



Legislation Text

File #: 24030, Version: 1

**Fiscal Note**

No noteworthy fiscal impact is anticipated.

**Title**

CHARTER ORDINANCE Creating Section 31.045(3)(c)4. and Section 31.07(5)(f) of the Madison General Ordinances to allow Government Building Identification Signs and Decorative and Promotional Banners on a wall surface of a government building that projects into the highway right-of-way.

**Body**

DRAFTER'S ANALYSIS: This Charter ordinance creates two new types of signs that can be displayed on the wall of a government building that projects into the highway right-of-way. This Charter ordinance would only apply to government buildings in the C4 Central Commercial district. Currently, with very limited exceptions, signs that project into the highway right-of-way are prohibited by city ordinance and state law. Under state law, the definition of "highway" includes city streets, sidewalks and terrace areas. This ordinance creates an exception to the City's ban on signs in the right-of-way so that a government building can display two different types of signs on architectural features that project into the right-of-way. The first is a Government Building Identification Sign. A sign bearing only the name of a government building that is open to the public may be approved by the Urban Design Commission (UDC) to be displayed outside the selected signable area on a wall surface that projects into the right-of-way. The UDC must find the sign is necessary for identification and wayfinding purposes, apply other criteria established in this ordinance as well as the existing "Urban Design Guidelines for Downtown Madison" required for the C4 district. This ordinance also authorizes decorative and promotional banners to be hung on the wall of a government building that projects into the right-of-way. Decorative banners contain no message or logo and are displayed for the purpose of adding color and interest to the surroundings or to the building to which it is attached. Promotional banners display a noncommercial message to call attention to cultural events, charity campaigns or neighborhood sponsored activities. Under this ordinance the promotional banner must promote an activity taking place at the building upon which it is displayed. This ordinance would allow a government building in the C4 district to display such banners on a portion of the wall projecting into the right-of-way with the approval of the UDC, applying criteria similar to that for the Identification sign as well as the C4 design guidelines. None of the signs authorized by this ordinance could be displayed on any state trunk highways.

This Charter ordinance declares the City's intention not to be governed by Wis. Stat. § 86.19, to the extent that statute would prohibit the City from approving the signs described herein.

Legistar File No. 24031 is a companion to this ordinance. File No. 24031 makes non-charter amendments to Sec. 31.07 that are intended to accompany this ordinance and, if adopted, they should be adopted at the same time.

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

The City of Madison elects not to be governed by the provisions of Wis. Stat. § 86.19. This election is made pursuant to Wis. Stat. § 66.0101(4).

1. Paragraph 4. of Subdivision (c) entitled "Public Right-of-Ways" of Subsection (3) entitled "Hazardous or Prohibited Signs, Structures and Conditions" of Section 31.045 entitled "Unsafe and Unlawful Signs and Structures" of the Madison General Ordinances is created to read as follows:

"4. This subsection does not apply to Government Building Identification Signs and Promotional and Decorative Banners under Sec. 31.07(5)(f).

This is a Charter Ordinance adopted pursuant to Wis. Stat. § 66.0101, and Article XI, Sec. 3 of the Wisconsin Constitution, and shall be effective upon sixty (60) days from passage and publication, subject to the referendum procedures of Wis. Stat. § 66.0101(5)."

2. Subdivision (f) entitled “Government Building Identification Signs” of Subsection (5) entitled “Signs Outside Signable Area” of Section 31.07 entitled “Wall, Roof and Above-Roof Signs” of the Madison General Ordinances is created to read as follows:

“(f) Government Building Identification Signs.

1. A sign may be displayed outside the selected signable area of a government building in the downtown C4 Central Commercial District on a wall surface that projects into the right-of-way if all of the following criteria are met:
  - a. The sign contains only the name of the government building.
  - b. The purpose of the signage is wayfinding and identification of a public government building.
  - c. The building must be owned and operated by a unit of government and be open to the public.
  - d. The location of the sign is found not to interfere with any official traffic control devices or signs.
  - e. Any necessary encroachment or privilege-in-streets permit is obtained for the portion of the building projecting into the right-of-way.
  - f. The portion of the building upon which the sign is proposed to be located does not project into or over the roadway.
  - g. Any necessary Urban Design Commission approval is obtained for the sign as required by Sec. 33.24(4)(g)4.b. The C4 Central Commercial District is a District of Special Control under Sec. 31.13(9) and all signs in this district must be reviewed according to the “Urban Design Guidelines for Downtown Madison.”
2. Promotional and Decorative Banners on Government Buildings in C4 District. In addition to the identification sign described above, banners meeting the definition of “Decorative” or “Promotional” banners in Sec. 31.03(2) may also be displayed on a government building in the C4 Central Commercial District on a wall surface that projects into the right-of-way, if the criteria in subs. c. through g. above are met. Additionally, any Promotional banner displayed under this provision must pertain to an event, campaign or activity taking place at the building upon which the banner is displayed.
3. Purpose and Findings. The Common Council finds that the display of Government Building Identification Signs and Decorative and Promotional banners on a portion of a government building that projects into the highway right-of-way in the C4 district, consistent with the criteria in this section, will not cause aesthetic blight or traffic hazards of the sort unacceptable to the community. Rather, when included as part of the overall building design and streetscape, such signs will further the City’s substantial governmental interests as follows: traffic and pedestrian safety will be improved by identifying a public building by name, announcing public events of interest to the community, providing easy-to-see directional and wayfinding information without obstructing the sidewalk, terrace or roadway and without interfering with official traffic control devices. The City’s aesthetic interests will be protected because the appearance and location of the sign and/or banners and their integration with the building design and surrounding streetscape must be approved by the Urban Design Commission using the standards for the C4 Central district as a “District of Special Control” under Sec. 31.13(9).
4. Wis. Stat. § 86.19 and state administrative rules adopted thereto raise doubts about whether such signs and banners may be located within the limits of highway rights-of-way. The approval of identification signs and promotional or decorative banners on government buildings in Madison’s C4 Central district is a matter of the local affairs and government of the City of Madison. Identification signs on the wall of a public building that projects over the sidewalk will provide efficient identification and wayfinding for the government building without obstructing the pedestrian walkway, creating clutter, or interfering with official traffic control devices or vehicle traffic. Decorative and Promotional banners will notify the public of events taking place at the public building, further assisting with wayfinding, and will complement the streetscape with appropriate decorations without cluttering the sidewalk or impeding pedestrian traffic.

Therefore, the City of Madison, through its Common Council, hereby determines that, to the extent Wis. Stat. § 86.19 and related Wisconsin Administrative Code regulations restrict the City's ability to approve identification signs and decorative and promotional banners on a portion of a government building that projects into the street or highway right-of-way, the City will not be governed by Wis. Stat. § 86.19 to that extent.

5. This Charter Ordinance, Sec. 31.07(5)(f) shall not apply to State Trunk Highways as defined in Wis. Stat. § 84.02.
6. Sec. 31.07(5)(f) is a Charter Ordinance adopted pursuant to Wis. Stat. § 66.0101, and Article XI, Sec. 3 of the Wisconsin Constitution and shall be effective upon sixty (60) days from passage and publication, subject to the referendum procedures of Wis. Stat. § 66.0101(5)."