

April 5, 2019

## **Standards for New Construction in Historic Districts**

### **Comments by the Madison Alliance for Historic Preservation**

The Madison Alliance for Historic Preservation has the following comments on the city planning staff proposal dated March 14, 2019, related to *new construction* in historic districts:

#### **Standards for New Construction; General**

We agree that there should be *basic minimum standards* for new construction in all historic districts. The *basic minimum standards* for new construction should be clear, concise, objective and measureable. They should use direct statements like “shall” rather than vague statements like “may consider” (or even “shall consider”). Key terms should be clearly defined, and consistently used. The standards should be easy for property owners and the general public to read and understand.

Under the staff proposal, new structures in a historic district must be visually compatible with historic resources located within 200 feet of the new structure. We believe that new structures should **also** be visually compatible with the overall character of the historic district (even if there are no individual historic resources within 200 feet).

The staff’s proposed criteria for determining visual compatibility can also be improved. There will always be room for judgment in individual cases; but, in our view, the following criteria would provide much greater clarity for the Landmarks Commission, property owners and the public (terms in *italics* are defined below):

**(1) New Primary Structures.** A new *primary structure* shall be *visually compatible* with the historic district, and with each *historic resource* located within 200 feet of the new structure, based on all of the following factors:

(a) Size. Its actual and apparent size, as indicated by its *height*, number of stories above grade, *gross volume*, *bulk* and *front façade area*.

(b) Lot Relationship. Its relationship to the lot on which it is located, as indicated by its lot coverage and the size of its front, side and rear yards.

(c) Form. Its overall form, as indicated by its shape, *massing*, directional expression, proportion of width to height, symmetry or asymmetry, roof style, roof shape and roof pitch.

(d) Block Face Relationship. Its relationship to each block face of which it is part, including its effect on the collective visual pattern formed by the sizes of, shapes of, and distances between existing structures in the block face.

(e) Door and Window Openings. The sizes, shapes, proportions and patterns of door and window openings on its *visible facades*.

(f) Façade Articulation. The articulation of its *visible facades*, including the patterns created by building planes, wall recesses and protrusions, and defining architectural features such as entrances, porches, balconies, columns, overhangs and dormers.

- (g) Exterior Surfaces. Its exterior surface textures, materials and detailing.
- (h) Accessory Structures. The size, form, location, character, and inconspicuousness of its *accessory structures*, if any.
- (i) Landscape. The *landscape* of the lot on which it is located, including landscaping improvements.

**(2) New Accessory Structures.** A new *accessory structure* shall be visually compatible with the *primary structure*, the historic district, and each *historic resource* located within 200 feet of the new accessory structure. *Accessory structures* shall be as inconspicuous as possible, when viewed from a *developed public right-of-way*.

**(3) Additions and Alterations.** *[Staff recommendations pending.]*

## **General vs. District-Specific Standards**

The staff proposal also includes detailed requirements and prohibitions related to roofing materials, siding materials, window styles, door styles, chimneys, skylights, solar panels, rooftop features, entrances, porches, stairways, decks, shutters, awnings, mechanical and electrical equipment, fences, landscape features, landscaping materials, parking lots, etc. To cite just one example, the staff proposal *flatly prohibits* metal and vinyl siding of any kind. It applies “one-size-fits-all” restrictions of this sort to *all commercial, residential, industrial and institutional properties in all historic districts*, regardless of context.

We agree that detail can be important for clarity. But we have deep reservations about imposing detailed “one-size-fits-all” standards on all properties in all historic districts, including historic districts that might be created in the future. Although some provisions might lend themselves to broad general application, most should be addressed in carefully nuanced, district-specific ordinances (as they have been for decades).

District-specific ordinances can take into account the unique styles, characteristics, periods of significance, purposes and needs of individual historic districts, and can also apply different standards to different *portions* of those districts (e.g., commercial vs. residential areas). Local context matters: what is appropriate for one district or area may be inappropriate for another.

We agree that the content, organization and drafting of current district-specific standards can be improved. Mansion Hill and Third Lake Ridge, in particular, need more detailed standards. For other districts, we have provided draft edits to improve the clarity and readability of current standards, and to ensure their consistency with state law (see “District-Specific Ordinances: How They Would Look” – Alliance Draft dated March 18, 2019). A few of these district-specific standards might work as general standards.

However, we strongly oppose the idea of demolishing the current body of district-specific standards (which have been developed over decades with neighborhood support), and replacing them with completely new, untried, “one-size-fits-all” general standards that may end up being too vague, too restrictive, or just plain “tone deaf” when applied in the diverse contexts of individual districts.

## Definitions

We propose the following definitions for terms used in our proposed general standards for new construction (see above):

**Accessory structure** means a structure that is located on the same lot as a primary structure, and which is separate from and incidental to the use of the primary structure. *Accessory structures* include structures such as detached garages, parking facilities and storage sheds. *[New definition.]*

**Bulk** means a structure's apparent size relative to its site and context, as reflected by all of the following:

- Its height and gross volume.
- The location of its exterior walls, at all levels, relative to lot lines, adjacent streets and adjacent structures.
- Sizes of its front, side and rear yards. *[New definition.]*

**Character** means the overall visual impression created by a structure, place or thing. In the case of a structure, it means the overall visual impression created by all of the relevant exterior attributes referenced in section 41.xx *[see above]* and in any applicable historic district ordinance under Subchapter G. In the case of a historic district, it means the overall visual impression created by the combined exterior attributes of all historic resources in the district. *[Current definition amended.]*

**Developed public right-of-way** means a right-of-way that has been developed to accommodate public vehicular, bicycle or pedestrian traffic. It includes streets, mass transit lines, paved bicycle paths and paved sidewalks, but does not include service alleys. In the case of a street, it includes the street, street terraces, and all paved bicycle paths and paved sidewalks that run along the street. *[New definition.]*

**Front Façade** means the facade of a structure that faces the street that is identified in the structure's street address. If a structure is located on a corner lot, the façade that faces the second street forming the corner constitutes an additional, and separate, *front façade*. *[New definition.]*

**Front Façade Area** means the combined total area, in square feet, of all street-facing walls on a *front façade*. *[New definition.]*

**Gross volume** means the total volume in cubic feet that is encompassed by the exterior surfaces of a structure from grade to roofline, including the volumes of component features such as dormers, attics, penthouses, attached garages, crawl spaces under enclosed portions of the structure, and above-grade portions of parking facilities located under enclosed portions of the structure. It does not include open porches or decks, crawl spaces under open porches, roofless courtyards, open balconies, open canopied areas, or portions of a structure that are below grade; nor does it include features such as trim, cornices, pilasters, buttresses and overhangs that extend beyond the outside surfaces of exterior walls. *[Current definition amended.]*

**Height** of a structure means the vertical distance in feet measured from the structure's arithmetic mean grade level, calculated on the basis of grade level measurements taken at no more than 10 foot intervals around the foundation perimeter, to the highest point of the structure. In the case of a building, the highest point of the structure means the highest point of the roof or parapet, whichever is higher. *[Current definition amended.]*

**Historic resource** means a building, structure, sign, feature, improvement, site, or area having significant architectural, archaeological, anthropological, historical, or cultural value that has been designated as a landmark or that is designated as a historic resource by a historic district ordinance. *[Current definition amended.]*

**Landscape** means the improvements, topography, plants and open spaces in an area, including their arrangement and patterns. *[Current definition amended.]*

**Massing** means the geometrical configuration of a structure's gross volume. For example, the *massing* of a Queen Anne style house differs from the *massing* of a plain cube that has the same *gross volume* as the house. *[New definition.]*

**Primary structure** means a structure that accommodates the principal use of the lot on which the structure is located. *[New definition.]*

**Visible façade** means any portion of a façade that is readily visible from a developed public right-of-way, lake or river that is directly adjacent to the lot on which the structure is located, except that it does not include a rear façade that is only visible from a bike path, walkway or service alley. *[New definition.]*

**Visually compatible** means harmonious in character. A structure need not create a false impression of age or historic style in order to be visually compatible with a historic resource. *[Current definition amended.]*

### ***Changes to Other Parts of the Current Ordinance***

The staff proposal would also reorganize other parts of the current historic preservation ordinance, Chapter 41 MGO. Although we are not opposed to careful organizational improvements, we would be inclined to minimize the number and scope of such changes. The current ordinance reflects a very recent and thorough LORC review process, which involved much collective study and compromise. We should be careful about making hasty organizational changes that might have unintended consequences, or adversely affect the logical sequence of the current ordinance.