



PLANNING DIVISION STAFF REPORT

November 19, 2020

PREPARED FOR THE LANDMARKS ORDINANCE REVIEW COMMITTEE

Legistar File ID # [56918](#), Draft Historic Preservation Ordinance, Parking Lot Issues
Memo #5: Accessory Structures

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Background

Part of the “Parking Lot” issues for the committee to discuss is standards for accessory structures. The primary focus of the committee has been on the regulations related to principal structures. In community meetings, there was a great deal of discussion about whether accessory structures should be held to the same standards as principal structures. The current Historic Preservation Ordinance does not have a definition of “accessory structure” and instead relies upon the Zoning Ordinance’s definition.

Below are a series of definitions also found in the [January 14, 2020, staff memo](#) on potential definitions for the Historic Preservation Ordinance:

Accessory Structures

- 1) structures that are not the primary structure, including garages, garden sheds, accessory dwelling units, and others as defined by Madison’s Zoning Ordinance. *Based on conversations with staff, LORC may want to consider the effect and size of small garden sheds not placed on concrete slabs.* [Consultant Report]
- 2) a subordinate building or structure, the use of which is clearly incidental to that of the main building and which is located on the same lot as the principal building, and is subordinate to the principal building in height and floor area. [MGO 28.211, Zoning definition]
- 3) a permanent 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 attached to land. [Alliance]

Comparison of Existing Accessory Structure Standards

Of the current historic district ordinances, Mansion Hill and Third Lake Ridge do not specifically discuss accessory structures. It wasn’t until the adoption of the University Heights standards, that the historic district ordinances started to provide separate standards for accessory structures. University Heights, Marquette Bungalows, and First Settlement all have standards for accessory structures, including a height limitation of 15 feet in each of those districts. The Zoning Ordinance allows for an accessory structure in residential and mixed-use zones to either be a maximum of 15 feet or the height of the principal structure, whichever is lower. However, the way Zoning measures height allows for slightly taller buildings than the current height measurement definition in the Historic Preservation Ordinance. Additionally, the Zoning Ordinance allows for detached Accessory Dwelling Units (such as units located above a garage) to be up to 25 feet in height.

University Heights

MGO 41.24(4) (4) Standards for the Review of New Structures

(b) Accessory Structures. Accessory structures, as defined in [Section 28.211](#), MGO, shall be compatible with the design of the existing structures on the zoning lot, shall not exceed fifteen (15) feet in height and shall be as unobtrusive as possible. No accessory structure shall be erected in any yard except a rear yard. Exterior wall materials shall be the same as those for construction of new principal structures as set forth in [Sec. 41.24\(4\)\(a\)2](#).

Marquette Bungalows

MGO 41.25(4) Standards for the Review of New Construction and Fences

(a) Accessory Structures. Accessory structures shall be compatible with the design of the existing structure on the zoning lot, shall not exceed fifteen (15) feet in height and shall be as unobtrusive as possible. Accessory structures shall be erected in the rear yard. If the structure on the lot is sided in wood or stucco, the siding on the accessory structure shall match the appearance of the siding on the structure. Imitation siding materials that approximate the look of the siding on the structure, such as vinyl, aluminum or applied stucco-like surfaces, may be approved. If the siding on the structure is brick, the garage may be sided in brick to match, clapboard, stucco, narrow-gauge vinyl or aluminum or applied stucco-like surfaces. Garage doors shall blend with the historic appearance of the neighborhood. Horizontally paneled doors and flat paneled doors are prohibited. Windows shall be either casements or double-hung units of a similar proportion to the windows on the structure. Alteration of existing accessory structures shall comply with this subdivision (e) and with subdivision (d) above. The roof shape may be a hip or gable of any pitch; single slope roofs are prohibited. The roof material shall match as closely as possible the color and appearance of the roof material on the structure.

First Settlement

MGO 41.26(6)

(a) Accessory Structures. Accessory structures shall be compatible with the design of the existing structure on the zoning lot, shall not exceed fifteen (15) feet in height and shall be as unobtrusive as possible. Garage doors shall either be entirely flat or shall have approximately square panels. Horizontally paneled doors are prohibited. Windows shall be either double or single-hung units of a similar proportion to the windows on the structure or shall be six-paned (three panes across and two panes high) units similar to those seen on 1920s era garages. Siding may either match the siding on the structure or be narrow-gauge clapboard, vertical board-and batten, or a smooth stucco or stucco-like applied material. The roof shape shall have a pitch and style similar to the roof shape on the structure. The roof material shall match as closely as possible the material on the structure. Alteration of existing accessory structures shall comply with this subdivision and with subdivision (d).

Staff Recommendation

There are a variety of methods of ensuring that an accessory structure is both subordinate to the principal structure on a property and fits within the context of the property and the district. The height limitation of 15 feet does prevent property owners from creating usable space above the vehicle area in a garage in the way that height is measured for historic resources, and limits the viability of one of the more common forms for a detached Accessory Dwelling Unit. While the height limit might make sense in the Marquette Bungalows neighborhood, it seems an artificial method of ensuring that accessory structures stay subordinate to the principal structures in most of the other districts. There are existing accessory structures in all of the other districts, many of them historic, which are taller than 15 feet. Zoning's standards for accessory structures allows for carriage houses in historic districts to be rebuilt to their historic height. Ideally, accessory structures should have standards that ensure they will be subordinate to the principal structure on the parcel, but also be comparable with other historic accessory structures either in the district or in the 200 foot vicinity. As long as the heights comply with Zoning requirements (be it for accessory structures of accessory dwelling units) and the structure is subordinate and unobtrusive in relation to the principal structure, then the current recommended standards for new construction are reasonable.

Otherwise, the standards for maintenance, repair, alteration, and additions in the draft ordinance were designed to be applicable for both principal and accessory structures.

Language for new accessory structures in the current working draft of the ordinance is:

New Construction

(b) Accessory Structures

1. Requirements

- a. Comply with requirements for new primary structures
- b. Minimally visible from the street, or for corner lots be minimally visible from the front of the property
- c. Clearly be secondary to the primary structure

2. Guidelines

- a. New accessory structures should be of a similar architecture style as the primary structure while clearly being a new building so as not to create a false sense of history.

In all other categories, principal and accessory structures can follow the same standards.