

DATE: March 6, 2020

TO: Landmarks Ordinance Review Committee (LORC)

FROM: Dave Mollenhoff, Chair
Madison Alliance for Historic Preservation

SUBJECT: **Historic Districts – A Way Forward**

The Madison Alliance for Historic Preservation supports comprehensive updates to Madison's historic district ordinances, which are now several decades old. But this needs to be done with care. We have advocated, and continue to advocate the approach outlined in *Attachment 1*.

Starting from a *uniform template*, this approach would craft district-specific ordinance updates that are sensitive to the real differences that exist within and between historic districts. The updates would be adopted using a clear district-specific process that allows for focused district stakeholder input. The *uniform template* will allow this process to move forward relatively quickly (standards need not be built “from scratch”). Today we are offering you a clear ordinance draft that will provide the needed template, and put the process in motion. This ordinance proposal builds on the good work done by LORC to date.

Madison currently has 5 historic districts, including the Mansion Hill, Third Lake Ridge, University Heights, Marquette Bungalows and First Settlement Districts. These current districts have very diverse historic preservation goals, land use patterns, architectural styles, property characteristics and development challenges. Each historic district currently has its own historic preservation *standards* that are specific to that district. The standards regulate new construction, additions, alterations and maintenance, in order to preserve the historic district's overall character and historic resources.

Current district standards have been in place for decades, and should not be arbitrarily discarded. But they *should* be systematically updated and streamlined, based on a uniform template. The attached ordinance draft provides the roadmap. This ordinance will:

- Spell out a uniform template for all historic districts, both current and future. The template includes uniform *Preservation Principles*, a standard format, and clear definitions of key terms. The uniform *Preservation Principles* address new construction, additions, alterations and maintenance in historic districts.
- Allow the Preservation Planner to propose district ordinance updates, based on this uniform template. Proposed updates may employ language (*verbatim!*) from the uniform *Preservation Principles*, but may be refined as necessary to reflect individual district needs. This helps to ensure a solid fit for each district, rather than “one-size-fits-none.” It also helps to ensure neighborhood support.
- Authorize district alders to appoint temporary historic district *advisory committees* that can provide constructive feedback on the Preservation Planner's draft proposals (optional, and advisory only).

- Spell out a clear district ordinance approval process. The Preservation Planner must submit proposed district ordinance updates for review by the Landmarks Commission. Proposals endorsed by the Landmarks Commission are subject to further review by the City Plan Commission, and final approval by the Common Council.
- Encourage the use of illustrative guidelines, to help property owners understand and comply with applicable district standards.
- Retain current district ordinances pending updates, but make *non-substantive* edits for clarity and compliance with current state law.
- Clarify current administrative procedures to ensure a fair, effective and transparent historic preservation process.
- Reorganize Chapter 41, MGO to incorporate the above changes, and to improve overall clarity, consistency and ease of reference. *Attachment 2* compares this improved organization with that of current Chapter 41. Key new provisions are **highlighted** in the attached ordinance text.

We believe that this draft ordinance addresses the legitimate concerns of all stakeholders, including neighborhood residents, property owners, investors, developers and the city itself. It provides a coherent vision for the future, as well as a common sense roadmap for success. We look forward to working with you as we move forward.

*cc: Mayor Satya Rhodes Conway
Shiva Bidar, Common Council President
Anna Andrzejewski, Chair, Landmarks Commission
Ledell Zellers, Chair, City Plan Commission
Heather Bailey, Amy Scanlon, Bill Fruhling, John Strange*

Enclosure

Attachment 1

How to Update Historic District Ordinances

Step 1. Create a uniform template.

Reorganize Chapter 41, MGO (Historic Preservation) to:

- Spell out a uniform template for all historic district ordinances, including uniform *Preservation Principles*, a standard district ordinance format, and uniform definitions.
- Spell out a uniform *process* for updating historic district ordinances.
- Retain current district ordinances pending updates, but make non-substantive edits and organizational changes to improve clarity and consistency of format.
- Incorporate the above changes, and improve overall Ch. 41 organization.

Note: LORC would submit this Step 1 ordinance proposal for review by the Landmarks Commission and City Plan Commission, and approval by the Common Council. LORC could play a less active role, once the Common Council enacts this uniform Step 1 template.

Step 2: Use the Step 1 template to propose district ordinance updates.

- The Preservation Planner may propose updates to district ordinances, based on the uniform Step 1 template. Proposed updates may employ language (*verbatim!*) from the uniform *Preservation Principles*, but may be refined as necessary to address individual district needs. Relevant considerations may include:
 - District stakeholder “vision” and concerns.
 - Existing district-specific standards (to what extent should they be replaced, retained or modified?).
 - Current land uses, building characteristics, and development challenges in the district.
 - Whether there is a need to apply different standards to different property categories or sub-districts (e.g., commercial vs. residential areas).
 - Existing zoning classifications and land use plans, and how the historic preservation ordinance might supplement them to achieve the district’s historic preservation goals.
 - Key historic preservation challenges or conflicts, and how they might be resolved without detracting from the historic district’s character or historic resources.
 - The degree of generality or specificity that is appropriate to each district.
 - The need for illustrative guidelines or design manuals to help property owners understand and comply with ordinance standards (may incorporate by reference).
- The Preservation Planner seeks district stakeholder input and refines draft proposals as the Preservation Planner deems appropriate.
- Process may proceed district-by-district, based on priority needs.

Step 3: Adopt updated ordinance for each district.

- The Preservation Planner submits proposed district ordinance updates to the Landmarks Commission.
- The Landmarks Commission and City Plan Commission review the proposed updates per Ch. 41 procedure, and make recommendations to Common Council.
- Common Council adopts updated district ordinance.

Attachment 2

Outline comparison, Today's Chapter 41 and the proposed Alliance outline

Madison Alliance for Historic Preservation, March 6, 2020

Chapter 41 as it is today	Alliance proposal, March 6, 2020
<p>SUBCHAPTER 41A: GENERAL PROVISIONS</p> <ul style="list-style-type: none"> 41.01 Policy and Purpose 41.02 Definitions 41.03 General Administrative Provisions <p>SUBCHAPTER 41B: LANDMARKS COMMISSION</p> <ul style="list-style-type: none"> 41.04 Landmarks Commission 41.05 Preservation Planner 41.06 Public Hearings and Hearing Notices <p>SUBCHAPTER 41C: LANDMARKS</p> <ul style="list-style-type: none"> 41.07 Designating landmarks 41.08 Rescinding a landmark designation 41.09 Altering or demolishing landmarks <p>SUBCHAPTER 41D: HISTORIC DISTRICTS</p> <ul style="list-style-type: none"> 41.10 Creating and amending historic districts 41.11 Historic district ordinance requirements 41.12 Constructing, altering, or demolishing structures in historic districts <p>SUBCHAPTER 41E: MAINTAINING LANDMARKS, LANDMARK SITES AND HISTORIC DISTRICTS</p> <ul style="list-style-type: none"> 41.13 Public interest in preservation and maintenance 41.14 Maintenance obligation; enforcement penalties 41.15 Demolition by neglect <p>SUBCHAPTER 41F: CERTIFICATES OF APPROPRIATENESS—PROJECTS ON LANDMARKS, LANDMARK SITES AND IN HISTORIC DISTRICTS</p> <ul style="list-style-type: none"> 41.16 Certificate of appropriateness required 41.17 Obtaining a certificate of appropriateness 41.18 Standards for granting a certificate of appropriateness 41.19 Variances 41.20 Appeal to the common council 41.21 Penalties, failure to obtain certificate of appropriateness <p>SUBCHAPTER G. DESIGNATED HISTORIC DISTRICTS, HISTORIC DISTRICT ORDINANCES</p> <ul style="list-style-type: none"> 41.22 Mansion Hill Historic District 41.23 Third Lake Ridge Historic District 41.24 University Heights Historic District 41.25 Marquette Bungalow District 41.26 First Settlement Historic District 	<p>SUBCHAPTER A – GENERAL PROVISIONS</p> <ul style="list-style-type: none"> 41.01 Policy and Purpose 41.02 Definitions 42.03 General Administrative Provisions <p>SUBCHAPTER B – LANDMARKS COMMISSION</p> <ul style="list-style-type: none"> 41.04 Landmarks Commission 41.05 Preservation Planner 41.06 Public Hearings and Hearing Notices <p>SUBCHAPTER C – DESIGNATING LANDMARKS</p> <ul style="list-style-type: none"> 41.07 Designating a Landmark 41.08 Rescinding a Landmarks Designation <p>SUBCHAPTER D. CREATING AND MODIFYING HISTORIC DISTRICTS</p> <ul style="list-style-type: none"> 41.09 Creating, Modifying or Repealing a Historic District 41.10 Historic District Ordinance 41.11 Preservation Principles <p>SUBCHAPTER E – PROPERTY OWNER DUTIES</p> <ul style="list-style-type: none"> 41.12 Owners of Landmarks and Landmark Sites 41.13 Owners of Property in Historic Districts <p>SUBCHAPTER F- PROJECT APPROVALS</p> <ul style="list-style-type: none"> 41.14 Requesting Approval 41.15 Review and Decision 41.16 Approval Criteria 41.17 Approval Terms, Conditions and Effect <p>SUBCHAPTER G – VARIANCES AND APPEALS</p> <ul style="list-style-type: none"> 41.18 Variances; General 41.19 Variance Criteria 41.20 Appeals to the Common Council <p>SUBCHAPTER H – ENFORCEMENT</p> <ul style="list-style-type: none"> 41.21 Public Interest in Enforcement 41.22 Enforcement Roles 41.23 Demolition by Neglect; Enforcement 41.24 Civil Forfeitures 41.25 Remedial Orders <p>SUBCHAPTER I– HISTORIC DISTRICTS, DISTRICT-SPECIFIC STANDARDS</p> <ul style="list-style-type: none"> 41.26 Mansion Hill Historic District 41.27 Third Lake Ridge Historic District 41.28 University Heights Historic District 41.29 Marquette Bungalows Historic District 41.30 First Settlement Historic District

Historic Preservation and Historic Districts

Draft Ordinance Offered 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 Madison's land area. Other districts may be created by ordinance in the future. Each district has its own historic preservation *standards*, which are specific to that district. The *standards* touch on common themes, but vary within and between districts – reflecting the diversity of the districts themselves.

Under Chapter 41, MGO, the Common Council may by ordinance create, modify or repeal a *historic district*, including *standards* for properties in that district. Any *person*, including the *Preservation Planner* or any alder, may submit a district ordinance proposal. Proposals are subject to review by the *Landmarks Commission* and *City Plan Commission*, and approval by the Common Council.

This ordinance modifies Chapter 41, MGO as follows (key new material is highlighted in the ordinance text):

- It provides uniform Preservation Principles to guide the development of new and modified *standards* for individual *historic districts*. The Preservation Principles will promote consistency and a basic level of protection in all *historic districts*. However, district-specific *standards* may implement the Preservation Principles in a manner and at a level of detail appropriate to each district. District *standards* may be accompanied by illustrative *guidelines* to help property owners understand and comply with the *standards*.
- It retains current district *standards* for now, pending district-specific updates; but it edits them for clarity, ease of reference, consistent use of defined terms, and compliance with recent state law changes under Wis. Stat. sec. 62.23(7)(em)2m. The edited district *standards* appear in Subchapter I (green type).
- It authorizes a district alder to appoint a temporary *advisory committee* to review and comment on proposed *standards* for a *historic district* that the alder represents. The *City Preservation Planner* may provide draft ordinance language for review by the committee. Committee recommendations are advisory only. All proposed district ordinance *standards* are subject to review by the *Landmarks Commission* and *City Plan Commission*, and to final approval by the Common Council (as they are now).
- It defines key terms and *italicizes* defined terms in the ordinance text, to ensure clarity, consistency and ease of reference.
- It 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 rather detailed *standards*. The current district-specific *standards* have been in place for decades, and should be systematically updated as appropriate. This ordinance will facilitate that process.

This ordinance spells out basic Preservation Principles to guide the development and revision of district-specific *standards*, both now and in the future. The Preservation Principles will promote reasonable consistency and a basic level of protection in all *historic districts*, but will allow needed flexibility within and between districts. The Preservation Principles do not interpret current district-specific *standards*; nor are they legally binding on property owners except as implemented by district-specific *standards*. This ordinance retains current district-specific *standards* for now, pending district-specific review; but it edits them for clarity, consistent format, ease of reference, and compliance with recent state law changes under Wis. Stats. sec. 62.23(7)(em)2m.

Under current Chapter 41, MGO, any *person* including the *City Preservation Planner* or any alder may propose new or modified *standards* for a *historic district*. Under this ordinance, a district alder after consulting the *Preservation Planner* may appoint a *district advisory committee* to review and comment on proposed standards for that district. The *Preservation Planner* may offer draft ordinance language for committee review. Committee recommendations are advisory only. All proposed district *standards* are subject to review by the *Landmarks Commission* and *City Plan Commission*, and to final approval by the Common Council, as they are now.

Landmarks

This ordinance clarifies, but does not substantially alter, the current treatment of *landmarks* and *landmark sites*. *Landmarks* are individual properties that the Common Council has 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 (but does not change) the types of projects that require *City* approval, clarifies (but does not change) the current process for obtaining project approvals and variances, and clarifies (but does not change) current appeal procedures. Property owner responsibilities are summarized in a single Subchapter, for greater ease of reference. Each *historic district ordinance* includes all of the *standards* that apply to that district.

Ordinance Administration

This ordinance clarifies current administrative procedures to ensure a fair, effective and transparent historic preservation process. It clarifies and coordinates, but does not substantially alter, the current roles of the *Landmarks Commission*, the *Preservation Planner*, the *Building Inspector*, the *City Plan Commission* 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 improve clarity, consistency and ease of reference.

Historic Preservation Plan

This ordinance requires the *Landmarks Commission* to update the *City's* historic preservation plan at least once every 10 years for inclusion in the *City's* comprehensive plan.

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, Modifying or Repealing a Historic District**
- 41.10 *Historic District Ordinance*
- 41.11 **Preservation Principles**

SUBCHAPTER E – PROPERTY OWNER RESPONSIBILITIES

- 41.12 **Owners of Landmarks and Landmark Sites**
- 41.13 **Owners of Property in Historic Districts**

SUBCHAPTER F – PROJECT APPROVALS

- 41.14 Requesting Approval
- 41.15 Review and Decision
- 41.16 Approval Criteria
- 41.17 Approval Terms, Conditions and Effect

SUBCHAPTER G – VARIANCES AND APPEALS

- 41.18 Variances; General
- 41.19 Variance Criteria
- 41.20 Appeals to the Common Council

SUBCHAPTER H – ENFORCEMENT

- 41.21 Public Interest in Enforcement
- 41.22 Enforcement Roles
- 41.23 Demolition by Neglect; Enforcement
- 41.24 Civil Forfeitures
- 41.25 Remedial Orders

SUBCHAPTER I – HISTORIC DISTRICTS

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

APPENDIX A - HISTORIC DISTRICT MAPS

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 Madison’s unique heritage, contribute to the health, prosperity, safety and welfare of Madison residents, and serve as a source of great interest to Madison 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* of Madison. 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 *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 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.

41.03 GENERAL ADMINISTRATIVE PROVISIONS.

- (1) **Computing Time Periods.** When this ordinance specifies a time period measured in days or years, the day of the act or event from which the time period begins shall be excluded, and the last day of the time period shall be included. If the time period is less than 11 days, Saturdays, Sundays and holidays shall 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) **Severability.** 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 government 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.** *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.
- (3) Create or update at least once every 10 years, for Common Council approval as part of the *city's* comprehensive plan, a comprehensive historic preservation plan for the *City of Madison*. The comprehensive historic preservation plan shall aim to preserve, protect, interpret and promote Madison's historic assets in the short and long term by organizing diverse historic preservation strategies such as information, education, outreach, financial incentives, land use planning and regulation into a unified master plan that is integrated with the *city's* strategies for achieving related goals such as economic development, tourism, sound land use, livability, sustainability, efficient transportation, housing adequacy and inclusivity.

41.05 PRESERVATION PLANNER.

- (1) The Director of the *City Planning Division* shall designate a division 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 establish procedures, conditions, limitations and criteria to govern the *Preservation Planner's* exercise of authority that the *Landmarks Commission* delegates to the *Preservation Planner* under sub. (2).

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 *Landmarks 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, material amendment, or repeal of a *historic district ordinance*.
 3. A proposed *certificate of appropriateness*, if a hearing is required under Subchapter F.
 4. A proposed variance under Subchapter G.
 5. A proposed finding of *demolition by neglect* under Sec. 41.23.
 6. A proposed order under Sec. 41.25.
- (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, material amendment, or repeal of a *historic district ordinance*:
 1. All *owners* of record of *lots* located wholly or in part within the affected *historic district* or subdistrict.
 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 A LANDMARK.

- (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 at least one of the criteria under sub. (2). The *Preservation Planner* shall promptly review the application for completeness, and 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 promptly 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 a *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. If the *landmark* is a *structure*, the plaque shall include the accepted name of the *landmark*, the date of its construction, and other information that the Commission considers appropriate. If the landmark 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 the *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) **Rescission by Common Council; Criteria.** Only the Common Council may rescind a *landmark* designation. The Common Council may rescind a *landmark* designation based on a request under sub. (2) if any of the following apply:
 - (a) 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 *landmark owner* for the *landmark* property.
 5. The value of improvements that the *landmark owner* has made to the *landmark* and *landmark site* since acquiring them.
 6. Maintenance and repair costs that the *landmark owner* has incurred for the *landmark* and *landmark site* since acquiring them.
 - (b) 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).
- (2) **Requesting Rescission.**
 - (a) A *person* who has been the *landmark's* continuous *owner* of record since the date of *landmark* designation, or who has inherited the *landmark* from such a *person*, may request a rescission of the *landmark* designation based on the criterion under sub. (1)(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. (1)(a).
 - (b) A *landmark's* current *owner* of record may request rescission of the *landmark* designation based on the criterion under sub. (1)(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. (1)(b).

- (c) The *Preservation Planner* shall promptly review a request under par. (a) or (b) for completeness, and may ask the requester to submit additional information that is needed to complete or clarify the request.
- (3) **Landmarks Commission Review and Public Hearing.** When the *Preservation Planner* determines that a request under sub. (2) is complete, the *Preservation Planner* shall promptly refer the request to the *Landmarks Commission*. 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.
- (4) **Landmarks Commission Determination.** After completing its review under sub. (3), the *Landmarks Commission* shall determine whether a request for rescission of a *landmark* designation meets the criterion under sub. (1) 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. (5).
- (5) **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. (4). If the Common Council rescinds a *landmark* designation, the *City Clerk* shall notify the *Building Inspector* 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, 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) Proposal. Any person, including the *Preservation Planner* or any alder, may propose an ordinance under sub. (1). The proposal shall include draft ordinance language, and shall document the basis for the proposal. If a person other than the *Preservation Planner* is making the proposal, the person shall submit the proposal to the *Preservation Planner*. The *Preservation Planner* shall review each proposal for completeness, and may ask for additional information and documentation as needed.
- (b) Referral to *Landmarks Commission*. The *Preservation Planner* shall refer each complete ordinance proposal under par. (a) to the *Landmarks Commission*. The referral may include the *Preservation Planner's* findings and recommendations related to the proposal. Before referring a proposal to the *Landmarks Commission*, the *Preservation Planner* may consider stakeholder input including the advice of any *district advisory committee* appointed under sub. (4).
- (c) *Landmarks Commission* Review and Recommendation. Upon receiving a referral from 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 proposed ordinance. 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 ordinance for approval by the Common Council, it shall forward its recommendation to the *City Plan Commission* and the Common Council.
- (d) *City Plan Commission* Review and Recommendation. Whenever the *Landmarks Commission* recommends a proposed ordinance for approval by the Common Council under par. (c), 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 under par. (c), 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* recommends a proposed ordinance for approval by the Common Council under par. (c), 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 an ordinance proposal under sub. (3)(a) related to that *historic district*. Based on its review, the committee may provide comments and advisory recommendations to the *Preservation Planner*.
- (b) A *district advisory committee* appointed under par. (a) shall consist of at least 5 members who in the alder's judgment reasonably represent the perspectives of district residents and property owners and have relevant collective knowledge related to historic preservation, district history, architecture, building construction and rehabilitation, and infill development. 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.

(f) This subsection does not limit any applicable public hearing requirements under this Chapter, or limit other ways to obtain public input on a proposed ordinance provision.

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 façade* 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*.

SUBCHAPTER E PROPERTY OWNER RESPONSIBILITIES

41.12 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.
 - Note:** *The codes cited in sub. (1)(b) are enforced by the Building Inspector, not the Landmarks Commission.*
 - (c) Protect the *landmark* and all *structures* on the *landmark site* against exterior decay and deterioration, and refrain from any action that is likely to 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 F before doing any of the following, either directly or through another *person*:

- (a) Materially expanding or altering the exterior of a *landmark* or any *structure* located on a *landmark site*. An exterior *addition* or *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.

41.13 OWNERS OF PROPERTY IN HISTORIC DISTRICTS.

(1) Compliance with Standards. An *owner* of property in a *historic district* shall, with respect to that property, do all of the following:

- (a) Comply with applicable *historic district ordinance standards* under Subchapter I.
- (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.

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

- (c) Refrain from *demolition by neglect*.

- (2) Project Approval.** An owner of property in a *historic district* shall obtain a *certificate of appropriateness* under Subchapter F 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 expanding or altering the exterior of a *primary structure* or *accessory structure*. An exterior *addition* or *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 feature*, archaeological feature, or *historically representative landscape feature* that pertains to a *historic resource* or the *lot* on which it is located, and which materially contributes to its *historic character*.
 - (f)** Dividing any *lot*, consolidating any *lots*, or voluntarily granting an easement on any *lot* if doing so may materially affect the *character* of the *historic district*.

SUBCHAPTER F PROJECT APPROVALS

41.14 REQUESTING APPROVAL. A property owner shall obtain a *certificate of appropriateness* before starting work on a project for which a certificate is required under Sec. 41.12(2) or 41.13(2). To obtain a certificate, the property owner shall submit a 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, *signs* 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.

41.15 REVIEW AND DECISION

- (1) **Review for Completeness.** The *Preservation Planner* shall promptly review each request under Sec. 41.14 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 promptly 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 all of 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.**
 - (a) Except as provided in par. (b), the *Landmarks Commission* shall grant or deny every complete request under sub. (1).
 - (b) The *Landmarks 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 a property *owner's* right of appeal under sub. (6)(a).
- (4) **Timely Decision.** The *Landmarks Commission* or *Preservation Planner* shall grant or deny a complete request under sub. (1) within 60 days after the *Preservation Planner* makes the completeness finding under sub. (2), except that the Commission may extend that time period by up to 60 days. If a complete request is not granted or denied within the prescribed time period, it is automatically denied at the end of that time period.
- (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.
- (6) **Appeals.**
 - (a) If the *Preservation Planner* denies a *certificate of appropriateness* pursuant to authority delegated to the *Preservation Planner* under sub. (3)(b), the *owner* of the affected property may within 10 days appeal the denial to the *Landmarks Commission*, subject to appeal procedures specified by the Commission.
 - (b) A *Landmarks Commission* decision to grant or deny a *certificate of appropriateness* may be appealed to the Common Council, as provided in Sec. 41.20. If a request for a *certificate of appropriateness* is automatically denied under sub. (4) due to a lack of timely action by the *Landmarks Commission* or *Preservation Planner*, that denial may also be appealed to the Common Council.

41.16 APPROVAL CRITERIA.

(1) Projects Involving *Landmarks* or *Landmark Sites*.

- (a) A *certificate of appropriateness* may authorize a project under Sec. 41.12(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 *historically representative 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. 41.13(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. 41.15(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, contrary to the purpose of the *historic district* as stated in the *historic district ordinance* under Subchapter I, contrary to an applicable *historic district standard* under Subchapter I, or contrary to 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 violates the criterion under sub. (1)(b) or materially detracts from the *landmark* or *landmark site*.
 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 under Sec. 41.01.
- (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 materially disrupt the *lot* size pattern of the *historic district*.

41.17 APPROVAL TERMS, CONDITIONS AND EFFECT.

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

- (a) If a project requires a *certificate of appropriateness* under Sec. 41.12(2) or 41.13(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. 41.15(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 applicable *standards* under 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. 41.25 if the certificate holder violates any applicable *standard* under this Chapter, or any certificate term 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 G VARIANCES AND APPEALS

41.18 VARIANCES; GENERAL

- (1) **Requesting a Variance.** A property owner who requests a *certificate of appropriateness* for a proposed project under Sec. 41.14 may request a variance from one or more historic preservation *standards* that affect the project. 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 variance request shall include all of the following:
 - (a) The property owner's name, address and contact information.
 - (b) A description of the proposed project to which the variance request pertains, including the project location and a copy of the *certificate of appropriateness* request under Sec. 41.14 pertaining to that project.
 - (c) The specific *standard* or *standards* from which the owner requests a variance for purposes of the proposed project.
 - (d) For each *standard* cited under par. (c), the type of variance under Sec. 41.19 that the requester seeks.
 - (e) The circumstances and supporting evidence that justify each requested variance, based on the relevant criteria under Sec. 41.19.
 - (g) Other relevant materials, if any, requested by the *Preservation Planner* or *Landmarks Commission*.
- (2) **Landmarks Commission Action.**
 - (a) The *Preservation Planner* shall promptly review each variance request under sub. (1) for completeness. When the *Preservation Planner* determines that a variance request is complete, the *Preservation Planner* shall promptly 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. 41.20.
- (3) **Variations Granted by Other Agencies.** City agencies other than the *Landmarks Commission* that 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. Variations granted by other agencies do not constitute variances from any *standards* under this Chapter.

41.19 VARIANCE CRITERIA. The *Landmarks Commission* may grant a variance under Sec. 41.18 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 the *structure*, or 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 or *historically representative 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.

41.20 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 Sec. 41.15, or any automatic denial under Sec. 41.15(4).
 - (b) A *Landmarks Commission* decision to grant or deny a variance under Sec. 41.18(2).
 - (c) A *Landmarks Commission* determination under Sec. 41.23(3) which finds that a *property owner* has engaged in *demolition by neglect*.
 - (d) A *Landmarks Commission* order under Sec. 41.25.
- (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 include the identity and address of each petitioner, the nature of the appeal under sub. (1), the petitioner's standing under sub. (2), 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 a duly appointed committee of its members shall issue a hearing notice 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). A hearing notice under this paragraph shall be equivalent to the *Landmarks Commission* hearing notice given under Sec. 41.06 for the matter being appealed.
 - (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 H
ENFORCEMENT**

41.21 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.

41.22 ENFORCEMENT ROLES.

- (1) **Landmarks Commission and Preservation Planner.** Except as provided in sub. (2), the *Landmarks Commission* shall administer this Chapter. The *Landmarks Commission*, or the *Preservation Planner* acting within his or her authority under this Chapter, may 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 *city* agencies with jurisdiction shall enforce property maintenance requirements 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, related to *landmarks*, *landmark sites*, and properties in *historic districts*.
 - (b) The *Building Inspector* and other *city* agencies shall cooperate with the *Landmarks Commission* and *Preservation Planner* in the administration and enforcement of this Chapter.
 - (c) The *Building Inspector* or other *city* agency with jurisdiction shall notify the *Preservation Planner* whenever the *Building Inspector* or agency 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* or agency shall also notify the *Preservation Planner* if a property *owner* fails to correct the cited violation in a timely manner.

41.23 DEMOLITION BY NEGLIGENCE; 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 promptly 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. 41.20.

- (4) **Settlement Agreement.** The *Landmarks Commission* may, at any time before or after issuing 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. 41.12(4). If, after a public hearing preceded by notice to the neighboring *lot owner*, the *Landmarks Commission* finds that the defense is valid, it may determine under sub. (3) that the neighboring *lot owner* has engaged in *demolition by neglect*.
- (6) **Report of Determination.** If the *Landmarks Commission* determines under sub. (3) or (5) 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) or (5) 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 has been affected by *demolition by neglect* that cannot be adequately addressed or remedied by other means, 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 through condemnation proceedings under Wis. Stat. s. 32.06, if necessary and appropriate.

41.24 CIVIL FORFEITURES.

- (1) A *person* who violates any provision of this Chapter or any lawful order of the *Landmarks Commission* under Sec. 41.25 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 being charged with a 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 second violation. This paragraph does not apply if the *person* is found not guilty of the first charged violation under sub. (1).
- (3) A *person* who, within 3 years after being charged with 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 third violation. This paragraph does not apply if the *person* is found not guilty of the second charged violation under sub. (2).

- (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.

41.25 REMEDIAL ORDERS. 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. 41.20.

SUBCHAPTER I HISTORIC DISTRICTS

*Note: This Subchapter contains Madison's **current** historic district ordinances, in edited form. The edits do not materially alter the substance of the current district ordinances, but are designed to improve overall clarity, ease of reference, and consistency of format. The redrafted ordinances include small substantive changes to reflect recent state law changes under Wis. Stat. s. 62.23(7)(em)2m. They also include some new descriptive material, consistent with proposed Sec. 41.10(1)(a) to (e) above. Defined terms are italicized, and definitions are provided in Sec. 41.02 above. These current district ordinances may be updated and modified as necessary, according to Subchapter D.*

41.26 - 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 *historic resources* of one of Madison's oldest and most historically prestigious neighborhoods. The district has the most intact 19th Century streetscapes in Madison, 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 public figures occupied the grand residences, while less well-to-do families and students occupied more modest vernacular residences.
 - (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 historic buildings in the 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 facade*.
 - (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*.

41.27 – 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 *historic 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 the variety of its *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 early 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 subdistricts, including a mainly commercial (employment) subdistrict, a mixed commercial-residential subdistrict, and a mainly residential subdistrict. These subdistricts are defined relative to zoning districts as they existed when the district was created, and are delineated on the *historic district* map attached as *Appendix B.2* to this Chapter. Somewhat different historic preservation *standards* apply to each of these subdistricts, 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* exemplify a variety of historically significant styles, trends, methods of construction, indigenous materials and craftsmanship traditions.
- (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) Additions and Alterations. *Additions* and *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 facade* is a part.
 4. The materials used on the *street facade*.
 5. Roof design.
 - (b) Additions and Alterations.
 1. *Additions* and *alterations* to a *structure* shall be *visually compatible* with *historic resources* located within 200 feet of that *structure*, with respect to *height*.
 2. *Additions* and *alterations* to the *street façade* of a *historic resource* shall preserve the appearance of its *historically representative* surface materials. *Additions* and *alterations* shall also preserve the proportion and rhythm of solids and voids on the *street façade* and in the *block face* of which it is part.
 3. *Additions* and *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) Additions and Alterations.**
1. *Additions* and *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 *street facade* 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.

41.28 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 *historic resources* of University Heights, a neighborhood that contains much distinguished architecture and has strong historical associations with the University of Wisconsin. University Heights, originally platted in 1893, featured innovative 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 and leading local architects.
- (c)** The University Heights *Historic District* includes 3 subdistricts, which are defined relative to various zoning districts (the subdistricts are shown in *Appendix B.3* to this Chapter). The district 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) 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 2.5 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) Primary Structures; Surface Materials.
 1. Exterior siding on new *primary structures* shall be *visually compatible* with *historically representative* siding in the *historic district*. *Visually compatible* siding materials may include brick, narrow gauge horizontal clapboards having less than 4 inches of exposed width, stone, stucco and smooth shingles.
 2. Siding 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).
 3. All siding, including aluminum or vinyl if appropriate, shall be *visually compatible* with *historically representative* siding found on *historic resources* located within 200 feet of the new *primary structure*.
 4. The following siding 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) Primary Structures; Street Facade Area.
 1. Except as provided in subd. 2, the *street facade area* of a new *primary structure* shall be no greater than 125 percent of the average *street façade area* of *historic resources* located within 200 feet of the new *primary structure*.
 2. Subd. 1 does not apply to a multi-unit residential *structure* if each of its *street facades* includes adequate setback variations, such that the *street façade* appears to repeat the proportions and rhythm of the *block face* and of *historic resources* located within 200 feet of the *structure*.
 - (d) 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) 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 roofs.
 - (f) Parking Areas. New multi-vehicle, non-single-residence parking areas are prohibited unless they are accessory to a commercial or multi-unit residential *structure* on the same *lot*.
 - (g) 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; Additions and Alterations to Structures in TR-C2, TR-C3, and TR-C4 Zoning Districts.** *Additions and alterations to structures located in a TR-C2, TR-C3 or TR-C4 zoning district shall meet the following standards:*
- (a) Height.** *No addition or 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 are similar in design, color, scale, architectural appearance, and other visual qualities.*
 - (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 historically representative 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) Additions and 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. Additions and 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 are similar in design, color, scale, architectural appearance, and other visual qualities.*
 - (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 additions and 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 are similar in design, color, scale, architectural appearance, and other visual qualities. 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 roofs.*

- (i) Parking Areas. New or expanded multi-vehicle, non-single-residence parking areas are prohibited unless they are accessory to a commercial or multi-unit residential *structure* on the same *lot*.
- (7) **Historic Preservation Standards; Additions and Alterations to Structures in TR-V1, TR-V2, TR-U1, TR-U2, NMX, TSS and LMX Zoning Districts.** *Additions and 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. No *addition* or *alteration* may materially increase the *height* of a *structure*.
 - (b) Visual Compatibility. *Additions and 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 replaced with details that are similar in design, color, scale, architectural appearance, and other visual qualities.
 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 that are similar in design, color, scale, architectural appearance, and other visual qualities. *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 roofs.
 - (g) Parking Areas. New or expanded multi-vehicle, non-single-residence parking areas are prohibited unless they are accessory to a commercial or multi-unit residential *structure* on the same *lot*.

41.29 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 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) 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) 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*. *Historically representative* materials and features shall be preserved, or when necessary replaced with materials and features that are similar in design, color, scale, architectural appearance, and other visual qualities.

- (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 ornaments, remain uncovered or are replaced with details that are similar in design, color, scale, architectural appearance, and other visual qualities. .
 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 are similar in design, color, scale, architectural appearance, and other visual qualities. New brick, stucco, and half-timber details shall match the appearance of *historically representative* details.
- (d) Wood Shingle Siding. *Historically representative* wood shingle siding on *historic resources* shall be preserved, or when necessary replaced with siding that is similar in design, color, scale, architectural appearance, and other visual qualities. .
- (e) Roof Materials.
1. Roof materials shall be consistent in appearance with *historically representative* roof 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 roofs.
- (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 that are similar in design, color, scale, architectural appearance, and other visual qualities.
 3. Picture windows are prohibited. Bay windows are discouraged, but are 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 are similar in design, color, scale, architectural appearance, and other visual qualities.
 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 that are similar in design, color, scale, architectural appearance, and other visual qualities. 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 *street 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) Repointing and Brick Repair. Mortar and other materials used in repointing 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*.

41.30 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 *historic resources* of Madison's first non-indigenous residential settlement area. Madison's first occupied non-indigenous residence (no longer in existence) was built in this area in 1837, and others followed. The area is currently characterized by modest 19th 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 capital of the State of Wisconsin. Its current structures represent architectural styles, construction methods and streetscapes characteristic of 19th Century and early 20th 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 roofs*. *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) Street 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 *street 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 with porches that are similar in design, color, scale, architectural appearance, and other visual qualities. A *historically representative* porch may be enclosed with insect screens, storm windows and doors that comply with this paragraph (b) and match the *historically representative* style and materials of the porch.
2. New or altered porches shall have a finished appearance. Porches shall have ceilings and frieze boards, and their 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 3.5 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 *historically representative* porch. Deck and deck stairway railings shall meet porch and porch 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 that are similar in design, color, scale, architectural appearance, and other visual qualities.

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 that are similar in design, color, scale, architectural appearance, and other visual qualities.
 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 that are similar in design, color, scale, architectural appearance, and other visual qualities.
 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 roofs.
 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*. *Additions and 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 that are similar in design, color, scale, architectural appearance, and other visual qualities.
 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 repointing 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 masonry that is similar in design, color, scale, architectural appearance, and other visual qualities.
- (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.

Appendix A

HISTORIC DISTRICT MAPS

Appendix A.1: Mansion Hill Historic District Map [Add Map]

Appendix A.2: Third Lake Ridge Historic District Map [Add Map]

**Appendix A.3: University Heights Historic District Map
[Add Map]**

**Appendix A.4: Marquette Bungalows Historic District Map
[Add Map]**

Appendix A.4: First Settlement Historic District Map [Add Map]

PRESERVATION PRINCIPLES (2-page version)
(Alliance Draft, Sec. 41.11; defined terms in *italics*)

NEW CONSTRUCTION Sec. 41.11(2)	ADDITIONS/ALTERATIONS Sec. 41.11(3)	MAINTENANCE Sec. 41.11(4)
<p>A <i>historic district ordinance</i> should include <i>standards</i> for new construction in the <i>historic district</i>. <i>Standards</i> should address the following principles in a manner and at a level of detail appropriate to the <i>historic district</i>, so as to preserve the <i>historic district's character</i> and <i>historic resources</i>:</p> <p>(a) <u>New Primary Structures.</u> A new <i>primary structure</i> should be <i>visually compatible</i> with the <i>historic district</i>, and with each <i>historic resource</i> located within 200 feet of the new <i>structure</i>, with respect to the following factors:</p> <ol style="list-style-type: none"> 1. Its size as indicated by its <i>height</i>, number of stories above grade, <i>gross volume</i>, <i>bulk</i>, and <i>street facade area</i>. 2. Its relationship to the <i>lot</i> on which it is located, as indicated by its <i>lot coverage</i> and <i>setbacks</i>, and the size of its front, side and rear yards. 3. Its overall form as indicated by its shape, <i>massing</i>, ratio of width to <i>height</i>, symmetry or asymmetry, and roof shape. 4. The articulation of its <i>street façade</i> and other <i>visible facades</i>, including visual patterns created by building planes, wall recesses, wall protrusions, window and door openings, and <i>architectural features</i>. 5. The <i>character</i> 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 <i>character</i> 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 <i>visible facades</i>. 8. The nature, size, appearance and placement of exterior <i>architectural features</i> and appurtenances such as entryways, porches, decks, balconies, railings, stairways, rescue platforms, fire escapes, accessibility features, <i>signs</i>, awnings, lighting fixtures, <i>HVAC equipment</i>, electrical equipment, elevator equipment, solar equipment, telecommunications equipment and building mechanicals. 9. Its sensitivity to the site and surrounding <i>landscape</i>. Relevant 	<p>A <i>historic district ordinance</i> should include <i>standards</i> for <i>additions</i> and <i>alterations</i> in the <i>historic district</i>. <i>Ordinance standards</i> should address the following principles in a manner and at a level of detail appropriate to the <i>historic district</i>, so as to preserve the <i>historic district's character</i> and <i>historic resources</i>:</p> <p>(a) <u>Additions and Alterations to a Primary Structure.</u> <i>Additions</i> and <i>alterations</i> to an existing <i>primary structure</i> should not cause that <i>structure</i> to violate any <i>standards</i> applicable to new <i>primary structures</i>, or aggravate any prior nonconformity with those <i>standards</i>.</p> <p>(b) <u>Additions and Alterations to an Accessory Structure.</u> <i>Additions</i> and <i>alterations</i> to an existing <i>accessory structure</i> should not cause that <i>structure</i> to violate any <i>standards</i> applicable to new <i>accessory structures</i>, or aggravate any prior nonconformity with those <i>standards</i>.</p> <p>(c) <u>Additions and Alterations to a Historic Resource.</u> <i>Additions</i> and <i>alterations</i> to a <i>historic resource</i> should be <i>visually compatible</i> with that <i>historic resource</i> and should aim to preserve its <i>historically representative features</i>. <i>Additions</i> and <i>alterations</i> to a <i>landmark</i> or <i>landmark site</i> should comply with the <i>Secretary of Interior's Standards</i>, in addition to applicable <i>historic district standards</i>.</p> <p>(d) <u>New or Altered Roofs.</u> <ol style="list-style-type: none"> 1. New or altered roof features should be <i>visually compatible</i> with the existing <i>structure</i>, and with each <i>historic resource</i> located within 200 feet of the <i>structure</i>. 2. Materials used to repair or replace an existing roof should be <i>visually compatible</i> with the existing <i>structure</i>, and with <i>historic resources</i> located within 200 feet of that <i>structure</i>. 3. <i>Historically representative</i> roofing materials on <i>historic resources</i> should be preserved or, when necessary, replaced with materials that are similar in design, color, scale, architectural appearance, and other visual qualities. </p> <p>(e) <u>New or Altered Exterior Surfaces.</u> <ol style="list-style-type: none"> 1. New or altered exterior surfaces should be <i>visually compatible</i> with the existing <i>structure</i>, and with each <i>historic resource</i> located within 200 feet of that <i>structure</i>. 2. Materials used to repair an existing exterior surface should be <i>visually compatible</i> with that surface, and should </p>	<p>(a) <u>General.</u> An <i>owner</i> of property in a <i>historic district</i> should do all of the following:</p> <ol style="list-style-type: none"> 1. Comply with applicable <i>City codes</i>, as required by Sec. 41.13(1)(b). A <i>historic district ordinance</i> may cross reference, but should not unnecessarily repeat the code provisions cited in Sec. 41.13(1)(b). <i>Note: The codes cited in Sec. 41.13(1)(b) are enforced by the Building Inspector, not the Landmarks Commission.</i> 2. Maintain the property according to the <i>Secretary of Interior's Standards</i>, if the property is a <i>landmark</i> or <i>landmark site</i>. 3. Identify and aim to preserve <i>historically representative architectural features</i> of <i>historic resources</i>. 4. Refrain from <i>demolition by neglect</i>, as provided in Sec. 41.13(1)(c). <p>(b) <u>Maintaining Roofs.</u> Roofs should be maintained and repaired, as necessary, to prevent deterioration of the roof or the <i>building</i> that it covers. Materials used to repair a roof should be <i>visually compatible</i> with that roof. <i>Historically representative</i> roofing materials on <i>historic resources</i> should be preserved or, when necessary, replaced with materials that are similar in design, color, scale, architectural appearance, and other visual qualities.</p> <p>(c) <u>Maintaining Exterior Surfaces.</u> <ol style="list-style-type: none"> 1. Exterior surfaces of a <i>structure</i> should be maintained and repaired, as necessary, to prevent deterioration of the surface and <i>structure</i>. Materials used to repair exterior surfaces should be <i>visually compatible</i> with the existing surface, and should not make it more susceptible to deterioration. 2. <i>Historically representative</i> surface materials on <i>historic resources</i> 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 <i>historically representative</i> surfaces. 4. Masonry should be repaired and repointed with <i>visually compatible</i> materials that do not contribute to masonry deterioration. 5. Painted and other finished surfaces should be refinished as needed </p>

<p>considerations may include the nature, size, appearance and location of its parking accommodations, refuse storage facilities, <i>landscape features</i> and drainage systems, as well as its sensitivity to distinctive <i>natural features</i>, archaeological features, <i>historically representative landscape features</i>, and open spaces that materially contribute to the <i>character of the historic district</i>.</p> <p>10. Its relationship to each <i>block face</i> 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 <i>structures</i> represented in the <i>block face</i>.</p> <p>(b) <u>New Accessory Structures.</u> A new <i>accessory structure</i> should be <i>visually compatible</i> with the <i>primary structure</i> to which it pertains, with the <i>historic district</i>, and with each <i>historic resource</i> located within 200 feet of the <i>accessory structure</i>. New <i>accessory structures</i> should be as inconspicuous as reasonably possible, when viewed from a <i>developed public right-of-way</i>.</p> <p>(c) <u>New Signs.</u> A <i>sign</i> constructed on a <i>lot</i> in a <i>historic district</i> should be <i>visually compatible</i> with the <i>structures</i> on that <i>lot</i>, with the <i>historic district</i>, and with <i>historic resources</i> located within 200 feet of the <i>sign</i>.</p>	<p>not make it more susceptible to deterioration.</p> <p>3. <i>Historically representative</i> exterior surfaces on <i>historic resources</i> should be preserved or, when necessary, replaced with materials that are similar in design, color, scale, architectural appearance, and other visual qualities.</p> <p>(f) <u>New or Altered Windows and Doors.</u></p> <p>1. New or altered windows and doors should be <i>visually compatible</i> with the existing <i>structure</i>, and with each <i>historic resource</i> located within 200 feet of the <i>structure</i>.</p> <p>2. <i>Historically representative</i> windows and doors on <i>historic resources</i> should be preserved or, when necessary, replaced with windows and doors that are similar in design, color, scale, architectural appearance, and other visual qualities.</p> <p>(g) <u>New or Altered Architectural Features.</u></p> <p>1. New or altered <i>architectural features</i> should be <i>visually compatible</i> with the existing <i>structure</i>, and with each <i>historic resource</i> located within 200 feet of the <i>structure</i>.</p> <p>2. <i>Historically representative architectural features</i> of <i>historic resources</i> should be preserved or, when necessary, replaced with features that are similar in design, color, scale, architectural appearance, and other visual qualities.</p> <p>(h) <u>New or Altered External Equipment.</u> New or altered external <i>HVAC</i>, electrical, solar, telecommunications and mechanical equipment pertaining to a <i>structure</i> should be as inconspicuous as possible, consistent with function.</p> <p>(i) <u>New or Altered Drainage Systems.</u> New or altered drainage systems should provide effective drainage, to prevent water damage to <i>structures</i>. Exterior drainage systems on a <i>structure</i> should be <i>visually compatible</i> with that <i>structure</i>. Visible, <i>historically representative</i> drainage systems on <i>historic resources</i> should be preserved or, when necessary, replaced with systems that are <i>visually compatible</i> with the <i>historic resource</i>.</p> <p>(j) <u>Landscape Alterations.</u> <i>Landscape alterations</i> should aim to preserve distinctive <i>natural features</i>, archaeological features, <i>historically representative landscape features</i>, and open spaces that materially contribute to the <i>character of the historic district</i>.</p>	<p>to maintain their appearance and prevent deterioration.</p> <p>(d) <u>Maintaining Architectural Features.</u></p> <p>1. <i>Architectural features</i> should be maintained and repaired, as necessary, to prevent deterioration. Repairs should be <i>visually compatible</i> with the existing <i>architectural feature</i>.</p> <p>2. <i>Historically representative architectural features</i> on <i>historic resources</i> should be preserved or, when necessary, replaced with materials that are similar in design, color, scale, architectural appearance, and other visual qualities.</p> <p>(e) <u>Maintaining Drainage Systems.</u> Drainage systems should be maintained and repaired, as necessary, to prevent water damage to <i>historic resources</i>.</p> <p>(f) <u>Maintaining Landscapes.</u> <i>Landscapes</i> should be maintained in a manner consistent with the preservation of distinctive <i>natural features</i>, archaeological features, <i>historically representative landscape features</i> and open spaces that materially contribute to the <i>character of the historic district</i>.</p>
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