



Advocacy News

February 2022

OPPORTUNITY FOR PUBLIC COMMENT

Proposed Revision to Historic District Ordinance

by Kurt Stege, Advocacy Committee Co-chair

Last month's Advocacy News story provided an overview of Madison's Underrepresented Communities Historic Resource Survey Report that was generated as part of the Historic Preservation Plan issued in mid-2020 by a consulting firm. A second aspect of the consulting agreement was to propose changes to those provisions of the Madison Landmark Ordinance pertaining to locally designated historic districts.

Madison has five such local districts, created between 1976 and 2002: Mansion Hill, Third Lake Ridge, University Heights, Market Bungalows, and First Settlement. The districts (all of which contain significant residential areas) are quite different from one another in terms of acreage, whether they contain commercial and/or industrial segments, and the uniformity, size and styles of their built environments.

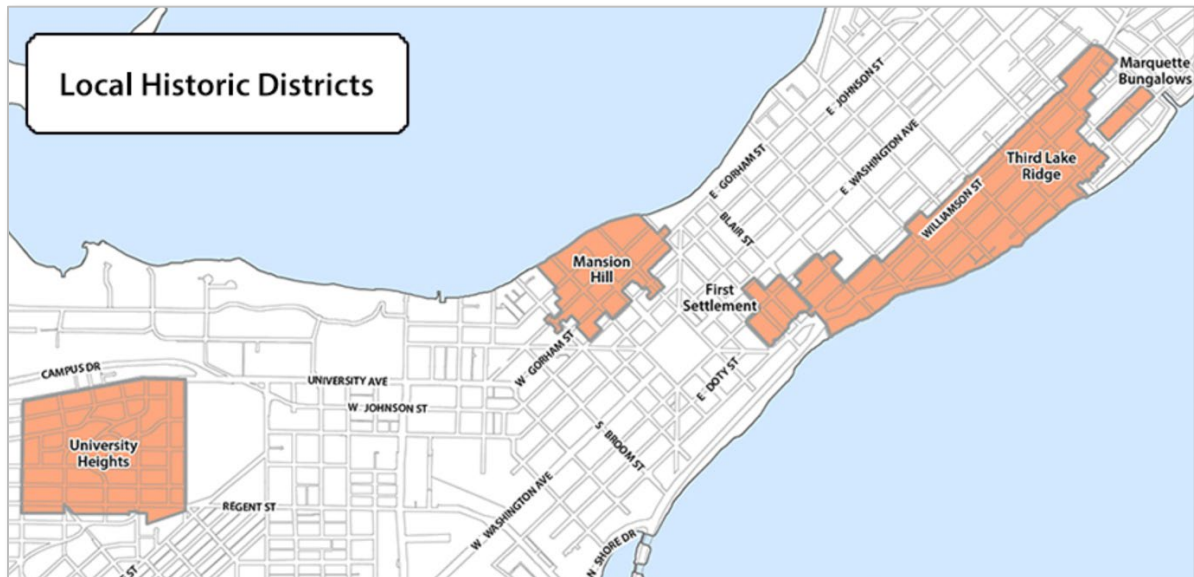


Image: City of Madison [website](#)

(Continued)

Under the current Landmark Ordinance, new construction and exterior alterations for property in a historic district must satisfy the set of standards that had been adopted for that specific district when it was established. The requirements became more comprehensive as new districts were created over a period of 25 years. Currently, when the Landmarks Commission considers issuing a Certificate of Appropriateness for work on a property within a given district, the standards developed by other districts are irrelevant.

In 2018, the consultant selected by the City suggested that a new ordinance applicable to historic districts should only have one set of standards applicable to all of the five districts. The suggestion was a significant departure from past practice and met with opposition. Over the course of the next few years, the ad hoc Landmarks Ordinance Review Committee (LORC) met on numerous occasions to consider the initial proposal, alternatives generated by the City's planning staff, comments by interested members of the public, and additional alternatives offered by the Madison Alliance for Historic Preservation. The latter group attempted to steer the discussion in a different direction premised primarily on the view that the five districts had significantly different characteristics and were subject to different types of development pressures. The Alliance took the position that a single standard applicable to all current and future districts would not adequately protect or contemplate the context for the wide variation of historic resources in the current five districts or in districts that might be established in the future. The Alliance's perspective is not reflected in LORC's current draft of the proposed ordinance.

The ad hoc Landmarks Ordinance Review Committee is now offering its version of the ordinance for public comment.

The draft ordinance now under consideration identifies five distinct categories of work that would modify a structure or a site within a historic district:

1. New Construction
2. Additions
3. Alterations
4. Repair
5. Maintenance

Depending on which of these categories is at issue, the proposed ordinance differentiates the nature of the review required before the work can be performed.¹

- Permission for Additions and New Construction must be reviewed by the Landmarks Commission in all instances. The Commission decides whether to

(Continued)

¹ The draft ordinance uses examples to describe what falls into each category, but definitions are not provided. In fact, the words "alteration" and "construction" are defined but in ways that appear to be inconsistent with the gradations of work.

grant a Certificate of Appropriateness depending on whether the proposed work satisfies the standards set in the ordinance.

- In contrast, the ordinance itself does not specify whether an application for a Repair or an Alteration must go to the Commission or whether the Preservation Planner or other designee will have the authority to issue a Certificate of Appropriateness. That information is to be clarified in the future.
- Finally, no permission/review is required for work that is purely in the nature of Maintenance

Some of the Issues Posed by the Draft Ordinance

- Historic district property owners and their contractors may have difficulty determining where Maintenance stops and Repair begins, or where Repair stops and Alterations begin.
- Should the category of “Repair” require a Certificate of Appropriateness while “Maintenance” does not?
- It is contemplated that design guidelines providing assistance in interpreting the proposed ordinance will be adopted by the Landmarks Commission at some point in the future. Those guidelines are to include graphic representations of permitted and prohibited modifications. When will design guidelines realistically be completed? How functional will the ordinance be without them? Will there be one set of guidelines, or will there be separate sets for each district?
- Does the draft adequately protect the unique character of each historic district?
- Will the draft work in light of all the variables in the properties to which they apply?
- Is the proposal too general or too specific? Does it provide appropriate clarity for both homeowners and construction professionals?
- Not every building within a historic district is considered a “contributing structure.” Are “non-contributing” properties fairly treated?
- Is the proposed ordinance well organized for ease of use?
- Are the provisions so strict they might cause current homeowners to leave their historic districts or forego maintenance and repairs to their properties? Will property values tank? Will prospective homeowners stay away?

Because of the complexity of the draft ordinance and due to a variety of other constraints, it is not possible to provide you with a complete summary of the ordinance and how it may be applied. All I can do is say there are intelligent people supportive of historic preservation who have different views on whether the deliberations of the

(Continued)

members of LORC have generated a product that is quite well tailored to Madison’s local historic districts.

* * *

Access to the draft ordinance, a companion survey and additional background information can all be found [here](#).

Here is the schedule for the public meetings with corresponding links to attend/speak:

Meeting:	Date/Time:
All Historic Districts / General Public Meeting Attend/Speak Link	Thursday, Feb. 3, 6:30 pm
Development Professionals + Contractors Meeting Attend/Speak Link	Monday, Feb. 7, 12:00 pm
New Construction Meeting Attend/Speak Link	Thursday, Feb. 10, 6:30 pm

Dean Mosiman of the Wisconsin State Journal wrote [an article](#) dated January 17 about the development of the current draft of the ordinance.

The City of Madison’s press release regarding the proposed ordinance is [here](#).