

November 30, 2021

POLICY ISSUES

1. Definition of Developed public right of way?

CLARIFY

- Is there a non-developed public right of way – engineering green space?
- Should views from the lake count? What about Period Park? Bike path?

2. Protection of historic resources not visible from the developed public right-of way?

How will we protect historic resources not visible from developed right of way? For example, 142, 144, 150 Langdon which are accessed through easements, not a street/developed public right of way, or 130 Langdon that sits down a hillside behind 126 Langdon?

Under the current draft ordinance, a building not visible from the developed public right-of-way could:

- Remove historic features on any elevation.
- Remove a chimney or alter its appearance.
- Alter the roof form.
- Add any type of skylight.
- A roof could have any kind of vent.
- Add new window openings.
- Raise sills on the front of the structure.
- Enclose a porch.
- Install any mechanical equipment on the roof.
- Use exterior mounted conduit everywhere
- Install antennas, satellite dishes, or communications equipment anywhere on the roof.

3. Should non-contributing buildings be held to the same standards for repairs, maintenance, and alterations?

POLICY

E.g., Shorecrest East, a mid-century modern building at 1029 Spaight needed COA for new railing that had to meet code and preserve modernist building aesthetic.

From the staff report: “While the letter of intent states that the railings will have the same appearance as the existing railings, the style will not replicate the current geometric design and instead have simple horizontal balusters. Staff had previously asked for the replacement railings to replicate the existing design with modifications, such as a thin grill located on the interior of the railing, to make the railing code compliant while maintaining the distinctive character of the railings.”

4. ADD Preservation of Historic Features to Standards for Maintenance to (2) Building Site (a) General or add new #8. “Site features such as historic signs and carriage stepping stones shall be protected and maintained.”

5. **ADD back the deleted language for measuring 200 feet to 41.03, highlighted below.** It clarifies that improvements outside of 200 feet but on a lot within 200 feet should be included as historic resources within 200 feet.

Proposed 41.03 GENERAL ADMINISTRATIVE PROVISIONS (5) Measuring 200 Feet Around Properties. Certain provisions of this chapter reference properties that are within two hundred (200) feet of a subject property. Under this chapter, measurements around properties shall be taken from the lot lines of the subject property two hundred (200) feet in all directions. In the case of landmark properties, measurements shall take into account all historic resources within the 200 foot measurement. In the case of historic districts, measurements shall take into account all historic resources within 200 feet that are contained within the district.

Existing 41.03 GENERAL ADMINISTRATIVE PROVISIONS (5) Measuring 200 Feet Around Properties. Certain provisions of this chapter reference properties that are within two hundred (200) feet of a subject property. Under this chapter, measurements around properties shall be taken from the lot lines of the subject property two hundred (200) feet in all directions. **Any improvements located on lots that fall within this measurement shall be considered within two hundred (200) feet of the subject property.**

6. **Should the process be simplified if approved for tax credits?**

The Historic Preservation Plan provides (page 44):

OBJECTIVE 4d: PROVIDE CLEAR AND PREDICTABLE CITY PROCESSES.

STRATEGIES:

...

4d-ii. Allow an expedited/simplified review process for tax credit projects.

Develop incentives that allow projects to be streamlined if following all the required historic preservation regulations.

7. **Underrepresented Communities Intensive Survey**

The Underrepresented Communities Intensive Survey, prepared as part of the Historic Preservation Plan, identifies structures for potential nomination as a City Landmark.

Although these structures are not subject to the ordinance, should they be recognized to a limited extent? Should LORC propose an ordinance change that a Landmarks' report on a proposed demolition needs to disclose that a structure is a potential landmark under the Intensive Survey?

8. **Extend the Third Lake Ridge period of significance to 1944**

Should the period of significance be extended from 1929 to 1944? This would make the district consistent with the Jenifer-Spaight National Register Historic District. Third Lake Ridge has over 600 historic resources and an extension would add 35-42 additional historic resources.

9. Define a percentage of a building that needs to be commercial in order for a building to be called a commercial building.

Commercial buildings are generally set closer to the sidewalk. In order for a building to be deemed commercial should there be a minimum percentage of the building that needs to be commercial?

For example, 817 Williamson was allowed to be sited near the sidewalk because it had 775 square feet of commercial space. The building, per the letter of intent, had 19,004 square feet of residential space. Less than 10% of the ground floor space was devoted to commercial use.

CLARIFICATIONS

1. Proposed 41.11: “Strike current 41.11 (1)(d) and all of 41.11(2), make 41.07(2) and 41.07(3) a requirement for historic district designations.”

(a) DELETE: “make 41.07(2) and 41.07(3) a requirement for historic district designations.” This is already addressed by existing 41.10(2) and (3)(a).

(b) Strike current 41.11 (1)(d) and all of 41.11(2), but add that the ordinance should be changed to account for any exception to the standards (e.g., in the existing draft: “Additions to structures in Marquette Bungalows Historic District shall be no taller than the existing historic resource.”).

Comparison of 41.07(2) and 41.07(3) to 41.10(2) and (3)(a).

41.07 - DESIGNATING LANDMARKS.

(2) Standards . A site, improvement, or site with improvements may be designated as a landmark if the proposed landmark meets any of the following:

(a) It is associated with broad patterns of cultural, political, economic or social history of the nation, state or community.

(b) It is associated with the lives of important persons or with important event(s) in national, state or local history.

(c) It has important archaeological or anthropological significance.

(d) It embodies the distinguishing characteristics of an architectural type inherently valuable as representative of a period, style, or method of construction, or of indigenous materials or craftsmanship.

(e) It is representative of the work of a master builder, designer or architect.

(3) Nomination . Any person may nominate a site, improvement, or site with improvements for designation as a landmark. The person shall submit the nomination to the City Planning Division, to the attention of the Preservation Planner, on a nomination form approved by the Landmarks Commission. The nomination shall clearly identify the proposed landmark, landmark site, and document why it qualifies under sub. (2). The Preservation Planner may ask the person to submit additional information and documentation as needed to complete or clarify the nomination. When the Preservation Planner determines that the nomination is complete, the Preservation Planner shall refer the nomination to the Landmarks Commission

41.10 CREATING AND AMENDING HISTORIC DISTRICTS.

(2) Criteria. A historic district shall be of particular historic, architectural, or cultural significance to the City of Madison, as indicated by at least one of the following criteria:

- (a) The district is associated with broad patterns of cultural, political, economic or social history of the nation, state or community.
- (b) The district is associated with the lives of important persons, and/or with important events in national, state or local history.
- (c) The district encompasses an area of particular archaeological or anthropological significance.
- (d) The district embodies the distinguishing characteristics of an architectural type inherently valuable for its representation of a period, style, or method of construction, or of indigenous materials or craftsmanship;
- (e) The district is representative of the work of a master builder, designer or architect.

(3) Process.

- (a) Request. Any person, including the Preservation Planner, may request the creation 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 approved by the Landmarks Commission. The request shall clearly describe the proposed historic district or amendment, and shall clearly explain and document why the request should be approved. The Preservation Planner shall promptly notify the Landmarks 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 complete, the Preservation Planner shall refer the request to the Landmarks Commission.

ADD proposed 41.11(d): Identify any exceptions to the standards in Subchapter 41G that may be required.

- 2. Proposed Guidelines for Maintenance > Exterior Walls > Masonry** (5) If approved by the Preservation Planner and Building Inspection Division, or the Landmarks Commission, masonry that was not historically painted may have paint removed by allowing the property owner to remove peeling paint over time or by other nonabrasive means, such as low-pressure water and detergent and natural bristle or other soft-bristle brushes.

Question about conflict with requirements to Building Code. MGO 27.05(2)(e), Building Code, requires: "Any exterior surface treated with paint, stain, or other preservative shall be maintained so as to prevent chipping, cracking or other deterioration of the exterior surface or the surface treatment and to present an attractive appearance."

Remove from the guidelines and add to the ordinance so that a property owner can request an exception, otherwise appears to be in conflict with building code?

3. CLARIFY Changes to 9/1/21 draft (meeting minutes do not capture rationale for removal):

- The prohibition against vinyl siding was removed from the ordinance.
1/13/21 version: Re-siding with asbestos-style shingles, wide clapboards over six (6) inches in exposure, and vertical panels with faux wood grain texture, diagonal boards, vertical boards, rough sawn wood, rough split shingles and shakes, and vinyl siding are prohibited.
If there are allowable vinyl products should there be more info?
- Bay and bow windows
1/13/21 version: Except in structures constructed outside of the period of significance, vinyl, fiberglass, vinyl or fiberglass clad wood, aluminum, glass block, picture, bay, and bow windows are prohibited.
- Specified roofing materials
1/13/21 version: The following roof treatments are prohibited: thick wood shakes; corrugated or ribbed metal roofing panels; metal shingles; architectural asphalt shingles that have heavy faux shadowing; and any shingles with scalloped or staggered bottom edges.

4. Do repairs require LC/PP approval?

Proposed:

Under the general maintenance section: “Work beyond the level described below, as determined by the Preservation Planner, shall be considered a repair and be governed by the Standards for Repair section (Sec 41.xx).

Under the general repair section: “This section provides standards for building repair when the scope of a project exceeds normal on-going maintenance and a limited amount of repair of any exterior element is necessary. Work beyond the level described below, as determined by the Preservation Planner, shall be considered an alteration and be governed by the Standards for Alterations section (Sec 41.xx).

If repairs do not need a CoA, should there be definitions added for “repair” and “alteration” so that property owners know when LC/PP approval is required? Is an “alteration” something that requires a building permit? If some repairs require approval, what kind?

5. POLICY What triggers LC review for Repair and Alterations? 41.xx Spectrum of Review 2. “Staff can administratively approve Repair and Alterations proposals in conformance with the Landmarks Commission Policy Manual, or may refer the application to the Landmarks Commission for their review.”

Perhaps some examples can be given, such as roof replacement, projects that will result in only a minor change of appearance, construction of a small garden shed

6. 41.xx Standards for Additions

(1)(a) “New additions on the front of the principal structure are prohibited, except for restoring or reconstructing missing historic features that can be documented.”

Consider replacing “principal structure” with “historic resource.” Should historic garages also have front additions prohibited if visible from the developed public right-of-way?

Does this prohibit new front porches except when a past historic porch can be documented?

7. 41.xx Standards for Additions

(4) Roofs (b) Materials 2. CLARIFY “Any roofing materials shall be permitted on flat or slightly sloped roofs not visible from the developed public right-of-way.”

Is this needed? (4) Roofs (b) Materials 1. says: “Visible roof materials shall be similar to the historic roof materials on the structure.” So doesn’t that already mean that any roofing material can be used on areas not visible from the developed public right-of-way?

8. 41.xx Standards for Additions (5) Windows and Doors (c) 3. And Standards for Alterations (5) (g) 3.

“Storm doors shall be full-light or full-view, in the same color as the entrance door or trim.”

Is this too restrictive? Consider changing to: “Storm doors shall be wood or aluminum, in the same color as the entrance door or trim, and shall be compatible with the entrance door and the overall design of the building. Full-light or full-view doors are permitted.”

9. 41.xx Standards for Additions (7) Building Systems (d) and Standards for New Structures (4) Roofs (e):

“Rooftop decks or terraces and green roofs or other roof landscaping, railings, or furnishings shall be installed so that they are inconspicuous and minimally visible on the site and from the street.”

CLARIFY “minimally visible on the site and from the street.” It is not used anywhere else in the ordinance.

10. Clarify meanings and usage of visible.

“Minimally visible” (8 uses) versus “inconspicuous and minimally visible” (3 uses) versus “as unobtrusive as possible” (9 uses) versus “minimally visible and as unobtrusive as possible” (1 use) – what is the difference between these?

11. 41.xx Standards for Additions (6) Entrances, Porches, Balconies and Decks (b) 3. and Standards for New Structures (6) Entrances, Porches, Balconies and Decks (b) 1.

Additions: “Projecting, partially projecting, and inset balconies are prohibited on elevations visible from the developed public right-of-way.”

New Structures: “Projecting, partially projecting/inset, and inset balconies are prohibited on elevations visible from the developed public right-of-way, unless there is precedent on the historic resources in the district.”

Why does precedent count for new structures but not for additions? (The word “precedent” is used only one other time in the ordinance in 41.xx Standards for Alterations (1)(b) 3. “The introduction of conjectural features without historic precedent on the building shall be avoided.”)

Is there precedent in any historic district for projecting, partially projecting/inset, or inset balconies? Should a second-story front porch over a first-story porch count as precedent for a projecting/inset balcony?

GUIDELINES

1. Modify the guidelines so that it is a document that can be used to help interpret the standards.

This includes:

- a new introductory paragraph;
- removal of items that are of a “how to do this” nature;
- expanded history and architectural sections for each district to heighten each district’s sense/character; and,
- several suggestions and questions (highlighted in yellow).

2. Modify the definition of Guidelines in the ordinance.

Current: “Guideline means a principle put forward to help determine a course of action.

Under this ordinance, guidelines adopted in a historic district shall serve as a collective set of principles to promote architectural compatibility of new construction and exterior alterations in a historic district.”

Proposed: “Guidelines mean the document duly adopted by the [Landmarks Commission or Common Council] to assist in applying the Historic District Standards, Subchapter 41G, in a manner which promotes the preservation of the City’s historic resources and which promotes the architectural compatibility of new construction and exterior alterations.”

3. Expand the section on New Structures to provide more guidance.

The ordinance says Landmarks “shall consider” various factors. The expansion of this section in the Guidelines provides more details on what should be considered, some broad direction on evaluation of the various factors, and includes some illustrations.

4. Add a section to the draft ordinance.

41.XX STANDARDS FOR NEW STRUCTURES

(1) General

(a) New structures should respect the scale of the historic resources. “Scale” means the relationship of the size and proportions of individual parts of a structure to the whole structure; and the relative size and proportions of a structure in relation to pedestrians and to the historic resources.

(b) New structures should generally be consistent with the existing height of historic resources within two hundred (200) feet. Absolute alignment with the rooflines or cornice lines of adjacent buildings is not essential, but buildings should not exceed the height of their neighbors by a significant amount.