

## CHAPTER 33

### BOARDS, COMMISSIONS, AND COMMITTEES

#### Section

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**33.19 LANDMARKS COMMISSION.**

- (1) Purpose and Intent. It is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of improvements of special character or special historical interest or value is a public necessity and is required in the interest of health, prosperity, safety and welfare of the people. The purpose of this section is to:
  - (a) Effect and accomplish the protection, enhancement and perpetuation of such improvements and of districts which represent or reflect elements of the City's cultural, social, economic, political and architectural history.
  - (b) Safeguard the City's historic and cultural heritage, as embodied and reflected in such landmarks and historic districts.
  - (c) Stabilize and improve property values.
  - (d) Foster civic pride in the beauty and noble accomplishments of the past.
  - (e) Protect and enhance the City's attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry.
  - (f) Strengthen the economy of the City.
  - (g) Promote the use of historic districts and landmarks for the education, pleasure and welfare of the people of the City.

- (2) Definitions. In this section, unless the context clearly requires otherwise:

Commission means the landmarks preservation commission created under this section.

Historic district is an area designated by the commission with the consent of the Common Council which contains one or more landmarks or landmark sites, as well as those abutting improvement parcels which the commission determines should fall under the provisions of this section to assure that their appearance and development is harmonious with such landmarks or landmark sites.

Improvement means any building, structure, place, work of art or other object constituting a physical betterment of real property, or any part of such betterment.

Improvement parcel is the unit of property which includes a physical betterment constituting an improvement and the land embracing the site thereof, and is treated as a single entity for the purpose of levying real estate taxes. Provided, however that the term "improvement parcel" shall also include any unimproved area of land which is treated as a single entity for such tax purposes.

Landmark means any improvement which has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of the City, state or nation and which has been designated as a landmark pursuant to the provisions of this chapter.

Landmark site means any parcel of land of historic significance due to a substantial value in tracing the history of aboriginal man, or upon which an historic event has occurred, and which has been designated as a landmark site under this section, or an improvement parcel, or part thereof, on which is situated a landmark and any abutting improvement parcel, or part thereof, used as and constituting part of the premises on which the landmark is situated.

Person means any individual, association, corporation or business entity. For purposes of repeated violations of the provisions of this chapter, any association, corporation or business entity is considered the same as another association, corporation or business entity if they share at least one (1) officer.

Visually related area for a corner parcel shall be defined as the area described by a circle drawn on a two hundred (200) foot radius, the center being the center of the corner parcel, i.e. the intersection of diagonals from the principal corners of that parcel. (Am. by Ord. 8690, 10-10-85 & 11-14-85; Am. by Ord. 13,001, 2-8-02)

Visually related area for a parcel within a block (not a corner parcel) shall be defined as the area described by a two hundred (200) foot circle drawn from the centerpoint of the streetside (front) lot line. (Am. by Ord. 8690, 10-10-85 & 11-14-85; Am. by Ord. 13,001, 2-8-02)

Zoned for Manufacturing Use shall be defined as the application of zoning categories M1 and/or M2 to an improvement parcel regardless of current use.

Zoned for Commercial Use shall be defined as the application of zoning categories C1, C2, C3, C3L and/or C4 to an improvement parcel regardless of current use.

Zoned for Residential Use shall be defined as the application of zoning categories R1, R2, R3, R4, R4A, R5, R6, OR, PCD, PUD and/or RS to an improvement parcel regardless of current use.

(Sec. 33.01(2) Am. by Ord. 6470, 1-9-79)

- (3) Landmarks Commission Composition and Terms. A Landmarks Commission is hereby created, consisting of seven (7) members. Of the membership, one shall be a registered architect; one shall be an historian qualified in the field of historic preservation; one shall be a licensed real estate broker; one shall be an alderperson; and three shall be citizen members. Each member shall have, to the highest extent practicable, a known interest in landmarks preservation. The Mayor shall appoint the commissioners subject to confirmation by the Common Council. Of the initial members so appointed, two shall serve a term of one year, two shall serve a term of two years, and three shall serve a term of three years. Thereafter the term for each member shall be three years. (Am. by ORD-09-00147, 11-6-09)
- (4) Landmarks and Landmark Sites Designation Criteria.
- (a) For purposes of this ordinance, a landmark or landmark site designation may be placed on any site, natural or improved, including any building, improvement or structure located thereon, or any area of particular historic, architectural or cultural significance to the City of Madison, such as historic structures or sites which:
1. Exemplify or reflect the broad cultural, political, economic or social history of the nation, state or community; or
  2. Are identified with historic personages or with important events in national, state or local history; or
  3. Embody the distinguishing characteristics of an architectural type specimen, inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship or
  4. Are representative of the notable work of a master builder, designer or architect whose individual genius influences his age.
- (b) The commission may adopt specific operating guidelines for landmark and landmark site designation providing such are in conformance with the provisions of this paragraph.
- (5) Powers and Duties.
- (a) Designation. The commission shall have the power subject to subsection (6) hereunder, to recommend to the Common Council the designation of landmarks, landmark sites and historic districts within the City limits of Madison. Such designations shall be made by the Common Council based upon subsection (4) hereof. Once designated by the Common Council such landmarks, landmark sites and historic districts shall be subject to all the provisions of this ordinance. (Am. by Ord. 11,983, 12-12-97)

- (b) Regulation of Construction, Reconstruction and Exterior Alteration.
1. Any application for a permit from the Director of the Building Inspection Division involving the exterior of a designated landmark, landmark site or structure within an Historic District shall be filed with the Landmarks Commission. (Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)
  2. No owner or person in charge of a landmark, landmark site or structure within an Historic District shall reconstruct or alter all or any part of the exterior of such property or construct any improvement upon such designated property or properties within an Historic District or cause or permit any such work to be performed upon such property unless a Certificate of Appropriateness has been granted by the Landmarks Commission or its designee(s) as hereinafter provided. The Landmarks Commission may appoint a designee or designees to approve certain projects that will have little effect on the appearance of the exterior of such properties, provided that the Landmarks Commission shall first adopt a written policy on the types of projects which can be approved by its designee(s). Unless such certificate has been granted by the commission or its designee(s), the Director of the Building Inspection Division shall not issue a permit for any such work. (Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)
  3. Whenever, under Paragraph 2. above, the Landmarks Commission receives an application for a project in the University Heights Historic District which proposes to erect a new primary building, an accessory building over 100 square feet in size or an addition over 100 square feet in size to the footprint of an existing building, not including decks and open porches, the Landmarks Commission shall hold a public hearing. The Commission may establish rules and procedures for the conduct of such hearings and shall see to it that a record of the proceedings is made and preserved.  
Notice of the time, place and purpose of such hearing shall be given by publication as a Class 2 Notice under the Wisconsin Statutes in the official City paper. Notice of the time, place and purpose of such public hearing shall also be sent by the City Clerk to the applicant, the Director of the Planning Division, the alderperson of the district in which the property affected is located, and the owners of record, as listed in the office of the City Assessor, of property in whole or in part situated within two hundred (200) feet of the boundaries of the properties affected, said notice to be sent at least ten (10) days prior to the date of such public hearing. The applicant shall immediately post a copy of such notice in a conspicuous manner in a common or central location of each rental building where all residents/occupants are likely to see the notice or mail a copy of the notice to each rental unit within the area entitled to notice. The applicant has the option of making the required mailing and may use labels purchased from the City or the applicant may pay the City to do the mailing. Failure to post the notice at least forty-eight (48) hours before the scheduled hearing or to mail a copy of the notice to each rental unit at least five (5) days before the scheduled hearing shall subject the applicant to a forfeiture of not less than fifty dollars (\$50) nor more than one hundred dollars (\$100). Failure to post or mail such notices shall not affect the validity of the action taken on the application. (Cr. by Ord. 11,070, 12-6-94)

4. Upon filing of any application with the Landmarks Commission, the Landmarks Commission shall determine:
    - a. Whether, in the case of a designated landmark or landmark site, the proposed work would detrimentally change, destroy or adversely affect any exterior architectural feature of the improvement upon which said work is to be done; and
    - b. Whether, in the case of the construction of a new improvement upon a landmark site, the exterior of such improvement would adversely affect or not harmonize with the external appearance of other neighboring improvements on such site; and
    - c. Whether, in the case of any property located in an Historic District designated pursuant to the terms of Subsection (6)(d) hereunder, the proposed construction, reconstruction or exterior alteration does not conform to the objectives and design criteria of the historic preservation plan for said district as duly adopted by the Common Council.  
(Sec. 33.01(4)(b)3. Renumbered to 4. by Ord. 11,070, 12-6-94)
  5. If the commission determines Subparagraphs a., b. and c. of Paragraph 4. above in the negative, it shall issue the Certificate of Appropriateness. Upon the issuance of such certificate, the building permit shall then be issued by the Director of the Building Inspection Division. The commission shall make this decision within sixty (60) days of the filing of the application. Should the commission fail to issue a Certificate of Appropriateness due to the failure of the proposal to conform to the above guidelines, the applicant may appeal such decision to the Common Council. In addition, if the commission fails to issue a Certificate of Appropriateness, the commission shall, at the request of the applicant, cooperate and work with the applicant in an attempt to obtain a Certificate of Appropriateness within the guidelines of this ordinance. (Am. by Ord. 11,648, 8-20 & 8-26-96; ORD-08-00109, 10-7-08)
  6. In addition to any other penalty provided in this section, should an owner or person in charge of a landmark, landmark site or structure within an Historic District reconstruct or alter all or any part of the exterior of such property or construct any improvement upon such designated property or properties within an Historic District or cause or permit any such work to be performed upon such property without first obtaining a Certificate of Appropriateness from the Landmarks Commission or its designee or should such reconstruction, alteration or other work be performed in violation of the conditions of a lawfully granted Certificate of Appropriateness, the Landmarks Commission, after reviewing such reconstruction, alteration or other work, may order it removed if it does not comply with the requirements of Section 33.19(5)(b)4. above or may order such renovation as is necessary to make it comply with Section 33.19(5)(b)4. (Am. by Ord. 11,648, 8-20 & 8-26-96)
- (c) Regulation of Demolition. No permit to demolish all or part of a landmark, or improvement in an Historic District, shall be granted by the Director of the Building Inspection Division except as follows: (Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)
1. Scope.  
Any application for a permit to demolish or remove all or part of a landmark or improvement in an Historic District shall be filed with the Landmarks Commission. Such application shall be made in all cases, both when demolition or removal is planned as an isolated event and when said demolition or removal is considered in conjunction with a special development plan, a rezoning plan or

a conditional use plan. No owner or operator of a landmark, or improvement in an Historic district, shall be granted a permit to demolish or remove such property unless a Certificate of Appropriateness therefor has been granted by the Landmarks Commission. (Am. by Ord. 8117, 10-3-83)

2. Procedure.

Except as provided in Section 28.12(10)(d), the Landmarks Commission shall hold a public hearing on each application for a wrecking or removal permit and shall follow the procedures required for other hearings by Madison General Ordinance Section 28.12(10)(d) and (e). Thereafter, the Landmarks Commission may decide to grant a Certificate of Appropriateness, refuse to grant such Certificate or suspend action on same for a period not to exceed one (1) year from the date of application for said permit. Failure to issue a Certificate of Appropriateness or to issue a written determination to suspend action on the application within thirty (30) days of the application date shall be deemed a refusal to grant a Certificate of Appropriateness for the demolition or removal, provided that the determination period may be extended an additional thirty (30) days by written stipulation of the applicant and the Landmarks Commission. If the Landmarks Commission determines to suspend action on the application, the Commission and the applicant shall undertake serious and continuing discussions for the purpose of finding a mutually agreeable method of saving the subject property. Furthermore, during this time the owner shall take whatever steps are necessary to prevent further deterioration of the building. At the end of the one-year period the Landmarks Commission shall act on the suspended application by either granting or refusing to grant a Certificate of Appropriateness for the proposed demolition or removal. (Am. by Ord. 9085, 1-29-87)

3. Standards.

In determining whether to issue a Certificate of Appropriateness for any demolition, the Landmarks Commission shall consider and may give decisive weight to any or all of the following:

- a. Whether the building or structure is of such architectural or historic significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the City and the State;
- b. Whether the building or structure, although not itself a landmark building, contributes to the distinctive architectural or historic character of the District as a whole and therefore should be preserved for the benefit of the people of the City and the State;
- c. Whether demolition of the subject property would be contrary to the purpose and intent of this chapter as set forth in Sec. 33.19 and to the objectives of the historic preservation plan for the applicable district as duly adopted by the Common Council;
- d. Whether the building or structure is of such old and unusual or uncommon design, texture and/or material that it could not be reproduced or be reproduced only with great difficulty and/or expense;
- e. Whether retention of the building or structure would promote the general welfare of the people of the City and the State by encouraging study of American history, architecture and design or by developing an understanding of American culture and heritage;

- f. Whether the building or structure is in such a deteriorated condition that it is not structurally or economically feasible to preserve or restore it, provided that any hardship or difficulty claimed by the owner which is self-created or which is the result of any failure to maintain the property in good repair cannot qualify as a basis for the issuance of a Certificate of Appropriateness;
  - g. Whether any new structure proposed to be constructed or change in use proposed to be made is compatible with the buildings and environment of the district in which the subject property is located.
4. (R. by Ord. 11,070, 12-6-94)  
(Sec. 33.01(5)(c) Am. by Ord. 7027, 6-27-80)
- (d) Regulation of Painting Signs on Brick Buildings. No permit to paint a sign on a brick building shall be granted by the Director of the Building Inspection Division except as follows: (Am. by ORD-08-00109, 10-7-08)
- 1. A Certificate of Appropriateness must be issued by Landmarks Commission. To qualify For a Certificate of Appropriateness:
    - a. the building must be designated a landmark or be in a locally-designated historic district.
    - b. the brick surface must have been painted previously.
    - c. the building must have been built in whole or in part for commercial or industrial use.
    - d. the sign must be an identification sign for a tenant of the building.
    - e. the sign shall not be illuminated.
    - f. the proposed sign must be of a size, style, and location that blends with the historic character of the building and/or historic district.
  - 2. The permittee must comply with the provisions of Chapter 31, Madison General Ordinances.  
(Cr. by Ord. 12,313, 2-1-99)
- (e) Restoration of Painted Signs on Brick Buildings. No permit to restore a painted sign of a brick building shall be granted by the Director of the Building Inspection Division except as follows: (Am. by ORD-08-00109, 10-7-08)
- 1. A Certificate of Appropriateness must be issued by the Landmarks Commission. To qualify for a Certificate of Appropriateness:
    - a. the building must be a landmark or be in a locally-designated historic district.
    - b. the building must have been built in whole or in part for commercial or industrial use.
    - c. the owner must be able to document the existence and appearance of the sign to be restored.
    - d. the original sign must predate 1950.
    - e. the restored sign must be the same size and in the same location as the original sign.
    - f. the restored sign must be in the same colors, if known, as the original sign.
    - g. the restored sign shall not be illuminated.
    - h. the lettering style of the restored sign shall match as closely as possible the original lettering style of the original sign, however, new words may be used.
  - 2. The permittee must comply with the provisions of Chapter 31, Madison General Ordinances.  
(Cr. by Ord. 12,364, 3-30-99)



- (f) Appeal. An appeal from the decision of the Landmarks Commission to grant or deny a Certificate of Appropriateness under Subsection (5)(b) and (c) may be taken to the Common Council by the applicant for the permit. In addition, an appeal from the decision of the Landmarks Commission to grant or deny a Certificate of Appropriateness for any building or demolition project requiring a public hearing, whether this determination is made upon receipt of the application for a demolition permit or at the end of the one-year period in a case where action on the application has been suspended, or to suspend action on a demolition application, may also be taken to the Common Council by the Alderperson of the district in which the subject property is located, or by 20% of the property owners within 200 feet of the subject property.

Such appeal shall be initiated by filing a petition to appeal, specifying the grounds therefore, with the City Clerk within ten (10) days of the date the final decision of the Landmarks Commission is made. The City Clerk shall file the petition to appeal with the Common Council. After a public hearing, the Council may, by favorable vote of two-thirds (2/3) of its members, based on the standards contained in this ordinance, reverse or modify the decision of the Landmarks Commission if, after balancing the interest of the public in preserving the subject property and the interest of the owner in using it for his or her own purposes, the Council finds that, owing to special conditions pertaining to the specific piece of property, failure to grant the Certificate of Appropriateness will preclude any and all reasonable use of the property and/or will cause serious hardship for the owner, provided that any self-created hardship shall not be a basis for reversal or modification of the Landmark Commission's decision.

(Am. by Ord. 11,983, 12-12-97)

- (g) Recognition Of Landmarks And Landmark Sites. At such time as a landmark or landmark site has been properly designated in accordance with subsections (4) and (6) hereof, the commission shall cause to be prepared and erected on such property at City expense, a suitable plaque declaring that such property is a landmark or landmark site. Such plaque shall be so placed as to be easily visible to passing pedestrians. In the case of a landmark, the plaque shall state the accepted name of the landmark, the date of its construction, and other information deemed proper by the commission. In the case of a landmark site which is not the site of a landmark building, such plaque shall state the common name of the site, and such other information deemed appropriate by the commission. (Renumbered by Ord. 11,070, 12-6-94)

- (h) Sale Of Landmarks And Landmark Sites. Any party who is listed as the owner of record of a landmark site at the time of its designation, who can demonstrate to the Common Council that by virtue of such designation he is unable to find a buyer willing to preserve such landmark or landmark site, even though he has made reasonable attempts in good faith to find and attract such a buyer, may petition the commission for a rescission of its designation. Following the filing of such petition with the secretary of the commission:

1. The owner and the commission shall work together in good faith to locate a buyer for the subject property who is willing to abide by its designation.
2. If, at the end of a period not exceeding six (6) months from the date of such petition, no such buyer can be found, and if the owner still desires to obtain such rescission, the Common Council shall rescind its designation of the subject property.
3. In the event of such rescission, the City Clerk shall notify the Director of the Building Inspection Division and the City Assessor of same, and shall cause the same to be recorded in the office of the Dane County Register of Deeds. (Am. by ORD-08-00109, 10-7-08)
4. Following any such rescission, the Common Council may not redesignate the subject property a landmark or landmark site for a period of not less than five (5) years following the date of rescission.

(Am. by Ord. 11,983, 12-12-97)

- (i) Other Duties. In addition to those duties already specified in this section, the commission shall:
1. Actively work for the passage of enabling legislation which would permit the granting of full or partial tax exemptions to properties it has designated under the provisions of this section in order to encourage landmark owners to assist in carrying out the intent of this ordinance.
  2. Work closely with the State of Wisconsin liaison officer and the Governor's liaison committee for the National Register of Historic Places of the United States National Park Service in attempting to include such properties hereunder designated as landmarks or landmark sites on the Federal Register.
  3. Work for the continuing education of the citizens of Madison about the historic heritage of this City and the landmarks and landmark sites designated under the provisions of this section.
  4. As it deems advisable, receive and solicit funds for the purpose of landmarks preservation in the City of Madison. Such funds shall be placed in a special City account for such purpose.

(Renumbered by Ord. 11,070, 12-6-94)

(6) Procedures.

- (a) Designation Of Landmarks and Landmark Sites. The Landmarks Commission and the Common Council may consider nominations for landmark status. An individual or group may nominate a property for consideration. If a complete, accurate application is submitted and the Commission decides to consider the nomination, a public hearing shall be scheduled. At least ten (10) days prior to such hearing, the commission shall notify the owners of record, as listed in the office of the City Assessor, who are owners of property in whole or in part situated within two hundred (200) feet of the boundaries of the property affected. Notice of such hearing shall also be published as a Class 1 Notice, under the Wisconsin Statutes. The commission shall also notify the following: Department of Public Works, Parks Division, Fire and Police Departments, Health Division, Department of Planning and Community and Economic Development and Plan Commission. Each such department shall respond to the commission within thirty (30) days of notification with its comments on the proposed designation or rescission. The commission shall then conduct such public hearing and, in addition to the notified persons, may hear expert witnesses, and shall have the power to subpoena such witnesses and records as it deems necessary. The commission may conduct an independent investigation into the proposed designation or rescission. Within ten (10) days after the close of the public hearing, and after application of the criteria in Subsection (4), above, the commission may recommend the designation of the property as either a landmark or a landmark site or recommend the rescission of such designation. After such recommendation has been made, notification shall be sent to the property owner or owners. The commission shall report its recommendation, along with the reasons for it, to the Common Council. After considering the commission's report, and considering the standards contained in this ordinance, the Common Council may designate the property as either a landmark or a landmark site or rescind such designation. The City Clerk shall notify the Director of the Building Inspection Division and the City Assessor. The City Clerk shall cause such designation or rescission to be recorded, at City expense, in the Dane County Register of Deeds office.

If the Commission decides not to consider a nomination, the property owner or alderperson may request that the Common Council consider the nomination. The Common Council shall then refer the nomination to the Landmarks Commission for a recommendation.

(Am. by Ord. 11,983, 12-12-97; Ord. 12,302, 1-15-99; ORD-08-00109, 10-7-08)

- (b) For those properties listed on pages 50 and 51 of the Downtown Historic Preservation Plan, the procedure to designate a property as a landmark cannot be initiated once a completed application for a conditional use, demolition permit or zoning map amendment has been submitted. (Cr. by Ord. 12,302, 1-15-99)
- (c) Voluntary Restrictive Covenants. The owner of any landmark or landmark site may, at any time following such designation of his property, enter into a restrictive covenant on the subject property after negotiation with the commission. The commission may assist the owner in preparing such covenant in the interest of preserving the landmark or landmark site and the owner shall record such covenant in the Dane County Register of Deeds office, and shall notify the City Assessor of such covenant and the conditions thereof. (Subdiv. (b) R. and (c) Renumbered to (b) by Ord. 11,070, 12-6-94)
- (d) Creation of Historic Districts.
1. For preservation purposes, the Landmarks Commission shall select geographically defined areas within the City of Madison to be designated as Historic Districts and shall, with the assistance of the City Department of Planning and Community and Economic Development, prepare an historic preservation plan in ordinance form for each area. An Historic District may be designated for any geographic area of particular historic, architectural, or cultural significance to the City of Madison which:
    - a. Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state or community; or
    - b. Is identified with historic personages or with important events in national, state or local history; or
    - c. Embodies the distinguishing characteristics of architectural type specimens inherently valuable for the study of a period or periods, styles, methods or construction, indigenous materials or craftsmanship; or
    - d. Is representative of the notable works of master builders, designers, or architects who influenced their age.

Each historic preservation plan prepared for or by the Landmarks Commission shall include a cultural and architectural analysis supporting the historic significance of the area, the specific guidelines for development and a statement of preservation objectives.
  2. Guideline criteria to be considered in the development of Historic District plans are as follows:
    - a. All new structures shall be constructed to a height visually compatible with the buildings and environment with which they are visually related.
    - b. The gross volume of any new structure shall be visually compatible with the buildings and environment with which it is visually related.
    - c. In the street elevation(s) of a building, the proportion between the width and height in the facade(s) should be visually compatible with the buildings and environment with which it is visually related.
    - d. The proportions and relationships between doors and windows in the street facade(s) should be visually compatible with the buildings and environment with which it is visually related.
    - e. The rhythm of solids to voids, created by openings in the facade, should be visually compatible with the buildings and environment with which it is visually related.
    - f. The existing rhythm created by existing building masses and spaces between them should be preserved.
    - g. The materials used in the final facade(s) should be visually compatible with the buildings and environment with which it is visually related.

- h. The texture inherent in the facade should be visually compatible with the buildings and environment with which it is visually related.
  - i. Colors and patterns used on the facade (especially trim) should be visually compatible with the buildings and environment with which it is visually related.
  - j. The design of the roof should be visually compatible with the buildings and environment with which it is visually related.
  - k. The landscape plan should be sensitive to the individual building, its occupants and their needs. Further, the landscape treatment should be visually compatible with the buildings and environment with which it is visually related.
  - l. All street facade(s) should blend with other buildings via directional expression. When adjacent buildings have a dominant horizontal or vertical expression, this expression should be carried over and reflected.
  - m. Architectural details should be incorporated as necessary to relate the new with the old and to preserve and enhance the inherent characteristics of the area.
3. The guideline criteria for construction of and alterations and additions to buildings and structures in historic districts are designed to provide an understandable set of standards to ensure that alterations to the exterior of existing buildings and the creation of new buildings will be done in a manner sensitive to the character of each historic district. It is not the intent of this ordinance to discourage contemporary architectural expression that is visually compatible with its environment and otherwise meets the standards in the ordinance, to encourage the rote emulation of existing building styles or to prevent the prior lawful conforming use of buildings that are reconstructed following destruction by fire or other natural disaster. A sensitively designed building in a contemporary style may better preserve and enhance the inherent characteristics of a historic district than a mediocre adaptation of a more traditional style. (Cr. by Ord. 8690, 10-10-85 & 11-14-85; Am. by Ord. 13,001, 2-8-02)
4. Review and Adoption Procedure.
- a. Landmarks Commission. The Landmarks Commission shall hold a public hearing when considering the plan for an Historic District. Notice of the time, place and purpose of such hearing shall be given by publication as a Class 2 Notice under the Wisconsin Statutes in the official City paper. Notice of the time, place and purpose of such public hearing shall also be sent by the City Clerk to the Alder of the Aldermanic District or Districts in which the Historic District is located, and the owners of record, as listed in the office of the City Assessor, who are owners of property situated in whole or in part within the Historic District, or situated in whole or in part within two hundred (200) feet of the boundaries of the Historic District. Said notice is to be sent at least ten (10) days prior to the date of such public hearing. Following the public hearing, the Landmarks Commission shall vote to recommend, reject or withhold action on the plan. This recommendation shall be forwarded to the City Plan Commission and the Common Council. (Am. by ORD-09-00147, 11-6-09)

- b. The City Plan Commission. The Plan Commission shall review the Historic District plan and make a recommendation to the Common Council. The Plan Commission shall make its recommendation on the Historic District plan within thirty (30) days.
- c. The Common Council. The Common Council, upon receipt of the recommendations from the Landmarks Commission and Plan Commission, shall hold a public hearing, notice to be given as noted in Subparagraph a. above, and shall following said public hearing either designate or reject the Historic District. Designation of the Historic District shall constitute adoption of the plan in ordinance form prepared for that district and direct the implementation of said plan.

(33.01(6)(d) Renumbered to (c) by Ord. 11,070, 12-6-94)

- (7) Conformance With Regulations. Every person in charge of any landmark, landmark site or improvement in an Historic District shall maintain same or cause or permit it to be maintained in a condition consistent with the provisions of this section.
- (8) Maintenance of Landmarks, Landmark Sites and Historic Districts.
  - (a) Every person in charge of an improvement on a landmark site or in an Historic District shall keep in good repair all of the exterior portions of such improvement and all interior portions thereof which, if not so maintained, may cause or tend to cause the exterior portions of such improvement to fall into a state of disrepair. This provision shall be in addition to all other provisions of law requiring such improvement to be kept in good repair.
  - (b) Insofar as they are applicable to a landmark, landmark site or improvement in an Historic District, designated under this section, any provision of Chapters 18 (Plumbing Code), 27 (Minimum Housing and Property Maintenance Code), 29 (Building Code), 30 (Heating, Ventilating and Air Conditioning Code) and 31 (Outdoor Signs and Outdoor Advertising Structures) of the Madison General Ordinances may be varied or waived, on application, by the appropriate board having such jurisdiction over such chapter or, in the absence of such board, by the Director of the Building Inspection Division, provided such variance or waiver does not endanger public health or safety. (Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)
  - (c) Notwithstanding subdivision (a) above, sandblasting of any exterior surface of an improvement on a landmark site or in an historic district is prohibited. Other types of abrasive exterior cleaning, including but not limited to waterblasting with a sand additive, or corrosive cleaning, including but not limited to muriatic acid wash, are also prohibited unless specifically approved prior to work by the Landmarks Commission. The Landmarks Commission shall approve exterior surface cleaning projects using abrasive or corrosive cleaning methods only if the project will not adversely affect the exterior fabric of the building. (Cr. by Ord. 7923, 1-27-83)
- (9) Conditions Dangerous to Life, Health or Property. Nothing contained in this section shall prohibit the making of necessary construction, reconstruction, alteration or demolition of any improvement on a landmark site or in an Historic District pursuant to order of any governmental agency or pursuant to any court judgment, for the purpose of remedying emergency conditions determined to be dangerous to life, health or property. In such case, no approval from the commission shall be required.