



# PLANNING DIVISION STAFF REPORT

March 2, 2022

PREPARED FOR THE LANDMARKS ORDINANCE REVIEW COMMITTEE

**Subject:** Summary of Input Received from Additional Public Engagement  
Legistar File ID #: 56918 Draft Historic Preservation Ordinance

**Prepared By:** William Fruhling, Principal Planner, Planning Division

**Date Prepared:** March 2, 2022

## Introduction

In early February 2022, three virtual public meetings were held to receive additional public input on the Draft Historic Preservation Ordinance revisions (AKA the 90% Draft). A survey was also created to facilitate additional and more detailed input. This memorandum summarizes the comments from the public meetings and includes the survey results. Numerous other communications were received as well and are posted in Legistar under File ID #: 56918 Draft Historic Preservation Ordinance.

## Meeting Profiles

The three public meetings were:

- 1) All Districts / General Public: February 3
- 2) Development Professionals + Contractors: February 7
- 3) New Construction: February 10

At each meeting, two polls were conducted to get a sense of who was in attendance. In Poll #1, attendees were asked to identify if they were a property owner in a local historic district; resident or business owner in a local historic district; developer/real estate professional; architect/designer/contractor; or other. Participants could choose all that applied. Poll results are shown in the table below.

POLL #1 RESULTS	All Districts / Gen. Public Mtg.	Devel. Professionals / Contractors Mtg.	New Construction Mtg.
Property Owner	36 (78%)	8 (38%)	4 (40%)
Resident or Business Owner	14 (30%)	4 (19%)	2 (20%)
Developer/RE Professional	1 (2%)	5 (24%)	0 (0%)
Architect/Designer/Contractor	1 (2%)	4 (21%)	1 (10%)
Other	10 (22%)	7 (33%)	6 (60%)
<b>TOTAL ATTENDANCE*</b>	<b>54</b>	<b>27</b>	<b>14</b>

*\*Note that not all meeting attendees completed the polls. Total attendance numbers reflect all attendees, including staff and LORC members.*

Poll #2 asked attendees to identify which historic district they were most interested in. Participants could choose all that applied. Poll results are shown in the table below.

POLL #2 RESULTS	All Districts / Gen. Public Mtg.	Devel. Professionals / Contractors Mtg.	New Construction Mtg.
Mansion Hill	8 (18%)	9 (45%)	4 (40%)
Third Lake Ridge	19 (43%)	5 (25%)	2 (20%)
University Heights	14 (32%)	7 (35%)	4 (40%)
Marquette Bungalows	16 (36%)	3 (15%)	1 (10%)
First Settlement	6 (14%)	2 (10%)	2 (20%)
General Interest	12 (27%)	10 (50%)	5 (50%)

### **Summary of Meeting Comments**

This section contains a summary of the comments made at the three public meetings. Staff categorized the comments by general theme to facilitate discussions by LORC. Individual comments are not listed in any particular order and some comments may be repeated if they fit in more than one category. Each comment has an identifier that indicates the meeting at which it was made. Discussion at the All Districts / General Public meeting was held in breakout rooms organized by historic district, and the origin of those comments are identified as well. Below is the key to the comment identifiers:

- Marquette Bungalows Breakout Room= *[MB]*
- Mansion Hill Breakout Room= *[MH]*
- First Settlement Breakout Room= *[FS]*
- Third Lake Ridge Breakout Room= *[TLR]*
- University Heights Breakout Room= *[UH]*
- Developers + Contractors Meeting= *[D+C]*
- New Construction Meeting= *[NC]*

### **General**

1. It takes a while to have comfort with the new language *[MH]*
2. This is an extraordinary amount of work and wants to thank staff for all of their work *[MH]*
3. Would like a short mission statement to help people understand why we have this ordinance *[MH]*
4. Need to make sure this works for the full spectrum of users *[FS]*
5. The ordinance should not be used to "Preserve a museum." *[TLR]*
6. It's too bad these draconian rules are needed for common sense. *[TLR]*
7. Will this process reconsider any historic district boundaries? What is that process to do so? *[UH]*
8. The ordinance doesn't address conservation/ecological impacts. It should since the most dramatic changes to properties in the coming years will be due to climate change *[UH]*
9. Concerned about equity for what the City determines to be historic and worth preserving. *[UH]*
10. The ordinance doesn't talk about the relationship between the Zoning and Historic Preservation Ordinances and that both must be followed. *[NC]*

### **Draft Ordinance Review Process**

1. General frustration that comments don't seem to be considered as the draft evolves *[MB]*
2. Neighbors feel they need more time to digest and respond to draft *[FS]*
3. Questions about what the concerns of the Alliance *[UH]*
4. How will the new ordinance be different from the current one? *[UH]*
5. Will there be more opportunities to comment beyond the March 2 LORC meeting? *[NC]*
6. When will there be a 100% draft available to comment on? *[NC]*

### **Project Approval Process**

1. When will it be determined which projects can be administratively approved and which ones will need Commission approval? Will the policy document be ready right away? *[MH]*
2. Unclear how the new ordinance impacts buildings that are not in the period of significance (i.e. Verex building) *[MH]*
3. How do the rules and treatments apply to buildings not built in the period of significance but located within a historic district? *[D+C]*
4. The packet staff gives to applicants is very clear, and should be for the new ordinance as well *[MH]*
5. Staff does a good job of stewarding people through projects and that is what is most important *[MH]*

6. What about replacing a non-historic porch with one that is more compatible with the design of the house, but there was not originally a porch in that area? Can this be done? The ordinance suggests not. [FS]
7. Feel that there is unequal treatment of property owners asking to replace windows [TLR]
8. Examples would be helpful to show the process steps for window repairs/replacements [TLR]
9. Requiring COAs for repairs “every little thing” is too burdensome/ridiculous. [TLR]
10. For repairs, issuing a COA for epoxy is ridiculous. Changes cannot be made to suit the needs of the times – this is bad and going too far. [TLR]
11. Two types of wood on my 1904 house – rotten and starting to rot. The amount of repair is continuous. I would be getting a COA every day! [TLR]
12. Squirrels chew holes in soffits faster than the Landmarks Commission can review and approve. [TLR]
13. Appreciates administrative approvals, but will still check with the Preservation Planner so the ordinance probably doesn’t reduce their work load. [D+C]
14. Does this change the timeline for approvals? [D+C]
15. Can a non-historic concrete block garage be covered with siding? Standards read like masonry cannot be covered up. [FS]
16. Do I need to hire an architect to replace a window sill? [TLR]
17. Hard to reach staff to get advice about the project [MB]
18. Are solar panels are allowed? [UH]

#### Ordinance Organization

1. The ordinance is not hard to read through [MB]
2. Need a set of instructions for how to use the ordinance [MH]
3. The new ordinance is internally consist and applauds the unified approach [MH]
4. The ordinance is complex, especially for people that are not professionals [MH]
5. It needs a flowchart or cheat sheet for regular people to understand [MH]
6. Likes the parallel structure that is organized by type of work and building features [FS]
7. The ordinance is not easy to understand. There are a lot of changes it’s not clear where to look for things. It needs to be simplified. [TLR]
8. If I want to repair my window sills, do I need a COA? [TLR]
9. It’s OK, but it is hard to navigate. It would be easier with an index [TLR]
10. Table of contents would be helpful. [TLR]
11. Definitions should be put at the end instead of at the front. [TLR]
12. Appreciates the break down by intervention. [TLR]
13. Yes to being able to find what is needed before starting a project. [D+C]
14. Consistency across districts is good for those who own properties in multiple districts. [D+C]
15. Does the ordinance address health and safety items like fire escapes? [NC]

#### Type of Intervention

1. Difficult to understand and determine which category you are in, particularly maintenance vs repairs [MH]
2. Unclear when approval is needed (i.e. for mortar replacement or other repairs, when does it go from maintenance to repair?) [FS]
3. “Alterations” and “construction” each seem to be used differently in different parts of the ordinance [MH]
4. In distinguishing between maintenance and repairs, consider the scale of the project and the cost to fix if done incorrectly in a way that may cause damage [FS]

5. New construction is where district specific standards will become important. *[FS]*
6. Need more clarity on what needs a COA and what does not. *[MB]*
7. General agreement that “alterations and above” do need a COA, but not repairs. *[MB]*
8. Difficult to understand when a permit is needed and were to get that information once a COA is approved. *[TLR]*
9. Looking for evidence of original features (such as an original roof line) to support requests for alterations and whether that would be considered a conjectural feature, can damage a building *[TLR]*
10. Conjectural features are not allowed in historic districts, but are allowed on landmarks. Landmarks should be held to the higher standard *[TLR]*

#### Definitions

1. Need a glossary and have defined words identified in the text (i.e. with a hyperlink or italics). *[FS]*
2. Define “appropriate treatment” (i.e. for windows and doors) *[FS]*
3. Define “historic precedent” *[FS]*
4. Define “conjectural features” *[FS]*
5. Define “architectural drawings” *[TLR]*
6. Clarify “visibility from developed public right of way.” *[TLR]*
7. Need a better definition of deteriorated beyond repair. Who decides this? *[TLR]*
8. Delete definitions of “height” and “development”- they are in the Zoning code. *[TLR]*

#### Project Cost and Flexibility

1. Concerns about cost and availability of specific materials and difficulty finding contractors/options (i.e. round gutters). *[MB]*
2. Need to consider whether insurance companies will support the higher cost materials in case of damage from natural causes *[MB]*
3. Want to replace vinyl siding, but cedar is too expensive- could City consider more flexibility to allow for fiber cement or engineered wood if same width as original siding? *[MB]*
4. Concern about requiring more costly materials and owners deferring repairs/maintenance or doing something without proper approvals *[MB]*
5. The federal regulations have language regarding economic feasibility, and also health and safety. Both of these need to be taken into account in the local ordinance. *[MB]*

#### Windows and Lead Paint

1. Federal regulations have language regarding economic feasibility, and also health and safety. Both of these need to be taken into account in the local ordinance. *[MB]*
2. Window/lead issue was raised by many, noting that there are more historic looking replacement options that need to be considered, rather than the ordinance requiring repair. Strong consensus on this. *[MB]*

#### Color

1. Color should not be regulated in the ordinance *[MB]*

#### Porches

1. Front porches are important. Bars can have outdoor patios in the district, but adding small porches to houses is prohibited. *[TLR]*

### Non-Conformities

1. Need more clarity on existing nonconformities and parameters for replacement. *[MB]*
2. Can nonconforming items (like 1970s bump out windows) be replaced with functional alternatives, even if the new component isn't "perfect fit" with historic standards? *[MB]*
3. Does the ordinance allow staff to find a nonconforming component and order that it be replaced? *[MB]*
4. What about alterations done before the historic district was adopted? Will they be required to be removed? Is there leeway to make them better (ex: fire escapes)? *[NC]*
5. All structures in this district have been altered so there are discrepancies that the ordinance does not address. *[TLR]*

### New Construction

1. New buildings in the district are too tall and changing the character of the neighborhood. *[TLR]*
2. Can someone build a new building with the same architectural style and detail of a historic building? *[NC]*
3. Can someone move a historic building into a historic district? Is there a concern about creating a fake historic context? *[NC]*
4. How would new buildings be approved under the ordinance and how should people interpret the standards? For example, could a building like the Verex building be approved? What would be the issues? *[NC]*
5. The five general standards for new primary structures relies heavily on visually compatibility. Does a project have to meet all 5 to be approved? Some of the 5? Can it be approved if none are met? *[NC]*
6. For new accessory structures, the ordinance says that they must comply with the requirements for new primary structures. How can those be met for setbacks, etc.? Clarity is needed on what that specifically refers to. *[NC]*

### Lot Combinations and Divisions

1. There are some large undeveloped parcels (i.e. land behind the Knapp House) - can they be subdivided and developed? *[NC]*
2. If a new building meets all of the standards for height, rhythm, etc. but requires lot combinations, it likely cannot be built because lot combinations are essentially prohibited in historic districts. Most lots are too small for new development, especially if underground parking is included. *[NC]*
3. Some lot combinations were done to accommodate development on Williamson St. under prior practices when a proposed building could be reviewed against the standards for the historic district and if it was OK, then the underlying lot lines could be resolved to accommodate it. This changed around 2019 based on a memo from the City Attorney's Office. *[NC]*

### Guidelines

1. Guidelines make a lot of difference, and we need to see them. *[MB]*
2. Need to see Policy Manual and Guidelines on website *[FS]*
3. What happens between the time the new ordinance is adopted and when the guidelines are finished? How will people understand what to do? *[MH]*
4. Easy to navigate, but not easy to understand – uncertain about correct process depending on type of project and guidelines will help to know if it is easy to understand or not. A lot is left to the guidelines and that does not exist yet *[FS]*
5. The guidelines will have illustrations, but the Zoning Ordinance has them in the code itself and that is very helpful. *[NC]*

Educational Materials and Resources

1. It would be helpful to have information on building care and guidance on what to do when having trouble finding contractors. A how-to manual with an example of 20 most common repairs/projects for historic buildings. *[UH]*
2. Would like to be able to get a contractor list for people who work on historic buildings. Not comfortable with proper window and chimney repairs without a qualified contractor *[UH]*
3. Educational information is not easy to find on the website (i.e. like how to repair windows with old glass) *[FS]*

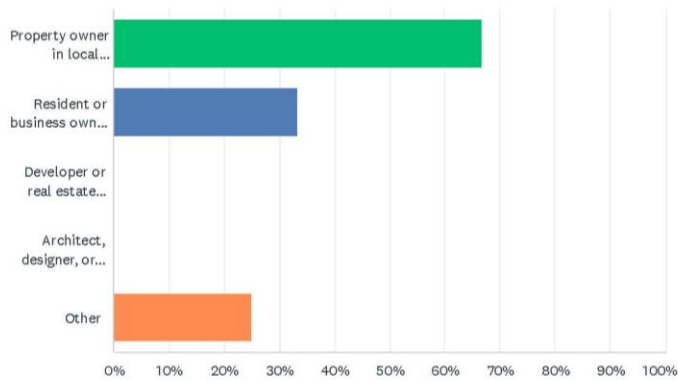
Expanding the Third Lake Ridge Period of Significance

1. What are the benefits of this change? Does it impact the dates of the styles that we can use on our home or other properties in the district? For example, by extending the period of significance, does that allow us to use details from a 1940s addition when we add a new porch? *[TLR]*
2. Which types of historic resources this extension would pull into consideration? If this pulls in buildings of increased or incompatible volumes, it may not be beneficial to the historic character. *[TLR]*

The remainder of this memo includes the results of the online survey.

### Q1 I am a/an (check all that apply)

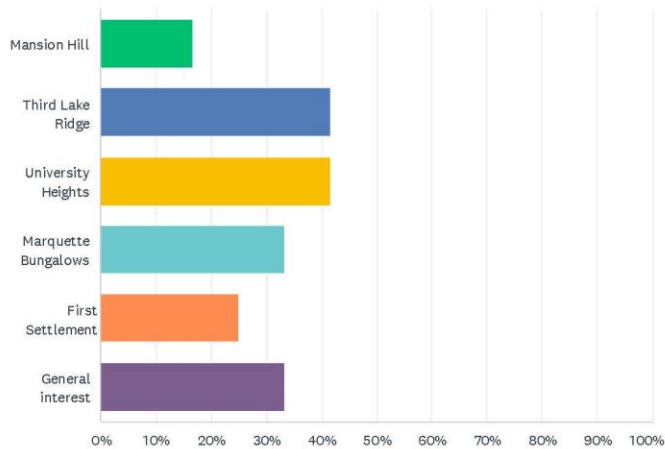
Answered: 12 Skipped: 0



ANSWER CHOICES	RESPONSES	
Property owner in local historic district	66.67%	8
Resident or business owner in local historic district	33.33%	4
Developer or real estate professional	0.00%	0
Architect, designer, or contractor	0.00%	0
Other	25.00%	3
Total Respondents: 12		

### Q2 I am most interested in the following local historic district(s) (check all that apply)

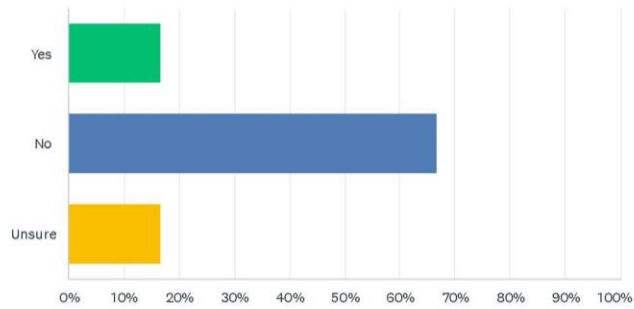
Answered: 12 Skipped: 0



ANSWER CHOICES	RESPONSES	
Mansion Hill	16.67%	2
Third Lake Ridge	41.67%	5
University Heights	41.67%	5
Marquette Bungalows	33.33%	4
First Settlement	25.00%	3
General interest	33.33%	4
Total Respondents: 12		

### Q3 Is the ordinance easy to understand?

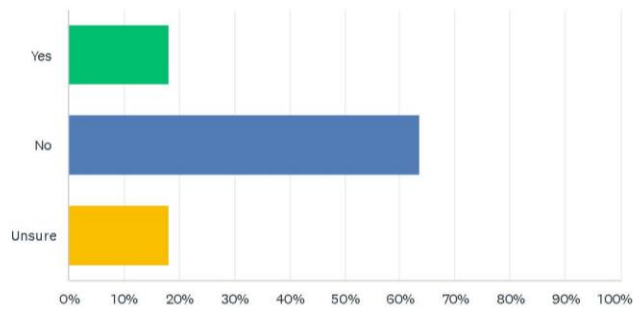
Answered: 12 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	16.67%	2
No	66.67%	8
Unsure	16.67%	2
TOTAL		12

### Q4 Will you be able to find what you need before starting a project?

Answered: 11 Skipped: 1



ANSWER CHOICES	RESPONSES	
Yes	18.18%	2
No	63.64%	7
Unsure	18.18%	2
TOTAL		11



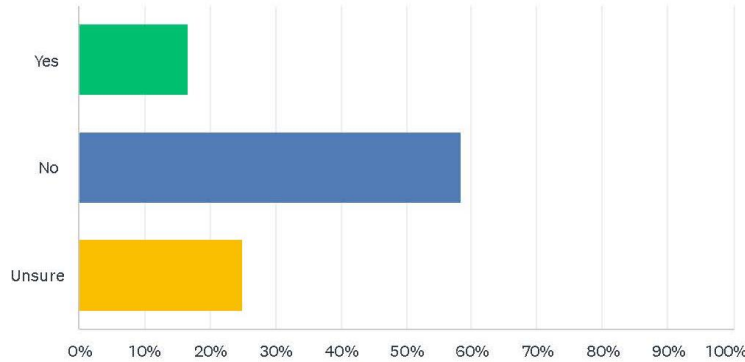
## Q5 Given this structure, are there specific changes that could make the ordinance more user friendly?

Answered: 8 Skipped: 4

#	RESPONSES	DATE
1	As we've heard on the recorded calls, Heather is a bottleneck to the overall process in getting work approved. There's enough Grey area in the ordinance to necessitate a call to verify that it meets her requirements and thus she is the first call. This is not good. Furthermore there is an severe lack of clarity for projects within historical districts that do not meet the definition of a historical Landmark and fall outside of the period of significance. The explanation given is loose, subject to interpretation by Heather, and there not enough of a framework to actually start without her direct involvement in planning. This is not conducive to actually getting work done.	2/11/2022 12:08 AM
2	need to find info by topic, like skylight, porch, window	2/8/2022 5:37 PM
3	Without a cover document that offers a distillation/checklist of 1) what conditions must exist in order for the ordinance to apply, 2) how to figure out what falls within which category of maintenance, repair, alterations, additions, new construction, and 3) interpretive guidelines, I think it is too much to expect property owners to figure out the ordinance. Penalties for non-compliance need to be made clear, as well. ordinance	1/31/2022 12:41 PM
4	I agree with the questions/concerns that were sent by the Marquette Bungalow neighborhood group. There are important clarifications requested in that letter. Thanks.	1/31/2022 11:04 AM
5	What is financial assistance? There used to be a supplement to assist with costs	1/31/2022 8:48 AM
6	Have guidelines be part of the ordinance itself. See Bungalows Neighbors and my personal comments. Jim Murphy	1/30/2022 1:38 PM
7	Keep it simple. Way too long.	1/20/2022 1:09 PM
8	I'm not sure if modern construction and techniques are acceptable.	1/15/2022 4:13 PM

### Q6 Do you feel the revised ordinance will result in a better balance between creating appropriate infill/redevelopment projects and preserving the character of historic districts than the current ordinance?

Answered: 12 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	16.67%	2
No	58.33%	7
Unsure	25.00%	3
<b>TOTAL</b>		<b>12</b>

#	WHY OR WHY NOT?	DATE
1	I do not believe that LORC fully understands or appreciates the impact they have on the community. The ordinance is lacking in clarity behind the intention of why certain rules exist. From what I've heard the rationale is shallow at best. I think goals and intentions should be examined more deeply.	2/11/2022 12:08 AM
2	I'm concerned about it being too weak.	2/8/2022 5:37 PM
3	Making it harder to replace windows that have been contaminated with lead paint is inconsistent with public health goals and worsens existing environmental injustice.	2/3/2022 11:06 AM
4	I am concerned, as with any new law, about unanticipated loopholes.	1/31/2022 12:41 PM
5	There is a mix of home styles in the neighborhood	1/31/2022 8:48 AM
6	Very vague on new construction	1/30/2022 1:38 PM
7	I believe that the restrictions are still much too strict, and that the number of structures covered is still much too high.	1/28/2022 2:00 PM
8	Only thing I've found that a historic district does is create problems for owners in terms of repair and maintenance and an increase in property taxes due to it being a named area. I already have a damaged living room ceiling in my living room because it took an extra 2 weeks for the historical district person to give their approval.	1/20/2022 1:09 PM
9	Having one over-arching ordinance will make it easier for owners, construction companies and permittees.	1/15/2022 4:13 PM
10	Madison is under intense housing shortage, which is especially challenging for people who are not wealthy. I cannot tell if these proposed changes are designed to limit increased housing density in certain parts of the city. But if that is the intent of some of these proposed changes, I oppose those changes. I believe it is wrong that certain parts of the city might be basically "redlined" against increasing housing density (and we must increase to reduce CO2 emissions/person) in the name of "historic preservation." Given the climate crisis, I believe it is more important to zone our land so as to be good ancestors to future generations than to prioritizing zoning that worked for prior generations, and especially the wealthy members of those generations.	1/15/2022 12:54 PM
11	Still incompatible with infill/redevelopment goals of denser housing creation	1/15/2022 7:53 AM

## Q7 What specifically do you think will work well with this ordinance?

Answered: 7 Skipped: 5

#	RESPONSES	DATE
1	There will be no meaningful change and no actual preservation. Buildings and houses will continue to deteriorate slowly over time.	2/11/2022 12:08 AM
2	real detail in all ordinances	2/8/2022 5:37 PM
3	I like the idea of a single ordinance if it will make updating/improving the ordinance easier over time.	1/31/2022 11:04 AM
4	Eventual awareness from homeowners that the new ordinance is VERY different than the ordinance they have been operating under	1/30/2022 1:38 PM
5	Take out all the various folks who get a chance to let their own personal opinions enter into the decision. In the past I've had multiple people from building inspection tell me different things. Second, the ordinance seems to say nothing about improvements to make a property energy efficient.	1/20/2022 1:09 PM
6	See above comment.	1/15/2022 4:13 PM
7	Pushing new/affordable housing further away from downtown jobs and destinations	1/15/2022 7:53 AM

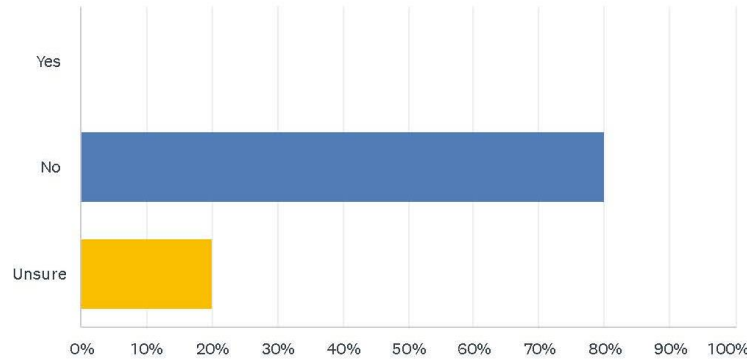
## Q8 What specific changes would you like LORC to consider as it finalizes the ordinance?

Answered: 11 Skipped: 1

#	RESPONSES	DATE
1	Get outside and go into the community. Observe what is actually happening. Then create policies that purposefully move the community in the direction you want the preservation to be effective. Stop creating arbitrary rules that are difficult to follow and subject to a single person's subjective approval.	2/11/2022 12:08 AM
2	real detail including height and massing, searchable database by topic	2/8/2022 5:37 PM
3	Property owners must be able to replace windows that have been contaminated with lead paint. Requirements that such windows should be repaired instead are inconsistent with scientific findings on the best way to remediate lead hazards (see letters from Jim Schirmer, submitted this year, and myself in 2019).	2/3/2022 11:06 AM
4	See above. While the "instructions" and "guidelines" that would be made available to the users of the ordinance do not need formal approval by the Landmarks Commission and Common Council, without them, this very complex ordinance is very difficult to interpret. Also, note that the City's Historic Preservation Plan calls for "guidelines" to be created over 3-5 years and at a very significant cost.	1/31/2022 12:41 PM
5	Please see the questions/concerns that were sent by the Marquette Bungalow neighborhood group.	1/31/2022 11:04 AM
6	The mix of homes in this neighborhood is of various eras and styles. The diversity gives the neighborhood character. I still don't understand why these neighborhoods have to adhere to historic preservation just because of the era they were built. If this is the case make further west or east side homes adhere too. Their era is relevant too. Post WW2, 60's etc. The cost is VERY high to adhere to these standards. With the city's desire to create affordable housing this ordinance is just pushing people out of the neighborhood and doing the opposite!	1/31/2022 8:48 AM
7	District specific. And many changes as listed in Bungalows Neighbors and my personal comments. Jim Murphy	1/30/2022 1:38 PM
8	I think that the TLR historic district is far to large and the restrictions placed on those structures are out of sync with the needs of the community. Most of the houses in the district are not of particular historical interest (they are mostly just plain old-ish houses) and restricting how they can be used puts undue limits on how well they can serve their current occupants and the community.	1/28/2022 2:00 PM
9	Drop this nonsense. There's a void for vagueness issue with all the people who have input giving different answers. Then there's a potential takings issue. The government is forcing me to spend extra money but not providing any compensation.	1/20/2022 1:09 PM
10	Allow for driveway width tolerances to accommodate modern vehicles (i.e. SUVs). Residents don't want front yard parking lots, but driveways need to be wide enough to allow people to step on hard surface rather than grass...because it just turns to mud.	1/15/2022 4:13 PM
11	Place greater importance on affordable/accessible housing units, not preserving low-rise architecture	1/15/2022 7:53 AM

### Q9 FOR THIRD LAKE RIDGE ONLY- Should the Period of Significance be changed from 1850-1929 to 1850-1944 for the Third Lake Ridge local historic district to align with the Jenifer-Spaight National Register Historic District designation?

Answered: 5 Skipped: 7



ANSWER CHOICES	RESPONSES	
Yes	0.00%	0
No	80.00%	4
Unsure	20.00%	1
TOTAL		5

### Q10 Do you have any additional comments about the ordinance?

Answered: 6 Skipped: 6

#	RESPONSES	DATE
1	We just want you to do better. Think about the resources it will require to review and approve or deny the guidelines as they exist. Make the process easier. Remove the single person bottleneck. Have purpose.	2/11/2022 12:08 AM
2	I appreciate that there is an ordinance and I want real details to save our buildings.	2/8/2022 5:37 PM
3	Substantial Financial Supplement by the city to adhere to these standards as the cost is exponentially more than doing it the standard way.	1/31/2022 8:48 AM
4	Please take the time to read the Bungalows Neighbors comments and attachment. And while lengthy, please read personal comments and the attachments. Thank you. Jim Murphy	1/30/2022 1:38 PM
5	Modern materials, and methods are vastly superior in terms of functionality to those that were used in the early 20th century, and modern design choices solve modern problems for residents. Continuing to deprive current residents of the right to take full advantage of those does the community a significant disservice. It just makes the existing housing stock in the area less useful.	1/28/2022 2:00 PM
6	Since my alderperson is not on the drafting committee, I feel like I've had no say in this revision even though I've owned my house in the 3rd lake ridge district since 1993.	1/20/2022 1:09 PM