

**CITY OF MADISON
OFFICE OF THE CITY ATTORNEY
Room 401, CCB
266-4511**

Date: January 21, 2015

MEMORANDUM

TO: Landmarks Ordinance Review Committee
Stuart Levitan, Chairman of the Landmarks Commission
Amy Scanlon, Preservation Planner

FROM: John W. Strange, Assistant City Attorney

RE: Draft Changes to Landmarks Ordinance

Attached to this Memorandum is a draft of the Landmarks Ordinance, with all changes recommended by the Landmarks Ordinance Review Committee ("LORC") to date noted in track changes (red). These recommended changes have not yet been adopted by the LORC.

Also attached is a draft amendment to Sec. 27.05(3)(b) that will be necessary if the proposed changes to Sec. 33.19(10)(e)(3) and (4) are adopted by the Committee.

This draft does not create a new Chapter of the Madison General Ordinances for the Landmarks Ordinance. As explained in the past, I will make that change once the LORC determines the substance of the ordinance is complete.

Please put this memorandum and accompanying draft ordinances in Legistar for the public to review in advance of the January 31, 2015 meeting of the LORC.

CITY OF MADISON, WISCONSIN

AN ORDINANCE _____

PRESENTED _____
REFERRED _____

Repealing and recreating Section 33.19 of the Madison General Ordinances to update the Landmarks Commission ordinance.

Drafted by: John Strange

Date: ~~June 24, 2014~~ January 21, 2015
(with unadopted changes
discussed by Landmarks
Ordinance Review Committee)

SPONSOR: Alder Marsha Rummel

DRAFTER'S ANALYSIS: This amendment updates the Landmarks ordinance to clarify procedures and definitions. It does not change the substance of the historic district regulations.

In summary:

In the Purpose and Intent section, the ordinance recognizes that in addition to architectural and archaeological significance, the City consists of areas and improvements that also have anthropological significance.

In the Definitions section, "~~Abrasive cleaning~~," "Development," "Demolition by Neglect", "Guideline", "Standard", and "Structure" have been added. "Structure" replaces the word "building" throughout the amendment. The definition of "Historic district" is amended to be shorter and clearer.

The definitions for "Landmark" and "Landmark site" are amended to reduce confusion. Under this definition, a "landmark" is a structure or other improvement that has historic significance, but it may also be an area of land that has historic significance. "Landmark site" is the lot on which a landmark is located.

"Visually related area" is amended to exclude buildings that do not represent the characteristics of the historic district. This is accomplished by defining visually related area to include only those buildings constructed during the period of significance.

The composition of the Commission is amended to require that the Commission be comprised of one alder, one historian, one licensed architect, one licensed real estate broker, and three citizen members. The ordinance now requires that of these members, two must meet the Professional Qualification Standards established by the United States Secretary of the Interior for History, Archeology, Architectural History, Architecture, or Historic Architecture.

Previously, the powers and duties section only discussed the designation of landmarks and historic districts. This amendment clarifies that the Landmarks Commission's power includes approving Certificates of Appropriateness, demolitions, and land divisions related to landmark sites and historic districts. It also authorizes the Landmarks Commission to approve Certificates of Appropriateness for signs erected or affixed on landmarks, landmarks sites, or in an historic district. It also authorizes collaboration with the State regarding properties on the National Register of Historic Places, allows the Commission to work for the passage of legislation to support the intent of the landmarks ordinance and to solicit and receive funds for historic preservation. Additionally, it outlines powers and duties for the City Preservation Planner.

This amendment consolidates all references to public hearings in one subsection. It clarifies the procedure for designation and rescission of landmarks and historic districts, and establishes two situations under which rescission may be considered. Additionally, it replaces the "voluntary restrictive covenant" with a procedure allowing a property owner to request that additional preservation restrictions be placed on the property, which will be enforced by the Commission.

Approved as to form:

This amendment also consolidates all procedural rules related to Certificates of Appropriateness under one subsection.

This amendment also creates a section pertaining the public interest in preserving and maintaining landmarks, landmark sites, and structures in historic districts, states the owners obligation to maintain landmarks, landmark sites, and structures in historic districts, and details enforcement authority and penalties for failing to so maintain those properties. The ordinance also creates a section on demolition by neglect, under which the Landmarks Commission may be required to hold a public hearing on whether a property is undergoing demolition by neglect, and report its finding to the Common Council.

It changes the appeal process by specifically including a provision requiring the Council to consider the public interest, in addition to the standards for review, when reviewing a decision by the Commission to grant or deny a Certificate of Appropriateness.

It clarifies the procedure which allows the Commission to grant waivers to specific requirements in the landmarks ordinance. This clarifies that the waiver process is not the same as the zoning variance process.

The ordinance also repeats the rule from elsewhere in the ordinances that any project must comply with all City regulations, zoning and landmarks, and that the more restrictive regulation will apply.

The Common Council of the City of Madison do hereby ordain as follows:

1. Section 33.19 entitled "Landmarks Commission" of the Madison General Ordinance is repealed and recreated to read as follows:

"33.19 LANDMARKS COMMISSION.

- (1) **Purpose and Intent.** ~~The Common Council recognizes that the City of Madison contains buildings, structures, signs, features, improvements, sites, and areas that have significant~~ It is hereby declared a matter of public policy that the preservation, protection, enhancement, perpetuation and use of improvements of architectural, archaeological, and anthropological significance; historical, interest; special character; and cultural value (referred hereafter as "historic resources"). The Common Council further recognizes that these historic resources are representative of the city's unique heritage, serving as a source of great civic pride for its residents and interest for its visitors. It is therefore hereby declared as a matter of public policy that the identification, protection, promotion, conservation and use of historic resources within the City is a public necessity to foster the health, prosperity, safety and welfare of the people. The purpose of this section is therefore to:
 - (a) ~~Accomplish the identification, protection, promotion, preservation, conservation and use of the City's historic resources, as embodied and reflected in the city's landmarks and historic districts. Effect and accomplish the protection, enhancement perpetuation and use of such improvements and of districts which represent or reflect elements of the City's cultural, social, economic, political, archaeological, anthropological, and architectural history.~~ Accomplish the identification, protection, promotion, preservation, conservation and use of the City's historic resources, as embodied and reflected in the city's landmarks and historic districts. Effect and accomplish the protection, enhancement perpetuation and use of such improvements and of districts which represent or reflect elements of the City's cultural, social, economic, political, archaeological, anthropological, and architectural history.
 - (b) ~~Ensure the harmonious, orderly, and efficient growth of the City that sensitively incorporates historic structures and artifacts.~~ Ensure the harmonious, orderly, and efficient growth of the City that sensitively incorporates historic structures and artifacts.
 - (c) ~~Enhance the visual and aesthetic character of the City by ensuring that new design and construction, when it happens, complements the City's historic resources.~~ Enhance the visual and aesthetic character of the City by ensuring that new design and construction, when it happens, complements the City's historic resources.
 - (d) ~~Provide a framework for reinvestment in the City's historic districts, where appropriate, that ensures new design and construction, when it happens, complements the City's historic resources.~~ Provide a framework for reinvestment in the City's historic districts, where appropriate, that ensures new design and construction, when it happens, complements the City's historic resources.
 - (e)b) ~~Safeguard the City's historic resources and investment in them by establishing an obligation to maintain them, and encouraging the vigorous enforcement of this ordinance, and cultural and archaeological heritage, as embodied and reflected in such landmarks and historic districts.~~ Safeguard the City's historic resources and investment in them by establishing an obligation to maintain them, and encouraging the vigorous enforcement of this ordinance, and cultural and archaeological heritage, as embodied and reflected in such landmarks and historic districts.
 - (f) ~~Recognize that the city's historic resources are economic assets that can attract residents and visitors, create jobs, stabilize and improve property values, and stimulate business and industry.~~ Recognize that the city's historic resources are economic assets that can attract residents and visitors, create jobs, stabilize and improve property values, and stimulate business and industry.
 - (c) ~~Stabilize and improve property values.~~ Stabilize and improve property values.
 - (g)d) ~~Foster civic pride in the beauty and noble accomplishments of the past.~~ 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, thereby strengthening the economy of the City.~~ Protect and enhance the City's attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry, thereby strengthening the economy of the City.

- (h)f) Promote the use of and investment in historic districts and landmarks for the education, pleasure and welfare of the people of the City.
- (i) Provide a clear regulatory framework for implementing, balancing, and accomplishing the public policy announced in this section.

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

Abrasive cleaning method means a cleaning procedure that uses any of the following materials or tools:

- (a) Abrasive materials, including, but not limited to, sand, glass beads, ground slag, volcanic ash, crushed nutshells, rice husks, ground corneobs or crushed eggshells, carried in high pressure air or water; or
- (b) High pressure water.

Building Inspector means the Director of the Building Inspection Division or designee.

Formatted: No underline

Commission means the Landmarks Commission created under this section.

Demolition by Neglect. The process of allowing landmarks, landmark sites or properties in historic districts to decay, deteriorate, become structurally defective, or otherwise fall into disrepair.

Development means any new structure or exterior alteration to an existing structure.

Guideline means a principle put forward to help determine a course of action. Under this ordinance, Guidelines adopted in an historic district shall serve as a collective set of principles to promote architectural compatibility of new construction and exterior alterations in an historic district.

Historic district is an area designated by the Common Council pursuant to this ordinance which contains improvements with architectural, cultural, or historic significance.

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

Landmark means

- (a) Any improvement which has architectural, cultural, or historic character or value reflecting 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 section, or
- (b) Any land of historic significance due to a substantial value in tracing the history of humankind, or upon which an historic event has occurred, and which has been designated as a landmark pursuant to the provisions of this section.

Landmark site means any lot, or part thereof, on which is situated a landmark and any abutting lot, or part thereof, used as and constituting part of the premises on which the landmark is situated.

Owner means any person having legal possession, custody, or control of an improvement on a landmark site or in an historic district.

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.

Standard means a rule that is required. Under this ordinance, all Standards adopted in an historic district must be complied with in every instance of development in that district.

Structure means anything constructed or erected, the use of which requires more or less permanent location on the ground, and in the case of flood areas, in the stream bed or lake bed.

Visually Related Area (VRA) means properties constructed during the period of significance (Mansion Hill: 1850-1930; Third Lake Ridge: 1850-1929; University Heights: 1893-1928; Marquette Bungalows: 1924-1930; First Settlement: 1850-1920) that are within two hundred (200) feet of the boundary of a lot. The VRA shall not include the building

proposed to be demolished as part of any application for which VRA is being calculated. Outside of an historic district, no property other than a landmark, or landmark site shall be evaluated in the application of the VRA.

(3) Landmarks Commission Composition and Terms.

A Landmarks Commission is hereby created, consisting of seven (7) members. One (1) shall be a licensed real estate professional; one (1) shall be an alderperson; one (1) shall be a historian; at least one (1) shall be a licensed architect, and three (3) shall be citizen members, at least one of whom has expertise in construction. Each member shall have, to the highest extent practicable, a known interest in historic preservation. Of the membership, at least two (2) shall meet the Professional Qualifications Standards established by the United States Secretary of the Interior for History, Archeology, Architectural History, Architecture, or Historic Architecture. The Mayor shall appoint the commissioners subject to confirmation by the Common Council. The term for each member shall be three (3) years. The terms shall be staggered.

(4) Powers and Duties. The Landmarks Commission shall:

(a) Uphold the Landmarks Ordinance with advice from the Preservation Planner and guidance from the Secretary of the Interior's Standards for Rehabilitation. If there is conflict between the Guidelines and Standards adopted by this ordinance and the Secretary of the Interior's standards, the Standards and Guidelines of this ordinance shall prevail.

~~(b) Oversee a survey for the identification of significant properties, structures, sites and areas that exemplify the cultural, social, economic, political or architectural history of the nation, state, or city at least every ten years.~~

(cb) Recommend to the Common Council the designation and rescission of landmarks and designation and amendment of historic districts within the City limits of Madison.

(de) Review and act upon requests for Certificates of Appropriateness for new structures, exterior alterations and demolition/removal relating to any landmark site, landmark, or improvement within an historic district.

(ed) Review and act upon requests for Certificates of Appropriateness for erecting or affixing signs on structures that are landmarks, on landmarks sites, or in an historic district.

(fe) Review requests for demolition or removal and provide an advisory report to Plan Commission regarding the historic value of the property pursuant to Sec. 28.185(7)(a)4.

(gf) Review any development on a zoning lot adjoining a landmark site for which Plan Commission or Urban Design Commission review is required to determine whether the proposed development would adversely affect the historic character and integrity of the adjoining landmark site. The Landmarks Commission review shall be advisory to the Plan Commission and Urban Design Commission.

(hg) Review and act upon request for Certificate of Appropriateness for proposed land divisions, combinations, and subdivision plats of landmark sites and properties in historic districts to determine whether the proposed lot sizes adversely impact the historic character or significance of a landmark and whether the proposed lot sizes are compatible with adjacent lot sizes and maintain the general lot size pattern of the historic district.

(ih) Work closely with the appropriate State of Wisconsin officials for the National Register of Historic Places of the United States National Park Service in attempting to list such properties hereunder designated as landmarks on the National Register.

~~(j) Work closely with the City Planning Department to visually define and highlight historic districts.~~

~~(jj) Educate landmark owners and the owners of properties in historic districts about resources and incentives available which would assist in carrying out the purpose and intent of this ordinance.~~

~~Actively work for the passage of legislation which would provide financial or other incentives to landmark owners and owners of properties in historic districts which would assist in carrying out the intent of this ordinance.~~

(kj) ~~Solicit and receive funds for the purpose of historic preservation in the City of Madison. Such funds shall be placed in a special City account for such purpose.~~

- Formatted: Font: (Default) Arial, 10 pt
- Formatted: Font: (Default) Arial, 10 pt
- Formatted: Indent: Left: 1", Hanging: 0.5"
- Formatted: Font: (Default) Arial, 10 pt
- Formatted: Font: (Default) Arial, 10 pt

- (k) ~~Educate Work~~ for the continuing education of the citizens of Madison about the historic heritage of the city and the landmarks, landmark sites, and historic districts designated under the provisions of this ordinance.
 - (m) ~~Solicit and receive funds for the purpose of historic preservation in the City of Madison. Such funds shall be placed in a special City account for such purpose.~~
 - (ln) Adopt policies and procedures to implement the provisions of this ordinance.
 - (mo) ~~Review proposed historic preservation plans, amendments to historic preservation plans, and amendments to the landmarks ordinance and make recommendations to the Common Council. Adopt historic preservation plans.~~
- (5) Powers and Duties of the Preservation Planner. The Preservation Planner is a member of the Planning Division who shall staff the Landmarks Commission, and carry out those duties properly ~~designated-delegated~~ to her or him by the Landmarks Commission under this Ordinance. In carrying out those duties, the Preservation Planner shall exercise his or her own professional judgment and expertise in a manner that is consistent with the purpose and intent of the ordinance.
- (6) Public Hearing Notices under this Section. The Landmarks Commission shall hold a public hearing when required by this ordinance.
- (a) Notice of the time, place and purpose of the hearing shall be given by a Class 2 Notice in the official City paper under Wis. Stat. § 985.07, for the following:
 1. Hearings on designation and rescission of landmark status under subsections (7) and (8);
 2. Waivers that require a public hearing under subsection (15);
 3. Applications for Certificates of Appropriateness which require public hearing; and
 4. Creation and amendment of an historic district under subsection (9).
 - (b) Notice of the time, place and purpose of the hearing shall also be sent by the City Clerk to the property owner of the affected property and 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.
 - (c) For creation or amendment of an historic district, notice shall also be sent to all owners of record within the proposed district and the Alder of the Aldermanic District or Districts in which the historic district is located.
 - (d) For hearings on waivers and certificates of appropriateness, notice shall also be sent to the applicant and the Alderperson of the District in which the property affected is located.
 - (e) Notice shall be sent at least ten (10) days prior to the date of the public hearing.
- (7) Designation of Landmarks.
- (a) Nomination. The Landmarks Commission and the Common Council ~~may shall~~ consider ~~complete and accurate~~ nominations for landmark designation. Any site, natural or improved, including any building, improvement or structure located thereon, or any area of particular historic, architectural, archeological, anthropological, or cultural significance to the City of Madison may be nominated as a Landmark. An individual or group may nominate a property for consideration by submitting an application and a nomination on a form provided by the Commission.
 - (b) Public Hearing. If a complete, accurate ~~application-nomination~~ is submitted to the Commission, a public hearing shall be scheduled. Notice shall be given according to subsection (6). In addition to the notified persons, the Commission may hear 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.
 - (c) Standards. The Commission may recommend designation as a landmark if it determines that the nominated area or structure:
 1. Is associated with broad patterns of cultural, political, economic or social history of the nation, state or community; or
 2. Is associated with the lives of important persons, or with important event(s) in national, state or local history; or
 3. Is associated within an area of ~~particular-important~~ archaeological or anthropological significance; or

4. Embodies the distinguishing characteristics of an architectural type inherently valuable for the study of a period, style, method of construction, or of indigenous materials or craftsmanship; or
 5. Is representative of the work of a master builder, designer or architect.
- (d) Notification of Property Owner. The Commission shall send notification to the owner of record of its recommendation for or against designation. Notification of the Commission's recommendation shall be sent to the property owner within ten (10) days of the Commission's decision and at least ten (10) days before any meeting at which the Common Council may act on the Commission's recommendation.
- (e) Report to Common Council. 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 a landmark. The City Clerk shall notify the Director of the Building Inspection Division and the City Assessor of all designations. The City Clerk shall cause such designation to be recorded, at City expense, in the Dane County Register of Deeds office.
- (f) Voluntary Designation of Additional Preservation Restriction(s).
1. At the time of designation, or at any time thereafter, the owner of record of any landmark or landmark site may request that the Commission recommend the placement of additional restriction(s) on the landmark or landmark site identifying elements or features of the landmark or landmark site that shall not be altered without a Certificate of Appropriateness from the Commission.
 2. The Commission shall identify specific standards for approval of such a Certificate.
 3. The Commission shall submit recommendations for Additional Preservation Restrictions along with the standards for approval of a Certificate of Appropriateness to the Common Council. The Council shall approve, approve with modifications, or deny such restrictions or standards.
- (g) Recognition of Landmarks. After a landmark has been properly designated in accordance with this subsection, 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. Such plaque shall be so placed as to be easily visible to passing pedestrians. In the case of a landmark structure, 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 which is not a structure, such plaque shall state the common name of the landmark and such other information deemed appropriate by the Commission. However, if the landmark is ecologically or culturally sensitive such that the Commission determines placement of a plaque is inappropriate, no plaque is required. No person shall remove or alter a plaque without approval of the Preservation Planner.
- (8) Rescission of Landmarks.
- (a) By Owner of Record at Time of Designation.
1. Any person who is listed as the owner of record of a landmark at the time of its designation who has held continuous ownership since designation, and any person who has inherited the landmark from such person may petition for rescission of the designation under this subdivision by submitting an application to the Landmarks Commission.
 2. Upon receipt of a complete application the Commission shall schedule a public hearing. Notice shall be given according to subsection (6).
 3. The Commission shall conduct the hearing, may hear 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 rescission.
 4. A landmark designation may be rescinded under this subdivision (a) only if the owner demonstrates that he or she is unable to find a buyer willing to preserve such landmark, even though he or she has made reasonable attempts in good faith to find and attract such a buyer. Such attempts must be supported by evidence including but not limited to the following:
 - a. Comparable real estate listings showing current market values;

- b. Current real estate listing including disclosure statement;
- c. Dates of real estate agent showings;
- d. Original listing date;
- e. Original listing amount and dates of subsequent changes;
- f. Value of improvements made to the property during ownership;
- g. Current assessed value;
- h. Whether the owner has received a fair and reasonable offer to purchase the structure; and
- i. List of routine maintenance and associated costs during ownership.

~~5.~~ The Commission may recommend for or against the rescission of the designation of the property as a landmark based on the standard(s) in subparagraph (8)(a)4 of this ordinance. The Commission shall send notification to the owner of record of its recommendation for or against rescission. Notification shall be sent within ten (10) days of the Commission's decision and at least five (5) days before any meeting at which the Common Council may act on the Commission's recommendation, within ten (10) days from the first regularly scheduled Commission meeting following the public hearing.

~~6.5.~~ 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 standard(s) for rescission contained in this ordinance, the Common Council may rescind the designation of the property as a landmark. The City Clerk shall notify the Director of the Building Inspection Division and the City Assessor. The City Clerk shall cause such rescission to be recorded, at City expense, in the Dane County Register of Deeds office.

~~7.6.~~ Following any rescission under this subdivision, the Common Council may not re-designate the subject property a landmark for a period of not less than five (5) years following the date of rescission, unless requested by the owner of record.

(b) Due to Substantially Changed Physical Appearance.

1. The owner of record or the City Preservation Planner may petition the Commission for rescission of a landmark designation under this subdivision by submitting a letter of intent to the Landmarks Commission.
2. Upon receipt of the letter of intent, the Commission shall schedule a public hearing. Notice shall be given according to subsection (6) of this ordinance.
3. The Commission shall conduct the hearing, may hear 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 rescission.
4. A landmark designation may be rescinded under this subdivision (8)(b) of this ordinance only when the physical appearance of the site has changed substantially such that the site no longer meets the standards set forth for designation in subdivision (7)(c) of this ordinance, provided that such change was not due to the owner of record's failure to maintain the property in good repair.
5. The Commission may recommend for or against the rescission of the designation of the property as a landmark, based on the standard(s) in subparagraph (8)(b)4 of this ordinance. The Commission shall send notification to the owner of record of its recommendation for or against rescission. Notification shall be sent within ten (10) days of Commission's decision and at least 5 days before any meeting at which the Common Council may act on the Commission's recommendation.
6. 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 standard(s) for designation and rescission contained in this ordinance, the Common Council may rescind the designation of the property as a landmark. The City Clerk shall notify the Director of the Building Inspection Division and the City Assessor. The City Clerk shall cause such

rescission to be recorded, at City expense, in the Dane County Register of Deeds office.

(9) Creation and Amendment of Historic Districts.

- (a) The Common Council may create or amend defined areas to be designated as historic districts. To be designated as a historic district, the defined area shall be of particular historic, architectural, or cultural significance to the City of Madison, which:
 1. Is associated with broad patterns of cultural, political, economic or social history of the nation, state or community; or
 2. Is associated with the lives of important persons, with important event(s) in national, state or local history; or
 3. Is associated within an area of particular archaeological or anthropological significance; or
 4. Embodies the distinguishing characteristics of an architectural type inherently valuable for the study of a period, style, method of construction, or of indigenous materials or craftsmanship; or
 5. Is representative of the work of a master builder, designer or architect.

(b) Nomination. Any person may request the designation or amendment of a historic district. The person shall submit the request to the City Planning Division, to the attention of the Preservation Planner, on a form provided by the Commission. The request shall clearly describe the proposed historic district or amendment, and shall clearly explain and document why the proposed historic district designation or amendment qualifies and should be approved under this section. The Preservation Planner shall promptly notify the Commission of each request and shall review the request for completeness. The Preservation Planner may ask the requester to submit additional information and documentation as needed. When the Preservation Planner finds that the request is reasonably complete, the Preservation Planner shall refer the request to the Landmarks Commission.

Formatted: Underline

(c) Review by Landmarks Commission. If a complete and accurate nomination is submitted to the Commission, the Landmarks Commission shall schedule a public hearing. Notice shall be given according to subsection (6) of this ordinance. Following the public hearing, the Landmarks Commission shall vote to recommend, reject or withhold action on the ordinance. This recommendation shall be forwarded to the City Plan Commission and the Common Council.

(d) Review by City Plan Commission. The City Plan Commission shall review the proposed ordinance creating or amending the historic district and make a recommendation to the Common Council within thirty (30) days of the public hearing before the Common Council. The Plan Commission may extend this time by referral.

(e) Adoption or Rejection by Common Council. The Common Council, upon receipt of the recommendations from the Landmarks Commission and Plan Commission, shall hold a public hearing. Notice shall be given according to subsection (6) of this ordinance. Following the public hearing, the Common Council shall either designate, amend, or reject the historic district ordinance.

The Landmarks Commission may select geographically defined areas to be designated as historic districts. To be designated as a historic district, the defined area shall be of particular historic, architectural, or cultural significance to the City of Madison, which:

1. Is associated with broad patterns of cultural, political, economic or social history of the nation, state or community; or
2. Is associated with the lives of important persons, with important event(s) in national, state or local history; or
3. Is associated within an area of particular archaeological or anthropological significance;
4. Embodies the distinguishing characteristics of an architectural type inherently valuable for the study of a period, style, method of construction, or of indigenous materials or craftsmanship; or
5. Is representative of the work of a master builder, designer or architect.

Formatted: Indent: Left: 1"

(b)(f) Historic District Ordinances. Each ordinance creating or amending an historic district shall indicate the basis for designation in (a) above and shall include specific

Standards and Guidelines for reviewing development in the historic district. Standards and Guidelines for development in an historic district should ensure that construction and exterior alterations will be done in a manner sensitive to the character of the historic district. Adopted Standards shall apply to every instance of development in an historic district. Adopted Guidelines shall serve as a collective set of principles to promote architectural compatibility of new construction and exterior alterations an historic district. In adopting Standards and Guidelines for each historic district, the Landmarks Commission should consider adopting the following:

1. Architectural elements shall be visually compatible with the structures and environment with which they are visually related (visually related area) in regards to:
 - i. Height.
 - ii. Gross volume.
 - iii. In the street elevation(s) of a structure, the proportion between the width and height in ~~the all~~ facade(s).
 - iv. The proportions and relationships between doors and windows in the ~~street-street and publicly visible~~ facade(s).
 - v. The rhythm of solids to voids, created by openings in the facade.
 - vi. Colors and patterns used on ~~the all facade~~ facade(s).
 - vii. The design of the roof.
 - viii. The landscape treatment.
 - ix. The texture and materials used in ~~the all~~ facade(s).
2. The existing rhythm created by existing structure masses and spaces between them shall be preserved.
3. The amount, shape, and pattern of open spaces shall be sensitive to the character of the district.
4. The landscape plan shall be sensitive to the individual structure, its occupants and their needs.
5. All street facade(s) shall blend with other structures via directional expression. When adjacent structures have a dominant horizontal or vertical expression, this expression shall be carried over and reflected.
6. 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.

~~(c) Review and Adoption Procedure.~~

1. ~~Landmarks Commission. The Landmarks Commission shall hold a public hearing when considering an ordinance creating or amending an historic district. Notice shall be given according to subsection (6) of this ordinance. Following the public hearing, the Landmarks Commission shall vote to recommend, reject or withhold action on the ordinance. This recommendation shall be forwarded to the City Plan Commission and the Common Council.~~
2. ~~The City Plan Commission. The Plan Commission shall review the ordinance creating or amending the historic district ordinance and make a recommendation to the Common Council within thirty (30) days of the public hearing. The Plan Commission may extend this time by referral.~~
3. ~~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 according to subsection (6) of this ordinance and shall either designate, amend, or reject the historic district ordinance.~~

~~(d) Recognition of Historic Districts. The Commission shall assist other City planning efforts to visually define and highlight historic districts.~~

(10) ~~Obligation to Maintain Landmarks, Landmark Sites and Historic Districts. Compliance with Regulations, Penalties for Violations, Demolition by Neglect.~~

- (a) Public Interest in Preservation and Maintenance. The Common Council finds it is in the public interest to preserve and maintain landmarks, landmark sites, and improvements in an historic district, and to vigorously enforce the provisions of this

Formatted: Indent: Left: 1"

- (b) ~~and other ordinances, against those who allow such sites and structures to decay, deteriorate, become structurally defective or otherwise fall into disrepair.~~ Obligation to Maintain. Every owner ~~or such other person who may have legal possession, custody, and control~~ of an improvement on a landmark site or in an historic district shall protect against exterior decay and deterioration, keep any structure free from structural defects, and maintain 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 this ordinance and other ordinances, laws, or regulations requiring the maintenance of such improvements.~~
- (c) Enforcement. ~~The Director of the Building Inspection Division~~ Building Inspector of the Department of Planning & Community & Economic Development or designee is authorized to enforce the provisions of this ordinance. Upon written official notice of the ~~Building Inspector~~ Director of the Building Inspection Division or designee, the owner ~~or such other person who may have legal possession, custody, and control of an improvement,~~ shall repair such decay, deterioration, or structural defects to bring the improvement into compliance with this ordinance. ~~The Building Inspector shall notify the Preservation Planner of all official notices issued to owners of landmarks or improvements in historic districts and whether the work required to remedy the violations is completed by the compliance date specified in the official written notice.~~
- (d) Penalties for Violations. Violations of the provisions in this ordinance shall be subject to a minimum forfeiture of two hundred fifty dollars (\$250) and a maximum forfeiture of five hundred dollars (\$500) for each separate violation. A second violation within thirty-six (36) months shall be subject to a minimum forfeiture of five hundred dollars (\$500) ~~and maximum forfeiture of one thousand dollars (\$1000) for each separate violation.~~ A third violation within thirty-six (36) months shall be subject to a minimum forfeiture of one thousand dollars (\$1000) ~~and maximum forfeiture of two thousand dollars (\$2000) for each separate violation.~~ Each and every day during which a violation continues shall be deemed to be a separate ~~offense~~ violation. ~~All fines imposed under this ordinance shall be tripled if the Court makes an additional finding that the subject property is undergoing Demolition by Neglect as defined by this ordinance. A finding of Demolition by Neglect by the Landmarks Commission as provided in Section (10)(e) below shall be prima facie evidence of Demolition by Neglect for purposes of any civil court action.~~
- (e) Demolition by Neglect. ~~It shall be unlawful for the owner of a landmark, improvement on a landmark site, or improvement in an historic district to allow the landmarks or improvement to undergo Demolition by Neglect.~~

1. Notice of Demolition by Neglect. In addition to the penalties imposed in (d) above, if ~~the Building Inspector believes that a landmark or improvement is undergoing Demolition by Neglect, he or she shall provide written notification of Demolition by Neglect to the Owner of the landmark or improvement and the Landmarks Commission.~~ ~~the owner or such other person who may have legal possession, custody, and control of an improvement, fails to repair the improvement upon written official notice of the Building Inspector or designee, the Building Inspector or designee shall report to the Landmarks Commission whether he or she believes that the structure is undergoing demolition by neglect.~~

Formatted: Indent: Left: 2"
Formatted: Underline

12. Public Hearing. Upon receiving a Notice of Demolition by Neglect from the Building Inspector, the Landmarks Commission Upon receiving a report from the Building Inspector or designee stating that a structure is undergoing demolition by neglect, the Landmarks Commission shall, within ten (10) days of receiving such a report, issue and serve upon the owner or such other person a complaint stating the charge of demolition by neglect and setting a the Landmarks Commission shall set a time, date, and place for a public hearing. gNotice for the public hearing shall be provided under Subsection (6) of this ordinance.--The public hearing shall take place not less than forty-five (45) nor more than ninety (90) days after the Landmarks Commission receipt of a Notice of Demolition by Neglect. The purpose of the hearing is for the Landmarks Commission to determine whether the improvement is undergoing Demolition by Neglect. The public hearing shall take place not less than (30) nor more than sixty (60) days after the serving of such a complaint. The purpose of the hearing is to receive evidence concerning the charge of ongoing demolition by neglect and to ascertain whether the owner or other such person wishes to petition the Landmarks Commission for a waiver under Subsection 17 of this ordinance.

Formatted: Underline

23. Determination of the Landmarks Commission. If after proper notice and hearing, the Landmarks Commission determines that the structure landmarks or improvement is undergoing Demolition by Neglect, it shall report its determination to the Common Council, Building Inspector, and Office of the City Attorney.- A determination that an improvement is undergoing Demolition by Neglect is also a determination that a public nuisance exists under Sec. 27.05(3).

Formatted: Underline

4. Authorization of Repairs. Upon a finding of Demolition of Neglect by the Landmarks Commission, the Building Inspector may proceed under the non-summary abatement procedures set forth in Sec. 27.05(3)(e) to repair the landmark or improvement to abate the nuisance. The cost of any such repairs shall be paid by the Owner or shall be imposed as a special charge against the property and collected pursuant to the provisions of Sec. 4.09(13) and Wis. Stat. Sec. 66.0627.

Formatted: Underline

5. Acquisition by City. Upon a finding of Demolition by Neglect by the Landmarks Commission, the Common Council may authorize the acquisition of property by the City under Wis. Stat. Sec. 66.1111(2), including through the initiation of condemnation proceedings under Wis. Stat. Sec. 32.06.

the Landmarks Commission shall state in writing the findings of fact in support of such a determination, serve a copy of its decision to the owner or other such person, and provide a copy of its decision to the Common Council. In the event that the owner or other such person states an interest to pursue a waiver, the Landmarks Commission decision shall be stayed until after the Landmarks Commission's determination in accordance with Subsection 17 of this ordinance.

(11) Certificate of Appropriateness.

- (a) Certificate of Appropriateness Required. A Certificate of Appropriateness, approved by the Landmarks Commission, is required for the following:
 - 1. Exterior alteration of a designated landmark or structure within an historic district.
 - 2. Construction of new structure on a landmark site or in an historic district.
 - 3. Demolition or removal of all or part of a landmark or structure in an historic district.
 - 4. Erecting or affixing a sign on a landmark site or in an historic district.
 - 5. Alteration of part of a landmark designated as an Additional Preservation Restriction.

- 6. Land divisions and combinations involving a landmark site or in an historic district.
- ~~7. Sandblasting or other types of cleaning methods using abrasive or corrosive products of any exterior surface of an improvement on a landmark site or in an historic district.~~
- ~~(b) Permits. The Director of the Building Inspection Division shall not issue a permit allowing alteration, construction, demolition, removal, or for any other action for which a Certificate of Appropriateness is required unless such Certificate has been approved by the Commission and issued by the Preservation Planner or designee.~~
- ~~(b) Application. An application for a Certificate of Appropriateness shall be filed with the Planning Department, c/o the Preservation Planner. The application shall be considered filed when it is stamped "accepted" by the Preservation Planner. The timelines applicable in subsection (g) below shall not begin until an application is filed. Every application shall include at least the following information unless otherwise indicated by the Preservation Planner:
 - 1. Completed Application document.
 - 2. Narrative Description of the project.
 - 3. Scalable drawing set reduced to 11" x 17" which includes floor plans, elevations and details to convey relevant information.
 - 4. Any other information requested by the Preservation Planner to convey the aspects of the project.~~
- ~~(c) Public Hearings. The Commission shall hold a Public Hearing and provide Class 2 Notice according to subsection (6) of this ordinance for applications involving the following:
 - 1. Demolition or removal of all or part of a landmark;
 - 2. Demolition or removal of a structure in an historic district;
 - 3. Construction of a new principal structure in an historic district;
 - 4. Construction of an accessory structure with a footprint larger than one hundred (100) square feet, not including decks and open porches, in an historic district;
 - 5. Land divisions and combinations; and
 - 6. Exterior alteration of a structure in an historic district that increases the footprint of the structure more than one hundred (100) square feet, not including decks and open porches.~~
- ~~(d) Administrative Approval. The Landmarks Commission may authorize the Preservation Planner, or other designee(s) to approve certain projects, provided that the Commission shall first adopt written policies establishing which projects can be administratively approved, and the process to be followed.~~
- ~~(e) Issuance of Certificate of Appropriateness. The Landmarks Commission shall approve or deny a Certificate of Appropriateness, based upon the applicable standards in subsection (12) of this ordinance, within sixty (60) days of the filing of an accepted application. Failure to approve a Certificate of Appropriateness within sixty (60) days shall be deemed a denial, effective on the last day of the determination period. The determination period may be extended an additional sixty (60) days by written agreement of the applicant. Upon approval of the Certificate by the Commission, the Preservation Planner or designee shall issue a Certificate of Appropriateness.~~
- ~~(f) Permits. The Director of the Building Inspection Division shall not issue a permit allowing alteration, construction, demolition, removal, or for any other action for which a Certificate of Appropriateness is required unless such Certificate has been approved by the Commission and issued by the Preservation Planner or designee.~~
- ~~(eg) Prohibition. No owner, operator, or person in charge of a landmark, landmark site or structure within an historic district shall cause or permit any painting of signs, alteration, construction, demolition or removal for which a Certificate of Appropriateness is required unless such Certificate has been approved by the Commission.~~

Formatted: Highlight

Formatted: Indent: Left: 0.5", Hanging: 1", No bullets or numbering

- ~~(d) Administrative Approval. The Landmarks Commission may authorize the Preservation Planner, or other designee(s) to approve certain projects, provided that the Commission shall first adopt written policies establishing which projects can be administratively approved, and the process to be followed.~~
 - ~~(e) Application. An application for a Certificate of Appropriateness shall be filed with the Planning Department, c/o the Preservation Planner. The application shall be considered filed when it is stamped "accepted" by the Preservation Planner. The timelines applicable in subsection (g) below shall not begin until an application is filed. Every application shall include at least the following information unless otherwise indicated by the Preservation Planner:
 - 1. Completed Application document.
 - 2. Narrative Description of the project.
 - 3. Scalable drawing set reduced to 11" x 17" which includes floor plans, elevations — and details to convey relevant information.
 - 4. Any other information requested by the Preservation Planner to convey the — aspects of the project.~~
 - ~~(f) Public Hearings. The Commission shall hold a Public Hearing and provide Class 2 Notice according to subsection (6) of this ordinance for applications involving the following:
 - 1. Demolition or removal of all or part of a landmark;
 - 2. Demolition or removal of a structure in an historic district;
 - 3. Construction of a new principal structure in an historic district;
 - 4. Construction of an accessory structure with a footprint larger than one hundred (100) square feet, not including decks and open porches, in an historic district; and
 - 5. Exterior alteration of a structure in an historic district that increases the footprint of the structure more than one hundred (100) square feet, not including decks and open porches.~~
 - ~~(g) Issuance of Certificate of Appropriateness. The Landmarks Commission shall approve or deny a Certificate of Appropriateness, based upon the applicable standards in subsections (12), (13) or (14) of this ordinance, within sixty (60) days of the filing of an accepted application. Failure to approve a Certificate of Appropriateness within sixty (60) days shall be deemed a denial, effective on the last day of the determination period. The determination period may be extended an additional sixty (60) days by written agreement of the applicant. Upon approval of the Certificate by the Commission, the Preservation Planner or designee shall issue a Certificate of Appropriateness.~~
 - ~~(h) Penalty for Work Done Without, or in Violation of, a Certificate of Appropriateness. In addition to any other penalty provided in this section, the Landmarks Commission, may order the removal or modification of any alteration, construction or other work that was performed without a required Certificate of Appropriateness, or that was not performed in compliance with the conditions of a lawfully issued Certificate of Appropriateness, when such work does not meet the applicable standards for a Certificate under subsections (12), (13), or (14) of this ordinance, or under the Additional Preservation Restriction specific to that landmark. Alternatively, the Commission may order renovation to make such work comply with those standards.~~
 - ~~(i) Two-Year Deadline. A Certificate of Appropriateness shall expire two (2) years from the date of issuance unless a building permit is obtained within such period.~~
- (12) Standards for Certificate of Appropriateness
- (a) For Exterior Alteration or Construction. The Landmarks Commission shall approve a Certificate of Appropriateness for exterior alteration or construction of a landmark or a structure within an historic district, or for construction on a landmark site or in an historic district, only if:
 - i. In the case of exterior alteration to a designated landmark, the proposed work would meet the Secretary of the Interior's Standards for Rehabilitation, would not destroy or adversely affect any significant exterior architectural feature of the improvement upon which said work is to be done, or significantly degrade the historic fabric of the landmark; and

Formatted: Highlight

- ii. In the case of ~~exterior alteration or construction of a structure or alteration on of a new structure upon~~ a landmark site, ~~the proposed work would meet the Secretary of the Interior's Standards for Rehabilitation, the exterior of such improvement would not adversely affect or fail to harmonize with the external appearance of other neighboring improvements on such site, evaluated using the standards in subsection (9)(c) of this ordinance; and~~
 - iii. In the case of ~~exterior alteration or construction on~~ any property located in an historic district, the proposed ~~exterior alteration or construction meets new structure or exterior alteration conforms to~~ the adopted standards ~~and guidelines~~ for ~~said that~~ district.
- (b) For Demolition or Removal. In determining whether to approve a Certificate of Appropriateness for any demolition or removal of any landmark or structure within an historic district, the Landmarks Commission shall consider and may give decisive weight to any or all of the following:
- i. Whether the structure is of such architectural or historic significance that its demolition or removal would be detrimental to the public interest and contrary to the general welfare of the people of the City and the State;
 - ii. Whether the structure, although not itself a landmark structure, contributes to the distinctive architectural or historic character of the historic district as a whole and therefore should be preserved for the benefit of the people of the City and the State;
 - iii. Whether demolition or removal of the subject property would be contrary to the purpose and intent of this chapter as set forth in Sec. 33.19 and/or to the objectives of the historic preservation plan for the applicable historic district as duly adopted by the Common Council;
 - iv. Whether the structure is of such old and unusual or uncommon design, ~~method of construction, texture and~~ or material that it could not be reproduced or be reproduced only with great difficulty and/or expense;
 - v. Whether retention of the 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;
 - vi. The condition of the property, provided that any deterioration of the property which is self-created or which is the result of ~~demolition by neglect under sub. 10(e) of this ordinance, any failure to maintain the property in good repair~~ cannot qualify as a basis for the issuance of a Certificate of Appropriateness for demolition or removal;
 - vii. Whether any new structure proposed to be constructed or change in use proposed to be made is compatible with the structures and environment of the historic district in which the subject property is located, or if outside a historic district, compatible with the mass and scale of buildings within two hundred (200) feet of the boundary of the landmark site; and,
 - viii. ~~Documentation of demolished structures.~~ Prior to approving a Certificate of Appropriateness for demolition, the Landmarks Commission may require the applicant to provide documentation of the structure. Documentation shall be in the form required by the Commission.
- (c) For Signs. The commission shall approve a Certificate of Appropriateness for signs, unless it finds that the ~~size or, number, design, or placement~~ of the sign(s) would adversely affect ~~the historic fabric, a significant architectural feature~~ of the structure ~~or degrade the historic fabric of~~ the district; that the sign(s) fails to comply with Chapter 31 of the Madison General Ordinances; or that the sign(s) fails to comply with specific Standards or Guidelines for signs adopted in each historic district under this ordinance.
- (d) For Alterations under Additional Preservation Restriction. The commission shall approve a Certificate of Appropriateness for an alteration under an additional historic preservation restriction unless it finds the alteration would adversely affect a significant architectural feature of the structure.
- (e) For Land Divisions and Combinations. The commission shall approve a Certificate of Appropriateness for a land division ~~s, combinations, and subdivision plats of~~

~~landmarks sites and properties in historic districts, or combination involving a landmark site or in an historic district unless it finds that the proposed lot sizes adversely impact the historic character or significance of a landmark, are incompatible with adjacent lot sizes, or fail to maintain the general lot size pattern of the historic district, action would adversely affect a significant architectural feature of the structure or degrade the historic fabric of the district.~~

~~(f) For Abrasive Cleaning Methods. The commission may approve the use of abrasive cleaning methods on a landmark or in an historic district only if it finds the action would not adversely affect the structure or degrade the historic fabric of the district.~~

- (13) Appeal. (a) An appeal from the decision of the Landmarks Commission to approve or deny a Certificate of Appropriateness may be taken to the Common Council by the applicant for the Certificate, the Alderperson of the district in which the subject property is located, or by the owners of twenty percent (20%) of the parcels of property within two hundred (200) feet of the subject property.
- (b) 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. The Council shall hold a public hearing with Class 1 public notice.
- (c) The Council may, by favorable vote of two-thirds (2/3) of its members, reverse or modify the decision of the Landmarks Commission, with or without conditions, or refer the matter back to the Commission with or without instructions.
- (d) In making its determination under (c), the Council shall:
1. Consider the Standards and Guidelines specified in this ordinance, and the application of those Standards and Guidelines by the Commission; and,
 2. Balance the public interest in preserving the subject property with the public interest in approving or denying the Certificate of Appropriateness. In balancing the public interests, the Council shall take into account whether the owner or applicant has failed to meet requirements to maintain the property in accordance with this ordinance.
- (14) 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.
- (15) Waivers.
- (a) Authority. Under (b) or (c) below, the Landmarks Commission may waive one or more standards for review for a Certificate of Appropriateness only upon its determination that doing so will not destroy a significant architectural feature of an existing structure or adversely affect the historic character of the visual related area.
- (b) Waiver for Economic Hardship of Income Property. In determining whether to grant a waiver due to undue economic hardship regarding an income property, the commission shall hold a public hearing to consider evidence of:
1. The property's current level of economic return;
 2. The property's marketability;
 3. Options for economically valid alternative uses for the property;
 4. The condition of the property, and the cost for compliance with the standards for review;
 5. Whether the property was subject to neglect or inadequate maintenance;
 6. The availability of economic incentives for full compliance.
- For the purposes of this provision, income property does not include income property that is owner-occupied.
- (c) Waiver for Alternative Design. The commission may waive the standards of this ordinance in favor of alternative designs for alterations or new structures.
- (d) The commission shall adopt policies defining the evidence to be provided under (b) and (c).
- (16) Harmonization of Regulations. Where the regulations imposed by the landmarks ordinance are either more or less restrictive than regulations in other ordinances or laws, including

- Chapter 28, the regulations which are more restrictive or which impose higher standards or requirements shall prevail, unless an exception to this provision is specifically noted.
- (17) Computation of Time. In computing any period of time prescribed by this ordinance, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included. When the period of time prescribed or allowed is less than 11 days, Saturdays, Sundays and holidays shall be excluded from the computation.
- (18) Separability. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the remainder of this chapter and the application of such provisions to other persons or circumstances shall not be affected thereby.
- (19) Mansion Hill Historic District.
- (a) Purpose and Intent. It is hereby declared a matter of public policy that a specific area of the City be identified, designated, and protected because of its special character and historical interest. This area, to be called the Mansion Hill Historic District, shall be described in general by the map and specifically by the legal description on file in the City Clerk's office. The purpose and intent of this ordinance shall be to designate this area in accordance with Sec. 33.19(9), entitled "Creation of Historic Districts" of the Madison General Ordinances.
- (b) Standards for Creation of Mansion Hill Historic District. In that the Mansion Hill Historic District reflects a pattern in the broad social history of Madison and in the State and the Nation, and in that elements within the District meet the other three designation standards, namely that many of the structures in the District:
1. Are identified with historic personages or with important events in national, state or local history;
 2. 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;
 3. Are representative of the notable work of a master builder, designer or architect whose individual genius influences his age;
- The area described by the map and legal description shall be designated an historic district.
- (c) Standards for Review of Development in the Mansion Hill Historic District.
1. The gross volume of any new structure shall be visually compatible with the structures and environment with which it is visually related (visually related area).
 2. In the street elevation(s) of a structure, the proportion between the width and the height in the facade(s) shall be visually compatible with the structures and the environment with which it is visually related (visually related area).
 3. The proportions and relationships between width and height of the doors and windows in street facade(s) shall be visually compatible with the structures and environment with which it is visually related (visually related area).
 4. The rhythm of solids to voids created by openings in the facade shall be visually compatible with the structures and environment with which it is visually related (visually related area).
 5. All street facades shall blend with other structures via directional expression. When adjacent structures have a dominant vertical or horizontal expression, this expression should be carried over and reflected.
- (d) Reference to Plan.
The requirements in this section derive from a plan entitled "The Mansion Hill Historic Preservation Plan and Development Handbook", City Planning Department, 1975.
- (22) Third Lake Ridge Historic District.
- (a) It is hereby declared a matter of public policy that a specific area of the City be identified, designated, and protected because of its special character and historical interest and significance. This area, to be called the Third Lake Ridge Historic District, shall be described in general by the map and specifically by the legal description on file in the City Clerk's Office. The purpose and intent of this ordinance shall be to designate this area in accordance with Sec. 33.19(9), entitled "Creation of Historic Districts" of the Madison General Ordinances.
- (b) Standards for the Creation of the Third Lake Ridge Historic District.

In that the Third Lake Ridge Historic District area reflects a broad pattern of social history of Madison and the State and the Upper Midwest, and in that elements within the District meet other designation standards in subsections (4) and (6), namely that many of the structures and sites in the District:

1. Are identified with historic personages or with important events in state or local history; and
2. 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;

The area described by the map and legal description shall be designated an historic district.

(c) Standards for New Structures in the Third Lake Ridge Historic District - Parcels Zoned for Employment Use.

1. The gross volume shall be visually compatible with the structures and environment within its visually related area.
2. The height shall be visually compatible with the structures and environment within its visually related area.

(d) Standards for Exterior Alterations in the Third Lake Ridge Historic District - Parcels Zoned for Employment Use.

Alterations of height shall be visually compatible with the structures and environment within its visually related area.

(e) Standards for New Structures in the Third Lake Ridge Historic District - Parcels Zoned for Mixed-Use and Commercial Use.

1. Any new structures shall be evaluated according to both of the standards listed in Sec. 33.19(22)(c); that is, compatibility of gross volume and height.
2. The rhythm of solids and voids in the street facade(s) shall be compatible with the structures within its visually related area.
3. The materials used in the street facade(s) shall be compatible with those used in the structures and environment within its visually related area.
4. The design of the roof shall be compatible with those of the structures and environment within its visually related area.
5. The rhythm of structure masses and spaces shall be compatible with the existing rhythm of masses and spaces for those sites within its visually related area.

(f) Standards for Exterior Alterations in the Third Lake Ridge Historic District - Parcels Zoned for Mixed-Use and Commercial Use.

1. Alterations of height of any shall be visually compatible with the structures and environment within its visually related area.
2. Alterations of street facade(s) shall retain the original or existing historical rhythm of solids and voids.
3. Alterations of street facade(s) shall retain the original or existing historical materials.
4. Alterations of roof shall retain its existing historical appearance.

(g) Standards for New Structures in the Third Lake Ridge Historic District - Parcels Zoned for Residential Use.

1. Any new structures shall be evaluated according to all standards listed in Sec. 33.19(22)(e).
2. The directional expression shall be compatible with those of the structures and environment within its visually related area.
3. The materials, patterns and textures shall be compatible with those of the structures and environment within its visually related area.
4. The landscape plan shall be compatible with that of the structures and environment within its visually related area.

(h) Standards for Exterior Alterations in the Third Lake Ridge Historic District - Parcels Zoned for Residential Use.

1. Alterations shall be evaluated according to all standards listed in Sec. 33.19(22)(g).
2. Alterations of the surface material, pattern and texture in the facade(s) shall be compatible with the original or existing historical finishes.

3. Alterations shall retain or be compatible with the original or existing historical rhythm of masses and spaces.
 4. Alterations shall retain the existing historical landscape plan or shall develop a new plan which is compatible with the plans of the structures and environment within its visually related area.
 5. Alterations of the street facade(s) shall retain the original or existing historical proportional relationships of door sizes to window sizes.
- (i) Reference to Plan.
The public policy guidelines in this subsection derive from a plan entitled "Third Lake Ridge Historic District," City Planning Department, January, 1978.
- (23) University Heights Historic District.
- (a) Purpose and Intent. It is hereby declared a matter of public policy that a specific area of the City be identified, designated and protected because of its special character of historic interest and significance. This area, to be called University Heights Historic District, shall be described generally by the map and specifically by the legal description on file in the City Clerk's Office. The purpose and intent of this ordinance shall be to designate this area in accordance with Sec. 33.19(9) entitled "Creation of Historic Districts" of the Madison General Ordinances.
 - (b) Standards for the Creation of the University Heights Historic District. In that the University Heights Historic District reflects a pattern in the broad social history of Madison and in the state and the nation and in that elements within the district meet the other three designation standards in Sec. 33.19(9) of the Madison General Ordinances, namely that many of the structures in the district:
 1. are identified with historic personages or with important events in national, state, or local history;
 2. 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; and,
 3. are representative of the notable work of a master builder, designer, or architect whose individual genius influenced her/his age, the area described by the map and legal description shall be designated an historic district.
 - (c) Standards for the Review of New Structures in the TR-V1, TR-V2, TR-U1, TR-U2, TR-C2, TR-C3, TR-C4, MNX, TSS, and LMX Zoning Districts.
 1. Principal Structures.
 - a. Height. The maximum height in the TR-C2, TR-C3, TR-C4, TR-V1, and TR-V2 Zoning Districts shall be thirty-five (35) feet and shall not exceed two and a half (2-1/2) stories except as provided in the height regulations for the district.

The maximum height in the TR-U1, NMX, TSS, and LMX Zoning Districts shall be forty (40) feet.

The maximum height in the TR-U2 Zoning District shall be fifty (50) feet. All new structures in all zoning districts within University Heights shall be no less than fifteen (15) feet high.
 - b. Materials. Materials for the exterior walls shall be the same as or similar to materials prevalent in the University Heights Historic District. Permitted materials include brick, narrow gauge horizontal clapboards four or less inches in exposed width, stone, stucco, smooth shingles or combinations of the above provided the combinations occur in a manner and location similar to the materials on existing structures in University Heights (e.g., brick on first floor with clapboard on second floor). Other materials, such as aluminum or vinyl must be visually compatible with structures in the visually related area. The following materials are prohibited: concrete block, asbestos, wide clapboards over four inches in exposed width, diagonal boards, vertical boards, rough sawn wood, rough split shingles, shakes.
 - c. Visual Size. The gross area of the front facade, i.e., all walls facing the street, of a single-family, two-unit or commercial structure shall be no greater than one hundred twenty-five percent (125%) of the

- average gross area of the front facades of structures in the visually related area. The gross area of the front facade of a multiple family dwelling shall be no more than one hundred twenty-five percent (125%) of the average gross area of the front facades of all structures within the visually related area or variations in the setback shall be designed in the front facade of the structure to repeat the rhythm and proportions of structures to space between them within the visually related area.
- d. Roof Shape. The shapes and pitches of roofs on shall be similar to the roof shapes and pitches on existing structures within the visually related area.
 - e. Roof Materials. Roofing materials shall be similar in appearance to roofing materials used on structures within the visually related area. Modern-style shingles, such as thick wood shakes, dutch lap, french method and interlock shingles, that are incompatible with the historic character of the district are prohibited. Rolled roofing, tar and gravel and other similar roofing materials are prohibited except that such materials may be used on flat or slightly sloped roofs which are not visible from the ground.
 - f. Parking Lots. No new parking lots will be approved unless they are accessory to and on the same zoning lot as a commercial structure or multiple family dwelling.
- 2. Accessory Structures. Accessory structures, as defined in Section 28.211 of the Madison General Ordinances, shall be compatible with the design of the existing structures on the zoning lot, shall not exceed fifteen (15) feet in height and shall be as unobtrusive as possible. No accessory structure shall be erected in any yard except a rear yard. Exterior wall materials shall be the same as those for construction of new principal structures as set forth in Sec. 33.19(23)(c)1.b.
- (e) Standards for the Review of Exterior Alterations and Repairs in TR-C2, TR-C3, and TR-C4, Zoning Districts.
- 1. Height. No alterations shall be higher than the existing structure; however, if the existing structure is already a nonconforming one, alteration shall be made thereto except in accordance with Section 28.192 of the Madison General Ordinances. Roof alterations resulting in an increased structure volume are prohibited unless they meet the requirements in Section 33.19(23)(e)6. and are permitted under Chapter 28 of the Madison General Ordinances, or approved as a variance pursuant to Section 28.184 or approved as a conditional use or as part of a planned residential development.
 - 2. Second Exit Platforms and Fire Escapes. Second exit platforms and fire escapes shall be invisible from the street, wherever possible, and shall be of a plain and unobtrusive design in all cases. In instances where an automatic combustion products detection and alarm system is permitted as an alternative to second exits, use of such a system shall be mandatory.
 - 3. Repairs. Materials used in exterior repairs shall duplicate the original building materials in texture and appearance, unless the Landmarks Commission approves duplication of the existing building materials where the existing building materials differ from the original. Repairs using materials that exactly duplicate the original in composition are encouraged.
 - 4. Restoration. Projects that will restore the appearance of a structure to its original appearance are encouraged and will be approved by the Landmarks Commission if such projects are documented by photographs, architectural or archeological research or other suitable evidence.
 - 5. Re-Siding. Re-siding with aluminum or vinyl that replaces or covers clapboards or nonoriginal siding on structures originally sided with clapboards will be approved by the Landmarks Commission provided that the new siding imitates the width of the original clapboard siding to within one (1) inch and provided further that all architectural details including, but not limited

to, window trim, wood cornices and ornament either remain uncovered or are duplicated exactly in appearance. Where more than one layer of siding exists on the structure, all layers except the first must be removed before new siding is applied. If insulation is applied under the new siding, all trim must be built up so that it projects from the new siding to the same extent it did with the original siding.

6. Alterations Visible from the Street and Alterations to Street Facades. Alterations visible from the street, including alterations to the top of structures, and alterations to street facades shall be compatible with the existing structure in architectural design, scale, color, texture, proportion of solids to voids and proportion of widths to heights of doors and windows. Materials used in such alterations shall duplicate in texture and appearance, and architectural details used therein shall duplicate in design, the materials and details used in the original construction of the existing structure or of other structures in University Heights of similar materials, age and architectural style, unless the Landmarks Commission approves duplication of the texture and appearance of materials and the design of architectural details used in the existing structure where the existing building materials and architectural details differ from the original. Alterations that exactly duplicate the original materials in composition are encouraged. Alterations that destroy significant architectural features are prohibited. Side alterations shall not detract from the design composition of the original facade.
7. Additions and Exterior Alterations Not Visible from the Street. Additions and exterior alterations that are not visible from any streets contiguous to the lot lines upon which the structure is located will be approved by the Landmarks Commission if their design is compatible with the scale of the existing structure and, further, if the materials used are compatible with the existing materials in texture, color and architectural details. Additions and alterations shall harmonize with the architectural design of the structure rather than contrast with it.
8. Roof Shape. The roof shape of the front of a structure shall not be altered except to restore it to the original documentable appearance or to add a dormer or dormers in a location and shape compatible with the architectural design of the structure and similar in location and shape to original dormers on structures of the same vintage and style within the district. Alterations of the roof shape of the sides or back of a structure shall be visually compatible with the architectural design of the existing structure.
9. Roof Material.
 - a. If the existing roof is tile, slate or other material that is original to the structure and/or contributes to its historic character, all repairs thereto shall be made using the same materials. In addition, in all cases any such roof must be repaired rather than replaced, unless the documented cost of repair exceeds the documented cost of re-roofing with a substitute material that approximates the appearance of the original roofing material as closely as possible, in which case re-roofing with a material that approximates the appearance of the original roofing material as closely as possible will be approved by the Landmarks Commission.
 - b. If the existing roofing material is asphalt shingles, sawn wood shingles or a nonhistoric material such as fiberglass, all repairs shall match in appearance the existing roof material; however, if any such roof is covered or replaced, re-roofing must be done using rectangular sawn wood shingles or rectangular shingles that are similar in width, thickness and apparent length to sawn wood shingles, for example, 3-in-1 tab asphalt shingles. Modern style shingles, such as thick wood shakes, dutch lap, french method and interlock shingles, that are incompatible with the historic character of the district are prohibited.

- c. Rolled roofing, tar and gravel and other similar roofing materials are prohibited except that such materials may be used on flat or slightly sloped roofs which are not visible from the ground.
 - 10. Parking Lots. No new parking lots will be approved unless they are accessory to and on the same zoning lot as a commercial structure or multiple family dwelling.
- (f) Standards for the Review of Exterior Alterations and Repairs in the TR-VI, TR-V2, TR-U1, TR-U2, NMX, TSS and LMX Zoning Districts.
 - 1. Height. No alterations shall be higher than the existing structure; however, if the existing structure is already nonconforming, no alteration shall be made thereto except in accordance with Section 28.192 of the Madison General Ordinances. In addition, all alterations, including alterations to the top of a structure, shall conform to the height restrictions for the zoning district in which the structure is located.
 - 2. Alterations. Alterations shall be compatible in scale, materials and texture with the existing structure.
 - 3. Repairs. Materials used in repairs shall harmonize with the existing materials in texture, color and architectural detail.
 - 4. Re-Siding. The standards for the review of re-siding are the same as the standards for review of re-siding in the TR-C2, TR-C3 and TR-C4 Zoning Districts set forth in Sec. 33.19(23)(e)5. of the Madison General Ordinances.
 - 5. Roof Shape. Roof alterations to provide additional windows, headroom or area are prohibited unless permitted under Chapter 28 of the Madison General Ordinances or otherwise approved pursuant thereto as a variance or as part of a conditional use. In addition, all roof alterations shall be visually compatible with the architectural design of the structure.
 - 6. Roof Materials. All repairs shall match in appearance the existing roofing materials; however, when a roof is covered or replaced, roofing materials shall duplicate as closely as practicable the appearance of the original materials. Thick wood shakes, French method, interlock and Dutch lap shingles are prohibited. Rolled roofing, tar and gravel and other similar roof materials are also prohibited except on flat or slightly sloped roofs which are not visible from the street.
 - 7. Parking Lots. No new parking lots will be approved unless they are accessory to and on the same zoning lot as a commercial structure or multiple family dwelling.
- (24) Marquette Bungalows Historic District.
 - (a) Purpose and Intent. It is hereby declared a matter of public policy that a specific area of the city be identified, designated and protected because of its special character of historic interest and significance. This area, to be called the Marquette Bungalows Historic District, shall be described generally by the map and specifically by the legal description on file in the City Clerk's office. The purpose and intent of this ordinance shall be to designate this area in accordance with Sec. 33.19(9) entitled "Creation and Amendment of Historic Districts" of the Madison General Ordinances.
 - (b) Standards for the Creation of the Marquette Bungalows Historic District. In that the Marquette Bungalows Historic District reflects a pattern in the broad social history of Madison and in the state and the nation and in that elements within the district meet designation standards in Sec.33.19(7) of these ordinances, specifically that many of the structures in the district 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, the area described by the map and legal description shall be designated an historic district.
 - (c) Standards for the Review of New Construction and Fences.
 - 1. Accessory Structures. Accessory structures shall be compatible with the design of the existing structure on the zoning lot, shall not exceed fifteen (15) feet in height and shall be as unobtrusive as possible. Accessory structures shall be erected in the rear yard. If the structure on the lot is sided in wood or stucco, the siding on the accessory structure shall match the appearance of the siding on the structure. Imitation siding materials that approximate the

look of the siding on the structure, such as vinyl, aluminum or applied stucco-like surfaces, may be approved. If the siding on the structure is brick, the garage may be sided in brick to match, clapboard, stucco, narrow-gauge vinyl or aluminum or applied stucco-like surfaces. Garage doors shall blend with the historic appearance of the neighborhood. Horizontally paneled doors and flat paneled doors are prohibited. Windows shall be either casements or double-hung units of a similar proportion to the windows on the structure. Alteration of existing accessory structures shall comply with this subdivision (e) and with subdivision (d) above. The roof shape may be a hip or gable of any pitch; single slope roofs are prohibited. The roof material shall match as closely as possible the color and appearance of the roof material on the structure.

2. New Principal Structures. New principal structures shall match the design of other structures in the district in materials, roof shape, architectural details, the proportion of solids to voids, the proportion of widths to heights of doors and windows, the scale, height, setbacks, side yards and other visual features. The intention is to have new structures virtually duplicate the design of other structures in the neighborhood, since all parcels in the district are currently developed and any new construction would be replacing an existing structure.
3. Fences. Chain link, metal mesh and other rustic style fences, such as rough sawn wood or split-rails, are prohibited in the front yard. Fences in the front yard shall not exceed three (3) feet in height.

(d) Standards for the Review of Exterior Alterations and Repairs. All exterior alterations and repairs must be compatible with the historic character of the structure and the Marquette Bungalows Historic District.

1. Re-Siding. Re-siding with aluminum or vinyl that replaces or covers clapboards or non-original siding on structures originally sided with clapboards will be approved by the Landmarks Commission provided that the new siding imitates the width of the original clapboard siding to within one inch and provided further that all architectural details including, but not limited to, window trim, wood cornices and other ornament either remain uncovered or are duplicated exactly in appearance. All trim must continue to project out beyond the plane of the siding. Brick, stucco, and half-timber detailing shall match the original in appearance. Original wood shingle siding should be repaired or replaced to match the original in appearance, whenever possible; however, covering wood shingles with double-four vinyl or aluminum may be approved.
2. Roof Materials. Reroofing shall be done with asphalt shingles, fiberglass shingles or other rectangular composition shingle similar in appearance to 3-in-1 tab asphalt shingles. Sawn wood shingles may also be approved. Modern style shingles, such as thick wood shakes, dutch lap, french method and interlock shingles are incompatible with the historic character of the district and are prohibited. Vents shall be located as inconspicuously as possible and shall be similar in color to the color of the roof. Rolled roofing, tar and gravel and other similar roofing materials are prohibited except that such materials may be used on flat or slightly sloped roofs which are not visible from the ground.
3. Skylights. Skylights on street-facing roof slopes are prohibited. Skylights may be permitted on side roof slopes provided the front edge of the skylight is at least ten (10) feet back from the front edge of the main roof. Skylights on any roof area not visible from the street may be permitted. The design should be as simple as possible, of the flat type (not bubble) and painted to blend with the color of the roof.
4. Dormers and Other Roof Alterations. New dormers shall be greater than three (3) feet from the front edge of the roof. New dormers shall match original dormers on the structure (or original dormers on similar structures in the district) in roof shape and material, width of overhang, siding, window design and trim details. The ridge line of a new dormer shall not extend

above the ridge line of the main roof of the structure. The dormer walls shall not extend beyond the line of the main structure wall below. Shed dormers behind existing dormers or gables on non-street sides of the structure may be approved provided that the roof material, siding, window design and trim details match the original features of the structure. Other roof alterations shall be compatible with the roof shape and other features of the structure, such as siding and trim details, and shall not extend above the ridge line of the structure.

5. Chimneys. The exterior appearance of chimneys visible from the street shall be maintained in good repair. The removal of the exterior portions of such chimneys is prohibited. Chimneys not visible from the street may be removed. New chimneys shall be constructed of brick to match as closely as possible the brick on the structure, or if there is no brick on the structure, chimneys may be made of brick similar in dimensions and color to brick on other in the neighborhood. New chimneys not visible from the street may also be constructed of metal or other non-historic material.
6. Windows and Doors.
 - a. General Standards. The original appearance of leaded glass and other non-rectangular decorative windows (e.g., curved top windows) on any facade of the structure shall be retained. Replacement of such windows shall duplicate the original in size, configuration and appearance. Picture windows are prohibited. Trim on new or remodeled windows shall match the original window trim on the structure.
 - b. Street Facades. Windows and doors on the front or street facade of the structure and on side faces within ten (10) feet of the front facade of the structure shall retain their original or existing appearance, including true muntins where they exist. Replacement windows and doors may be approved if they match the original appearance.
 - c. Non-Street Side Facades. Retention of the original appearance of windows and doors on the sides of the structure is encouraged. However, if replacement or new windows are proposed, the muntin design of the original windows on the structure may either be replicated with true-divided lights or with exterior or interior applied grids or with grids applied between the panes of glass. New windows shall either be casement windows or double-hung windows. Sash on new windows over four (4) feet square shall be divided by muntins or mullions. Bay windows may be approved if they have sides perpendicular to the wall and if they do not extend beyond the eaves of the roof.
 - d. Rear Facade. Replacement, remodeling or installation of new doors and windows on the rear facade will not be restricted except as discussed under "General Standards" above.
7. Porches. Porches and stairway railings shall match the original railings in appearance wherever possible. Wrought iron railings with vertical balusters at least one-half (1/2) inch in width, wood railings with vertical square balusters spaced no more than three (3) inches apart, and solid wall railings covered in siding to match the structure will be approved. Other designs may be permitted if they blend with the character of the structure and the district. Porches may be enclosed with windows or screens provided that new windows be casements or double-hung units similar in proportion to other windows on the structure. Steps may be constructed of wood, concrete or brick. If wood is used, steps shall have risers and be enclosed on the sides by lattice or a wing wall. Rear yard decks shall have a railing as described above, shall have the underside screened by lattice or evergreen shrubs, and all parts of the deck, except the flooring and steps, shall be painted or opaque-stained in a color to blend with the colors on the structure.
8. Second Exits. Second exit platforms and stairways shall be as unobtrusive as possible. No second exit platforms or stairways shall be permitted on the

front facade of a structure. When possible, second exit stairways shall be provided on the interior of the. When this is not possible, they shall be added onto the rear section of the structure. Railings and design shall follow the railing and deck standards listed under "Porches" above.

9. Additions and Other Alterations. New additions on the front of the structure are prohibited. Additions on the sides or rear shall be permitted if they are compatible with the structure in architectural design, scale, color, texture, proportion of solids to voids and proportion of widths to heights of doors and windows. Materials and architectural details used in additions and alterations shall duplicate in texture, appearance, and design, the materials and details used in the original construction of the structure or of other structures in the district. The Landmarks Commission may approve an exception to this policy where the existing structure materials and architectural details differ from the original. Additions and exterior alterations that exactly duplicate the original materials in composition are encouraged. Additions or exterior alterations that destroy significant architectural features are prohibited. Side additions shall not detract from the design composition of the original facade.
10. Foundations. The original or existing finish on the foundation shall be retained. Brick or stone shall not be covered with a cementitious or other surface. Foundation insulation shall be applied only to the interior. Basement windows may be removed provided that the space is filled with a material to match as closely as possible the appearance of the surrounding foundation and provided that the new material is inset at least one inch from the plane of the wall.
11. Tuckpointing and Brick Repair. Mortar and other materials used in brick repair shall match the original in color, hardness and appearance. Brick shall not be painted.
12. Storm Windows and Doors. Storm windows and doors shall be enameled, painted or otherwise coated with a colored surface; raw aluminum is prohibited. Storm door designs of wood and glass to match the original design on the structure or on similar structures in the district is encouraged. Storm doors of simple design with no stylistic references (e.g., colonial cross-bars) may also be used. Storm doors with metal grilles may be approved provided that they blend with the style of the structure.

(25) First Settlement Historic District.

- (a) Purpose and Intent. It is hereby declared a matter of public policy that a specific area of the city be identified, designated and protected because of its special character of historic interest and significance. This area, to be called the First Settlement Historic District, shall be described generally by the map and specifically by the legal description on file in the City Clerk's Office. The purpose and intent of this ordinance shall be to designate this area in accordance with Section 33.19(9) entitled "Creation and Amendment of Historic Districts" of the Madison General Ordinances.
- (b) Standards for the Creation of the First Settlement Historic District. In that the First Settlement Historic District reflects the broad cultural, political, economic and social history of Madison, the state and the nation and in that elements within the district meet designation standards in Section 33.19(7) of these ordinances, specifically that they are identified with historic personages or with important local historical events and/or that they embody the distinguishing characteristics of an architectural type specimen, inherently valuable for a study of a period, style, method of construction or of indigenous material or craftsmanship, the area described by the map and legal description shall be designated an historic district.
- (c) Standards for the Review of New Principal Structures.
 1. Structure Height, Scale, Proportion and Rhythm. New principal structures shall be similar in height to the structures directly adjacent to each side. If the structures directly adjacent to each side are different in height, the new structure shall be of a height compatible with the structures within the visually related area of the proposed structure. New principal structures shall be compatible with the scale, proportion, and rhythm of masses and spaces of structures within the visually related area of the proposed structure.

2. Siding Materials. Narrow gauge clapboards made of wood, composite wood material, or concrete, and/or brick and stone may be permitted. Stucco and split-faced concrete block may be permitted only as trim, rather than the primary siding material. Stucco panels and pebble dash are prohibited. If the first two floors of a proposed structure are masonry, the Landmarks Commission may permit the use of artificial siding (i.e. vinyl or aluminum) on the upper floor or floors. In such circumstances, the artificial siding must conform to the following requirements:
 - a. The material shall be of the highest grade offered by the manufacturer.
 - b. The material shall have a minimum gauge of .042.
 - c. The color and sheen of the siding shall be consistent with those used in the era in which adjacent structures were constructed.
 - d. The siding shall not have a false wood grain.
 - e. The width of each apparent clapboard shall not exceed four (4) inches.
 - f. The use of visible j-channel trim and other prefabricated elements that differ in appearance from those used on historic structures in the neighborhood is prohibited.
 3. Roof Materials. Roofing materials shall be asphalt shingles; fiberglass or other composition shingles similar in appearance to multi-layered architectural shingles or 3-in-1 tab; or Dutch lap, French method or interlock shingles. Sawn wood shingles may also be approved. Thick wood shakes are prohibited. Vents shall be located as inconspicuously as possible and shall be similar in color to the color of the roof. Rolled roofing, tar-and-gravel, rubberized membranes and other similar roofing materials are prohibited except that such materials may be used on flat or slightly sloped roofs that are not visible from the ground.
 4. Roof Shape. If a principal structure does not have a flat roof, the pitch of the new roof shall be no less than 4-in-12.
 5. Facade Design. Street facades shall be modulated with setbacks incorporated into the design at the first floor level. The entrance shall either be inset or projecting from the plane of the main facade. Porches on main entrances are encouraged. Street facades shall reflect the rhythm and directional expression of pre-1930 structures within the visually related area.
 6. Windows and Doors. The proportion of width to height of doors and windows and the proportion of solids to voids in the front and side facade designs shall be similar to pre-1930 structures within the visually related area. Windows trimmed with bead molds similar in design to other pre-1930 window trim in the district and windows and doors shall be inset at least one (1) inch from the exterior trim. The main entrance to the structure shall be on the front facade. Garage doors shall be located on the side or rear facades whenever feasible. If it is not feasible to locate the garage door on the sides or rear facades, one-car garage doors will be permitted on the front facade.
- (d) Standards for the Review of Exterior Alterations and Repairs. All additions, exterior alterations and repairs must be compatible with the historic character of the structure and the First Settlement Historic District. The standards listed below are intended to maintain an historically accurate appearance. Modern materials that do not meet the exact requirements of the standards but which duplicate the historic appearance may be considered on an individual basis in the waiver procedure listed in Section 33.19(17) above.
1. Porches. Porches that are original to the structure, or that pre-date 1930 and blend with the historic character of the structure, shall be retained, rehabilitated or rebuilt to match the original in all details. Porches on street facades may be enclosed with wood-framed screens, on the condition that the railing must be retained or restored in a design compatible with the historic character of the structure. Porches on street facades shall not be enclosed as a heated space. If a porch is on a street facade and the owner can demonstrate to the Landmarks Commission that it is beyond repair, then

a new porch must be constructed in its place. Construction of new porches to approximate the dimensions of original porches is encouraged.

All porches shall present a finished appearance, e.g., all floor joists shall be hidden from view and all porches shall be finished with ceilings and frieze boards. Porch ceilings shall have the appearance of narrow beaded boards, unless another original material is approved by the Landmarks Commission. First floor porch flooring shall be tongue-in-groove boards; carpeting and two-by-four (2 x 4) decking are prohibited. All wood on exterior porches, except flooring and stair treads, shall be painted or opaque stained.

All railings on porches shall be constructed of wood, or another material that duplicates the appearance of wood, with top and bottom rails. Bottom rails shall be raised above the floor level and shall be no higher than three and one-half (3 1/2) inches from the floor. All balusters on porch railings shall be square posts, unless the owner can demonstrate to the Landmarks Commission that a different design is original to the structure. If the building code requires a forty-two (42) inch high railing, the lower portion of the railing may be solid framed panels. Railings on stairways may be either wood to match the railings on the porch or wrought iron with one-by-one (1 x 1) plain vertical balusters. Twisted or other decorative wrought iron is prohibited. All balusters shall be constructed such that a four (4) inch ball may not pass through the railing at any point. All balusters shall be located in between the top and bottom rail and shall not extend across the face of either. Siding on porch rails is prohibited unless the existing rail is sided. Porch posts shall be trimmed with decorative molding at the top and bottom of the posts.

All porches and stairways shall be enclosed between the frieze under the first floor and the ground with a framed lattice of crisscross design, narrow vertical boards or other openwork design. The lattice shall be designed such that a three-(3) inch ball could not pass through any portion of the lattice. All stairways shall have solid wood risers.

Porches on street facades may be enclosed by storm windows. Storm windows on porches shall have the appearance of double-hung windows, with or without a transom, and shall fill the space between the top of the railing and the upper frieze board. When porches are enclosed, the railing area underneath may be filled in with solid framed panels. Porches on street facades shall not be enclosed as a four-season heated space.

2. Decks. Decks in rear yards will be approved by the Landmarks Commission provided that the design complies with par. 1., except that tongue-in-groove flooring is not required. Decks in front and side yards may be permitted if they are not replacing an entrance porch, do not detract from the historic character of the structure and neighborhood, and if they comply with par. 1.
3. Accessibility Ramps. It is the intent of this section to permit accessibility ramps wherever possible, especially when required by ADA provisions. Accessibility ramps shall be as inconspicuous as possible. Landscape screening shall be provided where possible. The details of such ramps shall conform to the requirements for porches in par. 1.
4. Windows. On the front facade and on side facades within ten (10) feet of the front facade, all original windows or pre-1930 windows that are compatible with the historic character of the structure shall retain their existing historic size, appearance, and trim detail. If any of the original windows or pre-1930 windows that are compatible with the historic character of the structure have true divided lights (i.e., with small panes of glass between muntin bars), replacement sash shall duplicate the existing appearance and have true divided lights. If windows have been altered in the past, restoration to the original appearance is encouraged. On side facades not within ten (10) feet of the front facade and on rear facades of the structure, the sills of original windows or pre-1930 windows that are compatible with the historic character of the structure may be raised to serve bathrooms and kitchens. In other respects, the design shall duplicate the original appearance of the existing

window. On side facades more than ten (10) feet from the front facade and on rear facades, new windows in locations where no window previously existed may be approved, provided they retain a similar ratio of height to width as original windows on the structure, are the same type of window as others on the structure (e.g., double-hung or casement), and are trimmed and finished to match the appearance of the other windows.

5. Entrance Doors. If the entrance door is original or is pre-1930 and blends with the historic character of the structure, it should be retained unless the owner can demonstrate to the Landmarks Commission that it is beyond repair. Metal doors may be approved, provided they blend with the historic appearance of the structure. Unpaneled, modern-style doors, and doors with a fake wood grain are prohibited. All doors shall be painted or varnished.
6. Double or Multiple Doors. Double or multiple doors, such as doors leading onto patios or decks, may be permitted, provided they have frames similar to full view doors. Raw aluminum or other metallic finishes are prohibited. Patio doors shall be painted or finished with a material that resembles a painted finish. Such doors on street facades shall be hinged doors, rather than sliding doors.
7. Storm Windows and Doors. Storm windows and doors shall be enameled, painted or otherwise coated with a colored surface to resemble a painted surface. Raw aluminum or other metallic finishes on storm windows and doors are prohibited. Painted or varnished storm doors of wood and glass to match the original design on the structure or on similar structures in the district are encouraged. Storm doors of simple design with no stylistic references may be used. Full view storm doors will be permitted. Storm doors with metal grills are prohibited.
8. Skylights. Skylights on the roof slope over the main street facade are prohibited unless not visible from the street. Skylights may be permitted on rear roof slopes and on side roof slopes, provided the front edge of the skylight is at least ten (10) feet back from the front edge of the main roof and provided that the skylight is not so obtrusive as to detract from the general appearance of the structure. Skylights on any roof area not visible from the ground will be permitted. The design of new skylights shall be as simple as possible, of the flat (not bubble) type, and finished to blend with the color of the roof.
9. Roof Materials. Reroofing shall be done with asphalt. Fiberglass or other rectangular composition shingles similar in appearance to 3-in-1- tab asphalt shingles. Sawn wood shingles also may be approved. Modern style shingles such as thick wood shakes, Dutch lap, French method, and interlock shingles are prohibited. Vents shall be located as inconspicuously as possible and shall be similar in color to the color of the roof. Rolled roofing, tar-and-gravel, rubberized membranes, and other similar roofing materials are prohibited, except that such materials may be used on flat or slightly sloped roofs that are not visible from the ground.
10. Dormers and Other Roof Alterations. New dormers shall match the appearance of original dormers on the structure in roof shape and material, width of overhang, siding, window design, and trim details whenever feasible. If the original roof shape is not practical, another shape may be approved, provided that it does not detract from the historic character of the structure or the neighborhood. New dormers shall be no less than twelve (12) feet from the front edge of the roof. The ridge line of a new dormer shall not extend above the ridge line of the main roof of the structure unless such higher roof line is not visible from the ground. Shed dormers behind existing dormers or gables on non-street sides of the structure may be approved, provided that the roof material, siding, window design and trim details match the original features of the structure. Other roof alterations shall be compatible with the roof shape and other historic features of the structure, such as siding and trim details, and shall not extend above the ridge line of the structure unless such extension is not visible from the ground.

11. Chimneys. The exterior appearance of original or pre-1930 chimneys visible from the street shall be maintained in good repair. The removal of the exterior portions of such chimneys is prohibited. Chimneys not visible from the street may be removed. New chimneys shall be constructed of brick, stone, stucco, or other compatible material. Metal chimneys are prohibited.
12. Siding. Original wood siding or pre-1930 siding that blends with the historic character of the structure shall be retained and restored as necessary, except that if the owner can demonstrate to the Landmarks Commission that the original siding is beyond repair, it may be replaced with wood, composite wood, or concrete clapboard siding to match the original or existing pre-1930 appearance. Restoration of original wood decorative details is encouraged. Soffits may be replaced or sided with wood or artificial materials, provided the appearance of the proposed material matches as closely as possible the original appearance.

Original brick, stone and stucco siding shall be retained. Installation of artificial siding on such structures is prohibited. Painting of unpainted brick is prohibited. Mortar and other materials used in brick repair shall match the original in color, hardness, and appearance.
13. Foundations. All original foundation masonry, such as brick, stone, or rusticated concrete block, shall be retained unless the owner can demonstrate to the Commission that significant repairs are required, in which case replacement with materials to duplicate the original appearance is encouraged. If duplicating the original appearance is not practical, other materials may be approved, provided they blend with the historic character of the structure and the district.
14. Additions. Additions on the front of the structure are prohibited, except for open porches. Additions on the sides or rear shall be permitted if they are compatible with the structure in architectural design, scale, color, texture, proportion of solids to voids, and proportion of widths to heights of doors and windows. Additions that exactly duplicate the original materials in composition are encouraged. Additions that destroy significant architectural features are prohibited. Side additions shall not detract from the design composition of the main facade. Siding on new additions shall be the same as the structure, unless the structure is masonry, in which case narrow-gauge clapboards will be permitted. Foundation material on additions shall duplicate the original foundation material whenever practical. Other foundation materials may also be permitted, provided they do not detract from the historic character of the structure.
15. Fire Escapes and Rescue Platforms. Fire escapes and rescue platforms shall be located such that they are as unobtrusive from the street as possible. No fire escapes or rescue platforms shall be permitted on the front facade of a structure unless the owner can demonstrate to the Landmarks Commission that no other location is practical. The design of fire escapes and rescue platforms shall comply with the requirements of par. 1., except that balusters on fire escapes and second exit platforms may be metal with one-by-one plain vertical balusters, painted to blend with the colors of the structure. Twisted or other decorative wrought iron is prohibited.
16. Lighting Fixtures. Lighting fixtures that are visible from the street shall be of a design that is compatible with the historic appearance of the structure.
17. Permanently Installed Air Conditioners. Permanently installed air conditioners shall be as inconspicuous as possible. Ground air conditioners shall be screened with landscaping where possible.
18. Shutters. The installation of new shutters requires approval of the Landmarks Commission. Shutters will be permitted, provided they are compatible with the historic character of the structure and are of a size that, if the shutters were workable, would cover the window opening.
19. Repairs. Repairs to structures shall either match the existing or the original appearance. Restoration to the original appearance is encouraged.

20. Alterations to Post-1930 Structures. Alterations to structures that post-date 1930 shall be compatible with the original character of the structure and shall not detract from the historic character of older structures in the district. Alterations that bring the structure into compliance with the regulations of this section regarding siding, decks, foundations, porches, the proportion of windows and doors, and the proportion of solids to voids of the street facades of such structures are encouraged. It is not the intent of this ordinance to create fake historic structures, but to allow modern style structures to retain their essential style while still blending with the appearance of historic structures in the district.
- (f) Standards for the Review of Accessory Structures, Fences and Retaining Walls.
 1. Accessory Structures. Accessory structures shall be compatible with the design of the existing structure on the zoning lot, shall not exceed fifteen (15) feet in height and shall be as unobtrusive as possible. Garage doors shall either be entirely flat or shall have approximately square panels. Horizontally paneled doors are prohibited. Windows shall be either double or single-hung units of a similar proportion to the windows on the structure or shall be six-paned (three panes across and two panes high) units similar to those seen on 1920s era garages. Siding may either match the siding on the structure or be narrow-gauge clapboard, vertical board-and batten, or a smooth stucco or stucco-like applied material. The roof shape shall have a pitch and style similar to the roof shape on the structure. The roof material shall match as closely as possible the material on the structure. Alteration of existing accessory structures shall comply with this subdivision and with subdivision (d).
 2. Fences. Chain link and rustic style fences, such as rough sawn wood or split rails, are prohibited in the front yard.
 3. Retaining Walls in Front Yards. For retaining walls in front yards, railroad ties, landscape timbers, boulders, and concrete blocks are prohibited. Poured concrete walls with a smooth rubbed finish and under twenty-four (24) inches in height, flagstone and stone ashlar are permitted. Proposals to construct front yard retaining walls of other materials must be submitted to Landmarks Commission for approval prior to installation.
- (g) Reference to Plan. The history of the First Settlement Historic District is derived from the Downtown Historic Preservation Plan, City of Madison Department of Planning and Community and Economic Development, 1998."

2. The City Attorney is directed to make corresponding changes to other City ordinances to reflect these changes related to the Landmarks Commission ordinance.

(3) Public Nuisances to Be Abated.

(a) No person may maintain or permit a public nuisance within the City.

(b) The Common Council determines that the following conditions constitute a public nuisance, in that such conditions may result in injury to persons or property, and may unlawfully and substantially interfere with public use and enjoyment of streets, sidewalks and other public space, or may threaten the City's interests, as expressed in Sec. 33.19(1), in identifying, protecting, promoting, conserving, and using historic resources:

1. Tree branches or shrubs which extend into the space over a public sidewalk so as to interfere with use of the sidewalk by the public. Tree branches or shrubs interfere with public use of the sidewalk if they extend into the space directly above the sidewalk at a height of less than seven (7) feet above the surface of the sidewalk.
2. Tree branches which extend over street right of way at a height of less than twelve (12) feet above the surface of streets classified as arterial streets or bus routes.
3. Trees, branches, or parts thereof which are broken, diseased, weakened or dead, and which are in a position in which, if they were to fall, could fall upon the sidewalk or public right of way or could cause injury to a person or damage to property.
4. Accumulations of debris, rubbish or garbage, waste building materials which constitute a hazard, rodent harborage or infestation and accumulations of animal feces.
5. A finding by the Landmarks Commission that the property is undergoing Demolition by Neglect pursuant to Sec. 33.19(1)(e).