

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 distinctive, 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 distinctive 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) At least seventy-five percent (75%) of the lots in the proposed district must have been developed with a principal structure for at least twenty-five (25) years.
 - (d) The proposed requirements for a Neighborhood Conservation District shall be consistent with the Comprehensive Plan and existing neighborhood plans.
 - (e) 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 and sizes, setbacks, alleys, and landscaping
 - (f) Neighborhood Conservation Districts may not be placed in an existing local historic district or Urban Design District.
- (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 more than one (1) informational meeting is held, the survey shall be sent within thirty (30) days of the last meeting. 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 Community and Economic 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 distinctive character. In addition to the features in (3)(e), above, 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.

(Cr. by ORD-00071, 6-26-07)

28.11 OFF-STREET PARKING AND LOADING FACILITIES.

- (1) Statement of Purpose. The purpose of this section is to provide for the regulation of accessory off-street parking and loading facilities, and to specify the requirements for off-street parking and loading facilities for different uses. The regulations and requirements which follow are established to promote the safety and general welfare of the community by:
- (a) Increasing the safety and capacity of public streets by requiring off-street parking or off-street loading facilities to be provided.
 - (b) Minimizing adverse effects of off-street parking and off-street loading facilities on adjacent properties through the requirement of design and maintenance standards.
 - (c) Lessening congestion and preventing the overtaking of public streets by regulating the location and capacity of accessory off-street parking or off-street loading facilities.
 - (d) Providing adequate and safe facilities for the storage of bicycles.

(Am. by Ord. 9426, 3-11-88)

- (2) General Regulations.

- (a) Scope Of Regulations. The off-street parking and loading provisions of this ordinance shall apply as follows:
1. For all buildings and structures erected and all uses of land established after the effective date of this ordinance, accessory parking and loading facilities shall be provided as required by the regulations of the districts in which such buildings or uses are located. However, where a building permit has been issued prior to the effective date of this ordinance, and provided that construction is begun within ninety (90) days of such effective date and diligently prosecuted to completion, parking and loading facilities in the amounts required for the issuance of said building permit may be provided in lieu of any different amounts required by this ordinance.
 2. When the intensity of use of any building, structure or premises shall be increased through addition of dwelling units, gross floor area, seating capacity or other units of measurement specified herein for required parking or loading facilities, parking and loading facilities as required herein shall be provided for such increase in intensity of use.
 3. Whenever the existing use of a building or structure shall hereinafter be changed to a new use, parking or loading facilities shall be provided as required for such new use. However, if the said building or structure was erected prior to the effective date of this ordinance, additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use if the latter were subject to the parking and loading provisions of this ordinance.
 4. Bicycle parking facilities shall be provided as required for all new structures and uses established as provided in Sec. 28.11(2)(a)1. or to changes in uses as provided in Secs. 28.11(2)(a)2. and 3.; however, bicycle parking facilities shall not be required until the effective date of this paragraph. Notwithstanding Secs. 28.08(1)(i), 28.09(1)(i) and 28.09(5)(a), bicycle parking facilities shall be provided in all districts including districts in the Central Area. (Cr. by Ord. 9426, 3-11-88)