

DATE: January 12, 2020
TO: Ad Hoc Landmarks Ordinance Review Committee (“LORC”)
FROM: James Matson, Madison Alliance for Historic Preservation (“Alliance”)
SUBJECT: **Historic Districts – A Way Forward**

New Construction – Option #3

First, I would like to thank staff for including Option #3 in their options paper related to New Construction. I personally believe that this is the most promising way forward, as shown in the chart that Dave Mollenhoff has submitted (“New Construction in Historic Districts: General Standards Compared”). This approach can also be used to address Additions, Alterations and Maintenance (see Draft Ordinance below). Staff language can be added where appropriate.

Draft Ordinance

I am attaching a *revised ordinance draft* that can be used to implement this approach. A one-page “plain language summary” is attached. Key sections of the ordinance draft are highlighted in **yellow**. This revised ordinance draft:

- **Spells out *core standards* (not just “preservation principles”) for all historic districts.** The *core standards* address new construction, additions, alterations and maintenance. (The new construction standards are those shown in Staff Option #3, cited above.) These *core standards* can work for *all* historic districts, current and future. Key terms are clearly defined (this is critical).
- **Provides a clear, consistent format for district ordinances.** A district ordinance:
 - Must spell out the district’s scope and rationale.
 - Must incorporate all of the *core standards*, directly or by reference.
 - Must identify the district’s *historic resources*, including buildings constructed during the district’s *historic period of significance*. *Historic resources* may be subject to somewhat different standards than other properties in a historic district. They also serve as reference points for visual compatibility standards.
 - Must use consistently defined terms, and *italicize* defined terms in the ordinance text. This includes terms like *block face*, *bulk*, *character*, *gross volume*, *height*, *historic resource*, *historically representative*, *massing*, *story*, *street façade*, *visible façade*, and *visually compatible*.
 - May include district-specific standards and interpretive guidelines that do not contradict the *core standards*.
- **Updates current district ordinances, based on this format.**
 - Draft updates are shown in Subchapter I.
 - *Core standards* are shown in regular type. These are the same for all districts, and could be incorporated by reference (rather than directly, as shown here).
 - District-specific provisions, shown in **green type**, are drawn from *current district ordinances and plans*. These provisions have been reorganized and redrafted for clarity (and for consistency with current state law). Some district-specific provisions (e.g., some Build II standards for the Williamson Street corridor) are included as standards, while others are included as interpretive guidelines (note revised definition of *guideline*).
 - These district ordinance drafts may be modified as necessary. Staff language may be added where appropriate. Outdated provisions may be revised or deleted. New provisions may be added.

Staff Proposal

The LORC Staff Proposal includes useful provisions that can be blended into the above framework, where appropriate. But context matters:

- Detailed stylistic requirements (related to porch details, siding materials, roofing materials, etc.) are best handled by district-specific ordinances, rather than “one-size-fits-all” core standards. Styles vary widely within and between districts.
- Different requirements may apply to different kinds of properties (commercial vs. residential, historic vs. non-historic, etc.).
- Some provisions might work better as interpretive guidelines, rather than stand-alone standards.
- Although the Alliance is not necessarily opposed to maintenance standards or guidelines (we have included some of our own), it is important to indicate which maintenance projects require Landmarks Commission approval (our draft framework does this). It is also important to clarify the roles of the Building Inspector, the Landmarks Commission and the Preservation Planner in the administration of maintenance standards (our draft framework does this).

Part of the Alliance’s concern with the LORC Staff Proposal is what it does NOT appear to address. The Alliance has identified over 120 *current district ordinance provisions* that do not seem to be addressed by the LORC Staff Proposal (see Mollenhoff statement). The Common Council apparently thought that these provisions were important, at least when they were adopted. Some of them may no longer be needed, or might be addressed in another way. But before LORC simply throws out current ordinance provisions that have served for decades, it should make very sure that it is doing no harm.

A “Win-Win” Solution

A “state of the art” historic preservation program requires a combination of core standards and district-specific detail. Current law contemplates district-specific ordinances for a number of reasons. Presumably, any new district would also require a district-specific ordinance. Current district ordinances address many matters that are of concern to some, but not all, districts. The Alliance agrees that current district ordinances should be updated, clarified, and made more consistent with each other. But we should not “throw out the baby with the bathwater.”

I believe that the framework described here – combining *core standards* with district-specific ordinances – provides a way forward and can quickly get us to a “win-win” solution.

Attachment

Plain Language Summary

This ordinance updates 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. Other districts may be created by ordinance in the future.

This ordinance updates current historic district standards, to preserve historic character while facilitating sensitive development and improvements. The ordinance spells out *core standards* for all historic districts, current and future. The standards address new construction, additions, alterations and maintenance in historic districts, and are designed to work in combination with applicable zoning and building codes.

Currently, each historic district has a district ordinance that reflects the unique context of that district. This ordinance updates the current district ordinances to incorporate the new *core standards*. The updated district ordinances provide supplementary detail, as appropriate for each district. All district ordinances follow the same format and use the same defined terms. Standards are supplemented by interpretive guidelines, where appropriate.

The Landmarks Commission may publish an online design manual that incorporates ordinance standards and interpretive guidelines in a user-friendly format. The design manual may also include illustrations and voluntary “best practice tips” for property owners. The Landmarks Commission may from time to time update the design manual, but may not modify ordinance standards or ordinance guidelines without Common Council action.

This ordinance also makes non-substantive organizational and drafting changes, to improve the clarity and consistency of the current ordinance:

- Reorganizes current subchapters, for greater ease of reference.
- Spells out clear definitions and *italicizes* defined terms in the ordinance text, to ensure consistent interpretation.
- Clarifies (but does not change) current administrative procedures. Among other things, it clarifies which projects require a city approval (“certificate of appropriateness”).
- Lists current property owner responsibilities in one location, for ease of reference. Current enforcement provisions are also listed in one location.
- Clarifies (but does not change) the interconnected roles of the Landmarks Commission, the Preservation Planner, the Building Inspector, the City Plan Commission and the Common Council, as they relate to historic preservation.
- Clarifies (but does not change) current standards and procedures related to individually designated landmarks. Landmarks are individual historic properties that may or may not be located in historic districts.
- Makes non-substantive drafting changes to improve clarity, consistency and readability.

Finally, this ordinance requires the Landmarks Commission to recommend updates to the city’s Historic Preservation Plan at least once every 10 years. The plan is subject to Common Council approval, as part of the city’s comprehensive plan.

Historic Preservation and Historic Districts

Draft Ordinance Offered by the Madison Alliance for Historic Preservation

Plain Language Summary

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

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

CHAPTER 41: HISTORIC PRESERVATION

SUBCHAPTER A – GENERAL PROVISIONS

41.01 Policy and Purpose

41.02 Definitions

42.03 General Administrative Provisions

SUBCHAPTER B – LANDMARKS COMMISSION

41.04 Landmarks Commission

41.05 Preservation Planner

41.06 Public Hearings and Hearing Notices

SUBCHAPTER C – DESIGNATING LANDMARKS

41.07 Designating a Landmark

41.08 Rescinding a Landmarks Designation

SUBCHAPTER D – CREATING AND MODIFYING HISTORIC DISTRICTS

41.09 Creating, Modifying or Repealing a Historic District

41.10 Historic District Ordinance

41.11 Preservation Standards; General

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

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.

41.02 DEFINITIONS. In this Chapter:

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

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

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

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

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

Building means a roofed *structure*.

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

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

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

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

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

Certificate of appropriateness means a certificate issued under Subchapter F, authorizing a project that meets applicable historic preservation *standards* under this Chapter.

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

City means the City of Madison.

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

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

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

Developed public right-of-way means a public right-of-way that has been developed to accommodate public vehicular, bicycle or pedestrian traffic. It includes streets, mass transit lines, paved bicycle paths and paved sidewalks, but does not include service alleys. In the case of a street, it includes the street, street terraces, and all paved bicycle paths and paved sidewalks that run along the street.

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

Guideline means a provision that helps to interpret and implement a *standard* to which it is relevant.

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*.

Story means a floor of a *building* or other structure, including the space encompassed by its base, exterior walls and ceiling. When a vertical size limit under this chapter is expressed in terms of *stories*, the average height of the individual stories may not exceed 13 feet.

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.

41.10 HISTORIC DISTRICT ORDINANCE.

- (1) **General.** Every *historic district* shall have a *historic district ordinance* that defines the district and establishes preservation *standards* for properties in the 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 *standards* under sub. (2) that are designed to preserve the *historic district's character* and *historic resources*.
 - (g) Notify district property owners of the need to obtain a *certificate of appropriateness* for projects described in Sec. 41.13(2).
 - (h) Make consistent use of terms defined in Sec. 41.02. Defined terms, when used in the ordinance text, shall be italicized.
- (2) **Preservation Standards.** Every *historic district ordinance* under sub. (1) shall include the general *standards* in Sec. 41.11. A district ordinance may also include district-specific *standards*, not incompatible with the general standards under Sec. 41.11, which are appropriate for that district. Standards shall:
- (a) Be reasonably designed 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.
 - (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."
- (3) **Guidelines.** A district ordinance may include *guidelines* to aid the interpretation and application of *standards* under sub. (2).
- (4) **Design Manual.** The *Landmarks Commission* may publish an online design manual that incorporates ordinance *standards* and *guidelines* in a user-friendly format. A design manual may also include illustrations and voluntary practice tips that can aid property owners in the preservation of *historic resources* and *historic districts*. The *Landmarks Commission* may from time to time update the design manual, but may not modify an ordinance *standard* or ordinance *guideline* without Common Council action.

41.11 PRESERVATION STANDARDS; GENERAL. A historic district ordinance shall include all of the following general standards:

(1) New Construction.

- (a) **New Primary Structures.** A new *primary structure* shall 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* shall 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* shall 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* shall be *visually compatible* with the *structures* on that *lot*, with the *historic district*, and with *historic resources* located within 200 feet of the *sign*.

(2) Additions and Alterations.

(a) Additions and Alterations to a Primary Structure. *Additions and alterations* to an existing *primary structure* shall 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* shall 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* shall be *visually compatible* with that *historic resource* and shall aim to preserve its *historically representative features*. *Additions and alterations* to a *landmark* or *landmark site* shall 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 shall 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 shall 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* shall 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 shall 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 shall be *visually compatible* with that surface, and shall not make it more susceptible to deterioration.

3. *Historically representative* exterior surfaces 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.

(f) New or Altered Windows and Doors.

1. New or altered windows and doors shall 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* shall 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* shall 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* shall 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* shall be as inconspicuous as possible, consistent with function.

(i) New or Altered Drainage Systems. New or altered drainage systems shall provide effective drainage, to prevent water damage to *structures*. Exterior drainage systems on a *structure* shall be *visually compatible* with that *structure*. Visible, *historically representative* drainage systems on *historic resources* shall be preserved or, when necessary, replaced with systems that are *visually compatible* with the *historic resource*.

(j) Landscape Alterations. *Landscape alterations* shall 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*.

(3) Maintenance.

(a) General. An owner of property in a *historic district* shall 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 shall 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 shall be maintained and repaired, as necessary, to prevent deterioration of the roof or the *building* that it covers. Materials used to repair a roof shall be *visually compatible* with that roof. *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.

(c) Maintaining Exterior Surfaces.

1. Exterior surfaces of a *structure* shall be maintained and repaired, as necessary, to prevent deterioration of the surface and *structure*. Materials used to repair exterior surfaces shall be *visually compatible* with the existing surface, and shall not make it more susceptible to deterioration.
2. *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.
3. Best practices shall be used to clean *historically representative* surfaces.
4. Masonry shall be repaired and repointed with *visually compatible* materials that do not contribute to masonry deterioration.

5. Painted and other finished surfaces shall be refinished as needed to maintain their appearance and prevent deterioration.
- (d) Maintaining Architectural Features.
1. *Architectural features* shall be maintained and repaired, as necessary, to prevent deterioration. Repairs shall be *visually compatible* with the existing *architectural feature*.
 2. *Historically representative architectural features* 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.
- (e) Maintaining Drainage Systems. Drainage systems shall be maintained and repaired, as necessary, to prevent water damage to *historic resources*.
- (f) Maintaining Landscapes. *Landscapes* shall 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) Variances 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. Variances 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

41.26 - MANSION HILL HISTORIC DISTRICT.

- (1) **Creation.** A Mansion Hill *Historic District* is hereby created. The boundaries of the district are shown in the attached map, and are further described in a legal description on file with the *City Planning Division*. **[Attach Map]**
- (2) **Purpose and Rationale.**
 - (a) The purpose of the Mansion Hill *Historic District* is 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).
 - (c) The following additional *structures* or properties that are important to the *character* of the *historic district*, and whose historical significance has been clearly documented:

[List other specific individual structures or properties (e.g., historically significant parks) that are to be treated as historic resources within the district. All designated historic resources should be shown on the attached district map.]
- (5) **Property Owner Responsibilities.** An owner of property in the Mansion Hill *Historic District* shall:
 - (a) Comply with applicable *standards* in this section.
 - (b) Obtain a *certificate of appropriateness* before undertaking any project for which a permit is required under Sec. 41.13(2), MGO. For more information, contact the *Preservation Planner* in the *City Planning Division*.

- (6) New Construction; Standards.** New construction in the Mansion Hill *Historic District* shall comply with the following *standards*:
- (a) New Primary Structures.** A new *primary structure* shall be *visually compatible* with the *historic district*, and with each *historic resource* under sub. (4) that is 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* shall be *visually compatible* with the *primary structure* to which it pertains, with the *historic district*, and with each *historic resource* under sub. (4) that is located within 200 feet of the *accessory structure*. New *accessory structures* shall 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 the *historic district* shall be *visually compatible* with the *structures* on that *lot*, with the *historic district*, and with *historic resources* located within 200 feet of the *sign*.

(7) Additions and Alterations; Standards. *Additions and alterations to structures in the Mansion Hill Historic District shall comply with the following standards:*

(a) Additions and Alterations to a Primary Structure. *Additions and alterations to an existing primary structure shall not cause that structure to violate any standards applicable to new primary structures under sub. (6)(a), or aggravate any prior nonconformity with those standards.*

(b) Additions and Alterations to an Accessory Structure. *Additions and alterations to an existing accessory structure shall not cause that structure to violate any standards applicable to new accessory structures under sub. (6)(b), or aggravate any prior nonconformity with those standards.*

(c) Additions and Alterations to a Historic Resource. *Additions and alterations to a historic resource designated under sub. (4) shall be visually compatible with that historic resource and shall aim to preserve its historically representative features. Additions and alterations to a landmark or landmark site shall comply with the Secretary of Interior's Standards, in addition to this subsection (7).*

Guideline: *Property owners are encouraged to restore previously altered historic resources to their documented original or historically representative appearance.*

(d) New or Altered Roofs.

1. *New or altered roof features shall be visually compatible with the existing structure, and with each historic resource under sub. (4) that is located within 200 feet of the structure.*

2. *Materials used to repair or replace an existing roof shall be visually compatible with the existing structure, and with each historic resource under sub. (4) that is located within 200 feet of the structure.*

3. *Historically representative roofing materials on historic resources designated under sub. (4) shall 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 shall be visually compatible with the existing structure, and with each historic resource under sub. (4) that is located within 200 feet of the structure.*

2. *Materials used to repair an existing exterior surface shall be visually compatible with that surface, and shall not make it more susceptible to deterioration.*

3. *Historically representative exterior surfaces on historic resources under sub. (4) shall 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, including related features such as storm doors, storm windows, trim and shutters, shall be visually compatible with the existing structure, and with each historic resource under sub. (4) that is located within 200 feet of the structure.*

2. *Historically representative windows and doors on historic resources under sub. (4) shall 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 shall be visually compatible with the existing structure, and with each historic resource under sub. (4) that is located within 200 feet of the structure.*

2. *Historically representative architectural features of historic resources* designated under sub. (4) shall 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* shall be as inconspicuous as possible, consistent with function.
- (i) New or Altered Drainage Systems. New or altered drainage systems shall provide effective drainage, to prevent water damage to *structures*. Exterior drainage systems on a *structure* shall be *visually compatible* with that *structure*. Visible, *historically representative* drainage systems on *historic resources* under sub. (4) shall be preserved or, when necessary, replaced with systems that are *visually compatible* with the *historic resource*.
- (j) Landscape Alterations. *Landscape alterations* shall 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*.
- (8) **Maintenance Standards.** Owners of property in the Mansion Hill *Historic District* shall comply with the following *standards*:
- (a) General. An *owner* shall:
1. Comply with applicable provisions of Chapters 18 (Plumbing Code), 19 (Electrical Code), 27 (Housing and Property Maintenance Code), 29 (Building Code), 30 (HVAC Code) and 31 (*Sign Control Ordinance*), MGO.

[Note: The codes cited in par. (a)1. 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 the property, if the property is a *historic resource* designated under sub. (4).
 4. Refrain from *demolition by neglect*, as provided in Sec. 41.13(1)(c), MGO.
- (b) Maintaining Roofs. Roofs shall be maintained and repaired, as necessary, to prevent deterioration of the roof or the *building* that it covers. Materials used to repair a roof shall be *visually compatible* with that roof. *Historically representative* roofing materials on *historic resources* designated under sub. (4) shall 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* shall be maintained and repaired, as necessary, to prevent deterioration of the surface and *structure*. Materials used to repair exterior surfaces shall be *visually compatible* with the existing surface, and shall not make it more susceptible to deterioration.
 2. *Historically representative* surface materials on *historic resources* designated under sub. (4) shall be preserved or, when necessary, replaced with materials that are similar in design, color, scale, architectural appearance, and other visual qualities.
 3. Best practices shall be used to clean *historically representative* exterior surfaces of *historic resources* designated under sub. (4).
 4. Masonry shall be repaired and repointed with *visually compatible* materials that do not contribute to masonry deterioration.

5. Painted and other finished surfaces shall be refinished as needed to maintain their appearance and prevent deterioration.
- (d) Maintaining Architectural Features.
 1. *Architectural features* shall be maintained and repaired, as necessary, to prevent deterioration. Repairs shall be *visually compatible* with the existing *architectural feature*.
 2. *Historically representative architectural features* on *historic resources* designated under sub. (4) shall 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 shall be maintained and repaired, as necessary, to prevent water damage to *historic resources*.
- (f) Maintaining Landscapes. *Landscapes* shall 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*.
- (9) **Mansion Hill Design Manual.** For practical guidance in the construction, alteration and maintenance of properties in the Mansion Hill *Historic District*, property owners may consult the Mansion Hill Design Manual on file with the *City Planning Division* and available online at **[Insert online address]**.

41.27 – THIRD LAKE RIDGE HISTORIC DISTRICT.

- (1) **Creation.** A Third Lake Ridge *Historic District* is hereby created. The boundaries of the district are shown in the attached map, and are further described in a legal description on file with the *City Planning Division*. **[Attach Map]**
- (2) **Purpose and Rationale.**
 - (a) The purpose of the Third Lake Ridge *Historic District* is 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 Yankee settlers, German and Norwegian immigrants, and subsequent immigrant groups have 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* 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.
 - (c) 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 1945.

[Note: This draft changes the district's historic period of significance (currently 1850 to 1929) to 1850 through 1945. This change is consistent with the city's "Build II" plan for the Williamson Street area.]

- (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).
 - (c) The following additional *structures* or properties that are important to the *character* of the *historic district*, and whose historical significance has been clearly documented:

[List other specific individual structures or properties (e.g., historically significant parks) that are to be treated as historic resources within the district. All designated historic resources should be shown on the attached district map.]

- (5) **Property Owner Responsibilities.** An owner of property in the Third Lake Ridge *Historic District* shall:

- (a) Comply with applicable *standards* in this section.
- (b) Obtain a *certificate of appropriateness* before undertaking any project for which a permit is required under Sec. 41.13(2), MGO. For more information, contact the *Preservation Planner* in the *City Planning Division*.

- (6) **Williamson Street Corridor; Zones.** Within the Third Lake Ridge *Historic District*, there is Williamson Street Corridor as shown on the attached map. The corridor is divided into 5 zones (I, Ia, II, III and IV) as shown on the map. These zones correspond to zones identified in the City's "Design Guidelines & Criteria for Preservation: Williamson Street, 600-1100 Blocks," otherwise known as the "Build II Plan," approved by Common Council Resolution RES-05-00074 (2005).

- (7) **New Construction; Standards.** New construction in the Third Lake Ridge *Historic District* shall comply with the following *standards*:

- (a) **New Primary Structures.** A new *primary structure* shall be *visually compatible* with the *historic district*, and with each *historic resource* under sub. (4) that is 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*. *New primary structures* in the Williamson Street Corridor identified in sub. (6) shall meet the following supplemental *standards*:
 - a. *Structures* in Zone 1 shall not exceed 2-1/2 *stories* except that, on the north side of the 800 and 900 block of Williamson Street, the *Landmarks Commission* may allow a 3-*story structure*.
 - b. *Structures* in Zone 1a shall not exceed 4 *stories*, except that *structures* on the easterly 165 feet of the north side of the 600 block of Williamson Street shall not exceed 3 *stories*. On the south side of the 700 block of Williamson Street, the *Landmarks Commission* may allow a 5-*story structure*.
 - c. *Structures* in Zone II shall not exceed 3 *stories*, except that the *Landmarks Commission* may allow a fourth *story* that is stepped back so that it cannot be seen at sidewalk level from the opposite side of the street. In the 800 and 900 blocks of Williamson Street, the fourth *story* of a residential *structure* shall be set back at least 45 feet from the property line, and the fourth *story* of a commercial or mixed use *structure* shall be set back at least 30 feet from the property line.
 - d. *Structures* in Zone III shall not exceed the lesser of 54 feet or 5 *stories*.

- e. *Structures* in Zone IV shall not exceed the lesser of 54 feet or 5 *stories*, except that the *Landmarks Commission* may allow a *structure* of up to the lesser of 85 feet or 7 *stories*.
 - f. No *structure* in the Williamson Street Corridor may have a total *street façade* width of more than 60 feet.
 - g. Corner features on corner *structures* may extend a reasonable distance above the maximum *height* otherwise allowed if the corner feature is appropriate to the *building* style and is comparable in scale to *historically representative* corner features in the Williamson Street Corridor.
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. *Structures* in the Williamson Street Corridor identified in sub. (6) shall meet the following supplemental *standards*:
- a. The *street façade* of a residential *structure*, other than a mixed-use *structure*, shall be set back at least 15 feet from the *developed public right-of-way*. The *Landmarks Commission* may allow a shorter setback of not less than 6 feet if the setback is not less than the average setback of other residential *structures* on the *block face*. A one-story unenclosed porch, including stairs, may encroach up to 6 feet into the setback but may not be located less than 6 feet from the *developed public right-of-way*.
 - b. The *street façade* of a commercial or mixed-use *structure* shall be set back 2 feet from the *developed public right-of-way*, except that the Landmarks Commission may allow a setback of up to 8 feet to accommodate an outdoor retail space.
 - c. *Lots* no more than 44 feet wide shall have side yard setbacks of at least 4 feet per side, totaling at least 10 feet for both sides.
 - d. *Lots* over 44 feet wide shall have side yard setbacks of at least 6 feet per side, totaling at least 16 feet for both sides.
 - e. Corner residential *lots* shall have a side yard setback of at least 8 feet on the street-facing side. This increases the combined side yard setback requirement for both sides by 4 feet.
 - f. Corner commercial and mixed-use *lots* shall have a side yard setback of at least 2 feet on the street-facing side. This decreases the combined side yard setback for both sides by 2 feet.
 - g. Rear yard setbacks shall be at least 35 feet, or 16 feet if the *structure* has underground or structured parking. The *Landmarks Commission* may allow a rear yard setback of 10 feet in the 700 block of Williamson Street, and in the back half of the 600 block of Williamson Street
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*. *Primary structures* in the Williamson Street Corridor identified in sub. (6) shall meet the following supplemental *standards*:
- a. *Street façades* more than 25 feet wide shall be divided into visually distinct masses that are no more than 25 feet wide. The visually distinct masses shall be separated from each other by at least 5 feet.

- b. *Street facades* shall be articulated with dormers, bays, porches, recesses, or other *architectural features* to make the façade *visually compatible* with the *block face*.
- c. A *building's* main entrance shall be located on its *street façade*, and shall be large enough to serve as a focal point of that façade.
- d. First floor storefronts shall be broken into bays, similar in width to those on *historically representative* storefronts.
- e. *Street facades* shall be articulated to create a distinction between ground and upper *stories*.
- f. On residential *structures*, other than mixed-use *structures*, the finished first floor elevation of the *street façade* shall be at least 18 and not more than 48 inches above grade.
- g. On commercial or mixed-use *structures*, the finished first floor elevation shall be as close to grade as possible, and shall meet ADA requirements for entrances.

Guidelines:

- *Historically representative architectural features*, or contemporary interpretations of *historically representative architectural features*, are encouraged on *street facades*. However, a *street façade* should not convey a false impression of age.
 - Porches are encouraged on single-family residences.
 - Recessed entrances are encouraged on the *street facades* of commercial and mixed-use *buildings*.
 - Angled corner entrances are encouraged on corner buildings.
 - Large storefront windows, low kick panels, transom windows, side pilasters and cornices are encouraged.
 - Parapet caps or cornices are encouraged on commercial or mixed-use *buildings*, at the top of the *street façade*.
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.

Guidelines:

- Commercial and mixed-use *buildings* should have flat roofs.
- Residential buildings, other than mixed-use buildings, should have moderate to steeply pitched roofs. Pitched roofs may be gabled or hipped.
- Rolled roofing, tar-and-gravel, rubberized membranes and like materials are inappropriate on pitched roofs, but may be used on flat roofs.
- Appropriate roofing materials for pitched roofs include asphalt shingles, sawn wood shingles, or fiberglass or other composition shingles that are similar in appearance to asphalt shingles. Shingles may include multilayered architectural shingles, 3-in-1 tab shingles, Dutch lap shingles, and French method or interlock shingles. Thick wood shakes are inappropriate.
- Roof vents should be as inconspicuous as possible and should be similar in color to the roof.

6. Its exterior wall and foundation surfaces, including surface materials, textures, detailing and trim.

Guidelines:

- Exterior walls of commercial and mixed-use *buildings* should be surfaced with stone, masonry, stucco, or other *historically representative* materials. Other *visually compatible* materials may be allowed in combination with these materials.
- Residential buildings, other than mixed-use buildings, should be sided with stone, masonry, stucco or clapboards. Other *visually compatible* materials may be allowed in combination with these materials.
- Clapboards should be made of wood or high quality synthetic materials that resemble wood, and should have a visible width of no more than 5 inches. Upper *stories* may be sided with wood shingles or high quality synthetic shingles that resemble wood.

7. The *character* of its doors, windows, and related features such as storm doors, storm windows, trim and shutters. Relevant factors include size, shape, style, proportion, materials and placement, as well as the patterns created by door and window openings on *visible facades*.

Guidelines: On commercial and mixed-use *buildings* in the Williamson Street Corridor:

- Upper floor window openings should be vertically oriented and regularly spaced.
- First floor window patterns should reflect historically representative patterns.
- Window glass should be transparent.
- Kick panels under first floor windows should feature design details and high quality stone, masonry or other historically representative materials.
- First floor windowsills should be at least 18 inches and not more than 36 inches above grade.

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*.

Guidelines:

- *Vehicle parking for commercial, mixed-use, and multi-unit residential buildings should meet the following guidelines:*
 - *Parking spaces should be located underground or within enclosed parking structures if possible.*

- *Parking structures should comply with relevant standards for other structures, and should not detract from the character of the historic district.*
- *Parking should be screened from street view and accessed from side streets or alleys to the maximum extent feasible.*
- *If a parking entrance is incorporated into a street façade, it should be as inconspicuous as possible and should be visually compatible with the street façade and block face.*
- *Surface parking, if any, should be located behind the building and should share access with adjoining buildings if possible.*
- *Subject to traffic engineering requirements, access drives to open parking areas should not be wider than 10 feet for parking areas with 12 or fewer parking stalls, or 18 feet for parking areas with more than 12 stalls.*

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* shall be *visually compatible* with the *primary structure* to which it pertains, with the *historic district*, and with each *historic resource* under sub. (4) that is located within 200 feet of the *accessory structure*. New *accessory structures* shall be as inconspicuous as reasonably possible, when viewed from a *developed public right-of-way*.

Guidelines:

- *An accessory structure should not exceed 15 feet in height, and should be located in the rear yard if possible.*
- *Siding on an accessory structure should be visually compatible with that on the primary structure.*
- *The roof of an accessory structure should have a roof pitch and shape similar to the roof pitch and shape of the primary structure. Roofing material should be visually compatible with that on the primary structure.*

- (c) **New Signs**. A *sign* constructed on a *lot* in the *historic district* shall be *visually compatible* with the *structures* on that *lot*, with the *historic district*, and with *historic resources* under sub. (4) that are located within 200 feet of the *sign*.

Guidelines: On commercial and mixed-use buildings:

- *Sign bands should be included, as appropriate.*
- *Externally illuminated signs are preferred over internally illuminated signs. Exterior illumination should originate from gooseneck or other unobtrusive, downward-facing fixtures.*
- *Internal sign illumination, if any, should be appropriately subdued and should illuminate only characters or letters – not background.*
- *Sign colors should complement building and awning colors.*

- (7) **Additions and Alterations; Standards**. Additions and alterations to structures in the Third Lake Ridge Historic District shall comply with the following standards:

- (a) **Additions and Alterations to a Primary Structure**. Additions and alterations to an existing *primary structure* shall not cause that *structure* to violate any *standards* applicable to new *primary structures* under sub. (6)(a), or aggravate any prior nonconformity with those *standards*.

- (b) Additions and Alterations to an Accessory Structure. Additions and alterations to an existing accessory structure shall not cause that structure to violate any standards applicable to new accessory structures under sub. (6)(b), or aggravate any prior nonconformity with those standards.
- (c) Additions and Alterations to a Historic Resource. Additions and alterations to a historic resource designated under sub. (4) shall be visually compatible with that historic resource and shall aim to preserve its historically representative features. Additions and alterations to a landmark or landmark site shall comply with the Secretary of Interior's Standards, in addition to this subsection (7).

Guideline: Property owners are encouraged to restore previously altered historic resources to their documented original or historically representative appearance.

(d) New or Altered Roofs.

1. New or altered roofs and roof features shall be visually compatible with the existing structure, and with each historic resource under sub. (4) that is located within 200 feet of the structure.
2. Materials used to repair or replace an existing roof shall be visually compatible with the existing structure, and with each historic resource under sub. (4) that is located within 200 feet of the structure.
3. Historically representative roofing materials on historic resources designated under sub. (4) shall be preserved or, when necessary, replaced with materials that are similar in design, color, scale, architectural appearance, and other visual qualities.

Guidelines:

Roofing Materials

- Rolled roofing, tar-and-gravel, rubberized membranes and like materials are inappropriate on pitched roofs, but may be used on flat roofs.
- Appropriate roofing materials for pitched roofs include asphalt shingles, sawn wood shingles, or fiberglass or other composition shingles similar in appearance to asphalt shingles. Shingles may include multilayered architectural shingles, 3-in-1 tab shingles, Dutch lap shingles, and French method or interlock shingles. Thick wood shakes are inappropriate.

Roof Features

- New or altered roofs should be visually compatible, in terms of shape, style and pitch, with the existing structure.
- New or altered roofs and roof features, if visible from a developed public right-of-way, should not increase the height of the roof above the main roof ridgeline of the existing structure.
- New or expanded dormers and roof features should be visually compatible with historically representative roof features. Relevant considerations include size, shape, location, style, roof overhangs, roof setbacks, window placement and design, roofing material, siding material and trim. 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.
- Historically representative chimneys should be preserved, if they are visible from a developed public right-of-way. New chimneys, if visible from a developed public right-of-way, should be constructed of brick, stone, stucco, or other historically representative material. New metal and wooden boxed chimneys are inappropriate if visible from a developed public right-of-way.

- *Roof vents should be as inconspicuous as possible, and should match the roof color.*
- *Skylights, if any, should be designed and located to be unobtrusive. Skylights should be of the flat (not bubble) type. Skylight trim should be finished to blend with the color of the roof.*

(e) New or Altered Exterior Surfaces.

1. New or altered exterior surfaces shall be *visually compatible* with the existing *structure*, and with each *historic resource* under sub. (4) that is located within 200 feet of the *structure*.
2. Materials used to repair an existing exterior surface shall be *visually compatible* with that surface, and shall not make it more susceptible to deterioration.
3. *Historically representative* exterior surfaces on *historic resources* under sub. (4) shall be preserved or, when necessary, replaced with materials that are similar in design, color, scale, architectural appearance, and other visual qualities.

Guidelines:

- *Exterior walls of commercial and mixed-use buildings should be surfaced with stone, masonry, stucco, or other historically representative materials. Other visually compatible materials may be allowed in combination with these materials.*
- *Residential buildings, other than mixed-use buildings, should be sided with stone, masonry, stucco, clapboards, or other historically representative materials. Other visually compatible materials may be allowed in combination with these materials. Clapboards should be made of wood or high quality synthetic materials that resemble wood, and should have a visible width of no more than 5 inches. Upper stories may be sided with wood shingles or high quality synthetic shingles that resemble wood.*
- *High quality synthetic clapboard siding, made of aluminum, vinyl or other suitable material, may be used to replace or cover wood clapboard siding if all of the following apply:*
 - *The synthetic clapboard is similar in width to the wood clapboard.*
 - *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.*
 - *All trim continues to project out beyond the plane of the siding.*
- *New siding should not be applied over more than one layer of existing siding.*
- *If insulation is applied under new siding, all trim should be built up so that it projects from the new siding to the same extent it did from the original siding.*
- *Original brick, stone and stucco siding should be preserved or, if necessary, replaced with materials that are similar in design, color, scale, architectural appearance, and other visual qualities.*
- *Unpainted masonry should not be painted.*
- *Historically representative foundation masonry such as brick, stone or rusticated concrete block should be preserved or, if 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, including related features such as storm doors, storm windows, trim and shutters, shall be *visually compatible* with the existing *structure*, and with each *historic resource* under sub. (4) that is located within 200 feet of the *structure*.

2. *Historically representative* windows and doors on *historic resources* under sub. (4) shall be preserved or, when necessary, replaced with windows and doors that are similar in design, color, scale, architectural appearance, and other visual qualities.

Guidelines:

Windows

- *Visual compatibility may depend on factors such as size, shape, style, proportion, materials and placement, as well as the patterns created by window openings on visible facades.*
- *If a window with muntins is replaced, the replacement window should have true muntins or high quality spacer bars that closely resemble true muntins.*
- *Historically representative window openings and configurations on visible facades of a historic resource should be preserved, 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.*
- *Window frames and sash, including storm window frames, should be constructed of finished wood or materials that resemble finished wood. Raw aluminum and other metallic finishes are not appropriate.*
- *Window shutters, if any, should be visually compatible with the windows and structure to which they pertain. Their size and location should be such that, if they were workable, they would cover the window opening.*

Doors

- *Visual compatibility may depend on factors such as size, shape, style, proportion, materials and placement, as well as the patterns created by door openings on visible facades.*
- *Entrance doors and storm doors on visible facades should be made of finished wood, or materials that resemble finished wood, and should be of a historically representative style. Raw aluminum and other metallic finishes are not appropriate.*
- *Storm doors should not detract from the historically representative character of a door. Full view storm doors are allowed. Storm doors with metal grills or stylistic references are discouraged.*
- *Double or multiple doors on visible facades should be hinged rather than sliding doors, and should be of a historically representative style.*

(g) New or Altered Porches, Stairways and Decks.

1. *Historically representative* porches and stairways on *visible facades* of *historic resources* shall be preserved or, if necessary, repaired or replaced to maintain their *historically representative* appearance. *Additions and alterations* shall not detract from the *historically representative* appearance of the porch or stairway.

Guidelines: *Historically representative open porches on street facades should not be enclosed, except that they may be enclosed with wood-framed screens if the porch railing retains, or is restored to, its historically representative appearance.*

2. Porches and stairways on *visible facades* shall have a finished appearance, and shall be *visually compatible* with *historically representative* porches and stairways.

Guidelines:

- *Porch floor joists should be hidden from view.*
 - *Porches should be finished with ceilings and frieze boards.*
 - *Porch ceilings should have the appearance of narrow beaded boards.*
 - *First floor porch flooring should consist of tongue-in-groove boards. Carpeting and two-by-four decking are inappropriate.*
 - *Wood surfaces should be painted or opaque stained, except that flooring and stair treads may be clear finished.*
 - *Porch railings should be constructed of wood, or another material that resembles wood. Railings should have top and bottom rails. Bottom rails should be raised above the floor level, but by no more than 3.5 inches. Balusters should extend from the top to the bottom rail, but not beyond. Siding on porch rails is inappropriate.*
 - *Rails and balusters on stairway railings should be constructed of wood or a material that resembles finished wood, except that wrought iron railings with one-by-one inch plain vertical balusters are allowed. Twisted or other decorative wrought iron is inappropriate.*
 - *Balusters on porch and stairway railings should be constructed so that a 4-inch ball cannot pass through the railing at any point.*
 - *Porch posts should be trimmed with decorative molding at the top and bottom of the posts.*
 - *Spaces beneath porches and stairways should be enclosed by framed lattice of cross-pattern design, narrowly spaced vertical boards or other openwork design. The enclosure should be constructed so that a 3" ball cannot pass through any portion of it.*
 - *Stairways shall have solid wood risers.*
3. Decks shall be as unobtrusive as possible, and shall not replace *historically representative* porches. Decks shall not be constructed on *visible facades* unless they have a finished appearance comparable to that of porches and stairways under subd. 2.
 4. Accessibility ramps are allowed if needed, but shall be as unobtrusive as possible. Accessibility ramps on *visible facades* shall, to the maximum extent feasible, have a finished appearance comparable to that of porches and stairways under subd. 2.
 5. Fire escapes and rescue platforms shall be as unobtrusive as possible. They shall not be located on street facades, if other locations are practicable. They shall, to the maximum extent feasible, have a finished appearance comparable to that of porches and stairways under subd. 2.
- (g) New or Altered Architectural Features.
1. New or altered *architectural features* shall be *visually compatible* with the existing *structure*, and with each *historic resource* under sub. (4) that is located within 200 feet of the *structure*.
 2. *Historically representative architectural features* of *historic resources* designated under sub. (4) shall 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* shall be as inconspicuous as possible, consistent with function.

- (i) New or Altered Drainage Systems. New or altered drainage systems shall provide effective drainage, to prevent water damage to *structures*. Exterior drainage systems on a *structure* shall be *visually compatible* with that *structure*. Visible, *historically representative* drainage systems on *historic resources* under sub. (4) shall be preserved or, when necessary, replaced with systems that are *visually compatible* with the *historic resource*.
- (j) Landscape Alterations. Landscape alterations shall 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.

Guideline: *Changes to existing parking areas should meet relevant guidelines for new parking areas under sub. (6)(a)9.*

(7) Maintenance Standards. An owner of property in the Third Lake Ridge *Historic District* shall comply with the following *standards*:

(a) General. An owner shall:

1. Comply with applicable provisions of Chapters 18 (Plumbing Code), 19 (Electrical Code), 27 (Housing and Property Maintenance Code), 29 (Building Code), 30 (HVAC Code) and 31 (*Sign Control Ordinance*), MGO.

[Note: The codes cited in par. (a)1. 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 the property, if the property is a *historic resource* designated under sub. (4).
4. Refrain from *demolition by neglect*, as provided in Sec. 41.13(1)(c), MGO.

(b) Maintaining Roofs. Roofs shall be maintained and repaired, as necessary, to prevent deterioration of the roof or the *building* that it covers. Materials used to repair a roof shall be *visually compatible* with that roof. *Historically representative* roofing materials on *historic resources* designated under sub. (4) shall 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* shall be maintained and repaired, as necessary, to prevent deterioration of the surface and *structure*. Materials used to repair exterior surfaces shall be *visually compatible* with the existing surface, and shall not make it more susceptible to deterioration.
2. *Historically representative* surface materials on *historic resources* designated under sub. (4) shall be preserved or, when necessary, replaced with materials that are similar in design, color, scale, architectural appearance, and other visual qualities.
3. Best practices shall be used to clean *historically representative* exterior surfaces of *historic resources* designated under sub. (4).
4. Masonry shall be repaired and repointed with *visually compatible* materials that do not contribute to masonry deterioration.
5. Painted and other finished surfaces shall be refinished as needed to maintain their appearance and prevent deterioration.

(d) Maintaining Architectural Features.

1. *Architectural features* shall be maintained and repaired, as necessary, to prevent deterioration. Repairs shall be *visually compatible* with the existing *architectural feature*.

2. *Historically representative architectural features on historic resources* designated under sub. (4) shall 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 shall be maintained and repaired, as necessary, to prevent water damage to *historic resources* designated under sub. (4).
- (f) **Maintaining Landscapes.** *Landscapes* shall 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*.

41.28 – UNIVERSITY HEIGHTS HISTORIC DISTRICT.

- (1) **Creation.** A University Heights *Historic District* is hereby created. The boundaries of the district are shown in the attached map, and are further described in a legal description on file with the *City Planning Division*.
[Attach Map]
- (2) **Purpose and Rationale.**
 - (a) The purpose of the University Heights *Historic District* is 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 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).
 - (c) The following additional *structures* or properties that are important to the *character* of the *historic district*, and whose historical significance has been clearly documented:

[List other specific individual structures or properties (e.g., historically significant parks) that are to be treated as historic resources within the district. All designated historic resources should be shown on the attached district map.]

(5) Property Owner Responsibilities. An owner of property in the University Heights Historic District shall:

- (a) Comply with applicable standards in this section.
- (b) Obtain a *certificate of appropriateness* before undertaking any project for which a permit is required under Sec. 41.13(2), MGO. For more information, contact the Preservation Planner in the City Planning Division.

(6) New Construction; Standards. New construction in the University Heights Historic District shall comply with the following standards:

- (a) **New Primary Structures.** A new primary structure shall be *visually compatible* with the historic district, and with each historic resource under sub. (4) that is 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*. The following limits also apply:
 - a. New primary structures located in a TR-C2, TR-C3, TR-C4, TR-V1, or TR-V2 zoning district shall not exceed 35 feet in *height* and shall not exceed 2.5 *stories*.
 - b. New primary structures located in a TR-U1, NMX, TSS, or LMX zoning district shall not exceed 40 feet in *height*.
 - c. New primary structures located in a TR-U2 zoning district shall not exceed 50 feet in *height*.
 - d. New primary structures shall be at least 15 feet in *height*.
 - e. 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. This does not apply to a multi-unit residential structure whose *street facade* 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.
 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.

Guidelines:

- *Appropriate roofing materials include tile, slate, sawn wood shingles, and asphalt shingles.*
 - *Inappropriate roofing materials include thick wood shakes, Dutch lap shingles, French method shingles and interlock shingles.*
 - *Rolled roofing, tar and gravel, and like roofing materials are inappropriate except on flat roofs.*
6. Its exterior wall and foundation surfaces, including surface materials, textures, detailing and trim.

Guidelines:

- *Appropriate siding materials include brick, horizontal wood clapboards whose exposed width is no more than 4 inches, stone, stucco and smooth shingles.*
- *High quality synthetic clapboard siding, such as aluminum or vinyl siding, may be used if its exposed width is no more than 4 inches.*
- *Inappropriate siding materials include concrete block, clapboards with an exposed width of more than 4 inches, diagonal boards, vertical boards, rough sawn wood, rough split shingles, and shakes.*
- *Siding combinations should be reasonably consistent with combinations prevalent on historic resources in the historic district (e.g., brick on the first floor and clapboard on second floor of single-family residences).*

7. The *character* of its doors, windows, and related features such as storm doors, storm windows, trim and shutters.

Guidelines: *Visual compatibility of windows, doors and related features may depend on factors such as 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.

Guidelines:

Rescue platforms and fire escapes:

- *Should not be located on street facades.*
- *Should not be located on visible facades if city codes allow the use of automatic combustion products detection and alarm systems in place of rescue platforms and fire escapes.*
- *Should be as unobtrusive as possible.*

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* shall be *visually compatible* with the *primary structure* to which it pertains, with the *historic district*, and with each *historic resource* under sub. (4) that is located within 200 feet of the *accessory structure*. New *accessory structures* shall be as inconspicuous as reasonably possible, when viewed from a *developed public right-of-way*.

Guidelines:

- *New accessory structures should be confined to rear yards, and should not exceed 15 feet in height.*
- *An accessory structure should be visually compatible with the primary structure with respect to relevant factors identified under par. (a).*
- *Roofing and siding materials for secondary structures should conform to guidelines for primary structures under pars. (a)5. and 6.*

(c) New Parking Areas. Parking areas for more than 2 vehicles are prohibited unless they are accessory to a commercial or multi-unit residential *structure* on the same *lot*. Parking areas shall be as inconspicuous as possible, and shall be appropriately placed and screened to make them *visually compatible* with the *historic district*.

(d) New Signs. A *sign* constructed on a *lot* in the *historic district* shall be *visually compatible* with the *structures* on that *lot*, with the *historic district*, and with *historic resources* located within 200 feet of the *sign*.

(7) **Additions and Alterations; Standards.** *Additions and alterations to structures in the University Heights Historic District shall comply with the following standards:*

(a) Additions and Alterations to a Primary Structure. *Additions and alterations to an existing primary structure shall not cause that structure to violate any standards applicable to new primary structures under sub. (6)(a), or aggravate any prior nonconformity with those standards.*

(b) Additions and Alterations to an Accessory Structure. *Additions and alterations to an existing accessory structure shall not cause that structure to violate any standards applicable to new accessory structures under sub. (6)(b), or aggravate any prior nonconformity with those standards.*

(c) Additions and Alterations to a Historic Resource. *Additions and alterations to a historic resource designated under sub. (4) shall be visually compatible with that historic resource and shall aim to preserve its historically representative features. Additions and alterations to a landmark or landmark site shall comply with the Secretary of Interior's Standards, in addition to this subsection (7).*

Guideline: *Property owners are encouraged to restore previously altered historic resources to their documented original or historically representative appearance.*

(d) New or Altered Roofs.

1. *New or altered roofs and roof features shall be visually compatible with the existing structure, and with each historic resource under sub. (4) that is located within 200 feet of the structure.*
2. *Materials used to repair or replace an existing roof shall be visually compatible with the existing structure, and with each historic resource under sub. (4) that is located within 200 feet of the structure.*
3. *Historically representative roofing materials on historic resources designated under sub. (4) shall be preserved or, when necessary, replaced with materials that are similar in design, color, scale, architectural appearance, and other visual qualities.*

Guidelines:

- *Roofing materials on additions and alterations should conform to guidelines for roofing materials on new construction under sub. (6)(a)5.*
- *Additions and alterations to the roof of a historic resource should preserve the historic character of the roof. Historically representative roof features should be preserved. The shape, style, pitch and surface materials of the altered roof should be visually compatible with the historically representative roof. New or*

altered roof features, such as dormers, skylights, chimneys and attached appurtenances, should not detract from the historically representative character of the roof.

(e) New or Altered Exterior Surfaces.

1. New or altered exterior surfaces shall be *visually compatible* with the existing *structure*, and with each *historic resource* under sub. (4) that is located within 200 feet of the *structure*.
2. Materials used to repair an existing exterior surface shall be *visually compatible* with that surface, and shall not make it more susceptible to deterioration.
3. *Historically representative* exterior surfaces on *historic resources* under sub. (4) shall be preserved or, when necessary, replaced with materials that are similar in design, color, scale, architectural appearance, and other visual qualities.

Guidelines:

- *Siding materials used on additions and alterations should conform to guidelines for siding on new construction under sub. (6)(a)6.*
- *New siding should not be applied over more than one layer of existing siding.*
- *If insulation is applied under new siding, trim should be built up so that it projects from the new siding to the same extent that it did from the existing siding.*

(f) New or Altered Windows and Doors.

1. New or altered windows and doors, including related features such as storm doors, storm windows, trim and shutters, shall be *visually compatible* with the existing *structure*, and with each *historic resource* under sub. (4) that is located within 200 feet of the *structure*.

Guidelines: *Visual compatibility may depend on factors such as size, shape, style, proportion, materials and placement, as well as the patterns created by door and window openings on visible facades.*

2. *Historically representative* windows and doors on *historic resources* under sub. (4) shall 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* shall be *visually compatible* with the existing *structure*, and with each *historic resource* under sub. (4) that is located within 200 feet of the *structure*.
2. *Historically representative architectural features* of *historic resources* designated under sub. (4) shall 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* shall be as inconspicuous as possible, consistent with function.

(i) New or Altered Drainage Systems. New or altered drainage systems shall provide effective drainage, to prevent water damage to *structures*. Exterior drainage systems on a *structure* shall be *visually compatible* with that *structure*. Visible, *historically representative* drainage systems on *historic resources* under sub. (4) shall be preserved or, when necessary, replaced with systems that are *visually compatible* with the *historic resource*.

(j) Landscape Alterations. Landscape alterations shall 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. Changes to existing parking areas shall not cause them to violate standards for new parking areas under sub. (6)(c), or aggravate any prior nonconformity with those standards.

(7) Maintenance Standards. Owners of property in the University Heights Historic District shall comply with the following standards:

(a) General. An owner shall:

1. Comply with applicable provisions of Chapters 18 (Plumbing Code), 19 (Electrical Code), 27 (Housing and Property Maintenance Code), 29 (Building Code), 30 (HVAC Code) and 31 (Sign Control Ordinance), MGO.

[Note: The codes cited in par. (a)1. 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 the property, if the property is a historic resource designated under sub. (4).
4. Refrain from demolition by neglect, as provided in Sec. 41.13(1)(c), MGO.

(b) Maintaining Roofs. Roofs shall be maintained and repaired, as necessary, to prevent deterioration of the roof or the building that it covers. Materials used to repair a roof shall be visually compatible with that roof. Historically representative roofing materials on historic resources designated under sub. (4) shall 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 shall be maintained and repaired, as necessary, to prevent deterioration of the surface and structure. Materials used to repair exterior surfaces shall be visually compatible with the existing surface, and shall not make it more susceptible to deterioration.
2. Historically representative surface materials on historic resources designated under sub. (4) shall be preserved or, when necessary, replaced with materials that are similar in design, color, scale, architectural appearance, and other visual qualities.
3. Best practices shall be used to clean historically representative exterior surfaces of historic resources designated under sub. (4).
4. Masonry shall be repaired and repointed with visually compatible materials that do not contribute to masonry deterioration.
5. Painted and other finished surfaces shall be refinished as needed to maintain their appearance and prevent deterioration.

(d) Maintaining Architectural Features.

1. Architectural features shall be maintained and repaired, as necessary, to prevent deterioration. Repairs shall be visually compatible with the existing architectural feature.
2. Historically representative architectural features on historic resources designated under sub. (4) shall 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 shall be maintained and repaired, as necessary, to prevent water damage to historic resources.

(f) Maintaining Landscapes. Landscapes shall 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.

41.29 MARQUETTE BUNGALOWS HISTORIC DISTRICT.

(1) **Creation.** A Marquette Bungalows *Historic District* is hereby created. The boundaries of the district are shown on the attached map, and are further described in a legal description on file with the *City Planning Division*. **[Attach Map.]**

(2) Purpose and Rationale.

(a) The purpose of the Marquette Bungalows *Historic District* is 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).

(c) The following additional *structures* or properties that are important to the *character* of the *historic district*, and whose historical significance has been clearly documented:

[List other specific individual structures or properties (e.g., historically significant parks) that are to be treated as historic resources within the district. All designated historic resources should be shown on the attached district map.]

(5) **Property Owner Responsibilities.** An owner of property in the Marquette Bungalows *Historic District* shall:

(a) Comply with applicable *standards* in this section.

(b) Obtain a *certificate of appropriateness* before undertaking any project for which a permit is required under Sec. 41.13(2), MGO. For more information, contact the *Preservation Planner* in the *City Planning Division*.

(6) **New Construction; Standards.** New construction in the Marquette Bungalows *Historic District* shall comply with the following *standards*:

(a) **New Primary Structures.** A new *primary structure* shall be *visually compatible* with the prevailing bungalow style of the *historic district*, and shall match that style to the maximum extent feasible. A new *primary structure* shall be *visually compatible* with other *primary structures* in the *historic district* 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* shall meet the following standards:
1. It shall be *visually compatible* with the *primary structure* to which it pertains, and with the prevailing bungalow style of the *historic district*.
 2. It shall be located in the rear yard, and shall be as inconspicuous as reasonably possible, when viewed from a *developed public right-of-way*.
 3. It shall not exceed 15 feet in *height*.

Guidelines:

- *Siding on garages and other accessory structures should match the appearance of siding on the primary structure, to the maximum extent feasible.*
- *Garage door designs should be consistent with the bungalow style of the historic district. Horizontally paneled and flat paneled garage doors are inappropriate.*
- *Windows and pedestrian doors on garages and other accessory structures should be similar in style and proportion to historically representative windows and doors on the primary structure.*
- *The roof of a garage or other accessory structure should be visually compatible in shape, style and appearance with that of the primary structure. Single slope*

roofs are inappropriate. Roofing materials should match the appearance of roofing materials on the primary structure, to the maximum extent feasible.

- (c) **Fences.** Front yard fences shall be *visually compatible* with the *primary structure* and with the bungalow style of the *historic district*. Front yard fences may be no more than 3 feet tall.

Guidelines: *Chain link fences, metal mesh fences, and rustic style fences such as rough sawn wood or split-rail fences are not appropriate in front yards.*

- (d) **Signs.** A sign constructed on a lot in the *historic district* shall be *visually compatible* with the structures on that lot, with the *historic district*, and with *historic resources* located within 200 feet of the sign.

(7) Additions and Alterations; Standards. Additions and alterations to structures in the Marquette Bungalows Historic District shall comply with the following standards:

(a) **Additions and Alterations to a Primary Structure.**

1. Additions and alterations to an existing *primary structure* shall not cause that structure to violate any standards applicable to new *primary structures* under sub. (6)(a), or aggravate any prior nonconformity with those standards.

2. Additions to the street façade of a primary structure are prohibited.

- (b) **Additions and Alterations to an Accessory Structure.** Additions and alterations to an existing *accessory structure* shall not cause that structure to violate any standards applicable to new *accessory structures* under sub. (6)(b), or aggravate any prior nonconformity with those standards.

- (c) **Additions and Alterations to a Historic Resource.** Additions and alterations to a *historic resource* designated under sub. (4) shall be *visually compatible* with that *historic resource* and shall aim to preserve its *historically representative* features. Additions and alterations to a *landmark* or *landmark site* shall comply with the Secretary of Interior's Standards, in addition to this subsection (7).

Guideline: *Property owners are encouraged to restore previously altered structures to their documented original or historically representative appearance.*

(d) **New or Altered Roofs.**

1. New or altered roofs and roof features shall be *visually compatible* with the existing structure, and with each *historic resource* under sub. (4) that is located within 200 feet of the structure.

Guideline: *Relevant visual compatibility factors for roofs and roof features include size; shape; style; proportion; placement; roof edge setbacks; roof overhangs; roofing materials; siding materials; and window design, placement and trim.*

2. New or altered roof features on a *primary structure* may not extend above the ridgeline of the existing structure's main roof.
3. New dormers may not be added to roofs over *street façades*, but may be added to roofs over other facades. Dormers shall be set back at least 3 feet from the edge of the roof. Dormer walls may not extend beyond the plane of the façade below the roof. An existing dormer or gable on a side or rear façade may be extended toward the rear to create a shed dormer that is *visually compatible* with the existing dormer or gable.
4. New skylights may not be added to roofs over *street façades*, but may be added to roofs over other facades. Skylights shall be set back at least 10 feet from the edge of the roof. 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.

5. *Historically representative* chimneys shall be preserved, except that chimneys not visible from a *developed public right-of-way* may be removed. New chimneys visible from a *developed public right-of-way* shall be constructed of brick that matches the appearance of *historically representative* brick used on *historic resources* in the district.
6. Roofing materials shall be *visually compatible* with the existing *structure*, and with each *historic resource* under sub. (4) that is located within 200 feet of the *structure*. *Historically representative* roofing materials shall be preserved or, when necessary, replaced with materials that are similar in design, color, scale, architectural appearance, and other visual qualities.

Guidelines:

- *Roofing materials should be consistent in appearance with historically representative roofing materials.*
- *Acceptable roofing materials 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 used where visually compatible.*
- *Thick wood shakes and Dutch lap, French method and interlock shingles are inappropriate.*
- *Rolled roofing, tar and gravel, and like roofing materials are inappropriate, except on flat roofs.*
- *Roof vents should be as inconspicuous as possible and should match the color of the roof.*

(e) New or Altered Exterior Surfaces.

1. New or altered exterior surfaces shall be *visually compatible* with the existing *structure*, and with each *historic resource* under sub. (4) that is located within 200 feet of the *structure*.
2. Materials used to repair an existing exterior surface shall be *visually compatible* with that surface, and shall not make it more susceptible to deterioration.
3. *Historically representative* exterior surfaces on *historic resources* under sub. (4) shall be preserved or, when necessary, replaced with materials that are similar in design, color, scale, architectural appearance, and other visual qualities.
4. Exterior brick or stone may not be painted, or covered with cement or other opaque surface materials.
5. *Historically representative* exterior finishes on foundations of *primary structures* shall be preserved if possible, or replaced with a matching finish. Insulation may not be applied to the exterior side of a foundation.
6. Mortar and other materials used in repointing and brick repair shall match the original material in color, hardness and appearance.

Guidelines:

- *High quality synthetic clapboard siding made of aluminum, vinyl or other suitable material, may be used to replace or cover wood clapboard siding if all of the following apply:*
 - *The synthetic clapboard is similar in width and finish to wood clapboard.*
 - *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.*
 - *All trim continues to project out beyond the plane of the siding.*

- *Historically representative brick, stucco and half-timber details on historic resources should 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 should match the appearance of historically representative details.*
- *Historically representative wood shingle siding on historic resources should be preserved or, when necessary, replaced with siding that is 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, including related features such as storm doors, storm windows, trim and shutters, shall be *visually compatible* with the existing *structure*, and with each *historic resource* under sub. (4) that is located within 200 feet of the *structure*.
2. *Historically representative* windows and doors on *historic resources* under sub. (4) shall be preserved or, when necessary, replaced with windows and doors that are similar in design, color, scale, architectural appearance, and other visual qualities.

Guidelines:

- *Historically representative leaded glass and non-rectangular (e.g., curved top) decorative windows on historic resources should be preserved or, when necessary, replaced with windows that are similar in design, color, scale, architectural appearance, and other visual qualities.*
- *Picture windows are inappropriate.*
- *Bay windows are discouraged but allowed if they are visually compatible with the existing structure and the prevailing bungalow style of the historic district. Bay windows should not extend beyond the roof eaves, and their sides should be perpendicular to the façade.*
- *If a window divided by muntins is replaced, the replacement window should be divided by true muntins or by high quality spacers that closely resemble true muntins.*
- *If a window is installed in a newly created window opening that is more than 4 feet square, the window should be divided by true muntins or by high quality spacers that closely resemble true muntins.*
- *Historically representative window and door openings should be preserved if possible. A basement window opening 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.*
- *Storm window and storm door trim should be enameled, painted or otherwise finished. Raw aluminum and other metal finishes are not appropriate. Storm doors trimmed in wood, to match historically representative designs, are encouraged. Storm doors of simple design, having no stylistic references such as colonial crossbars, are allowed. Storm doors with metal grilles, while not recommended, are allowed if visually compatible with the bungalow style of the structure.*

(g) New or Altered Porches, Railings, Stairways and Decks.

1. New or altered porches, railings and stairways shall be *visually compatible* with the *primary structure*, and shall be consistent with the prevailing bungalow style of the *historic district*.

2. *Historically representative* porches, railings and stairways 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.
3. Decks shall be confined to rear yards, shall be unobtrusive when viewed from any developed public right-of-way, and shall be *visually compatible* with the existing primary structure.
4. Added exit platforms and stairways shall be unobtrusive, when viewed from a developed public right-of-way. New platforms and stairways may not be added to *street facades*.

Guidelines:

- *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 primary structure.*
- *Porches may be enclosed with visually compatible windows or screens. Windows should be casement or double-hung units that are similar in proportion and style to other windows on the structure.*
- *Steps should be constructed of wood, concrete or brick. Wood steps, except on backyard decks and stairways, should have risers and should be enclosed on the sides by lattice or a wing wall.*
- *Deck railings should meet guidelines for porch and stairway railings. The space beneath a deck should be screened with lattice or evergreens. All parts of a deck, except the deck floor and stair treads, should be painted or opaque-stained. Deck colors should be visually compatible with those of the primary structure.*
- *Accessibility ramps may be added if needed, but should be as unobtrusive as possible when viewed from a developed public right-of-way.*

(h) New or Altered Architectural Features.

1. New or altered *architectural features* shall be *visually compatible* with the existing *structure*, and with each *historic resource* under sub. (4) that is located within 200 feet of the *structure*.
2. *Historically representative architectural features* of *historic resources* designated under sub. (4) shall be preserved or, when necessary, replaced with features that are similar in design, color, scale, architectural appearance, and other visual qualities.

(i) New or Altered External Equipment. New or altered external HVAC, electrical, solar, telecommunications and mechanical equipment pertaining to a *structure* shall be as inconspicuous as possible, consistent with function.

(j) New or Altered Drainage Systems. New or altered drainage systems shall provide effective drainage, to prevent water damage to *structures*. Exterior drainage systems on a *structure* shall be *visually compatible* with that *structure*. Visible, *historically representative* drainage systems on *historic resources* under sub. (4) shall be preserved or, when necessary, replaced with systems that are *visually compatible* with the *historic resource*.

(k) Landscape Alterations.

1. *Landscape alterations* shall 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*.

2. *Alterations to an existing fence may not cause that fence to violate standards for new fences under sub. (6)(c), or aggravate any prior nonconformity with those standards.*

(7) **Maintenance Standards.** Owners of property in the Marquette Bungalows *Historic District* shall comply with the following maintenance standards:

(a) **General.** An owner shall:

1. Comply with applicable provisions of Chapters 18 (Plumbing Code), 19 (Electrical Code), 27 (Housing and Property Maintenance Code), 29 (Building Code), 30 (HVAC Code) and 31 (*Sign Control Ordinance*), MGO.

[Note: The codes cited in par. (a)1. 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 the property, if the property is a *historic resource* designated under sub. (4).
4. Refrain from *demolition by neglect*, as provided in Sec. 41.13(1)(c), MGO.

(b) **Maintaining Roofs.** Roofs shall be maintained and repaired, as necessary, to prevent deterioration of the roof or the *building* that it covers. Materials used to repair a roof shall be *visually compatible* with that roof. *Historically representative* roofing materials on *historic resources* designated under sub. (4) shall 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* shall be maintained and repaired, as necessary, to prevent deterioration of the surface and *structure*. Materials used to repair exterior surfaces shall be *visually compatible* with the existing surface, and shall not make it more susceptible to deterioration.
2. *Historically representative* surface materials on *historic resources* designated under sub. (4) shall be preserved or, when necessary, replaced with materials that are similar in design, color, scale, architectural appearance, and other visual qualities.
3. Best practices shall be used to clean *historically representative* exterior surfaces of *historic resources* designated under sub. (4).
4. Masonry shall be repaired and repointed with *visually compatible* materials that do not contribute to masonry deterioration.
5. Painted and other finished surfaces shall be refinished as needed to maintain their appearance and prevent deterioration.

(d) **Maintaining Architectural Features.**

1. *Architectural features* shall be maintained and repaired, as necessary, to prevent deterioration. Repairs shall be *visually compatible* with the existing *architectural feature*.
2. *Historically representative architectural features* on *historic resources* designated under sub. (4) shall 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 shall be maintained and repaired, as necessary, to prevent water damage to *historic resources*.

(f) **Maintaining Landscapes.** *Landscapes* shall 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.

41.30 FIRST SETTLEMENT HISTORIC DISTRICT

- (1) **Creation.** A First Settlement *Historic District* is hereby created. The boundaries of the district are shown on the attached map, and are further described in a legal description on file with the *City Planning Division*.

[Attach Map]

(2) **Purpose and Rationale.**

- (a) The purpose of the First Settlement *Historic District* is 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 also 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).
- (c) The following additional *structures* or properties that are important to the *character* of the *historic district*, and whose historical significance has been clearly documented:

[List other specific individual structures or properties (e.g., historically significant parks) that are to be treated as historic resources within the district. All designated historic resources should be shown on the attached district map.]

(5) **Property Owner Responsibilities.** An *owner* of property in the First Settlement *Historic District* shall:

- (a) Comply with applicable *standards* in this section.
- (b) Obtain a *certificate of appropriateness* before undertaking any project for which a permit is required under Sec. 41.13(2), MGO. For more information, contact the *Preservation Planner* in the *City Planning Division*.

(6) **New Construction; Standards.** New construction in the First Settlement *Historic District* shall comply with the following *standards*:

- (a) **New Primary Structures.** A new *primary structure* shall be *visually compatible* with the *historic district*, and with each *historic resource* under sub. (4) that is 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*.

Guidelines: *Street facades should be modulated with porches or setbacks on the first floor level. Street facades should reflect the proportions, rhythm and directional expression of historic resource facades on the block face. The main entrance to a structure should be on the street facade, and it should be inset or projected from the plane of the street facade. On street facade entrances to single-family residential structures, covered porches are encouraged.*

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.

Guidelines:

- *Flat roofs are allowed if they meet the visual compatibility standard under par. (a)5.*
- *Pitched roofs should have a pitch of not less than 4-in-12.*
- *Pitched roofs may be shingled with asphalt shingles, or with fiberglass or other composition shingles that resemble asphalt shingles. Sawn wood shingles and other materials are not recommended, but are allowed if they meet the visual compatibility standard under par. (a)5. Thick wood shakes are inappropriate.*
- *Rolled roofing, tar-and-gravel, rubberized membranes and like materials are inappropriate, except on flat roofs.*
- *Roof vents should be as inconspicuous as possible, and should match the roof color.*

6. Its exterior wall and foundation surfaces, including surface materials, textures, detailing and trim.

Guidelines:

- *Stucco panel, concrete block and pebbledash siding materials are inappropriate.*
- *High quality synthetic clapboard siding may be used if all of the following apply:*
 - *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.*
 - *The siding is the highest grade offered by the manufacturer.*
 - *The gauge of the siding is at least .042.*
 - *The siding does not have a false wood grain.*
 - *The visible width of the clapboard does not exceed 4 inches.*

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*.

Guidelines:

- *Window styles and trim on residential structures should be similar in appearance to historically representative styles and trim found on other residential structures in the district.*
- *Windows and doors on residential structures should be inset at least one inch from the exterior trim.*
- *Vehicle doors on attached garages should 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.*

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.

1. A new *accessory structure* shall be *visually compatible* with the *primary structure* to which it pertains, with the *historic district*, and with each *historic resource* under sub. (4) that is located within 200 feet of the *accessory structure*. New *accessory structures* shall be as inconspicuous as reasonably possible, when viewed from a *developed public right-of-way*.
2. *New accessory structures may not exceed 15 feet in height, and shall be as unobtrusive as possible.*
3. *Siding on a new accessory structure shall be visually compatible with that used on the primary structure.*
4. *The roof of a new accessory structure shall have a pitch and style similar to the roof of the primary structure. Roof materials shall match the appearance of roof materials on the primary structure.*
5. *Windows and pedestrian doors on an accessory structure shall be similar in style, proportion and appearance to those on the primary structure.*
6. *Vehicle doors on garages shall be visually compatible with the primary structure.*

Guidelines:

- *Vehicle doors on garages should have flat surfaces or approximately square panels. Garage doors with horizontal panels are inappropriate.*

- *Garage door windows should consist of arrays of multiple small panes, such as the 6-pane arrays (3 panes across and 2 panes high) commonly found on garages from the 1920s.*

(c) New Signs. A sign constructed on a lot in the historic district shall be visually compatible with the structures on that lot, with the historic district, and with historic resources located within 200 feet of the sign.

(d) New 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. 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, or other natural or natural-appearing materials. Poured concrete walls up to 2 feet high, having a smooth rubbed finish, are also allowed.

(7) **Additions and Alterations; Standards.** Additions and alterations to structures in the First Settlement Historic District shall comply with the following standards:

(a) Additions and Alterations to a Primary Structure. Additions and alterations to an existing primary structure shall not cause that structure to violate any standards applicable to new primary structures under sub. (6)(a), or aggravate any prior nonconformity with those standards.

(b) Additions and Alterations to an Accessory Structure. Additions and alterations to an existing accessory structure shall not cause that structure to violate any standards applicable to new accessory structures under sub. (6)(b), or aggravate any prior nonconformity with those standards.

(c) Additions and Alterations to a Historic Resource.

1. Additions and alterations to a historic resource designated under sub. (4) shall be visually compatible with that historic resource and shall preserve, to the maximum extent feasible, its historically representative features. Additions and alterations to a landmark or landmark site shall comply with the Secretary of Interior's Standards, in addition to this subsection (7).
2. Additions to the street façades of historic resources are prohibited, except that historically representative open porches and porch restorations are allowed.

Guideline: Property owners are encouraged to restore previously altered historic resources to their documented original or historically representative appearance.

(d) New or Altered Roofs.

1. New or altered roof features shall be visually compatible with the existing structure, and with each historic resource under sub. (4) that is located within 200 feet of the structure.
2. Materials used to repair or replace an existing roof shall be visually compatible with the existing structure, and with each historic resource under sub. (4) that is located within 200 feet of the structure.

Guidelines: Materials used to repair, alter or replace an existing roof should conform to relevant guidelines for new roofs under sub. (6)(a)5. Roof vents should be as inconspicuous as possible, and should match the roof color.

3. Historically representative roofing materials on historic resources designated under sub. (4) shall be preserved or, when necessary, replaced with materials

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

4. New or altered roofs and roof features, if visible from a developed public right-of-way, may not increase the height of the roof above the main roof ridgeline of the existing *structure*.
5. New or expanded dormers shall be set back at least 12 feet from the edge of the roof. Dormers may not be added to *street façade* roofs on *historic resources*.

Guidelines: *An existing dormer or gable on a non-street-facing roof may be extended to the rear to create a shed dormer if the shed dormer matches the appearance of the existing dormer or gable.*

6. Skylights may not be added to *street façade* roofs if they are visible from the developed public right-of-way. Skylights may be added to other roofs if they are *visually compatible* with the existing *structure*. All skylights shall be set back at least 10 feet from the edge of the roof. 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.
7. *Historically representative* chimneys, if visible from a developed public right-of-way, shall be preserved. New chimneys shall be constructed of brick, stone, stucco, or other material that is *visually compatible* with the existing *structure*. New metal chimneys are prohibited on chimneys that are visible from a developed public right-of-way.

(e) New or Altered Exterior Surfaces

1. New or altered exterior surfaces shall be *visually compatible* with the existing *structure*, and with each *historic resource* under sub. (4) that is located within 200 feet of the *structure*.

Guideline: *Narrow gauge clapboards may be used on an addition to a structure that has masonry siding.*

2. Materials used to repair an existing exterior surface shall be *visually compatible* with that surface, and shall not make it more susceptible to deterioration. **Mortar and other materials used for repointing and brick repair shall match original materials in color, hardness, and appearance.**
3. *Historically representative* exterior surfaces on structures designated as *historic resources* under sub. (4) shall be preserved or, when necessary, replaced with materials that are similar in design, color, scale, architectural appearance, and other visual qualities.
4. Unpainted brick may not be painted.
5. *Historically representative* foundation masonry on a *historic resource* identified under sub. (4) shall be preserved or, when necessary, replaced with masonry that is 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, including related features such as storm doors, storm windows, trim and shutters, shall be *visually compatible* with the existing *structure*, and with each *historic resource* under sub. (4) that is located within 200 feet of the *structure*.
2. *Historically representative* windows and doors on *historic resources* under sub. (4) shall be preserved or, when necessary, replaced with windows and doors that are similar in design, color, scale, architectural appearance, and other visual qualities.

Guidelines:

Windows

- *If a window with muntins is replaced, the replacement window should have true muntins or high quality spacer bars that closely resemble true muntins.*
- *Historically representative window openings and configurations on visible facades of a historic resource should 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.*
- *New or replacement shutters should be visually compatible with the existing structure. Shutters should be large enough so that, if they were workable, they would cover the window opening.*
- *Owners of historic resources are encouraged to restore previously altered windows to a documented original or historically representative appearance.*

Doors

- *Unpaneled doors and doors with fake wood grain are inappropriate.*
- *All doors should be painted, enameled or varnished. Raw aluminum or other metallic finishes are inappropriate.*
- *Double or multiple doors on visible facades should be hinged doors, rather than sliding doors, and should have frames that resemble historically representative doorframes in the district.*

Storm Windows and Doors.

- *Storm windows and doors should be painted, enameled or varnished. Raw aluminum or other metallic finishes are inappropriate.*
- *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 appropriate. Storm doors with metal grills are inappropriate.*

(g) New or Altered Porches, Railings, Stairways and Ramps.

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.*
2. *New or altered porches, porch railings, and entrance stairways on visible facades shall be visually compatible with the existing structure, and with each historic resource under sub. (4) that is located within 200 feet of the structure.*
3. *Accessibility ramps, fire escapes and rescue platforms may be installed if necessary, but shall be as inconspicuous and as visually compatible with the existing structure as possible, consistent with function. They shall not be installed on street facades if other locations are practicable.*

Guidelines:

- *Porches on visible facades should have a finished appearance. Decks are inappropriate on visible facades. Decks, regardless of location, should be visually compatible with the existing structure.*
- *Covered porches may be enclosed with insect screens, storm windows and storm doors that comply with the standards under par. (g). However, historically representative porches on visible facades should not be enclosed as heated spaces.*

- *Storm windows added to a porch located on a visible façade should have the appearance of double-hung windows, with or without a transom, and should fill the space between the top of the porch railing and the upper frieze board.*
- *Covered porches should have ceilings and frieze boards, and their floor joists should be hidden from view. Porch ceilings should have the appearance of narrow beaded boards or other historically representative materials.*
- *Flooring on covered first floor porches should consist of tongue-in-groove wooden boards. It should not consist of carpeting, open decking or synthetic materials.*
- *Porch posts should be trimmed with decorative molding at top and bottom.*
- *Porch railings should be constructed of finished wood, or materials that closely match the appearance of finished wood. Railings should have top and bottom rails. Bottom rails should be raised above the floor, but by no more than 3.5 inches. Balusters should extend from the top to the bottom rail, but not beyond. All balusters should be square posts, unless the owner documents that a different design is original to the porch.*
- *A porch railing should not include siding, except that a railing may be sided with solid framed panels if a city code requires a railing at least 42 inches high or if the porch is enclosed with storm windows.*
- *Stairways should have solid wood or wrought iron railings that match the porch. Stairway railings should have square one-by-one inch plain vertical balusters. Twisted or other decorative wrought iron is inappropriate. Balusters should be constructed so that a 4-inch diameter ball cannot pass through the stairway railing at any point. Balusters should extend from the top to the bottom rail, but not beyond.*
- *All wood surfaces on porches and stairways should be painted or opaque stained, except that wood porch floors and wood stair treads may be clear finished.*
- *Spaces beneath porches and stairways should be enclosed with framed lattice, or with narrow vertical boards spaced to the approximate width of the boards. The enclosure should be designed so that a 3-inch diameter ball cannot pass through any portion of it.*
- *Railings on accessibility ramps, fire escapes and rescue platforms should meet relevant guidelines for porch and stairway railings (see above). Landscaping should screen accessibility ramps, fire escapes and rescue platforms where possible.*

(h) New or Altered Architectural Features.

1. *New or altered architectural features shall be visually compatible with the existing structure, and with each historic resource under sub. (4) that is located within 200 feet of the structure.*
2. *Historically representative architectural features of historic resources designated under sub. (4) shall be preserved or, when necessary, replaced with features that are similar in design, color, scale, architectural appearance, and other visual qualities.*

(i) New or Altered External Equipment. *New or altered external HVAC, electrical, solar, telecommunications and mechanical equipment pertaining to a structure shall be as inconspicuous as possible, consistent with function.*

Guideline: *New exterior lighting fixtures, if visible from the street, should be visually compatible with historically representative lighting fixtures found on historic resources in the historic district.*

- (j) **New or Altered Drainage Systems.** New or altered drainage systems shall provide effective drainage, to prevent water damage to *structures*. Exterior drainage systems on a *structure* shall be *visually compatible* with that *structure*. Visible, *historically representative* drainage systems on *historic resources* under sub. (4) shall be preserved or, when necessary, replaced with systems that are *visually compatible* with the *historic resource*.
- (k) **Landscape Alterations.**
1. *Landscape alterations* shall 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*.
 2. *Alterations* to a fence or retaining wall may not cause the fence or retaining wall to violate any *standards* applicable to new fences and retaining walls under sub. (6)(d), or aggravate any prior nonconformity with those *standards*.
- (7) **Maintenance Standards.** Owners of property in the First Settlement *Historic District* shall comply with the following *standards*:
- (a) **General.** An owner shall:
1. Comply with applicable provisions of Chapters 18 (Plumbing Code), 19 (Electrical Code), 27 (Housing and Property Maintenance Code), 29 (Building Code), 30 (HVAC Code) and 31 (*Sign Control Ordinance*), MGO.
[Note: The codes cited in par. (a)1. 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 the property, if the property is a *historic resource* designated under sub. (4).
 4. Refrain from *demolition by neglect*, as provided in Sec. 41.13(1)(c), MGO.
- (b) **Maintaining Roofs.** Roofs shall be maintained and repaired, as necessary, to prevent deterioration of the roof or the *building* that it covers. Materials used to repair a roof shall be *visually compatible* with that roof. *Historically representative* roofing materials on *historic resources* designated under sub. (4) shall 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* shall be maintained and repaired, as necessary, to prevent deterioration of the surface and *structure*. Materials used to repair exterior surfaces shall be *visually compatible* with the existing surface, and shall not make it more susceptible to deterioration.
 2. *Historically representative* surface materials on *historic resources* designated under sub. (4) shall be preserved or, when necessary, replaced with materials that are similar in design, color, scale, architectural appearance, and other visual qualities.
 3. Best practices shall be used to clean *historically representative* exterior surfaces of *historic resources* designated under sub. (4).
 4. Masonry shall be repaired and repointed with *visually compatible* materials that do not contribute to masonry deterioration.
 5. Painted and other finished surfaces shall be refinished as needed to maintain their appearance and prevent deterioration.

- (d) Maintaining Architectural Features.
1. *Architectural features* shall be maintained and repaired, as necessary, to prevent deterioration. Repairs shall be *visually compatible* with the existing *architectural feature*.
 2. *Historically representative architectural features on historic resources* designated under sub. (4) shall 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 shall be maintained and repaired, as necessary, to prevent water damage to *historic resources*.
- (f) Maintaining Landscapes. *Landscapes* shall 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*.

(END)