

**CITY OF MADISON, WISCONSIN**

ALTERNATE ORDINANCE \_\_\_\_\_

PRESENTED  
REFERRED

October 5, 2010  
UDC \_\_\_\_\_

Repealing Sec. 31.041(1)(c) to eliminate the requirement of using permit tags on signs, amending Secs. 31.03(2), 31.041(2), 31.044, 31.14(2), 31.14(2)(b)3. and 31.15(3) of the Madison General Ordinances regarding noncommercial message signs and other temporary signs that are exempt from permit, and amending Sec. 31.04(5)(h) regarding construction requirements for certain ground signs.

Drafted by: Lara Mainella

Date: December 8, 2010

SPONSOR: Alder Rummel

DRAFTER'S ANALYSIS: This ordinance clarifies the status of noncommercial message signs that are exempt from permit under the sign code. Currently, noncommercial message signs can be displayed on private property in any zoning district subject to certain size limitations, without a permit and in addition to other types of signs. This ordinance amendment clarifies the definition of "noncommercial" and clarifies that exempt noncommercial signs can be displayed in residential, conservancy and agricultural districts in addition to the other types of signs allowed in those districts. This amendment also specifies the types of exempt sign that can be displayed temporarily and clarifies the applicability of construction requirements to temporary and permanent exempt signs. This amendment creates a rule that real estate signs should be temporary and only be displayed when the property in question is actually for sale or rent. This amendment clarifies that foundational footings are only required for permanent ground signs (pole and monument signs) and not for temporary signs. Finally, the ordinance eliminates the requirement of issuing metal permit tags for signs, because sign permits are now tracked by computer, and corrects a typographical error.

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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 therein the following:

"Noncommercial Message. A message intended to direct attention to a political, social, community or public service issue, event or cause, and not intended to produce a monetary profit or earnings which may lawfully inure to the benefit of any private shareholder or individual, and the any income of generated from which is exempt from taxation under the Internal Revenue Code."

2. Subdivision (h) entitled "Footings" of Subsection (5) entitled "Construction Requirements" of Section 31.04 entitled "Administration, Enforcement, and Construction Requirements" of the Madison General Ordinances is amended to read as follows:

**Approved as to form:**

“(h) Footings. All footings for supports of ~~g~~Ground ~~s~~Signs shall be not less than three (3) feet six (6) inches below the existing ground level. This provision applies only to signs meeting the definition of “Ground Signs” in Sec. 31.03(2).”

3. Subdivision (c) entitled “Permit Identification Tag” of Subsection (1) entitled “Permit Required” of Section 31.041 entitled “Sign Permits and Fees” of the Madison General Ordinances is hereby repealed.

4. Subsection (2) entitled “Application for Sign Permit” of Section 31.041 entitled “Sign Permits and Fees” of the Madison General Ordinances is amended to read as follows:

“(2) Application for Sign Permit. Applications for permits shall be filed on application forms provided by the Zoning Administrator. A photograph of the property, a plot plan, and construction and installation plans, including specifications and engineering data, shall accompany the application. When all of the provisions of this ordinance or other ordinances relating to such sign shall have been complied with and when the applicant has paid the required fee for every such application, the permit may be granted. ~~The~~ Zoning Administrator shall determine, consistent with the provisions of this ordinance, the form and contents of all applications for permits herein required. The application shall be accompanied by the written consent of the owner or lessee of the premises upon which the sign is to be erected, or the applicant must make a sworn statement that the applicant is authorized by the owner, lessee or other authorized occupant of the premises to erect the proposed sign(s).”

5. Section 31.044 entitled “Signs Exempt From Permit” of the Madison General Ordinances is amended to read as follows:

“(1) Signs Exempt from Permit. Consistent with the purpose and scope of this ordinance, the Common Council recognizes that certain temporary, necessary, or limited-purpose signs may be displayed without obtaining a permit, subject to applicable safety and aesthetic regulations herein. The Common Council finds that the following signs may be displayed without a permit because they serve an immediate or temporary traffic safety or wayfinding function, including but not limited to the temporary replacement or relocation of permitted, permanent signs during construction; serve a governmental purpose; are permitted or mandated by city ordinance, state or federal law; allow freedom of speech and expression in a timely manner; allow freedom of speech and expression during election periods; or because the size, location or duration of the sign as regulated herein is not significant enough to require review and a permit prior to display of such sign.

No permit shall be required for the following signs when displayed according to the following provisions and any other applicable requirements of these Ordinances or applicable law. When zoning districts are indicated, such signs are only exempt from permit in those districts. When no zoning district is indicated, ~~the following such~~ signs are exempt from permit in all districts. Exempt signs may not be illuminated unless expressly stated herein or elsewhere in this chapter. Exempt signs may be displayed on a wall or on the ground unless another manner or location of display is expressly provided or prohibited herein, need not comply with Secs. 31.07 (Wall Signs) or 31.08 (Ground Signs) unless expressly stated herein, but shall comply with Secs. 31.04(5) and 31.045, MGO. Any exempt sign displayed on a wall must be displayed within the signable area and if no maximum net area is stated, the net area shall not exceed 100% of the signable area.

An exempt sign under this section may be displayed on a temporary basis if expressly indicated herein or in the definition section (Sec. 31.03(2)). Exempt signs displayed on a temporary basis shall comply with the construction requirements in Sec. 31.04(5) except a temporary exempt sign shall not be electric, shall not be displayed on the roof or above-roof, and shall not be internally illuminated.

~~For all exempt signs displayed on the ground, the maximum gross area shall not exceed 110% of the net area.~~

The following signs shall be exempt from permit as provided below:

- (a) Athletic Field Signage. Signs, banners, and scoreboards designed solely for view from spectator areas and displayed on interior walls, fences, or other structures located inside an enclosed athletic field at a school, park, or other public or private athletic complex; except that approval of the Park Commission shall be required to display a sign, banner or scoreboard under this paragraph at a city park. Scoreboards that qualify under this paragraph may include flashing elements, if adequate screening is provided to screen the views from abutting streets, as approved by the Director of Planning and Community and Economic Development and Traffic Engineer. For purposes of this paragraph, a "school" shall mean public schools as defined in Wis. Stat. § 115.01(1), private schools defined in Wis. Stat. § 115.001(3r), and technical colleges authorized under Wis. Stat. ch. 38. Athletic field signage may be illuminated and may be temporary. Temporary signs are subject to the illumination restrictions stated in Sec. (1) herein.
- (b) Awning Signage. Signs displayed on the lowest twelve inches (12") of the principal face or side panels of awnings provided they do not exceed six inches (6") in height. May be illuminated externally. See Sec. 31.06 for dimensional and internal illumination requirements, and for additional awning signs that require a permit.
- (c) City Signs on City Property erected by Parks Division, Traffic Engineering Division, or the Community and Economic Development Unit of the Department of Planning and Development on City-owned lands, park property or City-owned and occupied buildings.  
Maximum Gross Area: Twenty-four (24) square feet.  
Maximum Height: Minimum of two (2) feet and maximum of ten (10) feet above the curb.  
Illumination: Yes.  
Temporary: Yes.
- (d) Construction-Related Temporary Signs.
1. Street Occupancy Signs. Temporary Signs displayed on street occupancy barricades, passageways and fences that have been erected pursuant to a valid street occupancy permit issued under Sec. 29.10(7); denoting only the owner, occupant, architect, engineer or contractor(s) of the project for which the street occupancy permit was issued. See 29.10(7) for maximum number of signs and any gross area, height, and setback requirements.
  2. Construction Directional Signs. Temporary signs displayed on private property for a limited period of time, to identify the location of and entrance to a business that remains open when normal access or pedestrian or vehicle traffic flow has been diverted by construction or road work so as to decrease the effectiveness of existing permanent signs, when approved by the Zoning Administrator. The Zoning Administrator shall approve the quantity, placement and duration of such signs to ensure traffic and pedestrian safety.  
Maximum Net Area: Total signage shall not exceed thirty-two (32) square feet, square footage may be divided.  
Maximum Height: Ten (10) feet.  
Illumination: No.
  3. Project Signs. Temporary signs on private property, describing a construction or improvement project, including the name of contractors, architects, engineers, investors, owners and occupants; and displayed only while the project is under construction and valid building permits are in force.  
Maximum Net Area: Total signage shall not exceed thirty-two (32) square feet in Residential, Agricultural and Conservancy districts, one-hundred and forty-four (144) square feet in all other districts. Square footage may be divided.  
Maximum Height: Eight (8) feet in Residential, Agricultural and Conservancy districts, ten (10) feet in all other districts.  
Setback: Ten (10) feet.  
Number of Signs: One (1) per street frontage in the Residential, Agricultural and Conservancy Districts.  
Illumination: No.
- (e) Election Campaign Signs. A temporary sign containing a "political message" displayed during an "election campaign period", as those terms are defined in Wis. Stat. § 12.04. Such signs shall not have any electrical, mechanical or audio auxiliary component, and

shall not be attached to or placed on utility poles, trees, traffic devices, or within the public right-of-way and, if affixed to a permanent structure, shall not extend beyond the perimeter of the structure or obstruct any window, door, fire escape, ventilation shaft or other area that is required to remain unobstructed by an applicable building code.

Maximum Net Area: Twelve (12) square feet

Maximum Height: Fifteen (15) feet when displayed on a wall, six (6) feet if displayed on a wooden stake

Setback: Ten (10) feet.

Number: One per candidate or cause

Illumination: No.

- (f) Holiday or Temporary Decorations. Holiday or other decoration displayed temporarily on private property, that does not contain any commercial message or logo or depict any commercial symbol or character and that does not exceed fifteen (15) feet in height.

Illumination: Yes.

- (g) Identification Signs.

1. Identification signs, including those displayed for a home occupation under Sec. 28.04(26), allowed in the residential, agricultural or conservancy districts under Sec. 31.14(2)(b)1., 2.

2. Identification signs denoting only the name and profession of the occupant in a commercial building, public institutional building or dwelling.

Maximum Gross Area: Two (2) square feet.

Maximum Height: Twelve (12) feet or one (1) story, whichever is lower.

3. Illumination: No.

- (h) Leaflet-type Temporary Notices, flat-mounted to kiosks or public information boards, on private property, or in the public right-of-way pursuant to the encroachment proceedings in Sec. 10.31 of the Madison General Ordinances. Kiosks and information boards help to minimize and eliminate clutter and provide convenient alternatives to attachment of leaflets to trees or public structures in the right-of-way.

Maximum Net Area: Shall not project beyond the edge of any plane of the kiosk or board, when flat-mounted to the kiosk or board.

Illumination: No.

- (i) Memorial Signs or Tablets, such as cornerstones, denoting only the names of buildings and date of erection, cut or set into a masonry surface and displayed on a wall only.

Maximum Net Area: Twelve (12) square feet.

Number: One (1) per street frontage.

Illumination: No.

- (j) Merchandise Signs in Commercial and Manufacturing Districts.

Maximum Gross Area: Nine (9) square feet.

Maximum Height: Eight (8) feet.

Number: Two (2) per street frontage.

Illumination: No.

Temporary: Yes.

- (k) Noncommercial. Signs expressing a noncommercial message that do not fit into any other category of sign permitted or allowed by this ordinance, ~~or signs in a location and size permitted or allowed under Sec. 31.14 that display a noncommercial message pursuant to Sec. 31.04(1)(e).~~

Maximum Net Area: Twelve (12) square feet in residential districts, thirty-two (32) square feet in all other districts.

Maximum Height: One (1) story or twelve (12) feet, whichever is lower in residential, conservancy or agricultural districts (see Sec. 31.14) and fifteen (15) feet in all other districts.

Setback: Ten (10) feet in residential districts, same as ground signs under 31.08 in all other districts.

Number: One (1) per street frontage. On a lot abutting a waterway, may have up to two (2), one facing the street and one facing the waterway.

Illumination: No illumination in residential, conservancy or agricultural districts. Can be illuminated if in a location and size that would otherwise be allowed to be illuminated under Sec. 31.04(6)(k).

Temporary: Yes.

(l) Parking Lot Signs.

1. Parking Lot Regulation Signs.

Maximum Net Area: Nine (9) square feet.

Setback: Ten (10) feet.

Number: No limit.

Illumination: Yes, except in residential districts.

2. Parking Lot Directional Signs.

Maximum Net area: Three (3) square feet.

Maximum Height: Ten (10) feet.

Setback: None.

Number: Two (2) per street frontage, but no limit on number if setback more than one-hundred (100) feet from the property line.

Illumination: Yes, except in residential districts.

3. Parking Lot traffic signs required by law. See also sub. (m).

4. Other Parking Lot signs allowed under Sec. 31.14.

(m) Portable Signs. Only those portable signs that are expressly exempt from permit under Sec. 31.046(2). All such portable signs must comply with all requirements of that section.

(n) Public-Hearing-Notice Signs provided by the Department of Planning and Development, denoting the times and locations of public hearings before the Plan Commission and Common Council on applications for zoning map amendments or conditional uses as required by Chapter 28, the Zoning Code.

(o) Real Estate Signs advertising only the sale, rental or lease of the premises upon which the sign is located and displayed temporarily only during times when the premises/property is being offered for sale, rental or lease.

Maximum Net Area (Ground or Wall sign):

Residential, Conservancy and Agricultural Districts: Twelve (12) square feet.

Commercial, Office, Manufacturing, and Districts of Special Control: Thirty-two (32) square feet. Additionally, in all of these districts except Urban Design Districts, if the zoning lot fronts a highway with a speed limit of more than forty-five (45) miles per hour, a real estate sign of up to sixty-four (64) square feet in net area may be displayed.

The maximum net area for a real estate sign displayed on the ground in any district shall be measured according to Sec. 31.08(2)(c)2.

Maximum Height: One (1) story or twelve (12) feet, whichever is lower in residential, conservancy or agricultural districts (see Sec. 31.14) and fifteen (15) feet in all other districts.

Minimum Setback for a Ground Sign: Ten (10) feet.

Number: One (1) per street frontage. On a lot abutting a waterway, may have up to two (2), one facing the street and one facing the waterway.

Illumination: No.

(p) Traffic or Other Official Government Signs temporarily or permanently placed, authorized or required by the City or other authorized governmental agency, including but not limited to official traffic control devices defined in Wis. Stat. § 340.01(38) (2005-06), official traffic signs and signals, other municipal signs, legal notices, railroad crossing signs, warning and temporary emergency signs, mandatory motor fuel price signs as regulated by Wis. Stat. § 100.18 and 168.11(2005-06) or by other law, or warning signs on utility poles, fixtures or structures. The requirements for gross area, height, setback, other size, materials or physical specifications (including illumination) shall be as required by law or the authorizing agency.

(q) Window Signs as regulated under Sec. 31.10 of this ordinance.”

6. The introductory paragraph of Subsection (2) entitled “Signs in All Residential and OR Office Residence Districts – Applicability” of Section 31.14 entitled “Regulation of Signs in Agricultural,

Conservancy, and Residential Districts” of the Madison General Ordinances is amended to read as follows:

“(2) Signs in All Residential and OR Office Residence Districts – Applicability. This subsection (31.14(2)) describes the specific-purpose signs that may be displayed in Residential and OR Districts, as well as Conservancy and Agricultural districts. Sec. 31.14(2)(a) provides the general restrictions; 31.14(2)(b) describes the type of sign and restrictions depending on the zoning district. Sec. 31.15(43), “Table 3,” also applies to all signs under this section.”

7. Paragraph 3. entitled “Noncommercial Signs” of Subdivision (b) entitled “R1 District” of Subsection (2) entitled “Signs in All Residential and OR Office Residence Districts – Applicability” of Section 34.14 entitled “Regulation of Signs in Agricultural, Conservancy, and Residential Districts” of the Madison General Ordinances is amended to read as follows:

“3. Noncommercial Signs. Noncommercial signs in the Residential District may be displayed in addition to the other signs allowed herein, as an Exempt Sign under ~~shall be as allowed under Secs. Sec. 31.044.~~ See also Sec. 31.04(1)(c) regarding noncommercial messages on permitted signs and 31.04(1)(c), or elsewhere in this chapter. ~~Additionally, on a lot abutting a waterway, up to two (2) signs once facing the street and one facing the waterway shall be allowed, and the height shall be restricted to no higher than one (1) story or twelve (12) feet, whichever is lower. Signs under this paragraph are exempt from permit under Sec. 31.044.~~”

8. Subsection (3) entitled “Table 3. Signs Permitted in Residential, Agricultural, Conservancy Districts” of Section 31.15 entitled “Tables of Permitted Signs, by Zoning Districts” is amended by creating therein the following:

Type of Sign	Net Area Sq. Ft.	Height Min	Height Max	Min. Setback	Wall	Ground	Illuminated	Number
Noncommercial Message 31.14(2)(b)3. and 31.046(1)(k)	12'	n/a	Lower of 1 story or 12 feet	10'	Yes	Yes	No	1 per street frontage. If waterway, 1 facing street and 1 facing waterway, max of 2
Real Estate Sign 31.14(2)(b)4. and 31.046(1)(o)	12'	n/a	Lower of 1 story or 12 feet	10'	Yes	Yes	No	1 per street frontage. If waterway, 1 facing street and 1 facing waterway, max of 2 “

**EDITOR’S NOTE:**

Sec. 31.041(1)(c) currently reads as follows:

“(c) Permit Identification Tag. When the permit for any type of sign is issued, a metal tag shall accompany such permit. This tag shall be affixed to the sign at the time of erection, in a place visible for inspection, as proof of issuance of the permit.”