

DATE: December 14, 2020  
TO: LORC Members and Staff  
FROM: David Mollenhoff, Chair, Madison Alliance for Historic Preservation  
SUBJECT: **Historic Districts: Moving Forward Together**

I am appearing on behalf of the Madison Alliance for Historic Preservation, which has been deeply involved in strengthening Madison's historic preservation ordinance and program. Our goal is to be a good partner with LORC and city staff in this effort, not an adversary. Our experienced members have spent a lot of volunteer time thinking about these issues, and working to build consensus.

We think that LORC and staff have done some very good work, which will help to modernize our current historic district ordinances. But as you know, we have some concerns related to overall focus, structure and process. In brief, we believe that:

- **We must preserve the overall character of our historic districts, not just individual historic properties.** We must clearly address new construction, which is a key challenge for our districts.
- **We should modernize, but not completely eliminate, our 5 current district ordinances.** District property owners have relied on their district ordinances for decades. The LORC draft fails to address scores of current district ordinance provisions that may be important.
- **We should create a clear, consistent template for all current and future district ordinances, but allow for district-specific refinements as needed.** What is right for the Williamson Street commercial corridor may not be right for the Marquette bungalows, and *vice-versa*.
- **We must be sensitive to relevant differences between property types** (commercial vs. residential, historic vs. non-historic, bungalow style vs. 19<sup>th</sup> Century mansion style, etc.) It is easier to handle these nuances in a district-specific ordinance.
- **Each district ordinance should be a “one-stop source” of information for property owners in that district.** Property owners should not have to sift through material from other districts.
- **We should use the current district-specific process to update current district ordinances.** The current process prescribed by Ch. 41 MGO provides important safeguards, including district-specific public hearings and review by the Landmarks Commission and City Plan Commission. These safeguards may be lost or diluted in an omnibus “all-at-once” process.

We are aware that, after 15 meetings, LORC would surely like to bring this process to a timely conclusion. So would we, and we are offering a process that can get us there together. In brief, LORC can approve clear, consistent “preservation principles” for all historic districts (the Alliance has offered draft ordinance language that LORC is free to change). The Preservation Planner can then update each of the current district ordinances, based on the “preservation principles” that LORC has spelled out (LORC need not take any further action unless it wishes to do so).

The Preservation Planner may incorporate language from the “preservation principles,” from the current LORC draft, and from current district ordinances (or other sources) as she deems appropriate. Much of the ordinance language will presumably be the same across all districts; but the Preservation Planner may incorporate district-specific provisions as needed. Ordinance standards may be supplemented by interpretive guidelines, which may be tailored as necessary for each district. The Preservation Planner may do public outreach, as she deems appropriate. The Landmarks Commission and City Plan Commission must review final draft proposals, prior to Common Council approval.

We have attached one-page documents comparing this with the current “one-size-fits-all” approach, and outlining our suggested process in greater detail. We have also attached the “preservation principles” proposed by the Alliance (which LORC is free to alter). Jim Matson and I will be glad to answer any questions you might have.

# Madison Historic Districts: A Way Forward

## Madison Alliance for Historic Preservation

- 1. Current district ordinances should be improved, not discarded.** Madison currently has 5 historic districts. The current districts are very different from each other. Each district has its own ordinance, reflecting the individual character of that district. Property owners have relied on the current ordinances for decades. We should improve the current ordinances, but save what is important.
- 2. We should preserve *historic character*, while facilitating sensitive development.** We should preserve the overall character of our historic districts, not just individual historic properties. Standards should address new construction, as well as additions, alterations and maintenance. Different standards may apply to different kinds of properties (e.g., commercial vs. residential), and to historic vs. non-historic properties. District standards should be sensitive to the unique historic character of each district.
- 3. All district ordinances should reflect key *preservation principles*.** The Alliance has identified key *preservation principles* for all current and future historic districts (see attached). These *preservation principles* can be converted to district ordinance standards, just by converting “shoulds” to “shalls.” But district ordinances may add clarifying details, based on district-specific needs. All ordinances should follow a clear, consistent format, and use consistently defined terms.
- 4. District-specific ordinances are important.** A district ordinance should implement the *preservation principles* in a way that fits the individual district. “One-size-fits-all” standards will not work. Requirements that fit the Williamson Street commercial corridor may not fit the Marquette Bungalows, and vice-versa.
- 5. District ordinances should provide a “one-stop source” for district property owners.** A property owner should be able to find all the standards that apply in his or her district, just by looking at the district ordinance. Standards may be accompanied by suggested guidelines, based on the context of each district. Guidelines may incorporate design manuals and illustrations by reference (materials kept on file and posted on line for easy access).
- 6. Ordinance revisions should be adopted by the normal, district-specific legal process.** The Preservation Planner can propose district ordinance revisions that reflect the over-arching *preservation principles*. The Planner may use language from the *preservation principles*, from the current LORC draft, and from current district ordinances (or other sources). She may discard outdated provisions, and propose new or substitute provisions as appropriate. Revisions must be reviewed by the Landmarks Commission and City Plan Commission, and approved by the Common Council, as required by current law. This current process requires public hearings, and ensures district-specific scrutiny of ordinance changes that affect district property owners. No other special process is required. However, the Preservation Planner may do additional public outreach as appropriate.
- 7. This approach can be implemented quickly and easily.** The Landmarks Ordinance Review Committee (LORC) can approve the attached *preservation principles*, with any changes that LORC deems necessary, prior to the next Common Council election in April, 2021. Upon approval by the Common Council, the Preservation Planner can use the principles to update current district ordinances. The Alliance believes that this process can be completed relatively quickly, without an undue commitment of staff time (we are committed to help). Clear, over-arching *preservation principles* will guide and greatly facilitate the process.

**41.11 PRESERVATION PRINCIPLES.** [*Defined terms are italicized; the Alliance has provided definitions.*]

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**(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*.

## Generic vs. District-Specific Approach

|                               | <b>Generic<br/>(Current LORC Proposal)</b>   | <b>District-Specific<br/>(Alliance Proposal)</b>   |
|-------------------------------|--|--|
| <b>Fundamental assumption</b> | <ul style="list-style-type: none"> <li>• All historic districts are the same.</li> </ul>   | <ul style="list-style-type: none"> <li>• There are important differences within and between historic districts, which must be addressed.</li> </ul>  |
| <b>Approach</b>               | <ul style="list-style-type: none"> <li>• A single ordinance covers all current and future districts.</li> <li>• Eliminates all 5 current district ordinances.</li> <li>• The <i>same legal requirements</i> apply to all properties in all current or future districts, regardless of: <ul style="list-style-type: none"> <li>▪ Commercial or residential.</li> <li>▪ Historic or non-historic.</li> <li>▪ Building style.</li> </ul> </li> <li>• District variations, if any, must be listed as exceptions (multiple exceptions for multiple districts may be confusing).</li> <li>• Spells out standards for: <ul style="list-style-type: none"> <li>▪ Maintenance and repair (main focus)<sup>1</sup></li> <li>• Additions</li> <li>• Alterations</li> <li>• New construction (least focus)</li> </ul> </li> <li>• Includes specific legal standards for: <ul style="list-style-type: none"> <li>▪ Building site</li> <li>▪ Exterior walls</li> <li>▪ Roofs</li> <li>▪ Windows and doors</li> <li>▪ Porches, balconies and decks</li> <li>▪ Building systems</li> </ul> </li> <li>• Standards may be supplemented by interpretive guidelines (generic to all districts).</li> </ul> | <ul style="list-style-type: none"> <li>• Spell out clear, consistent <i>preservation principles</i> for all current and future districts. These address: <ul style="list-style-type: none"> <li>▪ New construction (more focus than LORC).</li> <li>▪ Additions.</li> <li>▪ Alterations.</li> <li>▪ Maintenance.</li> </ul> </li> <li>• District ordinances spell out <i>district-specific standards</i> to implement the <i>preservation principles</i>. District standards may be tailored, as necessary, to address differences within and between districts.</li> <li>• Updates, but does not eliminate, current district ordinances.</li> <li>• The City Preservation Planner proposes district ordinance updates, based on the <i>preservation principles</i>: <ul style="list-style-type: none"> <li>▪ The Preservation Planner may incorporate language from the <i>preservation principles</i>, from the current LORC draft, and from current district ordinances (or other sources) as she deems appropriate.</li> <li>▪ Much of the ordinance language will presumably be the same across all districts; but the Preservation Planner may incorporate district-specific provisions as needed.</li> <li>▪ All district ordinances will follow the same format, and use common definitions.</li> <li>▪ Outdated and redundant district ordinance provisions may be revised or eliminated.</li> <li>▪ Ordinance standards may be supplemented by interpretive guidelines (which may be tailored as necessary for each district).</li> </ul> </li> <li>• District property owners have a “one stop source” of information, just by looking at their own district ordinance (no need to wade through standards and exceptions for other districts).</li> <li>• Uses existing, district-specific legal process to update district ordinances: <ul style="list-style-type: none"> <li>▪ Draft ordinance update is reviewed by the Landmarks Commission and City Plan Commission, prior to Common Council approval.</li> <li>▪ District-specific hearings will provide focused public input.</li> </ul> </li> </ul> |

<sup>1</sup> Note: The Landmarks Commission has only limited jurisdiction over maintenance and repair, which is mainly under the jurisdiction of the Building Inspector. A historic preservation “certificate of appropriateness” is only required for material alterations (e.g., projects requiring a building permit).