

CITY OF MADISON  
**CITY ATTORNEY'S OFFICE**  
Room 401, CCB  
266-4511

**MEMORANDUM**

TO: Common Council

FROM: Lara Mainella, Assistant City Attorney

DATE: April 6, 2020

RE: Order No. 19: A Resolution to waive the sixty (60) day requirement in MGO Sec. 31.043(1) that mandates the Urban Design Commission make a final decision on an appeal from the Zoning Administrator under the sign code, and to authorize the Secretary of the UDC to refer or defer sign code matters that must be reviewed by the UDC under MGO Ch. 31 and Sec. 33.24, until a meeting of the UDC can be scheduled.

(Legistar File # 60123.)

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The Mayor's Emergency Order dated March 26, 2020, item 19, states as follows:

19. Urban Design Commission's sixty (60) day time limit to review appeals of the Zoning Administrator's decision under the sign code is hereby waived and also allows for the Secretary of the Urban Design Commission, in consultation with the City Attorney on a case-by-case basis, to refer or defer sign code matters that must be reviewed by the Urban Design Commission until a meeting of the Urban Design Commission can be held in compliance with Madison General Ordinance Section 33.01(10)(c).

**WHY THIS ORDER IS NECESSARY**

Chapter 31 requires the UDC to make a final decision on appeals from Zoning Administrator's decisions within 60 days of the date of appeal. Ch. 31 and 33.24 also require UDC review on many different types of sign permit applications. The City must act on sign permits promptly under principals of constitutional law that protect speech, including commercial speech.

The limitation on board, commission and committee meetings under recently-adopted Sec. 33.01(10)(c) makes it difficult for the UDC to meet these deadlines. This resolution provides authority to UDC staff, and the UDC to waive time limits on a case-by-case basis when the City Attorney determines it won't present a constitutional legal problem.

**HOW THIS ORDER WILL BE IMPLEMENTED**

Decisions will be delayed on an as-needed basis, if applicable appeal or sign permit application comes in while the order is in effect and while BCC meetings are still not

being held. Zoning staff will consult with UDC Secretary to find out when the next meeting will be held (if any) and notify applicants of any delay.

### **ACTIONS TAKEN THUS FAR PURSUANT TO THIS ORDER**

This emergency order requires consultation with the City Attorney's office for any delay. The City Attorney's office has given Zoning and UDC staff blanket authority to delay any sign appeals or applications requiring UDC review until the next scheduled UDC meeting.

### **FISCAL IMPACT**

None.