



Legislation Details (With Text)

**File #:** 04443      **Version:** 2      **Name:** 1/16/07 Neighborhood Conservation District  
**Type:** Ordinance      **Status:** Denied  
**File created:** 8/29/2006      **In control:** COMMON COUNCIL  
**On agenda:** 2/6/2007      **Final action:** 2/6/2007  
**Enactment date:**      **Enactment #:**

**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.

**Sponsors:** Michael E. Verveer, Judy K. Olson, Brenda K. Konkkel, Lauren Cnare, Robbie Webber

**Indexes:**

**Code sections:**

**Attachments:** 1. 04443 notice of public hearing.pdf, 2. Minutes Neigh Cons District Mtg 112906.pdf, 3. Memo.pdf, 4. Email 010407.pdf, 5. 04443 amendments.pdf, 6. 04443 amendment.pdf, 7. 04443 map.pdf, 8. 04443 Registration Stmtns.pdf, 9. 04443 Registration Stmtns II.pdf

Date	Ver.	Action By	Action	Result
2/6/2007	3	COMMON COUNCIL	Reconsider	Fail
2/1/2007	3	Clerk's Office	Reconsider	
1/16/2007	3	COMMON COUNCIL	Table	Pass
1/16/2007	3	COMMON COUNCIL	Take Off The Table	Pass
1/16/2007	3	COMMON COUNCIL	Adopt With Amendment(s)	
1/16/2007	3	COMMON COUNCIL	Adopt With Amendment(s)	
1/16/2007	3	COMMON COUNCIL	Adopt With Amendment(s)	Fail
1/11/2007	3	Attorney's Office/Approval Group	Approved As To Form	
1/11/2007	3	Attorney's Office	Fiscal Note Required / Approval	
1/11/2007	3	Finance Dept/Approval Group	Approved Fiscal Note By The Comptroller's Office (SUBSTITUTES)	
1/8/2007	3	PLAN COMMISSION	RECOMMEND TO COUNCIL TO ADOPT - RECESSED PUBLIC HEARING	Pass
1/5/2007	2	Attorney's Office/Approval Group	Approved As To Form	
1/5/2007	2	Attorney's Office	Fiscal Note Required / Approval	
1/5/2007	2	Finance Dept/Approval Group	Approved Fiscal Note By The Comptroller's Office (SUBSTITUTES)	
12/18/2006	1	PLAN COMMISSION	RECOMMEND TO COUNCIL TO RE-REFER - RECESSED PUBLIC HEARING	Pass
11/7/2006	1	COMMON COUNCIL	Re-refer for Recessed Public Hearing	Pass
10/23/2006	1	PLAN COMMISSION	RECOMMEND TO COUNCIL TO RE-REFER - PUBLIC HEARING	Pass
10/16/2006	1	PLAN COMMISSION	RECOMMEND TO COUNCIL TO RE-REFER - PUBLIC HEARING	Pass

10/12/2006	1	Finance Dept/Approval Group	Approved Fiscal Note By The Comptroller's Office (AFTER CC INTRO)
9/6/2006	1	PLAN COMMISSION	Fiscal Note Required / Approval
9/5/2006	1	COMMON COUNCIL	Refer For Public Hearing
8/30/2006	1	Finance Dept/Approval Group	Fiscal Note Pending
8/30/2006	1	Attorney's Office	Referred for Introduction
8/29/2006	1	Attorney's Office/Approval Group	Approved As To Form
8/29/2006	1	Attorney's Office	Fiscal Note Required / Approval

**Fiscal Note**

No additional appropriation is required. The Planning Unit Director has indicated that the ordinance will result in additional planning studies to be done by planning staff and those will need to be prioritized and programmed along with other projects. Prior to the establishment of each conservation district (each of which will need to be approved as separate ordinances), a study will be undertaken by staff.

**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 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.

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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. Location near designated historic landmarks and/or districts. Neighborhood Conservation Districts may not be placed in an existing local historic district or Urban Design District.
- (d) The proposed standards for a Neighborhood Conservation District shall be consistent with the Comprehensive Plan and existing neighborhood plans.
- (4) Designation Process.
  - (a) Neighborhood Conservation Study.

A Neighborhood Conservation Study shall be undertaken to 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 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. 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 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 standards for the proposed district that will preserve its unique character. Standards 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.
  - (b) 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 and the specific criteria to be used in reviewing development proposals and shall be created pursuant to the procedures in Sec. 28.12(10)."

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."