

CH. 31 – SIGN CODE REVISION
FINAL EXECUTIVE SUMMARY v. 5
MAY 2009

DATE: May 2, 2009
TO: UDC Members, Council Members, and members of the public and sign industry
CC: Mark Olinger, Mike Verveer, Marsha Rummel
FROM: Sign Text Amendment Staff Team (SIGNTAST)
Al Martin, Matt Tucker, Pat Anderson, Lara Mainella
SUBJECT: SUMMARY of Ordinance Amending Chapter 31, Section 33.24, Ch. 28 and 1.
Repeal and Recreate Sign Ordinance - ID#04167

The Sign Text Amendment Staff Team (SIGNTAST) has met twice a month for many years to prepare a long-needed revision of Chapter 31, the “Street Graphics Control Ordinance.”

SIGNTAST was created by Mayor Bauman in 1997. The original charge was to correct a problem with the number of ground signs on zoning lots (see goal #3.) The focus was expanded by the Director of Planning and Development and policy makers to include the following goals:

- (1) reorganize ch. 31 into a better, usable format, correct inconsistencies, errors and ambiguities that made it difficult to administer
- (2) expand the “Comprehensive Design Review” capabilities of the Urban Design Commission so that the UDC may consider exceptional design in approving an overall sign package
- (3) solve specific problems such as how to measure monument signs, how to count the number of ground signs on a Planned Commercial Site, where to allow wall signs on large, multi-story, multi-tenant buildings.
- (4) A separate function of SIGNTAST is to solve sign code administration problems as they arise. Often the solution requires an ordinance change, and these projects have taken a considerable amount of time.

Major policy changes were not a priority originally. However, in working toward the goals identified above, some substantive changes have been made. Each bullet point below includes the corresponding Goal number, if applicable.

This memo is divided into categories:

“**substantive**” means the substance or meaning of the code will change, i.e. new definitions, new policy, new methods of treating signs, new types of signs.

“**housekeeping**” means the format or layout of the code was changed, for ease of reading and to make the code consistent with actual practice. “Housekeeping” also includes procedural and administrative changes, intended to clarify and improve the administration of the sign code.

“**Legal Changes**” are necessary to improve constitutionality and enforceability of the ordinance, based on ongoing developments in First Amendment caselaw nationwide.

- ✓ Clarify definition & regulation of “Projecting Sign” for internal consistency. 31.09(1)(a.)
- ✓ Replace references to Inspection Unit Director with Zoning Administrator; transfer decision-making authority for sign permits and sign erectors’ licenses to the ZA.
- ✓ Improvements to the window sign section (31.10)
- ✓ Improvements to the Nonconforming Signs section (31.05). These improvements make it clear when a sign can remain “nonconforming” or out of compliance with amendments to the ordinance (including this amendment). Because signs are not regulated under the zoning powers of the city, but rather under the city’s general police powers, signs are *not* entitled to any statutory nonconforming status other than what the city chooses to give them, via this ordinance. (31.05)
- ✓ Separated the Advertising Sign (Billboard) section (31.11) from the Off-Premise Directional Sign section (new 31.115.)
- ✓ Added other “Miscellaneous” signs to Table 2. (31.15(2).)
- ✓ Added the option of a 64 square foot Real Estate Sign in C, M, and Office districts in response to request from sign industry / developers (31.044(1)(o).)
- ✓ Clarified the requirement for light copy on dark background for illuminated signs and in Urban Design districts, in response to sign industry concerns

TIMELINE:

Tasks already done:

- ✓ review draft with Planning and Development Director and other staff (pre-2006?)
- ✓ provide clean DRAFT to alders for review/approval (2006)
- ✓ complete any changes requested by director, staff and sponsoring alders (2006)
- ✓ Introduce the Ordinance to the Council (introduced 7-18-06, referred to UDC)
- ✓ UDC Secretary will provide UDC members with a copy for information purposes
- ✓ staff have made some revisions and updates since introduction
- ✓ create drawings to illustrate major changes to ordinance
- ✓ courtesy copy to Sign Industry, businesses, Q & A session for sign erectors (3-26-07)
- ✓ staff to attend special UDC informational meeting (March 28, 2007)
- ✓ ongoing special UDC meetings to discuss topics of interest in the draft
- ✓ prepare side-by-side drawings of before and after for UDC
- ✓ schedule UDC meetings as necessary for full public debate
- ✓ UDC Final decision on Ground Sign dimensions on Table 1 (height and net area as relates to speed and number of lanes)
- ✓ meetings with sign industry, public, respond to concerns of sign industry

To Do:

- ❑ necessary updates to UDC Ordinance (33.24) to match ch. 31 (including in the Substitute for UDC review)
- ❑ UDC must submit final report to Common Council with a recommendation whether or not to Adopt the Substitute Ordinance.

Prepared by:

Lara Mainella
Assistant City Attorney - City of Madison
May 2, 2009

CITY OF MADISON
OFFICE OF THE CITY ATTORNEY
Room 401, CCB
266-4511

TO: Urban Design Commission, Sigtast, Ch. 31 sponsors, Council Members
FROM: Lara Mainella, Assistant City Attorney
DATE: May 1, 2009
RE: summary of changes to 33.24 to coincide with new sign ordinance

Changes are needed to sec. 33.24, the Urban Design Commission ordinance, to coincide with the revision of the Sign Code (Chapter 31.) I've prepared these clean-up changes to 33.24 with the approval of the SIGTAST team and the sponsors, Ald. Rummel and Verveer. The majority of these changes are to match new procedures created in ch. 31 and to reflect or clarify current practices of the UDC with respect to sign code approvals.

For timing purposes, these changes must be considered alongside the Ch. 31 revisions, and adopted simultaneously. Therefore, they have been included as part of the Substitute version of ID #04167.

Summary of proposed changes to the UDC ordinance:

- * create appropriate cross-references to the UDC's duties with respect to signage in the revised sign code. Those duties are to:
 - o consider Comprehensive Design Reviews under sec. 31.043(4). *THE NEW PROCEDURE FOR COMP DESIGN WAS ALREADY ADOPTED, IN JUNE 2008. THIS ORDINANCE DOES NOT EXPAND OR CHANGE CURRENT CDR REVIEW.*
 - o hear requests for alterations to previously-approved Comprehensive Sign Plans
 - o hear requests for modification in height, area, setback of signs, per 31.043(2)
 - o hear requests for "additional sign code approvals" per 31.043(3). This is the laundry list of signs that UDC has been authorized to approve, such as above-roof signs in commercial districts, above-canopy signs that cross architectural detail closer than 3' to the building face, etc.
 - o hear appeals of decisions of the Zoning Administrator relating to signs
 - o NONE OF THESE DUTIES ARE NEW. THEY HAVE BEEN REORGANIZED IN CHAPTER 31 AND MUST BE ADEQUATELY CROSS-REFERENCED IN 33.24

- * expand the section for "Duties of the Secretary" to describe those duties more clearly: administrative sign permit approvals if meeting the criteria for the district, certain "minor alterations" to approved plans, approvals of sign permits & minor façade changes in the C4; and certain administrative approvals unrelated to signs. See 33.24(4)(g).

- * clarify the public hearing procedures under 33.02(4)(e)3., and make it clear these are the procedures to be followed for CDR and other sign review hearings. Make this hearing procedure easier to find and to read in the ordinance.

- * Make UDC the final administrative decisionmaker for sign approvals and sign appeals. Further appeals are taken to circuit court. UDC is currently the final decisionmaker for CDR (Comprehensive Design.)

- * add missing references to sign review in various districts