, limited liability company, cooperative, trust, association, business entity, state, municipality or special purpose district organized under state law.

Note: "Special purpose districts" include things like school districts or sewerage districts that are organized under state law and have certain legal attributes of persons.

Preservation Planner means the individual designated under Sec. 41.05(1).

Primary structure means a *structure* that accommodates the principal use of the *lot* on which the *structure* is located. *Primary structure* includes a residential, commercial, industrial, mixed-use, government or institutional *structure*, a parking facility or other *structure* attached to a *primary structure*, and a stand-alone parking facility that is itself the *primary structure* on a *lot*.

Secretary of Interior's Standards means the *standards* set forth in the U.S. "Secretary of Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings" (2017), 36 C.F.R. 68. The *Secretary of Interior's Standards*, to the extent that they are incorporated by reference in this Chapter, are enforceable *standards* for the purposes incorporated. The *guidelines* included with the *Secretary of Interior's Standards* may be used where relevant to interpret and implement the incorporated *standards*, but are not themselves enforceable *standards* except as otherwise specifically provided in this Chapter.

Sign means a graphic display for which a permit is required under Chapter 31, MGO.

Standard means a legal requirement under this Chapter that applies to *landmarks*, *landmark sites*, or properties in a *historic district*.

Story means that portion of a *building* included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the ceiling next above it. A basement is not considered a *story* unless it extends more than 5 feet above curb level or, if no curb level has been established, above finished lot grade level. *Story* does not include a mezzanine, other than a mezzanine that covers more than 50% of the ground *story*. If a *building height* limit under this Chapter is expressed in terms of *stories*, the average *story height* may not exceed 14 feet.

Street façade means the facade of a *structure* that faces the street identified in the *structure's* street address. If a *structure* is located on a corner lot, the façade that faces the second street forming the corner constitutes an additional and separate *street façade*. The *street façade* of a *structure* with a mansard roof includes the steep, street-facing portion of the mansard roof that is visually equivalent to a wall.

Street façade area means the combined total area, in square feet, of all street-facing walls on a *street façade*. On a structure with a mansard roof, it includes the area of the steep, street-facing portion of the mansard roof that is visually equivalent to a wall.

Structure means a built form, designed for permanent or long-term use, which is attached to land and extends above grade. A *building* is an example of a *structure*.

Visible façade of a *structure* means that portion of any façade that is readily visible from a *developed public right-of-way*, lake or river that is directly adjacent to the *lot* on which the *structure* is located, except that it does not include a rear façade that is only visible from a bike path, walkway, service alley, lake or river.

Visually compatible means harmonious in *character*. A *structure* need not convey a false impression of age, or directly mimic a historical style, in order to be *visually compatible* with a *historic resource* or *historic district*.

7. Organization

The Alliance proposal reorganizes chapter 41, MGO to accommodate new material related to historic districts, and to improve overall organization and clarity. New material is seamlessly integrated into the current ordinance, and the ordinance is reorganized for clarity, consistency and ease of reference. The following chart compares the current and proposed organization of Chapter 41, MGO (key affected provisions are highlighted in blue):

Current Chapter 41	Proposed Chapter 41 (Alliance)
SUBCHAPTER A: GENERAL PROVISIONS 41.01 Policy and Purpose 41.02 Definitions 41.03 General Administrative Provisions	SUBCHAPTER A – GENERAL PROVISIONS 41.01 Policy and Purpose 41.02 Definitions 42.03 General Administrative Provisions
SUBCHAPTER B: LANDMARKS COMMISSION 41.04 Landmarks Commission 41.05 Preservation Planner 41.06 Public Hearings and Hearing Notices	SUBCHAPTER B – LANDMARKS COMMISSION 41.04 Landmarks Commission 41.05 Preservation Planner 41.06 Public Hearings and Hearing Notices
SUBCHAPTER C: LANDMARKS 41.07 Designating landmarks 41.08 Rescinding a landmark designation 41.09 Altering or demolishing landmarks	SUBCHAPTER C – DESIGNATING LANDMARKS Clearer, simpler, more obvious titles 41.07 Designating a Landmark 41.08 Rescinding a Landmarks Designation
SUBCHAPTER D: HISTORIC DISTRICTS 41.10 Creating and amending historic districts 41.11 Historic district ordinance requirements 41.12 Constructing, altering, or demolishing structures in historic districts	SUBCHAPTER D—CREATING AND MODIFYING HISTORIC DISTRICTS 41.09 Creating, Modifying or Repealing a Historic District 41.10 Historic District Ordinance Clearer, simpler, more obvious titles 41.11 Preservation Standards, General
SUBCHAPTER E: MAINTAINING LANDMARKS, LANDMARK SITES AND HISTORIC DISTRICTS 41.13 Public interest in preservation and maintenance 41.14 Maintenance obligation; enforcement penalties 41.15 Demolition by neglect	SUBCHAPTER E – PROPERTY OWNER RESPONSIBILITIES 41.12 Owners of Landmarks and Landmark Sites Organizes everything on this topic in one convenient place 41.13 Owners of Property in Historic Districts
SUBCHAPTER F: CERTIFICATES OF APPROPRIATENESS—PROJECTS ON LANDMARKS, LANDMARK SITES AND IN HISTORIC DISTRICTS 41.16 Certificate of appropriateness required 41.17 Obtaining a certificate of appropriateness 41.18 Standards for granting a certificate of appropriateness 41.19 Variances 41.20 Appeal to the common council 41.21 Penalties for failure to obtain a certificate of appropriateness	SUBCHAPTER F- PROJECT APPROVALS Organizes everything on this topic in one convenient place. 41.14 Requesting Approval 41.15 Review and Decision 41.16 Decision Criteria 41.17 Approval Terms, Conditions and Effect
SUBCHAPTER G. DESIGNATED HISTORIC DISTRICTS, HISTORIC DISTRICT ORDINANCES 41.22 Mansion Hill Historic District 41.23 Third Lake Ridge Historic District 41.24 University Heights Historic District 41.25 Marquette Bungalow District 41.26 First Settlement Historic District	SUBCHAPTER G – VARIANCES AND APPEALS Organizes everything on this topic in one convenient place 41.18 Variances; General 41.19 Variance Criteria 41.20 Appeals to the Common Council
	SUBCHAPTER H – ENFORCEMENT Organizes everything on this topic in one convenient place. 41.21 Public Interest in Enforcement 41.22 Enforcement Roles 41.23 Demolition by Neglect; Enforcement 41.24 Civil Forfeitures 41.25 Remedial Orders
	SUBCHAPTER I – HISTORIC DISTRICTS Organizes everything on this topic in one convenient place. 41.26 Mansion Hill Historic District 41.27 Third Lake Ridge Historic District 41.28 University Heights Historic District 41.29 Marquette Bungalows Historic District 41.30 First Settlement Historic District

To: Madison Alliance for Historic Preservation
From: William J. Cook, Special Counsel
Date: July 16, 2021
Re: Madison's Historic Preservation Ordinance Revisions

As the City of Madison considers the future direction of its historic preservation ordinance, the Madison Alliance for Historic Preservation has asked me to share my research and perspectives about the pros and cons of a preservation ordinance that applies the same standards city-wide—a one-size-fits-all approach—versus a more tailored approach that addresses the specific needs of each historic district and enhances flexibility. For the reasons discussed below, the City of Madison should adopt an approach that allows for a core set of standards with district-specific differentiation and interpretive guidelines, in line with the Alliance's proposed ordinance revisions. Adopting such an ordinance would place Madison at the forefront of historic preservation regulation and provide a model for other communities to follow. In addition, it would allow Madison to increase community support for preservation not only for its five existing historic districts, but also for future districts.

Professional background. My observations and opinions are based on my knowledge, training, and experience as a historic preservation attorney, serving currently as Special Counsel to Cultural Heritage Partners, PLLC, a law and policy firm with offices in Washington, D.C., New York City, and Richmond, Virginia, that focuses almost exclusively on historic preservation and cultural heritage law. Previously, I served for eight years as Associate General Counsel in the Law Division of the National Trust for Historic Preservation, the nation's leading historic preservation advocacy group, which Congress chartered in 1949. I have also taught as a full-time law professor in the areas of property law, constitutional law, appellate advocacy, and historic preservation law. Since leaving full-time law teaching, I have continued to teach courses in historic preservation law at Columbia University's Graduate School of Architecture, Planning, and Preservation and lecture to national audiences. I also provide training in local preservation law and best practices to local historic preservation commissions through the National Alliance of Preservation Commissions and have been qualified as an expert witness in the area of historic preservation, property, zoning, and land use law. My C.V. is attached for review.

Ordinance purposes. "Clarity and consistency" are important regulatory goals, but should not be the only ones used in drafting a historic preservation ordinance, especially given the individual needs of different historic districts whether in Madison or any other municipality. Effectiveness is a key touchstone. Although many preservation ordinances have used a one-size-fits-all approach in the past, that should not be necessarily be considered as a best practice today, but rather results from most local governments having adopted model ordinances decades ago without considering the needs of individual historic districts or the property owners within those districts.

Increasingly, communities are re-evaluating this approach in a variety of ways, for reasons of effectiveness, flexibility, and social equity, with great success.¹ Not every historic district is the same, nor is it realistic to expect that property owners within those districts—who bear the duty and cost of maintenance—have the same expectations concerning what historic preservation regulation should achieve. For example, treating every present and future historic district in Madison as if it were a museum setting in Colonial Williamsburg would be neither reasonable in terms of affordability for most people nor realistic in terms of what that degree of regulation could be expected to achieve. This type of “top down” approach is not considered a best practice today.

Benefits of the Alliance Approach. The thoughtful, unified approach proposed by the Alliance is consistent with guidance from the National Park Service, which administers the federal historic preservation program, including the National Register of Historic Places, and plays a vital role in providing financial incentives for historic preservation.

The National Park Service has identified the following benefits that a balanced approach can provide:

- A basis for making fair decisions;
- Consistency in design review;
- Incentives for investment;
- Property value enhancements; and
- Tools for education.²

Rather than employing a one-size-fits-all approach to historic preservation, communities across the country are increasingly pursuing ordinances that combine core standards with an appropriate level of district-specific nuance. This has been done in various ways; but the Alliance proposal is one of the better approaches that I have seen, and it seems appropriate for a city of Madison’s size and historic preservation context.

Representative examples of cities from across the country that employ comparable approaches to preservation regulation include the following: Aspen, CO; Atlanta, GA; Baltimore, MD; Charleston, SC; Chicago, IL; Columbia, SC; Dallas, TX; Los Angeles, CA; New Orleans, LA; Ontario, CA; Palm Springs, CA; San Francisco, CA; Savannah, GA; St. Paul, MN; Dallas, TX; Staunton, VA; and Washington, DC. This list is not exhaustive.

In reviewing the Alliance’s proposal, I have considered not only differences among Madison’s five existing historic districts, but also considered the possibility that Madison may create future districts, especially if Madison adopted an approach that would allow for greater flexibility and fairness in the way its preservation ordinance is administered. The Alliance proposal strikes an appropriate balance. It addresses the need for uniformity and clarity by adopting core standards that apply to new construction, addition, alternations, and maintenance in all historic districts, therefore improving ease of administration and

¹ Stephanie K. Meeks, former president of the National Trust for Historic Preservation, discussed these trends in her book, *THE PAST AND FUTURE CITY: HOW HISTORIC PRESERVATION IS REVIVING AMERICA’S COMMUNITIES* (2016).

² National Park Service, “Creating and Using Design Guidelines: Working on the Past in Local Historic Districts,” available at <https://www.nps.gov/tps/education/workingonthepast/roletheyplay.htm>.

certainty about outcomes for city officials as well as property owners and developers. At the same time, it accommodates district-specific concerns and nuances, in recognition of the fact that not all historic properties are the same. This approach would place Madison squarely within the approach recommended by the National Park Service, and by national, state, and local preservation advocacy groups throughout the country. If Madison adopts the Alliance's approach, it can reasonably expect to realize increased community support for historic preservation, greater equity among historic districts—whether presently designated or designated in the future—and lower litigation risk by promoting more objective decisions by the Landmarks Commission.

If I can assist with your deliberations or answer questions about my research or opinions, please let me know.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William J. Cook", with a long horizontal flourish extending to the right.

William J. Cook

WILLIAM JACKSON COOK
2105 WESTERN RUN ROAD
COCKEYSVILLE, MARYLAND 21030
TEL: (843) 801-3366
E-MAIL: WILLIAMJCOOKSC@GMAIL.COM

EXPERIENCE **Cultural Heritage Partners, PLLC; Washington, DC.**

Special Counsel. Advise clients on issues related to historic preservation legal advocacy, including federal, state, and local law. Lecture regularly to national audiences on current trends and preservation issues. August 2019 to present.

National Trust for Historic Preservation; Washington, DC

Associate General Counsel. Supervised national nonprofit litigation advocacy efforts involving federal, state, and local preservation laws and corporate law matters. Lectured regularly to national audiences on current trends and preservation issues. May 2011 to March 2019.

Columbia University; New York, NY

Visiting Professor. Teach preservation law within the Graduate School of Architecture, Planning & Preservation. September 2013 to present.

Charleston School of Law; Charleston, South Carolina

Assistant Professor. Taught property law, constitutional law, historic preservation law, art & cultural heritage law, and appellate practice. Co-founder and organizer of the Law & Society Series, an annual legal symposium. Faculty Advisor to the CHARLESTON LAW REVIEW. August 2006 to May 2011.

Phillips, de Pury & Luxembourg, Ltd.; New York, New York

General Counsel's Office. Provided transactional and litigation oversight of art law issues to the Office of General Counsel of an international auction house. October 2001 to October 2003.

Ness, Motley, Loadholt, Richardson & Poole, P.A. (later DBA Motley Rice LLC); Charleston, South Carolina. *Attorney.* Assisted managing partner with trial and appellate litigation, including products liability, commercial litigation, and securities fraud. July 1998 to August 2000.

South Carolina Court of Appeals; Columbia, South Carolina

Judicial Clerk. August 1996 to July 1998.

EDUCATION **University of South Carolina School of Law; Columbia, South Carolina**
J.D., May 1996

Honors and Activities

Associate Editor, *South Carolina Environmental Law Journal*
Constitutional Law Research Assistant, Professor James L. Underwood
U.S.C. School of Law *Pro Bono* Board Member
American Jurisprudence Award, International Environmental Law

Furman University; Greenville, South Carolina
B.A., *cum laude*, Political Science, May 1991

Honors and Activities

Michael C. Ulmer Political Science Medal
Charles A. Dana Teaching Fellow, Constitutional Law
Furman University Student Service Award
Varsity Tennis, 1987-1988

Sotheby's Institute, American Arts Course; New York, New York
Certificate, May 2001

LICENSES Bar of the Supreme Court of South Carolina
Bar of the United States District Court for the District of South Carolina
Bar of the United States Court of Appeals for the Fourth Circuit
Bar of the United States Court of Appeals for the First Circuit
Bar of the United States District Court for the District of Puerto Rico
Bar of the United States District Court for the Ninth Circuit

PUBLICATIONS

PRESERVING NATIVE AMERICAN PLACES: A GUIDE TO FEDERAL LAW AND
POLICIES THAT HELP PROTECT CULTURAL RESOURCES AND SACRED SITES
(2014).

Why Legal Archives are So Important for Future Advocacy, New York
Preservation Archive Project Winter Newsletter (Jan. 2020)

Shifting the Paradigm from Deconstruction to Reuse: New Tools,
PRESERVATION LEADERSHIP FORUM (Feb. 16, 2017) (co-authored with
Tom Mayes, Esq.).

Through A Legal Lens, New York Preservation Archive Project Spring
Newsletter (May 4, 2017)

Recognizing the Grand Canyon as a Traditional Cultural Property (co-
authored with Brian R. Turner, Esq.). Paper presented at *Sharing Cultures*
2017: 5th International Conference on Intangible Heritage. Barcelo,
Portugal (Sept. 2017).

How Preservation Law Lays the Groundwork for a “Movement of Yes,” FORUM JOURNAL (Winter 2016).

New York City’s Landmarks Commission Wins Important Takings Lawsuit, PRESERVATION LEADERSHIP FORUM, Jan. 22, 2016.

Collaborating with the Army Corps to Save the Village of Zoar, FORUM JOURNAL (Winter 2015).

Saving Historic Places from Unregulated Cruise Tourism: Setting the Record Straight, PRESERVATION LEADERSHIP FORUM, Feb. 6, 2015.

A Step Forward in Protecting Blair Mountain, PRESERVATION LEADERSHIP FORUM; Sept. 8, 2014.

Proposed Tower Threatens Palisades, PRESERVATION LEADERSHIP FORUM; April 18, 2014.

Preservationists Claim Major Victory in Fight to Protect Mount Taylor, PRESERVATION LEADERSHIP FORUM; Feb. 20, 2014.

Chicago Landmarks Ordinance Upheld, PRESERVATION LEADERSHIP FORUM; Oct. 11, 2013.

Preservation Victory Over Charleston Cruise Ship Terminal, PRESERVATION LEADERSHIP FORUM; Sept. 26, 2013.

Recognizing Historic Sites that Remain Culturally Significant, PRESERVATION LEADERSHIP FORUM; March 13, 2013.

Positive News for Charleston Lawsuit, PRESERVATION LEADERSHIP FORUM; Jan. 11, 2013.

Seeing the Forest for the Trees: An Important Win for Local Preservationists, PRESERVATIONNATION; Oct. 4, 2011.

Chicago Preservationists Win Legal Victory, PRESERVATIONNATION; June 20, 2012.

The Impact of Interstates on Historic Preservation Law, PRESERVATION PROGRESS (Spring 2009).

A New Frontier Called Interior Easements, PRESERVATION PROGRESS (Spring 2005).

Reflections on Preservation’s Continuously Evolving Goals, PRESERVATION PROGRESS (Fall 2004).

Supreme Court Announces New Standard for Takings Claims, 3 S.C. ENVTL. L.J.196 (1994) (Best Case Note Award).

EDITORIAL BOARDS

Co-Editor, Law Professors Network, Land Use Blog

CHIEF JUSTICE JEAN HOEFER TOAL, APPELLATE PRACTICE IN SOUTH CAROLINA (1999)

PUBLIC LECTURES & PRESENTATIONS

Presenter, *Palm Beach's Historic Preservation Ordinance: Baseline Review of Current Strengths, Opportunities for Further Study*, Historic District Educational Symposium, Town of Palm Beach & Preservation Foundation of Palm Beach (Palm Beach, FL; Dec. 2019)

Presenter, *Preservation Law Update*, PastForward, National Trust for Historic Preservation Annual Conference, (San Francisco, CA; Nov. 2018)

Presenter, *New Urbanism and Historic Preservation*, Historic Preservation in the 21st Century: Protecting Built and Natural Environments, VIRGINIA ENVIRONMENTAL LAW JOURNAL (Charlottesville, VA; Nov. 2, 2018)

Moderator, *Through the Legal Lens: Lawyers Who Shaped NYC's Landmarks Law Explore its Past, Present, and Future*, New York Landmarks Conservancy, New York Preservation Archive Project, and Historic Districts Council (New York, NY; Nov. 9, 2017)

Keynote Speaker, *A Baseline Review of Philadelphia's Local Preservation Ordinance*, Mayor's Historic Preservation Task Force Public Meeting (Philadelphia, PA; Oct. 19, 2017)

Keynote Speaker, *From Charleston to the Grand Canyon: Using Preservation Law to Protect Historic Places and Cultural Landscapes*, Drayton Hall Distinguished Speaker Series (Charleston, SC; Mar. 21, 2017)

Co-Presenter, *The Landscape of the Dakota Access Pipeline in Standing Rock Sioux Tribe vs. U.S. Army Corps of Engineers* (Oct. 25, 2016 | National Trust Forum Webinar)

Keynote Speaker, *From Annapolis to Charleston: Protecting Cultural Heritage through Local Law*, Legal Symposium: Creating, Defending, & Enforcing a Strong Historic Preservation Ordinance; Maryland

Association of Historic District Commissions (Annapolis, MD; June 11, 2016)

Panelist, National Practices, *History in the Making: New York City's Landmarks Law at 50*, NYC Landmarks Commission & Harvard University Graduate School of Design (New York, NY; Oct. 26, 2015)

Presenter, *Creative Approaches to Using Law to Protect Historic Places*, in *Beyond the Five Boroughs: International Preservation Insights*, The Fitch Forum, Columbia University Graduate School of Architecture, Planning & Preservation (New York, NY; Oct. 17, 2015)

Moderator, *Through Fresh Eyes: Emerging Heritage Professionals from Five Continents on Five Preservation Questions*; US/ICOMOS Final Program Symposium (Washington, D.C.; Aug. 12, 2015)

Presenter, *What is the Value of Historic Preservation: Assessing Preservation Tax Credits in the U.S. & Abroad*, American Bar Association Art & Cultural Heritage Law Committee, Section of International Law 2015 Spring Meeting (Washington, D.C.; May 1, 2015)

Presenter, *From Savannah to Syria: Protecting Cultural Heritage Through Law*, University of Georgia School of Law & College of Environment & Design (Athens, GA; April 16, 2015)

Presenter, *The Adverse Effects of Unregulated Cruise Tourism and the Venice and Charleston Experience*, National Trust for Historic Preservation and Georgetown University Law Center 2015 National Preservation Law Conference (Washington, D.C.; Feb. 25, 2015)

Presenter, *The Legal Framework for Preserving the Pacific's World War II-Era Past*, The Lawyers' Committee for Cultural Heritage Preservation Annual Conference (New Orleans, LA; Oct. 2, 2014)

Visiting Professor, *Federal Preservation Law*, University of New Mexico, Southwest Summer Institute for Preservation and Regionalism (June 2014)

Presenter, *The State of Preservation Law—A National Perspective*; Preservation Law & Policy: Crises of Legitimacy (University of Pennsylvania School of Design; Philadelphia, PA; Nov. 8, 2013)

Presenter, *Regulatory Takings Law and Historic Preservation*, University of Pennsylvania School of Design Historic Preservation Program (Philadelphia, PA; March 2, 2013)

Moderator & Presenter, Policy Tools Panel, *Harboring Tourism: A Symposium on Cruise Ships in Historic Port Communities*; World

Monuments Fund, National Trust for Historic Preservation, & Preservation Society of Charleston (Charleston, SC; Feb. 6, 2013)

Presenter, *The Legal Framework for Preserving the Pacific's World War II-Era Past*, The Lawyers' Committee for Cultural Heritage Preservation Annual Conference (Washington, DC; Nov. 9, 2012)

Visiting Professor, *Federal Preservation Law*, University of New Mexico, Southwest Summer Institute for Preservation and Regionalism (June 2012)

Presenter, *Regulatory Takings Law and Historic Preservation*, University of Pennsylvania School of Design Historic Preservation Program (Philadelphia, PA; March 2, 2012)

Presenter, *Recent Developments in Preservation Law*, Preservation Law Workshop, Preservation Delaware and Widener University School of Law (Dover, DE; Mar. 28, 2012)

Panelist, Property Law Discussion Group, Southeastern Association of Law Schools 63rd Annual Meeting (Hilton Head Island, SC; Aug. 2011)

Presenter, *Sources of Historic Preservation Law* (Columbia University; New York, NY; Apr. 2011)

Presenter, *Federalism and Preservation Law: A Call for Local Reform*, Association for Law, Property, and Society 2nd Annual Meeting (Washington, D.C.; Mar. 2011)

Presenter, *Integrating Form-Based Codes in Historic Preservation Districts*, Southeastern Legal Scholars Program (Charleston, SC; Oct. 2010)

Presenter, *Emerging Patterns in Cultural Property Law*, New Scholar Colloquia, Southeastern Association of Law Schools 62nd Annual Meeting (Palm Beach, FL; Aug. 2010)

Presenter, *The Effects of Smart Growth on the Preservation of Historic Resources*, Session on Managing the American Dream: Land Use and the Politics of Growth after the Mortgage Crisis, Law and Society Association Annual Meeting (Chicago, IL; May 28, 2010)

Presenter, *A Whole New Land Use Law: Teaching New Urbanism, Smart Growth, Green Building, and the Laws that Govern Them*, 61st Annual Meeting, Southeastern Association of Law Schools (Palm Beach, FL; Aug. 5, 2009)

Panelist, *Challenges to Historic Districts in Today's Environments*,
Preservation Legal Action Trust, New Bern, NC (June 12, 2009)

Presenter, *Evolution of Historic Preservation Law in Charleston*, Rotary
Club of Charleston (April 10, 2009)

Moderator & Presenter, *Law of Easements: Legal Issues and Practical
Considerations*; Continuing Legal Education Program (Charleston, SC;
Jan. 21, 2009)

Presenter, *Zoning, Subdivision, and Land Development Law in South
Carolina*; Continuing Legal Education Program (Mt. Pleasant, SC; Nov.
19, 2008)

Presenter, *The Meaning of Civility in the Practice of Law*, Charleston
County Bar, Young Lawyers Division Leadership Academy (Charleston,
SC; May 16, 2008)

Presenter, *Historic Preservation Law in Charleston*, Terry Carey Inn of
Court (Charleston, SC; April 24, 2008)

Presenter, *South Carolina Appellate Law Update*, Fidelity National Title
Insurance Company, Ninth Annual Underwriting Seminar and Continuing
Legal Education Program (Columbia, SC; Mar. 15, 2008)

Moderator & Presenter, *Zoning, Subdivision & Land Development*
Continuing Legal Education Program (Charleston, SC; Nov. 29, 2007)

Presenter, *Legal Issues Affecting Heirs' Property*
Continuing Legal Education Program (Charleston, SC; Oct. 12, 2007)

EXPERT QUALIFICATIONS

- Historic Preservation & Land Use Law (*Historic Charleston Foundation v. City of Charleston*, March 2009)
- Interpretation of Colonial Deeds & Land Grants (*Grant v. State of South Carolina*, April 2009)

AWARDS & RECOGNITION

- Loeb Fellow Finalist (2018)
- Nominee, Professor of the Year (2007 to 2008)
- Luce Scholars Program, National Finalist (1997)
- Rotary International Scholar; Strasbourg, FRANCE (1991 to 1992)

COMMUNITY SERVICE

- President, Stamford House Historic Preservation Foundation, Inc., Nov. 2019 to present)
- Vice-President, New York Preservation Archive Project (Sept. 2017 to present)
- Secretary & Treasurer, Lawyers Committee for Cultural Heritage Preservation (February 2012 to present)
- Member, Regulatory Subcommittee, City of Philadelphia Historic Preservation Task Force (Sept. 2017 to March 2019)
- Board Member, Maryland Center for History and Culture (June 2021 to present)
- Board Member, Valleys Planning Council (May 2017 to present)
- Board Member, Ladew Topiary Gardens (April 2019 to present)
- Board Member, Historic Preservation & Education Fund of the Racquet Club of Philadelphia (August 2016 to present)
- Vestry Member, St. John's Western Run Parish (Winter 2018 to present)
- House & Ground Committee Member, The Walters Art Museum (Sept. 2017 to present)
- House Committee Member, Ladew Topiary Gardens (April 2017 to present)
- Board Member, National Preservation Institute (Sept. 2017 to Sept. 2018)
- Board Member, The Preservation Society of Charleston (2004 to 2010)
- Committee Member, Music in the Valley, St. John's Western Run Episcopal Church (Sept. 2017 to present)

LANGUAGES Fluent in French.

9. Complete Ordinance Draft

It is one thing to propose good ideas, and quite another to turn those ideas into actual ordinance language. The Alliance has taken the extraordinary step of doing just that. The following draft shows exactly how Madison's Historic Preservation Ordinance (Chapter 41, MGO) will look, if the Alliance proposal is adopted in its current form. A plain language summary accompanies the draft. In the Table of Contents, key sections affected by the Alliance proposal are highlighted in blue.

Historic Preservation and Historic Districts

Plain Language Summary

This ordinance updates Chapter 41 of the Madison General Ordinances (MGO), related to historic preservation and historic districts. Madison currently has 5 historic districts, including the Mansion Hill, Third Lake Ridge, University Heights, Marquette Bungalows, and First Settlement districts. Other districts may be created by ordinance in the future. Each historic district currently has its own district ordinance.

The ordinance spells out *core standards* for all historic districts, current and future. The core standards address new construction, additions, alterations and maintenance in historic districts, and are designed to work in combination with applicable zoning and building codes. Core standards are supplemented by interpretive guidelines. Abbreviated district ordinances add district-specific detail, as needed. Outdated and redundant district-specific provisions are deleted.

The Landmarks Commission may publish an online design manual that incorporates ordinance standards and interpretive guidelines in a user-friendly format. The design manual may also include illustrations and voluntary practice tips for property owners. The Landmarks Commission may from time to time update the design manual, but may not modify ordinance standards or ordinance guidelines without Common Council action.

This ordinance also makes non-substantive organizational and drafting changes, to improve the clarity and consistency of the current ordinance:

- It reorganizes current subchapters, for greater ease of navigation and reference.
- It spells out clear definitions and *italicizes* defined terms in the ordinance text. More effective use of defined terms simplifies the ordinance text, and ensures greater consistency.
- It clarifies (but does not change) current administrative procedures. Among other things, it clarifies which projects require Landmarks Commission approval ("certificate of appropriateness").
- It lists property owner responsibilities in one location, for ease of reference. Enforcement provisions are also combined in one location.
- It clarifies (but does not change) the interconnected roles of the Landmarks Commission, the Preservation Planner, the Building Inspector, the City Plan Commission and the Common Council, as they relate to historic preservation.
- It clarifies (but does not change) current standards and procedures related to *landmarks*. Landmarks are individually designated historic properties that may or may not be located in historic districts.
- It makes non-substantive drafting changes to improve clarity, consistency and readability.

Finally, this ordinance requires the Landmarks Commission to recommend updates to the city's Historic Preservation Plan at least once every 10 years. The plan is subject to Common Council approval, as part of the city's comprehensive plan.

The Common Council of the City of Madison ordains as follows:

Chapter 41 of the Madison General Ordinances is repealed and recreated to read:

CHAPTER 41: HISTORIC PRESERVATION

SUBCHAPTER A – GENERAL PROVISIONS

- 41.01 Policy and Purpose
- 41.02 Definitions
- 42.03 General Administrative Provisions

SUBCHAPTER B – LANDMARKS COMMISSION

- 41.04 Landmarks Commission
- 41.05 Preservation Planner
- 41.06 Public Hearings and Hearing Notices

SUBCHAPTER C – DESIGNATING LANDMARKS

- 41.07 Designating a Landmark
- 41.08 Rescinding a Landmarks Designation

SUBCHAPTER D – CREATING AND MODIFYING HISTORIC DISTRICTS

- 41.09 Creating, Modifying or Repealing a Historic District
- 41.10 Historic District Ordinance
- 41.11 Preservation Standards; General

SUBCHAPTER E – PROPERTY OWNER RESPONSIBILITIES

- 41.12 Owners of Landmarks and Landmark Sites
- 41.13 Owners of Property in Historic Districts

SUBCHAPTER F – PROJECT APPROVALS

- 41.14 Requesting Approval
- 41.15 Review and Decision
- 41.16 Approval Criteria
- 41.17 Approval Terms, Conditions and Effect

SUBCHAPTER G – VARIANCES AND APPEALS

- 41.18 Variances; General
- 41.19 Variance Criteria
- 41.20 Appeals to the Common Council

SUBCHAPTER H – ENFORCEMENT

- 41.21 Public Interest in Enforcement
- 41.22 Enforcement Roles
- 41.23 Demolition by Neglect; Enforcement
- 41.24 Civil Forfeitures
- 41.25 Remedial Orders

SUBCHAPTER I – HISTORIC DISTRICTS

- 41.26 Mansion Hill Historic District
- 41.27 Third Lake Ridge Historic District
- 41.28 University Heights Historic District
- 41.29 Marquette Bungalows Historic District
- 41.30 First Settlement Historic District

SUBCHAPTER A GENERAL PROVISIONS

41.01 POLICY AND PURPOSE. The Common Council recognizes that the *City of Madison* contains *buildings, structures, signs, architectural features, landscape features, sites, and areas* that have significant architectural, archaeological, anthropological, historical, and cultural value. The Common Council further recognizes that these historic assets represent Madison's unique heritage, contribute to the health, prosperity, safety and welfare of Madison residents, and serve as a source of great interest to Madison residents and visitors. The Common Council therefore finds that it is in the public interest to identify, protect, preserve, promote, conserve and use historic assets within the *City of Madison*. The purpose of this Chapter is to:

- (1) Identify, protect, promote, preserve, conserve and use the *City's* historic assets, including its designated *historic districts* and *landmarks*.
- (2) Ensure that the *City's* growth sensitively incorporates the *City's* historic assets.
- (3) Enhance the visual and aesthetic *character* of the *City* by ensuring that new design and construction, when it occurs, complements the *City's* historic assets.
- (4) Promote appropriate reinvestment in the *City's landmarks* and *historic districts* by allowing for new design and construction that preserves and complements the *City's* historic assets and conforms to *historic district standards*.
- (5) Safeguard the *City's* historic assets, and the investments made in them, by creating and enforcing clear preservation and maintenance *standards*.
- (6) Recognize that the *City's* historic assets are economic assets that can attract residents and visitors, create jobs, stabilize and improve property values, and stimulate business and industry.
- (7) Foster civic pride in the beauty and noble accomplishments of the past.
- (8) Promote the use of and investment in *historic districts* and *landmarks* for the education, pleasure and welfare of the people of the *City*.
- (9) Provide a clear regulatory framework for implementing, balancing, and accomplishing these public policies and purposes.

41.02 DEFINITIONS. In this Chapter:

Accessory structure means a *structure* that is located on the same *lot* as a *primary structure*, but which is separate from and incidental to the use of the *primary structure*. *Accessory structure* includes things like detached garages, parking facilities and storage sheds that are separate from and incidental to the use of a *primary structure*.

ADA means the Americans with Disabilities Act, 42 USC 12101 et seq.

Addition means a material exterior expansion of a *structure* or *landscape feature*.

Alteration means a material change to the exterior of a *structure*, or to a *landscape feature* or *landscape*.

Architectural feature means a significant exterior element of a *structure*, such as a dormer or other roof feature, porch, entryway, balcony, deck, window, door, railing, column, stairway, trim or decorative element. It includes roofing and siding.

Block face means the *street facades* of all *structures* on a block whose addresses have the same street name.

Building means a roofed *structure*.

Building Inspector means the Director of the Building Inspection Division of the *City* Department of Planning, Community and Economic Development, and includes the division's authorized agents.

Bulk means a *structure's* size relative to its site and context, as reflected by all of the following:

- (a) Its *height* and *gross volume*.
- (b) The location of its exterior walls, at all levels, relative to *lot* lines, adjacent streets and adjacent *structures*.
- (c) The sizes of its front, side and rear yards.

Certificate of appropriateness means a certificate issued under Subchapter F, authorizing a project that meets applicable historic preservation *standards* under this Chapter.

Character means the overall visual impression created by the exterior attributes and setting of a *structure*, place or thing. In the case of a *historic district*, it means the overall visual impression created by the combined exterior attributes and settings of all *historic resources* in the district.

City means the City of Madison.

City Plan Commission means the Commission created under Sec. 16.01, MGO.

City Planning Division means the Planning Division of the City Department of Planning, Community and Economic Development.

Demolition by neglect means knowingly or negligently allowing a *landmark*, a *historic resource*, a *structure* on a *landmark site*, or a *structure* in a *historic district* to decay, deteriorate, become structurally defective, or otherwise fall into serious disrepair.

Developed public right-of-way means a public right-of-way that has been developed to accommodate public vehicular, bicycle or pedestrian traffic. It includes streets, mass transit lines, paved bicycle paths and paved sidewalks, but does not include service alleys. In the case of a street, it includes the street, street terraces, and all paved bicycle paths and paved sidewalks that run along the street.

Guideline means a presumptive interpretation of a *standard*.

Gross volume means the total volume in cubic feet that is encompassed by the exterior surfaces of a *structure* from grade to roofline, including the volumes of component features such as dormers, attics, penthouses, attached garages, crawl spaces under enclosed portions of the *structure*, and above-grade portions of parking facilities located under enclosed portions of the *structure*. It does not include open porches or decks, crawl spaces under open porches or decks, roofless courtyards, open balconies, open canopied areas, or portions of a *structure* that are below grade; nor does it include features such as trim, cornices, pilasters, buttresses and overhangs that extend beyond the outside surfaces of exterior walls.

Height of a *structure* means the vertical distance in feet measured from the *structure's* arithmetic mean grade level, calculated on the basis of grade level measurements taken at no more than 10 foot intervals around the foundation perimeter, to the highest point of the *structure*. The highest point of a *building* is the highest point of its roof or parapet, whichever point is higher.

Historic district means a district created pursuant to Sec. 41.09 or a predecessor ordinance. Current *historic districts* are identified in Subchapter I.

Historic district ordinance means an ordinance that creates a *historic district* and establishes specifications and *standards* for it. Current *historic district ordinances* are contained in Subchapter I.

Historic resource means a *landmark*, or any structure or property that is designated as a *historic resource* in a *historic district* ordinance under Subchapter I.

Note: Under Sec. 41.10(1)(d), a historic district ordinance must designate "historic resources" in the historic district. These must include landmarks, landmark sites, and structures built during the district's "period of significance," and may include other structures or properties whose unique historic significance is clearly documented. The visual compatibility of new structures is determined by reference to designated "historic resources."

Historically representative means original to a historic resource or characteristic of structures of comparable style built during a historic district's period of significance.

HVAC equipment means external equipment related to the heating, ventilation, or air conditioning of a structure.

Landmark means any structure, landscape feature, or plot of land that has been designated as a landmark under Sec. 41.07 or a predecessor ordinance. Landmark does not include a property whose landmark designation has been rescinded.

Landmark site means the lot or lots on which a landmark is located.

Landmarks Commission means the Commission created under Sec. 33.19, MGO.

Landscape means the natural landscape and human modifications to it. Landscape includes land topography, natural features, landscape features, open spaces and the relationships between them.

Landscape feature means a built feature, other than a primary structure or accessory structure, which is integral to a landscape. It includes things like effigy mounds, driveways, paved walkways, in-ground stairways, patios, ornamental structures, fountains, monuments, sculptures, fences and retaining walls, as well as groupings of such features that have a collective identity.

Lot means a tract of land, designated by metes and bounds, land survey, minor land division or plat recorded with the Dane County Register of Deeds.

Massing means the geometrical configuration of a structure's gross volume. For example, the massing of a Queen Anne style house differs from the massing of a plain cube that has the same gross volume as the house.

Master means an architect or designer of recognized greatness who is responsible for a body of published work or structures that are notable for their quality, innovation, or level of proficiency within the profession or craft.

Natural feature means a distinctive natural element of a landscape, such as a distinctive geological feature, natural landform, natural water element, or native plant community. Natural feature may include things like rock outcroppings, streams, ponds, springs, oak savannas and native prairies.

Owner of a property means the property's owner of record, or a person who exercises legal custody, management or control of the property on behalf of the owner of record. If a property has more than one owner, each owner is jointly and severally responsible for complying with owner obligations under this Chapter.

Period of significance means the time period, specified in an ordinance creating or modifying a historic district, during which the historic district was associated with the important events, activities, persons, or characteristics that qualify the district for historic district status.

Person means an individual, corporation, partnership, limited liability company, cooperative, trust, association, business entity, state, municipality or special purpose district organized under state law.

Note: "Special purpose districts" include things like school districts or sewerage districts that are organized under state law and have certain legal attributes of persons.

Preservation Planner means the individual designated under Sec. 41.05(1).

Primary structure means a *structure* that accommodates the principal use of the *lot* on which the *structure* is located. *Primary structure* includes a residential, commercial, industrial, mixed-use, government or institutional *structure*, a parking facility or other *structure* attached to a *primary structure*, and a stand-alone parking facility that is itself the *primary structure* on a lot.

Secretary of Interior's Standards means the *standards* set forth in the U.S. "Secretary of Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings" (2017), 36 C.F.R. 68. The *Secretary of Interior's Standards*, to the extent that they are incorporated by reference in this Chapter, are enforceable *standards* for the purposes incorporated. The *guidelines* included with the *Secretary of Interior's Standards* may be used where relevant to interpret and implement the incorporated *standards*, but are not themselves enforceable *standards* except as otherwise specifically provided in this Chapter.

Sign means a graphic display for which a permit is required under Chapter 31, MGO.

Standard means a legal requirement under this Chapter that applies to *landmarks*, *landmark sites*, or properties in a *historic district*.

Story means that portion of a *building* included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the ceiling next above it. A basement is not considered a *story* unless it extends more than 5 feet above curb level or, if no curb level has been established, above finished lot grade level. *Story* does not include a mezzanine, other than a mezzanine that covers more than 50% of the ground *story*. If a *building height* limit under this Chapter is expressed in terms of *stories*, the average *story height* may not exceed 14 feet.

Street façade means the facade of a *structure* that faces the street identified in the *structure's* street address. If a *structure* is located on a corner lot, the façade that faces the second street forming the corner constitutes an additional and separate *street façade*. The *street façade* of a *structure* with a mansard roof includes the steep, street-facing portion of the mansard roof that is visually equivalent to a wall.

Street façade area means the combined total area, in square feet, of all street-facing walls on a *street façade*. On a structure with a mansard roof, it includes the area of the steep, street-facing portion of the mansard roof that is visually equivalent to a wall.

Structure means a built form, designed for permanent or long-term use, which is attached to land and extends above grade. A *building* is an example of a *structure*.

Visible façade of a *structure* means that portion of any façade that is readily visible from a *developed public right-of-way*, lake or river that is directly adjacent to the *lot* on which the *structure* is located, except that it does not include a rear façade that is only visible from a bike path, walkway, service alley, lake or river.

Visually compatible means harmonious in *character*. A *structure* need not convey a false impression of age, or directly mimic a historical style, in order to be *visually compatible* with a *historic resource* or *historic district*.

Note: The above-defined terms are *italicized* whenever they appear in the ordinance text.

41.03 GENERAL ADMINISTRATIVE PROVISIONS.

- (1) **Computing Time Periods.** When this ordinance specifies a time period measured in days or years, the day of the act or event from which the time period begins shall be excluded, and the last day of the time period shall be included. If the time period is less than 11 days, Saturdays, Sundays and holidays shall be excluded.

- (2) **Conflicting Ordinances.** In the event of any conflict or inconsistency between this Chapter and another *City* ordinance, the ordinance that is more restrictive or that imposes a higher standard or requirement shall prevail, except as otherwise specifically provided by ordinance.
- (3) **Severability.** A court decision invalidating any provision or application of this Chapter does not invalidate any other provision or application of this Chapter, except as specifically provided by law or court order.
- (4) **Imminent Threat to Life, Health or Property.** This Chapter does not limit, or require *Landmarks Commission* approval for, any construction, reconstruction, *alteration* or demolition that is specifically ordered by a court or government agency to prevent an imminent threat to life, health or property.
- (5) **Measuring 200 Feet Around Properties.** *Historic resources*, current and proposed *structures*, and other current or proposed real estate features are within 200 feet of each other, for purposes of this Chapter, if the *lots* on which they are located are within 200 feet of each other at their closest point of proximity.
- (6) **Repair and Replacement Materials.** *Standards* in this Chapter shall be interpreted in a manner consistent with Wis. Stats. s. 62.23(7)(em)2m, which reads in relevant part as follows: "In the repair or replacement of a property that is designated as a historic *landmark* or included within a *historic district* ..., a city shall allow an owner to use materials that are similar in design, color, scale, architectural appearance, and other visual qualities."

SUBCHAPTER B LANDMARKS COMMISSION

41.04 LANDMARKS COMMISSION. The *Landmarks Commission* shall do all of the following with advice and assistance from the *Preservation Planner*:

- (1) Administer this Chapter.
- (2) Carry out its responsibilities under Secs. 28.144, 28.185, and 33.19(2), MGO.
- (3) Create or update at least once every 10 years, for Common Council approval as part of the *city's* comprehensive plan, a comprehensive historic preservation plan for the *City of Madison*. The comprehensive historic preservation plan shall aim to preserve, protect, interpret and promote Madison's historic assets in the short and long term by organizing diverse historic preservation strategies such as information, education, outreach, financial incentives, land use planning and regulation into a unified master plan that is integrated with the *city's* strategies for achieving related goals such as economic development, tourism, sound land use, livability, sustainability, efficient transportation, housing adequacy and inclusivity.

41.05 PRESERVATION PLANNER.

- (1) The Director of the *City Planning Division* shall designate a division staff member as the *Preservation Planner*.
- (2) The *Preservation Planner* shall staff the *Landmarks Commission* and carry out the duties that the *Landmarks Commission* properly delegates to the *Preservation Planner* under this Chapter. In carrying out those duties, the *Preservation Planner* shall exercise his or her own professional judgment and expertise, consistent with this Chapter and subject to general oversight by the *Landmarks Commission*.
- (3) The *Landmarks Commission* may establish procedures, conditions, limitations and criteria to govern the *Preservation Planner's* exercise of authority that the *Landmarks Commission* delegates to the *Preservation Planner* under sub. (2).

41.06 PUBLIC HEARINGS AND HEARING NOTICES.

- (1) Hearings; General.** The *Landmarks Commission* shall hold a public hearing whenever a hearing is required by this Chapter, and may hold other hearings as necessary to carry out its responsibilities under Sec. 41.04 and Sec. 33.19, MGO.
- (2) Hearing Notices; General.**
 - (a)** Prior to each hearing under sub. (1), the *Landmarks Commission* shall issue a public notice announcing the date, time, location and purpose of the hearing.
 - (b)** Hearing notices under par. (a) related to any of the following matters shall be issued in the form of a Class 2 Notice in the official *City* newspaper or as otherwise allowed under Wis. Stat. s. 985.07:
 1. The proposed designation of a *landmark* or the proposed rescission of a *landmark* designation under Subchapter C.
 2. The proposed creation, material amendment, or repeal of a *historic district ordinance*.
 3. A proposed *certificate of appropriateness*, if a hearing is required under Subchapter F.
 4. A proposed variance under Subchapter G.
 5. A proposed finding of *demolition by neglect* under Sec. 41.23.
 6. A proposed order under Sec. 41.25.
- (3) Individual Notice; When Required.** In addition to issuing a public notice under sub. (2), the *Landmarks Commission* shall in the following cases provide individual notices of hearing to the following *persons* at least 10 days prior to the hearing date:
 - (a)** If the hearing pertains to a specific site or *structure*:
 1. Each *owner* of record of the *lot* on which that site or *structure* is located.
 2. Each *owner* of record of each *lot* located within 200 feet of the site or *structure*.
 - (b)** If the hearing pertains to the creation, material amendment, or repeal of a *historic district ordinance*:
 1. All *owners* of record of *lots* located wholly or in part within the affected *historic district* or subdistrict.
 2. The alder of each aldermanic district in which any part of the *historic district* is located.
 - (c)** If the hearing pertains to a proposed *certificate of appropriateness* or variance, to the alder in whose aldermanic district the affected site or *structure* is located.

SUBCHAPTER C DESIGNATING LANDMARKS

41.07 DESIGNATING A LANDMARK.

- (1) Common Council May Designate.** The Common Council, after considering the *Landmarks Commission* recommendation under sub. (5), may designate a *landmark* according to this Section. A *landmark* designation remains in effect indefinitely, unless rescinded under Sec. 41.08.
- (2) Criteria for Designation.** A *structure*, *landscape feature*, or *plot of land* may be designated as a *landmark* if it meets any of the following criteria:
 - (a)** It is associated with broad patterns of cultural, political, economic or social history of the nation, state or community.
 - (b)** It is associated with the lives of important *persons* or with important events in national, state or local history.
 - (c)** It has important archaeological or anthropological significance.

- (d) It embodies the distinguishing characteristics of an architectural type inherently valuable as representative of a period, style, or method of construction, or of indigenous materials or craftsmanship.
- (e) It is representative of the work of a *master* builder, designer or architect.
- (3) **Nomination.** Any *person* may nominate a *structure*, *landscape feature* or plot of land for designation as a *landmark*. The *person* shall submit the nomination to the *City Planning Division*, to the attention of the *Preservation Planner*, on a nomination form approved by the *Landmarks Commission*. The nomination shall clearly identify the proposed *landmark* and the *lot* or *lots* on which it is located, and shall document why the proposed *landmark* meets at least one of the criteria under sub. (2). The *Preservation Planner* shall promptly review the application for completeness, and may ask the *person* to submit other information and documentation as needed to complete or clarify the nomination. When the *Preservation Planner* determines that the nomination is complete, the *Preservation Planner* shall promptly refer the nomination to the *Landmarks Commission*.
- (4) **Landmarks Commission Review and Public Hearing.** Whenever the *Landmarks Commission* receives a complete nomination under sub. (3), the Commission shall review the nomination. As part of its review, the Commission shall publish a hearing notice according to Sec. 41.06 and hold a public hearing on the nomination. The Commission may also gather relevant information from other sources.
- (5) **Landmarks Commission Action.** After the *Landmarks Commission* completes its review under sub. (4), the Commission shall submit a report to the Common Council supporting or opposing the proposed *landmark* designation. The Commission may recommend a *landmark* designation subject to terms and conditions that are consistent with this Chapter. The Commission shall send notice of its recommendation to each *owner* of record of each *lot* on which the proposed *landmark* is located, at least 10 days prior to any Common Council action under sub. (6).
- (6) **Common Council Action.** After considering the *Landmarks Commission's* recommendation under sub. (5), and based on the standards under sub. (2), the Common Council shall vote to designate or not designate the property as a *landmark*. The *City Clerk* shall promptly notify the *Building Inspector* and the *City Assessor* of each *landmark* designation. The *City Clerk* shall record the designation with the Dane County Register of Deeds at the *City's* expense.
- (7) **Voluntary Supplemental Restrictions.** The Common Council may at any time supplement the terms of a *landmark* designation, pursuant to an agreement between the *landmark* owner and the *Landmarks Commission*, to enhance the preservation and protection of the *landmark*.
- (8) **Landmark Plaque.** Whenever the Common Council designates a *landmark* under sub. (6), the *Landmarks Commission* shall install a landmark plaque on the *landmark* or *landmark site*. The plaque shall be placed so that it is easily visible to passing pedestrians. If the *landmark* is a *structure*, the plaque shall include the accepted name of the *landmark*, the date of its construction, and other information that the Commission considers appropriate. If the *landmark* is not a *structure*, the plaque shall include the common name of the *landmark* and other information that the Commission considers appropriate. If the Commission determines that a plaque is not appropriate because of the ecological or cultural sensitivity of the *landmark*, no plaque is required. No *person* may remove or modify a plaque without approval of the *Preservation Planner*.
- (9) **Amending a Landmark Designation.** Any *person* may petition the *Landmarks Commission* to amend a *landmark* designation. The process for amending a *landmark* designation shall be the same as that used to designate a *landmark* under this Section.

41.08 RESCINDING A LANDMARK DESIGNATION.

- (1) **Rescission by Common Council; Criteria.** Only the Common Council may rescind a *landmark* designation. The Common Council may rescind a *landmark* designation based on a request under sub. (2) if any of the following apply:
- (a) The *Landmarks Commission* determines that the requester cannot, despite a good faith effort, find a buyer for the *landmark* at a reasonable price because of its *landmark* designation. The Commission's determination shall be based on evidence in the record, including all of the following:
 - 1. The current assessed value of the *landmark* property.
 - 2. Assessed values and real estate listings of comparable properties.
 - 3. All real estate listings for the *landmark* property, including disclosure statements, listing dates, asking prices, changes to asking prices, and dates of real estate showings.
 - 4. All purchase offers received by the *landmark* owner for the *landmark* property.
 - 5. The value of improvements that the *landmark* owner has made to the *landmark* and *landmark site* since acquiring them.
 - 6. Maintenance and repair costs that the *landmark* owner has incurred for the *landmark* and *landmark site* since acquiring them.
 - (b) The *Landmarks Commission* determines that the condition of the *landmark* has, through no fault of its owner under this Chapter, changed to the point that the *landmark* no longer meets the criteria for *landmark* designation under Sec. 41.07(2).
- (2) **Requesting Rescission.**
- (a) A person who has been the *landmark's* continuous owner of record since the date of *landmark* designation, or who has inherited the *landmark* from such a person, may request a rescission of the *landmark* designation based on the criterion under sub. (1)(a). The requester shall submit the request in writing to the *Preservation Planner*, and shall include information and documentation to show that the proposed rescission meets the criterion under sub. (1)(a).
 - (b) A *landmark's* current owner of record may request rescission of the *landmark* designation based on the criterion under sub. (1)(b). The requester shall submit the request in writing to the *Preservation Planner*, and shall include information and documentation to show that the proposed rescission meets the criterion under sub. (1)(b).
 - (c) The *Preservation Planner* shall promptly review a request under par. (a) or (b) for completeness, and may ask the requester to submit additional information that is needed to complete or clarify the request.
- (3) **Landmarks Commission Review and Public Hearing.** When the *Preservation Planner* determines that a request under sub. (2) is complete, the *Preservation Planner* shall promptly refer the request to the *Landmarks Commission*. The Commission shall hold a public hearing on the request, after giving prior notice under Sec. 41.06. The Commission may also gather relevant information from other sources.
- (4) **Landmarks Commission Determination.** After completing its review under sub. (3), the *Landmarks Commission* shall determine whether a request for rescission of a *landmark* designation meets the criterion under sub. (1) that applies to that request. The Commission shall report its determination, and the reasons for it, to the Common Council. The Commission shall send written notice of its determination to each owner of record of each lot on which the *landmark* is located, at least 10 days before any Common Council action under sub. (5).

- (5) **Common Council Action.** The Common Council may act on a request to rescind a *landmark* designation after it receives the *Landmarks Commission's* determination under sub. (4). If the Common Council rescinds a *landmark* designation, the *City Clerk* shall notify the *Building Inspector* and the *City Assessor* and shall record the rescission with the Dane County Register of Deeds at the *City's* expense.

SUBCHAPTER D CREATING AND MODIFYING *HISTORIC DISTRICTS*

41.09 CREATING, MODIFYING OR REPEALING A *HISTORIC DISTRICT*

- (1) **Authority.** The Common Council, after considering the recommendations of the *Landmarks Commission* and the *City Plan Commission* under this Section, may by ordinance do any of the following according to this Chapter:
- (a) Create, modify or repeal a *historic district*, or a sub-district within a *historic district*.
 - (b) Create, modify or repeal any *standards*, *guidelines* or other ordinance provisions related to a *historic district* or sub-district.
- (2) **Historic District Criteria.** A *historic district* shall be of particular historic, architectural, or cultural significance to the *City of Madison*, as indicated by at least one of the following characteristics:
- (a) It is associated with broad patterns of cultural, political, economic or social history of the nation, state or community.
 - (b) It is associated with the lives of important *persons*, or important events in national, state or local history.
 - (c) It encompasses an area of particular archaeological or anthropological significance.
 - (d) It embodies the distinguishing characteristics of one or more architectural types that are inherently valuable for their representation of a period, style, method of construction, indigenous materials or exceptional craftsmanship.
 - (e) It is representative of the work of a *master* builder, designer or architect.
- (3) **Procedure for Creating, Modifying or Repealing a *Historic District*.**
- (a) Proposal. Any *person*, including the *Preservation Planner* or any alder, may propose an ordinance under sub. (1). The proposal shall include draft ordinance language, and shall document the basis for the proposal. If a person other than the *Preservation Planner* is making the proposal, the person shall submit the proposal to the *Preservation Planner*. The *Preservation Planner* shall review each proposal for completeness, and may ask for additional information and documentation as needed.
 - (b) Referral to *Landmarks Commission*. The *Preservation Planner* shall refer each complete ordinance proposal under par. (a) to the *Landmarks Commission*. The referral may include the *Preservation Planner's* findings and recommendations related to the proposal. Before referring a proposal to the *Landmarks Commission*, the *Preservation Planner* may consider stakeholder input including the advice of any *district advisory committee* appointed under sub. (4).

- (c) Landmarks Commission Review and Recommendation. Upon receiving a referral from the *Preservation Planner* under par. (b), the *Landmarks Commission* shall publish a hearing notice under Sec. 41.06 and hold a public hearing on the proposed ordinance. Following the public hearing, the *Landmarks Commission* shall recommend approval, disapproval, or approval subject to changes specified by the Commission. If the *Landmarks Commission* recommends a proposed ordinance for approval by the Common Council, it shall forward its recommendation to the *City Plan Commission* and the Common Council.
- (d) City Plan Commission Review and Recommendation. Whenever the *Landmarks Commission* recommends a proposed ordinance for approval by the Common Council under par. (c), the *City Plan Commission* shall review that recommendation and submit its own recommendation to the Common Council. The *City Plan Commission* shall submit its recommendation within 90 days after receiving the *Landmarks Commission* recommendation under par. (c), and at least 30 days before the Common Council holds a public hearing on the *Landmarks Commission* recommendation.
- (e) Action by Common Council. Whenever the *Landmarks Commission* recommends a proposed ordinance for approval by the Common Council under par. (c), the Common Council or a duly appointed committee of the Common Council shall hold a public hearing on the proposed ordinance. The Common Council shall then do one of the following after considering the recommendations of the *Landmarks Commission* and the *City Plan Commission*:
 1. Adopt the ordinance proposed by the *Landmarks Commission*.
 2. Adopt the proposed ordinance with modifications.
 3. Reject the proposed ordinance.

41.10 HISTORIC DISTRICT ORDINANCE.

- (1) **General.** Every *historic district* shall have a *historic district ordinance* that defines the district and establishes preservation *standards* for properties in the district. A *historic district ordinance* shall do all of the following:
 - (a) Clearly delineate the boundaries of the *historic district*, including the boundaries of any sub-district created within the *historic district*.
 - (b) Summarize the purpose and rationale for the *historic district*. The purpose and rationale shall address relevant criteria in Sec. 41.09(2).
 - (c) Identify, with beginning and ending dates, the *historic district's period of significance*.
 - (d) Identify *historic resources* in the *historic district*. These shall include *landmarks*, *landmark sites*, and *structures* built during the district's *period of significance*, and may include other *structures* or properties whose unique historic significance has been clearly documented.
 - (e) Include a map that clearly identifies the *historic district* boundaries under par. (a) and the *historic resources* designated under par. (d).
 - (f) Include *standards* under sub. (2) that are designed to preserve the *historic district's character* and *historic resources*.
 - (g) Notify district property owners of the need to obtain a *certificate of appropriateness* for projects described in Sec. 41.13(2).
 - (h) Make consistent use of terms defined in Sec. 41.02. Defined terms, when used in the ordinance text, shall be italicized.

- (2) **Preservation Standards.** Every *historic district ordinance* under sub. (1) shall incorporate by reference the *standards* in Sec. 41.11. A district ordinance may include supplementary district-specific *standards*, not incompatible with the *standards* under Sec. 41.11, which are appropriate for that district. *Standards* shall:
- (a) Be reasonably designed to preserve the *historic district's character* and *historic resources*.
 - (b) Use terms like "shall" rather than "should," to indicate that they are legal requirements.
 - (c) Apply to all properties in the *historic district*. However, the *standards* may include distinct requirements for *landmarks*, *historic resources*, defined sub-districts, or other materially distinct land use or property categories within the *historic district*.
 - (d) Aim to create a confident investment climate for:
 1. The preservation, rehabilitation, restoration, and reconstruction of *historic resources* in the *historic district*.
 2. Property development and improvements that preserve the *historic district's character* and *historic resources*.
 - (e) Comply with Wis. Stats. s. 62.23(7)(em)2m, which reads in relevant part as follows: "In the repair or replacement of a property that is designated as a historic landmark or included within a historic district..., a city shall allow an owner to use materials that are similar in design, color, scale, architectural appearance, and other visual qualities."
- (3) **Guidelines.** The *guidelines* under Sec. 41.11 apply to every *historic district*. A *historic district ordinance* may include supplementary *guidelines* that are specific to that district.
- (4) **Design Manual.** The *Landmarks Commission* may publish an online design manual that incorporates ordinance *standards* and *guidelines* in a user-friendly format. A design manual may be organized by *historic district*, and may include illustrations and voluntary practice tips that can aid property owners in the preservation of *historic resources* and *historic districts*. The *Landmarks Commission* may from time to time update the design manual, but may not modify an ordinance *standard* or ordinance *guideline* without Common Council approval.

41.11 PRESERVATION STANDARDS; GENERAL. The following *standards* apply in all *historic districts*:

(1) New Construction.

- (a) **Primary Structures.** A new *primary structure* shall be *visually compatible* with the *historic district*, and with each *historic resource* located within 200 feet of the new *structure*, with respect to the following factors:
1. Its size as indicated by its *height*, number of *stories* above grade, *gross volume*, *bulk*, and *street facade area*.
 2. Its relationship to the *lot* on which it is located, as indicated by its *lot coverage* and setbacks, and the size of its front, side and rear yards.
 3. Its overall form as indicated by its shape, *massing*, ratio of width to *height*, symmetry or asymmetry, and roof shape.
 4. The articulation of its *street façade* and other *visible facades*, including visual patterns created by building planes, wall recesses, wall protrusions, window and door openings, and *architectural features*.
 5. The *character* of its roof, including roof shape, style, pitch and surface materials, as well as roof features such as dormers, skylights, chimneys, rooftop decks, green roofs, and attached appurtenances.

6. Its exterior wall and foundation surfaces, including surface materials, textures, detailing and trim.
7. The *character* of its doors, windows, and related features such as storm doors, storm windows, trim and shutters. Relevant considerations may include size, shape, style, proportion, materials and placement, as well as the patterns created by door and window openings on *visible facades*.
8. The nature, size, appearance and placement of exterior *architectural features* and appurtenances such as entryways, porches, decks, balconies, railings, stairways, rescue platforms, fire escapes, accessibility features, *signs*, awnings, lighting fixtures, *HVAC equipment*, electrical equipment, elevator equipment, solar equipment, telecommunications equipment and building mechanicals.
9. Its sensitivity to the site and surrounding *landscape*. Relevant considerations may include the nature, size, appearance and location of its parking accommodations, refuse storage facilities, *landscape features* and drainage systems, as well as its sensitivity to distinctive *natural features*, archaeological features, *historically representative landscape features*, and open spaces that materially contribute to the *character* of the *historic district*.
10. Its relationship to each *block face* of which it is part, including its effect on the collective visual pattern formed by the sizes of, shapes of, directional expression of, and distances between existing *structures* represented in the *block face*.

Guidelines:

- The *visually compatible character* of a new *structure* may be enhanced by the use of design elements, *architectural features*, façade articulations, and materials that are characteristic of *historic resources* in a *historic district*. However, a new *structure* should not directly mimic *historic resources* or create a false impression of age.
- Façade articulation, upper story setbacks, distinctions between ground and upper stories, appropriate *architectural features*, and sensitive material and design choices may enhance the *visual compatibility* of new *structures*.
- Roof and exterior surface materials on new *structures* should be similar in design, scale, architectural appearance, and other visual qualities, to *historically representative materials* that are prevalent in the *historic district*.
- A *building's* main entrance should be located on its *street façade*, and should be large enough to serve as a focal point of that façade. Entrances should meet ADA accessibility requirements in a way that is *visually compatible* with the *historic district*.
- Parking accommodations should be appropriate in scale, and *visually compatible* with the *historic district*.
 - Parking accommodations should be unobtrusive, and should not diminish the *character* of the *historic district*.
 - Parking accommodations should be subordinate to the *primary structure*, and should not exceed reasonable parking needs associated with the use of the *primary structure*.

- Parking accommodations should be located and screened to be as inconspicuous as possible, when viewed from a *developed public right-of-way*. Screening should be *visually compatible* with the *historic district*.
- If a parking entrance is incorporated into a *street façade*, it should be as inconspicuous as possible and should be *visually compatible* with the *street façade* and *block face*.
- See additional *guidelines* in sub. (2). While those *guidelines* address *additions* and *alterations*, many are also relevant to the design of new *structures*. For example, see relevant specifications related to:
 - Roof features such as dormers, skylights, vents, chimneys, green roofs and rooftop decks.
 - Roofing materials.
 - Siding materials.
 - Windows and doors.
 - Porches, balconies, stairways and decks.
 - External equipment and drainage systems.
 - Accessibility features.
 - *Landscape features*.

(b) **Accessory Structures.** A new *accessory structure* shall be *visually compatible* with the *primary structure* to which it pertains, and with each *historic resource* located within 200 feet of the *accessory structure*. New *accessory structures* shall be as inconspicuous as reasonably possible, when viewed from a *developed public right-of-way*.

Guidelines:

- An *accessory structure* should be subordinate to the *primary structure* that it serves.
 - *Accessory structures* should be located in the back yard, if possible.
- (c) **Signs.** A *sign* constructed on a *lot* in a *historic district* shall be *visually compatible* with the *structures* on that *lot*, with the *historic district*, and with *historic resources* located within 200 feet of the *sign*.

Guidelines:

- A *sign* must also comply with the City *sign* ordinance, Chapter 31, MGO.

(2) Additions and Alterations.

(a) **General.**

1. *Additions* and *alterations* to an existing *structure* shall be *visually compatible* with that *structure*.
2. *Additions* and *alterations* shall not diminish the *historic character* of a *structure* or *landscape feature*.
3. An *addition* or *alteration* shall not cause an existing *structure* to violate any *standard* applicable to new *structures* under sub. (1) or a district ordinance, or aggravate any prior nonconformity with such a *standard*.

Guidelines:

- *Additions* and *alterations* should be consistent in design and *character* with the existing *structure*, and should blend seamlessly with that *structure*.

- *Additions and alterations* should be subordinate to the existing structure.
- *Additions* should not be constructed on *street facades*, except that *historically representative architectural features* may be restored.
- An *addition* should not increase the *height* of an existing structure.
- *Additions* should not create a false impression of age.

(b) Historic Resources.

1. *Additions and alterations* to a *historic resource* shall be *visually compatible* with that *historic resource*, and shall preserve its *historic character*.
2. *Historically representative architectural features* that are visible from a *developed public right-of-way* shall be preserved or, if necessary, replaced with *architectural features* that are similar in design, color, scale, architectural appearance, and other visual qualities.
3. *Additions and alterations* to a *landmark* or *landmark site* shall comply with the *Secretary of Interior's Standards*, in addition to applicable *historic district standards*.

Guidelines:

- *Additions and alterations* to a *historic resource* should be similar to the *historic resource* in design, scale, architectural appearance, and other visual qualities.
- An *addition* to a *historic resource* should be visually distinguished from it, and should not create a false impression of being original to it. For example, an *addition* may be distinguished by setting it back from the wall plane of the *historic resource*, by using a simple recessed connector, or by using distinct but *visually compatible* surface materials.
- *Additions* to *historic resources* should be constructed on secondary or non-character defining elevations, so that *historically representative architectural features* are not obscured, damaged or destroyed.
- Property owners are encouraged to restore previously altered *historic resources* to their documented original or *historically representative* appearance.

(c) Roofs.

1. *Roof additions and alterations* shall be *visually compatible* with the existing structure, and with each *historic resource* located within 200 feet of the structure.
2. *Additions and alterations* to the roof of a *historic resource* shall preserve its *historic character*.
3. *Historically representative roofing materials* on *historic resources* shall be preserved or, when necessary, replaced with materials that are similar in design, color, scale, architectural appearance, and other visual qualities.

Guidelines:

Roof Character

- Roofs should be *visually compatible* with the existing structure in terms of:
 - Size, shape and pitch.
 - Style (e.g., gable, hipped, gambrel, flat or mansard).

- *Architectural features* (e.g., dormers, cupolas, overhangs, chimneys, parapets and vents).
- *Character* of roofing materials.
- On *historic resources*, defining features of street-facing roofs should not be removed or altered, except to restore *historically representative* features.
- New or altered roofs and roof features, if visible from a *developed public right-of-way*, should not extend above the main roof ridgeline of the existing *structure*.

Dormers and Other Roof Features

- Dormers and other roof features should be *visually compatible* with the existing *structure*. Relevant considerations include size, shape, location, style, overhangs, setbacks, window placement and design, roofing material, siding material and trim.
- Dormers should not be added to existing, street-facing roofs.
- A shed dormer may be installed behind an existing dormer or gable on a side-facing roof, provided that it matches the size, shape and appearance of the existing dormer or gable.
- The front face of a dormer should not extend beyond the face of the wall below.
- Rooftop decks, terraces, green roofs, and like features and furnishings should be inconspicuous when viewed from a *developed public right-of-way*.

Roofing Materials

- Roofs should be surfaced with *historically representative* materials, or materials that closely resemble *historically representative* materials.
- Roofing materials should be *visually compatible* with the existing roof, and should not make it more susceptible to deterioration.
- Rolled roofing, tar-and-gravel, rubberized membranes and like materials should not be used on pitched roofs, but may be used on flat roofs.

Skylights

- Skylights should not be visible from a *developed public right-of-way*, except that rectangular skylights may be installed on side-facing roof slopes if they are set back from the roof edge.
- Skylights should be unobtrusive.
- Skylights visible from a *developed public right-of-way* should be of the flat (not bubble) type.
- Skylight trim should match the roof color.

Vents

- Roof vents should be as inconspicuous as possible, and should match the roof color.
- Ridge vents should have a low profile, should extend for the length of the ridge, and should be covered with material that matches the roof.
- Soffit vents should be inconspicuous, and should match the color of the soffit.
- Wind turbines and visually obtrusive vents should not be installed in

locations that are visible from a *developed public right-of-way*.

Chimneys

- *Historically representative* chimneys should be preserved if they are visible from a *developed public right-of-way*.
- New chimneys should be constructed of materials that are *visually compatible* with the *structure*.
- New chimneys, if visible from a *developed public right-of-way*, should be constructed of stone, masonry, or other *historically representative* materials. Stone or masonry should be *visually compatible* with stone or masonry on the existing *structure*.
- Metal and wooden boxed chimneys should not be installed in locations that are visible from a *developed public right-of-way*.

Equipment and Appurtenances

- Rooftop equipment and appurtenances such as HVAC, electrical, solar, telecommunications, and mechanical equipment should be as unobtrusive as possible, consistent with essential function.

(d) Exterior Walls.

1. Exterior wall surfaces shall be *visually compatible* with the existing *structure*, and with each *historic resource* located within 200 feet of that *structure*.
2. *Historically representative* surface materials on *visible facades* of *historic resources* shall be preserved or, when necessary, replaced with materials that are similar in design, color, scale, architectural appearance, and other visual qualities.
3. An *addition* to a *historic resource* shall be surfaced with materials that are distinguishable from *historically representative* surfaces of the existing *structure*, but are similar to them in design, color, scale, architectural appearance, and other visual qualities.

Guidelines:

- *Additions* and *alterations* should be surfaced with *historically representative* surface materials such as stone, masonry or clapboards, or with materials that are similar to *historically representative materials* in design, scale, architectural appearance, and other visual qualities.
- Surface materials used on *additions* may differ from those used on the existing *structure*, provided that they are *visually compatible* and do not detract from the historic *character* of the existing structure. For example, an *addition* to a masonry *structure* may be sided with *visually compatible* clapboards.
- Clapboards should have a visible width of no more than 5 inches, except where wider clapboards are *historically representative*.
- High quality, durable metal or synthetic clapboard may be used in place of wood clapboard if it is similar in appearance. Metal or synthetic clapboard should not have fake wood grain, or frequent or conspicuous vertical seams.
- Materials such as concrete, stucco panels, pebble dash, metal panels, vertical boards, diagonal boards, rough sawn wood, rough split shingles, shakes, plastics, and exterior insulation and finish systems (EIFS) should be avoided, except where they are *historically*

representative. The *Landmarks Commission* may allow limited use of such materials as accents or trim, where *visually compatible*. Concrete foundations are allowed, where *visually compatible* with existing foundations.

- When an exterior wall surface of a *historic resource* is replaced or covered, *historically representative* architectural details (including window trim, wood cornices and other ornaments) should remain uncovered and should project outward from the wall surface to the same degree as before.
- Siding transitions, if any, should occur at corners or other points of transition.
- Exposed masonry should not be covered. Unpainted masonry should not be painted or coated with other materials.
- *Historically representative* trim and details should not be covered with synthetic wraps.

(e) Windows and Doors.

1. New or altered windows and doors shall be *visually compatible* with the existing *structure*, and with each *historic resource* located within 200 feet of the *structure*.
2. *Historically representative* windows and doors on *visible facades* of a *historic resource* shall be preserved or, when necessary, replaced with windows and doors that are similar in design, color, scale, architectural appearance, and other visual qualities.
3. Window and door openings on *visible facades* of a *historic resource* shall be comparable in size, alignment, pattern and rhythm to those on *historically representative portions* of the existing *structure*.

Guidelines:

Windows

- New windows on *visible facades* should be *visually compatible* with *historically representative* windows on the existing facade, based on size, shape, style, proportion, trim, finish and placement.
- *Historically representative* window openings and configurations on *visible facades* of a *historic resource* should be preserved.
- If a window with divided lights is replaced, the replacement window should also have divided lights. The lights should be divided by true muntins or by simulated muntins that feature raised grids on each side and spacer bars between the panes of glass.
- Single-glazed sash may be altered to accommodate insulated glass if the *alteration* does not jeopardize the soundness of the sash or significantly alter the appearance of the window.
- Windows that are not *historically representative* may be replaced with *historically representative* windows that are *visually compatible* with the *structure*, even if they differ from the existing window.
- Storm windows installed on *historically representative* windows should have a pane configuration that does not obscure the *character* of the *historically representative* window.
- Storm window frames and trim should match the frames and trim of the windows on which they are installed.

- *Historically representative* decorative windows (e.g., stained glass, leaded glass, etched glass, or decoratively shaped windows) on *visible facades* of *historic resources* should be preserved or, if necessary, replaced with windows of similar appearance.
- Window shutters, if any, should be *visually compatible* with the windows and *structure* to which they pertain. Shutters should be sized and located so that, if workable, they would cover the window opening.
- Picture windows and bay windows should not be added to *visible facades*, except where they are *historically representative* or are replacing like windows.
- *Historically representative* windows may be replaced or altered when necessary for safety, security, energy conservation, or removal of lead paint, if no other practical and effective solutions are available. The new or altered windows shall be similar in design, color, scale, architectural appearance, and other visual qualities to the existing windows.
- Reversible window treatments may be installed to meet safety, security or energy conservation requirements.

Doors

- New doors on *visible facades* should be *visually compatible* with *historically representative* doors, based on size, shape, style, proportion, finish, and placement. Fake wood grain and unfinished metallic surfaces should be avoided.
- *Historically representative* door openings on *visible facades* should be preserved.
- A storm door should not detract from the *character* of a *historically representative* entrance door. Full view storm doors with clear-finished wood or painted trim are preferred. Trim color should be *visually compatible* with the color of the entrance door and trim. Metal grills and raw metallic finishes should be avoided, except where they are *historically representative* and *visually compatible* with the style of the *structure*.
- Double or multiple doors on *visible facades* should be of a *historically representative* style.
- Garage doors should be *visually compatible* with the existing *structure*, and should not detract from its *historic character*. New garage doors should be similar to *historically representative* garage doors in shape, surface patterns, window patterns and finish.

(f) Porches, Balconies, Stairways and Decks.

1. *Historically representative* porches, balconies and stairways on *visible facades* of *historic resources* shall be preserved or, if necessary, repaired or replaced to maintain their *historically representative* appearance.
2. Porches, balconies and decks shall not be added to *street facades*, except that *historically representative* porches or balconies may be restored.
3. Additions and alterations shall not detract from the *historically representative character* of a porch, balcony or stairway.

4. Porches, balconies, stairways and decks shall be *visually compatible* with the existing *structure*.
5. Porches, balconies, stairways and decks on *visible facades* shall have a finished appearance.

Guidelines:

- Porch, balcony, deck and stairway elements on *visible facades*, including railings, posts, ceilings, floors, stairs, trim, friezes and finishes, should be *visually compatible* with each other and with the prevailing style of the *structure*.
- Open spaces beneath first floor porches, decks and stairs on *visible facades* should be screened with lattice or other openwork that allows ventilation and is *visually compatible* with the *structure* and with the porch, deck or stairway.
- *Historically representative* open porches on *street facades* should not be enclosed, except that they may be enclosed with *visually compatible* insect screens. *Historically representative* open porches on other *visible facades* may be enclosed with *visually compatible* insect screens or storm windows, but should not be enclosed as heated spaces.
- Porch railings on *visible facades* should not be paneled or sided, except that *visually compatible* panels or siding may be used on enclosed porches or where *historically representative*.
- Open decks should not be added to *street facades*. Open decks should not be added to other *visible facades* unless they have a finished appearance comparable to that of a *historically representative* porch. Decks, including decks on rear facades, should be *visually compatible* with the structure and should not materially detract from the historic character of a *historic resource*.
- Accessibility ramps are allowed if needed, but should be as unobtrusive as possible. Accessibility ramps on *visible facades* should, to the maximum extent feasible, have a finished appearance that resembles the appearance of a finished porch or stairway.
- Fire escapes and rescue platforms should be as unobtrusive as possible.
 - Fire escapes and rescue platforms should not be located on *street facades* or street-facing roofs if other locations are practicable.
 - Fire escapes and rescue platforms should not be located on *visible facades* if city codes allow the use of automatic combustion products detection and alarm systems in place of rescue platforms and fire escapes.
 - Fire escapes and rescue platforms on *visible facades* should have a finished appearance that complements the *structure* to the maximum extent feasible.

(g) Architectural Features.

1. New or altered *architectural features* shall be *visually compatible* with the existing *structure*.
2. *Historically representative architectural features* of *historic resources* shall be preserved or, when necessary, replaced with features that are similar in design, color, scale, architectural appearance, and other visual qualities.

(h) External Equipment. New or altered external equipment, such as HVAC,

electrical, solar, telecommunications, mechanical and security equipment, shall be as inconspicuous as possible consistent with essential function.

Guidelines:

- Equipment should not be installed on *street facades* or street-facing roofs.
- Equipment should be designed and located to be as inconspicuous as possible.
- Equipment should not damage or obscure *historically representative architectural features*.
- Roof-mounted solar arrays on sloped roofs should be flat to the roof. Roof-mounted solar arrays on flat roofs should be inconspicuous when viewed from a *developed public right-of-way*.
- *Historically representative* light fixtures should be preserved or, if necessary, replaced with light fixtures that are similar in design, color, scale, architectural appearance, and other visual qualities.

(i) Accessibility Features.

1. *Additions* and *alterations* shall comply with ADA requirements in a way that is *visually compatible* with the existing *structure*. Primary entrances to public and commercial *structures* shall be accessible if possible.
2. Access ramps and other access features are allowed where needed, but shall be as *visually compatible* as possible with the existing *structure*.

(j) Drainage Systems. New or altered drainage systems shall provide effective drainage, to prevent water damage to *structures*. Exterior drainage systems on a *structure* shall be *visually compatible* with that *structure*. Visible, *historically representative* drainage systems on *historic resources* shall be preserved or, when necessary, replaced with systems that are *visually compatible* with the *historic resource*.

(k) Landscapes and Parking Areas.

1. *Landscape alterations* shall preserve legally protected natural and archaeological features. They shall also preserve distinctive *natural features*, archaeological features, *historically representative landscape features*, and open spaces that materially contribute to the *character* of a *historic resource* or the *historic district*.
2. New or altered *landscape features* shall be *visually compatible* with the existing site and *structures*, and shall not detract from the *historic character* of a site or *structure*.
3. New or altered parking areas shall be *visually compatible* with the existing site and *structures*, and shall not detract from the *historic character* of a site or *structure*.

Guidelines:

- Parking areas should be appropriate in scale, and *visually compatible* with the *historic district*.
 - Parking areas should not exceed reasonable parking needs associated with the *primary structure* on the *lot*.
 - Parking areas should be located and screened to be as inconspicuous as possible, when viewed from a *developed public right-of-way*. Screening should be *visually compatible* with the *historic district*.

- Trash storage areas should be as unobtrusive as possible, and should be screened as necessary.
- External equipment, such as *HVAC*, electrical, solar, telecommunications, mechanical and security equipment, should be as inconspicuous as possible consistent with essential function.
- Fences, retaining walls and other *landscape features* should be *visually compatible* with the *historic district*.
 - Fences should not be installed in front yards, except that the *Landmarks Commission* may allow *historically representative* fences that are no more than 3 feet tall.
 - Fences in front and side yards should reflect *historically representative* styles. Chain link fences, metal mesh fences, and rustic style fences such as rough sawn wood or split-rail fences are not appropriate, except in back yards or where *historically representative*.
 - Fences and retaining walls in front and side yards should be constructed with *historically representative* materials, or with materials that are similar in design, color, scale, architectural appearance, and other visual qualities.
 - Retaining walls in front yards should not be constructed of railroad ties, landscape timbers, boulders, plastic, or concrete blocks other than high quality concrete blocks that are made to resemble stone.

(3) Maintenance.

- (a) General. An owner of property in a *historic district* shall do all of the following:
1. Comply with applicable *City codes*, as required by Sec. 41.13(1)(b).
 2. Maintain the property according to the *Secretary of Interior's Standards*, if the property is a *landmark* or *landmark site*.
 3. Identify and preserve *historically representative architectural features*, where possible.
 4. Refrain from *demolition by neglect*, as provided in Sec. 41.13(1)(c).

Guidelines:

- The code provisions cited in Sec. 41.13(1)(b) are enforced by the *Building Inspector*, in consultation with the *Landmarks Commission* and the *Preservation Planner*.
- Maintenance projects involving a material *addition* or *alteration* to a *structure*, *landscape*, or *landscape feature* may require a *certificate of appropriateness* issued by the *Landmarks Commission* or *Preservation Planner*. See Secs. 41.12(2) and 41.13(2).
- A property owner may not engage in *demolition by neglect*. See Sec. 41.23.

(b) Maintaining Roofs.

1. Roofs shall be maintained and repaired, as necessary, to prevent deterioration of the roof or the *building* that it covers. Roofing materials, flashing, gutters and downspouts shall be kept in sound and operational condition.
2. Materials used to maintain or repair a roof shall be *visually compatible* with that roof, and shall not make it more susceptible to deterioration.

4. *Historically representative* roofing materials on *historic resources* shall be preserved or, when necessary, replaced with materials that are similar in design, color, scale, architectural appearance, and other visual qualities.

(c) Maintaining Exterior Surfaces.

1. Exterior surfaces of a *structure* shall be maintained and repaired, as necessary, to prevent deterioration of the surface and *structure*. Materials used to repair exterior surfaces shall be *visually compatible* with the existing surface, and shall not make it more susceptible to deterioration.
2. *Historically representative* surface materials on *historic resources* shall be preserved or, when necessary, replaced with materials that are similar in design, color, scale, architectural appearance, and other visual qualities.
3. Non-destructive methods shall be used to clean *historically representative* surfaces.
4. Masonry shall be repaired and repointed as necessary, using *visually compatible* materials that do not contribute to masonry deterioration. Unpainted masonry shall not be painted or coated with other finishes.
5. Painted and other finished surfaces shall be repainted or refinished as needed to maintain their appearance and prevent deterioration.

Guidelines:

Masonry

- Masonry should not be cleaned by abrasive methods that can damage masonry and mortar joints. Abrasive methods include sandblasting and the use of acids on limestone or marble.
- Masonry should only be cleaned when necessary to halt deterioration or remove heavy soiling. Cleaning methods should be as gentle as possible, and should be tested on a small area before being employed on a large area.
- Masonry should have tight mortar joints and be protected by operational drainage systems. Water should not be allowed to pool on masonry surfaces. Joints in concrete should be sealed with appropriate flexible sealants and backer rods, when necessary.
- Sealants and water-repellent coatings should not be applied to masonry surfaces.
- Unpainted masonry should not be painted. Peeling paint may be removed using methods approved by the *Landmarks Commission* or *Preservation Planner*.
- Tuckpointing should be done with a matching mortar mix that has high lime content.

Wood

- Wood surfaces should be painted, sealed or treated to protect them from deterioration.
- Paint removal and resurfacing should follow lead-safe procedures, as necessary.
- Water should not be allowed to pool on wood surfaces.
- Wood treatments and repairs should not degrade the historic *character* of *historically representative* wood features.

Metals

- Metals that are subject to corrosion should be treated or coated to prevent corrosion. Existing corrosion should be removed from metal surfaces before a surface coating is applied.
- The type of metal comprising a metal surface should be accurately identified, before the surface is cleaned or treated. Cleaning and treatment should be appropriate to the type of metal.
- Non-corrosive, non-abrasive methods should be used to clean soft metals such as lead, tinplate, copper, and zinc.
- Water should not be allowed to pool on metal surfaces.

Climbing Vegetation

- Climbing vegetation should not be planted so as to climb directly on *historically representative* surfaces of *historic resources*, but may be planted to climb on trellises attached to such surfaces.
- Existing climbing vegetation should be removed or pruned to minimize damage to *historically representative* surfaces.

(d) Maintaining Architectural Features.

1. Windows, doors, porches, stairways and other *architectural features* shall be maintained and repaired, as necessary, to prevent deterioration and facilitate continued use.
2. Maintenance and repair measures shall be *visually compatible* with the existing *architectural feature*.
3. *Historically representative architectural features* shall be maintained and repaired, as necessary, to preserve their *historic character*. Maintenance and repairs shall not diminish the *historic character* of a *historically representative architectural feature*.
2. *Historically representative architectural features* shall be preserved or, when necessary, replaced with *architectural features* that are similar in design, color, scale, architectural appearance, and other visual qualities.

Guidelines:

- Windows, doors, porches, stairways and other *architectural features* should be regularly maintained to preserve their appearance, functionality and *historic character*.
- Regular maintenance should include measures such as repainting or resealing, repointing, re-glazing, re-caulking, lubrication, weather stripping, and replacement of deteriorated, broken or nonfunctional components, as appropriate.

(e) Maintaining Drainage Systems. Drainage systems shall be maintained and repaired, as necessary, to prevent water damage to *structures* in *historic districts*.

Guidelines:

- Drainage features and systems should be designed and maintained to direct drainage away from *structures*, and to prevent water damage to *structures*.
- Roofs, gutters and downspouts should be designed and maintained to ensure effective drainage.
- Irrigation systems should not cause excessive wetting of *structures*.

- (f) Maintaining Landscapes. Landscapes shall be maintained in a manner consistent with the preservation of distinctive *natural features*, archaeological features, *historically representative landscape features* and open spaces that materially contribute to the *character of the historic district*.

SUBCHAPTER E PROPERTY OWNER RESPONSIBILITIES

41.12 OWNERS OF LANDMARKS AND LANDMARK SITES.

- (1) **Preservation and Maintenance.** The owner of a *landmark* or *landmark site* shall do all of the following:
- (a) Preserve and maintain the *landmark* and all *structures* on the *landmark site* in compliance with the *Secretary of Interior's Standards*.
 - (b) Comply with applicable provisions of Chapters 18 (Plumbing Code), 19 (Electrical Code), 27 (Housing and Property Maintenance Code), 29 (Building Code), 30 (HVAC Code) and 31 (*Sign Control Ordinance*), MGO.
Note: The codes cited in sub. (1)(b) are enforced by the Building Inspector, not the Landmarks Commission.
 - (c) Protect the *landmark* and all *structures* on the *landmark site* against exterior decay and deterioration, and refrain from any action that is likely to cause or aggravate exterior decay or deterioration.
 - (d) Keep the *landmark* and all *structures* on the *landmark site* free of structural defects.
 - (e) Maintain, in sound condition, those interior portions of a *landmark structure* that may materially affect the condition of the *structure's* exterior.
 - (f) Comply with applicable *historic district standards*, if the *landmark* or *landmark site* is located in a *historic district* under Subchapter I.
- (2) **Project Approval.** The owner of a *landmark* or *landmark site* shall obtain a *certificate of appropriateness* under Subchapter F before doing any of the following, either directly or through another *person*:
- (a) Materially expanding or altering the exterior of a *landmark* or any *structure* located on a *landmark site*. An exterior *addition* or *alteration* is material, for purposes of this paragraph, if any of the following apply:
 - 1. It requires a permit under Chapter 18 (Plumbing Code), 19 (Electrical Code), 27 (Housing and Property Maintenance Code), 29 (Building Code), 30 (HVAC Code) or 31 (*Sign Control Ordinance*), MGO.
 - 2. It destroys, replaces or removes an *architectural feature* of the *landmark* or *structure*.
 - (b) Erecting any new *structure* on a *landmark site*.
 - (c) Demolishing or permanently relocating a *landmark*, or a *structure* located on a *landmark site*.
 - (d) Installing a *sign*, or materially increasing the size or prominence of a *sign*, on a *landmark* or *landmark site*.
 - (e) Destroying or materially altering a distinctive natural, archaeological or historical feature on a *landmark site*.
 - (f) Dividing any *lot* comprising all or part of a *landmark site*, or voluntarily granting any easement on such a *lot*.
- (3) **Demolition by Neglect.** The owner of a *landmark* or *landmark site* may not engage in *demolition by neglect* with respect to that *landmark* or *landmark site*.

- (4) **Neighbor Obligations.** An owner of a lot abutting a landmark site may not do any of the following:
- (a) Take any action to cause or aggravate the exterior decay or deterioration of the landmark.
 - (b) Unreasonably prevent the owner of the landmark or landmark site from performing required maintenance under sub. (1), or gaining property access reasonably needed for that maintenance, except that the owner of the abutting lot may require indemnification for any property damage or financial loss that may result from that access.

41.13 OWNERS OF PROPERTY IN HISTORIC DISTRICTS.

- (1) **Compliance with Standards.** An owner of property in a historic district shall, with respect to that property, do all of the following:
- (a) Comply with applicable historic district ordinance standards under Sec. 41.11 and Subchapter I.
 - (b) Comply with applicable provisions of Chapters 18 (Plumbing Code), 19 (Electrical Code), 27 (Housing and Property Maintenance Code), 29 (Building Code), 30 (HVAC Code) and 31 (Sign Control Ordinance), MGO.
Note: The codes cited in sub. (1)(b) are enforced by the Building Inspector, in consultation with the Landmarks Commission and Preservation Planner.
 - (c) Refrain from demolition by neglect.
- (2) **Project Approval.** An owner of property in a historic district shall obtain a certificate of appropriateness under Subchapter F before doing any of the following, either directly or through another person:
- (a) Erecting a new structure that requires a building permit under Chapter 29, MGO.
 - (b) Materially expanding or altering the exterior of a primary structure or accessory structure. An exterior addition or alteration is material, for purposes of this subsection, if any of the following apply:
 - 1. It requires a permit under Chapter 18 (Plumbing Code), 19 (Electrical Code), 27 (Housing and Property Maintenance Code), 29 (Building Code), 30 (HVAC Code) or 31 (Sign Control Ordinance), MGO.
 - 2. It destroys, replaces or removes any historically representative architectural feature pertaining to a historic resource.
 - (c) Demolishing or permanently relocating any primary structure or accessory structure.
 - (d) Installing a new sign, or materially increasing the size or prominence of a sign.
 - (e) Destroying or materially altering a distinctive natural feature, archaeological feature, or historically representative landscape feature that pertains to a historic resource or the lot on which it is located, and which materially contributes to its historic character.
 - (f) Dividing any lot, consolidating any lots, or voluntarily granting an easement on any lot if doing so may materially affect the character of the historic district.

SUBCHAPTER F PROJECT APPROVALS

- 41.14 REQUESTING APPROVAL.** A property owner shall obtain a certificate of appropriateness before starting work on a project for which a certificate is required under Sec. 41.12(2) or 41.13(2). To obtain a certificate, the property owner shall submit a request

to the *Preservation Planner* on a form approved by the *Landmarks Commission*. The request shall include all of the following:

- (1) The property owner's name, address and contact information.
- (2) The location of the affected property.
- (3) A clear description of the proposed project, including relevant project specifications.
- (4) Architectural drawings needed to evaluate the proposed project. The *Preservation Planner* may require any of the following as needed:
 - (a) A scalable drawing set reduced to 11" x 17".
 - (b) Floor plans.
 - (c) Dimensioned site plans showing the siting of *structures*, grading, landscaping, pedestrian and vehicular access, lighting, *signs* and other features.
 - (d) Elevations of all sides showing exterior features and finishes, subsurface construction, floor and roof.
 - (e) Plan views of above-grade and below-grade levels and roof.
 - (f) For proposals involving the construction or major exterior *alteration* of a *structure* housing more than 2 commercial, residential, or commercial and residential units, a minimum of 2 accurate street-view normal perspectives shown from a viewpoint of no more than 5 feet above existing grade.
- (5) Any other information reasonably required by the *Landmarks Commission* or *Preservation Planner* to evaluate the proposed action for compliance with this Chapter.
- (6) The signature of the property owner or person legally authorized to act on behalf of the property owner.

41.15 REVIEW AND DECISION

- (1) **Review for Completeness.** The *Preservation Planner* shall promptly review each request under Sec. 41.14 for completeness. When the *Preservation Planner* finds that a request is complete, the *Preservation Planner* shall stamp the request with the date of the completeness finding. The *Preservation Planner* shall then promptly forward the complete request to the *Landmarks Commission* for action under sub. (4) unless under sub. (3) the Commission has authorized the *Preservation Planner* to grant or deny the request without prior Commission review.
- (2) **Public Hearing; When Required.** After the *Landmarks Commission* receives a complete request under sub. (1), the Commission shall issue a notice under Sec. 41.06 and hold a public hearing on the request if the requester proposes to do any of the following:
 - (a) Demolish, remove or replace any distinctive external feature of a *landmark*.
 - (b) Completely demolish or remove any *structure*, other than an *accessory structure* or *landscape feature* that meets all of the following criteria:
 1. It has a footprint no larger than 150 square feet.
 2. It does not pertain to a *landmark* a *landmark site*.
 3. It is not itself a *historic resource*.
 - (c) Erect a new *structure* with a footprint larger than 150 square feet, not including decks and open porches.
 - (d) Increase the footprint of any *structure* by more than 150 square feet, not including decks and open porches.
 - (e) Divide or consolidate any *lot* or *lots* in a *historic district*, or any *lot* or *lots* comprising all or part of a *landmark site*.
- (3) **Decisionmaker.**
 - (a) Except as provided in par. (b), the *Landmarks Commission* shall grant or deny every complete request under sub. (1).

- (b) The *Landmarks Commission* may by written policy authorize the *Preservation Planner* to grant or deny complete requests that do not require a public hearing under sub. (2), subject to a property owner's right of appeal under sub. (6)(a).
- (4) **Timely Decision.** The *Landmarks Commission* or *Preservation Planner* shall grant or deny a complete request under sub. (1) within 60 days after the *Preservation Planner* makes the completeness finding under sub. (2), except that the Commission may extend that time period by up to 60 days. If a complete request is not granted or denied within the prescribed time period, it is automatically denied at the end of that time period.
- (5) **Issuing a Certificate.** Whenever the *Landmarks Commission* or *Preservation Planner* approves a request for a *certificate of appropriateness*, the *Preservation Planner* shall promptly issue the certificate to the requester.
- (6) **Appeals.**
 - (a) If the *Preservation Planner* denies a *certificate of appropriateness* pursuant to authority delegated to the *Preservation Planner* under sub. (3)(b), the owner of the affected property may within 10 days appeal the denial to the *Landmarks Commission*, subject to appeal procedures specified by the Commission.
 - (b) A *Landmarks Commission* decision to grant or deny a *certificate of appropriateness* may be appealed to the Common Council, as provided in Sec. 41.20. If a request for a *certificate of appropriateness* is automatically denied under sub. (4) due to a lack of timely action by the *Landmarks Commission* or *Preservation Planner*, that denial may also be appealed to the Common Council.

41.16 APPROVAL CRITERIA.

- (1) **Projects Involving *Landmarks* or *Landmark Sites*.**
 - (a) A *certificate of appropriateness* may authorize a project under Sec. 41.12(2) that meets all of the following:
 - 1. The *Secretary of Interior's Standards*.
 - 2. Applicable *historic district standards* under Sec. 41.11 and Subchapter I if the *landmark site* is located in a *historic district*.
 - (b) A *certificate of appropriateness* may not authorize a landmark owner to demolish or remove a *landmark* or any *historically representative architectural feature* of a *landmark* unless the deteriorated condition of the *landmark* or *architectural feature* requires or clearly warrants demolition or removal. Deterioration caused by a knowing or negligent violation of this Chapter does not justify demolition or removal, unless the *Building Inspector* orders the demolition or removal for safety reasons.
 - (c) A *certificate of appropriateness* authorizing the complete demolition or permanent relocation of a *landmark* does not take effect until and unless the Common Council also authorizes that demolition or relocation.
 - (d) The *Landmarks Commission* may deny a *certificate of appropriateness* for the division of any *lot* or the consolidation of any *lots* comprising all or part of a *landmark site* if it finds that the proposed division or consolidation may adversely affect the *landmark* or *landmark site*.
- (2) **Projects in *Historic Districts*.**
 - (a) A *certificate of appropriateness* may authorize an action under Sec. 41.13(2) that meets all of the following:
 - 1. Applicable *historic district standards* under Sec. 41.11 and Subchapter I.
 - 2. The *Secretary of Interior's Standards*, if the action pertains to a *landmark* or *landmark site*.

- (b) When considering any proposed demolition or removal of a *structure* in a *historic district* for which a public hearing is required under Sec. 41.15(2), the *Landmarks Commission* shall consider all of the following and may give decisive weight to any of the following:
1. Whether the *structure* is of such architectural or historic significance that its demolition or removal would be detrimental to the public interest.
 2. The extent to which the *structure* contributes to the *character* of the *historic district*.
 3. Whether the proposed demolition or removal would be contrary to the policy and purpose of this Chapter as stated in Section 41.01, contrary to the purpose of the *historic district* as stated in the *historic district ordinance* under Subchapter I, contrary to an applicable historic district *standard* under Subchapter I, or contrary to an applicable *historic preservation plan* that has been adopted by the Common Council.
 4. Whether the *structure* is of such age or unusual design, represents such an uncommon method of construction, or is constructed of such uncommon materials that it could not be reproduced except with extraordinary difficulty or expense.
 5. Whether the *structure* promotes public understanding of American history, architecture or design, or aids public understanding of American culture or heritage.
 6. Whether the deteriorated condition of the *structure* requires or clearly warrants demolition or removal. A condition caused by a knowing or negligent violation of this Chapter does not justify demolition or removal, unless the *Building Inspector* orders the demolition or removal for safety reasons.
 7. Whether the owner of the *structure* has proposed any replacement *structure* or use and, if so, whether that proposed *structure* or use meets applicable *standards* under this Chapter.
 8. Whether the *structure* is a *landmark* or is located on a *landmark site* and, if so, whether its demolition or removal violates the criterion under sub. (1)(b) or materially detracts from the *landmark* or *landmark site*.
 9. Whether the *structure* is a *historic resource*.
 10. Whether, in the case of a proposed relocation to another place, the proposed relocation would serve the *City's* declared interest in historic preservation under Sec. 41.01.
- (c) The *Landmarks Commission* may deny a *certificate of appropriateness* for the division of a *lot* or the consolidation of *lots* in a *historic district* if it finds that the proposed action will adversely affect the *character* of the *historic district*, will result in *lot* sizes that are incompatible with those of adjacent *lots*, or will materially disrupt the *lot* size pattern of the *historic district*.

41.17 APPROVAL TERMS, CONDITIONS AND EFFECT.

(1) Effect on Other *City* Permits and *Standards*.

- (a) If a project requires a *certificate of appropriateness* under Sec. 41.12(2) or 41.13(2), no *City* agency may issue a permit for that project under Chapter 18 (Plumbing Code), 19 (Electrical Code), 27 (Housing and Property Maintenance Code), 29 (Building Code), 30 (HVAC Code) or 31 (*Sign Control Ordinance*), MGO, until the *Preservation Planner* issues the required *certificate of appropriateness* under Sec. 41.15(5).
- (b) A *certificate of appropriateness* does not waive or authorize a violation of any permit requirement or *standard* under Chapter 18 (Plumbing Code), 19 (Electrical

Code), 27 (Housing and Property Maintenance Code), 29 (Building Code), 30 (HVAC Code) or 31 (*Sign Control Ordinance*), MGO.

(2) Terms and Conditions.

- (a) A *certificate of appropriateness* expires 2 years after the date on which it is issued if the certificate holder fails, within that time period, to obtain all permits required for the project under Chapters 18 (Plumbing Code), 19 (Electrical Code), 27 (Housing and Property Maintenance Code), 29 (Building Code), 30 (HVAC Code) and 31 (*Sign Control Ordinance*), MGO.
- (b) A *certificate of appropriateness* does not waive or authorize a violation of any *standard* under this Chapter. A certificate is conditioned upon compliance with applicable *standards* under this Chapter, and with other reasonable terms and conditions specified in the certificate.
- (c) The *Landmarks Commission* may void a *certificate of appropriateness* and order remedial action under Sec. 41.25 if the certificate holder violates any applicable *standard* under this Chapter, or any certificate term or condition under par. (b).

(3) Documentation of Existing Structures Prior to Demolition or Removal. If a *certificate of appropriateness* authorizes the demolition or removal of all or part of a *structure* or *landscape feature*, the certificate may require the certificate holder to provide photographic or other documentation of the existing *structure* or *landscape feature* prior to the demolition or removal.

SUBCHAPTER G VARIANCES AND APPEALS

41.18 VARIANCES; GENERAL

- (1) **Requesting a Variance.** A property owner who requests a *certificate of appropriateness* for a proposed project under Sec. 41.14 may request a variance from one or more historic preservation *standards* that affect the project. The property owner shall make the variance request in writing, on a form approved by the *Landmarks Commission*, and shall submit the request to the *Preservation Planner*. The variance request shall include all of the following:
 - (a) The property owner's name, address and contact information.
 - (b) A description of the proposed project to which the variance request pertains, including the project location and a copy of the *certificate of appropriateness* request under Sec. 41.14 pertaining to that project.
 - (c) The specific *standard* or *standards* from which the owner requests a variance for purposes of the proposed project.
 - (d) For each *standard* cited under par. (c), the type of variance under Sec. 41.19 that the requester seeks.
 - (e) The circumstances and supporting evidence that justify each requested variance, based on the relevant criteria under Sec. 41.19.
 - (g) Other relevant materials, if any, requested by the *Preservation Planner* or *Landmarks Commission*.
- (2) **Landmarks Commission Action.**
 - (a) The *Preservation Planner* shall promptly review each variance request under sub. (1) for completeness. When the *Preservation Planner* determines that a variance request is complete, the *Preservation Planner* shall promptly forward the request to the *Landmarks Commission* for its review and decision.

- (b) The *Landmarks Commission* shall hold a public hearing on each variance request that it receives under par. (a). The Commission shall give notice of the hearing as provided in Sec. 41.06. The Commission may combine the hearing with a hearing on the proposed *certificate of appropriateness* to which the variance request pertains, provided that the hearing notice identifies both items.
- (c) After it holds a public hearing on a variance request, the *Landmarks Commission* shall grant or deny the request. The Commission may grant or deny the request in whole or in part.
- (d) The Commission's decision under par. (c) may be appealed to the Common Council, as provided under Sec. 41.20.
- (3) **Variances Granted by Other Agencies.** *City* agencies other than the *Landmarks Commission* that are responsible for enforcing Chapters 18 (Plumbing Code), 19 (Electrical Code), 27 (Housing and Property Maintenance Code), 29 (Building Code), 30 (HVAC Code) or 31 (*Sign Control Ordinance*), MGO, may grant individual variances under those chapters in order to facilitate compliance with historic preservation *standards* under this Chapter, provided that the variances do not endanger public health or safety. Variances granted by other agencies do not constitute variances from any *standards* under this Chapter.

41.19 VARIANCE CRITERIA. The *Landmarks Commission* may grant a variance under Sec. 41.18 for any of the following reasons:

- (1) **Economic Hardship.** The *Landmarks Commission* may grant an economic hardship variance if the Commission finds that all of the following apply:
 - (a) Strict literal application of a *standard* under this Chapter would deny the property owner a reasonable rate of return on investment, or would impose upon the property owner an unreasonable and unnecessary financial hardship.
 - (b) The circumstances justifying the hardship variance meet all of the following criteria:
 - 1. They are unique to the property in question, and are not characteristic of a significant number of other *landmarks*, *landmark sites*, or properties in a *historic district*.
 - 2. They were not caused by a property owner's failure to maintain the property according to this Chapter.
 - (c) The hardship variance will not have a significant adverse effect on other *landmarks*, *landmark sites*, or properties in a *historic district*.
 - (d) The property owner clearly documents the circumstances justifying the variance. The *Landmarks Commission* may publish evidentiary guidelines to assist property owners, and to ensure that the Commission receives adequate documentation for variances granted under this subsection. Documentation shall include evidence of all of the following that are relevant:
 - 1. Property purchase costs.
 - 2. Rental income.
 - 3. Real estate listings, disclosure statements, asking prices and purchase offers.
 - 4. Tax assessments.
 - 5. Real estate listings for comparable properties.
 - 6. Improvements made, and improvement costs incurred, during ownership.
 - 7. Maintenance costs incurred during ownership.
 - 8. Costs to comply with the *standard* from which a variance is requested.
 - 9. Other relevant documentation reasonably requested by the *Landmarks Commission*.

- (2) **Historic Design.** The *Landmarks Commission* may grant a variance allowing, as part of the *alteration* of an existing *structure*, elements otherwise prohibited by a *standard* under this Chapter if the Commission finds that all of the following apply:
 - (a) Photographic or other evidence shows that the *structure*, or other local *structures* of similar age and style, incorporated similar elements as part of their original design.
 - (b) The proposed *alteration* complies with other applicable *standards* under this Chapter.
 - (c) The proposed *alteration* will not destroy original or *historically representative architectural features* of a *landmark* or *historic resource*.
- (3) **Alternative Design.** The *Landmarks Commission* may grant a variance allowing, in a new or altered *structure*, elements otherwise prohibited by a *standard* under this Chapter if the Commission finds that all of the following apply:
 - (a) The elements will enhance the quality of the design, or make it more *visually compatible* with the *historic district* or with *historic resources* located within 200 feet of the *structure*.
 - (b) The proposed design complies with other applicable *standards* under this Chapter.
 - (c) The proposed design will not adversely affect the *character* of the *historic district*, or any *historic resource* located within 200 feet of the *structure*.
- (4) **Public Interest.** The *Landmarks Commission* may grant a variance allowing the construction, *alteration*, demolition or removal of a *structure*, which action would otherwise be prohibited under this Chapter, if the Commission finds that a variance is necessary in the public interest for all of the following reasons:
 - (a) The action will provide unique, high priority benefits to the general public.
 - (b) The benefits under par. (a) substantially outweigh the strong public interest in historic preservation as expressed in this Chapter.
 - (c) There are no reasonable alternatives that would allow the action to proceed in compliance with this Chapter.

41.20 APPEALS TO COMMON COUNCIL.

- (1) **What May be Appealed.** An authorized *person* under sub. (2) may appeal any of the following to the Common Council:
 - (a) A *Landmarks Commission* decision to grant or deny a *certificate of appropriateness* under Sec. 41.15, or any automatic denial under Sec. 41.15(4).
 - (b) A *Landmarks Commission* decision to grant or deny a variance under Sec. 41.18(2).
 - (c) A *Landmarks Commission* determination under Sec. 41.23(3) which finds that a property owner has engaged in *demolition by neglect*.
 - (d) A *Landmarks Commission* order under Sec. 41.25.
- (2) **Who May Appeal.** Any of the following *persons* may file an appeal under sub. (1):
 - (a) The affected property owner.
 - (b) The alder of the district in which the affected property is located.
 - (c) The owners of at least 20 percent of the total number of *lots* within 200 feet of the affected property.
- (3) **Filing an Appeal.** An appeal under sub. (1) shall be filed with the *City Clerk* within 10 days after the *Landmarks Commission's* decision. The appeal petition shall include the identity and address of each petitioner, the nature of the appeal under sub. (1), the petitioner's standing under sub. (2), and the specific grounds for appeal. The *City Clerk* shall promptly forward the appeal petition to the Common Council.
- (4) **Common Council Action.**

- (a) The Common Council or a duly appointed committee of its members shall issue a hearing notice and hold a public hearing on each appeal petition received under sub. (3). If a committee of the Common Council conducts the hearing, the committee shall report its findings to the full Council before the Council takes any action under par. (b). A hearing notice under this paragraph shall be equivalent to the *Landmarks Commission* hearing notice given under Sec. 41.06 for the matter being appealed.
- (b) Following a public hearing under par. (a), the Common Council may by favorable vote of a majority of its members do any of the following if it finds that the *Landmarks Commission* action is contrary to applicable criteria or *standards* under this Chapter, or constitutes a clear abuse of discretion:
 - 1. Reverse or modify the Commission's action.
 - 2. Refer the matter back to the Commission with instructions for further review.
- (c) If the Common Council fails to take action under par. (b) within 60 days after it receives an appeal petition under sub. (3), the Landmarks Commission's action is upheld.

SUBCHAPTER H ENFORCEMENT

41.21 PUBLIC INTEREST IN ENFORCEMENT. The Common Council finds that it is in the public interest to preserve and maintain *landmarks, landmark sites*, and properties in *historic districts*, and to vigorously enforce this Chapter and related *City* ordinances.

41.22 ENFORCEMENT ROLES.

- (1) ***Landmarks Commission and Preservation Planner.*** Except as provided in sub. (2), the *Landmarks Commission* shall administer this Chapter. The *Landmarks Commission*, or the *Preservation Planner* acting within his or her authority under this Chapter, may do any of the following:
 - (a) Inspect the exterior portions of a current or proposed *landmark* or *landmark site*, or any property in a *historic district*, as necessary for the administration of this Chapter. Inspections shall be coordinated with the *Building Inspector*, and shall not unnecessarily duplicate inspections conducted by the *Building Inspector*.
 - (b) Require property owners to submit information reasonably required for a *certificate of appropriateness*, variance or other review authorized by this Chapter.
 - (c) Cooperate and share information with the *Building Inspector* and other *city* agencies.
 - (d) Refer violations of this Chapter or related ordinances to the *City Attorney*, the *Building Inspector*, or other agencies that may have jurisdiction.
- (2) ***Building Inspector and Other Agencies.***
 - (a) The *Building Inspector* and other *city* agencies with jurisdiction shall enforce property maintenance requirements under Chapters 18 (Plumbing Code), 19 (Electrical Code), 27 (Housing and Property Maintenance Code), 29 (Building Code), 30 (HVAC Code) and 31 (*Sign Control Ordinance*), MGO, related to *landmarks, landmark sites*, and properties in *historic districts*.
 - (b) The *Building Inspector* and other *city* agencies shall cooperate with the *Landmarks Commission* and *Preservation Planner* in the administration and enforcement of this Chapter.

- (c) The *Building Inspector* or other city agency with jurisdiction shall notify the *Preservation Planner* whenever the *Building Inspector* or agency issues a warning notice or initiates a compliance action involving a *landmark*, a *landmark site*, or a property in a *historic district*, if the cited violation may be relevant to the administration of this Chapter. The *Building Inspector* or agency shall also notify the *Preservation Planner* if a property owner fails to correct the cited violation in a timely manner.

41.23 DEMOLITION BY NEGLIGENCE; ENFORCEMENT.

- (1) **Notice of Demolition by Neglect.** If the *Building Inspector* or other city agency with jurisdiction finds that the owner of a *landmark*, a *historic resource*, or a *structure* in a *historic district* may be engaged in *demolition by neglect*, the *Building Inspector* or agency shall give written notice of that finding to the property owner. The *Building Inspector* or agency shall give a copy of the notice to the *Preservation Planner*, who shall promptly notify the *Landmarks Commission*.
- (2) **Public Hearing.** Within 90 days after it receives a notice under sub. (1), the *Landmarks Commission* shall issue a hearing notice under Sec. 41.06 and hold a public hearing to determine whether the property owner has engaged in *demolition by neglect*.
- (3) **Decision.** Following public hearing under sub. (2), the *Landmarks Commission* shall issue its decision, determining whether the property owner has engaged in *demolition by neglect*. The decision shall explain and justify the *Landmarks Commission's* determination. The Commission may, as part of its decision, order remedial actions that the Commission deems appropriate. A decision under this subsection may be appealed to the Common Council under Sec. 41.20.
- (4) **Settlement Agreement.** The *Landmarks Commission* may, at any time before or after issuing a decision under sub. (3), enter into an agreement under which the accused property owner agrees to bring the affected property into compliance with applicable maintenance standards under this Chapter, and to take other remedial actions that the Commission deems appropriate.
- (5) **Access Defense.** A *landmark owner* may claim, as a defense to an allegation of *demolition by neglect* affecting the *landmark*, that the owner made reasonable efforts to perform required maintenance but was prevented from doing so because the owner of a lot abutting the *landmark site* unreasonably refused to grant needed access for maintenance as required by Sec. 41.12(4). If, after a public hearing preceded by notice to the neighboring lot owner, the *Landmarks Commission* finds that the defense is valid, it may determine under sub. (3) that the neighboring lot owner has engaged in *demolition by neglect*.
- (6) **Report of Determination.** If the *Landmarks Commission* determines under sub. (3) or (5) that a property owner has engaged in *demolition by neglect*, it shall report that determination to the *Building Inspector* and the City Attorney. A *Landmarks Commission* determination of *demolition by neglect* is prima facie evidence of *demolition by neglect* for purposes of any administrative or municipal court action, and also constitutes prima facie evidence of a public nuisance under Sec. 27.05(3), MGO.
- (7) **Abatement by the City.** If the *Landmarks Commission* determines under sub. (3) or (5) that a property owner has engaged in *demolition by neglect*, the *Building Inspector* may use the non-summary abatement procedures under Sec. 27.05(3)(e), MGO, to repair the affected property to abate the nuisance. The property owner who engaged in *demolition by neglect* shall pay the cost of the required repairs. Any

unpaid cost shall be imposed as a special charge against the property and collected pursuant to Sec. 4.09(13), MGO, and Wis. Stat. s. 66.0627.

- (8) **Acquisition by City.** If the *Landmarks Commission* determines under sub. (3) that a property has been affected by *demolition by neglect* that cannot be adequately addressed or remedied by other means, the Common Council may authorize the *City* to acquire the affected property under Wis. Stat. s. 66.1111(2). The Common Council may authorize the *City* to do so through condemnation proceedings under Wis. Stat. s. 32.06, if necessary and appropriate.

41.24 CIVIL FORFEITURES.

- (1) A *person* who violates any provision of this Chapter or any lawful order of the *Landmarks Commission* under Sec. 41.25 is subject to a minimum court-ordered civil forfeiture of \$250 and a maximum court-ordered civil forfeiture of \$500 per violation. Violations involving separate properties or separate provisions are considered separate violations. Each day of violation following a warning notice may also be treated as a separate violation.
- (2) A *person* who, within 3 years after being charged with a violation under sub. (1), commits a second violation involving the same property and ordinance provision is subject to a minimum court-ordered civil forfeiture of \$500 and a maximum court-ordered civil forfeiture of \$1,000 for that second violation. This paragraph does not apply if the *person* is found not guilty of the first charged violation under sub. (1).
- (3) A *person* who, within 3 years after being charged with a second charged violation under sub. (2), commits a third violation involving the same property and ordinance provision, is subject to a minimum court-ordered civil forfeiture of \$1,000 and a maximum court-ordered civil forfeiture of \$2,000 for that third violation. This paragraph does not apply if the *person* is found not guilty of the second charged violation under sub. (2).
- (4) All civil forfeitures under this Section may be tripled if the court finds that the violator has engaged in *demolition by neglect*.
- (5) An entity may be punished as a repeat violator under this Section if at least one of its officers or directors was an officer or director of the entity that committed the previous violation.

41.25 REMEDIAL ORDERS. The *Landmarks Commission* may after notice and public hearing order the cessation, removal or modification of any new construction, *addition*, *alteration*, or other work performed in violation of this Chapter. An order under this Section may be appealed to the Common Council under Sec. 41.20.

SUBCHAPTER I HISTORIC DISTRICTS

41.26 - MANSION HILL HISTORIC DISTRICT.

- (1) **Creation.** A *Mansion Hill Historic District* is hereby created. The boundaries of the district are shown by the district map and description on file with the *City Planning Division*. A copy of the district map is attached.
- (2) **Purpose and Rationale.**
- (a) The *Mansion Hill Historic District* is designed to preserve the historic *character* of one of Madison's oldest and most historically prestigious neighborhoods. Mansion Hill is closely associated with the early cultural, political, economic and social history of Madison and the State of Wisconsin.

- (b) The district has the most intact 19th Century streetscapes in Madison, including a large number of high-style architect-designed homes. Many of the homes are constructed of native sandstone, and date from Wisconsin's early statehood. Fine examples of Italianate, Second Empire, German Romanesque Revival, Queen Anne, Prairie School, Period Revival and Art Modern architectural styles are found throughout the district.
- (c) Generous street setbacks, open spaces, and fine landscaping originally complemented the district's architectural gems. Famous political figures, land and timber barons, leading merchants, industrialists, university professors, professionals and other prominent public figures occupied the grand residences, while less well-to-do families and students occupied more modest vernacular residences.
- (d) Many of the district's *historic resources* are associated with important persons or important events in national, state and local history. The district includes outstanding examples of historically important architectural styles, methods of construction, indigenous materials and craftsmanship. Master builders, designers, architects and craftsmen created many of its structures.
- (e) In 1976, after several of the finest old homes in Mansion Hill were demolished to make way for large new *buildings* that were inconsistent in scale and character with historic *buildings* in the area, the Common Council designated Mansion Hill as Madison's first *historic district* in response to a petition from district property owners.
- (3) **Historic Period of Significance.** The historic *period of significance* for the Mansion Hill Historic District is 1850 through 1930.
- (4) **Historic Resources.** The following properties are hereby designated as *historic resources* within the Mansion Hill Historic District:
 - (a) Designated *landmarks* and *landmark sites*.
 - (b) *Structures* built during the district's *period of significance* under sub. (3).
 - (c) The following additional *structures* or properties that are important to the *character* of the *historic district*, and whose historical significance has been clearly documented:

[List other specific structures or properties (e.g., historically significant parks) that are to be treated as historic resources within the district. All designated historic resources should be shown on the district map under sub. (1).]
- (5) **Property Owner Responsibilities.** An owner of property in the Mansion Hill Historic District shall:
 - (a) Comply with applicable *standards* in subs. (6) to (8).
 - (b) Obtain a *certificate of appropriateness* before undertaking any project for which a permit is required under Sec. 41.13(2). For more information, contact the Preservation Planner in the City Planning Division.
- (6) **New Structures.** New *structures* in the Mansion Hill Historic District shall comply with Sec. 41.11(1).
- (7) **Additions and Alterations.** *Additions* and *alterations* in the Mansion Hill Historic District shall comply with Sec. 41.11(2).
- (8) **Maintenance.** Properties in the Mansion Hill Historic District shall be maintained according to Sec. 41.11(3).
- (9) **Design Manual.** For a convenient summary of applicable historic preservation *standards* and *guidelines*, as well as graphic illustrations and best practice tips, see the Mansion Hill Design Manual, available online at _____.

41.27 – THIRD LAKE RIDGE *HISTORIC DISTRICT*.

- (1) **Creation.** A Third Lake Ridge *Historic District* is hereby created. The boundaries of the district are shown by the district map and description on file with the *City Planning Division*. A copy of the district map is attached.
- (2) **Purpose and Rationale.**

 - (a) The Third Lake Ridge *Historic District* is designed to preserve the historic *character* of an early Madison community “melting pot,” extending from the Williamson Street corridor to Lake Monona. Third Lake Ridge is Madison’s largest and most complex *historic district*. It is more than a mile long, and contains 37 blocks of buildings erected between 1850 and 1945. It encompasses the busy Williamson Street commercial and mixed-use corridor, as well as historically important residential areas.
 - (b) Third Lake Ridge is a fine example of early “mixed use” and working class development in Madison. It has long been known for the diversity of its people, and the eclectic character of its built environment. It is a place where different cultures, social classes, businesses, industries and social institutions came together to create a rich social and cultural milieu that is unique to Madison.
 - (c) Third Lake Ridge includes a power plant, two railroad depots, a tobacco warehouse, historic factories, commercial *buildings*, churches, corner groceries, taverns, imposing mansions, tiny cottages, and a host of mixed-use *structures*. Historic business *signs* evoke the economy of a bygone era. It was and continues to be a place where a wide diversity of people, including Yankee settlers, German and Norwegian immigrants, and subsequent immigrant groups have lived, worked and shopped together.
 - (d) Third Lake Ridge powerfully reflects the cultural, social and economic history of Madison, the State of Wisconsin and the nation, including immigrant and working class history. A number of its *historic resources* are associated with important historical persons or events. It exemplifies a wide variety of historically significant *building* styles, construction methods, indigenous construction materials and craftsmanship.
 - (e) The Common Council created the Third Lake Ridge Historic District in 1979, as part of a revitalization campaign initiated by the Marquette Neighborhood Association.
- (3) **Historic Period of Significance.** The historic *period of significance* for the Third Lake Ridge *Historic District* is 1850 through 1945.

[Drafter's Note: This draft changes the district's historic period of significance (currently 1850 to 1929) to 1850 through 1945. This change is consistent with the city's "Build II" plan for the Williamson Street area.]
- (4) **Historic Resources.** The following properties are hereby designated as *historic resources* within the Third Lake Ridge *Historic District*:

 - (a) Designated *landmarks* and *landmark sites*.
 - (b) *Structures* built during the district’s *period of significance* under sub. (3).

- (c) The following additional *structures* or properties that are important to the *character* of the *historic district*, and whose historical significance has been clearly documented:

[List other specific structures or properties (e.g., historically significant parks) that are to be treated as historic resources within the district. All designated historic resources should be shown on the district map under sub. (1).]

(5) Property Owner Responsibilities. An owner of property in the Third Lake Ridge Historic District shall:

- (a) Comply with applicable *standards* in subs. (6) to (9).
- (b) Obtain a *certificate of appropriateness* before undertaking any project for which a permit is required under Sec. 41.13(2). For more information, contact the *Preservation Planner* in the *City Planning Division*.

(6) New Structures; General. New *structures* in the Third Lake Ridge Historic District shall comply with Sec. 41.11(1), and with sub. (7) if applicable. The following district *guidelines* apply, in addition to the *guidelines* under Sec. 41.11(1):

Guidelines:

Street Facades

- On commercial and mixed-use *structures*:
 - Finished first floor elevations should be as close to grade as possible.
 - First floors should be visually distinct from upper floors.
 - Main entrances should be located on *street facades*, and should be *recessed*.
 - Angled corner entrances are encouraged on *corner buildings*.
 - First floor storefronts should be broken into bays, similar in width to those on *historically representative* storefronts. Large storefront windows and low kick panels are encouraged.
 - First floor window openings should reflect *historically representative* patterns. Transom windows are encouraged.
 - Upper floor window openings should be vertically oriented and regularly spaced.
 - Window glass should be transparent.
 - Kick panels under first floor windows should feature design details and high quality stone, masonry or other *historically representative* materials.
 - First floor windowsills should be at least 18 inches and not more than 36 inches above grade.
 - Side pilasters, parapet caps and cornices are encouraged.
 - *Sign* bands should be included, where appropriate, to encourage *visual compatibility of signs*.
 - *Signs* should be externally (not internally) illuminated. Exterior illumination should originate from gooseneck or other unobtrusive, downward-facing fixtures. Internal illumination, if allowed, should be subdued and should only illuminate letters and characters – not background.
 - *Sign* colors should complement *building* and awning colors.
- On houses:
 - Finished first floor elevations should be at least 18 and not more than 48 inches above grade.
 - *Historically representative* porches are encouraged.

Roofs

- Commercial and mixed-use *buildings* should have flat roofs.
- Residential *buildings*, other than mixed-use and multi-unit apartment *buildings*, should have moderate to steeply pitched roofs. Pitched roofs may be gabled or hipped.
- Pitched roofs should be surfaced with *historically representative* roofing materials, or materials that closely resemble *historically representative* materials.
 - Appropriate materials include asphalt shingles, sawn wood shingles, and fiberglass or other composition shingles that are similar in appearance to asphalt shingles.
 - Shingles may include multilayered architectural shingles, 3-in-1 tab shingles, Dutch lap shingles, and French method or interlock shingles.
 - Thick wood shakes are inappropriate.

Exterior Walls

- *Visible facades* should be surfaced with *historically representative* materials such as stone, masonry or horizontal clapboard. Other materials may be allowed, where *visually compatible*.
- Upper stories of clapboard-sided houses may be sided with shingles.

Porches and Stairways on *Visible House Facades*

- Porches and stairways should have a finished appearance.
- Porches and stairways should be constructed of wood or other materials that have a *historically representative* appearance. Railings may be constructed of wood, wrought iron or other materials having a *historically representative* appearance.
- Wood surfaces should be painted or opaque stained, except that flooring and stair treads may be clear finished.
- Porch floors should be surfaced with tongue-in-groove boards or other materials that have a *historically representative* appearance. Floor joists should be hidden from view. Carpeting and two-by-four decking are inappropriate.
- Porch ceilings should be surfaced with narrow beaded boards or other materials that have a *historically representative* appearance.
- Railings on stairways and open porches should have top and bottom rails. Bottom rails on porches should be raised above the porch floor, but by no more than 3.5 inches.
- Balusters on porch and stairway railings should extend from the top to the bottom rail, but not beyond. Plain, one-by-one inch balusters are preferred. Twisted or decorative balusters are inappropriate. Balusters should be constructed so that a 4-inch ball cannot pass through the railing at any point.
- Porch posts should be trimmed with decorative molding at the top and bottom of the posts.
- Open spaces beneath porches and stairways should be screened by framed lattice, narrowly spaced vertical boards, or other approved openwork that permits ventilation. The enclosure should be constructed so that a 3" ball cannot pass through any portion of it.
- Stairs should have solid risers.

(7) New Structures; Williamson Street Corridor.

- (a) Williamson Street Corridor Defined.** The Williamson Street Corridor includes the area designated as such on the district map under sub. (1). The corridor is

divided into 5 zones (I, Ia, II, III and IV), corresponding to the zones identified in the City's "Design Guidelines & Criteria for Preservation: Williamson Street, 600-1100 Blocks," otherwise known as the "Build II Plan," approved by Common Council Resolution RES-05-00074 (2005).

(b) *Standards.* New structures in the Williamson Street Corridor shall comply with the following standards, in addition to the standards in sub. (6):

1. *Maximum Height.*

- a. Zone 1: Structures shall not exceed 2-1/2 stories except that, on the north side of the 800 and 900 block of Williamson Street, the Landmarks Commission may allow 3 stories.
- b. Zone 1a: Structures shall not exceed 4 stories, except that structures on the easterly 165 feet of the north side of the 600 block of Williamson Street may not exceed 3 stories. On the south side of the 700 block of Williamson Street, the Landmarks Commission may allow 5 stories.
- c. Zone II: Structures shall not exceed 3 stories, except that the Landmarks Commission may allow a fourth story that is stepped back so that it cannot be seen at sidewalk level from the opposite side of the street. In the 800 and 900 blocks of Williamson Street, the fourth story of a residential structure shall be set back at least 45 feet from the property line, and the fourth story of a commercial or mixed use structure shall be set back at least 30 feet from the property line.
- d. Zone III: Structures shall not exceed the lesser of 54 feet or 5 stories.
- e. Zone IV: Structures shall not exceed the lesser of 54 feet or 5 stories, except that the Landmarks Commission may allow a structure of up to the lesser of 85 feet or 7 stories.
- f. Corner features on corner structures may extend a reasonable distance above the maximum height otherwise allowed if the corner feature is appropriate to the building style and is comparable in scale to historically representative corner features in the Williamson Street Corridor.

2. *Setbacks.*

- a. The street façade of a residential structure, other than a mixed-use structure, shall be set back at least 15 feet from the developed public right-of-way. The Landmarks Commission may allow a shorter setback of not less than 6 feet if the setback is not less than the average setback of other residential structures on the block face. A one-story unenclosed porch, including stairs, may encroach up to 6 feet into the setback but may not be located less than 6 feet from the developed public right-of-way.
- b. The street façade of a commercial or mixed-use structure shall be set back 2 feet from the developed public right-of-way, except that the Landmarks Commission may allow a setback of up to 8 feet to accommodate an outdoor retail space.
- c. Lots no more than 44 feet wide shall have side yard setbacks of at least 4 feet per side, totaling at least 10 feet for both sides.
- d. Lots over 44 feet wide shall have side yard setbacks of at least 6 feet per side, totaling at least 16 feet for both sides.
- e. Corner residential lots shall have a side yard setback of at least 8 feet on the street-facing side. The combined total setback requirement for the 2 side yards is thus increased by 4 feet.

f. Corner commercial and mixed-use *lots* shall have a side yard setback of at least 2 feet on the street-facing side. The combined total setback requirement for the 2 side yards is thus decreased by 2 feet.

g. Rear yard setbacks shall be at least 35 feet, or 16 feet if the *structure* has an underground or above-ground parking *structure*. The *Landmarks Commission* may allow a rear yard setback of 10 feet in the 700 block of Williamson Street, and in the back half of the 600 block of Williamson Street.

3. *Street Facades.*

a. No *structure* may have a total *street façade* width of more than 60 feet.

b. *Street façades* more than 25 feet wide shall be divided into visually distinct masses, each of which may be no more than 25 feet wide. The visually distinct masses shall be separated from each other by at least 5 feet.

[Drafter's Note: The standards in sub. (7), which are drawn from the "Build II plan" for the Williamson St. Corridor, could be incorporated into the zoning code rather than the historic preservation ordinance.]

(8) **Additions and Alterations.** Additions and alterations to structures in the Third Lake Ridge Historic District shall comply with Sec. 41.11(2). The *guidelines* under sub. (6) also apply, where relevant, to *additions* and *alterations*.

(9) **Maintenance.** Properties in the Third Lake Ridge Historic District shall be maintained according to Sec. 41.11(3).

(10) **Design Manual.** For a convenient summary of applicable historic preservation standards and *guidelines*, as well as graphic illustrations and best practice tips, see the Third Lake Ridge Design Manual, available online at _____.

41.28 – UNIVERSITY HEIGHTS HISTORIC DISTRICT.

(1) **Creation.** A University Heights *Historic District* is hereby created. The boundaries of the district are shown by the district map and description on file with the *City Planning Division*. A copy of the district map is attached.

(2) **Purpose and Rationale.**

(a) The University Heights *Historic District* is designed to preserve the historic *character* of University Heights, a neighborhood of distinguished architecture that has strong historical associations with the University of Wisconsin. The district includes some high-density residential and commercial areas, as well lower density residential areas.

(b) University Heights, originally platted in 1893, featured innovative curvilinear streets and beautiful vistas. It is located near the University of Wisconsin, and supplements the historic *character* of the university campus. It has been home to many world famous university professors and Wisconsin business and government leaders. The official residence of the UW-Madison chancellor is currently located in University Heights.

(c) Partly because of its connection to the University of Wisconsin, University Heights is strongly associated with the cultural, educational, political, economic and social history of Madison, the State of Wisconsin, and the nation. The district is associated with important persons and events in national, state and local history. It includes much distinguished architecture and craftsmanship, including many of

Madison's most architecturally significant Queen Anne, prairie style and period revival houses designed by leading national and local architects.

(d) The Common Council created the University Heights *historic district* in 1985, in response to a petition by district property owners.

(3) **Historic Period of Significance.** The historic *period of significance* for the University Heights *Historic District* is 1893 through 1928.

(4) **Historic Resources.** The following properties are hereby designated as *historic resources* within the University Heights *Historic District*:

(a) Designated *landmarks* and *landmark sites*.

(b) *Structures* built during the district's *period of significance* under sub. (3).

(c) The following additional *structures* or properties that are important to the *character* of the *historic district*, and whose historical significance has been clearly documented:

[List other specific structures or properties (e.g., historically significant parks) that are to be treated as historic resources within the district. All designated historic resources should be shown on the district map under sub. (1).]

(5) **Property Owner Responsibilities.** An owner of property in the University Heights *Historic District* shall:

(a) Comply with applicable *standards* in subs. (6) to (9).

(b) Obtain a *certificate of appropriateness* before undertaking any project for which a permit is required under Sec. 41.13(2). For more information, contact the *Preservation Planner* in the *City Planning Division*.

(6) **New Structures; General.** New *structures* in the University Heights *Historic District* shall comply with Sec. 41.11(1) and with applicable *height* limits in sub. (7). The following district *guidelines* apply, in addition to the *guidelines* under Sec. 41.11(1):

Guidelines:

- New *primary structures* should be at least 15 feet in *height*.
- The *street facade area* of a new *primary structure* should be no greater than 125 percent of the average *street façade area* of *historic resources* located within 200 feet of the new *primary structure*. This does not apply to a multi-unit residential *structure* whose *street facade* includes adequate setback variations, such that the *street façade* appears to repeat the proportions and rhythm of the *block face* and of *historic resources* located within 200 feet of the *structure*.
- Pitched roofs should be surfaced with *historically representative* roofing materials, or materials that closely resemble *historically representative* materials.
 - Appropriate roofing materials include tile, slate, sawn wood shingles, and asphalt shingles.
 - Inappropriate roofing materials include thick wood shakes, Dutch lap shingles, French method shingles and interlock shingles.
- Siding combinations should be reasonably consistent with combinations prevalent on *historic resources* in the *historic district* (e.g., brick on the first floor and clapboard on second floor of single-family residences).

(7) **New Structures; Maximum Height.** The following *height* limits apply to new *structures* in the University Heights *Historic District*:

(a) A new *primary structure* in a TR-C2, TR-C3, TR-C4, TR-V1, or TR-V2 zoning district shall not exceed the lesser of 35 feet or 2.5 *stories*.

- (b) A new *primary structure* in a TR-U1, NMX, TSS, or LMX zoning district shall not exceed 40 feet.
- (c) A new *primary structure* in a TR-U2 zoning district shall not exceed 50 feet.
- (d) A new *accessory structure* shall not exceed 15 feet.

[Drafter's Note: The standards in sub. (7), which are drawn from the current ordinance, could be incorporated into the zoning code rather than the historic preservation ordinance.

- (8) **Additions and Alterations.** Additions and alterations to structures in the University Heights Historic District shall comply with Sec. 41.11(2). The guidelines under sub. (6) also apply, where relevant, to additions and alterations.
- (9) **Maintenance.** Properties in the University Heights Historic District shall be maintained according to Sec. 41.11(3).
- (10) **Design Manual.** For a convenient summary of applicable historic preservation standards and guidelines, as well as graphic illustrations and best practice tips, see the University Heights Design Manual, available online at _____.

41.29 MARQUETTE BUNGALOWS HISTORIC DISTRICT.

- (1) **Creation.** A Marquette Bungalows Historic District is hereby created. The boundaries of the district are shown by the district map and description on file with the City Planning Division. A copy of the district map is attached.
- (2) **Purpose and Rationale.**
 - (a) The Marquette Bungalows Historic District is designed to preserve the cohesive historic and stylistic character of 47 bungalow-style houses located together on just 2 blocks on Madison's near east side.
 - (b) All of the bungalows were built between 1924 and 1930. The bungalows are all of a similar style, size and shape, but they feature a myriad of different architectural details. The bungalows exemplify a high level of craftsmanship and detailing. Together, they create a striking community presence that recalls the aesthetics and character of a stylish but practical – not posh – middle class neighborhood from the 1920s.
 - (c) The Marquette Bungalows Historic District is a unique, compact, and cohesive example of a key architectural movement affecting the social, cultural, and aesthetic history of Madison, the State of Wisconsin and the nation. The district embodies the distinguishing characteristics of an important architectural style that is strongly associated with a specific historical period, and reflects the ideals of style, high quality construction and craftsmanship in middle class homes.
 - (d) The Common Council created the Marquette Bungalows Historic District in 1993, in response to a petition by district property owners.
- (3) **Historic Period of Significance.** The historic period of significance for the Marquette Bungalows Historic District is 1923 through 1930.
- (4) **Historic Resources.** The following properties are hereby designated as historic resources within the Marquette Bungalows Historic District:
 - (a) Designated landmarks and landmark sites.
 - (b) Structures built during the district's period of significance under sub. (3).
 - (c) The following additional structures or properties that are important to the character of the historic district, and whose historical significance has been clearly documented:

[List other specific structures or properties (e.g., historically significant parks) that are to be treated as historic resources within the district. All designated historic resources should be shown on the district map under sub. (1).]

- (5) **Property Owner Responsibilities.** An owner of property in the Marquette Bungalows Historic District shall:
- (a) Comply with applicable standards in subs. (6) to (8).
 - (b) Obtain a *certificate of appropriateness* before undertaking any project for which a permit is required under Sec. 41.13(2). For more information, contact the Preservation Planner in the City Planning Division.
- (6) **New Structures.** New structures in the Marquette Bungalows Historic District shall comply with Sec. 41.11(1). The following district guidelines apply, in addition to the guidelines under Sec. 41.11(1):

Guidelines:

Primary Structures

- Primary structures should reflect the *historically representative* bungalow style of the *historic district*. Roofs, *visible facades*, wall surfaces, porches and *architectural features* should reflect the bungalow style. Rear facades should be *visually compatible* with the bungalow style.

Accessory Structures

- Accessory structures, such as garages, should reflect the *historically representative* bungalow style of the *historic district*.
- Roofs should be similar in shape, style, slope and appearance to the roof of the *primary structure*. Single slope roofs are inappropriate.
- Roofing materials should match those of the *primary structure*, to the maximum extent feasible.
- Garage doors should be consistent with the bungalow style. Horizontally paneled and flat paneled garage doors are inappropriate.
- Windows and pedestrian doors should be similar in style and proportion to *historically representative* windows and doors on the *primary structure*.

Roofs

- Roofs and roof features should reflect the *historically representative* bungalow style of the *historic district*.
- Roofs should be surfaced with *historically representative* roofing materials, or materials that closely resemble *historically representative* materials.
 - Acceptable roofing materials include asphalt shingles, fiberglass shingles, or other rectangular composition shingles that are similar in appearance to 3-in-1 tab asphalt shingles.
 - Sawn wood shingles may be used where visually compatible.
 - Thick wood shakes and Dutch lap, French method and interlock shingles are inappropriate.
- Rooftop equipment should be as inconspicuous as possible, consistent with essential function.

Exterior Walls

- *Visible facades* should reflect the *historically representative* bungalow style of the *historic district*.
- *Visible facades* should be surfaced with *historically representative* materials such as stone, masonry, stucco or horizontal clapboard. Other materials may be allowed, where *visually compatible*.

Windows and Doors

- Windows and doors on *visible facades* should reflect the *historically representative bungalow style* of the *historic district*.
- Undivided picture windows are inappropriate.
- Bay windows are inappropriate, except that the *Landmarks Commission* may allow a bay window that has perpendicular sides, does not extend beyond the roof eaves, and is otherwise *visually compatible* with the existing *structure*.
- If a window opening has an area of more than 16 square feet, the window should have divided lights. Lights should be divided by true muntins or by high quality simulated muntins that feature raised grids on each side and spacer bars between the pains of glass.
- Storm windows and doors should be simple in design and free of stylistic references.
- Storm window and storm door trim should be enameled, painted or otherwise finished. Raw metal trim is not appropriate. *Historically representative wood trim* is encouraged.

Porches, Stairways and Decks

- Porches and stairways on *visible facades* should reflect the *historically representative bungalow style* of the *historic district*. Open decks are not appropriate on *visible facades*.
- Porches and stairways on *visible facades* should be constructed of stone, masonry, wood or other materials that have a *historically representative appearance*. Concrete steps are allowed, if they are *visually compatible* with the *structure* and its bungalow style. Wood steps should have solid risers.
- Porch and stairway railings should reflect the *historically representative bungalow style*. Acceptable railing designs include:
 - Wrought iron railings with balusters at least one-half inch wide.
 - Wood railings with one-by-one inch square balusters spaced no more than 3 inches apart.
 - Railings sided to match the siding of the *structure*.
- Porch windows, if any, should have a *historically representative appearance* and should be similar in proportion and style to *historically representative windows* on the *structure*.
- All porches, stairways and decks, including those on rear facades, should be *visually compatible* with the *structure*.

(7) Additions and Alterations. Additions and alterations to structures in the Marquette Bungalows Historic District shall comply with Sec. 41.11(2). The *guidelines* under sub. (6) also apply, where relevant, to *additions* and *alterations*.

(8) Maintenance. Properties in the Marquette Bungalows Historic District shall be maintained according to Sec. 41.11(3).

(9) Design Manual. For a convenient summary of applicable historic preservation *standards* and *guidelines*, as well as graphic illustrations and best practice tips, see the Marquette Bungalows Design Manual, available online at _____.

41.30 FIRST SETTLEMENT HISTORIC DISTRICT.

(1) Creation. A First Settlement *Historic District* is hereby created. The boundaries of the district are shown by the district map and description on file with the *City Planning Division*. A copy of the district map is attached.

(2) Purpose and Rationale.

- (a) The First Settlement *Historic District* is designed to preserve the historic *character* of Madison's first non-indigenous residential settlement area. Madison's first occupied non-indigenous residence (no longer in existence) was built in this area in 1837, and others followed. The First Settlement district is important for this reason; but it also includes fine examples of architectural styles, construction methods and streetscapes characteristic of 19th Century and early 20th Century Madison.
- (b) The district is currently characterized by modest 19th Century frame houses, many with front porches and other period *architectural features*, as well as a number of finer brick residences. The district also includes some commercial areas. Because of its location near the Capitol Square, it faces substantial development pressure.
- (c) The Common Council created the First Settlement *Historic District* in 2002, in response to a petition by district property owners.
- (3) **Historic Period of Significance.** The historic *period of significance* for the First Settlement *Historic District* is 1850 through 1929.
- (4) **Historic Resources.** The following properties are hereby designated as *historic resources* within the First Settlement *Historic District*:
 - (a) Designated *landmarks* and *landmark sites*.
 - (b) *Structures* built during the district's *period of significance* under sub. (3).
 - (c) The following additional *structures* or properties that are important to the *character* of the *historic district*, and whose historical significance has been clearly documented:

[List other specific structures or properties (e.g., historically significant parks) that are to be treated as historic resources within the district. All designated historic resources should be shown on the district map under sub. (1).]
- (5) **Property Owner Responsibilities.** An owner of property in the First Settlement *Historic District* shall:
 - (a) Comply with applicable *standards* in Secs. (6) to (8).
 - (b) Obtain a *certificate of appropriateness* before undertaking any project for which a permit is required under Sec. 41.13(2). For more information, contact the *Preservation Planner* in the *City Planning Division*.
- (6) **New Structures.** New *structures* in the First Settlement *Historic District* shall comply with Sec. 41.11(1). The following district *guidelines* apply, in addition to the *guidelines* under Sec. 41.11(1):

Guidelines:

Roofs

- Pitched roofs should have a moderate to steep pitch (not less than 4-in-12).
- Pitched roofs should be surfaced with asphalt shingles or other *historically representative* roofing materials.
 - Materials that closely resemble *historically representative* materials may be allowed.
 - Sawn wood shingles are not recommended, but may be allowed where *visually compatible* with the *structure*.
 - Thick wood shakes are inappropriate.

Garage Doors

- Vehicle doors on garages should have flat surfaces or approximately square panels. Garage doors with horizontal panels are inappropriate.

- Garage door windows should have arrays of small panes, such as the 6-pane arrays (3 panes across and 2 panes high) commonly found on garages from the 1920s.

House Porches, Stairways and Decks

- *Historically representative* porches are encouraged on *street facades*.
- Porches and stairways on *visible facades* should have a finished appearance:
 - Porches and stairways should be constructed of wood or other *historically representative* porch and stairway materials. Alternative materials may be used if they are similar to *historically representative* materials in shape, design, color, scale, architectural appearance, and other visual qualities.
 - Porches should have finished floors, ceilings and frieze boards. Floor joists should be hidden from view. Carpeting and two-by-four decking are inappropriate.
 - Porch ceilings should be surfaced with narrow beaded boards or other materials that have a *historically representative* appearance.
 - Porch floors should be surfaced with tongue-in-groove boards or other materials that have a *historically representative* appearance.
 - Stairways shall have solid risers.
 - Porch and stairway surfaces should be painted or opaque stained, except that porch flooring and stair treads may be clear finished.
 - Porch and stairway posts should be trimmed with decorative molding at top and bottom.
 - Porch and stairway railings should be constructed of wood, or another material that closely resembles wood. Plain (not decorative or twisted) wrought iron railings with one-by-one inch plain vertical balusters are also allowed.
 - Porch and stairway railings should have top and bottom rails. Bottom rails on porches should be raised above the porch floor, but by no more than 3.5 inches.
 - Balusters on porches and stairways should extend from top to bottom rail, but not beyond. One-by-one inch plain balusters are preferred. Balusters on porch and stairway railings should be constructed so that a 4-inch ball cannot pass through the railing at any point.
 - Porch and stairway railings should not be sided, except that a porch railing may be sided with solid framed panels if a City code requires a railing at least 42 inches high or if the porch is enclosed with storm windows.
 - Open spaces beneath porches and stairways should be screened by framed lattice, narrowly spaced vertical boards, or other openwork that permits ventilation. The enclosure should be constructed so that a 3" ball cannot pass through any portion of it.
- Open decks should not be constructed on *visible facades*.
- All porches, stairways and decks, including those constructed on rear facades, should be *visually compatible* with the *structure*.

(7) Additions and Alterations. Additions and alterations to structures in the First Settlement Historic District shall comply with Sec. 41.11(2). The *guidelines* under sub. (6) also apply, where relevant, to *additions* and *alterations*.

(8) Maintenance. Properties in the First Settlement Historic District shall be maintained according to Sec. 41.11(3).

(9) **Design Manual.** For a convenient summary of applicable historic preservation *standards* and *guidelines*, as well as graphic illustrations and best practice tips, see the First Settlement Design Manual, available online at _____.

(END)