

## AGENDA # 2

City of Madison, Wisconsin

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REPORT OF: URBAN DESIGN COMMISSION      **PRESENTED:** June 28, 2017

TITLE: CHARTER Creating Section 31.046(2)(c) of the Madison General Ordinances to Create a New Permit System to Allow Portable, Sandwich-Board Style Signs in the Public Right-of-Way. (46508)

**REFERRED:**  
**REREFERRED:**  
**REPORTED BACK:**

AUTHOR: Chris Wells, Acting Secretary      **ADOPTED:**      **POF:**

DATED: June 28, 2017      **ID NUMBER:**

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Members present were: Richard Wagner, Chair; Dawn O’Kroley, Tom DeChant, John Harrington, Amanda Hall, Lois Braun-Oddo and Rafeeq Asad.

### **SUMMARY:**

At its meeting of June 28, 2017, the Urban Design Commission **RECOMMENDED ADOPTION** creating Section 31.046(2)(c) of the Madison General Ordinances to create a new permit system to allow portable, sandwich-board style signs in the public right-of-way. Appearing in support of the ordinance was Alder Marsha Rummel, District 6; Susan Schmitz, representing Downtown Madison, Inc.; Tiffany Kenney, representing BID; and Greg Frank.

Matt Tucker, Zoning Administrator appeared to discuss two amendments to the Sign Code. The current sign code allows commercial or manufacturing type properties that have building setbacks to place portable signs or “A-frame” type signs on the private property, but the City has a long history of non-compliance with challenges associated with the placement of signage in the public right-of-way at places where buildings are built right to the property line. This amendment allows for signs to be placed in the right-of-way, which is required because the State statute prohibits the placement of signs in the right-of-way, which we could then opt-out of. In terms of location, these signs could be placed on State Street, the Capitol Square, Atwood Avenue, Monroe Street, parts of Williamson Street, maybe parts of Regent Street and Old University Avenue. The rules were designed in consideration of people with disabilities that need to maneuver through the public right-of-way, so they cannot be obstructed. They were designed for the placement in areas where you’re not going to be forced to navigate through the signs; they can be required to be placed where they will not create an obstruction for pedestrians. There are very prescriptive requirements for size, height, width and placement and prohibition from certain areas (bike racks, fire hydrants, benches, etc.). A substitute is being worked on to incorporate feedback from other City Commissions.

Alder Rummel asked the Commission to move this forward, noting that people have been illegally putting out these signs for years. These are regulated by complaints and removed, but people put the signs back out again. The intent is to create a regulatory framework that says where the signs could be placed, the size and a process to get them approved. The end result would create a safer situation because only one side would be allowed per street frontage building and it would help organize any clutter.

Susan Schmitz, Tiffany Kenney and Greg Frank all spoke in support.

- The whole question of a Charter ordinance, is that because the State has some statutory reference?
  - 86.19 says you cannot have signs in the highway right-of-way.
- (Tucker) We have 3 or 4 already in, there was one written for the Central Library sign, one for all the signs on awnings, canopies and projecting or blade-type signs that inevitably extend into the right-of-way. And there's one to allow B-Cycle to place very modest signs on the stations that can be in the right-of-way. Those are all done as Charter Ordinances because of the State statute.
- The City Attorney says it's fine with this additional intrusion?
  - Yes, they wouldn't have said we could do this if that were the case.
- If you have a multi-tenant building, they can have one sandwich board amongst them?
  - As it's currently written, yes.
- One of the suggestions from the DCC would be to consider allowances for multi-tenant buildings where there would be some consideration for other tenants. How that works itself out and how much room you have in the right-of-way is limited, so we're working on that.
- I think sidewalk signs make for more dynamic streets. I think the density plays a part. I do have a question about the size, 48" seems pretty big. How do you feel about that?
  - We went out and measured all the signs. The normal "A-frame" signs you see with the feet on the bottom and a handle, it has about a 3-foot face, and we need the ordinance to be precise and clear about what is allowed. There are smaller ones but the conventional signs are 48-inches in height.
- There is a substitute being drafted?
  - I think there will be.
- So for us to recommend this when we know there's a substitute, should we be waiting to see the substitute?
  - I don't think it's necessary because the bones of the substitute are resulting in some of the feedback we've gotten, it doesn't fundamentally change the program of it.
- My concern is that while they add a certain liveliness to the streetscape, they also make no attempt at design for the most part. I'm thinking of historic buildings around town, there's no relationship to the design of the building, the façade behind it and what we're seeing on the street. That connection needs to be made. This ordinance has nothing about design. These signs somehow have to relate to the aesthetic of the place they're in, and that's the particular charge of this Commission.
- There is a process that could offer review of what the signs look like.
- We tried a number of ways to get to the design of things, the flexibility that these signs need to have, chalk versus markers, it got way too complicated for us.
- What about a process for exceptions? There should be a way to weed out the worst.
- What about like bike racks? There's a one page document showing what is acceptable for bike racks, maybe something that sets a standard of quality?
  - First there's a 60-day period with these ordinances between adoption of the ordinance and when it becomes effective. Part of our education mission will be to go out to the people who have these signs, hand them a flyer that sounds like what you just described, here is the highest and best practice for these. We're coming in 60 days or less, and if it doesn't meet these guidelines we're taking signs and throwing them away. We don't know how well this is going to work, there was a request to have us produce an annual report to see how it did or didn't work. We can talk about what we've encountered in terms of design, and see if the ordinance is meeting expectations.
- I think you can regulate placement and that's it. I work for a place that has signs, design is subjective. I think we're going down a rabbit hole.

- I think there's a public consideration here to. I'm loathe to see this approved until we have a "best practices" thing. I'm thinking about downtown where we used to have all those yellow holes, and now they're all black. Somebody designed black as a design principle being more aesthetic for utility poles downtown. Again, the Cranberry Creek sign outside CCB. I think we're abandoning our job by not saying anything about design.
- Can there be visual examples on that flyer of good signs? And what we'd rather not see? Make it informational rather than legal.
- As part of the public discussion on that I'd like to have that here before we actually do the ordinance.
- I agree, I think we are going down a rabbit hole trying to say what these signs can look like. I understand material, you don't want these things blowing away, but what about a person who only wants to use it one week of the year? Then you're dictating something that I'm not comfortable with.
- What would enforcement look like?
  - It's probably a complaint process, like most things are now.
- What about the probationary period for the ordinance, where after a year you revisit?
  - Yes, they're annual permits that expire. Part of the idea was that we don't want to permanently allow these.
- In the interest of Alder Rummel not continuing to refer this, we could move this forward with the recommendation that we revisit it if there is some recommendation on aesthetic, not related to copy, not unlike the bike racks.
- I'd like to add that we let them incorporate potentially adding more than one sign per linear foot of store frontage or something like that.
- Regardless of tenant location.
- I'm concerned about the 20-feet.
- A comment was made that the Commission would like a one-page statement regarding quality that does not limit design flexibility, and that consideration be given to placement of signs every 20-feet on a storefront regardless of number or location of tenants for multiple tenant properties.

**ACTION:**

On a motion by O'Kroley, seconded by Braun-Oddo, the Urban Design Commission **RECOMMENDED ADOPTION OF THE ORDINANCE**. The motion was passed on a vote of (6-0).