

**LEGISTAR #49583 - Body**

DRAFTER'S ANALYSIS: This ordinance makes a number of clarifications to the sign ordinance. This ordinance amends the definitions of several sign types to clarify that those signs only deal with commercial messages. The definitions of commercial and noncommercial messages are deleted because these concepts are defined by caselaw. The definition for neighborhood and subdivision identification signs are being repealed as is the process for approving them. The definition of scoreboard is revised to eliminate references to the content of messages on a scoreboard. The definition of advertising sign is revised to remove any reference to noncommercial messages and to remove an outdated reference to the bus shelter sign program, which no longer exists. The rules for political signs are revised so that during an election campaign period (defined by state law as the time from the first day that nomination papers may be circulated through the day of the election) a person may display a number of additional signs equal to the number of candidates or causes in that election; without regard to what the sign says. The definition of political sign is deleted. The exception for temporary holiday decorations is deleted from the list of exempt signs, as such decorations are likely not a sign, and the exception for temporary inflatable decorations is revised to make it clear such displays are not only for holidays. The definition of promotional banners is expanded to include any noncommercial message. The section establishing signage for the bicycle sharing program is amended to clarify such signs only relate to commercial messages. The section on manual changeable copy signs is updated to remove references to outdated sign types and clarify that such signs may be displayed wherever an identification sign is allowed, or on a variety of sign types in Group 2 and 3 districts, as well as non-residential uses in Districts of Special Control. The section allowing messages on windows in the Central District is clarified so that any noncommercial event, activity or cause may be announced on such signs. This ordinance also clarifies that any sign allowed in Group 1 under Sec. 31.14 may contain a noncommercial message in addition to or in lieu of any other message. Some of these changes are prompted by a growing number of court decisions defining needed changes in municipal sign ordinances after the United States Supreme Court ruling in *Reed v. Gilbert*, 135 S. Ct. 2218 (2015).

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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 repealing therein the following:
  - Accessory Sign. A commercial wall sign on a large building, subordinate in area to the principal sign, located elsewhere than the primary signable area, listing other businesses or generic services or departments in the building, such as pharmacy, optical, auto repair, garden center and excluding product brand names.
  - Advertising Sign. A sign containing a commercial ~~or noncommercial~~ message directing attention to a business, commodity, service, ~~political candidate or cause, public service, social cause, charity, community affair~~ or entertainment, not related to the premises at which the sign is located, or directing attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than on the premises where the sign is located. ~~Advertising appearing on public transportation vehicles, signs authorized on Madison Transit Utility bus shelters under Sec. 3-14(4)(i), and s~~Signs on City-sponsored bicycle-sharing facilities and the bicycles provided as part of a city-sponsored bicycle-sharing program located in the right-of-way or on other City lands in compliance with Sec. 10.33 are not advertising signs as defined herein and are not regulated by this ordinance.
  - Banner, Promotional. A banner or series of banners containing a noncommercial message displayed to call attention to cultural events, charity campaigns or neighborhood sponsored activities or any other noncommercial event or message.
  - Building Entrance Identification Sign. A commercial wall sign used to identify non-residential building entrances such as, "Emergency Room Entrance", "Lubrication," "Wash Rack," as may be customarily found on Large Buildings as defined herein.
  - Business Sign. A commercial sign used for identification purposes, which directs attention to a business or profession conducted upon the premises at which the sign is located, which may also refer to goods or services produced, offered for sale or obtained at such premises, ~~and which may also include political, social, public service or other noncommercial messages.~~
  - Commercial Message. ~~A message that directs attention to a business, commodity, service or entertainment enterprise which is intended to produce a monetary profit or earnings which may lawfully inure to the benefit of any private shareholder or individual and the income of which is taxable under the Internal Revenue Code.~~

Condominium Identification Sign. An identification sign for a condominium established under Chapter 703 of the Wisconsin Statutes, that displays the name, address(es) and number(s) of the buildings(s) located within a single condominium.

Identification Sign. A sign ~~displayed on a wall~~, located in the Group 1 districts displayed for the purpose of identifying the building and address, building occupant or management, and any lawful home occupation or business that may be allowed under Chapter 28.

~~Neighborhood Identification Sign. Any sign containing the name of the neighborhood in which it is located, if the neighborhood is recognized as a Neighborhood Association using standards established by the Department of Planning and Community and Economic Development. A public information board, kiosk, or sidewalk showcase (as those terms are defined in this chapter) may be approved as a neighborhood identification sign.~~

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

Off-Premise Directional Sign. A commercial sign displayed on the ground, designed to guide or direct the public to a business, service or entertainment activity.

~~Political Sign. Any sign that states the name and/or picture of an individual seeking election or appointment to a public office, or pertaining to a forthcoming public election or referendum, or pertaining to or advocating social or political views or policies.~~

Project Sign. A temporary commercial sign on private property, describing a construction or improvement project including the names of contractors, architects, engineers, investors, owners or occupants.

Scoreboard. A scoreboard is a sign designed to provide information to spectators at athletic events that may or may not contain advertising messages or public service announcements display located inside an enclosed athletic field at a school, park or other public or private athletic complex, designed solely for view from spectator areas within the athletic field complex.

~~Subdivision Identification Sign. Any sign containing the name of the subdivision in which it is located."~~

2. Subdivision (e) entitled "Election Campaign Signs" of Subsection (1) entitled "Signs Exempt From Permit" of Section 31.044 entitled "Signs Exempt From Permit" of the Madison General Ordinances is amended to read as follows:

"(e) Election Campaign Signs. A temporary noncommercial sign containing a "political message" displayed during an "election campaign period," as ~~these 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~~ A number of signs equal to the number of candidates or causes on the ballot in the voting district in question.

Illumination: No."

3. Subdivision (f) entitled "Holiday or Temporary Decorations" of Subsection (1) entitled "Signs Exempt From Permit" of Section 31.044 entitled "Signs Exempt From Permit" of the Madison General Ordinances is hereby repealed.

4. Paragraph 3. of Subdivision (c) of Subsection (3) entitled "Inflatable Signs" of Section 31.046 entitled "Miscellaneous Signs" of the Madison General Ordinances is amended to read as follows:

"3. ~~Inflatable holiday or other decoration~~ noncommercial displays, such as seasonal or holiday decorations, displayed temporarily on private property of a residential use, ~~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.~~

5. The introductory paragraph of Subdivision (a) of Subsection (4) entitled “Bicycle-Sharing Facility Signs” of Section 31.046 entitled “Miscellaneous Signs” of the Madison General Ordinances is amended to read as follows:

“(a) The following commercial signs may be displayed on a non-City owned zoning lot in any zoning district where a City-sponsored bicycle-sharing facility (as defined in Sec. 10.33) is permitted under Chapter 28, in addition to the signage permitted elsewhere in this ordinance.”

6. Subdivision (b) of Subsection (2) of Section 31.101 entitled “Temporary Decorative Window Coverings” of the Madison General Ordinances is amended to read as follows:

“(b) ~~A noncommercial message displayed to call attention to~~ Announcements regarding cultural events, charity campaigns, ~~or neighborhood-association sponsored activities, or any other noncommercial event, activity or cause occurring in the Central Area as defined in Chapter 28.~~

7. Subdivision (a) and the introductory paragraph of Subsection (1) entitled “Manual Changeable Copy Signs” of Section 31.12 entitled “Changeable Copy Signs” of the Madison General Ordinances are amended to read as follows:

“(1) Manual Changeable Copy Signs. Manual Changeable Copy Signs are permitted in any zoning district where ~~business or~~ identification signs are permitted, as part of the identification sign, and in Group 2 and Group 3 districts on a wall, ground roof, above-roof, projecting, or canopy sign, and upon non-residential uses in Districts of Special Control, provided that:

(a) The changeable copy is integral to ~~a business or identification~~ the sign structure.”

8. Subdivision (g) of Subsection (2) entitled “General Requirements for all Signs in Group 1” of Section 31.14 entitled “Regulation of Signs in Group 1 Districts” of the Madison General Ordinances is created to read as follows:

“(g) Any sign permitted or authorized in this section may contain any noncommercial message in addition to or in lieu of any other message, per Sec. 31.04(1)(c).”

9. Subdivision (c) entitled “Noncommercial Signs” of Subsection (3) of Section 31.14 entitled “Regulation of Signs in Group 1 Districts” of the Madison General Ordinances is amended to read as follows:

“(c) Noncommercial Signs. Noncommercial signs may be displayed in addition to the other signs allowed herein, as an Exempt Sign under Sec. 31.044. See also Sec. 31.04(1)(c) ~~regarding noncommercial messages on permitted signs.~~”

10. Subsection (2) entitled “Table 2. Miscellaneous Signs in Groups 2 and 3” of Section 31.15 entitled “Tables of Permitted Signs, by Zoning Districts” of the Madison General Ordinances is amended by amending therein the following:

**“TABLE 2**

Type of Sign	Sign Permitted in these Zoning Districts		
	DC	Group 2	Group 3
Neighborhood & Subdivision Identification <sup>3</sup>	N/A	Yes <sup>3</sup>	Yes <sup>3</sup>

11. Footnote 3. of Table 2 footnotes of Subsection (2) entitled “Table 2. Miscellaneous Signs in Groups 2 and 3” of Section 31.15 entitled “Tables of Permitted Signs, by Zoning Districts” of the Madison General Ordinances is hereby repealed.

12. Footnote 4. through Footnote 7. of Table 2 footnotes of Subsection (2) entitled “Table 2. Miscellaneous Signs in Groups 2 and 3” of Section 31.15 entitled “Tables of Permitted Signs, by Zoning Districts” of the Madison General Ordinances are hereby renumbered to Footnote 3. through Footnote 6., respectively.

13. Subsection (3) entitled “Table 3. Signs Permitted in Group 1 Districts” of Section 31.15 entitled “Tables of Permitted Signs, by Zoning Districts” of the Madison General Ordinances is amended by amending therein the following:

**“TABLE 3**

Type of Sign	Net Area Sq. Ft.	Height		Min. Setback	Wall	Ground	Illuminated	Number”
		Min.	Max.					
Neighborhood & Subdivision Identification ****	****	****	****	****	****	****	****	****

14. The four-asterisk footnote of Table 3 Footnotes of Subsection (3) entitled “Table 3. Signs Permitted in Group 1 Districts” of Section 31.15 entitled “Tables of Permitted Signs, by Zoning Districts” of Section 31.15 entitled “Tables of Permitted Signs, by Zoning Districts” of the Madison General Ordinances is hereby repealed.

**EDITOR’S NOTE:**

1. Section 31.044(1)(f) currently reads as follows:

“(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.”

2. Section 31.15(2), Footnote 3. currently reads as follows:

“3. Subject to approval of Director of Department of Planning and Community and Economic Development or her/his designee after notification to Neighborhood Association and Alderperson. A kiosk, public information board or sidewalk showcase may be approved as a Neighborhood Identification Sign per the definition of Neighborhood Identification Sign in Sec. 31.03(2).”

3. Section 31.15(3), four-asterisk Footnote currently reads as follows:

“\*\*\*\* Neighborhood and Subdivision Identification Signs - Subject to approval of Director of Planning and Community and Economic Development or her/his designee after notification to Neighborhood Association and Alderperson. A kiosk, public information board or sidewalk showcase may be approved as a Neighborhood Identification Sign per the definition of Neighborhood Identification Sign in Sec. 31.03(2).”