



PREPARED FOR THE LANDMARKS ORDINANCE REVIEW COMMITTEE

**Legistar File ID #**            [56918](#), Draft Historic Preservation Ordinance  
**Prepared By:**                Heather Bailey Preservation Planner  
**Date Prepared:**              February 25, 2022

**Introduction**

LORC conducted three public meetings, hosted an online survey, and received several emailed comments on the proposed ordinance update. Based upon those discussions and compiled feedback, staff is proposing several changes to the working draft of the ordinance.

**Proposed Ordinance Text Amendments**

***Lead Paint***

LORC previously looked at the guidance from HUD and the EPA on how to remediate paint when dealing with historic properties. The recommendation from those sources, which is supported by the NPS is to remove the paint from character-defining features through lead-safe procedures and then repaint in order to keep the historic feature but remove the lead paint hazard. The Marquette Bungalows district has submitted several comments asking for an alternative process for just removing historic materials that have lead paint rather than removing the paint itself. Staff has included some alternative language in the Alterations section that mimics the process recently adopted by the City of Baltimore, MD.

***Color***

There were several comments about the regulation of color. Traditionally the Landmarks Commission does not weigh in on color when it is a matter of paint. While there were several places in the ordinance where color was mentioned as a way to make an alteration or addition blend better with the district, once that project was approved, a property owner would be allowed to repaint it in any color they would choose. As such, those places we are proposing to strike the language. We kept color references in places where the alteration would be permanent (masonry units and mortar) or where trying to blend in a repair (a different colored piece of soffit when all the rest are otherwise the same color would be problematic).

***Screening of Porch Elements***

The ordinance draft had proposed only wood screening for under porches and roofs. Public comment pointed out that several buildings in our district have masonry under their porches, masonry steps, or masonry wing-walls that serve as screening for the steps. Staff has added masonry as another option as it has historic precedent in our districts.

***Accessory Structure Standards***

While the intention for the New Structures standards was to have accessory structures follow the same process as principal structures, but do so with the context of other accessory structures in the district, the existing language needed clarification. Staff has suggested additional language

***Typographic Errors***

Staff also found two typographic errors, one case where a definition needed to be underlined and one where the masonry reference between sections was incorrect. Both of those are corrected in this draft.

**Staff Recommendation**

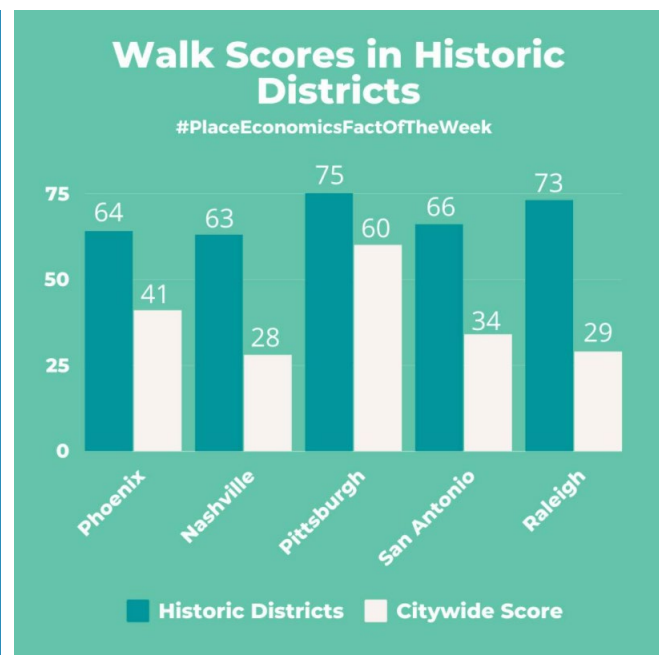
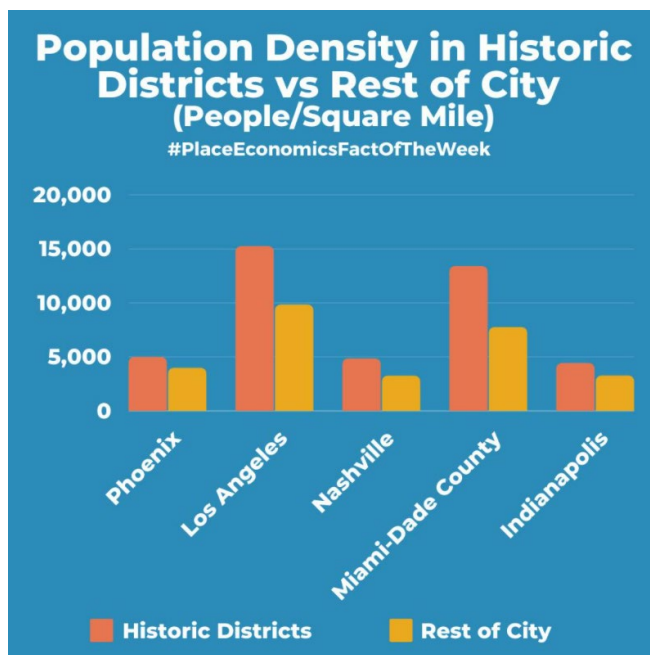
Staff would recommend that the committee vote on the proposed changes above either individually or as a group.

### **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.