

AGENDA # 1

City of Madison, Wisconsin

REPORT OF: URBAN DESIGN COMMISSION **PRESENTED:** October 20, 2010

TITLE: Repealing Section 31.041(1)(c) to Eliminate the Requirement of Using Permit Tags on Signs, Amending Sec. 31.041(2) to Correct an Error and Amending Section 31.046(2)(a) of the Madison General Ordinances to Allow the Display of Portable Signs on Non-Residential Uses on Private Property in all Zoning Districts and Clarifying the Criteria for Such Portable Signs. (20082)

REFERRED:

REREFERRED:

REPORTED BACK:

AUTHOR: Alan J. Martin, Secretary

ADOPTED:

POF:

DATED: October 20, 2010

ID NUMBER:

Members present were: Marsha Rummel, Mark Smith, Dawn O’Kroley, Todd Barnett, Richard Slayton, John Harrington, R. Richard Wagner, Melissa Huggins, Jay Handy and Henry Lufler, Jr.

SUMMARY:

At its meeting of October 20, 2010, the Urban Design Commission **REFERRED** consideration of amendments to the Madison General Ordinances to allow the display of portable signs on nonresidential uses on private properties in all zoning districts. Appearing in support were Ald. Thuy Pham-Remmele, representing District 20; Lois O’Rourke, and Pastor Brent Campbell, representing Good Shepherd Lutheran Church. Appearing in opposition was Steve Holtzman. Matt Tucker, Zoning Administrator spoke about two other minor amendments. One eliminates the long-standing process of requiring the use of permit tags on signs. They are looking at phasing these tags out in order to save the City money; where tracking can be efficiently accommodated with the existing computerized record keeping system. The other amendment corrects a typographical error in reference to the Zoning Administrator in the Sign Control Ordinance. Tucker noted that the Sign Code is structured according to the Zoning Code, and sign codes coincide to the zoning district the property falls in. There are many schools and churches that fall into zoning districts that don’t allow portable signs. We’re taking the consideration of portable graphics into a perspective of relating more to the land use that’s there. A lot of people we have had to deal with in regards to a code enforcement issue, they didn’t even really understand that they were violating code. Most people don’t want to break the law, so they came to the City to see if they could make some changes to accommodate these needs.

Pastor Campbell spoke in support of allowing portable signs in the R1 District. They have been a way to communicate with our neighborhood, including a food pantry that serves over 400 families. We also have a clothes closet that provided families with clothing, and a Red Cross blood drive. We had a 50% drop in blood donations this year because we weren’t allowed to put a sign to say we were open for the blood drive. Many of the lower income families don’t get a newspaper or have a telephone; a sign on the corner is the best way of letting them know about our food pantry. It’s a necessity for us to be good neighbors to our community. If I look across the street at Walgreen’s, they are allowed signage for selling items. One of our neighbors has over 8

partisan signs in his yard (political signs), but yet we are not allowed to put a sign out for one day to alert our neighbors that we have an open food pantry. I'm not asking for no regulation, I'm simply asking that we have the same basic rights and opportunities that our commercial and industrial neighbors have.

Steve Holtzman spoke in opposition to the proliferation of signs in the City. We've come to a balance now and one of the principles here I'd like to see respected is the proliferation of commercial graphics in residential districts. I make a lot of reports of breaches of the Sign Code and I can't see a reason to expand entitlement for signs when we already have more illegal signs than the Zoning Division can keep up with. There are two schools kiddie-corner from the church (containing manual changeable copy signage); that would be a way to communicate the free Thanksgiving meal for those families. We've all seen bad public policies created to deal with one situation; this situation came about because I complained about Good Shepherd Church, because despite all the good works there were excesses at this location that merited the complaints.

Ald. Pham-Remmele spoke to being the district containing the Good Shepherd Church, and how hard they have been working to communicate with the community. We're not talking commercial or blinking lights like Las Vegas. Being told that the school is the place to communicate is not in keeping with the separation of church and state. I ask you to consider what's best for our City.

Comments and questions from the Commission were as follows:

- Why exactly do we need portable signs?
 - Tucker noted that's a policy question. What I hear from customers is that they see the portable sign as another way to identify themselves, to market a product, to portray a message. Farmer's markets use them, churches use them to identify events occurring, we always hear from schools that they don't have enough signage to control traffic or identify school activities that are going on. Others see them as advertising. There are a ton of violations out there.
- I can see this being used as a way to get around the limitations we have on signs. This is another way to add more signs.
 - You're right, ultimately there's that sign clutter question or excessive sign question, and that's a policy decision.
- Is there a limit of the hours these signs could be put out?
 - When a business is open. The intent is to tie the sign to the activity that is occurring.
- How does this affect the hand held signs, for example Octopus Car Wash on Campus Drive?
 - There is a portion of this that talks about hand carried signs; it has to be carried by a person. There are 3 locations for Octopus, two of which have pedestrian access. The University Avenue location, that's a police matter.
- The first thing I thought about is shouldn't there be an exception for a church doing a good deed such as a food or clothing drive, versus something commercial?
 - Churches have lots of means of communication. Newsletters, email lists. This is such a successful church that they've built a second location. When you appeal for a lowest common denominator, the lot that has 8 political signs, the lot that has excessive signage, that's not a way to justify so called rights to bring in signs to residential districts.
- If a non-residential property use in a residential district wants to have a sign, temporary advertisement for a farmer's market or a blood drive, what mechanism is in place for them to communicate that?
 - The code has a provision called an exempt graphic, it's a non-commercial message but it's pretty tight in its definition.
 - Staff noted as an alternative to the expanded use of portable signs that expansion of the language for "exempt" signs as well as existing provisions for church/school signage could be further evaluated to cover this type of signage.

So that would cover a food drive or blood bank, an Alder's meeting?

Under that provision, what could the church do?

They could utilize a changeable copy sign.

- So they could potentially spend some money on a changeable copy sign? There is a solution here. Do you weigh the church spending some money for a new sign to show their good works, or do you change the policy for the whole city?
- On the exempt graphic, would that allow them to use a 2' x 3' panel or does it have to be permanent?
- Is the reason why residential properties were excluded from this is because they don't want to see signs scattered around their neighborhood?
 - We really struggled with this and the proliferation of portable signs.
- The most egregious violation I see around the city is all the signs seem to be right on the curb, virtually in the street. That to me seems to be a much larger problem. If these signs were actually where they should be there would be far fewer opportunities to even have a sign.
- Allowing this language seems appropriate to me; enforcement seems more difficult.

The problem we're confronting here is that we have a complaint driven process at the other end so that it sounds sort of unfair. I would say largely unenforced are these many things we get used to. What I see here is an overly broad attempt to change the language in ways we can't even begin to imagine. On the other hand we're constantly in this discussion remembering all of the not-for-profit institutions and schools and churches that are in our neighborhoods and need signs on a temporary basis in a perfectly reasonable fashion. Is there some other way to craft some language that would not be the atomic bomb for more and more of these signs (portable signs)? It sounds like there may be mechanisms in place for applicants to get these signs. One of the things for us to do in this referral period is look at how other places have solved this.

ACTION:

On a motion by Lufler, seconded by Harrington, the Urban Design Commission **REFERRED** consideration of this item. The motion requested that staff look at alternatives and options that address the needs of not-for-profit institutions, schools and churches for temporary signage beyond the use of portable signs as proposed and to report on how other communities address this need. The Commission noted its non-objection to the other two ordinance amendments. The motion was passed on a vote of (8-0).

After the Commission acts on an application, individual Commissioners rate the overall design on a scale of 1 to 10, including any changes required by the Commission. The ratings are for information only. They are not used to decide whether the project should be approved. The scale is 1 = complete failure; 2 = critically bad; 3 = very poor; 4 = poor; 5 = fair; 6 = good; 7 = very good; 8 = excellent; 9 = superior; and 10 = outstanding. The overall ratings for this project is 5.

URBAN DESIGN COMMISSION PROJECT RATING FOR: Portable Signs

	Site Plan	Architecture	Landscape Plan	Site Amenities, Lighting, Etc.	Signs	Circulation (Pedestrian, Vehicular)	Urban Context	Overall Rating
Member Ratings	-	-	-	-	-	-	-	5

General Comments:

- Good intent, poor implementation/execution.
- Enforcement is the real issue.
- Good intentions but opens can of worms for entire city.
- Concern for precedent.