



City of Madison

City of Madison
Madison, WI 53703
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Meeting Minutes - Approved AD HOC LANDMARKS ORDINANCE REVIEW COMMITTEE

*Consider: Who benefits? Who is burdened?
Who does not have a voice at the table?
How can policymakers mitigate unintended consequences?*

Thursday, November 19, 2020

5:30 PM

Virtual Meeting

Some or all members of the Landmarks Ordinance Review Committee and members of the public participated in the meeting remotely by teleconference or videoconference.

CALL TO ORDER / ROLL CALL

Present: 5 - Patrick W. Heck; Michael J. Tierney; Arvina Martin; Keith Furman and Marsha A. Rummel

Staff present: Heather Bailey and Bill Fruhling, Planning Division, and John Strange, City Attorney's Office

The meeting was called to order at 5:30 pm
Furman left the meeting at 6:45 pm and Heck took over as Chair

APPROVAL OF MINUTES

A motion was made by Heck, seconded by Tierney, to Approve the November 5, 2020 Minutes. The motion passed by voice vote/other.

PUBLIC COMMENT

1. [59517](#) Public Comment - Ad Hoc Landmarks Ordinance Review Committee
None

DISCLOSURES AND RECUSALS

None

2. [56918](#) Draft Historic Preservation Ordinance

Anna Andrzejewski, registering neither in support nor in opposition and available to answer questions

Bailey discussed the options for approaching the standards for accessory structures. She pointed out that three historic district ordinances currently have separate standards for accessory structures, which limit the height to 15'. She said that zoning measures height differently than the historic preservation ordinance, which should be clarified in the new ordinance. She recommended they refer to the zoning definition of how to measure height rather than using the current definition in the historic preservation ordinance. She said that she thinks it should be possible to include the

option of ADUs if they fit in the historic district and are compatible with similar structures within 200' as well as the principal structure. She said the other question is whether to treat accessory structures with the same standards as the principal structure. She referenced the draft language for the new construction of accessory structures and said that the standards for maintenance, repair, alterations, and additions were designed to be applicable to principal and accessory structures.

Heck said that it made sense for alterations to use the same standards, and he didn't see a problem with measuring the height in the same manner as zoning. Bailey said that it shouldn't be problematic and pointed out that the Historic Preservation Plan recommended they create alignment between standards in the historic preservation ordinance and zoning. She said that if using the zoning definition for height, they may want to make an exception in Marquette Bungalows because the principal buildings are fairly small, so they wouldn't want a garage that is bigger in size and feel than the bungalow. She referenced part of the definition of an accessory structure, which discusses it being subordinate to the principal structure. Heck said an exception for Marquette Bungalows seemed reasonable. Martin asked if any ADU proposals have come to the Landmarks Commission, and Bailey said she has not seen any because with the current height limit, it would be nearly impossible to add something above a garage in three of the historic districts. Rummel said that ADUs are a way to add density but protect historic character, which would be useful in historic districts to provide more options on a lot. She asked for confirmation that if the historic preservation ordinance doesn't include height requirements, as long as the accessory structure meets zoning code by being subordinate to the principal building and meeting height requirements, that it would be allowed; Bailey confirmed it would. Heck asked if this included the option of an ADU that doesn't have a garage under it, and Bailey confirmed it does. Heck asked about situations where there may not be other historic accessory structures within the 200' vicinity. Bailey said this could potentially happen, and referenced the proposed ordinance language on p. 3 of the staff report under the Accessory Structures Guidelines, which says that "new accessory structures should be of a similar architecture style as the primary structure..." so even if there is nothing comparable within 200', the building still needs to make sense on the property.

Bailey began discussion of standards for commercial and mixed-used buildings. She explained that in historic districts, there are some typical residential and commercial forms, but there is also a lot of overlap between the two, citing examples along Williamson Street. She said that the historic preservation ordinance deals with materials and the resource itself because the use can change, and the Landmarks Commission is not involved with change of use. She said that the standards should be able to evolve with the changing uses as opposed to having specific standards for residential and commercial buildings. Rummel asked about corner properties versus the middle of the block and the importance of the location of a building. Bailey said she would consider that a zoning and Plan Commission issue, and if it were new construction, the Landmarks Commission would look at historic resources within 200'. Rummel said that she is struggling with the question of character, so if someone were to propose a building for the middle of a block but the historic pattern didn't have that type of building, how much do they look at the past versus the historic resources within 200' when trying to preserve historic character. Martin pointed out other parts of the ordinance used to review a project, such as the rhythm of solids to voids or masses and spaces, which could help in that situation. She added that she was of the opinion that decisions regarding use should be left up to zoning and the Plan Commission.

Bailey said that the dynamic Rummel brought up could be seen in residential historic districts as well because corner properties often end up being different from interior properties. Heck said he was concerned about mid-block consequences when there isn't a regular pattern and the problems that could arise. Bailey said this was a good point and she would look at including language for corner and interior properties, noting that there was precedent for standards to treat corner properties differently than interior. Andrzejewski said that commercial districts are complicated because use is going to change, and she agreed that having Bailey look into corner properties might be the best way to go.

Bailey shared statistics related to the number and type of Certificates of Appropriateness issued over the last three years. She pointed out that the primary function of the ordinance is to preserve historic resources, and it isn't just a Landmarks Commission ordinance because the majority of the work the program does is in the maintenance, repair, and minor alterations categories. She said that the larger projects that go to the commission like additions and new construction tend to make headlines and elicit strong emotions, but it is a smaller piece of the work property owners do. She pointed out that the longest section in the draft ordinance is for alterations, which is where most of the work is happening. Heck asked about the difference in numbers between the historic districts and if there was anything other than the number of historic resources in the district that influenced the numbers, such as differences between resources or development pressure. Bailey said that it is mainly due to the size of the district and whether there are places for infill. Heck asked about the new construction numbers, which were mainly for accessory structures. Bailey confirmed they were mostly garages and said this is a good thing because while there may be places for new construction and appropriate infill, if they were seeing high numbers of new principal structures in historic districts, it would be a red flag. She mentioned that the numbers don't include the time she spends working with Building Inspection on minimum housing cases where work orders are issued for maintenance and repairs because those cases often don't rise to the level of requiring a Certificate of Appropriateness.

3. [54448](#)

Discussion of Next Steps and Schedule

Heck said that the plan is to work through the remaining parking lot items at the next meeting. Rummel asked how to move forward and address the issues they're facing. Heck suggested they discuss new construction to make sure the draft ordinance is addressing concerns for the individual historic districts. Rummel said that she was concerned about getting to the character and district-wide question as opposed to the building-form level, and regarding new construction, they need to address how to protect the character of the historic districts while allowing appropriate growth.

Rummel said the statistics show that staff and the Landmarks Commission mainly deal with people trying to take care of their properties, and she questioned whether the ordinance being organized by intervention and then typology was easy for property owners to understand and use. She said that it might be helpful to have a chart organized by typology so if someone needed to alter their windows, they could look for windows in the chart and find information on what they need to do. Bailey agreed that creating something in that format, organized by category (doors, windows, etc.) and then levels of intervention under that, would be helpful as a reference.

Tierney asked what other cities similar in size to Madison that have historic districts

use for their historic preservation ordinances. Bailey said that it runs the gamut; some places adopt the Secretary of the Interior's Standards and refer to illustrated design guidelines while others are more similar to Madison in using detailed language in the standards, but illustrated design guidelines could be helpful in making visual what the ordinance says in words. Andrzejewski agreed that drawings would make the ordinance more usable. The illustrated design guidelines were discussed further and were established as a separate, complimentary effort to the ordinance itself.

Heck asked how they should move forward, especially with regard to district-specific items in the standards for new construction. Bailey suggested several options, and Heck asked staff to put together a list of options so the committee could be prepared for that discussion. Rummel requested they look at creating new zoning districts as another way to protect the character of areas that may be under threat. There was brief discussion of the Plan Commission's special work session on December 16, which will start the work toward getting the zoning code and historic district ordinances more synced up.

ADJOURNMENT

**A motion was made by Rummel, seconded by Martin, to Adjourn at 7:31 pm.
The motion passed by voice vote/other.**