

## **CHAPTER 41 HISTORIC PRESERVATION**

### **SUBCHAPTER 41A: GENERAL PROVISIONS**

#### **41.01 POLICY AND PURPOSE.**

The Common Council recognizes that the City of Madison contains buildings, structures, signs, features, improvements, sites, and areas that have significant architectural, archaeological, anthropological, historical, and cultural value. The Common Council further recognizes that these historic resources represent the City's unique heritage, contribute to the health, prosperity, safety and welfare of the City's residents, and serve as a source of great interest to the City's residents and visitors. Therefore, the Common Council hereby finds that it is in the public interest to identify, protect, preserve, promote, conserve and use historic resources within the City. The purpose of this chapter is therefore to:

- (1) Accomplish the identification, protection, promotion, preservation, conservation and use of the City's historic resources, as embodied and reflected in the city's historic districts and landmarks.
- (2) Ensure that the City's growth sensitively incorporates the City's historic resources.
- (3) Enhance the visual and aesthetic character of the City by ensuring that new design and construction, when it happens, complements the City's historic resources.
- (4) Provide a framework for appropriate reinvestment in the City's landmarks and historic districts that ensures new design and construction, when it happens, complements the City's historic resources and conforms to the standards of the historic district.
- (5) Safeguard the City's historic resources and investment in them by establishing an obligation to maintain them, and encouraging the vigorous enforcement of this ordinance.
- (6) Recognize that the city's historic resources 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 the public policy announced in this chapter.

#### **41.02 DEFINITIONS.**

In this chapter:

Alteration means any change, addition or modification to an improvement or grading (see improvement).

Architectural Feature means the distinguishing exterior elements of a building or structure including shape, size, design, style, fenestration, materials and decorative details.

Building means any structure having a roof that may provide shelter, support, protection or enclosure of persons, animals, or property of any kind (see Structure)

Building Inspector means the Director of the Building Inspection Division or designee.

Bulk means the size and setbacks of buildings or structures and the location of such buildings or structures with respect to one another.

Certificate of Approval means an official form issued by the Preservation Planner stating that the proposed work on a designated historic resource in a historic district is in accord with the requirements of this ordinance and that (1) the proposed work may be completed as specified in the certificate; and (2) that the Building Inspector may issue any permits needed to do the work specified in the certificate.

Character (of a Building and a Historic District) means the sum of all physical attributes in a historic place which can include setting, property types, form, proportion, architectural style, construction methods, and materials.

Commission or Landmarks Commission means the Landmarks Commission created under Sec. 33.19, MGO.

Construction means the erection of any new structure or the alteration of any existing structure (see Structure and Alteration).

Demolish means the act or process that removes or destroys in whole or in part a building, structure, or resource.

Demolition by Neglect means the process of allowing landmarks, landmark sites or improvements in historic districts to decay, deteriorate, become structurally defective, or otherwise fall into disrepair.

Developed Public Right-of-Way means any human-made change to a public thoroughfare or easement granted for the purpose of public access, included but not limited to paved or unpaved highways, streets, bicycle/pedestrian/multi-use paths, or sidewalks. This does not include alleys.

Development means any human-made change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or substantial alterations to buildings, structures or accessory structures; the placement of buildings or structures; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations; and the deposition or extraction of earthen materials.

Gross Volume means the entire volume measured in cubic feet enclosed by a structure including attached structures, dormers, attics, crawl spaces, or penthouses. Gross volume is measured from the outside surface of the exterior walls including any portions above existing grade to the roof line. It does not include courtyards with no roof, balconies, canopies, or portions below grade. Decorative or structural features that extend beyond the plane of the outside face of the exterior wall such as trim, cornices, pilasters, buttresses and overhangs are not included.

Guideline means a principle put forward to help determine a course of action. Under this ordinance, guidelines adopted in a historic district shall serve as a collective set of principles to promote architectural compatibility of new construction and exterior alterations in a historic district.

Height (of a Building) means the following:

- (a) For accessory buildings and structures, height is measured from the average elevation of the approved grade at the front of the building to the highest point of the roof in the case of a flat roof, to the deck line of a mansard roof, and to the midpoint of the ridge of a gable, hip, or gambrel roof. The average height shall be calculated by using the highest ridge and its attendant eave. The eave point used shall be where the roof line crosses the side wall.
- (b) For principal buildings and structures, height is the average of the height of all building facades. For each facade, height is measured from the midpoint of the existing grade to the highest point on the roof of the building or structure. No individual facade shall be more than fifteen percent (15%) higher than the maximum height of the zoning district.
- (c) For new buildings, alterations, additions, or replacement of existing buildings, height shall be measured from the natural grade prior to redevelopment. Natural grade shall be determined by reference to a survey or other information as determined by the Zoning Administrator.
- (d) Height in the DC, UOR, UMX, DR1 and DR2 districts shall be measured from the highest point along a building setback line paralleling any street adjacent to the site. In these districts accessible roofs, including the minimum structure necessary to provide access, shall not be counted as a story. However, this provision shall not be applied in violation of the Capitol View Preservation Section 28.134(3).

Historic District means an area designated by the Common Council pursuant to Subchapter G of this ordinance.

Historic Resource means any building, structure, sign, feature, improvement, site, or area having significant architectural, archaeological, anthropological, historical, or cultural value. Historic Resources include properties designated as landmarks or historic resources in this chapter.

Improvement means any structure, landscape feature or object intended to enhance the value or utility of a property (See structure, landscape feature and object.)

Landmark means

- (a) Any improvement which has architectural, cultural, or historic character or value reflecting the development, heritage or cultural characteristics of the City, state or nation and which has been designated as a landmark pursuant to the provisions of this chapter, or
- (b) Any land of historic significance due to a substantial value in tracing the history of humankind, or upon which an historic event has occurred, and which has been designated as a landmark pursuant to the provisions of this chapter.

Landmark Site means the lot or parcel identified in the official landmark designation maintained by the City Planning Division. If a landmark designation does not identify a lot or parcel, landmark site means any lot, or part thereof, on which is situated a landmark, and any abutting lot, or part thereof, used as and constituting part of the premises on which the landmark is situated.

Landscape means the improvements, topography, plants and open spaces in an area and their arrangement and patterns (see Improvement).

Landscape Feature means any improvement to the natural landscape including plants, gardens, parks, greenways and landscaping around structures (see Improvement).

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.

Natural Feature means any native plant community, geological feature, or other natural element. Examples include prairies, oak savannas, water elements, topography, or rock outcroppings.

Object means any improvement that is of relatively small scale or of simple construction for primarily ornamental or artistic purposes including fountains, monuments, or sculptures (see Improvement).

Owner means any person having legal possession, custody, or control of an improvement on a landmark site or in an historic district.

Period of Significance means the duration of time between beginning and ending years during which a historic district is associated with the important events, activities, persons, or attained characteristics which qualify it for historic district status. Specific periods of significance are identified for each historic district in Subchapter G.

Person means an individual, corporation, partnership, limited liability company, cooperative, trust, association or business entity. For purposes of repeated violations of the provisions of this chapter, any corporation, partnership, limited liability company, cooperative, trust, association or business entity is considered the same as another corporation, partnership, limited liability company, cooperative, trust, association or business entity if they share at least one (1) officer.

Preservation means the act or process of applying measures necessary to sustain the existing form, integrity, and materials of a historic property or historic resource.

Preservation Planner means the person designated under Sec. 41.05.

Reconstruction means the act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

Rehabilitation means the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features of the property which convey its architectural and cultural values.

Restoration means the act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period.

Secretary of the Interior's Standards for the Treatment of Historic Properties means the principles developed by the National Park Service (36 C.F.R. 68.3, as may be amended) to help protect historic properties by promoting consistent preservation practices and providing guidance to historic building owners and building managers, preservation consultants, architects, contractors, and project reviewers on how to approach the treatment of historic properties. The Secretary of the Interior Standards for Treatment of Historic Properties may also be referred to in this ordinance as "Secretary of the Interior's Standards."

Site means any location of an event, a prehistoric or historic occupation or activity where the location itself maintains value or significance. Examples include Indian trails, effigy mounds, battlegrounds, or locations of former structures.

Standard means a rule that is required. Under this ordinance, all standards adopted in a historic district must be complied with in every instance of development in that district.

Structure means any building or improvement attached to land (See building and improvement.).

Visually Compatible means harmonious with location, context, setting and character.

#### **41.03 GENERAL ADMINISTRATIVE PROVISIONS.**

- (1) Computing Time Periods. In computing any period of time prescribed by this ordinance, the day of the act or event from which the designated period of time begins shall not be included. The last day of the period so computed shall be included.

- (2) Conflicting Regulations. Where the regulations imposed by this ordinance are either more or less restrictive than regulations in other ordinances or laws, including Chapter 28, MGO, the regulations which are more restrictive or which impose higher standards or requirements shall prevail, unless an exception to this provision is specifically noted.
- (3) Separability. 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 governmental agency to prevent an imminent threat to life, health or property.
- (5) Measuring 200 Feet Around Properties. Certain provisions of this chapter reference properties that are within two hundred (200) feet of a subject property. Under this chapter, measurements around properties shall be taken from the lot lines of the subject property two hundred (200) feet in all directions. In the case of landmark properties, measurements shall take into account all historic resources within the two hundred (200) foot measurement. In the case of historic districts, measurements shall take into account all historic resources within two hundred (200) feet that are contained within the district. Any improvements located on lots that fall within this measurement shall be considered within two hundred (200) feet of the subject property.
- (6) Transition Rule. The comprehensive revision of the Historic Preservation ordinance is happening in two phases, best described as Subchapters A-F (Phase I) and Subchapter G (Phase II), with the formal adoption of Phase I happening before the formal adoption of Phase II. The revision of Subchapters A-F was not intended to change the substance of the historic district ordinances contained in Subchapter G. If conflicts exist between standards contained in Subchapters A-F and standards contained in Subchapter G, the standards in Subchapter G shall prevail. Upon the formal adoption of Phase II, this transition rule shall no longer apply and staff shall ensure that this transition rule is removed from the chapter.

## ***SUBCHAPTER 41B: 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.

### **41.05 PRESERVATION PLANNER.**

The Preservation Planner is a staff member of the Department of Planning and Community and Economic Development. 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 their own professional judgment and expertise, consistent with this chapter and subject to general oversight by the Landmarks Commission.

### **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.
- (2) Hearing Notices, General. Notice of the time, place and purpose of the hearing shall be given by a Class 2 Notice in the official City newspaper or as otherwise allowed under Wis. Stat. § 985.07, for all of the following:
  - (a) Any hearing on the proposed designation of a landmark under Sec. 41.07 or the proposed rescission of a landmark designation under Sec. 41.08.
  - (b) Any hearing on a proposed Certificate of Approval under Subchapter F
  - (c) Any hearing on a proposed variance under Sec. 41.19.
  - (d) Any hearing on the proposed creation or amendment of a historic district under Subchapter D.
  - (e) Any hearing on a Notice of Demolition by Neglect under Sec. 41.15.

- (3) Additional Notice; When Required. In addition to notice provided under sub. (2) above, the Commission shall in the following cases mail additional notice to the following persons at least fourteen (14) 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 two hundred (200) feet, measured according to Sec. 41.03(5) of any lot on which the site or structure is wholly or partially located.
  - (b) If the hearing pertains to the creation or amendment of a historic district:
    - 1. All owners of record of lots located wholly or in part within the historic district.
    - 2. The alder of each district in which any part of the historic district is located.
  - (c) If the hearing pertains to a proposed Certificate of Approval or variance, to the alder in whose district the affected site or structure is located.

### ***SUBCHAPTER 41C: LANDMARKS***

#### **41.07 DESIGNATING LANDMARKS.**

- (1) Designation. The Common Council, after considering the recommendation of the Landmarks Commission under sub. (5) below, may designate a landmark according to this section.
- (2) Standards. A site, improvement, or site with improvements may be designated as a landmark if the proposed landmark meets any of the following:
  - (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 event(s) 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 local materials or craftsmanship.
  - (e) It is representative of the work of a builder, designer or architect of note.
- (3) Nomination. Any person may nominate a site, improvement, or site with improvements 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, landmark site, and document why it qualifies under sub. (2). The Preservation Planner may ask the person to submit additional 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 refer the nomination to the Landmarks Commission.
- (4) Landmarks Commission Review and Public Hearing. Whenever the Landmarks Commission receives a complete, accurate 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 conduct its own investigation of the facts, as it deems necessary.
- (5) Landmarks Commission Action. After the Landmarks Commission holds a public hearing and completes its review under sub. (4), the Commission shall report to the Common Council a recommendation supporting or opposing the proposed landmark designation. The Commission may recommend landmark designation subject to terms and conditions that are consistent with this chapter. The Commission shall send a notice of the recommendation to each owner of record of each lot on which the proposed landmark is located at least fourteen (14) days before any meeting at which the Common Council may act on the Commission's recommendation.
- (6) Common Council Action. After considering the Landmarks Commission's report recommendation under sub. (5), and based on the standards under sub. (2), the Common Council shall vote to designate or decline to 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) Recognition of Landmarks. Whenever the Common Council designates a landmark under sub. (6), the Landmarks Commission shall affix a plaque identifying the property as a landmark to the landmark or landmark site. The plaque shall be placed so that it is easily visible to passing pedestrians. In the case of a landmark structure, the plaque shall include the accepted name of the landmark, the date of its construction, and other information that the Landmarks Commission considers appropriate. In the case of a landmark that 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 because the landmark is ecologically or culturally sensitive a plaque would be inappropriate, 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 shall be the same as for designating a landmark under subsections (1)-(7) above.

#### **41.08 RESCINDING A LANDMARK DESIGNATION.**

- (1) Common Council May Rescind. The Common Council, after considering the recommendation of the Commission under sub. (5) below, may rescind a landmark designation.
- (2) Requesting Rescission.
  - (a) Any person who is listed as the owner of record of a landmark at the time of its designation who has held continuous ownership since designation, and any person who has inherited the landmark from such a person may petition for rescission of the designation. The request shall explain the grounds for the proposed rescission, and shall include documentation to show that the proposed rescission satisfies the standards under sub. (3)(a) below.
  - (b) Any person who is listed as the owner of record may petition for rescission of the designation. The request shall explain the grounds for the proposed rescission, and shall include documentation to show that the proposed rescission satisfies the standards under sub. (3)(b) below.
  - (c) The Preservation Planner may ask the landmark owner to submit additional information, as needed, to complete or clarify the request.
- (3) Standards.
  - (a) A request to rescind a landmark designation under sub. (2)(a) above shall be approved only if the owner of record at the time of designation demonstrates that they are unable to find a buyer willing to abide by the regulations to which the project is subject, even though they have made reasonable attempts in good faith to find and attract such a buyer. Such attempts must be supported by evidence including but not limited to the following:
    - 1. Comparable real estate listings showing current market values.
    - 2. Current real estate listing including disclosure statement.
    - 3. Dates of real estate agent showings.
    - 4. Original listing date.
    - 5. Original listing amount and dates of subsequent changes.
    - 6. Value of improvements made to the property during ownership.
    - 7. Current assessed value.
    - 8. Whether the owner has received a fair and reasonable offer to purchase the structure.
    - 9. List of routine maintenance and associated costs during ownership.
  - (b) A request to rescind a landmark designation under sub. 2(b) above shall be approved only when the physical appearance of the site has changed substantially such that the site no longer meets the standards set forth for designation in Sec. 41.07 of this ordinance, provided that such change was not due to the owner of record's failure to maintain the property as required by this ordinance.
- (4) Landmarks Commission Review and Public Hearing. When the Preservation Planner finds that a request under sub. (2) above is complete, the Preservation Planner shall refer the request to the Landmarks Commission.

The Commission shall review and hold a public hearing on the request for rescission. The Commission shall give prior notice of the hearing as provided in Sec. 41.06. The Commission may gather other information, in addition to hearing testimony and evidence, which may be relevant to its evaluation of the request.

- (5) Landmark Commission Action. After holding a public hearing and completing its review under sub. (4) above, the Landmarks Commission shall determine whether the requested rescission meets applicable standards under sub. (3) above. The Commission shall report its finding, along with reasons for it, to the Common Council. The Commission shall send written notice of its findings to each owner of record of each lot on which the landmark is located at least ten (10) days before any meeting at which the Common Council may act on the Commission's findings.
- (6) Common Council Action. After considering the Commission's report under sub. (5) and applying the standards under sub. (3) above, the Common Council may rescind a landmark designation. The City Clerk shall notify the Director of the Building Inspection Division and the City Assessor of each rescission. The City Clerk shall record the rescission with the Dane County Register of Deeds at the City's expense.

#### **41.09 ALTERING OR DEMOLISHING LANDMARKS.**

- (1) When Required. No person may do any of the following without a Certificate of Approval issued under Subchapter F:
  - (a) Add a new structure to a landmark or landmark site.
  - (b) Materially alter a landmark or the exterior of a landmark.
  - (c) Demolish or relocate a landmark or any part of a landmark.
  - (d) Install a sign on the exterior of a landmark or on a landmark site.
  - (e) Divide any lot comprising all or part of a landmark site, or voluntarily grant any easement on that lot if doing so may impair the preservation, maintenance, exterior appearance or historic character of the landmark or landmark site.
- (2) Exception. A Certificate of Approval is not required at Forest Hill Cemetery to:
  - (a) Add a new gravesite, memorial or landscape feature to the cemetery;
  - (b) Alter, demolish, remove or relocate any existing structure, object, or landscape feature that is less than fifty (50) years old at the time of alteration, demolition, removal, or relocation; or
  - (c) Conduct routine day-to-day operations and maintenance of the cemetery.

### ***SUBCHAPTER 41D: HISTORIC DISTRICTS***

#### **41.10 CREATING AND AMENDING HISTORIC DISTRICTS.**

- (1) Authority. The Common Council, after considering the recommendations of the Landmarks Commission and the City Plan Commission under this section, may do any of the following:
  - (a) Create a new historic district.
  - (b) Amend an existing historic district. An amendment may include a boundary adjustment or an amendment of standards specific to that historic district, provided that the amendment complies with this chapter.
  - (c) Reject a proposed historic district designation.
- (2) 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 criteria:
  - (a) The district is associated with broad patterns of cultural, political, economic or social history of the nation, state or community.
  - (b) The district is associated with the lives of important persons, and/or with important events in national, state or local history.
  - (c) The district encompasses an area of particular archaeological or anthropological significance.
  - (d) The district embodies the distinguishing characteristics of an architectural type inherently valuable for its representation of a period, style, or method of construction, or of local materials or craftsmanship.
  - (e) The district is representative of the work of a builder, designer or architect of note.
- (3) Process.

- (a) Request. Any person, including the Preservation Planner, may request the creation or amendment of a historic district. The person shall submit the request to the City Planning Division, to the attention of the Preservation Planner, on a form approved by the Landmarks Commission. The request shall clearly describe the proposed historic district or amendment, and shall clearly explain and document why the request should be approved. The Preservation Planner shall promptly notify the Landmarks Commission of each request and shall review the request for completeness. The Preservation Planner may ask the requester to submit additional information and documentation as needed. When the Preservation Planner finds that the request is complete, the Preservation Planner shall refer the request to the Landmarks Commission.
- (b) Review by Landmarks Commission. Whenever the Landmarks Commission receives a complete and accurate request under sub (3)(a) above, the Commission shall publish a hearing notice under Sec. 41.06 and hold a public hearing on the request. Following the public hearing, the Landmarks Commission shall recommend approval, disapproval, or approval subject to changes specified by the Commission. The Landmarks Commission shall forward its recommendation to the City Plan Commission and the Common Council. If the Commission recommends the creation or amendment of a historic district, the Commission's recommendation shall be accompanied by a proposed historic district ordinance pursuant to Sec. 41.11 to implement the recommendation.
- (c) Review by City Plan Commission. Whenever the Landmarks Commission recommends the creation or amendment of a historic district under sub. (3)(b) above, the City Plan Commission shall review the proposed ordinance creating or amending the historic district and make its recommendation to the Common Council. The City Plan Commission shall make its recommendation within ninety (90) days after receiving the Landmarks Commission recommendation, and at least thirty (30) days before the Common Council holds a public hearing on the proposal under sub. (3)(d) below.
- (d) Action by Common Council. Whenever the Landmarks Commission recommends the creation or amendment of a historic district under sub. (3)(b) above, the Common Council shall do all of the following after considering that recommendation and the recommendation of the City Plan Commission under sub. (3)(c) above:
  - 1. Hold a public hearing on the ordinance proposed by the Landmarks Commission.
  - 2. Adopt, adopt with modifications, or reject the ordinance proposed by the Landmarks Commission.

#### **41.11 HISTORIC DISTRICT ORDINANCE REQUIREMENTS.**

- (1) General. An ordinance creating a historic district under Sec. 41.10 shall do all of the following:
  - (a) Clearly delineate the boundaries of the historic district.
  - (b) Specify the rationale for creating the historic district.
  - (c) Identify historic resources in the historic district, including landmarks, landmark sites, and properties constructed during the district's period of significance.
  - (d) Be nominated following the process as outlined in Sec. 41.10(3).
- (2) Mansion Hill Historic District.
  - (a) Criteria for Creation of Mansion Hill Historic District. In that the Mansion Hill Historic District reflects a pattern in the broad social history of Madison, the State and the Nation, and in that elements within the District meet the other three designation criteria, namely that many of the structures in the District:
    - 1. Are identified with historic personages or with important events in national, state or local history;
    - 2. Embody the distinguishing characteristics of an architectural type specimen, inherently valuable for a study of a period, style, method of construction, or of local materials or craftsmanship;
    - 3. Are representative of the notable work of a master builder, designer or architect of note whose individual genius influences their age;
 The area described by the map and legal description shall be designated a historic district.
  - (b) Historic Resources in the Mansion Hill Historic District.
    - 1. Designated Landmarks.
    - 2. Designated Landmark sites.
    - 3. Properties constructed during the period of significance, 1850-1930.



(3) Third Lake Ridge.

- (a) Criteria for the Creation of the Third Lake Ridge Historic District. In that the Third Lake Ridge Historic District area reflects a broad pattern of social history of Madison and the State and the Upper Midwest, and in that elements within the District meet other designation criteria in Sec. 41.10(2) of this chapter, namely that many of the structures and sites in the District:
1. Are identified with historic personages or with important events in state or local history; and
  2. Embody the distinguishing characteristics of an architectural type specimen, inherently valuable for a study of a period, style, method of construction, or of local materials or craftsmanship;
- The area described by the map and legal description shall be designated a historic district.
- (b) Historic Resources in the Third Lake Ridge Historic District.
1. Designated Landmarks.
  2. Designated Landmark Sites.
  3. Properties constructed during the period of significance, 1850-1929.

(4) University Heights.

- (a) Criteria for the Creation of the University Heights Historic District. In that the University Heights Historic District reflects a pattern in the broad social history of Madison and in the state and the nation and in that elements within the district meet the other three designation criteria in Sec. 41.10(2) of this chapter, namely that many of the structures in the district:
1. Are identified with historic personages or with important events in national, state, or local history;
  2. Embody the distinguishing characteristics of an architectural type specimen, inherently valuable for a study of a period, style, method of construction, or of local or craftsmanship; and,
  3. Are representative of the notable work of a builder, designer, or architect of note whose individual genius influenced their age,
- The area described by the map and legal description shall be designated a historic district.
- (b) Historic Resources in the University Heights Historic District.
1. Landmarks.
  2. Landmark sites.
  3. Properties constructed during the period of significance, 1893-1928.

(5) Marquette Bungalows.

- (a) Criteria for the Creation of the Marquette Bungalows Historic District. In that the Marquette Bungalows Historic District reflects a pattern in the broad social history of Madison and in the state and the nation and in that elements within the district meet designation criteria in Sec. 41.10(2) of this chapter, specifically:
1. Many of the structures in the district embody the distinguishing characteristics of an architectural type specimen, inherently valuable for a study of a period, style, method of construction, or of local materials or craftsmanship,
  2. The area described by the map and legal description shall be designated a historic district.
- (b) Historic Resources in the Marquette Bungalows Historic District.
1. Landmarks.
  2. Landmarks sites.
  3. Properties constructed during the period of significance. 1924-1930.

(6) First Settlement.

- (a) Standards for the Creation of the First Settlement Historic District. In that the First Settlement Historic District reflects the broad cultural, political, economic and social history of Madison, the state and the nation and in that elements within the district meet designation criteria in Sec. 41.10(2) of this chapter, specifically that they are:
1. Identified with historic personages or with important local historical events.
  2. Embody the distinguishing characteristics of an architectural type specimen, inherently valuable for a study of a period, style, method of construction or of local material or craftsmanship.
- The area described by the map and legal description shall be designated a historic district.
- (b) Historic Resources in the First Settlement Historic District.

1. Landmarks.
2. Landmark sites.
3. Properties constructed during the period of significance, 1850-1930.

#### **41.12 CONSTRUCTING, ALTERING, OR DEMOLISHING STRUCTURES IN HISTORIC DISTRICTS.**

No person may do any of the following in a historic district without a Certificate of Approval issued under Subchapter F:

- (1) Construct a new structure.
- (2) Materially alter the exterior of an existing structure.
- (3) Demolish or relocate an existing structure.
- (4) Install a sign.
- (5) Divide any lot, consolidate any lot, or voluntarily grant any easement on any lot if doing so may distract from the historic character of the district.

### ***SUBCHAPTER 41E: MAINTAINING LANDMARKS, LANDMARK SITES AND HISTORIC DISTRICTS***

#### **41.13 PUBLIC INTEREST IN PRESERVATION AND MAINTENANCE.**

The Common Council finds that it is in the public interest to preserve and maintain landmarks, landmark sites, and improvements in historic districts, and to vigorously enforce this chapter and other City ordinances that have a related purpose.

#### **41.14 MAINTENANCE OBLIGATION; ENFORCEMENT; PENALTIES.**

- (1) Maintenance Obligation. Every owner of a landmark, improvement on a landmark site, or improvement in a historic district shall do all of the following:
  - (a) Protect the improvement against exterior decay and deterioration.
  - (b) Keep the improvement free from structural defects.
  - (c) Maintain interior portions of the improvement, the deterioration of which may cause the exterior portions of such improvement to fall into a state of disrepair.
  - (d) Refrain from actions that cause or may cause exterior decay and deterioration of a landmark, improvement on a landmark site, or improvement in a historic district that is located on a directly abutting property.
  - (e) Refrain from unreasonably preventing the owner of a landmark, improvement on a landmark site, or improvement in a historic district that is located on a directly abutting property from maintaining its property. It is not unreasonable to require a person entering upon your property to pay a fee and provide a bond, insurance or indemnity.
- (2) Enforcement.
  - (a) The Building Inspector or designee is authorized to enforce the provisions of this chapter.
  - (b) The Building Inspector or designee may issue an official written notice to a property owner, requiring the property owner to correct a violation of Sec. 41.14(1) above by a date specified in the notice, and may issue an official written notice to a property owner who is in violation of Sec. 41.14(1)(d) or (e) above.
  - (c) The Building Inspector or designee shall notify the Preservation Planner of all official compliance notices issued to owners of landmarks or improvements in historic districts. The Building Inspector or designee shall further notify the Preservation Planner whenever a property owner fails to correct a violation by the compliance date specified in an official notice.
  - (d) City agencies or commissions responsible for enforcing Chapters 18, 27, 29, 30 and 3, MGO, or, in the absence of such city agency or commission, the Building Inspector, may grant individual variances from those chapters to facilitate historic preservation and maintenance under this chapter, provided that such variance does not endanger public health or safety or vary any provisions of this chapter.
- (3) Public Hearing. A property owner may file a request with the Landmarks Commission for a public hearing if the property owner has made attempts to maintain their property as required by this ordinance but has been prevented from doing so by a neighbor whose property directly abuts that of the property owner seeking

relief. Upon receiving such a request, the Landmarks Commission shall issue a hearing notice under Sec. 41.06 and hold a public hearing. If, after a public hearing, the Landmarks Commission finds that the property owner seeking relief has made efforts to correct the alleged violation but has been prevented from doing so by a directly abutting property owner, the Landmarks Commission shall find that reasonable efforts to maintain have been made. In considering whether efforts to maintain have been made under this section, the Landmarks Commission shall take into account whether the property owner seeking relief has also prevented their directly abutting neighbors from maintaining their own property. If such a finding is made, the enforcement of any maintenance notice or citation shall be suspended as to that violation and the finding may be used as a defense to a charge of Demolition by Neglect under Sec. 41.15. Furthermore, upon making such a finding, the Landmarks Commission shall report its finding to the Building Inspector for the issuance of a citation under Sec. 41.14(1)(d) or (e) above. A Landmarks Commission decision under this section that one neighbor is unreasonably preventing the owner of a directly abutting property from maintaining their property is prima facie evidence of a violation of sub. (1)(e) above for purposes of any municipal court or civil court action. An owner that is affected by the decision of the Landmarks Commission under this subsection may appeal as provided in Wis. Stat. § 62.23(7)(em)3.

- (4) Penalties. Violations of the provisions in this ordinance shall be subject to a minimum forfeiture of two hundred fifty dollars (\$250) and a maximum forfeiture of five hundred dollars (\$500) for each separate violation. A second violation within thirty-six (36) months shall be subject to a minimum forfeiture of five hundred dollars (\$500) and maximum forfeiture of one thousand dollars (\$1,000) for each separate violation. A third violation within thirty-six (36) months shall be subject to a minimum forfeiture of one thousand dollars (\$1,000) and maximum forfeiture of two thousand dollars (\$2,000) for each separate violation. Each and every day during which a violation continues shall be deemed to be a separate violation. All fines imposed under this ordinance shall be tripled if the Court makes an additional finding that the subject property is undergoing demolition by neglect as defined by this ordinance. A finding of demolition by neglect by the Landmarks Commission as provided in Sec. 41.15 below shall be prima facie evidence of demolition by neglect for purposes of any civil court action.

#### **41.15 DEMOLITION BY NEGLECT.**

The owner of a landmark, improvement on a landmark site, or improvement in a historic district, may not allow the landmark or improvement to undergo demolition by neglect.

- (1) Notice of Demolition by Neglect. If the Building Inspector or designee believes that a landmark or improvement is undergoing demolition by neglect, the Building Inspector or designee shall give written notice of that belief to the owner of the landmark or improvement. The Building Inspector or designee shall give a copy of the notice to the Preservation Planner and the Landmarks Commission.
- (2) Public Hearing. Upon receiving a notice under Sec. 41.15(1), the Landmarks Commission shall issue a hearing notice under Sec. 41.06 and hold a public hearing to determine whether the landmark or improvement is undergoing demolition by neglect. The Commission shall hold the public hearing within ninety (90) days of receiving the notice under Sec. 41.15(1).
- (3) Landmarks Commission Finding. If, after a public hearing, the Landmarks Commission finds that a landmark or improvement is undergoing demolition by neglect, it shall report its finding to the Common Council, the Building Inspector and the Office of the City Attorney. A Landmarks Commission finding of demolition by neglect is prima facie evidence of demolition by neglect for purposes of any administrative or civil court action, and also constitutes a determination that a public nuisance exists under Sec. 27.05(3), MGO.
- (4) Appeal of Landmarks Commission Finding.
  - (a) An appeal from a Landmarks Commission finding under Sec. 41.15(3) may be taken to the Common Council by the owner of the affected landmark or improvement, the alder of the district in which the subject property is located, or by the owners of twenty percent (20%) of the number of parcels of property within two hundred (200) feet of the subject property, measured according to Sec. 41.03(5).
  - (b) An appeal under sub. (a) shall be filed with the City Clerk within fourteen (14) days after the Landmarks Commission makes its finding. The appeal shall include the name and address of each petitioner, and shall specify the grounds for appeal. The City Clerk shall forward the petition to the Common Council.

- (c) The Common Council shall hold a public hearing regarding any appeal it receives under sub. (b).
- (d) Following a public hearing, the Common Council may, by favorable vote of two-thirds ( $\frac{2}{3}$ ) of its members, reverse or modify the Landmarks Commission finding, with or without conditions, or may refer the matter back to the Commission with or without instructions, if it finds that the Commission's decision is contrary to applicable standards under this subchapter.
- (5) Abatement by the City. If the Landmarks Commission finds under Sec. 41.15(3) that a landmark or improvement is undergoing demolition by neglect, the Building Inspector may proceed under the non-summary abatement procedures set forth in Sec. 27.05(3)(e), to repair the landmark or improvement to abate the nuisance. The cost of the required repairs shall be paid by the property owner, or shall be imposed as a special charge against the property and collected pursuant to the provisions of Sec. 4.09(13), MGO, and Wis. Stat. § 66.0627.
- (6) Acquisition by City. If the Landmarks Commission finds under Sec. 41.15(3) that a landmark or improvement is undergoing demolition by neglect, the Common Council may authorize the City to acquire the property under Wis. Stat. § 66.1111(2), if necessary through the initiation of condemnation proceedings under Wis. Stat. § 32.06.

## ***SUBCHAPTER 41F: CERTIFICATES OF APPROVAL—PROJECTS ON LANDMARKS, LANDMARK SITES AND IN HISTORIC DISTRICTS***

### **41.16 CERTIFICATE OF APPROVAL REQUIRED.**

A Certificate of Approval is required for all of the actions identified under Secs. 41.09 and 41.12.

### **41.17 OBTAINING A CERTIFICATE OF APPROVAL.**

- (1) Application. A property owner may apply for a Certificate of Approval for a proposed action under Sec. 41.16 related to that owner's property. The property owner shall file the application on a form approved by the Landmarks Commission. The property owner shall file the application with the City Planning Division, to the attention of the Preservation Planner. Every application shall include at least the following information unless otherwise indicated by the Preservation Planner:
  - (a) Completed Application document.
  - (b) Narrative Description of the project.
  - (c) Architectural drawings, which may include:
    - 1. Scalable drawing set reduced to 11" x 17".
    - 2. Floor plans.
    - 3. Dimensioned site plans showing siting of structures, grading, landscaping, pedestrian and vehicular access, lighting, signage, and other features.
    - 4. Elevations of all sides showing exterior features and finishes, subsurface construction, floor and roof.
    - 5. Plan views of above- and below-grade levels and roof.
    - 6. For proposals of more than two (2) commercial or residential or combination thereof units, a minimum of two (2) accurate street-view normal perspectives shown from a viewpoint of no more than five (5) feet above existing grade.
  - (d) Any other information requested by the Preservation Planner to convey the aspects of the project.
  - (e) Signature of the property owner.
- (2) Review for Completeness. The Preservation Planner shall review each application under sub. (1) for completeness. When the Preservation Planner finds that an application is complete, the Preservation Planner shall stamp the application with the date of the completeness finding. The Preservation Planner shall promptly forward each complete application to the Landmarks Commission unless, under Sec. 41.17(4), the Commission has authorized the Preservation Planner to administratively grant or deny the application.
- (3) Public Hearing; When Required. The Commission shall issue a notice under Sec. 41.06 and hold a public hearing on a complete application if the application proposes any of the following:
  - (a) Demolition or removal of all or part of a landmark.
  - (b) Demolition or removal of a structure in a historic district.

- (c) Construction of a new principal structure in a historic district or on a landmark site.
  - (d) Construction of an accessory structure with a footprint larger than one hundred and fifty (150) square feet, not including decks and open porches, in a historic district or on a landmark site.
  - (e) Land divisions and combinations.
  - (f) Exterior alteration of a structure in a historic district or to a landmarked structure that increases the footprint of the structure more than one hundred and fifty (150) square feet, not including decks and open porches.
- (4) Administrative Approval. The Landmarks Commission may authorize the Preservation Planner to act on an application for Certificate of Approval on projects that do not require a public hearing, provided that the Commission shall first adopt written policies establishing which projects can be administratively approved by the Preservation Planner, and that the Preservation Planner follows the Commission's written policies when granting or denying applications under this provision.
  - (5) Granting or Denying an Application. Within sixty (60) days of a completeness finding under Sec. 41.17(2), the Preservation Planner or Landmarks Commission shall, based upon the applicable standards in Sec. 41.18, approve, approve with conditions, or deny the application for Certificate of Approval. Failure to approve or deny an application within sixty (60) days of a completeness finding shall be deemed a denial of the application, effective on the last day of the determination period. The determination period may be extended an additional sixty (60) days with the applicant's written agreement.
  - (6) Issuance of a Certificate of Approval. Upon approval of an application, the Preservation Planner shall issue a Certificate of Approval to the property owner.
  - (7) Expiration of a Certificate of Approval. A Certificate of Approval shall expire two (2) years from the date of issuance unless a building permit is obtained within such period.
  - (8) Meeting Conditions of Approval. Upon conditional approval of a project by the Landmarks Commission, the applicant shall have one (1) year to meet the conditions of approval in order to secure the Certificate of Approval.
  - (9) Administrative Extension of Approval. Where the plans still meet the conditions of approval from the Landmarks Commission and the Certificate of Approval has expired, the Preservation Planner may, after consultation with the Alderperson of the District, approve an extension of up to twelve (12) months from the expiration date.

#### **41.18 STANDARDS FOR GRANTING A CERTIFICATE OF APPROVAL**

A Certificate of Approval shall be granted only if the proposed project complies with this chapter, including all of the following standards that apply.

- (1) New Construction or Exterior Alteration. The Landmarks Commission shall approve a Certificate of Approval for exterior alteration or construction only if:
  - (a) In the case of exterior alteration to a designated landmark, the proposed work would meet the Secretary of the Interior's Standards for Rehabilitation.
  - (b) In the case of exterior alteration or construction of a structure on a landmark site, the proposed work would meet the Secretary of the Interior's Standards for Rehabilitation.
  - (c) In the case of exterior alteration or construction on any property located in a historic district, the proposed exterior alteration or construction meets the adopted standards and guidelines for that district.
  - (d) In the case of any exterior alteration or construction for which a Certificate of Approval is required, the proposed work will not frustrate the public interest expressed in this ordinance for protecting, promoting, conserving, and using the City's historic resources.
- (2) Demolition or Removal. In determining whether to approve a Certificate of Approval for any demolition or removal of any landmark or structure within a historic district, the Landmarks Commission shall consider all of the following, and may give decisive weight to any or all of the following:
  - (a) Whether the structure is of such architectural or historic significance that its demolition or removal would be detrimental to the public interest and contrary to the general welfare of the people of the City and the State.

- (b) Whether a landmark's designation has been rescinded.
- (c) Whether the structure, although not itself a landmark structure, contributes to the distinctive architectural or historic character of the historic district as a whole and therefore should be preserved for the benefit of the people of the City and the State.
- (d) Whether demolition or removal of the subject property would be contrary to the policy and purpose of this ordinance and/or to the objectives of the historic preservation plan for the applicable historic district as duly adopted by the Common Council.
- (e) Whether the structure is of such old and unusual or uncommon design, method of construction, or material that it could not be reproduced or be reproduced only with great difficulty and/or expense.
- (f) Whether retention of the structure would promote the general welfare of the people of the City and the State by encouraging study of American history, architecture and design or by developing an understanding of American culture and heritage.
- (g) The condition of the property, provided that any deterioration of the property which is self-created or which is the result of a failure to maintain the property as required by this chapter cannot qualify as a basis for the issuance of a Certificate of Approval for demolition or removal.
- (h) Whether any new structure proposed to be constructed or change in use proposed to be made is compatible with the historic resources of the historic district in which the subject property is located, or if outside a historic district, compatible with the mass and scale of buildings within two hundred (200) feet of the boundary of the landmark site.

Prior to approving a Certificate of Approval for demolition, the Landmarks Commission may require the applicant to provide documentation of the structure. Documentation shall be in the form required by the Commission.

- (3) Signs. The Commission shall approve a Certificate of Approval for signs if it finds that the following are true:
  - (a) Signs are located within the façade areas set aside for signs as part of the façade design or are integrated and compatible with the structure where the façade areas have not been set aside for signs;
  - (b) New signs shall be consistent with the traditional signage pattern locations on a structure or a property, and shall feature materials and style of illumination typical of the period of significance for the property or district;
  - (c) Signs shall comply with Chapter 31, MGO;
  - (d) Signs shall comply with specific standards and guidelines adopted for historic districts under this ordinance.
- (4) Land Divisions and Combinations. The commission shall approve a Certificate of Approval for land divisions, combinations, and subdivision plats of landmark sites and properties in historic districts, unless it finds that the proposed lot sizes adversely impact the historic character or significance of a landmark, are incompatible with adjacent lot sizes, or fail to maintain the general lot size pattern of the historic district.

#### **41.19 VARIANCES.**

- (1) General. A property owner who applies for a Certificate of Approval under Subchapter F may request a variance from one or more standards under Sec. 41.18. The Landmarks Commission may vary one or more standards under Sec. 41.18 for any of the following reasons:
  - (a) Economic hardship under sub. (4) below.
  - (b) Historic design under sub. (5) below.
  - (c) Alternative design under sub. (6) below.
  - (d) Projects which are necessary for the public interest under sub. (7) below.
- (2) Variance Request. A property owner shall make a variance request under sub. (1) above on a form approved by the Landmarks Commission. The request shall include:
  - (a) The name and address of the property owner.
  - (b) The location of the property to which the request pertains.
  - (c) The Certificate of Approval application under Sec. 41.17 to which the variance request pertains.
  - (d) The type of variance requested under sub. (1).
  - (e) The specific standard or standards under Sec. 41.18 from which the owner requests a variance.

- (f) The circumstances and supporting evidence that justify the requested variance.
- (g) Any other materials requested by the Preservation Planner or Landmarks Commission.
- (3) Hearing, Decision, and Appeal.
  - (a) The Landmarks Commission shall hold a public hearing on each variance request under sub. (1). 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 Approval to which the variance request pertains, provided that the hearing notice identifies both items.
  - (b) After it holds a public hearing on a variance request, the Commission shall grant or deny the request.
  - (c) The Commission's decision under par. (b) may be appealed to the Common Council, as provided under Sec. 41.20.
- (4) Economic Hardship Variance. The Landmarks Commission may grant a variance from a standard under Sec. 41.18 if all of the following apply:
  - (a) Strict literal application of the standard 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 variance are unique to the property in question, and,
    - 1. Were not caused by the owner's failure to maintain the property as required by this chapter; and
    - 2. Does not apply to a substantial portion of the historic district or historic resources within two hundred (200) feet of the subject property; and
    - 3. Will not alter the historic character of the historic district or historic resources within two hundred (200) feet of the subject property.
  - (c) The property owner documents the circumstances justifying the variance. The Landmarks Commission may publish evidentiary guidelines to assist property owners, and to ensure the Commission receives adequate documentation for variances granted under this subsection. Required documentation includes:
    - 1. Property purchase costs;
    - 2. Rental income;
    - 3. Real estate listings, disclosure statements, asking prices, and purchase offers;
    - 4. Tax assessments and real estate listing for comparable properties;
    - 5. Improvements made, and improvement costs incurred, during ownership;
    - 6. Routine maintenance costs incurred during ownership;
    - 7. Costs to comply with the standard from which a variance is requested;
    - 8. Other documentation reasonably requested by the Landmarks Commission.
- (5) Historic Design Variance. The Landmarks Commission may grant a variance allowing, as part of the alteration of an existing structure, elements otherwise prohibited under Sec. 41.18 if all of the following apply:
  - (a) The property owner provides photographic or other evidence to show that other local structures, of similar age and style, incorporated similar elements as part of the original design.
  - (b) The proposed alteration complies with all other applicable standards under Sec. 41.18.
  - (c) The alteration will not destroy significant architectural features on the building.
- (6) Alternative Design Variance. The Landmarks Commission may grant a variance allowing, in a new or altered structure, elements that are otherwise prohibited under Sec. 41.18 if all of the following apply:
  - (a) The elements will enhance the quality of the design.
  - (b) The design complies with all other applicable standards under Sec. 41.18.
  - (c) The design does not allow material deviations from historic district standards and guidelines that would undermine the character or purpose of the historic district.
  - (d) The design will have a beneficial effect on the historic character of the area within two hundred (200) feet of the subject property.
- (7) Public Interest Variance. The Landmarks Commission may grant a variance allowing the construction of a new structure, or the alteration, demolition or removal of an existing structure, which would otherwise be prohibited under Sec. 41.18, if the Commission finds that a variance is necessary in the public interest. A variance is necessary in the public interest if the Commission finds all of the following:

- (a) The proposed building, object, site or structure provides unique, high priority benefits to the general public.
- (b) The benefits to the general public under sub. (7)(a) above substantially outweigh the strong public interest in preserving historic resources expressed in this chapter.
- (c) There are no reasonable alternatives to granting a variance that would allow the proposed project to occur in the city and satisfy the standards of this chapter.

#### **41.20 APPEAL TO COMMON COUNCIL.**

- (1) The applicant, the alder of the district in which the subject property is located, or the owners of twenty percent (20%) of the number of parcels of property within two hundred (200) feet of the subject property may appeal to the Common Council the decision of the Landmarks Commission to approve or deny a Certificate of Approval or variance request.
- (2) The appellant(s) shall file a petition of appeal with the City Clerk within fourteen (14) days of the Landmarks Commission's final decision. The petition shall indicate the identity and address of the petitioners and the specific grounds for appeal.
- (3) Once a petition is filed, the City Clerk shall forward the petition to the Common Council. The Common Council shall set the appeal for a public hearing.
- (4) After a public hearing, the Common Council may, by favorable vote of a majority of its members, reverse or modify the decision of the Landmarks Commission with or without conditions, or refer the matter back to the Commission with or without instructions, if it finds that the Commission's decision is contrary to the applicable standards under Secs. 41.18, 41.19, or any district-specific standards contained in Subchapter G.

#### **41.21 PENALTIES FOR FAILURE TO OBTAIN CERTIFICATE OF APPROVAL.**

- (1) Permits. The Building Inspector shall not issue a permit allowing alteration, construction, demolition, removal, or for any other action for which a Certificate of Approval is required unless the certificate has been approved by the Commission and issued by the Preservation Planner or designee.
- (2) Prohibition. No owner, operator, or person in charge of a landmark, landmark site or structure within an historic district shall cause or permit any painting of signs, alteration, construction, demolition or removal for which a Certificate of Approval is required unless such Certificate has been approved by the Commission.
- (3) Penalty for Work Done Without, or in Violation of, a Certificate of Approval. In addition to any other penalty provided in this chapter, the Landmarks Commission, may order the removal or modification of any alteration, construction or other work that was performed without a required Certificate of Approval, or that was not performed in compliance with the conditions of a lawfully issued Certificate of Approval, when such work does not meet the applicable standards for a certificate under Subchapter F of this ordinance. Alternatively, the Commission may order renovation to make such work comply with those standards.

### ***SUBCHAPTER 41G: HISTORIC DISTRICT STANDARD***

#### **41.22 SPECTRUM OF REVIEW.**

- (1) Property owners should conduct Maintenance activities in compliance with the historic district Standards for Maintenance. When a project only involves Maintenance work, it does not require a Certificate of Approval.
- (2) The Preservation Planner or designee can administratively approve Repair and Alterations proposals in conformance with the Landmarks Commission Policy Manual, or may refer the application to the Landmarks Commission for their review.
- (3) Applications for Additions and New Construction must go before the Landmarks Commission for their review.

#### **41.23 STANDARDS FOR MAINTENANCE.**

- (1) General.
  - (a) All structures in historic districts are required to be maintained pursuant to Sec. 41.14. The highest priority of this ordinance is on the proper proactive and continued maintenance to preserve the integrity of the structure utilizing the least degree of intervention. This section provides standards for building



maintenance. Work beyond the level described below, as determined by the Preservation Planner, shall be considered a repair and be governed by the Standards for Repair section (Sec. 41.24).

- (2) Building Site.
  - (a) General.
    - 1. Buildings and site features shall be protected and maintained by providing proper drainage to ensure that water does not erode foundation walls, drain toward the building, or damage or erode the landscape.
- (3) Exterior Walls.
  - (a) Masonry.
    - 1. The Preservation Planner shall approve proposed masonry cleaning methods.
    - 2. Abrasive methods (including sandblasting, other media blasting, or high-pressure water or acids on limestone or marble) which can damage the surface of the masonry and mortar joints are prohibited.
    - 3. Masonry building walls and features shall be maintained with tight mortar joints and operational rain water conduction systems.
    - 4. Sealants and water-repellent coatings applied to the face of the masonry are prohibited.
    - 5. Previously painted masonry may be repainted, but the painting of previously unpainted masonry is prohibited.
  - (b) Wood.
    - 1. Paint or stain shall be retained and applied to protect wood features.
  - (c) Metals.
    - 1. Non-corrosive chemical methods shall be used to clean soft metals (such as lead, tinplate,terneplate, copper, and zinc) whose finishes can be easily damaged by abrasive methods.
  - (d) Vegetation.
    - 1. Growing new vegetation directly on building walls and roofs is prohibited.
    - 2. Exterior walls with pre-existing vegetation shall be maintained to ensure exterior surfaces remain undamaged.
- (4) Roofs.
  - (a) General.
    - 1. The materials comprising the roof covering, flashing, gutters and downspouts and related trim shall be protected and maintained in functional and operational condition.
- (5) Windows and Doors.
  - (a) Windows and Doors.
    - 1. The wood or metal comprising the window or door jamb, sash, and trim shall be protected and maintained through appropriate treatments.
- (6) Entrances, Porches, Balconies and Decks.
  - (a) Entrances and Porches.
    - 1. Entrances and porches and their functional and decorative features that are important in defining the overall historic character of the building, that are historic to the structure, or that date to the period of significance of the district shall be retained and preserved.
    - 2. The materials that comprise entrances and porches shall be protected and maintained through appropriate surface treatments.

#### **41.24 STANDARDS FOR REPAIRS.**

- (1) General.
  - (a) This section provides standards for building or site repair when the scope of a project exceeds normal on-going maintenance and a limited amount of repair of any exterior element is necessary. Work beyond the level described below, as determined by the Preservation Planner, shall be considered an alteration and be governed by the Standards for Alterations section (Sec. 41.25).

1. Materials and features shall be repaired by patching, splicing, consolidating, or otherwise reinforcing using recognized conservation and preservation methods for the material or feature needing repair.
  2. Compatible substitute materials shall be similar in design, scale, architectural appearance, and other visual qualities.
- (2) Building Site.
- (a) General.
1. Historic site features, not including landscaping, which have been damaged, are deteriorated, or have missing components shall be repaired to reestablish the whole feature and to ensure retention of the integrity of the historic materials. When damage or deterioration requires repair that cannot be met by these conditions, work will be considered an alteration (Sec. 41.25).
- (3) Walls.
- (a) Masonry.
1. Remove failed mortar so as to not damage the masonry unit, and new mortar will match the historic in strength, composition, color, texture, and profile of the historic mortar.
  2. Stucco and concrete shall be repaired by removing the damaged material and patching with new material that duplicates the old in strength, composition, color, and texture.
  3. Application of sealers and abrasive cleaning of masonry is prohibited.
  4. For replacement of masonry units, see Standards for Alterations.
- (b) Wood.
1. Materials and features shall be repaired by patching, splicing, consolidating, or otherwise reinforcing using recognized conservation and preservation methods for the material or feature needing repair.
- (4) Roofs.
- (a) General.
1. Roof repairs shall ensure that the existing roof covering is sound and waterproof.
- (5) Windows and Doors.
- (a) Windows & Doors.
1. Deteriorated or broken components or features shall be repaired.
  2. Replacement in kind or with a compatible substitute materials shall be used when materials or features are missing or are physically beyond repair and/or are not economically feasible to repair.
- (6) Entrances, Porches, Balconies and Decks.
- (a) Entrances and Porches.
1. Deteriorated or broken components or features shall be repaired.
  2. Replacement in-kind or with a compatible substitute materials shall be used when materials or features are extensively deteriorated or missing.

#### **41.25 STANDARDS FOR ALTERATIONS.**

- (1) General.
- (a) Alterations are defined as any change to any portion of the exterior of a building or site that replaces existing materials or changes its appearance. This section provides standards for building alterations.
- (b) Materials and Features.
1. Alterations shall be in keeping with the original design and character of the building or site.
  2. The removal of historic features on elevations visible from the developed public right-of-way is prohibited.
  3. The introduction of conjectural architectural features without historic precedent on the building or site is prohibited.
- (c) Replacement.
1. Existing features shall be replaced in-kind if they are too deteriorated to repair.
- (d) Accessibility.
1. Whenever possible, access to historic buildings should be through a primary building entrance.

2. Barrier-free access requirements shall be complied with in such a manner that the historic building's character-defining exterior features and features of the site and setting are preserved or impacted as little as possible.

(e) Lead Paint.

1. Window replacement due to lead may not be eligible for state preservation tax credits. In order to replace a feature due to lead paint, the proposal must meet the following conditions:
  - a. A test result that demonstrates that a feature has tested positive for lead.
  - b. Documentation of the existing original feature, including profiles, dimensions, configuration, etc. This documentation should include drawings, photographs, and any other relevant documentation.
  - c. Documentation of the proposed replacement feature, which includes a cut sheet or shop drawing of the proposed replacement feature, and a detailed description of the profile, dimensions, configuration, material, finish, etc.

(2) Building Site.

(a) General.

1. Fences and retaining walls in the front yard shall be in character with the style of fences or retaining walls historically found in the district or in keeping with the materials and character of historic resources in the district.

(3) Exterior Walls.

(a) Masonry.

1. Masonry not previously covered shall not be covered with stucco, exterior insulation and finish systems (EIFS), paint, or other covering.
2. Removing a chimney visible from the developed public right-of-way or altering its appearance is prohibited.
3. Replacement brick units shall be of a similar dimension, color, and permeability as the historic bricks.
4. Composite patching, epoxy repair, mechanical repair, or a Dutchman repair of large masonry units shall follow established conservation methods, with the alteration to match the historic appearance as closely as possible.

(b) Wood.

1. Replacement siding shall imitate the original siding within one inch of historic exposure/reveal.
2. Where more than one layer of siding exists on the structure, all layers except the first must be removed prior to re-siding.
3. All trim must project beyond the face of the siding to the same extent it did with the historic siding.
4. Wrapping of trim and ornament is prohibited.

(c) Metals.

1. Replacement of part or all of a decorative metal feature should be in-kind or with a compatible substitute material, replicating the original appearance.

(4) Roofs.

(a) General.

1. Alterations to a roof shall include a roof style that is compatible with the existing roof.
2. The form of the roof visible from the developed public right-of-way shall not be altered except to restore it to the historic documentable appearance.
3. The removal of decorative and functional features visible from the developed public right-of-way is prohibited, except to restore the building to its historic appearance.

(b) Materials.

1. A roof feature may be replaced in kind if it is too deteriorated to repair.
2. Replacement materials shall replicate the appearance of historic roofing materials found on the structure or be compatible with roofing found on historic resources in the district.

(c) Skylights.

1. Skylights visible from the developed public right-of-way shall be flat, parallel to the slope of the roof, and have the frame painted to match the roof material, and be located least twelve (12) feet back from the front edge of the roof.
2. Other forms of skylights are allowed on elevations not visible from the developed public right-of-way.

(d) Chimneys.

1. Removing a chimney visible from the developed public right-of-way or altering its appearance, is prohibited.

(e) Vents.

1. Low-profile continuous ridge vents are permitted when the vents extend to the front edge of the fascia and are clad with the same material as the roof.
2. Rectangular or continuous soffit vents are permitted if they are finished or painted the same color as the adjacent soffit.
3. Round soffit vents, static vents, electric vents, wind turbines, and attic fans visible from the developed public right-of-way are prohibited.

(5) Windows and Doors.

(a) Openings.

1. A limited number of openings in walls above the foundation not visible from the developed public right-of-way or stepped back twelve (12) feet from the front edge of the building may be filled in a manner that retains the original opening pattern and size, and is similar in design, scale, architectural appearance, and other visual qualities of the surrounding wall.
2. New window or door openings may be added to elevations not visible from the developed public right-of-way or stepped back twelve (12) feet from the front edge of the building.
3. The new openings and the windows or doors in them shall be compatible with the overall design of the building.

(b) Sill and Head Height.

1. Infilling at the head or jambs is prohibited.
2. The new or reconfigured openings shall have similar appearance to the historic windows or doors of the structure.
3. The sills of historic window openings on elevations not visible from the developed public right-of-way may be raised to serve bathrooms and kitchens.

(c) Windows.

1. Original decorative windows shall be repaired and retained.
2. Only when original windows are too deteriorated or hazardous to repair may they be replaced with new windows that replicate all design details.
3. Replacement multi-light windows shall use true divided lights or simulated divided lights with window grids on the exterior and interior with spacer bars between the panes of glass.
4. A historic single-glazed sash may be modified to accommodate insulated glass when it will not jeopardize the soundness of the sash or significantly alter appearance of the window.
5. Incompatible, non-historic windows may be replaced with new windows compatible with the historic character of the building.
6. Storm windows shall have a matching or a one-over-one pane configuration that will not obscure the characteristics of the historic windows and have frames and trim painted or have a non-reflective coating.
7. New windows that are compatible with the historic character of the building may be reinstated in openings that had previously been filled in.

(d) Pedestrian Doors.

1. Historic entrance doors or those dating from the period of significance may be replaced with a door that blends with the character of the structure when the original is beyond repair.
2. Doors shall not have a textured fake wood grain.

3. Storm doors shall be full-light or full-view, wood or aluminum, and shall be compatible with the entrance door and the overall design of the building.
- (e) Garage Doors.
  1. Garage doors shall be similar in design, scale, architectural appearance, and other visual qualities prevalent within the historic district.
- (6) Entrances, Porches, Balconies and Decks.
  - (a) Replacement.
    1. An entire entrance or porch that is too deteriorated to repair shall be replaced using any available physical evidence or historic documentation as a model to reproduce the porch features.
    2. A historic entrance or porch shall be retained in all instances, including change of use or space function.
  - (b) Porch Elements.
    1. Where physical evidence of the overall historic form and detailing are not evident, porch elements shall be of a simple design found on similar historic resources within the district.
    2. Accessible graspable railings may be added to stair railings and should be painted to match the associated railing.
    3. Spaces beneath porches and stairs shall be enclosed with a framed lattice of crisscross design, narrow vertical boards, masonry, or other approved openwork design to allow ventilation.
    4. All wood on exterior porches shall be painted or opaquely stained.
  - (c) Enclosing Porches.
    1. Porches on elevations visible from the developed public right-of-way may have framed screens or storm windows, similar in proportion to windows on the structure and painted or coated to match the trim on the porch, installed on the condition that the balustrade be retained and preserved, repaired, or replaced in a design compatible with the historic character of the structure.
    2. Enclosing porches visible from the developed public right-of-way with solid walls is prohibited.
  - (d) Balconies and Decks.
    1. Rear yard decks and balconies shall have simple railings in keeping with the character of the structure.
    2. All parts of the deck shall be painted or opaquely stained.
- (7) Building Systems.
  - (a) Mechanical Systems.
    1. Mechanical and service equipment shall be installed so that it is as unobtrusive as possible and does not damage or obscure character-defining historic features.
    2. Grilles, vents, equipment, meters, and other equipment attached to the building shall be finished or painted to match the building.
    3. Installing mechanical equipment on the roof that is highly visible from the developed public right-of-way is prohibited.
  - (b) Solar.
    1. Roof-mounted solar arrays on sloped roofs shall be flat, parallel to the slope of the roof, and arranged in a pattern or grid parallel to the roof's ridge and eaves.
    2. Roof-mounted solar arrays on flat roofs shall be installed so as to be minimally visible from the developed public right-of-way.
  - (c) Lighting and Electrical Systems.
    1. Decorative light fixtures shall replicate the original in style and placement.
    2. Security light fixtures or security cameras shall be installed so that they are as unobtrusive as possible and do not damage or obscure character-defining historic features.
    3. Exterior mounted conduit on elevations visible from the developed public right-of-way is prohibited.
    4. Roof appurtenances such as antennas, satellite dishes, or communications equipment should be installed so that they are minimally visible from the developed public right-of-way and do not damage or obscure historic features.

(d) Rooftop Features.

1. Rooftop decks or terraces and green roofs or other roof landscaping, railings, or furnishings shall be installed so that they are inconspicuous and minimally visible on the site and from the street.

**41.26 STANDARDS FOR ADDITIONS.**

(1) General.

(a) General.

1. New additions on the front of the principal structure are prohibited, except for restoring or reconstructing missing historic features that can be documented.
2. A new addition shall be designed to be subordinate and compatible with the character of the structure.
3. The addition shall be visually separated from the principal building.
4. The alignment, rhythm, and size of the window and door openings of the new addition shall be similar to those of the historic building.
5. Rooftop additions, decks, terraces, and mechanical and service equipment shall be located to be set back from elevations visible from the developed public right-of-way in order to minimize its visibility and impact on the historic character of the building.

(b) Materials and Features.

1. A new addition shall be constructed on a secondary or non-character defining elevation so that historic materials and features are not obscured, damaged or destroyed.
2. New additions that destroy significant historic materials or character-defining features are prohibited.

(c) Accessibility.

1. Whenever possible, access to historic buildings should be through a primary building entrance.
2. Barrier-free access requirements shall be complied with in such a manner that the historic building's character-defining exterior features and features of the site and setting are preserved or impacted as little as possible.

(d) Exceptions.

1. Additions to structures in Marquette Bungalows Historic District shall be no taller than the existing historic resource.

(2) Building Site.

(a) General.

1. Exterior additions to historic buildings shall be designed to be compatible with the historic character of historic resources within two hundred (200) feet and to maintain the pattern of the district.
2. New site features (such as parking areas, access ramps, trash or mechanical equipment enclosures) shall be designed so that they are as unobtrusive as possible, retain the historic relationship between the building and the landscape, and are visually compatible with historic resources within two hundred (200) feet.

(3) Exterior Walls.

(a) General.

1. Materials used for exterior walls of the addition shall be similar in design, scale, architectural appearance, and other visual qualities of the historic building, but differentiated enough so that it is not confused as historic or original to the building.

(b) Wood.

1. Products that replicate wood shall have a smooth surface without textured faux wood grain.

(4) Roofs.

(a) General.

1. The form and pitch of the addition roof shall be similar to and compatible with the existing roof form and pitch.

(b) Materials.

1. Visible roof materials shall be similar to the historic roof materials on the structure.
2. Any roofing materials shall be permitted on flat or slightly sloped roofs not visible from the developed public right-of-way.
- (c) Skylights.
  1. Skylights not visible from the developed public right-of-way shall be permitted.
  2. Skylights visible from the developed public right-of-way shall be located on side roof slopes where the front edge of the skylight is at least twelve (12) feet back from the front edge of the main roof. They shall be flat, parallel to the slope of the roof, and painted to match the roof material.
- (d) Chimneys.
  1. New chimneys shall be constructed of compatible materials that are similar in design, color, scale, architectural appearance, and other visual qualities as the masonry features on the rest of the structure or similar historic resources in the district.
- (e) Vents.
  1. Roof vents shall be minimally visible and as unobtrusive as possible.
- (f) Dormers.
  1. Dormer additions not visible from the developed public right-of-way shall be permitted.
  2. Dormer additions visible from the developed public right-of-way shall be located on side roof slopes where the front edge of the dormer is no less than twelve (12) feet from the front edge of the roof.
  3. The ridge line of a dormer shall not extend above the ridge line of the main roof or extend beyond the face of the main structure wall below.
  4. Dormer roof form, overhang, cladding, trim, and window shall be compatible with the character of the structure.
- (g) Rooftop Features.
  1. Rooftop decks or terraces and green roofs or other roof landscaping, railings, or furnishings shall be installed so that they are inconspicuous and minimally visible from the developed public right-of-way.
- (5) Windows and Doors.
  - (a) General.
    1. Openings and the windows or doors in them shall be compatible with the overall design of the historic building.
    2. The new openings shall have similar dimensions, operation, components, and finish as the historic windows or doors of the structure.
  - (b) Windows and Storm Windows.
    1. Simulated divided lights are permitted with window grids on the exterior and interior with spacer bars between the panes of glass.
    2. Storm windows shall minimally obscure the window beneath and have a non-reflective coating.
  - (c) Entrance Doors and Storm Doors.
    1. Doors shall be compatible with the overall design of the building.
    2. New door openings shall have a similar height to width ratio, components, and finish as the historic doors of the structure.
    3. Storm doors shall be full-light or full-view and have a non-reflective coating.
  - (d) Garage Doors.
    1. Garage doors shall be similar in design, scale, architectural appearance, and other visual qualities prevalent within the historic district.
- (6) Entrances, Porches, Balconies and Decks.
  - (a) Porch Elements.
    1. The style of porch posts, balusters and rails shall be compatible with the overall design of the historic porch but, in most cases, not duplicate the historic features.
    2. Spaces beneath porches and stairs shall be enclosed with a framed lattice of crisscross design, narrow vertical boards, masonry, or other openwork design.

3. All wood on exterior porches shall be painted or opaquely stained.
4. Second exit stairways and second exit platforms and stairs shall be as unobtrusive as possible.

(b) Balconies and Decks.

1. Rear yard decks shall be constructed so that they are not visible from the developed public right-of-way to which the building is oriented.
2. Spaces beneath decks and stairs visible from the developed public right-of-way shall be screened.
3. All parts of the deck or balcony, except the flooring and steps, shall be painted or opaquely stained.
4. Projecting, partially projecting, and inset balconies are prohibited on elevations facing the developed public right-of-way. Balconies that are not on elevations facing the developed public right-of-way shall be minimally visible when there is not precedent on historic resources in the district.

(7) Building Systems.

(a) Mechanical Systems.

1. A split system mechanical unit may be installed in a manner that will have minimal impact on the historic character and result in minimal loss of historic building material and shall be placed on an elevation not visible from the developed public right-of-way.
2. Installing mechanical equipment on the roof that is highly visible from the developed public right-of-way is prohibited.
3. Grilles, vents, equipment, and meters shall be placed in a location on an elevation not visible from the developed public right-of-way or on the roof. Grilles, vents, equipment, and meters on elevations visible from the developed public right-of-way are prohibited, unless technically infeasible. Grilles, vents, equipment, and meters shall be finished or painted to match adjacent materials.

(b) Solar.

1. Roof-mounted solar arrays on sloped roofs shall be flat, parallel to the slope of the roof, and arranged in a pattern or grid parallel to the roof's ridge and eaves.
2. Roof-mounted solar arrays on flat roofs shall be installed so as to be minimally visible from the developed public right-of-way.

(c) Lighting and Electrical Systems.

1. Decorative light fixtures shall be compatible in style and location with the overall design of the building.
2. Security light fixtures or security cameras shall be installed so that they are as unobtrusive as possible.
3. Exterior mounted conduit on elevations visible from the developed public right-of-way is prohibited.
4. Roof appurtenances such as antennas, satellite dishes, or communications equipment should be installed so that they are minimally visible from the developed public right-of-way and do not damage or obscure historic features.

(d) Rooftop Features.

1. Rooftop decks or terraces and green roofs or other roof landscaping, railings, or furnishings shall be installed so that they are inconspicuous and minimally visible on the site and from the street.

#### **41.27 STANDARDS FOR NEW STRUCTURES.**

(1) General.

- (a) Primary Structures. The design for a new structure in a historic district shall be visually compatible with other historic resources within two hundred (200) feet in the following ways:

1. Building Placement. When determining visual compatibility for building placement, the Landmarks Commission shall consider factors such as lot coverage, setbacks, building orientation, and historic relationships between the building and site.



2. Street Setback. When determining visual compatibility for street setbacks, the Landmarks Commission shall consider factors such as the average setback of historic resources on the same block face within two hundred (200) feet, and the setback of adjacent structures.
3. Visual Size. When determining visual compatibility for visual size, the Landmarks Commission shall consider factors such as massing, building height in feet and stories, the gross area of the front elevation (i.e., all walls facing the street), street presence, and the dominant proportion of width to height in the façade.
4. Building Form. When determining visual compatibility for building form, the Landmarks Commission shall consider factors such as building type and use, roof shape, symmetry or asymmetry, and its dominant vertical or horizontal expression.
5. Architectural Expression. When determining visual compatibility for architectural expression, the Landmarks Commission shall consider factors such as the building's modulation, articulation, building planes, proportion of building elements, and rhythm of solids to voids created by openings in the façade.

(b) Accessory Structures.

1. Comply with requirements for new primary structures with other historic accessory structures serving as comparables.
2. Minimally visible from the developed public right-of-way, or be minimally visible from the front of the property for corner lots.
3. Clearly be secondary to the primary structure.

(c) Exceptions.

1. New principal structures in Marquette Bungalows Historic District shall be no taller than the existing historic resources in the district.

(2) Building Site.

(a) General.

1. New parking areas, access ramps, trash or mechanical equipment enclosures shall be designed so that they are as unobtrusive as possible, retain the historic relationship between the buildings and the building and the landscape, and are visually compatible with other historic resources in the district.
2. Fences and retaining walls in the front yard shall be in character with the style of fences or retaining walls historically found in the district, or in keeping with the materials and character of historic resources in the district.

(3) Exterior Walls.

(a) General.

1. Materials used for new structures shall be similar in design, scale and architectural appearance to materials that date to the period of significance on historic resources within two hundred (200) feet, but differentiated enough so that it is not confused as a historic building.

(4) Roofs.

(a) Form.

1. Roof form and pitch shall be similar to the form and pitch of the roofs on historic resources within two hundred (200) feet.

(b) Materials.

1. Roof materials shall replicate materials found on historic resources within two hundred (200) feet.
2. Any roofing material shall be permitted on flat or slightly pitched roofs not visible from the developed public right-of-way.

(c) Skylights.

1. Skylights visible from the developed public right-of-way shall be flat, parallel to the slope of the roof, and have the frame painted to match the roof material, and be located least twelve (12) feet back from the front edge of the roof.
2. Other forms of skylights are allowed on elevations not visible from the developed public right-of-way.

- (d) Chimneys.
  - 1. A chimney's form and materials shall be similar to other chimneys on historic resources within the district.
- (e) Rooftop Features.
  - 1. Rooftop decks or terraces and green roofs or other roof landscaping, railings, or furnishings shall be installed so that they are inconspicuous and minimally visible on the site and from the street.
- (5) Windows and Doors.
  - (a) General.
    - 1. Door and window styles should both match the style of the new structure and be compatible with those on historic resources within two hundred (200) feet.
  - (b) Windows and Storm Windows.
    - 1. Multi-light windows shall have true divided lights or simulated divided lights with muntin grids on the exterior and interior with spacer bars between the panes of glass.
  - (c) Entrance Doors and Storm Doors.
    - 1. Sliding glass doors shall not be installed on the ground floor elevation along any street frontage.
  - (d) Shutters.
    - 1. Shutters shall be allowed if they are found on historic resources in the district, and shall replicate their operable appearance.
  - (e) Awnings.
    - 1. Awnings will be of a configuration and form consistent with the awnings in the district.
    - 2. Awning materials shall have the appearance of the materials found on historic resources with awnings.
  - (f) Garage Doors.
    - 1. Garage doors shall be similar in design, scale, architectural appearance, and other visual qualities prevalent within the historic district.
- (6) Entrances, Porches, Balconies and Decks.
  - (a) Porch Elements.
    - 1. Entrances and porches shall be of a size and configuration consistent with the historic resources in the district.
    - 2. The primary entrance for the structure shall be located on the front elevation, or, structures on a corner lot may have a corner entrance.
    - 3. Second exit stairways shall be provided on the interior of the structure.
  - (b) Balconies and Decks.
    - 1. Projecting, partially projecting/inset, and inset balconies are prohibited on elevations visible from the developed public right-of-way, unless there is precedent on the historic resources in the district. Balconies that are not on elevations facing the developed public right-of-way shall be minimally visible when there is not precedent on historic resources in the district.
- (7) Building Systems.
  - (a) Mechanical Systems.
    - 1. Mechanical equipment shall be screened if it is visible from the developed public right-of-way.
    - 2. Static vents, electric vents, wind turbines, and attic fans visible from the developed public right-of-way are prohibited.
    - 3. Grilles, vents, equipment, and meters shall be finished or painted to match adjacent building materials.
  - (b) Solar.
    - 1. Roof-mounted solar arrays on sloped roofs shall be flat, parallel to the slope of the roof, and arranged in a pattern or grid parallel to the roof's ridge and eaves.
    - 2. Roof-mounted solar arrays on flat roofs shall be installed so as to be minimally visible from the developed public right-of-way.
  - (c) Lighting and Electrical Systems.

1. Decorative light fixtures shall be compatible in style and location with the overall design of the building.
2. Security light fixtures or security cameras shall be installed so that they are as unobtrusive as possible.
3. Exterior mounted conduit on elevations visible from the developed public right-of-way is prohibited.
4. Roof appurtenances such as antennas, satellite dishes, or communications equipment should be installed so that they are minimally visible from the developed public right-of-way and do not damage or obscure historic features.

### ***SUBCHAPTER 41H: HISTORIC VALUE ADVISORY RECOMMENDATION***

#### **41.28 HISTORIC VALUE ADVISORY RECOMMENDATION.**

- (1) Review for Historic Value. Following a review of MGO Sec. 28.185 applications for demolition by the Landmarks Commission and based upon application materials, a report by the City's Preservation Planner, and any public testimony, the Commission shall assign one of the following Categories to each principal building proposed for demolition:
  - (a) Category A Demolitions: denotes that the Landmarks Commission finds that the building has historic value based on architectural significance, cultural significance, historic significance, as the work/product of an architect of note, its status as a contributing structure in a National Register Historic District, listed in the National Register of Historic Places, and/or as an intact or rare example of a certain architectural style or method of construction.
  - (b) Category B Demolitions: denotes that the Landmarks Commission finds that the building has historic value related to the vernacular context of Madison's built environment, cultural practices, or as the work/product of an architect of note, but the building itself is not historically, architecturally or culturally significant.
  - (c) Category C Demolitions: denotes that the Landmarks Commission finds that the building has no known historic value. This category may also include sites or properties that have archaeological or other site findings of significance, but where removal of the building itself will have no impact.
- (2) Presence of Archaeology. When applicable, each finding shall also note the presence of an archaeological or burial site on the site of the building proposed for demolition.