

Alliance statement to LORC, August 20, 2019

Members of the Madison Alliance for Historic Preservation have identified several key criteria used to evaluate the staff's Sample Ordinance for Local Historic Districts (SOLHD) dated July 30, 2019. Our comments below are not an exhaustive evaluation of the SOLHD, but rather, they're a sampling of our SOLHD concerns. Note, we use the term "activities" to refer to maintenance, repairs, alterations, additions, and construction of new structures. We use the term "standard" to refer to requirements and guidelines in the SOLHD that we believe are meant to be followed when doing activities within a local historic district.

We believe that an ordinance for local historic districts should:

- 1. Be applicable to and compatible with the full range of possible historic districts.**

The principal challenge of drafting a general ordinance for local historic districts is addressing the wide variety of architectural styles, building types, and development patterns that are found in currently designated districts as well as considering those that could be found in future historic districts. The scope of the standards specified in the SOLHD is primarily for residential structures from the 1850's to the 1920's. How applicable would these standards be if there was a desire to designate new districts such as the State Street retail corridor or a residential part of Hill Farms? What additional standards would be needed to effectively preserve the character of these and other areas? The SOLHD prohibits wide clapboards, diagonal wall boards, and metallic finishes, which would preclude homes in Hill Farms with wide siding and structures with Mid-Century Modern elements. The SOLHD prohibits metal balusters and stucco covered masonry, which conflicts with Victorian homes with historic metal balustrades and Craftsman homes with stuccoed masonry block foundations. It even prohibits vegetation growing on masonry walls, which would strip bare ugly cinder block garages covered with Boston Ivy as well as remove greenery that has been growing on some historic buildings for generations.

Developing a comprehensive set of broadly applicable and effective standards is a truly difficult, if not impossible, task. Including district specific standards would make this task easier. Individual districts can use their specific characteristics to specify what to allow/prohibit without imposing undue restrictions on other districts. New districts can tailor new standards to protect their district's specific character that might otherwise be missed in a set of general standards. General standards wouldn't need to be written to consider the variety and combinations of architectural styles, building types, and development patterns for all possible districts. Instead, they could provide criteria and possibly a template to be used in the development of district specific standards.

2. **Aim for objective standards that can be consistently applied.**

The SOLHD frequently uses subjective and sometimes vague terms/phrases to attempt to achieve ordinance language that can be broadly applied or to provide a degree of discretion. Phrases such as "limited amount", "differentiated enough", "exceeds normal", "overly ornamental", "blend seamlessly", "does not degrade", "as much as possible" cause concern since they can result in inconsistencies and conflict due to differences in opinion. The purpose and intent of each ordinance standard should be understandable without relying on outside clarifications or staff interpretations. Specifics including examples that illustrate what is unacceptable, minimally acceptable, desired, and even exemplary would result in a more effective ordinance, as would defining/explaining concepts such as these used in the SOLHD "visible from the street", "site feature", and "recognized conservation and preservation method".

3. **Explicitly specify an appropriate and stepped set of preservation standards.**

Preservation shouldn't be at the same high level of exacting standards for all structures within a local historic district. There are several factors that should be used to determine the degree to which preservation standards are applied:

1. Is the structure landmarked, not landmarked but within the period of significance, or out of the period of significance?
2. Is the activity on a part of the structure that is original/historic or a later addition?
3. Is the activity on a part of the structure that is visible from a public right-of-way or on different faces of the building other than the front?
4. Is the activity on the principal structure or an accessory structure?

The highest preservation standards should apply to the publicly-visible parts of landmarked principal structures but should be appropriately stepped down depending of the factors mentioned above.

The SOLHD doesn't provide a clear or consistent framework for determining the degree that preservation standards are to be applied. For example, the maintenance section doesn't make any distinction regarding the period of significance. Structures out of the period of significance should meet appropriate maintenance standards as specified in 41.14 but without requiring the use of recognized preservation or conservation methods as specified in the SOLHD. The SOLHD prohibits removing chimneys visible from the street but what if the chimney was a later addition or is part of a new building? The SOLHD requires porches to be retained and preserved but makes no exception for those that likely aren't publicly visible in the back where cheap small porches were commonly built on vernacular historic homes. Do we want to limit how homeowners can enjoy their backyards by requiring them to preserve such back porches?

4. Clearly state what approval, if any, is needed for each category of activity.

The SOLHD has a section for each of five different categories of activities: maintenance, repairs, alterations, additions, and new structures. Each section should explicitly state what approval, if any, is needed. These approval processes should be clear and streamlined or they might have unintended consequences such as discouraging routine maintenance and repairs. For example, the section on maintenance might state no prior approval is needed but ordinance standards must be met. The repair section might state prior approval by (only) the Preservation Planner is required if a repair exceeds a specified amount. The sections on alterations, additions and new structures should state the need to obtain a Certificate of Approval since they are activities listed in 41.09 and 41.12. If needed, specific activities could specify an exception to their particular section's approval requirement, but such exceptions should be rarely used.

5. Have a clear distinction between requirements and guidelines that is readily understandable and consistently applied.

The cover page of the SOLHD makes a clear and understandable distinction between requirements and guidelines. However, the SOHLD doesn't faithfully followed this distinction in all cases. For example, the long list of requirements for porch alterations may be ignored based on the guideline that permits other compatible designs. The guideline for the repair of deteriorated wood walls requires approval of the Preservation Planner leaving the impression that guidelines are requirements. Some guidelines should be requirements such as those that specify "Compatible substitute materials shall be similar in design, color, scale, architectural appearance, and other visual qualities." [Repairs (2)(b)2.b.]