

- (d) An advertising sign that is a wall sign shall not exceed three hundred (300) square feet in area and shall not project beyond the limits of the facade on which it is located. Advertising signs displayed as a wall sign may be illuminated subject to Sec. 31.04(5)(k).
- (e) No advertising sign that is a ground sign shall exceed three hundred (300) square feet in area, except that any advertising sign which is located on a zoning lot with frontage on a street on which the speed limit exceeds forty-four (44) miles per hour, provided that such advertising sign conforms to all other provisions of this chapter, may be as large as seven hundred and fifty (750) square feet in area. Advertising signs displayed as a ground sign may be illuminated subject to Sec. 31.04(5)(k).
- (f) No advertising sign shall exceed thirty (30) feet in height except that a design extension may exceed the permitted height limit by no more than eight (8) feet, provided the sum total of the area of all such extensions does not exceed seventy-eight (78) square feet in area. The total sum of the area of all design extensions in excess of thirty (30) feet in height shall be determined by calculating the area of the smallest square or rectangle, the sides of which are perpendicular to the ground that encompasses all such design extensions. In no case shall any design extension which protrudes from the top edge of an outdoor advertising sign exceed eight (8) feet in height even where the height of the main or principle portion of the outdoor advertising sign is less than thirty (30) feet. In the event this provision relating to extensions is amended or repealed, any extensions permitted hereunder shall be promptly lowered in height or removed, accordingly, by the owner, at no cost to the City.
- (g) The following setbacks for advertising signs are required, except for advertising signs realigned under Sec. 31.05(2)(c):
 1. An advertising sign situated parallel to the right-of-way line must be set back a distance equal to its height.
 2. An advertising sign perpendicular, or nearly so, to the street right-of-way line must be set back three (3) feet from the property line.
- (h) Roof or above-roof advertising signs shall not be permitted.
- (i) No advertising signs are permitted in districts of special control.
- (j) No advertising signs are permitted on lots on which dwelling units are located, except caretakers' or guards' dwelling units shall be permitted on the same lot with advertising signs.
- (k) No advertising signs shall be permitted on the front facade of any building.
- (l) No advertising sign shall be located in any required front yard or in the last ten (10) feet of any required rear yard, except for advertising signs realigned under Sec. 31.05(2)(c).
- (m) No advertising sign shall be located on any zoning lot occupied by a nonconforming use.
- (n) Any design extension that causes an advertising sign to exceed its total permitted square footage of area is strictly prohibited.
- (o) Replacement Advertising Signs. As defined in Sec. 31.112, a "Replacement Advertising Sign" is a temporary permitted sign distinct from an Advertising sign. Sec. 31.11 controls Advertising Signs and Sec. 31.112 controls Replacement Advertising Signs. The requirements of Sec. 31.11 shall apply to any Replacement Advertising Sign erected pursuant to Sec. 31.112, except where expressly stated otherwise in that section. (Cr. by ORD-15-00069, 6-24-15)

31.112**ADVERTISING SIGN BANK AND REPLACEMENT ADVERTISING SIGNS.**

- (1) If the owner of an existing advertising sign permanently removes a lawfully existing advertising sign eligible for replacement under sub. (2) below, the net area of each sign face

removed may, at the owner's request, be added to an "Advertising Sign Bank" for that owner. The net area banked by the owner will be available to construct a Replacement Advertising Sign ("RAS") that may be displayed for up to fifty (50) years, as set forth in this section.

(2) Eligibility. The following criteria must be met for an existing advertising sign to be eligible for banking under this section:

- (a) The advertising sign must have been in existence within the boundaries of the City of Madison on February 2, 2015 or earlier. Signs that come into the City by annexation or attachment after February 2, 2015 are not eligible to be banked.
- (b) Redevelopment. The process established in this ordinance is only available for an advertising sign to be removed from a property that is scheduled for redevelopment, if the redevelopment includes all of the following:
 1. Removal of improvement(s) other than the existing advertising sign;
 2. Construction of new improvement(s) other than an advertising sign, as evidenced by the issuance of a building permit or zoning certificate for the new improvement(s); and
 3. The advertising sign must be removed because the sign is located in the same physical space where a new improvement (other than another advertising sign) will be constructed, or adjacent to a new improvement such that proximity of the existing sign would result in a building code violation.
- (c) Advertising Sign Replacement not Considered Redevelopment. Removal of an existing advertising sign and construction of a replacement advertising sign on the same site shall not be considered "redevelopment" under this subsection and is prohibited.
- (d) Redevelopment projects that have been approved for a demolition permit by the Plan Commission prior to the effective date of this Sec. 31.112 are not eligible to have existing advertising signs banked.

(3) Definitions. For purposes of this section:

"Owner" means the lawful owner of the existing advertising sign to be removed as of the date of actual removal of the existing advertising sign.

"Remove" means the complete removal of the entire "sign" as defined in Sec. 31.03(2).

"Replacement Advertising Sign" or "RAS" means a new, lawfully-permitted temporary sign meeting the definition of "Advertising Sign" in Sec. 31.03(2), but modified by and authorized under the requirements of this section. Replacement Advertising Signs are permitted for a maximum of fifty (50) years. This section shall in no way modify the requirements for an Advertising Sign under Sec. 31.11.

(4) Advertising Sign Bank.

- (a) One-hundred percent (100%) of the net area of each sign face removed from a **lawfully pre-existing advertising sign** may be banked.
- (b) Procedure. An owner wishing to bank square footage under this ordinance shall file written notification of intent to remove an existing advertising sign with the Zoning Administrator not less than ten (10) business days prior to the intended date of removal. The written notification shall include the address of the zoning lot where the existing sign is located, information regarding the intended redevelopment and approximate date for commencement of construction, and description of the existing sign. The Zoning Administrator shall measure the net area of the existing sign prior to removal. The owner shall notify the Zoning Administrator when the existing sign has been removed so the Zoning Administrator can verify its removal and when a building permit has been applied for on the property in question. Square footage may not be banked until a building permit or zoning

- certificate for new improvement(s) on the property in question has been issued, the Zoning Administrator gives his or her written approval to bank the square footage.
- (c) The Zoning Administrator shall maintain an Advertising Sign Bank for each owner so requesting and who meets the requirements herein. The Advertising Sign Bank will include information about the removed sign including the zoning district, whether the sign was in an Urban Design District and any other information the city deems pertinent. The Zoning Administrator shall draw down an Owner's Advertising Sign Bank when a Replacement Advertising Sign permit is issued.
 - (d) Failure to complete the installation of a Replacement Advertising Sign within six (6) months of issuance of the sign permit shall cause the permit to expire, per Sec. 31.041(4), and the owner will lose the banked square footage associated with that permit.
 - (e) Banked square footage expires on the sunset date in sub. (7) herein.
 - (f) Banked square footage may be banked only by the owner of the **lawfully-existing removed sign** and is not transferrable under any circumstances including but not limited to a transfer by assignment, merger, acquisition, etc.
 - (g) If a Replacement Advertising Sign is installed in violation of any requirement of the permit for such sign, said permit shall become null and void, the sign shall be immediately and permanently removed, and the banked square footage for that sign permanently forfeited.
- (5) Procedure to Install a Replacement Advertising Sign.
- (a) The owner must have accumulated the corresponding amount of unexpired banked square footage in the Owner's Advertising Sign Bank to construct the RAS in question, before applying for an RAS permit.
 - (b) A complete application and permit fee meeting all the requirements for an advertising sign permit under this chapter shall be filed by the owner and reviewed for compliance with this ordinance and according to applicable procedures for the issuance of sign permits established in this chapter. The application shall also include a written agreement to remove the RAS within fifty (50) years of its installation date as required by sub. (6)(f) herein.
 - (c) Common Council Review. Prior to approving and issuing a permit for an RAS, the Zoning Administrator or designee shall provide written notice to the alderperson of the district where the RAS is proposed to be placed. That alderperson may request a review by the Common Council within fourteen (14) calendar days of the date of the written notice by notifying the City Clerk in writing of the request for review. The Clerk shall place the matter on the next available Council agenda for review, wherein the Council shall consider whether the proposed RAS will substantially impair or diminish the established uses, values or enjoyment of the property in question or any immediately adjacent property. A two-thirds ($\frac{2}{3}$) vote of the Common Council shall be required to prevent the issuance of an RAS permit, based upon a finding of the foregoing criteria. Any person aggrieved by the decision of the Common Council may, within thirty (30) days after the decision is published in the proceedings of the Common Council, commence an action seeking the remedy available by certiorari. This Sec. 31.112(5)(c), "Common Council Review," shall be ineffective as of a date two (2) years from the effective date of this ordinance.
- (6) Replacement Advertising Sign Criteria. A Replacement Advertising Sign shall conform to the requirements for Advertising Signs in Sec. 31.11(2), "General Regulations for Advertising Signs" except:
- (a) Permitted Zoning Districts. Replacement Advertising Signs are permitted only in the CC-T, CC, TE, SE, IL, and IG zoning districts and only such districts or portions of such districts that are not located in a Prohibited Location listed in

sub. (5)(b), below. A Replacement Advertising Sign may be located in "Annexed Lands" as described in Sec. 31.13(8), if the annexed land is in a zoning district listed in this paragraph and not a Prohibited Location under Sec. 31.112(5)(b) herein.

- (b) Prohibited Locations. No RAS shall be constructed in an Historic District or on a Landmark building or Landmark site, as defined in Chapter 41, an Urban Design District listed in Sec. 33.24, in the geographic area described in Sec. 31.05(2)(a) or in the No Advertising Sign District described in Sec. 31.13(6). (Am. by ORD-15-00072, 7-29-15)
- (c) Height. The height of a Replacement Advertising Sign displayed on the ground shall not exceed thirty (30) feet, measured using one of the following two methods:
1. From the top of the sign to the approved grade at the base of the supporting structure, or
 2. If the base of the sign's supporting structure sits below the elevation of the adjacent roadway, the height may be measured from the top of the sign to the highest elevation of any roadway surface within the highway right-of-way directly adjacent to the zoning lot where the RAS is to be located, except an on-ramp, off-ramp, overpass or pedestrian bridge is not eligible for this measurement. The point at which the elevation of the eligible roadway is measured shall be determined by drawing a line from the base of the sign to the roadway that bisects the roadway at a right angle.
- (d) Setback, Residence Districts.
1. Replacement Advertising Signs shall be set back not less than three (3) feet and not more than one hundred (100) feet from any property line.
 2. No RAS shall be erected within one hundred (100) feet of any property line of a residential zoning district or the lot line of any property containing a residential use.
- (e) Net Area. For a Replacement Advertising Sign displayed as a ground sign, the maximum net area of the sign face shall be as set forth in Sec. 31.11(2)(e), with a maximum of two (2) sign faces per structure. If displayed as a wall sign, the maximum net area shall be as set forth in Sec. 31.11(2)(d).
- (f) Fifty-year Permit. All RAS permits shall expire fifty (50) years from the date of issuance by the City. Any RAS installed under this section shall be removed within fifty (50) years of the date the permit is issued and the permit holder shall agree to do so, in writing, as a condition of the permit. This obligation to remove the sign shall continue with any change of ownership of the sign or the property where the sign is located. No person shall allow a Replacement Advertising Sign to remain erected for more than fifty (50) years from its installation date.
- (7) Sunset Clause. Section 31.112(5)(c), "Common Council Review," shall be ineffective as of a date two (2) years from the effective date of this ordinance. The remainder of this ordinance, Sec. 31.112, MGO, and all related cross references as determined by the City Attorney, shall be ineffective as of a date eight (8) years from its effective date and any unused, unexpired banked square footage in an Advertising Sign Bank shall expire as of the eight-year sunset date. Notwithstanding the foregoing, sub. (4)(g), all of sub. (6), "Replacement Advertising Sign Criteria," and any other provision establishing criteria for a Replacement Advertising Sign shall survive the sunset of this ordinance for purposes of enforcement.