



Legislation Text

File #: 35034, Version: 2

**Fiscal Note**

No significant fiscal impact is anticipated.

**Title**

SUBSTITUTE Amending Section 31.13 of the Madison General Ordinances modifying method of approval of signs in Historic Districts, Landmarks, and Landmarks sites, creating new procedures for sign approval in PD Districts, and designating the UMX district as a District of Special Control; amending Section 31.043(1) regarding Zoning Administrator Appeals; amending Section 33.24 (the UDC ordinance); and Section 28.098 (6) consistent with the foregoing changes to Chapter 31.

**Body**

DRAFTER'S ANALYSIS: This ordinance amends Sec. 31.13 in two ways. First, sub. (1) is amended to modify the rules for signs in Historic Districts. The current ordinance relies on an outdated procedure regarding Historic District plan documents, which do not usually address signage. Under this amendment, all proposed new signage in a Historic District, on a Landmark building or Landmark site must be approved by the Landmarks Commission prior to a sign permit being issued. Such signs are subject to all requirements of the sign ordinance and any requirements for signs in Chapter 41, Historic Preservation.

This ordinance also creates a new procedure for sign approval in a Planned Development District (PD). Currently, there are no criteria for signs in a PD. Signs are approved by the UDC on a case-by-case basis through the PD approval process, with no criteria to guide the UDC. Under this amendment, the Zoning Administrator (ZA) would choose a comparable zoning district for the PD, solely for the purposes of applying the criteria of this chapter to applications for signs in the PD. The ZA would review the location, characteristics, uses, building forms, and design of the proposed PD and its relationship to abutting land uses in deciding which district to choose. The selection of zoning district and final decision on each sign permit will become part of the SIP or GDP recorded for the PD. Modifications to the approved sign package will be referred to the UDC. Changes to signs on a PD that was approved under the old procedure prior to adoption of this ordinance will be subject to the new criteria of this ordinance. Chapter 28 is amended to clarify the new procedure for reviewing changes to a PD sign package is not considered an alteration of a PD that the Plan Commission must approve.

The Zoning Administrator's selection of the zoning district will be appealable to the UDC under existing procedures. Existing appeal procedures are being formalized to require the appeal to be made in writing and filed with the Director of Building Inspection within 30 days of the decision, to be consistent with appeals of other building code orders.

This ordinance also makes the UMX zoning district a District of Special Control, so that an application for a new sign in the UMX district will be treated like signs in the Downtown Core, requiring UDC review and application of the Downtown Urban Design Guidelines, in addition to the requirements for Group 2 signs. Minor housekeeping changes are made to the UDC ordinance, Sec. 33.24, to incorporate the PD and UMX changes in Chapter 31.

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

1. Subsection (1) entitled "Historic Districts" of Section 31.13 entitled "Districts of Special Control for Purposes of Signs" of the Madison General Ordinances is amended to read as follows:

"(1) Historic Districts and Landmarks. Sec. 33.01, MGO, permits the City to designate Historic Districts. This chapter shall apply to Historic Districts, however the plan for an Historic District may include specific sign regulations that shall supersede the provisions of this ordinance. The requirements of this Chapter shall apply to all signs to be displayed in an historic district, on a landmark, or a landmark site, as defined in Sec. 41.02, MGO. In addition, all applications for a sign permit in an historic district, on a

landmark, or a landmark site shall be reviewed and approved by the Landmarks Commission pursuant to applicable procedures in the Historic Preservation Ordinance, Chapter 41, MGO, including Sec. 41.18(3) regarding a certificate of appropriateness for signs. In the event of a conflict between this section and Chapter 41, the more strict provision shall apply.”

2. Subsection (4) entitled “Planned Development District (PD)” of Section 31.13 entitled “Districts of Special Control for Purposes of Signs” of the Madison General Ordinances is amended to read as follows:

“(4) Planned Development District (PD). In the Planned Development district, there shall be no predetermined specific regulations for signs, but such requirements as are

(a) All requests for sign permits in a Planned Development district shall be made to the Zoning Administrator. The Zoning Administrator shall compare the proposed PD to similar developments (if any) in conventional zoning districts and select an equivalent conventional zoning district under Chapter 28 to use for purposes of applying the regulations of this chapter to the PD. Factors to be considered when selecting the zoning district shall include: location, characteristics, uses, building forms, and design of the proposed PD and its relationship to abutting land uses. Once selected, the requirements of this Chapter for the selected zoning district shall apply to all signs in the PD and the permit requirements under Sec. 31.041 shall apply. The Zoning Administrator’s selection of a zoning district is appealable under Sec. 31.043 (1) only by the applicant or the alder of the aldermanic district of the proposed PD.

(b) Treatment of Signs with Pre-Existing PD Sign Package. A PD with a sign package approved prior to the effective date of this ordinance (ORD-15-XXXX) may continue to display signs approved therein. As of the effective date of this ordinance, the following sign applications shall require a new review under sub. (4)(a) above:

1. A new sign, not included in the previously-approved sign package for the PD.
2. Replacement of an existing sign that was previously approved for the PD.
3. Change of copy on an existing sign previously approved for the PD.
4. Installation of a sign included the PD’s approved sign package but not installed.
5. Any other alteration to a previously-approved PD sign package.

(c) Alterations of an Approved PD Sign Package. Applications for a new sign or modification to a sign package approved under sub. (4)(a) above shall be made to the Zoning Administrator and referred to the Secretary of the UDC for review under Sec. 33.24(4)(b) and (4)(g)2. Any approved modifications to the sign package shall be recorded by the Zoning Administrator using the procedure in sub. (d) below. Alterations to a sign package approved under this procedure are not subject to the process for an alteration to the PD under Sec. 28.098(6).

(d) Enforcement. The selection of a zoning district and final decision on each sign permit under sub. (a) shall be made a part of an the approved recorded General Development Plan (GDP) or Specific Implementation Plan (SIP) for the PD and shall be, along with the recorded plan itself, construed to be and enforced with the full force and effect as this ordinance. The sign package shall be recorded by the Zoning Administrator along with the GDP or SIP. The GDP or SIP may adopt by reference all or portions of Chapter 31. No person shall display any sign within a Planned Development District in violation of the GDP or SIP or this section.”

3. Subsection (9) entitled “DC Downtown Core” of Section 31.13 entitled “Districts of Special Control for Purposes of Signs” of the Madison General Ordinances is amended to read as follows:

“(9) DC Downtown Core and UMX. In the DC Downtown Core and UMX districts, all signs shall conform to the “Downtown Urban Design Guidelines” published by the Urban Design Commission and referenced in Sec. 28.074, in addition to the provisions of this ordinance. The procedure for review of signs in the DC Downtown Core and UMX districts is set forth in Sec. 33.24(4)(g)4.d. (Duties of the Secretary).”

4. Subsection (1) entitled “Zoning Administrator Appeals” of Section 31.043 entitled “Urban Design Commission and Comprehensive Design Review” of the Madison General Ordinances is amended to read as follows:

“(1) Zoning Administrator Appeals. The UDC shall hear and decide appeals of decisions of the Zoning Administrator where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of this chapter and, where applicable, Official

Notices issued by the Building Inspection Division or the Zoning Administrator relating to signs under this chapter, however except decisions regarding structural or mechanical concerns which are not appealable to the Building Board of Examiners and Appeals under Sec. 31.04(3)(b)1. All applications for appeal shall be in writing and filed with the Director of the Building Inspection Division no later than thirty (30) days after the date of the Official Notice of code violations or of the decision of the Zoning Administrator. The UDC shall make a final decision on an appeal under this section within sixty (60) days of the application, unless the applicant waives this deadline in writing or in person at a UDC meeting.”

5. Subsection (6) entitled “Changes to a Planned Development” of Section 28.098 entitled “Planned Development District” of the Madison General Ordinances is amended to read as follows:

“(6) Changes to a Planned Development.

No alteration of a Planned Development District shall be permitted unless approved by the Plan Commission. However, the Zoning Administrator may issue permits for minor alterations that are approved by the Director of Planning and Community and Economic Development following consideration by the alderperson of the district that are consistent with the development approved by the Common Council. If the alderperson of the district and the Director of Planning and Community and Economic Development do not agree that a request for minor alteration should be approved, then the request for minor alteration shall be decided by the Plan Commission after payment of the applicable fee in Section 28.206, MGO. If the change or addition constitutes a substantial alteration of the original plan, the procedure in Sec. 28.098(5) shall be required. Telecommunications towers, Class 1 Collocations, Class 2 Collocations and Radio Broadcast Service Facilities shall be considered minor alterations under this section. Criteria for review are provided in Sections 28.143 and 28.148. See Wis. Stat §§ 66.0404(3)(a)1 and (4)(gm) and 66.0406 (2013). Requests to modify a sign package approved under Sec. 31.13(4), MGO are not alterations subject to this section.”

6. Subdivision (b) entitled “Planned Developments” of Subsection (4) entitled “Powers and Duties” of Section 33.24 entitled “Urban Design Commission” of the Madison General Ordinances is amended to read as follows:

“(b) Planned Developments. The Urban Design Commission shall review the design of all proposed developments that are considered planned developments under provisions of the Zoning Ordinance (i.e., Secs. 28.098 and 28.099). In exercising this power, the commission shall be bound by the provisions of Section 28.098(2) and shall report its findings to the City Plan Commission and Common Council. The UDC shall review sign packages in Planned Development Districts using the procedure in, Sec. 31.13(4).”

7. Subdivision (g) entitled “Duties of the Secretary of the Urban Design Commission” of Subsection (4) entitled “Powers and Duties” of Section 33.24 entitled “Urban Design Commission” of the Madison General Ordinances is amended to read as follows:

“(g) Duties of the Secretary of the Urban Design Commission. The Secretary of the Commission shall be a staff member of the Department of Planning and Community and Economic Development.

1. Administrative Approval within Urban Design Districts. The Secretary may administratively approve certain proposed building additions, minor façade alterations, or minor construction within Urban Design Districts if found to be in compliance with the applicable criteria and requirements of the District in question.
2. Minor Alteration to Approved Plans Reviewed under Sec. 33.24(4)(b). When, subsequent to the UDC’s approval of a plan for which UDC approval was required under Sec. 33.24(4) or elsewhere in these ordinances, a request is made to alter the plans, the Secretary of the Urban Design Commission may approve such alteration(s) on behalf of the UDC, if in the exercise of her/his professional judgment, a change does not substantially alter the approved design, and may make that recommendation to the Director of the Department of Planning and Community and Economic Development.
3. Minor Façade Alterations in DC Downtown Core District. The Secretary shall perform the duties for review and approval of applications for minor building facade changes in the DC district found in the “Downtown Urban Design Guidelines” established by Resolution #12-00949. (

4. Sign Permit Review by the Secretary.
  - a. Urban Design Districts. The Secretary shall be authorized to review applications for sign permits in Urban Design Districts using the standards and criteria for each district as required by this ordinance, and shall report to the Zoning Administrator whether proposed signage is in compliance with such requirements, and may recommend approval or denial of the permit accordingly.
  - b. DC Downtown Core and UMX Districts. The Secretary shall perform the duties for review and approval of applications for sign permits in the DC and UMX districts, as described in Secs. 31.13(9), and shall apply the criteria therein, which includes the “Downtown Urban Design Guidelines.””