

PLANNING DIVISION STAFF REPORT

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PREPARED FOR THE LANDMARKS ORDINANCE REVIEW COMMITTEE

Legistar File ID # [56918](#), Draft Historic Preservation Ordinance

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Subject: Staff analysis of updated materials and Alliance draft ordinance

The purpose of this memo is to respond to questions and clarify issues raised at recent LORC meetings by members of the Committee or the public. The Current Draft Ordinance (aka the “staff draft”) referred to herein is the version dated October 26, 2020. The topics below are in no particular order.

Updated Ordinance Draft

Per the guidance received from LORC and the Landmarks Commission, staff simplified the existing draft ordinance and separated out the guidelines into a separate document. Staff also incorporated several of the guidelines from the Madison Alliance for Historic Preservation’s most recent alternative ordinance draft dated June 2021. The goal of the ordinance is to provide enough specificity to guide review of projects that support preservation of historic resources, rehabilitation of existing structures in a way that complements the historic district, and construction of new infill structures that are compatible with the historic character of the district, while also being user friendly. The organization is intended to provide guidance to users of the ordinance without requiring cross referencing to other areas of the ordinance. The process should be as simple as possible with a focus on clarity, balanced with the need for flexibility to accommodate the variety of circumstances related to project possibilities.

The design guidelines are intended to provide examples of how to comply with required standards from the ordinance when additional clarity is needed. While the design guidelines follows a similar format to the ordinance standards, there are not guidelines for each of the categories. Where the standards are so specific that additional guidance was not necessary, there is no additional guideline. Where a general guideline provided enough detail to answer questions about specific treatment category, there is no additional guidance. This is a preliminary rough draft in order to show the general concept of the guidelines. We look for the committees direction on the development of the design guidelines. Illustrations will be conclude before it is finalized.

As is typical of most design guidelines, staff has included a rough draft of district specific character guidance. While the ordinance sets a 200-foot context in order to preserve the unique character of each district, it is helpful to set the larger context of each district as a means for interpreting the standards. What is currently not found in the ordinance standards or the design guidelines are specific requirements for height by district. Per guidance from the Plan Commission, staff had initiated a process

to implement height recommendations in the historic districts through a height map overlay. The process for implementing the height map for Williamson Street based off of the BUILD II Plan had such strong opposition that the alder asked for that proposal to be placed on file with Plan Commission. Staff continues to recommend that specific height standards need to remain in the Zoning ordinance. However, the contextual height, setback, and massing in the historic districts is still addressed by the 200 foot compatibility requirement will address the height concerns in historic districts.

In order to vet the previous working draft of the ordinance, staff had prepared sample staff analysis of previously approved projects. Staff found that the previous working draft had many redundancies and was cumbersome to work with. For the latest draft, staff followed the same approach with a project from Third Lake Ridge for an addition. The packet is organized with the Certificate of Appropriateness, the original staff report that uses the currently adopted ordinance, an updated analysis with the draft ordinance, and the submittal materials. While the staff recommendation remained the same, the process was very different. With the currently adopted ordinance, there is minimal detail and guidance in the standards for that district, which requires the Landmarks Commission to rely heavily on previous precedent. The previous analysis utilizing the previous draft ordinance resulted in a great deal of repetition and elements of the project that had difficulty meeting the proposed standards because those standards were overly prescriptive. The updated draft ordinance provides a stronger structure for analyzing the project and had minimal redundancy. Staff only pulled out the standards that related to the proposed project instead of listing all of the standards for additions. Currently staff reports to the Landmarks Commission include all standards for a historic district, and staff notes "N/A" for standards that do not apply. The new format would more closely align to the style of staff report found for Plan or Urban Design Commission.

Alliance Draft

The Madison Alliance for Historic Preservation has provided an updated draft of their proposed alternative ordinance. Their structure requires cross-referencing standards between sections and maintains guidelines grouped with standards. Their general standards apply to all historic districts, but the district specific elements are mostly found in guidelines rather than standards. There are prescriptive requirements in district specific ordinance standards for some areas of the existing districts for height, setbacks, and massing, but not all. Their language is very similar to the current working draft of the ordinance as developed by staff. The language in their guidelines sections was helpful in updating the separate design guidelines document.