



PLANNING DIVISION STAFF REPORT

May 9, 2022

PREPARED FOR THE LANDMARKS COMMISSION

Legistar File ID # [70641](#), Draft Historic Preservation Ordinance
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Introduction

The Landmarks Ordinance Review Committee undertook work to amend the portion of the historic preservation ordinance that addressed standards for reviewing exterior alterations in our designated historic districts in 2017. After 15 public meetings (3 in each historic district), the committee met 35 times to craft the new ordinance language. The committee's process concluded with 3 additional virtual public meetings focused on different stakeholder groups: all district meeting, contractors and developers, and new construction. Subsequent to its introduction to Common Council, Alder Halverson referred the ordinance to the Economic Development Committee and the Housing Strategy Committee to discuss the proposed language for how we measure 200 feet in historic districts for assessing visual compatibility. The Economic Development Committee voted no comment and recommended that the ordinance be reviewed by the Landmarks Commission as the subject-matter experts. The Housing Strategy Committee voted in support of the proposed ordinance changes with the finding that this would benefit housing in our historic districts.

Proposed Ordinance

After the last combined meeting of LORC and the Landmarks Commission, staff made some additional edits to the text based upon feedback of both of those bodies and then after feedback from the final public meetings. The text needs to find a balance between providing enough guidance to make compliance with the standards clear and predictable without being so prescriptive that they are unwieldy. Please review the text as proposed and the case studies that staff used to vet the draft ordinance. Please also review the drafter's comments on the legislation and the supplemental drafter's analysis for a description of all of the areas with proposed amendments to the existing ordinance.

Staff Recommendation

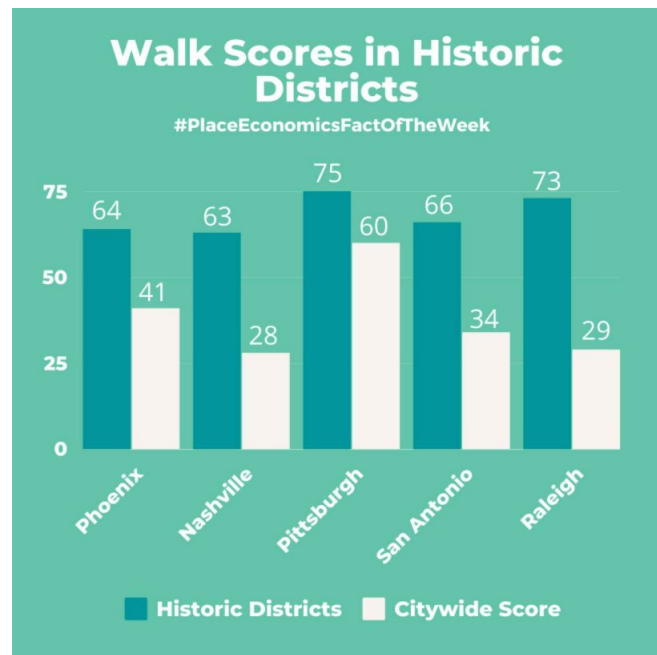
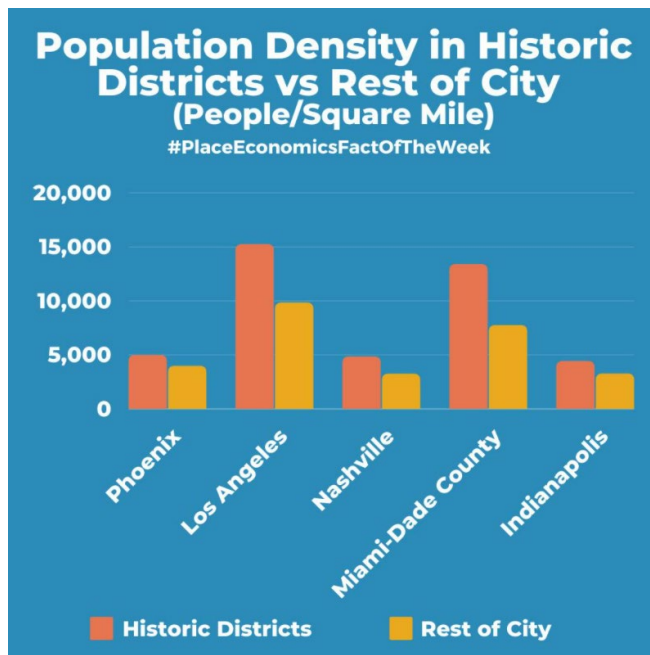
Staff recommends that the Landmarks Commission recommends to Common Council to adopt the ordinance as proposed.

Other Feedback Issues

There were numerous other comments that covered a variety of topics. Some of these did not translate into proposed amendments to the text of the ordinance, but help guide how staff needs to structure public outreach of the adopted ordinance.

Density & Affordability

There were concerns that historic districts restrict density. Density is a Zoning and Plan Commission issue and Landmarks Commission does not regulate land uses or density. Their work is strictly about the physical character of the resources in the district. Our historic districts tend to feature neighborhoods that evolve before zoning and therefore have smaller lots than currently allowed for new developments and many of the structures in these neighborhoods have evolved from single-family structures to multi-unit buildings. What we see in Madison is also found in historic districts across the country. Recently Place Economics shared two info graphics that address this situation:



Our historic districts provide a different type of housing product that already feature inherent densities above what current zoning would allow. Additionally, as these neighborhoods evolved, they often featured mixed use and recreational opportunities in addition to pedestrian infrastructure to make them appealing and usable to residents. While there is certainly a history of preservation being used as a tool for down zoning and gentrification, our historic districts can support a diverse range of housing options for residents.

Alternative Materials & Materials Costs

There were concerns that the ordinance would not allow for alternative materials, particularly as the costs of materials used historically are often more expensive than alternative materials. State statute requires that historic commissions allow for alternative materials when they adequately replicate historic materials. The Madison Landmarks Commission has a long history of approving alternative materials and the ordinance specifies that alternative materials are allowable.

Nonconformities

There were concerns that the ordinance would require previous unsympathetic alterations to be removed. There is nothing in the ordinance that requires changes to an existing building. While building code requires areas undergoing work to become compliant with current building code, the preservation ordinance would treat

those activities as an opportunity to make a feature more architecturally sympathetic, but that change would not be required. A recent project in the district wanted to demolish an unsympathetic front porch addition and replace it with one that was more period appropriate. They used historic porches within 200 feet to serve as the model of an appropriate porch, and the project was approved. The draft ordinance would also allow for this type of project, even when a porch had not been there previously. The project would bring the opportunity to modify an existing alteration, but the alteration did not have to be removed.

Sustainability Features

We heard a few comments on how the preservation ordinance does not mention sustainability features or upgrades to structures. Solar panels are addressed specifically in the historic district ordinance. The Maintenance and Repair sections focus on keeping a building in good repair, which supports the energy efficiency of the structure. There is a wealth of research supporting that keeping historic windows in good repair with proper weather stripping and storm windows makes them just as energy efficient as new windows while also retaining windows that are designed to fit often nonstandard openings. Retention of historic building materials and reusing existing structures whenever possible decreases the burden of tossing into the landfill materials that have already paid their carbon costs. Increasing insulation in a building or introducing a rain garden are all allowable and supported by this ordinance.