

DATE: February 5, 2020

TO: Landmarks Ordinance Review Committee (LORC)

FROM: James Matson, on behalf of the
Madison Alliance for Historic Preservation

SUBJECT: **Historic Districts**

The Madison Alliance for Historic Preservation supports consistency, clarity and a basic level of protection in all of Madison's historic districts. Today we are proposing ordinance language that will allow us to achieve these goals, while maintaining needed flexibility within and between our diverse historic districts. This language, which draws in part on the work that LORC has done to date, would create Subchapter D of a reorganized Chapter 41, MGO (see *Attachments 1 and 2*).

Chapter 41 currently spells out the procedure for creating and amending historic district ordinances. Each historic district has its own district ordinance that defines the district and spells out *all of the historic preservation standards* that apply to property owners in that district. Proposed changes are adopted by district-specific ordinance, following a district-specific public hearing and review by the Landmarks Commission and the City Plan Commission. Existing district standards remain in effect until modified by this legal process.

So, what is new about our proposal? If you look at *Attachment 2*, you will see that we are proposing basic **Preservation Principles** for *all* historic districts, both current and future. These principles will provide a basic template for all district ordinances. They will encourage consistency and a basic level of protection in all historic districts. But they will apply to district property owners only as implemented by duly adopted district-specific *standards*.

District-specific standards offer needed flexibility and specificity. They can apply the general Preservation Principles in a manner and at a level of detail that is appropriate to each historic district. They can include different requirements for different sub-districts and property types, such as commercial, residential, and historic properties. They can reflect the diverse land uses, architectural styles, and development challenges that exist within and between districts. They can draw upon existing district plans and development standards, where appropriate, and can resolve key issues in practical, locally appropriate ways. And they can include locally relevant guidelines and illustrations to help property owners understand their obligations.

A district alder, after consulting with the Preservation Planner, may appoint a *historic district advisory committee* to review proposed district-specific standards (the alder need not be a member). The Preservation Planner may propose ordinance provisions for consideration by the advisory committee. This structured advisory process need not be a lengthy or arduous. We believe that it can help to produce better standards and stronger neighborhood support.

Our proposal will also provide a consistent format for all district-specific ordinances. It will provide clear definitions of key terms (see *Attachment 3*), and ensure consistent use of defined terms in all district ordinances (defined terms will be *italicized* in the ordinance text). In the coming weeks, we will show how current district ordinances can be redrafted in this format.

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Current district ordinances can be updated over time, based on the new Preservation Principles. They need not be updated all at once. The ultimate goal is to implement the Preservation Principles by means of clear, locally appropriate standards that neighborhood property owners can readily understand and apply, without having to guess at their meaning. Such standards will also assist the Landmarks Commission, as it considers a wide array of development proposals in very diverse historic districts. There will be greater certainty and transparency for all stakeholders.

In the coming weeks, we will offer more draft ordinance language, showing how Chapter 41 can be reorganized to incorporate this new material and to improve overall consistency, clarity and ease of reference.

We hope you find this material useful. We look forward to working with you as we move forward.

cc: Heather Bailey, Amy Scanlon, Bill Fruhling, John Strange

Enc.: Attachments 1 to 3

Attachment 1

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**SUBCHAPTER D
CREATING AND MODIFYING HISTORIC DISTRICTS**

41.09 CREATING, MODIFYING OR REPEALING A HISTORIC DISTRICT

- (1) **Authority.** The Common Council, after considering the recommendations of the *Landmarks Commission* and the *City Plan Commission* under this Section, may by ordinance do any of the following according to this Chapter:
 - (a) Create, modify or repeal a *historic district*, or a subdistrict within a *historic district*.
 - (b) Create, modify or repeal any *standards, guidelines* or other ordinance provisions related to a *historic district* or subdistrict.
- (2) **Historic District 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 characteristics:
 - (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 important events in national, state or local history.
 - (c) It encompasses an area of particular archaeological or anthropological significance.
 - (d) It embodies the distinguishing characteristics of one or more architectural types that are inherently valuable for their representation of a period, style, method of construction, indigenous materials or exceptional craftsmanship.
 - (e) It is representative of the work of a *master* builder, designer or architect.
- (3) **Procedure for Creating, Modifying or Repealing a Historic District.**
 - (a) Request. Any *person*, including the *Preservation Planner* or any alder, may request an action under sub. (1). 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 and specifically describe the requested action, and shall clearly explain and document why the request should be approved.
 - (b) Preservation Planner Review. The *Preservation Planner* shall promptly notify the *Landmarks Commission* of each request under par. (a) and shall review the request for completeness. The *Preservation Planner* may ask the requester to submit additional information and documentation, including proposed *historic district ordinance* language, as needed. Upon finding that a request is complete, the *Preservation Planner* shall forward the request to the *Landmarks Commission*.
 - (c) Landmarks Commission Review and Recommendation. Upon receiving a complete request forwarded by the *Preservation Planner* under par. (b), 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. If the *Landmarks Commission* recommends a proposed action under sub. (1), it shall forward its recommendation and a proposed ordinance to implement

its recommendation to the *City Plan Commission* and the Common Council.

- (d) ***City Plan Commission Review and Recommendation.*** Whenever the *Landmarks Commission* recommends an action under sub. (1), the *City Plan Commission* shall review that recommendation and submit its own recommendation to the Common Council. The *City Plan Commission* shall submit 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 *Landmarks Commission* recommendation.
- (e) ***Action by Common Council.*** Whenever the *Landmarks Commission* proposes an ordinance to implement an action under sub. (1), the Common Council or a duly appointed committee of the Common Council shall hold a public hearing on the proposed ordinance. The Common Council shall then do one of the following after considering the recommendations of the *Landmarks Commission* and the *City Plan Commission*:
 1. Adopt the ordinance proposed by the *Landmarks Commission*.
 2. Adopt the proposed ordinance with modifications.
 3. Reject the proposed ordinance.

(4) *District Advisory Committee.*

- (a) An alder representing an aldermanic district that encompasses a current or proposed *historic district* may, after consulting with the *Preservation Planner*, appoint a *district advisory committee* to review proposed *historic district ordinance* provisions and make recommendations to the alder. Committee recommendations are advisory only.
- (b) A *district advisory committee* shall have at least 5 members. The alder shall appoint members who in the alder's judgment fairly represent the perspectives of district stakeholders, including district residents and property owners, and who have relevant knowledge and expertise. The alder may serve as committee chair or as a non-voting member of the committee, but is not required to do so.
- (c) A *district advisory committee*, when reviewing or recommending proposed *historic district ordinance* provisions, shall consider Sections 41.10 and 41.11, as well as the district's current *historic district ordinance* if any.

Note: *Current historic district ordinances are found in Subchapter I.*
- (d) The *Preservation Planner* may assist a *district advisory committee*, and may propose ordinance provisions for consideration by the committee.
- (e) *District advisory committee* meetings shall be conducted as open meetings under Wis. Stats. Chapter 19, Subchapter V.

41.10 HISTORIC DISTRICT ORDINANCE.

- (1) **General Provisions.** Every *historic district* shall have a *historic district ordinance* that defines and establishes *standards* for that district. A *historic district ordinance* shall do all of the following:
 - (a) Clearly delineate the boundaries of the *historic district*, including the boundaries of any subdistrict created within the *historic district*.
 - (b) Summarize the purpose and rationale for the *historic district*, including the rationale for any subdistrict created within the *historic district*. The purpose and rationale shall address relevant criteria in Sec. 41.09(2).

- (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 structures or properties whose unique historic significance is clearly documented.
 - (e) Include a map that clearly identifies the *historic district* boundaries under par. (a) and the *historic resources* designated under par. (d).
 - (f) Include, according to sub. (2), *standards* that are designed to preserve the *historic district's character* and *historic resources*.
- (2) **Preservation Standards.** The *standards* included in a *historic district ordinance* under sub. (1)(f) shall:
- (a) Implement the preservation principles in Sec. 41.11 in a manner and at a level of detail appropriate to the *historic district*, so as to preserve the *historic district's character* and *historic resources*.
 - (b) Use terms like "shall" rather than "should," to indicate that they are legal requirements. The *standards* may be accompanied by *guidelines* to help property owners understand and comply with the *standards*. The *guidelines* may include, by reference, design manuals or other materials that are available at a cited online location and kept on file by the *City Planning Division*.
 - (c) Apply to all properties in the *historic district*. However, the *standards* may include distinct requirements for *landmarks, historic resources, defined subdistricts, or other materially distinct land use or property categories* within the *historic district*.
 - (d) Aim to create a confident investment climate for:
 1. The preservation, rehabilitation, restoration, and reconstruction of *historic resources* in the *historic district*.
 2. Property development and improvements that preserve the *historic district's character* and *historic resources*.
 - (e) Comply 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."
 - (f) Notify district property owners of the need to obtain a *certificate of appropriateness* for projects described in Sec. 41.13(2).
 - (g) Make consistent use of terms defined in Sec. 41.02. Defined terms, when used in the ordinance text, shall be italicized.

41.11 PRESERVATION PRINCIPLES.

- (1) **Purpose and Effect.** The principles in this Section shall guide the development of *standards* applicable to property in a *historic district*, pursuant to Secs. 41.10(1)(f) and (2). However, the principles in this Section:
- (a) Do not apply to property in a *historic district*, except as implemented by *standards* included in the *historic district ordinance* for that district.
 - (b) Do not mandate or limit the specific subject matter, content, organization or phraseology of the *standards* included in a *historic district ordinance*.
 - (c) Do not interpret existing *standards* contained in a *historic district ordinance* under Subchapter I, or expand or limit the application of those existing *standards*.

(2) New Construction. A *historic district ordinance* should include *standards* for new construction in the *historic district*. *Standards* should address the following principles in a manner and at a level of detail appropriate to the *historic district*, so as to preserve the *historic district's character* and *historic resources*:

- (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 the following factors:
1. Its 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 setbacks, and the size of its front, side and rear yards.
 3. Its overall form as indicated by its shape, *massing*, ratio of width to *height*, symmetry or asymmetry, and roof shape.
 4. The articulation of its *street facade* and other *visible facades*, including visual patterns created by building planes, wall recesses, wall protrusions, window and door openings, and *architectural features*.
 5. The *character* of its roof, including roof shape, style, pitch and surface materials, as well as roof features such as dormers, skylights, chimneys, rooftop decks, green roofs, and attached appurtenances.
 6. Its exterior wall and foundation surfaces, including surface materials, textures, detailing and trim.
 7. The *character* of its doors, windows, and related features such as storm doors, storm windows, trim and shutters. Relevant considerations may include size, shape, style, proportion, materials and placement, as well as the patterns created by door and window openings on *visible facades*.
 8. The nature, size, appearance and placement of exterior *architectural features* and appurtenances such as entryways, porches, decks, balconies, railings, stairways, rescue platforms, fire escapes, accessibility features, *signs*, awnings, lighting fixtures, *HVAC equipment*, electrical equipment, elevator equipment, solar equipment, telecommunications equipment and building mechanicals.
 9. Its sensitivity to the site and surrounding *landscape*. Relevant considerations may include the nature, size, appearance and location of its parking accommodations, refuse storage facilities, *landscape features* and drainage systems, as well as its sensitivity to distinctive *natural features*, archaeological features, *historically representative landscape features*, and open spaces that materially contribute to the *character* of the *historic district*.
 10. 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, directional expression of, and distances between existing *structures* represented in the *block face*.
- (b) New Accessory Structures.** A new *accessory structure* should be *visually compatible* with the *primary structure* to which it pertains, with the *historic district*, and with each *historic resource* located within 200 feet of the *accessory structure*. New *accessory structures* should be as inconspicuous as reasonably possible, when viewed from a *developed public right-of-way*.

- (c) New Signs. A sign constructed on a lot in a historic district should be visually compatible with the structures on that lot, with the historic district, and with historic resources located within 200 feet of the sign.
- (3) **Additions and Alterations.** A historic district ordinance should include standards for additions and alterations in the historic district. Ordinance standards should address the following principles in a manner and at a level of detail appropriate to the historic district, so as to preserve the historic district's character and historic resources:
- (a) Additions and Alterations to a Primary Structure. Additions and alterations to an existing primary structure should not cause that structure to violate any standards applicable to new primary structures, or aggravate any prior nonconformity with those standards.
- (b) Additions and Alterations to an Accessory Structure. Additions and alterations to an existing accessory structure should not cause that structure to violate any standards applicable to new accessory structures, or aggravate any prior nonconformity with those standards.
- (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 aim to preserve 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 that are similar in design, color, scale, architectural appearance, and other visual qualities.
- (e) New or Altered Exterior Surfaces.
1. New or altered exterior 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 an existing exterior surface should be visually compatible with that surface, and should not make it more susceptible to deterioration.
 3. Historically representative exterior surfaces on historic resources should be preserved or, when necessary, replaced with materials that are similar in design, color, scale, architectural appearance, and other visual qualities.
- (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, when necessary, replaced with windows and

doors that are similar in design, color, scale, architectural appearance, and other visual qualities.

(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, when necessary, replaced with features that are similar in design, color, scale, architectural appearance, and other visual qualities.

(h) New or Altered External Equipment. New or altered external *HVAC*, electrical, solar, telecommunications and mechanical equipment pertaining to a *structure* 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 that *structure*. Visible, *historically representative* drainage systems on *historic resources* should be preserved or, when necessary, replaced with systems that are *visually compatible* with the *historic resource*.

(j) Landscape Alterations. *Landscape alterations* should aim to preserve distinctive *natural features*, archaeological features, *historically representative landscape features*, and open spaces that materially contribute to the *character* of the *historic district*.

(4) Maintenance.

(a) General. An owner of property in a *historic district* should do all of the following:

1. Comply with applicable *City codes*, as required by Sec. 41.13(1)(b). A *historic district ordinance* may cross reference, but should not unnecessarily repeat the code provisions cited in Sec. 41.13(1)(b).

Note: *The codes cited in Sec. 41.13(1)(b) are enforced by the Building Inspector, not the Landmarks Commission.*

2. Maintain the property according to the *Secretary of Interior's Standards*, if the property is a *landmark* or *landmark site*.
3. Identify and aim to preserve *historically representative architectural features* of *historic resources*.
4. Refrain from *demolition by neglect*, as provided in Sec. 41.13(1)(c).

(b) Maintaining Roofs. Roofs should be maintained and repaired, as necessary, to prevent deterioration 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, when necessary, replaced with materials that are similar in design, color, scale, architectural appearance, and other visual qualities.

(c) Maintaining Exterior Surfaces.

1. Exterior surfaces of a *structure* should be maintained and repaired, as necessary, to prevent deterioration of the surface and *structure*. Materials used to repair exterior surfaces should be *visually compatible* with the existing surface, and should not make it more susceptible to deterioration.

2. *Historically representative* surface materials on *historic resources* should be preserved or, when necessary, replaced with materials that are similar in design, color, scale, architectural appearance, and other visual qualities.
 3. Best practices should be used to clean *historically representative* surfaces.
 4. Masonry should be repaired and repointed with *visually compatible* materials that do not contribute to masonry deterioration.
 5. Painted and other finished surfaces should be refinished as needed to maintain their appearance and prevent deterioration.
- (d) Maintaining *Architectural Features*.
1. *Architectural features* should be maintained and repaired, as necessary, to prevent deterioration. Repairs should be *visually compatible* with the existing *architectural feature*.
 2. *Historically representative architectural features* on *historic resources* should be preserved or, when necessary, replaced with materials that are similar in design, color, scale, architectural appearance, and other visual qualities.
- (e) Maintaining *Drainage Systems*. Drainage systems should be maintained and repaired, as necessary, to prevent water damage to *historic resources*.
- (f) Maintaining *Landscapes*. *Landscapes* should be maintained in a manner consistent with the preservation of distinctive *natural features*, archaeological features, *historically representative landscape features* and open spaces that materially contribute to the *character* of the *historic district*.

Attachment 3

41.02 DEFINITIONS. In this Chapter:

Accessory structure means a *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 that are separate from and incidental to the use of a *primary structure*.

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, deck, window, door, railing, column, stairway, trim or decorative element. It includes *historically representative* roofing or siding on a *historic resource*.

Block face means the *street facades* of all *structures* on a block whose addresses have the same street name.

Building means a roofed *structure*.

Building Inspector means the Director of the Building Inspection Division of the City Department of Planning, Community and Economic Development, or his or her or designee.

Bulk means a *structure's* 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 under Subchapter F, 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.

City means the City of Madison.

City Plan Commission means the Commission created under Sec. 16.01, MGO.

City Planning Division means the Planning Division of the City Department of Planning, Community and Economic Development.

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 public 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.

District advisory committee means a committee appointed under Sec. 41.09(4)(a).

Guideline means a suggestion, example, graphic illustration or best practice tip that helps to 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 pursuant to Sec. 41.09 or a comparable prior *City* ordinance. Current *historic districts* are identified in Subchapter I.

Historic district ordinance means an ordinance that defines and establishes standards for a *historic district*. Current *historic district ordinances* are contained in Subchapter I.

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

Note: Under Sec. 41.10(1)(d), a *historic district ordinance* must designate "historic resources" in the *historic district*. These must include landmarks, landmark sites, and structures built during the district's "period of significance," and may include other structures or properties whose unique historic significance is clearly documented.

Historically representative means original to a *historic resource* or characteristic of structures of comparable style built during 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 comparable prior *City* ordinance. *Landmark* does not include a property whose *landmark* designation has been rescinded.

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

Landmarks 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, in-ground stairways, patios, ornamental *structures*, fountains, monuments, sculptures, fences and retaining walls, as well as 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's *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 an ordinance creating or modifying 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, business entity, state, municipality or special purpose district organized under state law.

Note: "Special purpose districts" include things like school districts or sewerage districts that are organized under state law and have certain legal attributes of persons.

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. *Primary structure* includes a residential, commercial, industrial, mixed-use, government or institutional *structure*, a parking facility or other *structure* attached to a *primary structure*, and a stand-alone parking facility that is itself the *primary structure* on a lot.

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 that applies to *landmarks*, *landmark sites*, or properties 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*. The *street façade* of a *structure* with a mansard roof

includes the steep, street-facing lower pitch of the mansard roof that is visually equivalent to a wall.

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

Structure means a built form, designed for permanent or long-term use, which is attached to land and extends above grade. A *building* is an example of a *structure*.

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, service alley, lake or river.

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

Note: The above-defined terms are **italicized** whenever they appear in the ordinance text.

Madison Alliance for Historic Preservation
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