

# Proposed Historic Preservation Ordinance

## Preliminary Discussion Draft Proposed by the Madison Alliance for Historic Preservation

### *Plain Language Summary*

This ordinance modifies Chapter 41 of the Madison General Ordinances (MGO), related to historic preservation and historic districts. Madison currently has 5 *historic districts*, including the Mansion Hill, Third Lake Ridge, University Heights, Marquette Bungalows, and First Settlement districts. The current districts comprise less than one percent of city's land area. Other districts may be created by ordinance in the future. For each current district, the current ordinance spells out historic preservation *standards*. Current *standards* vary within and between districts, reflecting the diversity of the districts themselves.

This ordinance does the following:

- Spells out general principles to guide the creation and amendment of *standards* for individual *historic districts*. These principles will encourage a reasonable degree of consistency between districts, while allowing needed flexibility.
- Retains current district-specific *standards*, pending further review, but redrafts them for clarity, ease of reference, consistent use of terms, and compliance with recent state law changes [Wis. Stats. s. 62.23(7)(em)2m].
- Authorizes *historic district* committees, appointed by district alders, to propose new or modified *standards* for individual *historic districts*. New district-specific *standards* will take effect if and when adopted by the Common Council by ordinance.
- Defines key terms, and *italicizes* defined terms in the ordinance text, to provide greater clarity and consistent use of terms.
- Reorganizes Chapter 41, MGO to incorporate these changes, and to improve overall clarity, consistency, and ease of reference.

### **Updating Current District-Specific Standards**

Madison's current *historic districts* have diverse historic preservation goals, land use patterns, architectural styles, property characteristics and development challenges. The current districts were created at different times, beginning with the Mansion Hill district in 1976. The older districts (Mansion Hill and Third Lake Ridge) have rather sparse and vaguely worded historic preservation *standards*, while the newer districts (University Heights, Marquette Bungalows and First Settlement) have more detailed *standards*. The current district standards have served for several decades, but should be updated as appropriate.

This ordinance spells out general principles to guide the development of district-specific *standards*, but does not directly prescribe or limit those *standards*. The general principles will encourage reasonable consistency of standards, and a basic minimum level of protection, but will allow needed flexibility between *historic districts*. The general principles are not legally binding on property owners, except as implemented by district-specific ordinance *standards*. This ordinance retains current district-specific ordinance *standards*, pending further review, but redrafts them for clarity, ease of reference, and compliance with recent state law changes [Wis. Stats. s. 62.23(7)(em)2m].

Under this ordinance, an alder representing an aldermanic district in which a *historic district* is located may appoint a committee of *historic district* property owners and residents to recommend new or revised *standards* for the *historic district*. The alder may submit recommended *standards* to the city's *Preservation Planner*. Proposed district-specific *standards* take effect if and when the Common Council adopts them by ordinance, following review by the Landmarks Commission and the City Plan Commission. Ordinance *standards* may be accompanied by suggested *guidelines* to help property owners comply with the *standards*.

## Landmarks

This ordinance clarifies, but does not substantially alter, the current treatment of *landmarks* and *landmark sites*. *Landmarks* are properties that the Common Council has individually designated as *landmarks* because of their outstanding historic significance. Some *landmarks* are located in *historic districts*, but others are not. Most properties in *historic districts* are not individually designated as *landmarks*. A *landmark* located in a *historic district* must meet the *standards* for *landmarks* as well as the *standards* for that *historic district*.

## Property Owner Responsibilities

This ordinance makes it easier for *landmark* owners and property owners in *historic districts* to understand and fulfill their historic preservation responsibilities. It clarifies applicable historic preservation *standards*, clarifies the types of projects that require city approval, clarifies the current process for obtaining project approvals and variances, and clarifies current appeal procedures. Property owner responsibilities are listed in a single Subchapter, for greater ease of reference.

## Ordinance Administration

This ordinance clarifies current administrative procedures to ensure a fair, effective, efficient and transparent historic preservation process. It spells out the separate but coordinated roles of the *Landmarks Commission*, the *Preservation Planner*, the *Building Inspector* and the Common Council. It combines current enforcement provisions in a single Subchapter for greater ease of reference. It also defines key terms and *italicizes* defined terms in the ordinance text, to ensure consistent use of terms.

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### ***The Common Council of the City of Madison ordains as follows:***

Chapter 41 of the Madison General Ordinances is repealed and recreated to read:

#### **CHAPTER 41: HISTORIC PRESERVATION**

##### **SUBCHAPTER A – GENERAL PROVISIONS**

- 41.01 Policy and Purpose
- 41.02 Definitions
- 42.03 General Administrative Provisions

##### **SUBCHAPTER B – LANDMARKS COMMISSION**

- 41.04 Landmarks Commission
- 41.05 Preservation Planner
- 41.06 Public Hearings and Hearing Notices

##### **SUBCHAPTER C – DESIGNATING LANDMARKS**

- 41.07 Designating a Landmark
- 41.08 Rescinding a Landmarks Designation

##### **SUBCHAPTER D – CREATING AND MODIFYING HISTORIC DISTRICTS**

- 41.09 Creating and Modifying Historic Districts; General
- 41.10 Historic District Standards; Guiding Principles

##### **SUBCHAPTER E – PROJECT APPROVALS**

- 41.11 Requesting Approval
- 41.12 Review and Decision
- 41.13 Decision Criteria
- 41.14 Approval Terms, Conditions and Effect

## **SUBCHAPTER F – VARIANCES AND APPEALS**

- 41.15 Variances; General
- 41.16 Variance Criteria
- 41.17 Appeals to the Common Council

## **SUBCHAPTER G – ENFORCEMENT**

- 41.18 Public Interest in Enforcement
- 41.19 Enforcement Roles
- 41.20 Demolition by Neglect; Enforcement
- 41.21 Civil Forfeitures
- 41.22 Remedial Orders

## **SUBCHAPTER H – PROPERTY OWNER RESPONSIBILITIES**

- 41.23 Owners of Landmarks and Landmark Sites
- 41.24 Owners of Property in Historic Districts

## **SUBCHAPTER I – HISTORIC DISTRICTS**

- 41.25 Mansion Hill Historic District
- 41.26 Third Lake Ridge Historic District
- 41.27 University Heights Historic District
- 41.28 Marquette Bungalows Historic District
- 41.29 First Settlement Historic District

## **SUBCHAPTER A GENERAL PROVISIONS**

**41.01 POLICY AND PURPOSE.** The Common Council recognizes that the City of Madison contains *buildings, structures, signs, architectural features, landscape features*, sites, and areas that have significant architectural, archaeological, anthropological, historical, and cultural value. The Common Council further recognizes that these historic assets represent the City's unique heritage, contribute to the health, prosperity, safety and welfare of the City's residents, and serve as a source of great interest to the City's residents and visitors. The Common Council therefore finds that it is in the public interest to identify, protect, preserve, promote, conserve and use historic assets within the City. The purpose of this Chapter is to:

- (1) Identify, protect, promote, preserve, conserve and use the City's historic assets, including its designated *historic districts* and *landmarks*.
- (2) Ensure that the City's growth sensitively incorporates the City's historic assets.
- (3) Enhance the visual and aesthetic character of the City by ensuring that new design and construction, when it occurs, complements the City's historic assets.
- (4) Promote appropriate reinvestment in the City's *landmarks* and *historic districts* by allowing for new design and construction that preserves and complements the City's historic assets and conforms to *historic district standards*.
- (5) Safeguard the City's historic assets, and the investments made in them, by creating and enforcing clear preservation and maintenance standards.
- (6) Recognize that the city's historic assets are economic assets that can attract residents and visitors, create jobs, stabilize and improve property values, and stimulate business and industry.
- (7) Foster civic pride in the beauty and noble accomplishments of the past.
- (8) Promote the use of and investment in *historic districts* and *landmarks* for the education, pleasure and welfare of the people of the City.
- (9) Provide a clear regulatory framework for implementing, balancing, and accomplishing these public policies and purposes.

**Note:** This ordinance redrafts the above Section for clarity and readability, but does not change its substance.

**41.02 DEFINITIONS.** In this chapter:

**Accessory structure** means a *building* or other *structure* that is located on the same *lot* as a *primary structure*, but which is separate from and incidental to the use of the *primary structure*. *Accessory structure* includes things like detached garages, parking facilities and storage sheds.

**Addition** means a material exterior expansion of a *structure*.

**Alteration** means a material change to the exterior of a *structure*.

**Architectural feature** means a distinguishing exterior element of a *structure*, such as a dormer or other roof feature, chimney, porch, entryway, balcony, window, door, railing, column, stairway, trim or decorative element. It includes *historically representative* roofing or siding on a *historic resource*.

**Building** means a *structure* with a roof.

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

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

(a) Its *height* and *gross volume*.

(b) The location of its exterior walls, at all levels, relative to *lot* lines, adjacent streets and adjacent *structures*.

(c) The sizes of its front, side and rear yards.

**Certificate of appropriateness** means a certificate issued by the *Preservation Planner* pursuant to Subchapter E, authorizing a project that meets applicable historic preservation *standards* under this Chapter.

**Character** means the overall visual impression created by the exterior attributes and setting of a *structure*, place or thing. In the case of a *historic district*, it means the overall visual impression created by the combined exterior attributes and settings of all *historic resources* in the district.

**Demolition by neglect** means knowingly or negligently allowing a *landmark*, a *historic resource*, a *structure* on a *landmark site*, or a *structure* in a *historic district* to decay, deteriorate, become structurally defective, or otherwise fall into serious disrepair.

**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.

**Guideline** means a principle that may be used to help interpret and implement a *standard* to which it is relevant, but that is not directly enforceable as a *standard*.

**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 or decks, 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.

**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*. The highest point of a *building* is the highest point of its roof or parapet, whichever point is higher.

**Historic district** means a district created under Sec. 41.09 or a prior city ordinance. Current *historic districts* are identified under Subchapter I.

**Historic resource** means a *landmark*, or any property that is designated as a *historic resource* under Subchapter I.

**Historically representative** means original to a *historic resource* or characteristic of a *historic district's* period of significance.

**HVAC equipment** means external equipment related to the heating, ventilation, or air conditioning of a *structure*.

**Landmark** means any *structure*, *landscape feature*, or plot of land that has been designated as a *landmark* under Sec. 41.07 or a prior city ordinance.

**Landmark site** means the *lot* or *lots* on which a *landmark* is located.

**Landmarks Commission, or Commission**, means the Commission created under Sec. 33.19, MGO.

**Landscape** means the natural landscape and human modifications to it. *Landscape* includes land topography, *natural features*, *landscape features*, open spaces and the relationships between them.

**Landscape feature** means a built feature, other than a *primary structure* or *accessory structure*, which is integral to a *landscape*. It includes things like effigy mounds, driveways, paved walkways, ground-level stairways, patios, ornamental structures, fountains, monuments, sculptures, fences and retaining walls, and includes groupings of such features that have a collective identity.

**Lot** means a tract of land, designated by metes and bounds, land survey, minor land division or plat recorded with the Dane County Register of Deeds.

**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.

**Master** means an architect or designer of recognized greatness who is responsible for a body of published work or *structures* that are notable for their quality, innovation, or level of proficiency within the profession or craft.

**Natural feature** means a distinctive natural element of a *landscape*, such as a distinctive geological feature, natural landform, natural water element, or native plant community. *Natural feature* may include things like rock outcroppings, streams, ponds, springs, oak savannas and native prairies.

**Owner** of a property means the property *owner* of record, or a person who exercises legal custody, management or control of the property on behalf of the *owner* of record. If a property has more than one *owner*, each *owner* is jointly and severally responsible for complying with *owner* obligations under this Chapter.

**Period of significance** means the time period, specified in the ordinance creating a *historic district*, during which the *historic district* was associated with the important events, activities, persons, or characteristics that qualify the district for *historic district* status.

**Person** means an individual, corporation, partnership, limited liability company, cooperative, trust, association or business entity.

**Preservation Planner** means the individual designated under Sec. 41.05(1).

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

**Secretary of Interior's Standards** means the *standards* set forth in the U.S. "Secretary of Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings" (2017), 36 C.F.R. 68. The *Secretary of Interior's Standards*, to the extent that they are incorporated by reference in this Chapter, are enforceable *standards* for the purposes incorporated. The guidelines included with the *Secretary of Interior's Standards* may be used where relevant to interpret and implement the incorporated *standards*, but are not themselves enforceable *standards* except as otherwise specifically provided in this Chapter.

**Sign** means a graphic display for which a permit is required under Chapter 31, MGO.

**Standard** means a legal requirement under this Chapter related to a *landmark*, a *landmark site*, or property in a *historic district*.

**Street façade** means the facade of a *structure* that faces the street 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 *street façade*.

**Street façade area** means the combined total area, in square feet, of all street-facing walls on a *street façade*.

**Structure** means any *building* or other built form that is attached to land and extends above grade.

**Visible façade** of a *structure* means that portion of any 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.

**Visually compatible** means harmonious in *character*. A *structure* need not convey a false impression of age, or directly mimic a historic style, in order to be *visually compatible* with a *historic resource* or *historic district*.

#### 41.03 GENERAL ADMINISTRATIVE PROVISIONS.

- (1) **Computing Time Periods.** When this ordinance prescribes a period of time measured in days or years, the day of the act or event from which the designated period of time begins shall be excluded. When the prescribed period of time is less than 11 days, Saturdays, Sundays and holidays shall also be excluded.
- (2) **Conflicting Ordinances.** In the event of any conflict or inconsistency between this Chapter and another city ordinance, the ordinance that is more restrictive or that imposes a higher standard or requirement shall prevail, except as otherwise specifically provided by ordinance.
- (3) **Separability.** A court decision invalidating any provision or application of this Chapter does not invalidate any other provision or application of this Chapter, except as specifically provided by law or court order.
- (4) **Imminent Threat to Life, Health or Property.** This Chapter does not limit, or require Landmarks Commission approval for, any construction, reconstruction, *alteration* or demolition that is specifically ordered by a court or governmental agency to prevent an imminent threat to life, health or property.
- (5) **Measuring 200 Feet Around Properties.** *Historic resources*, current and proposed *structures*, and other current or proposed real estate features are within 200 feet of each other, for purposes of this Chapter, if the *lots* on which they are located are within 200 feet of each other at their closest point of proximity.
- (6) **Repair and Replacement Materials.** The standards in this Chapter shall be interpreted in a manner consistent with Wis. Stats. s. 62.23(7)(em)2m, which reads in relevant part as follows: "In the repair or replacement of a property that is designated as a historic landmark or included within a historic district ..., a city shall allow an owner to use materials that are similar in design, color, scale, architectural appearance, and other visual qualities."

### SUBCHAPTER B LANDMARKS COMMISSION

**41.04 LANDMARKS COMMISSION.** The *Landmarks Commission* shall do all of the following with advice and assistance from the *Preservation Planner*.

- (1) Administer this Chapter.
- (2) Carry out its responsibilities under Secs. 28.144, 28.185, and 33.19(2), MGO.

#### 41.05 PRESERVATION PLANNER.

- (1) The Department of Planning and Community and Economic Development shall designate a staff member as the *Preservation Planner*.
- (2) The *Preservation Planner* shall staff the *Landmarks Commission* and carry out the duties that the *Landmarks Commission* properly delegates to the *Preservation Planner* under this Chapter. In carrying out those duties, the *Preservation Planner* shall exercise his or her own professional judgment and expertise, consistent with this Chapter and subject to general oversight by the *Landmarks Commission*.
- (3) The *Landmarks Commission* may do any of the following by written policy:
  - (a) Authorize appeals, to the *Landmarks Commission*, of decisions by the *Preservation Planner*.
  - (b) Establish procedures, conditions, limitations and criteria for appeals under par. (a).

#### 41.06 PUBLIC HEARINGS AND HEARING NOTICES.

- (1) **Hearings; General.** The *Landmarks Commission* shall hold a public hearing whenever a hearing is required by this chapter, and may hold other hearings as necessary to carry out its responsibilities under Sec. 41.04 and Sec. 33.19, MGO.

**(2) Hearing Notices; General.**

- (a)** Prior to each hearing under sub. (1), the Commission shall issue a public notice announcing the date, time, location and purpose of the hearing.
- (b)** Hearing notices under par. (a) related to any of the following matters shall be issued in the form of a Class 2 Notice in the official City newspaper or as otherwise allowed under Wis. Stat. s. 985.07:
  - 1. The proposed designation of a *landmark* or the proposed rescission of a *landmark* designation under Subchapter C.
  - 2. The proposed creation or amendment of a *historic district* under Subchapter D.
  - 3. A proposed *certificate of appropriateness* under Subchapter E.
  - 4. A proposed variance under Subchapter F.
  - 5. A proposed finding of *demolition by neglect* under Sec. 41.20, or a proposed remedial order under Sec. 41.22.

**(3) Individual Notice; When Required.** In addition to issuing a public notice under sub. (2), the Landmarks Commission shall in the following cases provide individual notices of hearing to the following persons at least 10 days prior to the hearing date:

- (a)** If the hearing pertains to a specific site or *structure*:
  - 1. Each *owner* of record of the *lot* on which that site or *structure* is located.
  - 2. Each *owner* of record of each *lot* located within 200 feet of the site or *structure*.
- (b)** If the hearing pertains to the creation or amendment of a *historic district*:
  - 1. All *owners* of record of *lots* located wholly or in part within the *historic district*.
  - 2. The alder of each aldermanic district in which any part of the *historic district* is located.
- (c)** If the hearing pertains to a proposed *certificate of appropriateness* or variance, to the alder in whose aldermanic district the affected site or *structure* is located.

## SUBCHAPTER C DESIGNATING LANDMARKS

### 41.07 DESIGNATING LANDMARKS.

- (1) Common Council May Designate.** The Common Council, after considering the *Landmarks Commission* recommendation under sub. (5), may designate a *landmark* according to this Section. A *landmark* designation remains in effect indefinitely, unless rescinded under Sec. 41.08.
- (2) Criteria for Designation.** A *structure*, *landscape feature*, or *plot of land* may be designated as a *landmark* if it meets any of the following criteria:
  - (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 events 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 *structure*, *landscape feature* or *plot of land* 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* and the *lot* or *lots* on which it is located, and shall document why the proposed *landmark* meets the criteria under sub. (2). The *Preservation Planner* may ask the person to submit other 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*.

- (4) **Landmarks Commission Review and Public Hearing.** Whenever the *Landmarks Commission* receives a complete nomination under sub. (3), the Commission shall review the nomination. As part of its review, the Commission shall publish a hearing notice according to Sec. 41.06 and hold a public hearing on the nomination. The Commission may also gather relevant information from other sources.
- (5) **Landmarks Commission Action.** After the *Landmarks Commission* completes its review under sub. (4), the Commission shall submit a report to the Common Council supporting or opposing the proposed *landmark* designation. The Commission may recommend *landmark* designation subject to terms and conditions that are consistent with this Chapter. The Commission shall send notice of its recommendation to each *owner* of record of each *lot* on which the proposed *landmark* is located, at least 10 days prior to any Common Council action under sub. (6).
- (6) **Common Council Action.** After considering the *Landmarks Commission's* recommendation under sub. (5), and based on the standards under sub. (2), the Common Council shall vote to designate or not designate the property as a *landmark*. The City Clerk shall promptly notify the Building Inspector and the City Assessor of each *landmark* designation. The City Clerk shall record the designation with the Dane County Register of Deeds at the City's expense.
- (7) **Voluntary Supplemental Restrictions.** The Common Council may at any time supplement the terms of a *landmark* designation, pursuant to an agreement between the *landmark* owner and the *Landmarks Commission*, to enhance the preservation and protection of the *landmark*.
- (8) **Landmark Plaque.** Whenever the Common Council designates a *landmark* under sub. (6), the *Landmarks Commission* shall install a landmark plaque on the *landmark* or *landmark site*. The plaque shall be placed so that it is easily visible to passing pedestrians. In the case of a *landmark* structure, the plaque shall include the accepted name of the *landmark*, the date of its construction, and other information that the Commission considers appropriate. In the case of a *landmark* that is not a *structure*, the plaque shall include the common name of the *landmark* and other information that the Commission considers appropriate. If the Commission determines that a plaque is not appropriate because of the ecological or cultural sensitivity of a *landmark*, no plaque is required. No person may remove or modify a plaque without approval of the *Preservation Planner*.
- (9) **Amending a Landmark Designation.** Any person may petition the *Landmarks Commission* to amend a *landmark* designation. The process for amending a *landmark* designation shall be the same as that used to designate a *landmark* under this Section.

#### 41.08 RESCINDING A LANDMARK DESIGNATION.

- (1) **Common Council May Rescind.** The Common Council may rescind a *landmark* designation based on a *Landmarks Commission* determination under sub. (5).
- (2) **Requesting Rescission.**
  - (a) A person who has been the *landmark's* continuous *owner* of record since the *landmark* was designated, or who has inherited the *landmark* from such a person, may request a rescission of the *landmark* designation based on the criterion under sub. (3)(a). The requester shall submit the request in writing to the *Preservation Planner*, and shall include information and documentation to show that the proposed rescission meets the criterion under sub. (3)(a).
  - (b) A *landmark's* current *owner* of record may request rescission of the *landmark* designation based on the criterion under sub. (3)(b). The requester shall submit the request in writing to the *Preservation Planner*, and shall include information and documentation to show that the proposed rescission meets the criterion under sub. (3)(b).
  - (c) The *Preservation Planner* may ask a requester to submit additional information, as needed, to complete or clarify the request.
- (3) **Criteria for Rescission.**
  - (a) The Common Council may rescind a *landmark* designation based on a request under sub. (2)(a) if the *Landmarks Commission* determines that the requester cannot, despite a good faith effort, find a buyer for the *landmark* at a reasonable price because of its *landmark* designation. The Commission's determination shall be based on evidence in the record, including all of the following:



1. The current assessed value of the *landmark* property.
  2. Assessed values and real estate listings of comparable properties.
  3. All real estate listings for the *landmark* property, including disclosure statements, listing dates, asking prices, changes to asking prices, and dates of real estate showings.
  4. All purchase offers received by the *owner* for the *landmark* property.
  5. The value of improvements made to the *landmark* property since the date of *landmark* designation.
  6. Maintenance and repair costs incurred for the *landmark* property since the date of *landmark* designation.
- (b) The Common Council may rescind a *landmark* designation based on a request under sub. 2(b) only if the *Landmarks Commission* determines that the condition of the *landmark* has, through no fault of its *owner* under this Chapter, changed to the point that the *landmark* no longer meets the criteria for landmark designation under Sec. 41.07(2).
- (4) **Landmarks Commission Review and Public Hearing.** If the *Preservation Planner* finds that a request under sub. (2) is complete, the *Preservation Planner* shall refer the complete request to the *Landmarks Commission* for its review. The Commission shall hold a public hearing on the request, after giving prior notice under Sec. 41.06. The Commission may also gather relevant information from other sources.
- (5) **Landmarks Commission Determination.** After completing its review under sub. (4), the *Landmarks Commission* shall determine whether a request for rescission of a *landmark* designation meets the criterion under sub. (3) that applies to that request. The Commission shall report its determination, and the reasons for it, to the Common Council. The Commission shall send written notice of its determination to each *owner* of record of each *lot* on which the *landmark* is located, at least 10 days before any Common Council action under sub. (6).
- (6) **Common Council Action.** The Common Council may act on a request to rescind a *landmark* designation after it receives the *Landmarks Commission's* determination under sub. (5). If the Common Council rescinds a *landmark* designation, the City Clerk shall notify the Director of the Building Inspection Division and the City Assessor and shall record the rescission with the Dane County Register of Deeds at the City's expense.

## SUBCHAPTER D CREATING AND MODIFYING HISTORIC DISTRICTS

### 41.09 CREATING AND MODIFYING HISTORIC DISTRICTS: GENERAL

- (1) **Authority.** The Common Council, after considering the recommendations of the *Landmarks Commission* and the City Plan Commission under this Section, may do any of the following:
- (a) Create a new *historic district*.
  - (b) Amend an existing *historic district*. An amendment may include a boundary adjustment or an amendment of *standards* specific to that *historic district*, provided that the amendment complies with this Chapter.
  - (c) Reject a proposed historic district designation or amendment.
- (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, or 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* or any alder, may request the creation or amendment of a *historic district*. If the requester is someone other than the *Preservation Planner*, the requester shall submit the request to the *Preservation Planner*. The request shall be made in writing, 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. Upon finding that a request is complete, the *Preservation Planner* shall refer the request to the *Landmarks Commission*.
- (b) Landmarks Commission Review and Recommendation.** Upon receiving a complete request under par. (a), the *Landmarks Commission* shall publish a hearing notice under Sec. 41.06 and hold a public hearing on the request. Following the public hearing, the *Landmarks Commission* shall recommend approval, disapproval, or approval subject to changes specified by the Commission. The Commission shall forward its recommendation to the City Plan Commission and the Common Council. If the Commission recommends the creation or amendment of a *historic district*, its recommendation shall be accompanied by a proposed *historic district* ordinance to implement the recommendation.
- (c) City Plan Commission Review and Recommendation.** Whenever the *Landmarks Commission* recommends the creation or amendment of a *historic district* under par. (b), the City Plan Commission shall review the proposed ordinance creating or amending the *historic district* and make its recommendation to the Common Council. The City Plan Commission shall make its recommendation within 90 days after receiving the *Landmarks Commission* recommendation, and at least 30 days before the Common Council holds a public hearing on the proposal under par. (d).
- (d) Action by Common Council.** Whenever the *Landmarks Commission* recommends the creation or amendment of a *historic district* under par. (b), the Common Council shall do all of the following after considering that recommendation and the recommendation of the City Plan Commission under par. (c):

  - 1. Hold a public hearing on the ordinance proposed by the *Landmarks Commission*.
  - 2. Adopt, adopt with modifications, or reject the ordinance proposed by the *Landmarks Commission*.

**(4) Historic District Ordinances.** An ordinance creating a *historic district* under this Section shall do all of the following:

- (a)** Clearly delineate the boundaries of the *historic district*.
- (b)** Summarize the purpose and rationale for the *historic district*.
- (c)** Identify, with beginning and ending dates, the *historic district's period of significance*.
- (d)** Identify *historic resources* in the *historic district*. These shall include *landmarks, landmark sites, and structures* built during the district's *period of significance*, and may include other features or plots of land whose unique historic significance is clearly documented.
- (e)** Establish preservation *standards* for the *historic district*, which may include standards for new construction, *additions, alterations, maintenance, and the demolition of structures* in the *historic district*. **Preservation standards in a historic district shall take account of the guiding principles set forth in section 41.10, but are not legally bound by those principles. A district ordinance may specify different standards for different land uses within the historic district (e.g., commercial vs. residential zones), and may include guidelines to aid the interpretation and application of district-specific ordinance standards.**
- (f)** Include a map showing the *historic district* boundaries under par. (a) and all of the *historic resources* designated under par. (d). If the ordinance includes different *standards* under par. (e) for different land use zones within the *historic district*, the map shall delineate the relevant land use zones.

**(5) District Committee.** An alder representing an aldermanic district that encompasses a current or proposed *historic district* may appoint a committee of property owners and residents from the *historic district* to recommend *standards* for the district. The alder may submit committee recommendations to the *Preservation Planner* under sub. (3)(a).

#### 41.10 HISTORIC DISTRICT STANDARDS; GUIDING PRINCIPLES.

- (1) **Purpose and Effect.** This Section suggests general principles to guide the creation and modification of ordinance *standards* for properties in *historic districts*. These guiding principles:
  - (a) Are not legally binding on property *owners*, except as implemented by district ordinance *standards* under Subchapter I.
  - (b) Do not specifically mandate or limit the subject matter, content or phraseology of district ordinance *standards* under Subchapter I.
  - (c) Do not interpret existing district ordinance *standards* under Subchapter I.
- (2) **District Ordinance Standards; General Guidance.**
  - (a) District ordinance *standards* under Subchapter I should be designed to preserve designated *historic resources* in the district, as well as the overall *historic character* of the district. They should allow for reasonable development and improvements that are consistent with these goals, and should not unnecessarily restrict the options available to property owners.
  - (b) Because district ordinance *standards* under Subchapter I are legally binding on property *owners*, they should use terms like “shall” rather than “should.” *Standards* should be as clear as reasonably possible, so that property *owners* can understand their responsibilities. Ordinance *standards* may be accompanied by non-binding *guidelines* that can help property *owners* to interpret and apply the ordinance *standards*.
  - (c) District ordinance *standards* under Subchapter I should:
    1. Apply to all properties in the *historic district*, not just designated *historic resources*. However, the *standards* may include more rigorous requirements for *historic resources* than for other properties.
    2. Address new construction, as well as *additions*, *alterations* and maintenance.
- (3) **New Construction Standards; Guiding Principles.** A district ordinance under Subchapter I should include *standards* for new construction in the *historic district*. The following principles should be considered:
  - (a) **New Primary Structures.** A new *primary structure* should be *visually compatible* with the *historic district*, and with each *historic resource* located within 200 feet of the new *structure*, with respect to each of the following factors:
    1. Its actual and apparent size, as indicated by its *height*, number of stories above grade, *gross volume*, *bulk* and *street facade area*.
    2. 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.
    3. 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.
    4. 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.
    5. The sizes, shapes, proportions and relationships of door and window openings on its *visible facades*.
    6. The articulation of its *visible facades*, including the patterns created by its building planes, its wall recesses and protrusions, and its *architectural features*.
    7. Its exterior surface textures, materials and detailing.
    8. Its relationship to the *landscape* on which it is located.
  - (b) **New Accessory Structures.** A new *accessory structure* should be *visually compatible* with the *primary structure* to which it pertains. It should also be *visually compatible* with the *historic district*, and with each *historic resource* located within 200 feet of the new *accessory structure*. New *accessory structures* should be as inconspicuous as possible, when viewed from a *developed public right-of-way*.
  - (c) **Signs.** A *sign* constructed on a *lot* in a *historic district* should be *visually compatible* with all *structures* on that *lot*. It should also be *visually compatible* with the *historic district*, and with *historic resources* located within 200 feet of the *sign*.
- (3) **Addition and Alteration Standards; Guiding Principles.** A district ordinance under Subchapter I should include *standards* for *additions* and *alterations* in the *historic district*. The following principles should be considered:

- (a) *Additions and Alterations to a Primary Structure.* Additions and alterations to a primary structure should be *visually compatible* with that structure. They should also be *visually compatible* with the *historic district*, and with *historic resources* located within two 200 feet of the *primary structure*, based on the factors listed in sub. (2). *Additions and alterations* should not aggravate any preexisting incompatibility.
  - (b) *Additions and Alterations to an Accessory Structure.* Additions and alterations to an accessory structure should be *visually compatible* with that structure, with the *primary structure* to which the accessory structure pertains.
  - (c) *Additions and Alterations to a Historic Resource.* Additions and alterations to a historic resource should be *visually compatible* with that *historic resource* and should preserve, if possible, its *historically representative* features. Additions and alterations to a *landmark* or *landmark site* should comply with the *Secretary of Interior's Standards*, in addition to applicable *historic district standards*.
  - (d) *New or Altered Roofs.*
    - 1. New or altered roof features should be *visually compatible* with the existing structure, and with each *historic resource* located within 200 feet of the structure.
    - 2. Materials used to repair or replace an existing roof should be *visually compatible* with the existing structure, and with *historic resources* located within 200 feet of that structure.
    - 3. *Historically representative* roofing materials on *historic resources* should be preserved, or when necessary replaced with materials of like appearance.
  - (e) *New or Altered Wall Surfaces.*
    - 1. New or altered exterior wall surfaces should be *visually compatible* with the existing structure, and with each *historic resource* located within 200 feet of that structure.
    - 2. Materials used to repair or replace existing materials on an exterior wall surface should be *visually compatible* and structurally compatible with the existing surface.
    - 3. *Historically representative* exterior wall surfaces on *historic resources* should be preserved, or when necessary replaced with materials of like appearance.
  - (f) *New or Altered Windows and Doors.*
    - 1. New or altered windows and doors should be *visually compatible* with the existing structure, and with each *historic resource* located within 200 feet of the structure.
    - 2. *Historically representative* windows and doors on *historic resources* should be preserved, or if necessary replaced with windows and doors of like appearance.
  - (g) *New or Altered Architectural Features.*
    - 1. New or altered *architectural features* should be *visually compatible* with the existing structure, and with each *historic resource* located within 200 feet of the structure.
    - 2. *Historically representative architectural features* of *historic resources* should be preserved, or if necessary replaced with features of like appearance.
  - (h) *New or Altered HVAC, Electrical, Solar and Telecommunications Equipment.* New or altered external HVAC, electrical, solar and telecommunications equipment should be as inconspicuous as possible, consistent with function.
  - (i) *New or Altered Drainage Systems.* New or altered drainage systems should provide effective drainage, to prevent water damage to structures. Exterior drainage systems on a structure should be *visually compatible* with the structure. *Visible, historically representative* drainage systems on *historic resources* should be preserved, or if necessary replaced with systems that are *visually compatible* with the *historic resource*.
  - (j) *Landscape Alterations.* Alterations to a landscape should be *visually compatible* with any *historic resources* on the lot, or within 200 feet of the lot. Alterations should, if possible, preserve distinctive *natural features, structures and landscape features* that contribute to the character of the *historic district*.
- (4) Maintenance Standards; Guiding Principles.**
- (a) *General.* An owner of property in a *historic district* should do all of the following:
    - 1. Comply with applicable provisions of Chapters 18 (Plumbing Code), 19 (Electrical Code), 27 (Housing and Property Maintenance Code), 29 (Building Code), 30 (HVAC Code) and 31 (*Sign Control Ordinance*), MGO. *Historic district standards* may cross-reference, but should not unnecessarily repeat, these provisions.

2. Maintain the property according to the *Secretary of Interior's Standards*, if the property is a *landmark* or *landmark site*.
  3. Protect the property against exterior decay and deterioration, and refrain from any action that may cause or aggravate exterior decay or deterioration.
  4. Keep the property free of structural defects.
  5. Maintain, in sound condition, those interior portions of a *structure* that may materially affect the condition of the *structure's* exterior.
  6. Identify and, if possible, preserve *historically representative architectural features* of *historic resources*.
- (b) *Maintaining Roofs.* Roofs should be maintained and repaired, as necessary, to prevent deterioration and decay of the roof or the *building* that it covers. Materials used to repair a roof should be *visually compatible* with that roof. *Historically representative* roofing materials on *historic resources* should be preserved, or if necessary replaced with materials of like appearance.
- (c) *Maintaining Exterior Surfaces.*
1. Exterior surfaces of a *structure* should be maintained and repaired, as necessary, to prevent deterioration and decay of the surface and *structure*. Materials used to repair exterior surfaces should be *visually compatible* and structurally compatible with the existing surfaces.
  2. *Historically representative* surface materials on *historic resources* should be preserved, or if necessary replaced with materials of like appearance.
  3. Materials and methods used to clean masonry or other vulnerable exterior surfaces should be safe for non-destructive use on those surfaces.
  4. Masonry should be repaired and repointed with structurally appropriate and *visually compatible* materials, as needed to maintain its appearance and structural integrity.
  5. Painted non-masonry surfaces should be repainted as needed to maintain their appearance and to prevent deterioration and decay.
- (d) *Maintaining Architectural Features.*
1. *Architectural features* should be maintained and repaired, as necessary, to prevent deterioration and decay. Repairs should be *visually compatible* with the existing *architectural feature*.
  2. *Historically representative architectural features* on *historic resources* should be preserved, or if necessary replaced with materials of like appearance.
- (e) *Maintaining Drainage Systems.* Drainage systems should be maintained and repaired, as necessary, to prevent water damage to *structures*.
- (f) *Maintaining Landscapes.* *Landscapes* should be maintained to preserve, to the maximum extent feasible, distinctive natural, archaeological or historical features that materially contribute to the *character* of the *historic district*.

## SUBCHAPTER E PROJECT APPROVALS

**41.11 REQUESTING APPROVAL.** A property owner may request a *certificate of appropriateness* for a project that, under Sec. 41.23(2) or 41.24(2), requires such a certificate. The property owner shall submit the request to the *Preservation Planner*, on a form approved by the *Landmarks Commission*. The request shall include all of the following:

- (1) The property owner's name, address and contact information.
- (2) The location of the affected property.
- (3) A clear description of the proposed project, including relevant project specifications.
- (4) Architectural drawings needed to evaluate the proposed project. The *Preservation Planner* may require any of the following as needed:
  - (a) A scalable drawing set reduced to 11" x 17".
  - (b) Floor plans.
  - (c) Dimensioned site plans showing the siting of *structures*, grading, landscaping, pedestrian and vehicular access, lighting, signage, and other features.

- (d) Elevations of all sides showing exterior features and finishes, subsurface construction, floor and roof.
  - (e) Plan views of above-grade and below-grade levels and roof.
  - (f) For proposals involving the construction or major exterior *alteration* of a *structure* housing more than 2 commercial, residential, or commercial and residential units, a minimum of 2 accurate street-view normal perspectives shown from a viewpoint of no more than 5 feet above existing grade.
- (5) Any other information reasonably required by the *Landmarks Commission* or *Preservation Planner* to evaluate the proposed action for compliance with this Chapter.
- (6) The signature of the property *owner* or *person* legally authorized to act on behalf of the property *owner*.

#### 41.12 REVIEW AND DECISION

- (1) **Review for Completeness.** The *Preservation Planner* shall review each request under Sec. 41.11 for completeness. When the *Preservation Planner* finds that a request is complete, the *Preservation Planner* shall stamp the request with the date of the completeness finding. The *Preservation Planner* shall then forward the complete request to the *Landmarks Commission* for action under sub. (4) unless, under sub. (3), the Commission has authorized the *Preservation Planner* to grant or deny the request without prior Commission review.
- (2) **Public Hearing; When Required.** After the *Landmarks Commission* receives a complete request under sub. (1), the Commission shall issue a notice under Sec. 41.06 and hold a public hearing on the request if the requester proposes to do any of the following:
- (a) Demolish, remove or replace any distinctive external feature of a *landmark*.
  - (b) Completely demolish or remove any *structure*, other than an *accessory structure* or *landscape feature* that meets the following criteria:
    - 1. It has a footprint no larger than 150 square feet.
    - 2. It does not pertain to a *landmark* a *landmark site*.
    - 3. It is not itself a *historic resource*.
  - (c) Erect a new *structure* with a footprint larger than 150 square feet, not including decks and open porches.
  - (d) Increase the footprint of any *structure* by more than 150 square feet, not including decks and open porches.
  - (e) Divide or consolidate any *lot* or *lots* in a *historic district*, or any *lot* or *lots* comprising all or part of a *landmark site*.
- (3) **Decisionmaker.** The *Landmarks Commission* shall grant or deny every complete request under sub. (1), except that the Commission may by written policy authorize the *Preservation Planner* to grant or deny complete requests that do not require a public hearing under sub. (2), subject to any conditions or limitations specified by the Commission.
- (4) **Timely Decision.** The *Landmarks Commission* or *Preservation Planner* shall grant or deny a complete request under sub. (2) within 60 days after the *Preservation Planner* makes the completeness finding under sub. (2), except that the Commission may extend that deadline by up to 60 days. If a complete request is not granted or denied by the deadline date, it is automatically denied on that date.
- (5) **Issuing a Certificate.** Whenever the *Landmarks Commission* or *Preservation Planner* approves a request for a *certificate of appropriateness*, the *Preservation Planner* shall promptly issue the certificate to the requester.

#### 41.13 APPROVAL CRITERIA.

- (1) **Projects Involving Landmarks or Landmark Sites.**
- (a) A *certificate of appropriateness* may authorize a project under Sec. 41.23(2) that meets all of the following:
    - 1. The *Secretary of Interior's Standards*.
    - 2. Applicable *historic district standards* under Subchapter I if the *landmark site* is located in a *historic district*.
  - (b) A *certificate of appropriateness* may not authorize a *landmark owner* to demolish or remove a *landmark* or any original *architectural feature* of a *landmark* unless the deteriorated

condition of the *landmark* or *architectural feature* requires or clearly warrants demolition or removal. Deterioration caused by a knowing or negligent violation of this Chapter does not justify demolition or removal, unless the Building Inspector orders the demolition or removal for safety reasons.

- (c) A *certificate of appropriateness* authorizing the complete demolition or permanent relocation of a *landmark* does not take effect until and unless the Common Council also authorizes that demolition or relocation.
- (d) The *Landmarks Commission* may deny a *certificate of appropriateness* for the division of any *lot* or the consolidation of any *lots* comprising all or part of a *landmark site* if it finds that the proposed division or consolidation may adversely affect the *landmark* or *landmark site*.

**(2) Projects in Historic Districts.**

- (a) A *certificate of appropriateness* may authorize an action under Sec. 41.24(2) that meets all of the following:
  - 1. Applicable *historic district standards* under Subchapter I.
  - 2. The *Secretary of Interior's Standards*, if the action pertains to a *landmark* or *landmark site*.
- (b) When considering any proposed demolition or removal of a *structure* in a *historic district*, for which a public hearing is required under Sec. 41.12(2), the *Landmarks Commission* shall consider all of the following and may give decisive weight to any of the following:
  - 1. Whether the *structure* is of such architectural or historic significance that its demolition or removal would be detrimental to the public interest.
  - 2. The extent to which the *structure* contributes to the *character* of the *historic district*.
  - 3. Whether the proposed demolition or removal would be contrary to the policy and purpose of this Chapter as stated in Section 41.01, the purpose of the *historic district*, or an applicable *historic preservation plan* that has been adopted by the Common Council.
  - 4. Whether the *structure* is of such age or unusual design, represents such an uncommon method of construction, or is constructed of such uncommon materials that it could not be reproduced except with extraordinary difficulty or expense.
  - 5. Whether the *structure* promotes public understanding of American history, architecture or design, or aids public understanding of American culture or heritage.
  - 6. Whether the deteriorated condition of the *structure* requires or clearly warrants demolition or removal. A condition caused by a knowing or negligent violation of this Chapter does not justify demolition or removal, unless the Building Inspector orders the demolition or removal for safety reasons.
  - 7. Whether the owner of the *structure* has proposed any replacement *structure* or use and, if so, whether that proposed *structure* or use meets applicable *standards* under this Chapter.
  - 8. Whether the *structure* is a *landmark* or is located on a *landmark site* and, if so, whether its demolition or removal meets the criterion under sub. (1)(b).
  - 9. Whether the *structure* is a *historic resource*.
  - 10. Whether, in the case of a proposed relocation to another place, the proposed relocation would serve the City's declared interest in historic preservation.
- (c) The *Landmarks Commission* may deny a *certificate of appropriateness* for the division of a *lot* or the consolidation of *lots* in a *historic district* if it finds that the proposed action will adversely affect the *character* of the *historic district*, will result in *lot* sizes that are incompatible with those of adjacent *lots*, or will disrupt the *lot* size pattern of the *historic district*.

**41.14 APPROVAL TERMS, CONDITIONS AND EFFECT.**

**(1) Effect on Other City Permits and Standards.**

- (a) If a project requires a *certificate of appropriateness* under Sec. 41.23(2) or 41.24(2), no City agency may issue a permit for that project under Chapter 18 (Plumbing Code), 19 (Electrical Code), 27 (Housing and Property Maintenance Code), 29 (Building Code), 30 (HVAC Code) or 31 (*Sign Control Ordinance*), MGO, until the *Preservation Planner* issues the required *certificate of appropriateness* under Sec. 41.12(5).

- (b) A *certificate of appropriateness* does not waive or authorize a violation of any permit requirement or standard under Chapter 18 (Plumbing Code), 19 (Electrical Code), 27 (Housing and Property Maintenance Code), 29 (Building Code), 30 (HVAC Code) or 31 (*Sign Control Ordinance*), MGO.
- (2) **Terms and Conditions.**
- (a) A *certificate of appropriateness* expires 2 years after the date on which it is issued if the certificate holder fails, within that time period, to obtain all permits required for the project under Chapters 18 (Plumbing Code), 19 (Electrical Code), 27 (Housing and Property Maintenance Code), 29 (Building Code), 30 (HVAC Code) and 31 (*Sign Control Ordinance*), MGO.
  - (b) A *certificate of appropriateness* does not waive or authorize a violation of any *standard* under this Chapter. A certificate is conditioned upon compliance with the *standards* in this Chapter, and with other reasonable terms and conditions specified in the certificate.
  - (c) The *Landmarks Commission* may void a *certificate of appropriateness* and order remedial action under Sec. 41.22 if the certificate holder violates any applicable standard or condition under par. (b).
- (3) **Documentation of Existing Structures Prior to Demolition or Removal.** If a *certificate of appropriateness* authorizes the demolition or removal of all or part of a *structure* or *landscape feature*, the certificate may require the certificate holder to provide photographic or other documentation of the existing *structure* or *landscape feature* prior to the demolition or removal.

## SUBCHAPTER F VARIANCES AND APPEALS

### 41.15 VARIANCES; GENERAL

- (1) **Requesting a Variance.** A property *owner* who applies for a *certificate of appropriateness* under Subchapter E may request a variance from one or more historic preservation *standards* under this Chapter. The property *owner* shall make the variance request in writing, on a form approved by the *Landmarks Commission*, and shall submit the request to the *Preservation Planner*. The request shall include all of the following:
- (a) The property *owner's* name, address and contact information.
  - (b) The location of the property to which the request pertains.
  - (c) The *certificate of appropriateness* request under Sec. 41.11 to which the variance request pertains.
  - (d) The specific *standard* or *standards* from which the *owner* requests a variance.
  - (e) For each *standard* cited under par. (d), the type of variance under Sec. 41.16 that the applicant requests.
  - (f) The circumstances and supporting evidence that justify each requested variance, based on the relevant criteria under Sec. 41.16.
  - (g) Other relevant materials, if any, requested by the *Preservation Planner* or *Landmarks Commission*.
- (2) **Landmarks Commission Action.**
- (a) When the *Preservation Planner* determines that a variance request under sub. (1) is complete, the *Preservation Planner* shall forward the request to the *Landmarks Commission* for its review and decision.
  - (b) The *Landmarks Commission* shall hold a public hearing on each variance request that it receives under par. (a). The Commission shall give notice of the hearing as provided in Sec. 41.06. The Commission may combine the hearing with a hearing on the proposed *certificate of appropriateness* to which the variance request pertains, provided that the hearing notice identifies both items.
  - (c) After it holds a public hearing on a variance request, the *Landmarks Commission* shall grant or deny the request. The Commission may grant or deny the request in whole or in part.
  - (d) The Commission's decision under par. (c) may be appealed to the Common Council, as provided under Sec. 41.17.



- (3) Variances Granted by Other Agencies.** City agencies other than the Landmarks Commission which are responsible for enforcing Chapters 18 (Plumbing Code), 19 (Electrical Code), 27 (Housing and Property Maintenance Code), 29 (Building Code), 30 (HVAC Code) or 31 (*Sign Control Ordinance*), MGO, may grant individual variances under those chapters in order to facilitate compliance with historic preservation *standards* under this Chapter, provided that the variances do not endanger public health or safety. Variances granted by other agencies do not constitute variances from any *standards* under this Chapter.

**41.16 VARIANCE CRITERIA.** The *Landmarks Commission* may grant a variance under Sec. 41.15 for any of the following reasons:

- (1) Economic Hardship.** The *Landmarks Commission* may grant an economic hardship variance if the Commission finds that all of the following apply:
- (a)** Strict literal application of a *standard* under this Chapter would deny the property *owner* a reasonable rate of return on investment, or would impose upon the property *owner* an unreasonable and unnecessary financial hardship.
  - (b)** The circumstances justifying the hardship variance meet all of the following criteria:
    - 1. They are unique to the property in question, and are not characteristic of a significant number of other *landmarks*, *landmark sites*, or properties in a *historic district*.
    - 2. They were not caused by a property *owner's* failure to maintain the property according to this Chapter.
  - (c)** The hardship variance will not have a significant adverse effect on other *landmarks*, *landmark sites*, or properties in a *historic district*.
  - (d)** The property *owner* clearly documents the circumstances justifying the variance. The *Landmarks Commission* may publish evidentiary guidelines to assist property owners, and to ensure that the Commission receives adequate documentation for variances granted under this subsection. Documentation shall include evidence of all of the following that are relevant:
    - 1. Property purchase costs.
    - 2. Rental income.
    - 3. Real estate listings, disclosure statements, asking prices, and purchase offers.
    - 4. Tax assessments.
    - 5. Real estate listings for comparable properties.
    - 6. Improvements made, and improvement costs incurred, during ownership.
    - 7. Maintenance costs incurred during ownership.
    - 8. Costs to comply with the *standard* from which a variance is requested.
    - 9. Other relevant documentation reasonably requested by the *Landmarks Commission*.
- (2) Historic Design.** The *Landmarks Commission* may grant a variance allowing, as part of the *alteration* of an existing *structure*, elements otherwise prohibited by a *standard* under this Chapter if the Commission finds that all of the following apply:
- (a)** Photographic or other evidence shows that other local *structures*, of similar age and style, incorporated similar elements as part of their original design.
  - (b)** The proposed *alteration* complies with other applicable *standards* under this Chapter.
  - (c)** The proposed *alteration* will not destroy original *architectural features* of a *landmark* or *historic resource*.
- (3) Alternative Design.** The *Landmarks Commission* may grant a variance allowing, in a new or altered *structure*, elements otherwise prohibited by a *standard* under this Chapter if the Commission finds that all of the following apply:
- (a)** The elements will enhance the quality of the design, or make it more *visually compatible* with the *historic district* or with *historic resources* located within 200 feet of the *structure*.
  - (b)** The proposed design complies with other applicable *standards* under this Chapter.
  - (c)** The proposed design will not adversely affect the *character* of the *historic district*, or any *historic resource* located within 200 feet of the *structure*.
- (4) Public Interest.** The *Landmarks Commission* may grant a variance allowing the construction, *alteration*, demolition or removal of a *structure*, which action would otherwise be prohibited under this Chapter, if the Commission finds that a variance is necessary in the public interest for all of the following reasons:

- (a) The action will provide unique, high priority benefits to the general public.
- (b) The benefits under par. (a) substantially outweigh the strong public interest in historic preservation as expressed in this Chapter.
- (c) There are no reasonable alternatives that would allow the action to proceed in compliance with this Chapter.

**41.17 APPEALS TO COMMON COUNCIL.**

- (1) **What May be Appealed.** An authorized *person* under sub. (2) may appeal any of the following to the Common Council:
  - (a) A *Landmarks Commission* decision to grant or deny a *certificate of appropriateness* under Subchapter E.
  - (b) A *Landmarks Commission* decision to grant or deny a variance under this Subchapter.
  - (c) A *Landmarks Commission* determination, under Sec. 41.20(3), that a property *owner* has engaged in *demolition by neglect*.
  - (d) A *Landmarks Commission* order under Sec. 41.22.
- (2) **Who May Appeal.** Any of the following *persons* may file an appeal under sub. (1):
  - (a) The affected property *owner*.
  - (b) The alder of the district in which the affected property is located.
  - (c) The *owners* of at least 20 percent of the total number of *lots* within 200 feet of the affected property.
- (3) **Filing an Appeal.** An appeal under sub. (1) shall be filed with the City Clerk within 10 days after the *Landmarks Commission's* decision. The appeal petition shall indicate the identity and address of each petitioner and the specific grounds for appeal. The City Clerk shall promptly forward the appeal petition to the Common Council.
- (4) **Common Council Action.**
  - (a) The Common Council, or an appointed committee of its members, shall issue a hearing notice under Sec. 41.06 and hold a public hearing on each appeal petition received under sub. (3). If a committee of the Common Council conducts the hearing, the committee shall report its findings to the full Council before the Council takes any action under par. (b).
  - (b) Following a public hearing under par. (a), the Common Council may by favorable vote of a majority of its members do any of the following if it finds that the *Landmarks Commission* action is contrary to applicable criteria or standards under this Chapter, or constitutes a clear abuse of discretion:
    1. Reverse or modify the Commission's action.
    2. Refer the matter back to the Commission with instructions for further review.
  - (c) If the Common Council fails to take action under par. (b) within 60 days after it receives an appeal petition under sub. (3), the *Landmarks Commission's* action is upheld.

**SUBCHAPTER G  
ENFORCEMENT**

**41.18 PUBLIC INTEREST IN ENFORCEMENT.** The Common Council finds that it is in the public interest to preserve and maintain *landmarks, landmark sites, and properties in historic districts*, and to vigorously enforce this Chapter and related City ordinances.

**41.19 ENFORCEMENT ROLES.**

- (1) **Landmarks Commission and Preservation Planner.** Except as provided in sub. (2), the *Landmarks Commission* shall administer this Chapter. The *Preservation Planner* may, on behalf of the Commission, do any of the following:
  - (a) Inspect the exterior portions of a current or proposed *landmark* or *landmark site*, or any property in a *historic district*, as necessary for the administration of this Chapter. Inspections shall be coordinated with the *Building Inspector*, and shall not unnecessarily duplicate inspections conducted by the *Building Inspector*.
  - (b) Require property *owners* to submit information reasonably required for a *certificate of appropriateness, variance* or other review authorized by this Chapter.

- (c) Cooperate and share information with the Building Inspector and other City agencies.
  - (d) Refer violations of this Chapter or related ordinances to the City Attorney, the Building Inspector, or other agencies that may have jurisdiction.
- (2) **Building Inspector and Other Agencies.**
- (a) The *Building Inspector* and other responsible City agencies shall enforce property maintenance requirements under Sections 41.22(1) and 41.25(1), including applicable requirements under Chapters 18 (Plumbing Code), 19 (Electrical Code), 27 (Housing and Property Maintenance Code), 29 (Building Code), 30 (HVAC Code) or 31 (*Sign Control Ordinance*), MGO, and may exercise their inspection and enforcement authority for that purpose.
  - (b) The *Building Inspector* and other agencies shall cooperate with the *Landmarks Commission* and *Preservation Planner* in the administration and enforcement of this Chapter, and may conduct inspections to determine compliance with this Chapter.
  - (c) The *Building Inspector* or other agency with jurisdiction may issue warning notices requiring property owners to correct violations of Sec. 41.23 or 41.24, or ordinances referenced in those Sections, by dates specified in the notices.
  - (d) The *Building Inspector* shall notify the *Preservation Planner* whenever the *Building Inspector* issues a warning notice or initiates a compliance action involving a *landmark*, a *landmark site*, or a property in a *historic district*, if the cited violation may be relevant to the administration of this Chapter. The *Building Inspector* shall also notify the *Preservation Planner* if a property owner fails to correct the cited violation in a timely manner.

#### 41.20 DEMOLITION BY NEGLECT; ENFORCEMENT.

- (1) **Notice of Demolition by Neglect.** If the *Building Inspector* or other city agency with jurisdiction finds that the owner of a *landmark*, a *historic resource*, or a *structure* in a *historic district* may be engaged in *demolition by neglect*, the *Building Inspector* or agency shall give written notice of that finding to the property owner. The *Building Inspector* or agency shall give a copy of the notice to the *Preservation Planner*, who shall notify the *Landmarks Commission*.
- (2) **Public Hearing.** Within 90 days after it receives a notice under sub. (1), the *Landmarks Commission* shall issue a hearing notice under Sec. 41.06 and hold a public hearing to determine whether the property owner has engaged in *demolition by neglect*.
- (3) **Decision.** Following public hearing under sub. (2), the *Landmarks Commission* shall issue its decision, determining whether the property owner has engaged in *demolition by neglect*. The decision shall explain and justify the *Landmarks Commission's* determination. The Commission may, as part of its decision, order remedial actions that the Commission deems appropriate. A decision under this subsection may be appealed to the Common Council under Sec. 41.17.
- (4) **Settlement Agreement.** The *Landmarks Commission* may, at any time before or after making a decision under sub. (3), enter into an agreement under which the accused property owner agrees to bring the affected property into compliance with applicable maintenance standards under this Chapter, and to take other remedial actions that the Commission deems appropriate.
- (5) **Access Defense.** A *landmark owner* may claim, as a defense to an allegation of *demolition by neglect* affecting the *landmark*, that the owner made reasonable efforts to perform required maintenance but was prevented from doing so because the owner of a *lot* abutting the *landmark site* unreasonably refused to grant needed access for maintenance as required by Sec. 41.23(4). If, after a public hearing preceded by notice to the neighboring property owner, the *Landmarks Commission* finds that the defense is valid, it may determine under sub. (3) that the neighboring property owner has engaged in *demolition by neglect*.
- (6) **Report of Determination.** If the *Landmarks Commission* determines under sub. (3) that a property owner has engaged in *demolition by neglect*, it shall report that determination to the Building Inspector and the City Attorney. A *Landmarks Commission* determination of *demolition by neglect* is prima facie evidence of *demolition by neglect* for purposes of any administrative or municipal court action, and also constitutes prima facie evidence of a public nuisance under Sec. 27.05(3), MGO.
- (7) **Abatement by the City.** If the *Landmarks Commission* determines under sub. (3) that a property owner has engaged in *demolition by neglect*, the *Building Inspector* may use the non-summary abatement procedures under Sec. 27.05(3)(e), MGO, to repair the affected property to

abate the nuisance. The property *owner* who engaged in *demolition by neglect* shall pay the cost of the required repairs. Any unpaid cost shall be imposed as a special charge against the property and collected pursuant to Sec. 4.09(13), MGO, and Wis. Stat. s. 66.0627.

- (8) **Acquisition by City.** If the *Landmarks Commission* determines under sub. (3) that a property *owner* has engaged in *demolition by neglect*, the Common Council may authorize the City to acquire the affected property under Wis. Stat. s. 66.1111(2). The Common Council may authorize the City to do so, if necessary, through condemnation proceedings under Wis. Stat. s. 32.06.

#### 41.21 CIVIL FORFEITURES.

- (1) A *person* who violates any provision of this Chapter or any lawful order of the *Landmarks Commission* is subject to a minimum court-ordered civil forfeiture of \$250 and a maximum court-ordered civil forfeiture of \$500 per violation. Violations involving separate properties or separate provisions are considered separate violations. Each day of violation following a warning notice may also be treated as a separate violation.
- (2) A *person* who, within 3 years after committing a charged violation under sub. (1), commits a second violation involving the same property and ordinance provision is subject to a minimum court-ordered civil forfeiture of \$500 and a maximum court-ordered civil forfeiture of \$1,000 for that violation.
- (3) A *person* who, within 3 years after committing a second charged violation under sub. (2), commits a third violation involving the same property and ordinance provision, is subject to a minimum court-ordered civil forfeiture of \$1,000 and a maximum court-ordered civil forfeiture of \$2,000 for that violation.
- (4) All civil forfeitures under this Section may be tripled if the court finds that the violator has engaged in *demolition by neglect*.
- (5) An entity may be punished as a repeat violator under this Section if at least one of its officers or directors was an officer or director of the entity that committed the previous violation.

**41.22 LANDMARKS COMMISSION; REMEDIAL ORDER.** The *Landmarks Commission* may after notice and public hearing order the cessation, removal or modification of any new construction, *addition, alteration*, or other work performed in violation of this Chapter. An order under this Section may be appealed to the Common Council under Sec. 41.17.

### SUBCHAPTER H PROPERTY OWNER RESPONSIBILITIES

#### 41.23 OWNERS OF LANDMARKS AND LANDMARK SITES.

- (1) **Preservation and Maintenance.** The *owner* of a *landmark* or *landmark site* shall do all of the following:
- (a) Preserve and maintain the *landmark* and all *structures* on the *landmark site* in compliance with the *Secretary of Interior's Standards*.
  - (b) Comply with applicable provisions of Chapters 18 (Plumbing Code), 19 (Electrical Code), 27 (Housing and Property Maintenance Code), 29 (Building Code), 30 (HVAC Code) and 31 (*Sign Control Ordinance*), MGO.
  - (c) Protect the *landmark* and all *structures* on the *landmark site* against exterior decay and deterioration, and refrain from any action that may cause or aggravate exterior decay or deterioration.
  - (d) Keep the *landmark* and all *structures* on the *landmark site* free of structural defects.
  - (e) Maintain, in sound condition, those interior portions of a *landmark structure* that may materially affect the condition of the *structure's* exterior.
  - (f) Comply with applicable *historic district standards*, if the *landmark* or *landmark site* is located in a *historic district* under Subchapter I.
- (2) **Project Approval.** The *owner* of a *landmark* or *landmark site* shall obtain a *certificate of appropriateness* under Subchapter E before doing any of the following, either directly or through another *person*:

- (a) Materially altering the exterior of a *landmark* or any *structure* located on a *landmark site*. An *alteration* is material, for purposes of this paragraph, if any of the following apply:
    1. It requires a permit under Chapter 18 (Plumbing Code), 19 (Electrical Code), 27 (Housing and Property Maintenance Code), 29 (Building Code), 30 (HVAC Code) or 31 (*Sign Control Ordinance*), MGO.
    2. It destroys, replaces or removes an *architectural feature* of the *landmark* or *structure*.
  - (b) Erecting any new *structure* on a *landmark site*.
  - (c) Demolishing or permanently relocating a *landmark*, or a *structure* located on a *landmark site*.
  - (d) Installing a *sign*, or materially increasing the size or prominence of a *sign*, on a *landmark* or *landmark site*.
  - (e) Destroying or materially altering a distinctive natural, archaeological or historical feature on a *landmark site*.
  - (f) Dividing any *lot* comprising all or part of a *landmark site*, or voluntarily granting any easement on such a *lot*.
- (3) **Demolition by Neglect.** The *owner* of a *landmark* or *landmark site* may not engage in *demolition by neglect* with respect to that *landmark* or *landmark site*.
- (4) **Neighbor Obligations.** An *owner* of a *lot* abutting a *landmark site* may not do any of the following:
- (a) Take any action to cause or aggravate the exterior decay or deterioration of the *landmark*.
  - (b) Unreasonably prevent the *owner* of the *landmark* or *landmark site* from performing required maintenance under sub. (1), or gaining property access reasonably needed for that maintenance, except that the *owner* of the abutting *lot* may require indemnification for any property damage or financial loss that may result from that access.

#### 41.24 OWNERS OF PROPERTY IN HISTORIC DISTRICTS.

- (1) **Compliance with Standards.** An *owner* of property in a *historic district* shall comply with applicable *historic district standards* under Subchapter I.
- (2) **Project Approval.** An *owner* of property in a *historic district* shall obtain a *certificate of appropriateness* under Subchapter E before doing any of the following, either directly or through another *person*:
  - (a) Erecting a new *structure* that requires a building permit under Chapter 29, MGO.
  - (b) Materially altering the exterior of a *primary structure* or *accessory structure*. An *alteration* is material, for purposes of this subsection, if any of the following apply:
    1. It requires a permit under Chapter 18 (Plumbing Code), 19 (Electrical Code), 27 (Housing and Property Maintenance Code), 29 (Building Code), 30 (HVAC Code) or 31 (*Sign Control Ordinance*), MGO.
    2. It destroys, replaces or removes any *historically representative architectural feature* pertaining to a *historic resource*.
  - (c) Demolishing or permanently relocating any *primary structure* or *accessory structure*.
  - (d) Installing a new *sign*, or materially increasing the size or prominence of a *sign*.
  - (e) Destroying or materially altering a distinctive natural, archaeological or historical feature pertaining to a *historic resource* or the *lot* on which it is located.
  - (f) Divide any *lot*, consolidate any *lots*, or voluntarily grant an easement on any *lot* if doing so may materially affect the *character* of the *historic district*.

## SUBCHAPTER I HISTORIC DISTRICTS

#### 41.25 - MANSION HILL HISTORIC DISTRICT.

- (1) **Creation.** There is hereby created a Mansion Hill *Historic District*. The boundaries of the district are shown in the map attached as *Appendix A.1* to this Chapter, and are more specifically described in the legal description on file with the City Planning Division.
- (2) **Purpose and Rationale.**
  - (a) The Mansion Hill *Historic District* is intended to preserve the historic character and resources of one of Madison's oldest and most historically prestigious neighborhoods. The district has the most intact 19<sup>th</sup> Century streetscapes in the city, including a large number of high-style architect-designed homes. Many of the homes are constructed of native sandstone, and date from Wisconsin's early statehood. Fine examples of Italianate, Second Empire, German Romanesque Revival, Queen Anne, Prairie School, Period Revival and Art Modern architectural styles are found throughout the district. Generous street setbacks, open spaces, and fine landscaping originally complemented its architectural gems. Famous political figures, land and timber speculators, leading merchants, industrialists, university professors, professionals and other prominent figures occupied the grand homes, while less well-to-do families and students occupied more modest vernacular structures.
  - (b) Mansion Hill is closely associated with the early cultural, political, economic and social history of Madison and the State of Wisconsin. Many of its *historic resources* are associated with important persons or important events in national, state and local history. The district includes outstanding examples of historically important architectural styles, methods of construction, indigenous materials and craftsmanship. Master builders, designers, architects and craftsmen created many of its structures.
  - (c) In 1976, after several of the finest old homes in Mansion Hill were demolished to make way for large new *buildings* that were inconsistent in scale and character with this historic area, residents petitioned to designate Mansion Hill as Madison's first *historic district*. The Madison Common Council created the *historic district*, in response to the citizen petition, in 1976.
- (3) **Historic Period of Significance.** The historic *period of significance* for the Mansion Hill *Historic District* is 1850 through 1930.
- (4) **Historic Resources.** The following properties are hereby designated as *historic resources* within the Mansion Hill *Historic District*.
  - (a) Designated *landmarks* and *landmark sites*.
  - (b) *Structures* built during the district's *period of significance* under sub. (3).
- (5) **Historic Preservation Standards**
  - (a) A new *structure* shall be *visually compatible* with *historic resources* located within 200 feet of the new *structure*, with respect to each of the following:
    1. *Height*.
    2. *Gross volume*.
    3. The proportion of *street façade* width to *height*.
    4. The proportions of, and patterns created by, door and window openings on the *street façade*.
  - (b) *Street facades* of new or altered *structures* shall be *visually compatible* with the block face of which they are a part, in terms of directional expression and proportion of width to *height*.

#### 41.26 – THIRD LAKE RIDGE HISTORIC DISTRICT.

- (1) **Creation.** There is hereby created a Third Lake Ridge *Historic District*. The boundaries of the district are shown in the map attached as *Appendix A.2* to this Chapter, and are more specifically described in the legal description on file with the City Planning Division.
- (2) **Purpose and Rationale.**
  - (a) The Third Lake Ridge *Historic District* is intended to protect the historic character and resources of an early Madison community "melting pot." The Third Lake Ridge area has long been noted for the diversity of its people, and the eclectic character of its built environment. It is a place where different cultures, social classes, businesses, industries and social institutions came together to create a rich social and cultural milieu that is unique to Madison. It is noted for its variety of *building* types, including a railroad depot, a tobacco warehouse, churches, corner groceries, taverns, imposing mansions and tiny

- cottages. Historic business signs evoke the economy of a bygone era. It was (and continues to be) a place where a wide diversity of people, including Yankees, Germans, Norwegians and subsequent immigrants lived, worked and shopped together. The Third Lake Ridge area provides a fine example of early “mixed use” and working class development in Madison.
- (b) The Third Lake Ridge *Historic District* includes 3 distinct historic preservation sub-districts, including a mainly commercial sub-district, a mixed commercial-residential sub-district, and a mainly residential sub-district. These sub-districts are delineated on the *historic district* map attached as *Appendix A.2* to this Chapter. Somewhat different historic preservation *standards* apply to each of these sub-districts, as provided in this Section.
  - (c) The Third Lake Ridge *Historic District* is a unique Madison “melting pot” that reflects the formative cultural, social and economic history of Madison, the State of Wisconsin and the nation, including immigrant and working class history. A number of *historic resources* in the district are associated with important historical persons or events. The district’s *historic resources* also exemplify a variety of historically significant styles, trends, methods of construction, indigenous materials and craftsmanship.
  - (d) The Third Lake Ridge *Historic District* was first created in 1979 as part of a revitalization campaign initiated by the Marquette Neighborhood Association.
- (3) **Historic Period of Significance.** The historic *period of significance* for the Third Lake Ridge *Historic District* is 1850 through 1929.
- (4) **Historic Resources.** The following properties are hereby designated as *historic resources* within the Third Lake Ridge *Historic District*:
- (a) Designated *landmarks* and *landmark sites*.
  - (b) *Structures* built during the district’s *period of significance* under sub. (3).
- (5) **Historic Preservation Standards; Parcels Zoned for Employment Use.** The following *standards* apply to *structures* located on parcels zoned for employment use:
- (a) *New Construction.* A new *structure* shall be *visually compatible* with *historic resources* located within 200 feet of the new *structure*, in terms of *gross volume* and *height*.
  - (b) *Alterations.* *Alterations* to a *structure* shall be *visually compatible* with *historic resources* located within 200 feet of the *structure*, in terms of *height*.
- (6) **Historic Preservation Standards; Parcels Zoned for Mixed Use or Commercial Use.** The following *standards* apply to *structures* located on parcels zoned for mixed use or commercial use:
- (a) *New Construction.* A new *structure* shall be *visually compatible* with *historic resources* located within 200 feet of the new *structure*, with respect to each of the following:
    1. *Gross volume.*
    2. *Height.*
    3. The proportion and rhythm of solids to voids on the *street façade*, and on the block face of which the *street façade* is a part.
    4. The materials used on the *street façade*.
    5. Roof design.
  - (b) *Alterations.*
    1. *Alterations* to a *structure* shall be *visually compatible* with *historic resources* located within 200 feet of that *structure*, with respect to *height*.
    2. *Alterations* to the *street façade* of a *historic resource* shall preserve the appearance of its *historically representative* surface materials. *Alterations* shall also preserve the proportion and rhythm of solids and voids on the *façade* and in the block face of which it is part.
    3. *Alterations* to the roof of a *historic resource* shall preserve the appearance of its *historically representative* roof materials, shape and features.
- (7) **Historic Preservation Standards; Parcels Zoned for Residential Use.** The following *standards* apply to *structures* located on parcels zoned for residential use:
- (a) *New Construction.* A new *structure* shall be *visually compatible* with *historic resources* located within 200 feet of the *structure*, with respect to each of the following:
    1. *Gross volume.*
    2. *Height.*
    3. The proportion and rhythm of solids to voids on the *street façade*, and on the block face of which the *street façade* is a part.

4. Materials used on the *street facade*.
  5. Roof design.
  6. Directional expression.
  7. Surface materials, patterns and textures.
  9. Landscape treatment.
- (b) *Alterations*.
1. *Alterations* to a *structure* shall be *visually compatible* with *historic resources* located within 200 feet of that *structure*, based on *height*, landscape treatment, proportion of solids to voids, and rhythm of solids and voids.
  2. *Alterations* to the *street façade* of a *historic resource* shall preserve the appearance of its *historically representative* surface materials. *Alterations* shall also maintain the proportion and rhythm of solids and voids on the *façade* and in the block face.
  3. *Alterations* to the roof of a *historic resource* shall preserve the appearance of its *historically representative* roof materials, features and shapes.

#### 41.27 UNIVERSITY HEIGHTS HISTORIC DISTRICT.

- (1) **Creation.** There is hereby created a University Heights *Historic District*. The boundaries of the district are shown in the map attached as *Appendix A.3* to this Chapter, and are more specifically described in the legal description on file with the City Planning Division.
- (2) **Purpose and Rationale.**
- (a) The University Heights *Historic District* is intended to preserve the historic character and resources of University Heights, a neighborhood that contains much distinguished architecture and has strong historical associations with the University of Wisconsin. University Heights was originally platted in 1893 as one of Madison's first suburbs with curvilinear streets and beautiful vistas. It is located near the University of Wisconsin, and supplements the historic character of the university campus. It has been home to many world famous university professors and Wisconsin business and government leaders. The official residence of the UW-Madison chancellor is currently located in University Heights.
  - (b) Partly because of its connection to the University of Wisconsin, University Heights is strongly associated with the cultural, educational, political, economic and social history of Madison, the State of Wisconsin, and the nation. The district is associated with important persons and events in national, state and local history. It includes much distinguished architecture and craftsmanship, including many of Madison's most architecturally significant Queen Anne, prairie style and period revival houses designed by nationally known architects and leading local architects.
  - (c) The University Heights *Historic District* includes 3 sub-districts, each encompassing several different zoning districts. It includes some high-density residential and commercial areas, as well as a range of lower density residential areas.
  - (d) University Heights was first designated as a *historic district* in 1985 at the request of neighborhood residents.
- (3) **Historic Period of Significance.** The historic *period of significance* for the University Heights *Historic District* is 1893 through 1928.
- (4) **Historic Resources.** The following properties are hereby designated as *historic resources* within the University Heights *Historic District*:
- (a) Designated *landmarks* and *landmark sites*.
  - (b) *Structures* built during the district's *period of significance* under sub. (3).
- (5) **Historic Preservation Standards; New Construction.** New *structures* shall meet the following *standards*:
- (a) *New Primary Structures; Height*.
    1. New *primary structures* located in a TR-C2, TR-C3, TR-C4, TR-V1, or TR-V2 zoning district may not exceed 35 feet in *height* and may not exceed two and one-half (2½) stories.
    2. New *primary structures* located in a TR-U1, NMX, TSS, or LMX zoning district may not exceed 40 feet in *height*.
    3. New *primary structures* located in a TR-U2 zoning district may not exceed 50 feet in *height*.



4. All new *primary structures* shall be at least 15 feet in *height*.
- (b) **New Primary Structures; Materials.**
1. Exterior wall materials on new *primary structures* shall be *visually compatible* with *historically representative* materials that are prevalent on *historic resources* in the *historic district*. *Visually compatible* materials may include but are not limited to brick, narrow gauge horizontal clapboards having less than 4 inches of exposed width, stone, stucco and smooth shingles.
  2. Material combinations shall be reasonably consistent with combinations prevalent on *historic resources* in the *historic district* (e.g., brick on first floor with clapboard on second floor).
  2. All materials, including aluminum or vinyl if appropriate, shall be *visually compatible* with *historic resources* located within 200 feet of the new *primary structure*.
  3. The following materials shall be avoided: concrete block, asbestos, wide clapboards having over 4 inches of exposed width, diagonal boards, vertical boards, rough sawn wood, rough split shingles, and shakes.
- (c) **New Primary Structures; Street Facade Area.**
1. Except as provided in subd. 2, the gross area of every *street facade* of a new *primary structure* shall be no greater than 125 percent of the average gross area of the *street facades* of *historic resources* located within 200 feet of the new *primary structure*.
  2. Subd. 1 does not apply to a multiple family dwelling if each of its *street facades* includes adequate setback variations, such that the *street facade* appears to repeat the proportions and rhythm of the block face and of *historic resources* located within 200 feet of the multiple family dwelling.
- (d) **New Primary Structures; Roof Shape and Pitch.** Roof shapes and pitches on a new *primary structure* shall be *visually compatible* with the roof shapes and pitches on *historic resources* located within 200 feet of the new *primary structure*.
- (e) **New Primary Structures; Roof Materials.** Roof materials on a new *primary structure* shall be *visually compatible* with *historically representative* roof materials on *historic resources* located within 200 feet of the new *primary structure*. Thick wood shakes and Dutch lap, French method and interlock shingles are prohibited. Rolled roofing, tar and gravel, and like roofing materials are prohibited, except on flat or slightly sloped roofs that are not visible from the ground.
- (f) **New Parking Areas.** New multi-vehicle, non-single-residence parking areas are prohibited unless they are accessory to a commercial structure or multiple family dwelling on the same *lot*.
- (g) **New Accessory Structures.** *New accessory structures* shall be *visually compatible* with the *primary structure* to which they pertain, shall not exceed 15 feet in *height*, and shall be as unobtrusive as reasonably possible. No *accessory structure* may be constructed except in a rear yard. Exterior wall materials on new *accessory structures* shall meet the same standards that apply to new *primary structures* under par. (b).
- (6) **Historic Preservation Standards; Alterations to Structures in TR-C2, TR-C3, and TR-C4 Zoning Districts.** *Alterations to structures* located in a TR-C2, TR-C3 or TR-C4 zoning district shall meet the following *standards*:
- (a) **Height.** No *alteration* may materially increase the *height* of an existing *structure*.
  - (b) **Second Exit Platforms and Fire Escapes.** Second exit platforms and fire escapes shall be as unobtrusive as possible when viewed from the street, and shall be plain and unobtrusive in design.
  - (c) **Surface Materials.** Exterior surface materials shall be *visually compatible* with the existing *structure*, and with *historic resources located within 200 feet of the existing structure*. *Historically representative* surface materials on *historic resources* shall be preserved, or when necessary replaced with materials that match their appearance.
  - (d) **Restoration.** A *structure* may be restored to its original appearance, notwithstanding any other *standards* under this section, if the *owner* can document that original appearance. Documented restorations are encouraged.

- (e) *Re-Siding*. Imitation clapboard siding made of aluminum, vinyl or other suitable material may be used to replace or cover wood clapboards, or non-original siding on structures originally sided with wood clapboards, if all of the following apply:
    1. The imitation siding imitates the width of the original clapboard to within one inch.
    2. All existing architectural details, including window trim, wood cornices and ornaments remain uncovered or are recreated with the same appearance.
    3. If there are two or more layers of siding on the existing *structure*, all layers except the oldest are removed before new siding is applied.
    4. If insulation is applied under the new siding, all trim is built up so that it projects from the new siding to the same extent that it did from the original siding.
  - (f) *Alterations to Visible Facades*. *Alterations to visible facades* shall be *visually compatible* with the existing *structure*, and with *historic resources* located within 200 feet of the *structure*. *Alterations to visible façades of a historic resource* shall preserve *historically representative* features and surface materials, or when necessary shall replace them with features and materials that have a similar appearance.
  - (g) *Roof Shapes*. *Historically representative* roof shapes on *visible facades* of *historic resources* shall be preserved, or restored to their documented original appearance. Roof features added to a structure shall be *visually compatible* with the existing *structure*, and with *historic resources* located within 200 feet of that *structure*. All roof alterations shall be *visually compatible* with the existing *structure*.
  - (h) *Roof Materials*.
    1. *Historically representative* roofing materials on *historic resources* shall be preserved, or when necessary replaced with materials that match their appearance. *Historically representative* materials include materials such as tile, slate, sawn wood shingles, and asphalt shingles.
    2. All roofing materials shall be *visually compatible* with the existing *structure*, and with *historic resources* located within 200 feet of that *structure*. Thick wood shakes and Dutch lap, French method and interlock shingles are prohibited. Rolled roofing, tar and gravel, and similar roofing materials are prohibited, except on flat or slightly sloped roofs that are not visible from the ground.
  - (i) *Parking Areas*. New or expanded multi-vehicle, non-single-residence parking areas are prohibited unless they are accessory to a commercial structure or multiple family dwelling on the same *lot*.
- (7) Historic Preservation Standards; Alterations to Structures in TR-V1, TR-V2, TR-U1, TR-U2, NMX, TSS and LMX Zoning Districts.** *Alterations to structures* located in a TR-V1, TR-V2, TR-U1, TR-U2, NMX, TSS or LMX zoning district shall meet the following *standards*:
- (a) *Height*. An *alteration* may not materially increase the *height* of a *structure*.
  - (b) *Visual Compatibility*. *Alterations to an existing structure* shall be *visually compatible* with that structure, and with *historic resources* located within 200 feet of the structure.
  - (c) *Re-Siding*. Imitation clapboard siding made of aluminum, vinyl or other suitable material may be used to replace or cover wood clapboards, or non-original siding on a *structure* originally sided with wood clapboards, if all of the following apply:
    1. The imitation clapboard siding imitates the width of the original clapboard to within one inch.
    2. All existing architectural details, including window trim, wood cornices and ornament, remain uncovered or are recreated with the same appearance.
    3. If there are 2 or more layers of siding on the existing *structure*, all layers except the oldest are removed before the new siding is applied.
    4. If insulation is applied under the new siding, all trim is built up so that it projects from the new siding to the same extent that it did from the original siding.
  - (d) *Roof Materials*.

1. *Historically representative roofing materials* on *historic resources* shall be preserved, or when necessary replaced with materials of similar appearance. *Historically representative materials* include materials such as tile, slate, sawn wood shingles, and asphalt shingles.
  2. All roofing materials shall be *visually compatible* with the existing *structure*, and with *historic resources* located within 200 feet of that *structure*. Thick wood shakes and Dutch lap, French method or interlock shingles are prohibited. Rolled roofing, tar and gravel, and similar roof materials are prohibited, except on flat or slightly sloped roofs that are not visible from the street.
- (g) *Parking Areas*. New or expanded multi-vehicle, non-single-residence parking areas are prohibited unless they are accessory to a commercial structure or multiple family dwelling on the same *lot*.

#### 41.28 MARQUETTE BUNGALOWS HISTORIC DISTRICT.

- (1) **Creation.** There is hereby created a *Marquette Bungalows Historic District*. The boundaries of the district are shown in the map attached as *Appendix A.4* to this Chapter, and are more specifically described in the legal description on file with the City Planning Division.
- (2) **Purpose and Rationale.**
  - (a) The *Marquette Bungalows Historic District* is designed to preserve the cohesive historic and stylistic character of 47 bungalow-style houses located together on just 2 city blocks on Madison's near east side. All of the bungalows were built between 1924 and 1930. The bungalows are all of a similar style, size and shape, but they feature a myriad of different architectural details. The bungalows exemplify a high level of craftsmanship and detailing. Together, they create a striking community presence that recalls the aesthetics and character of a stylish but practical – not posh – middle class neighborhood from the 1920s.
  - (b) The *Marquette Bungalows Historic District* is a unique, compact, and cohesive example of a key architectural movement affecting the social, cultural, and aesthetic history of Madison, the State of Wisconsin and the nation. The district embodies the distinguishing characteristics of an important architectural style that is strongly associated with a specific historical period, and embodies the ideals of style, high quality construction and craftsmanship in middle class homes.
  - (c) The *Marquette Bungalows Historic District* was first created in 1993 at the request of neighborhood residents.
- (3) **Historic Period of Significance.** The historic *period of significance* for the *Marquette Bungalows Historic District* is 1923 through 1930.
- (4) **Historic Resources.** The following properties are hereby designated as *historic resources* within the *Marquette Bungalows Historic District*.
  - (a) Designated *landmarks* and *landmark sites*.
  - (b) *Structures* built during the district's *period of significance* under sub. (3).
- (5) **Historic Preservation Standards: New Construction.** New *structures* shall meet the following standards:
  - (a) *New Primary Structures.* A new *primary structure* shall be *visually compatible* with the prevailing bungalow style of the *historic district*, and shall match that style to the maximum extent feasible.
  - (b) *New Accessory Structures.* A new *accessory structure* shall meet the following standards:
    1. It shall be *visually compatible* and consistent in architectural style with the *primary structure* to which it is accessory.
    2. It may not exceed 15 feet in *height*.
    3. It shall be as unobtrusive as reasonably possible.
    4. It shall be located in the rear yard.
    5. Its siding shall be *visually compatible* with siding on the *primary structure*, and shall match the appearance of that siding to the maximum extent practicable.
    6. If it is a garage, its vehicle door shall be *visually compatible* with the prevailing bungalow style of the *historic district*. Horizontally paneled and flat paneled garage doors are prohibited.
    7. Its windows, if any, shall be casement or double-hung units that are similar in proportion to and *visually compatible* with windows on the *primary structure*.

8. Its roof shape shall be *visually compatible* with that of the *primary structure*. Single slope roofs are prohibited.
9. Its roof material shall match the appearance of the roof material on the *primary structure*.
- (c) **New Fences.** New chain link fences, metal mesh fences, and rustic style fences such as rough sawn wood or split-rails, may not be installed in front yards. Fences installed in front yards may not exceed 3 feet in *height*.
- (6) **Historic Preservation Standards; Additions and Alterations.** *Additions and alterations* to existing *structures* shall meet the following *standards*:
  - (a) **General.** *Additions and alterations* shall be *visually compatible* with the existing *structure*, and with the prevailing bungalow style of the *historic district*. Surface materials, architectural features and details shall be similar to *historically representative* surface materials, architectural features and details found on *historic resources* in the *historic district*. Existing, *historically representative* materials and features shall be preserved, or when necessary replaced with materials and features that match their appearance.
  - (b) **Re-Siding with Imitation Clapboards.** Imitation clapboard siding made of aluminum, vinyl or other suitable material may be used to replace or cover wood clapboards, or non-original siding on *structures* originally sided with wood clapboards, if all of the following apply:
    1. The imitation clapboard siding imitates the width of the original wood clapboards to within one inch.
    2. All architectural details, including window trim, wood cornices and other ornament, remain uncovered or are recreated with the same appearance.
    3. All trim continues to project out beyond the plane of the siding.
  - (c) **Brick, Stucco and Half-Timber Details.** *Historically representative* brick, stucco and half-timber details on *historic resources* shall be preserved, or when necessary replaced with details that match their appearance. New brick, stucco, and half-timber details shall match the appearance of *historically representative* details.
  - (d) **Original Wood Shingle Siding.** *Historically representative* wood shingle siding on *historic resources* shall be preserved, or when necessary replaced with siding that matches its appearance.
  - (e) **Roof Materials.**
    1. Roofing materials shall be consistent in appearance with *historically representative* roofing materials used on *historic resources* in the *district*. Acceptable materials may include asphalt shingles, fiberglass shingles, or other rectangular composition shingles that are similar in appearance to 3-in-1 tab asphalt shingles. Sawn wood shingles may be approved on a case-by-case basis. Thick wood shakes and Dutch lap, French method and interlock shingles are prohibited.
    2. Roof vents shall be as inconspicuous as possible and shall match the color of the roof.
    3. Rolled roofing, tar and gravel, and like roofing materials are prohibited except on flat or slightly sloped roofs that are not visible from the ground.
  - (f) **Skylights.** New skylights may not be installed on roofs that are visible from the street. The front edge of a new skylight shall be at least 10 feet from the edge of the roof. New skylights shall be simple in design, and shall be of the flat (not bubble) type. Skylight trim colors shall be visually compatible with roof colors.
  - (g) **Roof Features.**
    1. New or altered roof features shall be *visually compatible* with the shape and features of the existing roof. New or altered roof features may not extend above the ridgeline of the existing *structure's* main roof.
    2. New dormers shall be set back at least 3 feet from the edge of the roof. New dormers on a *historic resource* shall match the appearance of *historically representative* dormers on that *historic resource* or on other *historic resources* in the district, in terms of roof shape, roofing material, width of overhang, siding, window design and trim details. The ridgeline of a new dormer may not extend above the ridgeline of the existing *structure's* main roof. New dormer walls may not extend beyond the plane of the *structure's* main wall below. A new shed dormer may be added behind an existing dormer or gable on a non-street side of a *structure* if it matches the appearance of the existing dormer or gable, including existing roofing material, siding, window design and trim details.

- (h) *Chimneys.* Chimney exteriors shall be preserved and repaired as necessary to maintain their appearance, except that chimneys not visible from the street may be removed. New chimneys visible from the street shall be constructed of brick that matches the appearance of *historically representative* brick used on *historic resources* in the district.
- (i) *Windows and Doors.*
1. New or replacement windows and doors shall be *visually compatible* with the existing *structure* and the prevailing bungalow style of the *historic district*.
  2. *Historically representative* leaded glass and non-rectangular (e.g., curved top) decorative windows on *historic resources* shall be preserved, or when necessary replaced with windows of matching size, configuration and appearance.
  3. Picture windows are prohibited. Bay windows are discouraged, but they not prohibited if they are *visually compatible* with the existing structure and the prevailing bungalow style of the *historic district*. Bay windows may not extend beyond the roof eaves, and their sides shall be perpendicular to the façade.
  4. *Historically representative* windows, doors and trim on *visible façades* of a *historic resource* shall be preserved, or when necessary replaced with windows, doors and trim that match their appearance.
  6. If a window divided by muntins is replaced, the replacement window shall be divided by true muntins or by high quality spacers that closely resemble true muntins.
  7. If a window is installed in a newly created window opening that is more than 4 feet square, the window shall be divided by true muntins or by high quality spacers that closely resemble true muntins.
- (j) *Porches, Railings, Stairways and Decks.*
1. New and replacement porches, railings and stairways shall be *visually compatible* with the *structure*, and shall be consistent with the prevailing bungalow style of the *historic district*. *Historically representative* porches, railings and stairways on *historic resources* shall be preserved, or when necessary replaced with porches, railings and stairways of matching appearance. Acceptable railing designs include wrought iron railings with vertical balusters at least one-half inch in width, wood railings with vertical square balusters spaced no more than 3 inches apart, and railings sided to match the appearance of existing siding on the *structure*.
  2. Porches may be enclosed with *visually compatible* windows or screens. Windows used to enclose a porch shall be casement or double-hung units that are similar in proportion and style to other windows on the *structure*.
  3. Steps may be constructed of wood, concrete or brick. Wood steps shall have risers and be enclosed on the sides by lattice or a wing wall.
  4. Decks shall be confined to rear yards, and shall have railings that comply with subd. 1. Lattice or evergreen shrubs shall screen the underside of a deck. All parts of a deck, except the deck floor and stair treads, shall be painted or opaque-stained. Deck colors shall be *visually compatible* with those of the *structure*.
- (k) *Second Exits.* Second exit platforms and stairways shall be as unobtrusive as possible. Second exit platforms and stairways are not allowed on the front facade of a *structure*. Second exit stairways shall be located inside the *structure* if reasonably possible, or on the rear exterior of the structure. Railings on second exit platforms and stairways shall meet requirements for porch railings under par. (j)1.
- (l) *Additions.* *Additions* to the *street façade* of a *primary structure* are prohibited. An *addition* to the side or rear of a *structure* shall be *visually compatible* with the *structure* and the prevailing bungalow style of the *historic district*. *Additions* to *visible facades* may not detract from the design composition of a *historically representative* facade.
- (m) *Foundations.* The original or existing exterior finish on the foundation of a *primary structure* shall be preserved if possible, or replaced with a matching finish. Exterior brick or stone may not be covered with cement or other surface materials. Insulation may not be applied to the exterior side of a foundation. A basement window may be removed if the space is filled with a material that matches the appearance of the surrounding foundation, and the new material is inset at least one inch from the existing wall plane.

- (n) *Tuckpointing and Brick Repair.* Mortar and other materials used in tuckpointing and brick repair shall match the original material in color, hardness and appearance. Unpainted brick may not be painted.
- (o) *Storm Windows and Doors.* New and replacement storm windows and doors shall be *visually compatible* with the existing structure, and shall be consistent in appearance with *historically representative* storm windows and doors found on *historic resources* in the district. Storm windows and doors shall be enameled, painted or otherwise coated with a colored surface; raw aluminum is prohibited. Storm doors that are constructed of wood and glass, to match original designs found on the structure or in the *historic district*, are encouraged. Storm doors of simple design, having no stylistic references such as colonial crossbars, may also be used. Storm doors with metal grilles may be approved if they are *visually compatible* with the style of the *structure*.

#### 41.29 FIRST SETTLEMENT HISTORIC DISTRICT

- (1) **Creation.** There is hereby created a First Settlement *Historic District*. The boundaries of the district are shown in the map attached as *Appendix A.5* to this Chapter, and are more specifically described in the legal description on file with the City Planning Division.
- (2) **Purpose and Rationale.**
  - (a) The First Settlement *Historic District* is designed to preserve the historic character and resources of Madison's first non-indigenous residential settlement area. Madison's first occupied non-indigenous residence was built in this area in 1837 (that residence no longer exists), and others followed. The area is currently characterized by modest 19<sup>th</sup> Century frame houses, many with front porches and other period architectural features, as well as a number of finer brick residences. Downtown development began to encroach on the area after World War II, especially in the 1960s and 1970s. In the late 1970s, a renewed interest in downtown living sparked a rejuvenation of the old residential area.
  - (b) The First Settlement *Historic District* is important to state and local history, because it was the first area of non-indigenous residential settlement in what was to become the State of Wisconsin's capital city. Its current structures represent architectural styles, construction methods and streetscapes characteristic of 19<sup>th</sup> Century and early 20<sup>th</sup> Century Madison.
  - (c) The area was first designated as a *historic district* in 2002, at the request of district residents.
- (3) **Historic Period of Significance.** The *historic period of significance* for the First Settlement *Historic District* is 1850 through 1929.
- (4) **Historic Resources.** The following properties are hereby designated as *historic resources* within the First Settlement *Historic District*.
  - (a) Designated *landmarks* and *landmark sites*.
  - (b) Structures built during the district's *period of significance* under sub. (3).
- (5) **Historic Preservation Standards; New Construction.** New *primary structures* shall meet the following standards:
  - (a) *Height.* A new *primary structure* shall be *visually compatible* in *height*, *scale* and *proportion* with *historic resources* located within 200 feet of the *primary structure*, and shall preserve the approximate proportion and rhythm of solids to voids in each block face of which it is part.
  - (b) *Siding Materials.* A new *primary structure* may not be sided with stucco, split concrete block or pebble dash, except that split concrete blocks or stucco may be used as trim. Vinyl and aluminum siding are prohibited on the first 2 floors, but may be used on higher floors if all of the following apply:
    1. The siding and related elements such as j-channel trim are *visually compatible* in color, sheen, and other respects with the *historic district* and with each *historic resource* located within 200 feet of the *primary structure*.
    2. The siding is the highest grade offered by the manufacturer.
    3. The gauge of the siding is at least .042.
    4. The siding does not have a false wood grain.
    5. The visible width of the clapboard does not exceed four 4 inches.
  - (c) *Roof Materials.* Roof materials shall be *visually compatible* with *historically representative* roof materials used on *historic resources* located within 200 feet of the new *structure*. Acceptable materials include but are not limited to asphalt shingles, and fiberglass or other

composition shingles that resemble asphalt shingles. Sawn wood shingles may be approved on a case-by-case basis. Thick wood shakes are prohibited. Rolled roofing, tar-and-gravel, rubberized membranes and like materials are prohibited, except on flat or slightly sloped roofs that are not visible from the ground. Roof vents shall be as inconspicuous as possible, and shall match the roof color.

- (d) **Roof Shape.** Roofs shall have a pitch of not less than 4-in-12. Flat roofs may be approved if they are *visually compatible* with the block face, and with *historic resources* located within 200 feet of the new *structure*.
  - (e) **Facades.** *Street facades* shall be modulated with porches or setbacks on the first floor level. *Street facades* shall reflect the proportions, rhythm and directional expression of *historic resource* facades on the block face. The main entrance shall be on the *street facade*, and shall be inset or projected from the plane of the facade. Porches on *street facade* entrances are encouraged.
  - (f) **Windows and Doors.** Windows and doors on *visible facades* shall be *visually compatible* with those on *historic resources* located within 200 feet of the structure, in terms of size, proportion, style, configuration and trim. Windows shall be trimmed with bead molds similar to *historically representative* trim prevalent on *historic resources* in the district. Windows and doors shall be inset at least one inch from the exterior trim. Garage doors shall be located on side or rear facades to the maximum extent feasible. A one-car garage door may be located on the *street facade* if it is not feasible to locate it on another facade.
- (6) Historic Preservation Standards; Additions and Alterations.** *Additions and alterations to primary structures* shall meet the following standards:
- (a) **General.** *Additions and alterations* shall be *visually compatible* with the existing *structure*, and with *historic resources* located within 200 feet of the existing *structure*. Restoration of *historic resources* to their *historically representative* appearance is encouraged.
  - (b) **Porches and Exterior Stairways.**
    1. *Historically representative* porches on *visible facades* of *historic resources* shall be preserved, or when necessary replaced to match their original or existing size and appearance. A *historically representative* porch may be enclosed with wood-framed insect screens framed if the porch railing keeps its *historically representative* appearance.
    2. All new or altered porches shall have a finished appearance. Porches shall have ceilings and frieze boards, and floor joists shall be hidden from view. Porch ceilings shall have the appearance of narrow beaded boards or documented original materials. First floor porch flooring shall consist of tongue-in-groove wooden boards, not carpeting, open decking or synthetic materials. Porch posts shall be trimmed with decorative molding at top and bottom.
    3. Railings on new or altered porches shall be constructed of wood, or materials that closely match the appearance of finished wood. Railings shall have top and bottom rails. Bottom rails shall be raised above the floor, but by no more than three and one-half (3½) inches. All balusters shall be square posts, unless the owner documents that a different design is original to the porch. A porch railing may not be sided, except that solid framed panels are allowed if the building code requires a railing at least 42 inches high or the porch is enclosed with storm windows.
    4. Stairways shall have solid wood risers. Railings on stairways shall be constructed of wood matching the porch, or wrought iron. Railings shall have square one-by-one inch plain vertical balusters. Twisted or other decorative wrought iron is prohibited. Balusters shall be constructed so that a 4-inch diameter ball cannot pass through the stairway railing at any point. Balusters shall extend from the top to the bottom rail, but may not extend beyond either rail.
    5. All wood surfaces on porches and stairways shall be painted or opaque stained, except that wood porch floors and wood stair treads may be clear finished.
    6. Spaces beneath porches and stairways shall be enclosed with framed lattice, or with narrow vertical boards spaced to the approximate width of the boards. The enclosure shall be designed so that a 3-inch diameter ball cannot pass through any portion of it.
    7. Porches may be enclosed by storm windows. Storm windows on *street facades* shall have the appearance of double-hung windows, with or without a transom, and shall fill the

space between the top of the porch railing and the upper frieze board. Porches on *street facades* may not be enclosed as heated spaces.

- (c) *Decks.* Decks shall be *visually compatible* with the *primary structure*, and with *historic resources* located within 200 feet of the *primary structure*. Decks shall be as unobtrusive as possible. A deck may not replace an existing porch. Deck and stairway railings shall meet porch and stairway railing requirements under par. (b).
- (d) *Accessibility ramps.* Accessibility ramps are allowed when needed. Accessibility ramps shall be as inconspicuous as possible, and shall be screened by landscaping where possible. Railings on accessibility ramps shall meet railing requirements for stairways under par. (b).
- (e) *Windows.*
  - 1. New or altered windows shall be *visually compatible* with other windows on the structure.
  - 2. *Historically representative* windows on *visible facades* of a *historic resource* shall be preserved, or when necessary replaced with windows of the same size, appearance, style and trim.
  - 3. If a window with true muntins is replaced, the replacement window shall have true muntins or high quality spacer bars that closely resemble true muntins.
  - 4. *Historically representative* window openings and configurations on *visible facades* of a *historic resource* may not be altered, except that a window sill on a *façade* other than a *street façade* may be raised to accommodate a new or remodeled bathroom or kitchen.
  - 5. Owners of *historic resources* are encouraged to restore previously-altered windows to their *historically representative* appearance.
- (f) *Doors.*
  - 1. All doors shall be *visually compatible* with the *façade* on which they are located, and with other doors on the *structure*.
  - 2. *Historically representative* doors on *visible facades* of a *historic resource* shall be preserved, or when necessary replaced with doors of the same size, appearance, style and trim.
  - 3. Unpaneled doors and doors with fake wood grain are prohibited. All doors shall be painted, enameled or varnished. Raw aluminum or other metallic finishes are prohibited.
  - 4. Double or multiple doors on *visible facades* shall be hinged doors, rather than sliding doors, and shall have frames similar to *historically representative* door frames in the district.
- (g) *Storm Windows and Doors.* Storm windows and doors shall be painted, enameled or varnished. Raw aluminum or other metallic finishes are prohibited. Varnished wood and glass storm doors that match *historically representative* doors found on *historic resources* in the district are encouraged. Full view storm doors and simple storm doors with no stylistic references are allowed. Storm doors with metal grills are prohibited.
- (h) *Skylights.* A new skylight may not be installed on a street-facing roof, unless the skylight is invisible from the street. Skylights may be installed on other roofs if they are visually compatible with the *structure*, and do not detract from its historic *character*. All skylights shall be set back at least 10 feet from the front edge of the roof. New skylights shall be simple in design, and of the flat (not bubble) type. Skylight trim shall be finished to match the color of the roof.
- (i) *Roof Materials.*
  - 1. Roof materials installed on an existing *structure* shall be *visually compatible* with the *structure*, the *historic district*, and *historic resources* located within 200 feet of the *structure*. *Historically representative* roof materials on a *historic resource* shall be preserved, or when necessary replaced with materials of similar appearance.
  - 2. Roof materials shall resemble *historically representative* roof materials used on *historic resources* in the district. Acceptable roofing materials may include, but are not limited to, asphalt shingles, and fiberglass or other composition shingles that resemble asphalt shingles. Sawn wood shingles may be approved on a case-by-case basis. Thick wood shakes are prohibited. Rolled roofing, tar-and-gravel, rubberized membranes, and like materials are prohibited, except on flat or slightly sloped roofs that are not visible from the ground.
  - 3. Roof vents shall be as inconspicuous as possible, and shall match the roof color.



- (j) *Roof Features.*
    1. Roof features shall be *visually compatible* with the existing *structure*, and with *historic resources* located within 200 feet of the existing *structure*. *Alterations* visible from the street may not extend above the main roof ridgeline of the existing *structure*.
    2. *Historically representative* roof features on *historic resources* shall be preserved, or when necessary replaced with features of the same size, shape and appearance.
    3. A shed dormer may be installed behind an existing dormer or gable on a roof that does not face the street, provided that it matches the size, shape and appearance of the existing dormer or gable.
    4. New dormers shall be set back at least 12 feet from the front edge of the roof.
  - (k) *Chimneys.* Chimney exteriors shall be preserved and repaired as necessary to maintain their appearance, except that chimneys not visible from the street may be removed. New chimneys shall be constructed of brick, stone, stucco, or other material that is *visually compatible* with the existing *structure*. Metal chimneys are prohibited.
  - (l) *Siding.*
    1. Siding, trim and details shall be *visually compatible* with *historically representative* siding, trim and details used on *historic resources* located within 200 feet of the existing *structure*.
    2. *Historically representative* siding, trim and details on a *historic resource* shall be preserved, or when necessary replaced with siding, trim and details of matching appearance. Narrow gauge clapboards may be used on an *addition* to a *structure* that has masonry siding.
    3. Unpainted brick may not be painted.
    4. Mortar and other materials used for tuckpointing and brick repair shall match original materials in color, hardness, and appearance.
  - (m) *Foundations.* *Historically representative* foundation masonry on a *historic resource* shall be preserved if possible, or replaced with similar masonry.
  - (n) *Additions.*
    1. *Additions* to the *street façades* of *primary structures*, other than open porches, are prohibited. *Additions* to other facades shall be *visually compatible* with the existing *structure*, and with *historic resources* located within 200 feet of the existing *structure*.
    2. *Additions* to *historic resources* shall preserve *historically representative* surface materials, *architectural features* and details, to the maximum extent feasible.
  - (o) *Fire Escapes and Rescue Platforms.* New fire escapes and rescue platforms shall be as unobtrusive as possible when viewed from the street. No fire escape or rescue platform may be installed on a *street facade* unless the owner documents that no other location is practicable. Railings on fire escapes and rescue platforms shall meet the standards for porch and stairway railings under par. (b).
  - (p) *Lighting Fixtures.* New lighting fixtures, if visible from the street, shall be *visually compatible* with *historically representative* lighting fixtures found on *historic resources* in the *historic district*.
  - (q) *Permanently Installed Air Conditioners.* Permanently installed air conditioners shall be as inconspicuous as possible when viewed from the street. Ground air conditioners shall be screened with landscaping if possible.
  - (r) *Shutters.* New or replacement shutters shall be *visually compatible* with the existing *structure*. Shutters shall be large enough so that, if they were workable, they would cover the window opening.
- (7) Historic Preservation Standards; Accessory Structures and Landscape Features.** New or altered *accessory structures* and *landscape features* shall meet the following standards:
- (a) *Accessory Structures.*
    1. New or altered *accessory structures* shall be *visually compatible* with the *primary structure* to which they pertain, shall not exceed 15 feet in *height*, and shall be as unobtrusive as possible.
    2. Garage doors shall be entirely flat or shall have approximately square panels. Horizontally paneled garage doors are prohibited.

3. Windows shall be double-hung or single-hung units that are similar in proportion to windows on the *primary structure*, except that garage windows may be six-paned units (three panes across and two panes high) similar to those seen on 1920s era garages.
  4. Siding shall match the appearance of siding used on the *primary structure* or shall be narrow-gauge clapboard, vertical board-and-batten, or a smooth stucco or stucco-like material.
  5. Roofs shall have a pitch and style similar to the roof on the *primary structure*. Roof materials shall match the appearance of roof materials on the *primary structure*.
- (b) Fences and Retaining Walls.**
1. Chain link and rustic style fences, such as rough sawn wood or split rails, may not be installed in front yards.
  2. New or replacement retaining walls in front yards may not be constructed of railroad ties, landscape timbers, boulders, or plain concrete blocks. Retaining walls in front yards may be constructed of flagstone, wall stone, high quality concrete blocks that closely resemble natural stone, and other natural or natural-appearing materials. Poured concrete walls up to 2 feet high, having a smooth rubbed finish, are also allowed.

(End)

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