



## Legislation Text

File #: 09802, Version: 1

### Fiscal Note

There may be a small increase in General Fund revenues associated with application fees, but otherwise no significant fiscal impact is anticipated.

### Title

Amending Sections 31.03(2), 31.04(2)(b) and creating Section 32.04(2)(c) and (d) of the Madison General Ordinances to revise the procedure for the Urban Design Commission to conduct a Comprehensive Design Review for the approval of certain street graphics (signs) on private property, and creating a timeline and modifying the appeal process for UDC decisions under Chapter 31.

### Body

DRAFTER'S ANALYSIS: The purpose of this ordinance is to expand the UDC procedure known as Comprehensive Design Review, to allow broader approval authority for the UDC to recognize unique, exceptional and innovative sign designs.

Under the existing ordinance, an applicant for a sign permit that does not fit the standard criteria of the sign ordinance (ch. 31) can go to the Urban Design Commission for permission to install an unusual sign, but the UDC can only grant special allowances in height, area and setback of the sign.

Under the proposed ordinance, the UDC could approve special allowances for almost any sign on the zoning lot or building site in question, with no predetermined requirements. The majority of the restrictions of ch. 31 would not apply. (Some restrictions still apply. For example, Comprehensive Design Review cannot be used to approve a sign in the public right-of-way. See sec. 31.04(2)(c)2. in this draft for other restrictions that cannot be waived.) Instead, the UDC will create requirements for each sign reviewed as part of the Comprehensive Design Review, which will become an approved Comprehensive Sign Plan. The Comprehensive Sign Plan could also incorporate approvals from a list of specific variances that already exist in ch. 31, such as approving certain above-canopy graphics or signs that cross architectural detail. Once approved, changes cannot be made to the approved Sign Plan without permission from the UDC, under a process similar to that for making major and minor alterations to a conditional use. Property owners can be prosecuted for unauthorized changes to a Comprehensive Sign Plan.

This ordinance creates specific, objective criteria for the UDC to apply in reviewing a Comprehensive Sign Plan, and contains several procedural safeguards: The UDC must make all decisions on sign permits authorized under ch. 31 within 60 days of the application, and decisions of the UDC regarding signs will be final administrative decisions appealable directly to circuit court (rather than the Plan Commission.)

The majority of these changes are also included in the large revision of Chapter 31, ID# 04167, currently pending before the UDC. This amendment would allow the Comprehensive Design process to be amended sooner.

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

1. Subsection (2) entitled "Definitions" of Section 31.03 entitled "Rules and Definitions" of the Madison General Ordinances is amended by amending or adding therein the following:

"Comprehensive Design Review. A review process whereby the City Urban Design Commission may recognize exceptional effort to integrate street graphics with building architecture by granting special allowances in height, area or setback of street graphics. A process whereby the Madison Urban Design Commission ("UDC") reviews all existing and proposed street graphics on a building, building site or zoning lot upon request of an applicant, seeking approval for a Comprehensive Sign Plan. The UDC may recognize unique, exceptional and innovative effort to integrate street graphics with building architecture and materials by approving a Comprehensive Sign Plan that includes special allowances for all street graphics within the building site or zoning lot, and which may also incorporate other approvals as authorized in sec. 31.04(2)(b)

2.b.

Comprehensive Sign Plan. A complete plan for all street graphics on a building, building site or zoning lot that has been approved by the Urban Design Commission through a Comprehensive Design Review."

2. Subdivision (b) of Subsection (2) entitled "Organization" of Section 31.04 entitled "Administration and General Provisions" of the Madison General Ordinances is amended to read as follows:

"(b) Authority and duties for these offices are as follows:

1. Director of the Neighborhood Preservation and Inspection Division.

- a. Approve and issue street graphic permits.
- b. Inspect construction and erection.
- c. Enforce the regulations of this ordinance.

2. The Urban Design Commission.

- a. Hear appeals on the decision of the Director of the Neighborhood Preservation and Inspection Division relating to street graphics other than of structural or mechanical concern.
- b. After a public hearing as provided in Section 33.25(4)(e)3., may:
  - i. Approve a sign up to twenty-five percent (25%) larger or higher than the maximum square footage or height otherwise allowed or reduce the yard or setback required if a variance:
    - A. Is necessary for a sign located on the site of an establishment to be identifiable and legible from the nearest roadway at prevailing speeds; and
    - B. Will result in a sign more in scale with the building and site and in a superior overall design.
  - ii. Permit signs which will front on roads which according to the official map or capital improvement program indicate a change of size of that road or a change of zoning in the future as if the change were currently in effect;
  - iii. Permit the use of an above-roof graphic on a given zoning lot in a commercial district provided that the graphics on adjacent properties reduce the effectiveness of other types of conforming street graphics or where topographic relationships between structures and right-of-ways would deem their use appropriate;
  - iv. Permit the use of an above-roof graphic when the architecture of the building does not provide a reasonable signable area;
  - v. Permit the use of wall graphics on building facades not adjacent to off-street parking areas where, due to a variation of building setbacks, a signable area exists, provided the area of the graphic shall not exceed the area of the wall graphic permitted on the front of the building;
  - vi. ~~Approve a Comprehensive design Sign pPlan for either an existing or new building should the integration of street graphics into an overall building design be prohibited solely by the restrictions of this ordinance, with the objective of the comprehensive design review being the recognition of exceptional effort to create visual harmony between street graphics, the building and the building site; and, as described in sec. 31.04(2)(c) below.~~
  - vii. Permit an above-canopy graphic that crosses architectural detail to be erected closer than five (5) feet to the nearest face of a building under Sec. 31.071(2)(c), if the proposed graphic would not substantially detract from the contribution of the architectural detail to the overall building design.
  - viii. Approve additional street graphics for wayfinding purposes on certain zoning lots as authorized under Sec. 31.14(2)(b)4.a.)
  - ix. Approve a condominium identification street graphic of up to thirty-two (32) square feet, as authorized under sec. 31.14(2)(b)6.
  - x. Where used in this section 31.04(2), the words "sign" and "street graphic" shall

- be interchangeable.
- xi. The UDC shall make a final decision on an appeal under 31.04(2)(b)2.a. or an application under sec. 31.04(2)(b)2.b. or 31.04(2)(c) within sixty (60) days of the application, unless the applicant waives this deadline in writing or in person at a UDC meeting.

~~An appeal of the decision of the Urban Design Commission to approve or reject the issuance of the permit may be taken to the Plan Commission by the applicant or by the Alderperson of the District in which the use is located. Any appeal shall stay issuance of permits hereunder until the appeal has been acted upon by the Plan Commission.~~

3. Building Board of Examiners and Appeals.
- a. Hear appeals relating to matters of structural or mechanical concern.
- b. Hear complaints against street graphic erectors filed by the Director of the Neighborhood Preservation and Inspection Division.
4. City Plan Commission. Act upon conditional use applications and appeals that are directed to the Plan Commission under this Chapter.
5. The Director of Planning and Community and Economic Development. Act upon off-premise directional graphics and scoreboards at athletic fields."

3. Creating Subdivision (c) entitled "Comprehensive Design Review ("CDR") by the Urban Design Commission" of Subsection (2) entitled "Organization" of Section 31.04 entitled "Administration and General Provisions" of the Madison General Ordinances is created to read as follows:

"(c) Comprehensive Design Review ("CDR") by the Urban Design Commission.

The Urban Design Commission may approve a Comprehensive Sign Plan on a building site or zoning lot, to allow special allowances for all signs on private property regulated under this Chapter, beyond the restrictions contained elsewhere in this Chapter, and which may also incorporate other approvals authorized in ss. 31.04(2)(b)2.b., in order to meet the following purpose:

The purpose of the Comprehensive Design Review is to determine whether unique, exceptional, and innovative use of materials, design, color, lighting, and other design elements; resulting in visual harmony created between signs, building(s), and building site; are sufficient to warrant special allowances beyond the restrictions contained elsewhere in this Ordinance. The Comprehensive Sign Plan shall encompass the proposed new signs requested by the applicant and approved by the UDC, and any approved modifications to existing signs on the same building site or zoning lot. For the signs included in the Comprehensive Design Review, the restrictions of this Ordinance shall not apply and there shall be no predetermined requirements for those signs except those requirements which shall be made part of the approved Comprehensive Sign Plan.

1. Comprehensive Design Review Procedure.
- a. The applicant shall file the required application with the required fee(s); submit site plans showing all existing and proposed buildings and signs, location and dimensions of each requested signable area; a color graphic of each proposed sign with dimensions; and any other materials as may be required by the UDC or elsewhere in these Ordinances.
- b. The UDC shall review all proposed and existing signs on the buildings and zoning lot, and may require modifications to existing signs over which the applicant has control.
- c. The UDC's decision to approve a Comprehensive Sign Plan shall be after a public hearing on the application, following the UDC's procedures for a public hearing in sec. 33.02(4)(e)3.
- d. The UDC shall make a final decision on application for CDR within sixty (60) days of the application, unless the applicant waives this deadline in writing or in person at a UDC meeting.
2. Comprehensive Design Review Criteria. The UDC shall apply the following criteria upon review of an application for a Comprehensive Sign Plan ("Sign Plan"):
- a. The Sign Plan shall create visual harmony between the signs, building(s), and building site through unique and exceptional use of materials, design, color, any lighting, and other design elements; and shall result in signs of appropriate scale and character to the

- b. uses and building(s) on the zoning lot as well as adjacent buildings, structures and uses. Each element of the Sign Plan shall be found to be necessary due to unique or unusual design aspects in the architecture or limitations in the building site or surrounding environment.
  - c. The Sign Plan shall not violate any of the stated purposes in ss. 31.02(1) and 33.02(2).
  - d. All signs must meet minimum construction requirements under sec. 31.04(7).
  - e. The Sign Plan shall not approve Advertising Street Graphics or Off-Premise Directional Graphics beyond the restrictions in Sec. 31.11.
  - f. The Sign Plan shall not be approved if any element of the plan:
    - presents a hazard to vehicular or pedestrian traffic on public or private property,
    - obstructs views at points of ingress and egress of adjoining properties,
    - obstructs or impedes the visibility of existing lawful signs on adjacent property, or
    - negatively impacts the visual quality of public or private open space.
  - g. The Sign Plan may only encompass signs on private property of the zoning lot or building site in question, and shall not approve any signs in the right-of-way or on public property.
3. Changes to Comprehensive Sign Plan. Any changes to the approved plan must first be approved by the UDC using the full CDR process, except that the Director of the Neighborhood Preservation and Inspection Division or designee may grant approval for minor changes that are compatible with the concept approved by the UDC and the standards in sec. 31.04(2)(c)2., upon approval of the Planning Division Director or designee.
4. Violation of Approved Comprehensive Sign Plan. Once a Comprehensive Sign Plan has been approved, no person shall erect or cause to be erected any street graphic not approved on the Plan, or alter or relocate any street graphic displayed pursuant to the Plan, without first obtaining approval under the procedures in 31.04(2)(c)4. above, and obtaining all required sign permits from the Director of the Neighborhood Preservation and Inspection Division or designee.”
4. Creating Subdivision (d) entitled “Comprehensive Design Review (“CDR”) by the Urban Design Commission” of Subsection (2) entitled “Organization” of Section 31.04 entitled “Administration and General Provisions” of the Madison General Ordinances is created to read as follows:
- “(d) Appeals from Decisions of the UDC. A decision of the Urban Design Commission under sec. 31.04(2)(b)2. or 31.04(2)(c) shall be a final administrative decision for purposes of judicial review. Any person aggrieved by the decision of the Urban Design Commission may commence an action seeking the remedy available by certiorari within thirty (30) days of the decision.”