

Text of Legislative File 05736

..Fiscal Note

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..Title

SUBSTITUTE - Creating Section 28.108 of the Madison General Ordinances to establish a "Neighborhood Conservation District" and creating Section 28.12(9)(d)21. of the Madison General Ordinances to add variance of a requirement in a Neighborhood Conservation District to the list of variances that may be requested.

..Body

DRAFTER'S ANALYSIS: This ordinance provides for the creation of Neighborhood Conservation Districts in the zoning code. These districts are intended to conserve unique characteristics of areas in the City. The goal is not to prohibit development, but to recognize these distinctive characteristics that should be considered when development or ongoing maintenance occurs.

The Common Council of the City of Madison do hereby ordain as follows:

1. Section 28.108 entitled "Neighborhood Conservation Districts" of the Madison General Ordinances is created to read as follows:

"28.108 NEIGHBORHOOD CONSERVATION DISTRICTS.

- (1) Statement of Purpose. Madison is endowed with many distinctive neighborhoods. Recognizing that these neighborhoods contribute significantly to the character and identity of Madison, the City seeks to conserve these areas as a matter of policy. The City's Neighborhood Conservation District Ordinance is a means to conserve the essential physical character of these neighborhoods. By establishing a Neighborhood Conservation District, and tailoring the regulations to the attributes of the built environment that make the place unique, neighborhoods can prevent insensitive development, and promote better harmony between new and existing structures. This ordinance enables neighborhoods to conserve and enhance the physical characteristics that come together to produce a unique environment.
- (2) Applicability.
 - (a) The requirements of the Neighborhood Conservation Districts shall apply to all development, exterior alterations, additions and demolitions of structures on all zoning lots located in such districts, in addition to all requirements in the Madison General Ordinances that apply to the standard zoning district classification of said zoning lots.
 - (b) In the event of a conflict between the provisions of the Neighborhood Conservation Districts and the underlying standard zoning district, the provisions of the Neighborhood Conservation District shall apply.
- (3) Eligibility Criteria. To be considered for designation as a Neighborhood Conservation District, an area must meet the following minimum criteria:
 - (a) The proposed area shall be at least eight (8) contiguous blockfaces or 2,640 lineal feet of contiguous street frontage.
 - (b) The proposed area shall possess consistent, identifiable built or natural environment characteristics to be conserved.
 - (c) The proposed area must contain at least one of the following features:
 1. Distinctive building attributes: scale, mass, distinctive architectural characteristics, e.g., front porches, height, roof styles
 2. Distinctive land use patterns: mixed uses, parks/open spaces, or unique uses or activities
 3. Distinctive streetscape characteristics: lighting, street layout, materials, and landscaping
 4. Distinctive lot features: lot layouts, setbacks, alleys
 5. Neighborhood Conservation Districts may not be placed in an existing local historic district or Urban Design District.
 6. At least seventy-five percent (75%) of the buildings in the proposed district must be no less than twenty-five (25) years old.
 7. No more than twenty-five percent (25%) of the lots in the proposed District shall be vacant.

- (d) The proposed requirements for a Neighborhood Conservation District shall be consistent with the Comprehensive Plan and existing neighborhood plans.
- (4) Designation Process.
 - (a) All requests for creation of a Neighborhood Conservation District shall be initiated by a resident, owner, or commercial tenant and shall be submitted to the Director of the Department of Planning and Community and Economic Development.
 - (b) The Director of the Department of Planning and Community and Economic Development shall determine whether the proposed area is consistent with the eligibility criteria in Sec. 28.108(3).
 - (c) If the proposed Neighborhood Conservation District is consistent with Sec. 28.108(3), notice of an informational meeting regarding the District designation process shall be sent to all owners and occupants of the proposed District.
 - (d) Within thirty (30) days of the informational meeting, a survey shall be sent to all owners and occupants of the proposed District regarding the desirability of the proposed District. If any property is added to the proposed District prior to the final recommendation of the Plan Commission, the survey shall be sent to all owners and occupants in the area that was added, and the results shall be submitted to the Common Council. The Director of the Department of Planning and Community and Economic Development shall prepare a report on the results of the survey. No survey response received more than twenty-eight (28) days after the date the survey is mailed shall be included in the report. The report shall be submitted to the Plan Commission and Common Council.
 - (e) A resolution authorizing a Neighborhood Conservation Study shall be introduced to the Common Council and referred to the Plan Commission. No Neighborhood Conservation Study shall be initiated unless authorized by a resolution adopted by the Common Council.
 - (f) Neighborhood Conservation Study.

A Neighborhood Conservation Study shall explore the feasibility and potential benefits of establishing a Neighborhood Conservation District for an area. The study shall be prepared by the Department of Planning and Community and Economic Development, working with the residents, property owners and business representatives of the proposed district. At the time the Neighborhood Conservation Study is initiated, written notice shall be given to all owners and occupants in the area proposed for study. Because the exact geographic limits of a Neighborhood Conservation District may include properties that were not anticipated to be in the district at the initiation of the study, failure to provide the above notice shall not affect the validity of a Neighborhood Conservation District that is created. The Department of Planning and Development shall maintain a registry of persons interested in future notification regarding a particular Neighborhood Conservation District. A Neighborhood Conservation Study shall include:

 - 1. Maps indicating the proposed district boundaries, and the land uses within the proposed district.
 - 2. An identification of the distinctive attributes of the area's built or natural environment to be preserved and enhanced.
 - 3. An evaluation of the extent to which the objectives of the proposed Neighborhood Conservation District may be achieved through the application of a standard zoning district.
 - 4. A list of design requirements for the proposed district that will preserve its unique character. Requirements may include but are not limited to the following:
 - a. Setbacks
 - b. Orientation
 - c. Height and width
 - d. Scale and massing
 - e. Architectural features, including but not limited to fenestration, roof pitch, and building materials.
 - (g) Creation of a Neighborhood Conservation District.

If a Neighborhood Conservation District is proposed following the completion of the

Neighborhood Conservation Study, it shall include the geographic boundaries, the specific requirements to be used in reviewing development proposals, and may authorize area exceptions for particular requirements. A Neighborhood Conservation District ordinance shall be considered pursuant to the procedures in Sec. 28.12(10).

- (h) Every twenty (20) years after the effective date of the ordinance, the Department of Planning and Community and Economic Development shall survey the owners, residents, and commercial tenants and report to the Plan Commission and Common Council on the results of the survey and suggested changes to the ordinance."

2. Paragraph 21. of Subdivision (d) entitled "Authorized Variances" of Subsection (9) entitled "Variances" of Section 28.12 entitled "Administration And Enforcement" of the Madison General Ordinances is created to read as follows:

"21. To vary a requirement in a Neighborhood Conservation District."