

Schmidt amendment # 1

Agenda Item No. 59
Legislative File No. 35036
UDC ADOPTED ALTERNATE

CITY OF MADISON, WISCONSIN

AN ALTERNATE ORDINANCE _____

PRESENTED
REFERRED

August 5, 2014
UDC, Plan Commission,
EDC

Creating Sections 31.112 and 31.11(2)(o) and amending Sections 31.11(1) and 31.05(2)(b) of the Madison General Ordinances to create a process for Advertising Sign Banks and Replacement Advertising Signs, and amending Section 31.04(5)(k)4.a. regarding illumination of certain signs.

DRAFT

Drafted by: Lara Mainella

Date: November 17, 2014

SPONSOR:

DRAFTER'S ANALYSIS: This ordinance establishes a "cap and replace" program for the removal and reconstruction of billboards (called "Advertising Signs" in Chapter 31, the sign code.) An Advertising Sign is a sign that advertises something unrelated to the premises upon which the sign is located. Advertising signs are typically owned by outdoor advertising companies. Under current ordinance, new advertising signs are prohibited. Allowing replacement advertising signs represents a departure from the long-standing prohibition on new billboards in the city. This ordinance would allow the owner of an existing, nonconforming advertising sign to remove it and receive credit for the square footage removed, to be applied toward a permit for a new billboard, if the property is to be redeveloped and the sign must be removed to accommodate the redevelopment. This ordinance creates a procedure for the square footage of the removed sign to be "banked" by the sign company, to be used toward a permit to construct a Replacement Advertising Sign, at a ratio of 1:1. Replacement signs would be allowed only in the CC-T, CC, TE, SE, IL, and IG zoning districts, but not in an Urban Design District, a Historic District, Landmark building or Landmark site, the area described in 31.05(2)(a), nor in the area known as the No Advertising District.

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Once placed in the bank, the square footage is not transferrable to anyone else and must be used within five years or it expires. Failure to complete the installation of a Replacement Advertising Sign within 6 months of permit issuance will result in the permit becoming void and the banked square footage lost. The Zoning Administrator will be responsible for administering the sign bank. Replacement Advertising Signs will be subject to most of the rules applicable to existing Advertising Signs, except that Replacement Advertising signs will be allowed in annexed lands, will have different set back rules (minimum of 3 feet and maximum of 100 feet) and different rules for height measurement. A Replacement Advertising Sign will have a maximum height of 30 feet but if the base of the sign sits at a grade below the adjacent roadway, the 30 feet can be measured from the top of the sign to the road surface where it is intended to be viewed, rather than from the top of the sign to the ground. Once constructed, a Replacement Advertising Sign would become nonconforming and treated the same as existing, nonconforming advertising signs.

This amendment also makes adjustments to Secs. 31.11 and 31.05 consistent with the new ordinance for Replacement Advertising Signs and deletes the option of measuring illumination by watts for signs up to 300 square feet.

This ordinance will sunset in five years from the effective date.

Approved as to form:

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

1. Section 31.112 entitled "Advertising Sign Bank and Replacement Advertising Signs" of the Madison General Ordinances is created to read as follows:

"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 as set forth in this section.

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(2) Eligibility. The process established in this ordinance is only available for an advertising sign to be removed from a property that is scheduled for redevelopment that includes removal of improvement(s) and construction of new improvement(s), as evidenced by the issuance of a building permit or zoning certificate for the new improvement(s), and only if the advertising sign must be removed to accommodate the new improvement(s).

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(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" means a new sign meeting the definition of "Advertising Sign" in Sec. 31.03(2), but authorized under and meeting the requirements of this section. 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 information regarding the intended redevelopment and approximate date for commencement of construction on the zoning lot where the existing sign is located. 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, ~~and~~ the Zoning Administrator gives his or her written approval on the application to bank the square footage.

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Square footage is considered banked on the date that

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(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 within five (5) years of the date it is banked or upon the sunset date in sub. (6) herein, whichever occurs first.

(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 Replacement Advertising Sign in question, before applying for a permit for a Replacement Advertising Sign.
 - (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 according to applicable procedures for the issuance of sign permits established in this chapter.
- (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 Replacement Advertising Sign shall be constructed in an Historic District or on a Landmark building or Landmark site, as defined in Sec. 33.19, 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).
 - (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 Replacement Advertising Sign 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. 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.
 - (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) Replacement Advertising Signs, once installed, shall be treated as nonconforming and subject to all of the requirements of Sec. 31.05(2)(b) applicable to existing advertising signs.
- (7) Sunset Clause. This ordinance, Sec. 31.112, MGO, shall be ineffective as of a date five (5) years from the effective date of this ordinance and any unused, unexpired banked square footage in an Advertising Sign Bank shall expire as of that date."

2. Subsection (1) of Section 31.11 entitled "Advertising Signs" of the Madison General Ordinances is amended to read as follows:

- "(1) Existing advertising signs are nonconforming and permitted to remain only in CC-T, CC, TE, SE, IL, IG Districts as regulated in this section and in ~~Sec. 31.15(3)~~, subject to the nonconforming advertising signs provisions of Sec. 31.05(2). Notwithstanding any other provision of these ordinances, new, relocated and replacement advertising signs are prohibited, except advertising signs that are realigned pursuant to Sec. 31.05(2)(c) and Wis. Stat. § 84.30(5r) (as created by 2011 Wis. Act 32) and Replacement Advertising Signs under Sec. 31.112, MGO."

3. Subdivision (o) entitled "Replacement Advertising Signs" of Subsection (2) entitled "General Regulations for Advertising Signs" of Section 31.11 entitled "Advertising Signs" of the Madison General Ordinances is created to read as follows:

"(o) Replacement Advertising Signs. As defined in Sec. 31.112, a "Replacement Advertising Sign" is a separate type of 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."

4. Subparagraph a. of Paragraph 4. of Subdivision (k) entitled "Illumination of Signs" 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:

"a. Signs with a gross area (for ground signs) or net area (all other signs) of less than three hundred (300) square feet shall have a maximum illumination level ~~equal to the greater of: 1) forty (40) foot-candles average across the sign surface, or 2) a total of 50 watts for all fixtures.~~

5. Subdivision (b) of Subsection (2) entitled "Nonconforming Advertising Signs" of Section 31.05 entitled "Nonconforming Signs" of the Madison General Ordinances is amended to read as follows:

"(b) Any other advertising sign existing as of November 1, 1983, including those excepted from or otherwise not included in the areas set forth in sub. (a) above, may be continued provided that it may not be relocated, replaced, expanded, enlarged, repositioned or raised in height, except under sub. (2)(c) or with a permit for a Replacement Advertising Sign issued under Sec. 31.112. Such existing advertising signs may not be restored or reconstructed for any reason, except if damaged or destroyed by fire or other casualty or act of God, and only if the total cost of restoration to the condition in which it was before the occurrence does not exceed fifty percent (50%) of its assessed value or the cost to replace with a new structure of equal quality, whichever amount is lower. The determination of eligibility for restoration or reconstruction in the preceding sentence shall be made by the Urban Design Commission and any restoration or reconstruction (except realignment under (2)(c) below or with a permit for a Replacement Advertising Sign under Sec. 31.112) without the approval of the Urban Design Commission is prohibited. Violation of this subdivision shall result in the said sign being subject to immediate removal by the owner thereof at no cost to the City. Ordinary repairs or normal maintenance shall be considered "required by law" hereunder. A Replacement Advertising Sign permitted under Sec. 31.112, once installed, shall be subject to this sub. (2)(b)."