

CITY OF MADISON, WISCONSIN

A SUBSTITUTE ORDINANCE _____

PRESENTED
REFERRED

July 18, 2006
Urban Design Commission

Repealing and recreating Chapter 31 of the Madison General Ordinances entitled "Street Graphics Control Ordinance," amending portions of Chapter 28 to conform to changes made by the new Chapter 31, amending various portions of Sec. 33.24, the Urban Design Commission ordinance, and amending Sec. 1.08(3)(a) to amend the bail deposit schedule for violations of Chapter 31.

EXHIBIT X

Drafted by: Lara Mainella

Date: May 1, 2009

SPONSORS: Aids. Verveer and Rummel

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

1. Chapter 31 is hereby repealed and recreated to read as follows:

"31.01 SHORT TITLE. This ordinance shall be known and may be cited as the Sign Ordinance.

31.02 PURPOSE AND SCOPE.

- (1) Purpose and Intent. The Common Council, by enacting this ordinance, recognizes the City has a significant and substantial governmental interest in promoting public safety and aesthetic values through the regulation of signs displayed within the City of Madison. The purpose of this ordinance is to create the legal framework for a comprehensive but balanced system of signs, and thereby to facilitate an easy and pleasant communication between people and their environment. Sign regulations, including but not limited to those which control the type, design, size, location and maintenance of signs, are hereby established to further the goals of safety and aesthetics and achieve more specifically, the following purposes:
- (a) To enable the public to locate goods, services and facilities without difficulty or confusion;
 - (b) To protect property values, public investment and overall neighborhood character by promoting an attractive, harmonious and aesthetically-pleasing environment and preventing conditions which have undesirable impacts on surrounding properties;
 - (c) To promote the development of attractive and harmonious residential districts, viable commercial districts and to identify industrial and other uses;
 - (d) To protect the public and promote safety, including but not limited to traffic and pedestrian safety; and to minimize effects of signs which may distract or obstruct visibility of official traffic signals and other safety or informational devices; and
 - (e) To protect scenic views and the visual environment along all city streets, highways and rights-of-way and to promote overall aesthetics, avoid clutter and avoid inappropriate scale.
 - (f) Recognition that signage is not intended to serve as a principal or sole use of a zoning lot.

Approved as to form:

- (2) Scope. This ordinance shall apply to all signs in the City of Madison. However, this ordinance shall not be construed to amend or conflict with any other ordinances or applicable law governing official traffic signs or signals.

31.03 RULES AND DEFINITIONS.

- (1) Rules. In the construction of this ordinance, the rules and definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise:
- (a) Words used in the present tense shall include the future.
 - (b) Words in the singular number shall include the plural number, and the plural the singular.
 - (c) The word "shall" is mandatory and not discretionary.
 - (d) The word "may" is permissive.
 - (e) All references to section numbers are Madison General Ordinances, unless otherwise noted.

- (2) Definitions. For the purposes of this ordinance, the terms listed below shall have the following definitions:

Above Roof Sign. A sign displayed above the roofline.

Accessory Sign. A 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 and signs authorized on Madison Transit Utility bus shelters under sec. 3.14(4)(i) are not regulated by this ordinance.

Alteration. Any major change made to an existing sign, other than routine maintenance, painting or change of copy of an existing sign.

Architectural Detail. Any projections, relief, change of material, window or door opening that is on the facade of a building. Where an overall consistent pattern of projections or reliefs exists on a signable area, they shall not be considered architectural details.

Attention-getting Object. An object made of flexible material whether or not it contains text, logos or any other images such as a streamer, pinwheel, pennant or other such device; suspended, hung, pinned or otherwise fastened to a sign or other structure in such a manner that the object is permitted to spin, fly, flap or otherwise move in the wind. Flags and decorative and promotional banners allowed under sec. 31.075 are not considered "attention getting objects."

Awning. A roof like cover, temporary in nature that projects from the wall of a building.

Awning, Internally Illuminated. An awning consisting of a rigid frame covered with vinyl, plastic, or other translucent material that is internally illuminated.

Banner. A suspended sign made of a flexible material such as canvas, sailcloth, plastic or waterproof paper.

Banner, Decorative. A banner containing no message or logo that is displayed for the purpose of adding color and interest to the surroundings or to the building to which it is attached.

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. (Cr. by Ord. 9005, 11-14-86)

Building Entrance Identification Sign. A 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.

Building Line. A line established by ordinance beyond which no building may extend. A building line may be referred to as "required setback".

Business Opening Sign. A sign displayed in addition to permitted wall, roof, above-roof and ground signs; displayed on the premises of a new building or new business or the premises

of an existing business upon a change of name or change of ownership; and displayed for a period not to exceed thirty (30) days.

Business Sign. A 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.

Canopy. A permanent roof structure over a space that is completely unenclosed on at least two (2) sides.

Canopy, Attached. A canopy that is attached to and supported by a building, which may also be supported by additional vertical ground supports or other structures.

Canopy, Detached. A canopy that is a permanent, free-standing roofed-over structure, with four open sides, accessory to but not attached to a principal building.

Changeable Copy Sign (Electronic). A sign, any portion of which displays or has the ability to display electronically illuminated, scrolling or moving text, symbols or other images, utilizing LED, LCD or other digital or electronic technology, commonly known as electronic message or reader boards, electronic marquees, message centers or moving message displays.

Changeable Copy Sign (Manual). Any sign that includes copy, letters, numbers, or symbols that are designed to be changed through manual, mechanical or other non-digital means.

Change of Use. Change in use of the premises from one use category listed in Chapter 28 (the Zoning Code) to another use category listed in Chapter 28.

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.

Comprehensive Design Review. A process whereby the Madison Urban Design Commission ("UDC") reviews all existing and proposed signs on a building, building site or zoning lot upon request of an applicant who is seeking to have a Comprehensive Sign Plan approved. The UDC may recognize unique, exceptional and innovative effort to integrate signs with building architecture and materials by approving a Comprehensive Sign Plan that includes special allowances for all signs within a building site or zoning lot, and which may also incorporate other approvals authorized in sec. 31.043(3).

Comprehensive Sign Plan. A complete signage plan for a building or zoning lot that has been approved by the Urban Design Commission through a Comprehensive Design Review.

Condominium Identification Street Graphic. An identification street graphic 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.

Construction Directional Sign. A temporary sign 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.

Curb Level. The curb level for any building is the level of the established curb in front of such building measured at the center of such front. Where no curb elevation has been established, the City Engineer shall establish such curb elevation.

Design Extension. Any addition to a sign that is added to or protrudes from the top, sides, or lower edge of the main or principal portion of the sign.

Detached Building. A building surrounded by open space on the same lot or built to the lot line.

Digital Image Sign (Static). A sign, any portion of which displays static or stationary illuminated digital images, produced by technology such as LED (light emitting diode) or LCD (liquid crystal display) display screens, plasma, high-definition, interactive touch-screen, or other such technology.

Digital Image Sign (Animated). A Digital Image Sign as defined above, any portion of which is capable of producing an animated or moving digital or video image.

Electric Sign. Any sign utilizing electric wiring, material, or devices.

Electronic Message Board. See Changeable Copy Sign (Electronic Message Board).

External Lighting Fixtures. For purposes of this Chapter, shall mean lighting sources (as defined in Sec. 10.085(2)) which are electrically powered illuminating devices, lighted or reflective surfaces, lamps and similar devices, permanently installed or portable, used to illuminate a sign.

Facade. Any separate face or surface of a building, including parapet walls, and roof surfaces or any part of a building which encloses or covers usable space. Where separate facades are oriented in the same direction, or where the inside angle at the intersection of two surfaces is greater than one-hundred and thirty-five (135) degrees, they are to be considered as part of a single facade.

Flag. A device generally made of flexible material, such as cloth, paper, or plastic, and displayed from a pole, cable or rope. It may or may not include copy. This definition does not include the flag of any country, state, city, county, corporation or institution.

Flashing Sign. A sign that includes a message or any other component that flashes on and off, blinks or varies in intensity, with intermittent bursts of light, color, brightness, or other feature of any kind that produces a visual flashing effect.

Gross Area. The total area of the sign, including all supporting structures, viewed from the direction the sign is facing; calculated within a single continuous perimeter enclosing the smallest possible square or rectangle, or a combination of not more than three (3) of the smallest possible squares or rectangles that can be drawn around a sign of an irregular shape; enclosing the extreme limits of such sign, with sides that are perpendicular to the ground. Said perimeter shall not pass through or between any adjacent elements of the sign except when more than one square or rectangle is drawn around a sign of an irregular shape, in which case each square or rectangle must be immediately adjacent to the next so that there is no gap between them. If sign copy is displayed on more than one face of a single sign structure, all sides of the sign structure displaying sign copy shall be included in the gross area, by adding together the total square footage of the two-dimensional area encompassing each side of the structure that displays sign copy.

Ground Sign. A freestanding sign supported permanently upon the ground and not attached to any building. For purposes of this Ordinance, Ground Signs include only Pole or Monument Signs as defined herein.

Identification Sign. A sign displayed on a wall, located in the residential, conservancy, or agricultural 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.

Inflatable Sign. A freestanding or moored sign expanded or inflated with air or another gas, like a balloon, and which may rise and float above the ground.

Kiosk. A freestanding structure upon which temporary information or notices may be posted.

Large Buildings. Those buildings exceeding one hundred twenty-five (125) feet in length or having five (5) stories or more in height.

Logo. A symbol or trademark commonly used to identify a business or organization but which in itself contains no more than two (2) words or numerals.

Marquee. (See Canopy.)

Menu Board. A changeable copy sign, enclosed in a lockable or latchable protective case or covering, mounted firmly to a wall, and not projecting more than four (4) inches from the surface of the wall.

Merchandise Sign. A sign made of flexible nonmetallic material attached to, and advertising, merchandise displayed outside of an enclosed building.

Monument Sign. A Ground Sign supported by and integrated into an internal structural framework or some other solid structural features other than a pole or poles, if the total width of such supporting structure(s) is more than one-third (1/3) of the width of the net area of the sign copy it supports.

Motion Sign. Any sign possessing visible moving parts or parts that appear to move, including signs that are designed with automatic moving parts in order to change the copy, such as "tri-vision" signs.

Mural. A picture illustration or abstract expression containing no commercial message applied directly to and made integral with a wall or window surface.

Neighborhood Identification Sign. Any sign containing the name of the neighborhood in which it is located.

Net Area. The entire area within a single continuous perimeter enclosing the smallest possible square or rectangle drawn around the sign copy; or a combination of not more than three (3) of the smallest possible squares or rectangles that can be drawn around sign copy of an irregular shape; enclosing the extreme limits of such sign copy with sides that are perpendicular to the ground. The perimeter shall not pass through or between any adjacent elements of the sign copy except when more than one square or rectangle is drawn around sign copy of an irregular shape, in which case each square or rectangle must be immediately adjacent to the next so that there is no space between them. If the sign copy is contained entirely within one sign can or board, the entire area of the can or board shall be measured to determine the net area. If the sign copy is contained within multiple sign cans or boards, then all cans or boards shall be measured using the methods for sign copy of an irregular shape, above. The net area shall not include any structural elements lying outside the limits of the sign copy and not forming an integral part of the display. For the purpose of window signs, any background material under Sec. 31.10(2) shall be included in the measurement of net area.

Nonconforming Sign. Any sign does not comply with the regulations of this ordinance.

Nonconforming Use. Any use of land or buildings does not comply with the regulations of Chapter 28 (Zoning Code).

Noncommercial Message. A message intended to direct attention to a political, social, community or public service issue 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 income of which is exempt from taxation under the Internal Revenue Code.

Number. For the purposes of this ordinance, the term number shall mean a number or combination of numerals used to identify or designate one particular item such as a quantity, price, telephone number or address of a property.

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

Parking Lot Directional Sign. A sign that is necessary, for safety or promoting traffic flow, to guide or direct pedestrian or vehicular traffic to a location on the premises on which the sign is located.

Parking Lot Regulation Sign. A sign designating the conditions of use or identity of such parking area, including identification and labeling of individual parking stalls, except for signs that are required by law to identify certain parking stalls or parking areas.

Pennant. A tapered or dove-tailed banner or flag.

Person. May include a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

Pole Sign. A Ground Sign that is supported by one or more poles or other supporting structures, if the total width of the pole(s) or supporting structure(s) is one third (1/3) or less than the width of the net area of the sign copy it supports. The width of all pole(s) and supporting structures at their widest point and any space between poles or supports shall be included when measuring the total width of the pole(s) and supporting structure(s).

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.

Portable Sign. A sign that is not permanently attached to the ground or a building or not designed to be permanently attached to the ground or a building, including but not limited to, trailers or other vehicles that are used principally as a sign, posters, "sandwich boards" or other freestanding signboards, regardless of whether such signs are attached to the ground or to a building or structure.

Principal Building. A non-accessory building in which is conducted the principal use of the lot on which it is located.

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

Projecting Sign. A sign that is attached to the wall of a building and projects more than fifteen (15) inches beyond such wall.

Real Estate Sign. A sign advertising the sale, lease, or rental of the property upon which it is located.

Roof Line. The uppermost line of the roof of a building, including original parapets.

Roof Sign. A sign erected on the roof of a building no portion of which is above the roof line.

Rotating Sign. (See Motion Sign)

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.

Sidewalk Showcase. A freestanding structure consisting of an enclosed display case or cabinet, used to display information or notices, located on a public or private sidewalk or sidewalk area.

Sign. Any device, structure, fixture, or placard, including its supporting base, frame, electrical and all other accessory components, using text, graphics, symbols and/or other written copy for the primary purpose of identifying, providing directions, or advertising any establishment, product, goods, or services; located outside of a building or within three (3) feet of the interior of a window and which is visible from the exterior.

Sign Copy. The portion of a sign comprised of any combination of text, graphics, symbols, images, and/or other written copy, whether it is displayed within or outside of a sign can or board.

Signable Area. One designated area of the facade of the building up to the roof line that is free of doors, windows (for purposes of this definition, spandrel panels or other non-vision glass used as an exterior building material are not considered windows) or other major architectural detail, that extends no higher than the juncture of the wall and the roof, or in the case of a facade that includes a parapet wall, no more than four (4) vertical feet of the parapet wall, upon which signs are to be displayed.

Street Occupancy Signs. 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.

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

Swinging Sign. (See Motion Sign)

Symbol. Something that stands for or suggests something else by reason of relationship, association, convention or resemblance placed or erected for public view as a sign or as a part of a sign.

Time and/or Temperature Sign. A flashing sign giving the time and/or temperature.

Wall Sign. A sign that is attached to a wall of a building and is affixed parallel to the wall at a distance of not more than fifteen (15) inches from the surface of the wall.

Window Sign. Any sign that is displayed, painted on, applied to, or affixed to the exterior or interior of a window; or displayed within three (3) feet of the interior of a window; and that is visible from the exterior. For purposes of this ordinance, "window" shall include any glass or transparent panels on exterior doors. Merchandise available for purchase within the premises and displayed within three (3) feet of the interior of a window shall not be considered a window sign under this definition.

Zoning Administrator. When used in this Chapter, Zoning Administrator means the Zoning Administrator or his/her designee.

31.04 ADMINISTRATION, ENFORCEMENT, AND CONSTRUCTION REQUIREMENTS

(1) Interpretation.

- (a) In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements and least intrusive means for the promotion and protection of the public health, safety, and general welfare.
 - (b) Where the conditions imposed by any provision of this ordinance upon the erection or maintenance of signs containing commercial messages are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this ordinance or of any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive or which impose the higher standards or requirements shall govern.
 - (c) Any sign permitted or authorized in this ordinance may contain any noncommercial message in addition to or in lieu of any other message.
- (2) Application of Other Laws.
- (a) Signs Located Near Interstate Highways. All signs hereafter erected within six hundred sixty (660) feet from the edge of the interstate highway easement or property measured horizontally along a line normal or perpendicular to the center of the interstate highway shall be subject to the provisions of Wis. Stat. § 84.30 and Wis. Admin. Code § Trans. 201.01, 201.04, 201.05, in addition to being subject to this ordinance. Wis. Admin. Code § Trans 200 and 201 shall supersede any conflicting provisions of this ordinance. In the event of a conflict between Wis. Stat. § 84.30 and this ordinance, the more strict provision shall apply.
 - (b) The following sections of the Madison General Ordinances (Zoning Code) supersede any conflicting provisions in this chapter:
 1. Sec. 28.04(21)(b).
 2. Sec. 28.08(7)(c)7. and 8.
 3. Sec. 28.09(3)(d)16.e.
- (3) Administration and Enforcement of the Sign Control Ordinance.
 This ordinance shall be administered as described in this subsection. The authority and duties described below shall be in addition to any other authority described elsewhere in these ordinances. Nothing in this ordinance shall be construed as a limitation upon the powers of the City of Madison nor the enforcement powers of the Inspection Unit, Police Department or any other duly authorized personnel.
- (a) Duties of the Zoning Administrator, or Designee:
 1. Approve and issue sign permits.
 2. Inspect sign construction and erection.
 3. Enforce this ordinance as authorized by sub. (4) and elsewhere by ordinance or law.
 4. Determine the form and content of applications for sign permits and sign erector's licenses, consistent with this Ordinance.
 - (b) Duties of the Building Board of Examiners and Appeals:
 1. Hear appeals relating to matters of structural or mechanical concern.
 2. Hear complaints against sign erectors filed by the Zoning Administrator, and revoke sign erector's license pursuant to Sec. 31.042.
 - (c) Duties of the Plan Commission. Act upon certain sign permit applications and appeals, where applicable.
 - (d) Duties of the Director of Planning and Community and Economic Development. Act upon specific sign permit applications as may be authorized in Sec. 31.15 (Tables) or elsewhere in this ordinance.
 - (e) Duties of the Urban Design Commission of the City of Madison ("UDC"). Act upon all matters relating to signs as described in Sec. 31.041 and Sec. 33.24.
 - (f) Duties of the Secretary of the Urban Design Commission. Act upon all matters as authorized by the Urban Design Commission in Sec. 33.24(4)(g) or elsewhere in Sec. 33.24 or Chapter 31.
- (4) Enforcement
- (a) Summary and non-summary removal or alteration of signs. If the Zoning Administrator (or designee) shall find that any sign regulated herein is unsafe or insecure, or is being maintained in violation of the provisions of this ordinance, s/he may give written notice

describing the problem to the permittee thereof or the owner of the sign, or the owner of the property on which the sign is located. If the permittee, sign owner, or property owner, to whom the Notice is given, fails to remove or alter the sign so as to comply with the Notice by the date or time for compliance established in the Notice, the Zoning Administrator or the Chief of Police or designee may remove or alter such sign to comply with the Notice and this ordinance at the expense of the permittee, sign owner or owner of the property upon which it is located. In addition, the Zoning Administrator may cause any sign that is a hazard to person or property to be removed summarily and without notice. The Zoning Administrator may refuse to issue a sign permit to any permittee or owner who has failed to pay costs assessed for removal of a hazardous sign under this paragraph.

- (b) Other Enforcement Action, Injunctive Relief. The provisions of sub.(a) shall be in addition to any other authorized enforcement action or prosecution for ordinance violations or other law violations; including but not limited to issuance of a Uniform Municipal Ordinance Citation, referral to the City Attorney for prosecution of a forfeiture action and/or other legal or equitable relief. The City Attorney is authorized to pursue civil injunctive or other equitable relief when, in the opinion of the Zoning Administrator a sign presents a hazard and at least one (1) conviction for a violation of the ordinance has been obtained and the sign remains in violation of this Ordinance. A notice, or failure to comply with a notice sent under sub. (a) shall not be a prerequisite for prosecution, injunctive relief, or other civil remedies available at law based upon a violation of this ordinance.

(5) Construction Requirements.

(a) Definitions:

1. Approved Combustible Material. An approved combustible material shall include:
 - a. Wood or materials not more combustible than wood.
 - b. Combustible plastics, which, when tested in accordance with ASTM Standard Method for Flammability of Plastics over 0.050 inch in thickness (D 635-44) burn no faster than 2.5 inches per minute in .060 inch in thickness.
2. Incombustible Material. Any material which will not ignite at, or below, a temperature of one thousand two hundred (1,200) degrees Fahrenheit during an exposure of five (5) minutes and which will not continue to glow at that temperature. Tests shall be made as specified in UBC Standard No. 4-1-61.

- (b) Sign Structure. Sign structure shall be of incombustible materials, except that nonelectric business and identification signs, not exceeding thirty-two (32) square feet in area nor six (6) feet in height aboveground, and located in a landscaped area, may have a preservative treated wood sign structure, and the structural trim of the sign may be of approved combustible material.
- (c) Sign Facings. Sign facings shall be of incombustible materials or approved combustible materials.

(d) Letters, Decorations and Embellishments.

1. Letters, decorations and embellishments of signs shall be of incombustible materials or other approved combustible materials.
2. Letters, decorations and embellishments, in cut-out or irregular form, maintained in conjunction with, attached to, or superimposed upon any sign shall be safely and securely built or attached to the sign structure.

(e) Electric Signs.

1. All electrical signs, as defined in Sec. 31.03(2) shall bear the label of approval of a recognized testing laboratory.
2. All electrical signs shall be equipped with a watertight safety switch. The switch shall be located where the electrical supply enters the sign.
3. Covers of service openings shall be securely fastened by chain or hinges.

- (f) Wind Pressure. All signs shall be designed, constructed and anchored to withstand a horizontal wind pressure of not less than thirty (30) pounds per square foot of exposed area.
- (g) Dead Load. All sign structures shall be constructed and fastened to adequately support the dead load of any sign.
- (h) Footings. All footings for supports of ground signs shall be not less than three (3) feet six (6) inches below the existing ground level.
- (i) Attachment. Projecting signs may not be attached to any part of an unbraced wall above a point of bearing of the roof rafters.
- (j) Roof or Above-Roof Signs. Signs constructed on the roof of a building shall be thoroughly secured and anchored.
- (k) Illumination of Signs. Signs shall not be illuminated unless expressly allowed in this chapter. For purposes of this chapter, illumination includes any source of direct or reflected lighting incorporated in or connected with a sign. Illumination, when allowed, may be internal or external to the sign. All sign illumination shall be subject to the provisions of Sec. 10.085, Outdoor Lighting and Sec. 31.046(1), Electronic Changeable Copy Signs in addition to the following restrictions. In the event of a conflict between this section, Sec. 31.046(1), and Sec. 10.085, the more strict provision shall apply:
 1. Any illumination shall be so shielded that no direct illumination from it is visible elsewhere than on the sign and in the immediate proximity thereof.
 2. All external lighting fixtures, as defined in Sec. 31.03(2) shall be steady, stationary, fully shielded light sources directed solely onto the sign, and shall use lighting designed to minimize light spill and glare.
 3. Lighting sources (as defined in Sec. 10.085(2)) shall not be directly visible or cause glare to adjacent public right-of-ways or adjacent private property boundaries. This may be accomplished through the use of shields or cut-off devices or other similar equipment.
 4. All signs illuminated by an external lighting fixture shall be limited to a maximum amount of illumination as follows:
 - a. Signs with a gross area (for ground signs) or net area (all other signs) of less than 300 square feet shall have a maximum illumination level equal to the greater of: 1) 40 foot-candles average across the sign surface, or 2) a total of 50 watts for all fixtures.
 - b. Signs with a gross area (for ground signs) or net area (all other signs) equal to or greater than 300 square feet shall have a maximum illumination level of 70 foot-candles average across the sign surface.
 5. Internally illuminated signs or any other signs with internal illumination or indirect light from the back of the letters or sign shall not produce any glare. Internally illuminated signs displaying illuminated copy shall be designed in such a way so that when illuminated, the sign appears to have light-colored copy on a dark or non-illuminated background.
 6. This section shall not apply to "official traffic control devices" as defined in Wis. Stat. § 340.01(38) (2007-08) and as may be amended, authorized by law and erected by the authority having jurisdiction over the highway or right-of-way.
 7. Awning signs may be internally illuminated if constructed with a rigid frame covered with vinyl, plastic, or other translucent material and otherwise compliant with this section and Sec. 31.06.
 8. See Sec. 31.10 regarding illumination of window signs.
 9. Exposed neon signs are exempt from this section.
 10. Applicability. This section applies to the illumination of all signs that are erected after the effective date of the ordinance creating this section, as well as new external lighting fixtures installed on an existing sign, any other illumination feature that is added to an existing sign, and upon replacement of any sign illumination feature (external or internal) after the effective date of this ordinance creating this section. Nothing in this section shall be construed to limit or modify the applicability of permit and inspection requirements elsewhere

in this chapter, such as those applying to electrical signs, replacement or repair of signs, change of copy, etc.

31.041 SIGN PERMITS AND FEES.

(1) Permit Required.

- (a) Signs may be erected, moved, enlarged, or reconstructed within the City of Madison as allowed in this Ordinance only when a permit therefor shall have been issued by the Zoning Administrator or designee, except when specifically exempt from permit under Sec. 31.044 or elsewhere in this Ordinance.
- (b) It shall be unlawful for any person to erect, repair, alter, relocate, maintain, or change copy, except for signs designed for changeable copy, within the City of Madison any sign as defined in this ordinance without first obtaining a permit from the Zoning Administrator and making payment of the fee(s) required by this ordinance, unless a permit is not required under Sec. 31.044 or unless otherwise exempt from obtaining a permit or paying a fee under the provisions of this ordinance. All electric signs shall, in addition, be subject to the provisions of the Electrical Code (Chapter 19), and the permit fee required thereunder.
- (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.

(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 xz 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).

(3) Permit and Application Fees.

All fees under this subsection shall be payable to the City Treasurer, as follows:

- (a) Initial Sign Permit. When a permit is required under this ordinance, the permit fee shall be as follows:
 - 1. Initial permit for all signs under this chapter (except ground signs, advertising signs, and business opening signs): one dollar and seventy-five cents (\$1.75) per square foot of the net area.
 - 2. Ground signs: one dollar and seventy-five cents (\$1.75) per square foot of the gross area.
 - 3. Advertising signs: two dollars and fifty cents (\$2.50) per square foot of the net area.
 - 4. Business opening sign: flat fee of fifty dollars (\$50).
 - 5. Portable signs under Sec. 31.046(2): flat fee of fifty dollars (\$50)
 - 6. Minimum permit fee: in no case shall any sign permit fee be less than fifty dollars (\$50.00), change of copy under Sec. 31.041(3)(b) below.
- (b) Change of Copy and Change of Location Fees. The permit fee for changing the face or sign copy of a sign for which a permit is required under this ordinance, other than a sign designed for changeable copy, shall be one dollar and fifty cents (\$1.50) per square foot of the net area but in no case less than ten twenty-five dollars (\$25). The permit fee for changing the location of an existing sign on the same zoning lot shall be twenty-five dollars (\$25).
- (c) Failure to Obtain Permit. The permit shall be obtained before erecting or starting work on a sign or commencing any action for which a permit is required under this ordinance. The fee for a permit issued after commencement shall be doubled. Imposition of a double fee under this subsection shall be in addition to any monetary forfeiture or other

penalty under this Ordinance and shall not be a bar to prosecution or pursuit of other legal remedies by the City.

- (d) Urban Design Commission Fees. The fee for all applications to the Urban Design Commission under this ordinance, including appeals from the decisions of the Zoning Administrator, requests for approvals in height, area, and setback, and Comprehensive Design Review, shall be three-hundred dollars (\$300) payable to the City Treasurer.
- (e) Sign Erector's License – See Sec. 31.042.
- (4) Issuance of Sign Permit, Duration. It shall be the duty of the Zoning Administrator upon the filing of an application for permit to promptly examine such plans and specifications and other data and, if deemed necessary by the Zoning Administrator, to inspect the premises upon which the proposed sign is to be erected, and if the proposed sign is in compliance with all the requirements of this Ordinance and any other applicable laws, he/she shall promptly issue the appropriate permit upon payment of the appropriate permit fee(s) herein. If work authorized under a permit has not been completed within six (6) months after date of issuance, the said permit shall become null and void.
- (5) Denial of Permit for Unpaid Fees, etc. The Zoning Administrator may refuse to issue a sign permit to any permittee or owner who has failed to pay costs assessed for removal of a hazardous sign under Sec. 31.041(1), or failed to comply with a court order to pay a forfeiture for a violation of this Ordinance, or failure to pay other unpaid civil judgment arising out of a violation of this Ordinance. If the Zoning Administrator denies a permit under this paragraph, s/he shall provide written notice to the applicant of the denial, the reason, a description of the unpaid cost, forfeiture or judgment. The permit shall be issued upon proof of payment of the costs, fees, forfeiture or judgment in question. Proof of payment of a docketed civil judgment shall be in the form of a satisfaction of judgment.
- (6) All rights and privileges acquired under the provisions of this ordinance or any amendment thereto, are mere permits, revocable at any time by the Zoning Administrator, and all such applications shall contain this provision.

31.042 LICENSING OF SIGN ERECTORS.

- (1) License Required. A sign erector's license shall be obtained prior to engaging in the business or commencing work to erect, remove, service, repair or maintain a sign in the City of Madison on behalf of another. This requirement does not apply to persons wishing to erect, remove, service, repair or maintain a sign on the premises which the person owns or leases.
- (2) Examination. To be licensed, an individual must pass an examination administered under the direction of the Zoning Administrator. The examination shall be given by appointment with the Zoning Administrator.
- (3) Administration. The sign erector's license program shall be administered by the Zoning Administrator or designee. Applications and appointments for the examination shall be made with the Zoning Administrator. Applications shall be filed at least ten (10) days before the date on which the examination is to be held. The applicant shall pay an examination fee of fifteen dollars (\$15) at the time of application. This fee shall be in addition to the license fee hereunder.
- (4) License Fee. Upon passing the examination, payment to the City Treasurer of one- hundred twenty-five dollars (\$125), and recording any required bonds or insurance, an annual license will be issued for erecting, removing, servicing, repairing or maintaining all signs listed in this code.
- (5) Duration, Renewal of Sign Erector's License. Every license shall expire on the thirtieth (30th) day of June following the date of its issue. A sign erector's license may be renewed upon filing a renewal application and payment to the City Clerk of the renewal fee of one hundred twenty-five dollars (\$125) prior to expiration of the current license. Should any person fail to obtain a renewal license by July 1st s/he will be required to make application for and take the examination for a new license in the same manner as a new applicant.
- (6) Application for Sign Permit by Licensee. A person with a sign erector's license may lawfully obtain sign permits in their own name or the name of their own sign erector business or for a corporation or firm that is actively engaged in the sign contracting business and has a recognized business location, provided such person is permanently employed by such firm or corporation.

- (7) Transfer of Sign Erector's License Prohibited. It shall be unlawful for any person with a sign erector's license to allow the use of her/his license, directly or indirectly, for the purpose of obtaining local permits for others.
- (8) Discontinuance of Licensee's Employment. In the event that any person holding a sign erector's license shall sever her/his employment with an sign contracting and erection business entity that has been in continuous operation within the City for a period of one (1) year or more and there is no other person in such firm, association or corporation, or employed by it, who is licensed under the provisions of this chapter, the Zoning Administrator may issue permits to the business for a period of thirty (30) days from the date the licensee's employment was severed. At that time, if the firm wishes to continue in the business of sign erecting, another member or employee must apply for a license to conduct the business of outdoor sign erection and contracting according to the provisions of this ordinance. In the event that such applicant fails to obtain such license and the firm wishes to continue in the business of sign erecting, it shall employ a properly-licensed outdoor sign erector to conduct the business of outdoor signs erection and contracting within thirty (30) days after said applicant for license has been notified of her/his failure to meet the license requirements. If work done by said business during the interim 30-day period above, fails to meet all requirements of the Madison General Ordinances and applicable state law, Zoning Administrator shall not issue further sign permits until the business has properly obtained a sign erector's license under this section.
- (9) Revocation of Sign Erector's License, Appeal. Any license may be revoked by the Building Board of Examiners and Appeals should the licensee violate this Ordinance or any other law or ordinance relating to signs. No license shall be revoked except by a majority vote of the Building Board of Examiners and Appeals at a regular meeting, and no license shall be revoked unless the licensee has been notified in writing of the charges against her/him at least ten (10) days before such meeting. The licensee shall have the right to appear before the Board to answer the charges and present testimony in her/his defense. A person whose license has been revoked under this section shall not again be licensed within a period of one (1) year from date of such action.
- Any person aggrieved by any decision of the Building Board of Examiners and Appeals regarding the revocation of a sign erectors' license under this subsection may, within thirty (30) days after the filing of the decision in the office of the Board, commence an action seeking the remedy available by certiorari, or forever be barred.
- (10) Bonds and Liability Insurance. Every person licensed to erect signs shall file with the Zoning Administrator a performance bond in the sum of ten thousand dollars (\$10,000) with sureties satisfactory to the Risk Manager conditioned that such person shall faithfully comply with the provisions and requirements of this ordinance with respect to the construction, alteration or location and safety of said signs and conditioned further to indemnify, save and hold harmless the City of Madison its public officers and employees from any and all claims, damages, losses, liabilities, actions, suits or judgments which may be presented, brought, secured or sustained against the City or any of its officials on account of the construction, maintenance, alterations or removal of any said signs or by reason of any accidents caused by or resulting therefrom. In addition, every person licensed to erect signs shall carry commercial general liability insurance with no less than the following limits of liability; bodily injury, death and property damage of one million dollars (\$1,000,000) in the aggregate. This policy shall also be endorsed for contractual liability in the same amount. As evidence of that coverage the licensee shall provide a Certificate of Insurance, on a form provided by the City.

31.043 URBAN DESIGN COMMISSION AND COMPREHENSIVE DESIGN REVIEW.

The authority of the Urban Design Commission of the City of Madison ("UDC") to act upon all matters relating to signs shall be exclusively as described herein and Sec. 33.24. The fee for any application to the UDC under this section shall be as described in the fee section, 31.04(3).

- (1) Zoning Administrator Appeals. The UDC shall hear appeals of decisions of the Zoning Administrator and, where applicable, Official Notices issued by the Building Inspection Division or the Zoning Administrator relating to signs, however decisions regarding structural or mechanical concerns are not appealable. The UDC shall make a final decision on an appeal

within sixty (60) days of the application, unless the applicant waives this deadline in writing or in person at a UDC meeting.

- (2) Modifications of Height, Area or Setback. After a public hearing as provided in Sec. 33.24(4)(e)3., the UDC may approve a sign with up to twenty-five percent (25%) greater net area or twenty-five percent (25%) higher than the maximum height otherwise allowed, or reduce the required yard or setback if such approval:
- (a) Is necessary for a sign located on the site of an establishment to be identifiable and legible from the nearest roadway at prevailing speeds; and
 - (b) Will result in a sign more in scale with the building and site and in a superior overall design.
- (3) Additional Sign Code Approvals. After a public hearing as provided in Sec. 33.24(4)(e)3., the UDC may:
- (a) Permit signs that will front on roads which according to the official map or capital improvement program indicate a change of size of that road or a change of zoning in the future as if the change were currently in effect;
 - (b) Permit the use of an above-roof sign on a given zoning lot in a commercial district provided that if the signs on adjacent properties reduce the effectiveness of other types of conforming signs or where topographic relationships between structures and right-of-ways would deem their use appropriate;
 - (c) Permit the use of an above-roof sign when the architecture of the building does not provide a reasonable signable area;
 - (d) Permit the use of wall signs on building facades not adjacent to off-street parking areas where, due to a variation of building setbacks, a signable area exists, provided the area of the sign shall not exceed the area of the wall sign permitted on the front of the building;
 - (e) Permit an above-canopy sign that crosses architectural detail to be erected closer than three (3) feet to the nearest face of a building under Sec. 31.071(2)(e), if the proposed sign would not substantially detract from the contribution of the architectural detail to the overall building design.
 - (f) Approve additional signs for wayfinding purposes on certain zoning lots as authorized under Sec. 31.14(2)(b)5.a.; and
 - (g) Approve a condominium identification sign of up to thirty-two (32) square feet, as authorized under Sec. 31.14(2)(b)7.
 - (h) When allowed under this Chapter, approve the use of a banner in place of a permanent sign in all Urban Design Districts.
- (4) Comprehensive Design Review ("CDR"). The Urban Design Commission may approve a Comprehensive Sign Plan on a building site or zoning lot to allow special allowances for all signs on private property regulated under this Chapter beyond the restrictions contained elsewhere in this Chapter, and may incorporate other approvals authorized in Secs. 31.043(2) and (3) in order to meet the following purpose:
- The purpose of a Comprehensive Design Review is to determine whether unique, exceptional, and innovative use of materials, design, color, lighting, and other design elements, resulting in visual harmony created between signs, building(s), and building site, are sufficient to warrant special allowances beyond the restrictions contained elsewhere in this Chapter. For the signs included in the Comprehensive Design Review, the restrictions of this Chapter shall not apply and there shall be no predetermined requirements for those signs except those requirements which shall be made part of the approved Comprehensive Sign Plan. The resulting Comprehensive Sign Plan shall encompass the new sign(s) requested by the applicant and approved by the UDC, and any approved modifications to existing signs on the same building site or zoning lot.
- (a) Comprehensive Design Review Procedure.
- 1. The applicant shall file the required application with the required fee(s); submit site plans showing all existing and proposed buildings and signs, location and dimensions of each requested signable area; a color graphic of each proposed sign with dimensions; and any other materials as may be required by the UDC or elsewhere in these Ordinances.

2. The UDC shall review all proposed and existing signs on the buildings and zoning lot, and may require modifications to existing signs over which the applicant has control.
 3. The UDC shall hold a hearing to review a complete application that includes all information required by this subsection. The UDC's decision to approve a Comprehensive Sign Plan shall be after a public hearing on the application, following the UDC's procedures for a public hearing in Sec. 33.02(4)(e)3., except that the appeal process shall be as described herein.
 4. The UDC shall make a final decision on all complete applications for CDR within sixty (60) days of the date of the application, unless the applicant waives this deadline in writing or in person at a UDC meeting.
- (b) Comprehensive Design Review Criteria. The UDC shall apply the following criteria upon review of an application for a Comprehensive Sign Plan:
1. The Sign Plan shall create visual harmony between the signs, building(s), and building site through unique and exceptional use of materials, design, color, any lighting, and other design elements; and shall result in signs of appropriate scale and character to the uses and building(s) on the zoning lot as well as adjacent buildings, structures and uses.
 2. Each element of the Sign Plan shall be found to be necessary due to unique or unusual design aspects in the architecture or limitations in the building site or surrounding environment.
 3. The Sign Plan shall not violate any of the stated purposes described in Secs. 31.02(1) and 33.24(2).
 4. All signs must meet minimum construction requirements under Sec. 31.04(5).
 5. The Sign Plan shall not approve Advertising beyond the restrictions in Sec. 31.11 or Off-Premise Directional Signs beyond the restrictions in Sec. 31.115.
 6. The Sign Plan shall not be approved if any element of the plan:
 - a. presents a hazard to vehicular or pedestrian traffic on public or private property,
 - b. obstructs views at points of ingress and egress of adjoining properties,
 - c. obstructs or impedes the visibility of existing lawful signs on adjacent property, or
 - d. negatively impacts the visual quality of public or private open space.
 7. The Sign Plan may only encompass signs on private property of the zoning lot or building site in question, and shall not approve any signs in the right of way or on public property.
- (c) Comprehensive Sign Plan Approval. An approved Comprehensive Sign Plan shall include all approved new signs and any required modifications to existing signs on the same building site or zoning lot.
- (d) Changes to Comprehensive Sign Plan. Any changes to the approved plan must first be approved by the UDC using the full CDR process under Sec. 31.043(4)(a), except that the Zoning Administrator may grant approval for minor changes that are compatible with the concept approved by the UDC and the standards in Sec. 31.043(4)(b), upon approval of the Planning Division Director or designee.
- (e) Violation of Approved Comprehensive Sign Plan. Once a Comprehensive Sign Plan has been approved, no person shall erect or cause to be erected any sign not approved on the Plan, or alter or relocate any sign displayed pursuant to the Plan, without first obtaining approval under the procedures in Sec. 31.043(4)(d) above, and obtaining all required sign permits from the Zoning Administrator.
- (5) Appeals from Decisions of the UDC. A decision of the Urban Design Commission under this ordinance shall be a final administrative decision for purposes of judicial review. Any person aggrieved by the decision of the Urban Design Commission may commence a court action seeking the remedy available by certiorari within thirty (30) days of the decision.

31.044 SIGNS EXEMPT FROM PERMIT.

- (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 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 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. 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.

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

- (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.
- (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.
- (d) Construction-Related Temporary Signs.
1. Street Occupancy Signs. 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 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.

Maximum Gross Area: Two (2) square feet for single family or 2-unit residential uses, three (3) square feet for multiple family.

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

Illumination: No.

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.
- (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)(c).
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.
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).
- (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.
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.

Illumination: No.

- (p) Traffic or Other Official Government Signs 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.

31.045 UNSAFE AND UNLAWFUL SIGNS AND STRUCTURES.

- (1) General Enforcement.
The authority of the Zoning Administrator or designee with respect to unsafe, insecure or unlawful signs, or any sign found to in violation of this ordinance is as described in Secs. 31.04(2) and (4) herein.
- (2) Maintenance and Removal of Signs.
 - (a) All signs and structures shall be properly maintained and kept in an overall clean, neat state of appearance. It shall be the responsibility of the permit holder or property owner to maintain signs and structures.
 - (b) Abandoned Signs. Signs that no longer serve the purpose for which they are intended, or are not maintained, or which have been abandoned, shall be removed by the most recent permit holder, the property owner, or by the City, at the expense of the property owner and may be charged to the property owner as a special charge. The Zoning Administrator shall keep an accurate account of the cost of such removal and bill the property owner. If any account remains unpaid, the Zoning Administrator may report the same to the City Comptroller, who shall annually prepare a statement of all special charges at each lot or parcel of land and report the same to the City Clerk, and the amount therein charged against said lot or parcel of land shall be entered in the tax roll as a special charge against said lot or parcel, and the same shall be collected in all respects like any other special charge upon real estate under Sec. 66.0627 of the Wisconsin Statutes.
 - (c) Damaged or defaced signs shall be cleaned, repaired or removed by the most recent permit holder or property owner, or by the City of Madison under Sec.31.04(4).
- (3) Hazardous or Prohibited Signs, Structures and Conditions.
 - (a) Bracing of Signs. No sign or structure or any part of such structure as defined in the preceding sections, or any anchor, brace, guy wire or guide rod shall be attached, fastened or anchored to any fire escape, fire ladder or stand pipe, and no such structure or any part of such structure or anchor brace, guy wire or guide rod shall be erected, put up or maintained so as to cover or obstruct any roof, required doorway, required window or other opening of any building so as to prevent or hinder ingress or egress through such required door, doorway, window, exit or other opening, or so as to prevent or hinder the raising or placing of ladders against such building by a Fire Department as necessity may require.
 - (b) Signs Not to Constitute a Traffic Hazard. No sign regulated by this ordinance shall be erected at the intersection of any streets in such a manner as to obstruct free and clear

vision as further delineated in other sections of this ordinance; or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device; or that makes use of the words "STOP", "LOOK", "DRIVE-IN", "DANGER", or any other word, phrase, symbol, or character in such manner as to interfere with, mislead or confuse traffic.

(c) Public Right-of-Ways.

1. No sign, advertisement, cabinet or obstruction, or any other object shall be placed upon, over, or in any public highway right-of-way, including the sidewalk, street, alley or public ground, or upon posts, trees or other supports in any public street or public ground, except that this section shall not be construed to prohibit the erection or placing of official traffic control devices, signs, signals or markers or other signs authorized by law or this ordinance, or of any other object specifically authorized by law of the State of Wisconsin or by these ordinances. This section shall not prohibit carrying of portable hand-held signs on the sidewalk or other pedestrian ways, when done so in compliance with Sec. 31.046(2)(b).
2. This subsection does not apply to those matters set forth in Sec. 3.51(4)(i), MGO. This is a Charter Ordinance adopted pursuant to Wis. Stat. § 66.0101, and Article XI, Sec. 3 of the Wisconsin Constitution.

(d) Suspended Signs. No sign or other structure as defined in this section shall be fixed to or suspended from any other sign so that the distance from the lower side of the sign or projection will be less than ten (10) feet from the top of a pedestrian walkway.

(e) Signs Affixed Flat Against Building Walls. No sign affixed flat against a building wall shall extend beyond any edge of such wall, and no sign shall be painted or posted directly upon any wall except as provided for in Sec. 31.15(2) and Sec. 33.01(5)(d) or (e). See also Sec. 31.07 for the regulation of wall signs in commercial, office and manufacturing districts.

(f) Use of Projected Images, in Conjunction With Signs. Any projected images, video, or other electronic light or laser displays projected onto a sign, building or structure are prohibited unless expressly allowed elsewhere in these Ordinances.

(g) 1. Motion Signs. All Motion signs, as defined in Sec. 31.03(2), are prohibited. Flags and decorative and promotional banners allowed under Sec. 31.075 are not considered "motion signs."

2. Attention-Getting Objects. All Attention-Getting Objects, defined in Sec. 31.03(2), whether or not attached to or displayed in connection with a sign, are prohibited. Flags and decorative and promotional banners allowed under Sec. 31.075 are not considered "Attention-Getting Objects."

(h) Flashing Signs. All Flashing signs, as defined in Sec. 31.03(2), are prohibited regardless of the frequency of the flashing. Signs displayed in compliance with Sec. 31.046(1) and motion signs displayed in compliance with sub. (g)1. above, shall not be considered in violation of this prohibition. Official traffic control devices are exempt from this prohibition.

(i) Digital Image Signs. Digital Image Signs, as defined in Sec. 31.03(2), whether static or animated, are prohibited.

(j) Signs on Bridges and Overpasses. No person shall display, place, erect, post, maintain, install, affix, or carry any sign, including a hand-carried sign, on any portion of a vehicular or pedestrian bridge or overpass that passes over a freeway or expressway as defined in Wis. Stat. § 346.57, or a controlled access highway as defined in Wis. Stat. § 990.01, when such highway has a speed limit of more than 40 miles per hour, whether the highway is under the jurisdiction of the federal, state or local government, provided that such sign is visible from such freeway, expressway or controlled access highway.

This paragraph shall not apply to "official traffic control devices" as defined in Wis. Stats. § 340.01(38), (2005-06) and as may be amended, which are authorized by law and erected by the authority having jurisdiction over the highway or right of way. Nothing in this subsection shall be construed to limit or restrict the application of Secs. 31.045(2)(b) and (c) of this ordinance, Wis. Stat. ch. 86 and any applicable regulations

created by the Department of Transportation pursuant to that chapter, or any other federal, state or local law that prohibits or restricts the placement of signs in highways or other right-of-ways.

31.046 MISCELLANEOUS SIGNS

- (1) Electronic Changeable Copy Signs. Electronic Changeable Copy Signs, as defined in Sec. 31.03(2), may be displayed on a wall, roof, above-roof, ground, projecting, or canopy sign, in the commercial, office, manufacturing districts, and upon non-residential uses in special in districts of special control, according to the following criteria:
 - (a) The sign shall conform to all applicable provisions of this chapter (area, placement, etc.) for the type of sign in question.
 - (b) The electronic changeable copy or images shall not alternate, change, fade in, fade out, or otherwise change more frequently than once every one (1) hour.
 - (c) Scrolling, racing, pixelating or moving characters or images, or those that have the appearance of movement, are prohibited for any reason, including as a method of changing copy once per hour under sub. (b) above.
 - (d) All copy/characters or other changeable images shall be of one (1) color only, with light copy on a dark background.
 - (e) Exceptions:
 1. Scoreboards approved under Sec. 31.044(1)(a).
 2. Official traffic control devices defined in Wis. Stats. § 340.01(38) (2005-06).
 3. A sign with electronic changeable copy that displays only motor fuel prices or gasoline-ethanol fuel blend prices as regulated by Wis. Stat. § 100.18 and 168.11 (2005-06), may be exempt from Sec. 31.046(1)(a), (b) or (d) but is not exempt from Sec. 31.046(1)(c).
 4. Time and Temperature. Signs with changeable copy displaying only the time and temperature may change as frequently as necessary to display the correct time and temperature, and are therefore exempt from Sec. 31.046(1)(b), but are not exempt from Sec. 31.046(1)(a), (c) and (d). The time and temperature may be displayed on any sign where allowed by this chapter, in any zoning district other than the residential district.
 - (f) Signs displayed in compliance with this Sec. 31.046(1) shall not be considered in violation of the prohibition against Flashing Signs in Sec. 31.045(3)(h).
 - (h) Prohibition. Any sign that displays electronic changeable copy or other digital, electronic or internally illuminated text or images in violation of the above criteria, is prohibited.
- (2) Portable Signs.
 - (a) Display on Private Property. Hand-carried portable signs may be displayed on a zoning lot in any zoning district, with the owner's permission and without a permit. Other Portable signs may be displayed on a zoning lot in the Commercial and M1 districts with a permit and subject to the following:
 1. Size. The maximum area of the portable signs including all supporting structures, shall be no greater than two (2) feet by three (3) feet on a side, with a maximum of two (2) signable sides or faces. Sign copy shall not be displayed on more than two (2) sides or faces and shall not extend beyond the outer edges of the sign structure.
 2. Number. A maximum of one portable sign (1) per street frontage and two (2) per zoning lot may be displayed.
 3. The portable sign shall only be displayed when the business or organization to which the sign refers is open for business.
 4. A portable sign shall be free-standing, self-supportive and constructed of substantial materials so as to withstand moderate wind velocity as required by Sec. 31.04(5)(f), and otherwise not create a hazard.
 5. No portable sign shall be displayed within an entryway or exit that is required to remain unobstructed by any applicable ordinance, state or federal law.
 6. Illumination. Portable signs shall not be illuminated.

- (b) Display on Public Property. Portable signs may be displayed on public property only as follows, and may be displayed without a sign permit:
1. Portable signs used in a parade for which a permit has been issued under Sec. 12.87(11).
 2. Portable signs displayed during and within the confines of an event for which a valid street use permit has been issued under Sec. 10.056, or displayed on private property directly adjacent to the area for which the street use permit has been issued and only while the street use permit is valid.
 3. Portable signs used at a city park during and within the confines of an event for which a valid permit has been issued by the Parks Division of the City of Madison and only while the permit is valid.
 4. Hand-carried portable signs on private property with the owner's permission or hand-carried signs on the public sidewalk or other pedestrian way, if the person carrying the sign or the sign itself is not in violation of other ordinances or laws applicable to the location and conduct, including but not limited to obstructing traffic, obstructing the sidewalk, trespassing, or conducting or participating in an event for which a parade permit, street use permit or park use special event permit would be required by city ordinance, but without such a required permit. Portable hand-carried signs shall be prohibited on certain bridges and overpasses as stated in Sec. 31.045(3)(j) and this exception shall not apply. Nothing in this exception shall be construed to limit the application of Secs. 31.045(3)(b) and (c) of this ordinance, Wis. Stat. ch. 86 and any regulations created by the Department of Transportation, or any other federal, state or local law that prohibits or restricts signs in highways or other right-of-ways, except as expressly stated herein.
- (c) All other portable signs shall be prohibited.
- (3) Inflatable Signs. Inflatable signs, other than the exceptions enumerated herein, shall be prohibited because they are generally more distracting and hazardous to pedestrian and traffic safety, tend to have an anchoring device that is less reliable under wind pressure, and out of scale and less compatible with surrounding structures and signs. The following inflatable signs may be displayed as described below:
- (a) Parades. Balloons and inflatable figures and displays used in a parade for which a permit has been issued under Sec. 12.87(11).
 - (b) Street Use Events and Parks Special Events. Inflatable signs, including registered hot air balloons moored and being used primarily as a sign, displayed during and within the confines of an event for which a valid street use permit has been issued under Sec. 10.056, or on private property directly adjacent to the area for which the street use permit has been issued, or at a city park during and within the confines of an event for which a valid permit has been issued by the Parks Division, and only while the permit is valid, subject to the following conditions:
 1. A Certificate of Insurance, on a form acceptable to the City, showing that commercial general liability insurance is provided for the inflatable device with the City of Madison, its employees and agents being named as additional insureds. Liability coverage shall include no less than the following limits of liability; bodily injury, death and property damage of one million dollars (\$1,000,000) in the aggregate. This policy shall also be enforced for contractual liability in the same amount.
 2. Displays may not exceed thirty-five (35) feet in height and may not be displayed from rooftops or moored or tethered with the device floating more than one foot off the ground, unless approved by the Common Council under Sec. 10.056 or the Board of Park Commissioners for displays in public parks;
 3. Displays must be set back sixty (60) feet from the traveled portion of any public street or highway and one hundred (100) feet from any intersection, unless approved by the Common Council under Sec. 10.056 or the Board of Parks Commissioners for displays in public parks;

4. Displays may not occupy parking spaces for the handicapped, drive aisles, or required parking spaces for multi-tenant properties and must be safely displayed in accordance with the manufacturer's instructions and any applicable Federal Aviation Administration (FAA) regulations.
- (c) The following inflatable devices shall not be considered a sign:
1. Registered hot air balloons in use and momentarily moored but not being used primarily as a sign.
 2. Novelty-type balloons less than two (2) feet in diameter and less than three (3) feet in any dimension tethered or moored no more than ten (10) feet above the ground.
 3. Inflatable holiday or other decoration 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.

31.05 NONCONFORMING SIGNS.

As an exercise of its police powers and authority to regulate for the health, safety and welfare of the public, the City recognizes only the following limited and enumerated circumstances under which a sign that does not meet to the requirements of this chapter may continue to be displayed:

- (1) (a) General Rule. Any existing sign (except an Advertising Sign) that complied with the requirements of this Chapter at the time of erection and becomes noncompliant with the requirements of this Chapter on the effective date of this Ordinance or subsequent amendment may continue to be displayed, and copy may be changed, under the following circumstances:
 1. There is no increase in gross area, net area, illumination, increase or addition of flashing, movement, or other features or characteristics prohibited by Sec. 31.045 and no addition of features that would violate Sec. 31.046(1) (Electronic Changeable Copy Signs).
 2. There is no change of use on the zoning lot in question. If there is a change of zoning use, all signs on the zoning lot in question shall conform to the provisions of this chapter for the applicable zoning district, except as stated in sub. (b) below.
 - (b) Shared Ground Signs. Where two or more uses share a single ground sign, and one or more, but not all of the uses are changed, copy on the shared ground sign may be changed accordingly to serve the new use(s). However, if all uses that share the ground sign are changed simultaneously, that ground sign shall be brought into conformity with the current provisions of this chapter for the zoning district in which the sign is located.
 - (c) If an existing nonconforming sign is removed (or substantially removed), ordered to be removed under the authority elsewhere in this chapter, destroyed, or otherwise ceases to exist, the sign is no longer subject to the general rule allowing continued display or changes of copy under Sec. 31.05(1)(a) above.
 - (d) Existing nonconforming commercial uses in residential zoned districts are subject to the sign requirements for the C1 district.
- (2) Nonconforming Advertising Signs.
- (a) Any existing advertising sign, and its supporting structure if other than a wall sign, located on any zoning lot with frontage on State Street, on the Inner or Outer Ring or on streets connecting the Inner Ring and Outer Ring, shall be removed by the owner thereof at no cost to the City no later than December 31, 1983. For purposes of this subsection, the term "Inner Ring" shall mean the connecting pattern of streets abutting the Capitol Square, to wit: Main Street, Pinckney Street, Mifflin Street and Carroll Street. The term "Outer Ring" shall mean the connecting pattern of streets one block off the Capitol Square, to wit: Doty Street, Webster Street, Dayton Street and Fairchild Street. All other existing advertising signs within the No Advertising Sign District, except for the Howard Johnson directional bulletin located at 525 University Avenue which may only continue as a directional sign, the two roof signs located at 753 East Washington Avenue and the three ground signs located at 640 Williamson Street, shall

be removed by the owner at no cost to the City at the rate of no less than one sign per year beginning in calendar year 1983. However, all such signs shall be removed no later than December 31, 1989.

- (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. Such existing advertising signs may not be restored or reconstructed if damaged or destroyed by fire or other casualty or act of God to the extent that the total cost of restoration to the condition in which it was before the occurrence shall 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 hereunder shall be made by the Urban Design Commission and any restoration or reconstruction 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.

31.051 APPLICABILITY OF SECTIONS 31.06 TO 31.12

Secs. 31.06 through 31.12 shall be applicable only in the zoning districts indicated in each of those sections and Sec. 31.15, "Tables of Permitted Signs." In no case shall any of the signs described in Secs. 31.06 through 31.12 be displayed in Residential, Agricultural or Conservancy Districts unless expressly allowed under Sec. 31.14 or elsewhere herein.

31.06 AWNING SIGNS.

Signs may be displayed on an awning in the Commercial, Manufacturing and Office districts specified in Table 2, 31.15(2), and subject to the following provisions:

- (1) Signs may be 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.
- (2) An awning may be designated a signable area as an alternative to one on the building facade, provided the awning does not exceed it in area. The area of signs displayed shall be no more than forty percent (40%) of the area of the principal face of the awning or two (2) square feet of signs for each lineal foot of building frontage, but not to exceed one hundred percent (100%) of the signable area.
- (3) Any internally illuminated awning to be erected on property zoned residential, or within one hundred (100) feet and directly across the street visible from property zoned residential or is adjacent to, or across the street from, a designated landmark or a public park, shall require City Plan Commission approval under the procedure and provisions of Sec. 28.12(11), MGO, after review and recommendation of the Urban Design Commission.
- (4) The illumination level of an internally illuminated awning shall not exceed seventy-five (75) footlamberts.
- (5) Awning signs may be external illuminated, subject to Sec. 31.04(5)(k).

31.065 BUSINESS OPENING SIGNS.

Business opening signs, as defined in Sec. 31.03(2), may be displayed in the districts indicated in Sec. 31.15(2) (Table 2) of this ordinance, subject to the following provisions:

- (1) Type of Sign. A business opening sign may be a wall sign, roof sign, canopy fascia sign, or projecting sign.
- (2) Location. A business opening sign may be displayed in the districts indicated in sec. 31.15(2) (Table 2) of this ordinance. A business opening sign may be displayed in addition to, in lieu of, or affixed to a permanent sign of the type described in sub. (1) above.
- (3) Size. The size of a business opening sign shall be determined by the type of sign chosen, and shall be limited to the maximum size allowed for a permanent sign of that type at that location.
- (4) Banners. A banner may be used as a business opening sign.
- (5) Illumination. Business opening signs may be illuminated subject to Sec. 31.04(6)(k).

- (6) Duration. A business opening sign may be displayed for a period not to exceed thirty (30) days from the date the business opened, changed names, or changed ownership; and shall not be renewed.

31.07 WALL, ROOF AND ABOVE-ROOF SIGNS.

- (1) Wall and roof signs may be displayed in the commercial, manufacturing and office districts, subject to the requirements of the Tables of Permitted Signs, Sec. 31.15(1) (Table 1). Wall signs may be attached flat to, or affixed parallel to and at a distance of not more than fifteen (15) inches from the wall. Wall and roof signs may be illuminated subject to Sec. 31.04(5)(k).
- (2) Wall and Roof Signable Area. All wall and roof signs shall be displayed within the selected signable area, except as provided in subs (4) and (5) below.
- (a) Number of Signable Areas. There shall be one (1) signable area, whether on the wall or the roof, for each facade facing a street. There shall be no more than four (4) signable areas per building, except:
1. For buildings with more than one occupant side-by-side: the signable area may be divided for building occupants when the building facade is divided by architectural details or internal segmentation that designating separate horizontal occupancies or tenant spaces. Each occupant/tenant will be allowed a signable area as reasonably close to its space as possible.
 2. For multi-story buildings with more than one vertical occupancy, there may be up to two (2) additional signable areas per façade displayed above the first story, with no limitation on the height of placement, but a total of only one (1) sign per occupant, per façade, will be allowed.
- (b) How to Select and Measure Signable Area: The signable area for wall and roof signs shall be determined as follows:
1. Wall Signs. The signable area for a wall signs is determined by the area of the facade of the building that is free of doors, windows (for purposes of this definition, spandrel panels or other non-vision glass used as an exterior building material are not considered windows) or other major architectural detail, and that extends no higher than the juncture of the wall and the roof, or in the case of a facade that includes a parapet wall, no more than four (4) vertical feet of the parapet wall may be included in the measurement of the signable area.
 2. Roof Signs. The signable area for a roof signs is one (1) designated area of the roof that is free of windows and doors or major architectural detail, that extends no higher than the roofline.
 3. Measuring Signable Area. The size of the signable area is determined by calculating the number of square feet that are enclosed by an imaginary rectangle or square drawn around the area selected pursuant to 1. and 2. above, and sub. (3) below.
- (3) Above-Roof Signs. An above-roof sign is a sign, any portion of which is displayed above the roofline. Above-roof signs may be displayed in the M1 and M2 manufacturing districts and as allowed in Sec. 31.04(2)(b)2.b.iii. and iv., if no wall or roof sign is displayed on the corresponding facade. The signable area for an above-roof sign is calculated on the corresponding wall facade and can be transferred above the roof line. An above-roof sign may extend to a maximum height of ten (10) feet above the roofline.
- (4) Size. The permitted net area of wall, roof and above-roof signs shall be no more than forty percent (40%) of the signable area or two (2) square feet of signage for each lineal foot of building frontage, except that for all Planned Developments (as that term is used in Sec. 33.24(4)(b)1.) and when the total square footage of all buildings on the zoning lot is twenty-five thousand (25,000) square feet or more, the maximum net area shall be thirty percent (30%) of the signable area, and the lineal foot method of measurement shall not be available. If the net area is measured by lineal feet of building frontage, the total net area of the sign displayed shall not exceed one hundred percent (100%) of the signable area designated under Sec. 31.07(2), above. However, the net area for wall signs in the RPSM and RDC districts shall be a

maximum of one-hundred (100) square feet per sign, or one hundred percent (100%) of the signable area, whichever is less.

- (5) Signs Outside Signable Area. The following types of signs may be displayed on a wall outside the signable area:
- (a) Parking Lot Directional signs displayed in a location and with dimensions that otherwise conform to the requirements of this chapter for such signs.
 - (b) Menu boards placed at a height between three and a half to eight (3 ½ to 8) feet off the ground and with a maximum net area of ten (10) square feet.
 - (c) Not more than one (1) logo, a maximum net area of six (6) square feet.
 - (d) Wall Signs Adjacent To Off-Street Parking. Wall signs may be displayed on the facade of a building that does not face a street but is adjacent to an off-street customer parking area of at least thirty-three (33) feet in width, under the following circumstances: (1) if the parking area is on the same zoning lot as the building on which the sign is displayed; or (2) if the parking area is not on the same zoning lot but is available for use under a reciprocal cross-access agreement, an approved planned commercial development site plan or when a conditional use permit has been granted to the owner of an adjacent lot to allow accessory parking for the use within the building on which the signed is displayed. Such signs shall be subject to the same limitations as signs on the street side(s) of the building but shall not exceed the area of the maximum size wall sign permitted elsewhere on that building.
 - (e) Any other wall signs allowed under Sec. 31.042, Signs Exempt from Permit, or expressly permitted elsewhere in this ordinance.
- (6) Large Buildings. Additional signable areas may be designated on Large Buildings, as defined in Sec. 31.03(2), and wall, roof and above-roof signs may be displayed within those additional signable areas, as provided below:
- (a) Buildings Exceeding 125 Feet in Length. On each facade of the building, where wall, roof or above-roof sign(s) are displayed meeting the criteria of this section, up to four (4) additional accessory signs, as defined in Sec. 31.03(2), may be displayed. The accessory signs under this paragraph shall not exceed 50% of the net area or 50% of the height of largest permitted wall, roof or above-roof sign already displayed on that facade.
 - (b) Buildings Five (5) or More Stories in Height. For buildings five (5) stories or more in height, one (1) additional signable area for each facade may be selected. The signable area under this section shall be measured using the criteria under Sec. 31.07(2)(b) except the total area of the additional signable area under this paragraph shall not exceed five percent (5%) of the area of the facade. The maximum net area of a sign displayed within this additional signable area shall be determined under Sec. 31.07(4).
 - (7) Banners. A banner may be used as a wall sign subject to the requirements for a wall sign under Secs. 31.07(2), (4), (5)(b) and (5)(c) herein, except that in an Urban Design District, UDC approval is required under Sec. 33.24 before a banner may be used in place of a permanent sign. A banner shall not be used for a roof or above-roof sign, or for any of the signs described in Sec. 31.07(5)(a) or (6).

31.071 CANOPY SIGNS

A sign may be displayed on a canopy in the Commercial, Manufacturing and Office districts specified in Sec. 31.15(2) (Table 2), and subject to the provisions of this section. Canopy signs may be illuminated, subject to Sec. 31.04(6)(k). Banners shall not be used as canopy signs.

- (1) Canopy Fascia Signs. A sign may be displayed on the fascia of a canopy. Such sign shall be considered a wall sign, with the fascia of the attached canopy acting as the signable area.
The signable area for a canopy fascia sign shall not project beyond the limits of the canopy in any direction, and shall be no wider than the width of the canopy.
- (2) Above-Canopy Signs. In lieu of a canopy fascia sign or wall sign, a maximum of one (1) sign may be erected on the top of an attached canopy, except where the canopy is facing two street frontages or facing an off-street parking area that is thirty-three (33) or more feet in width, if the parking area is on the same zoning lot as the building on which the sign is displayed, or if the parking area is not on the same zoning lot but is available for use under a reciprocal cross-

access agreement, an approved planned commercial development site or when a conditional use permit has been granted to the owner of an adjacent lot to allow accessory parking for the use within the building on which the sign is displayed, a maximum of two (2) signs may be erected on the top of said canopy. Above-canopy signs shall be subject to the following additional restrictions:

- (a) The sign shall be the business name or business logo only.
 - (b) The sign shall have a vertical dimension no higher than the roofline of the corresponding building facade and no higher than two (2) feet above the canopy, except as allowed in Sub. (2)(c)2., herein.
 - (c) The sign shall be constructed only of free-standing letters, numbers, other characters, or free-standing business logos, subject to the following:
 - 1. The supporting sign construction for a logo must conform to the shape of the logo.
 - 2. A logo shall be limited to four (4) square feet in area measured by drawing the smallest possible square or rectangle enclosing the extreme limits of the logo. The logo shall not extend above the roofline of the corresponding building facade. However, a logo may exceed the two (2) foot height limit.
 - (d) The horizontal dimension of the sign shall be no wider than the width of the attached canopy on which it is displayed, or the width of the corresponding facade, whichever is narrower.
 - (e) An above-canopy sign may be placed at any distance from the face of the building, except a sign that crosses architectural detail may not be displayed closer than three (3) feet from the nearest face of the building, unless prior approval of the Urban Design Commission has been obtained under Sec. 31.043(3)(e).
- (3) Below-Canopy Signs. In lieu of a projecting sign, a sign may be displayed below an attached canopy with no signable fascia area, if the sign meets following criteria:
- (a) shall be mounted beneath the canopy, and
 - (b) shall not project or extend beyond the limits of the attached canopy in any direction, and
 - (c) shall not hang more than eighteen inches (18") from the bottom of the canopy, however this dimension shall be reduced as necessary to provide the following pedestrian or vehicular clearance: the sign must vertically clear any pedestrian area by at least ten (10) feet, and vehicular ways by at least fourteen (14) feet, and
 - (d) shall project no more than twenty-four (24) inches into the public right-of-way.
- (4) Miscellaneous Canopy Signs. In lieu of a wall sign, a sign that does not fit into any of the categories above may be displayed on a detached canopy or an attached canopy with no signable fascia area, if the sign meets the following criteria:
- (a) The maximum net area of any canopy sign approved under this subsection shall be not more than ten percent (10%) of the total area of an imaginary vertical plane measured from the upper edge of the canopy to the lowest point of the canopy on the face the sign will be attached, excluding any supporting structures.
 - (b) The horizontal dimension of the sign shall be no wider than the width of the canopy on which it is displayed.
 - (c) If mounted below the canopy, the sign shall not hang more than eighteen inches (18") from the bottom of the canopy, however this dimension shall be reduced as necessary to provide the following pedestrian or vehicular clearance: the sign must vertically clear any pedestrian area by at least ten (10) feet and vehicular ways by at least fourteen (14) feet, and
 - (d) The sign shall project no more than twenty-four (24) inches into the public right-of-way.
- (5) Nothing in this section shall be construed to permit canopy signage within any portion of the public right-of way beyond the criteria of this section.

31.075 FLAGS AND DECORATIVE AND PROMOTIONAL BANNER(S).

Flags, decorative banners and promotional banners, as defined in Sec. 31.03(2), may be displayed in the districts indicated in Sec. 31.15(2) (Table 2), subject to the following:

- (1) It shall be unlawful for the owner or occupant of any private property to permit the placement or display of any, flags or decorative and promotional banners upon private property except in compliance with the following:
 - (a) A permit fee of twenty-five dollars (\$25) for each promotional banner.
 - (b) A minimum clearance of eight feet (8') shall be required over pedestrian ways and twelve feet (12') over vehicular areas.
 - (c) No flag or banner shall be so installed to intrude into any public right-of-way.
- (2) It shall be unlawful for any person to install, place or display any flag, decorative banner, or promotional banner in the public right-of-way except in compliance with the following:
 - (a) A permit fee of fifty dollars (\$50) for each promotional banner.
 - (b) A minimum vertical clearance of seventeen feet (17') shall be maintained from the roadway to the bottom of the banner when mounted on poles, except on State Street where the clearance shall be a minimum of sixteen feet (16'). When mounted to a structure, the minimum vertical clearance shall be no lower than the bottom of the structure.
 - (c) The maximum tensile strength of any rope, cord or other attachment device to be used for attaching banners to City property shall be four hundred (400) pounds.
 - (d) Attachment of any banner to a City pole shall be by existing eye bolts or other method approved by the City Department of Transportation.
 - (e) A certificate of insurance evidencing the existence of commercial general liability insurance shall be filed with the City Department of Transportation before banner installation with minimum limits of five hundred thousand dollars (\$500,000) per occurrence with the City named as an additional insured.
- (3) Any flag, decorative banner or promotional banner installed, placed, or displayed in the public right-of-way in violation of this ordinance shall be removed at the owner's expense which shall be in addition to and in excess of any forfeiture or storage fees for violating this ordinance.

31.08 GROUND SIGNS.

- (1) Applicability, Location. Ground signs shall consist of two categories, Monument and Pole signs as defined in Sec. 31.03(2). Ground signs under this section are permitted on a zoning lot in the zoning districts indicated in sec. 31.15(1), "Table 1," if the zoning lot is accessible by motor vehicle, or has off-street parking on the premises, or if the primary building or structure on the zoning lot is set back at least thirty-five (35) feet from the adjacent street or highway right-of-way. Ground signs permitted under this section may be illuminated, subject to Sec. 31.04(6)(k). Ground signs in the RPSM and RDC districts shall be incorporated in the landscape plan, and shall include the use of plant materials at the sign base. Except as expressly provided, this section and corresponding portions of Table 1 apply only to Pole and Monument signs.
- (2) Number, Height, Net Area.
 - (a) Number. No more than two (2) ground signs of the type permitted in this section may be displayed on a single zoning lot, unless approved by the Urban Design Commission through a Comprehensive Design Review under Sec. 31.043 herein. "Zoning Lot" shall have the definition found in Sec. 28.03(2), which includes a planned commercial site, or a lot, or lots; as further described in that section. However, for purposes of this section only, a planned commercial site that meets the criteria of Sec. 28.09(3)(d)24. is considered a single zoning lot. Additional ground signs expressly authorized elsewhere in these Ordinances shall not be counted toward the maximum number of ground signs under this paragraph.
 - (b) Height. The height of a ground sign shall be measured from the top of the sign to the approved grade at the base of the supporting structure. The maximum height for all permitted ground signs under this section varies by zoning district, the number of lanes and speed limit of adjacent highways, and whether the sign is a Pole sign or Monument sign, as set forth in Sec. 31.15(1), "Table 1." No ground sign shall exceed the maximum height allowed in Table 1. A Pole sign shall have a maximum height of twenty-two (22) feet, subject to the limits of Table 1. The maximum height of any permitted ground sign in the RPSM and RDC districts shall be six (6) feet. The maximum height for other exempt or special-purpose ground signs expressly authorized

by another section of this ordinance, shall be as set forth in such other section. The maximum height for any other sign displayed on the ground not addressed by this section or elsewhere in this ordinance shall be fifteen (15) feet.

(c) Net Area. The net area of a Ground sign shall be measured according to the definition of "Net Area" in Sec. 31.03(2). The maximum net area for Ground signs is determined in part by the speed limit of adjacent highways and is set forth in Sec. 31.15(1), (Table 1) and as follows:

1. The maximum net area of any Ground sign face is the lower of the two numbers provided under Ground Signs in Table 1.
2. For a single Ground sign with back-to-back or multiple sign faces, the net area of all sign faces shall be added together to determine the total net area of that ground sign.
3. The combined net area of all ground signs on a zoning lot shall not exceed the greater of the two numbers provided under Ground Signs in Table 1. This total net area may be divided between a maximum of two (2) ground signs or displayed on multiple faces, but in no case shall the net area of a single sign face exceed the smaller of the two numbers permitted in Table 1.
4. Ground Signs in RDC Districts. Ground signs in an RDC district shall comply with Sec. 31.08, except that the maximum net area of any single ground sign face in RDC districts shall be thirty-two (32) square feet, and the maximum net area for any single ground sign shall be sixty-four (64) square feet, per sign. The net areas and sign faces shall be measured as described above.
5. Ground Signs in the RPSM District. Ground signs in an RPSM district shall comply with Sec. 31.08, except that the maximum net area shall be determined in part by the set-back of the sign, as follows:

<u>Sign is Set back:</u>	<u>Maximum Net Area:</u>
Less than 3' from lot line	No Sign Permitted
3' to 10' from lot line	15 square feet
10' or more from lot line	32 square feet (total net area for any single ground sign shall be sixty-four (64) square feet. The net areas and sign faces shall be measured as described above for all ground signs.)

(3) Ground and Projecting Signs.

If Ground and projecting signs are displayed on the same a zoning lot, only one (1) of such signs, where permitted may exceed twelve (12) square feet in net area.

(4) Banners Not to be Used as Ground Signs. A banner may not be used as or displayed upon a Ground sign.

31.09 PROJECTING SIGNS.

(1) Projecting signs, as defined in Sec. 31.03(2), may be displayed on buildings in the commercial, office and manufacturing districts specified in Sec. 31.15(2) (Table 2) and subject to the following restrictions:

- (a) Minimum and Maximum Projection. A projecting sign, as defined in Sec. 31.03(2), is a sign that projects outward, perpendicularly from a wall at a distance of at least 15 inches or more from the building face. The maximum distance a projecting sign may project is not more than twenty-four inches (24") into the right-of-way. Where setbacks permit, projecting signs may project not more than six feet (6') from the building face.
- (b) Location. Occupants may display a total of one (1) projecting sign on a facade facing a street or on a corner of a building. Projecting signs may be displayed in addition to any wall sign allowed under Sec. 31.07.
- (c) Net Area. The permitted net area of projecting signs shall not exceed the square footage permitted in the Table of Permitted Signs, Sec. 31.15(1) ("Table 1"), except if a projecting sign is displayed on the same zoning lot as a ground sign, the permitted net area shall be subject to Sec. 31.08 (3).
- (d) Illumination. Projecting signs may be illuminated, subject to Sec. 31.04(6)(k).

- (2) The following additional regulations apply to projecting signs:
 - (a) Projecting signs must vertically clear any pedestrian area by at least ten (10) feet and vehicular ways by at least fourteen (14) feet,
 - (b) Projecting signs may extend to the juncture of the roof with the building wall or to the top of any parapet, but projecting signs may not extend above a third story
- (3) Projecting Banners. A banner may be displayed in lieu of a projecting sign permitted under this section and shall be subject to the construction requirements under Sec. 31.04(7). Banners in an Urban Design District require UDC approval.

31.10 WINDOW SIGNS.

Window signs, as defined in Sec. 31.03(2), may be displayed in the Commercial, Manufacturing and Office districts without a permit, subject to the following restrictions:

- (1) Window signs consisting solely of individual alphabetic letters, numerals, or other symbolic characters without any background may be displayed but the net area shall not cover more than thirty (30) percent of the total window area.
- (2) A window sign that includes opaque objects, logos, or other images, or any type of background, (whether or not any object allowed under sub. (1) is included) may be displayed, but the net area of all window signs shall not exceed twenty percent (20%) of the total window area.
- (3) The “total window area” shall be one continuous panel of glass or other transparent material, or a set of two or more panels divided by mullions of six (6) inches in width or narrower. Panels surrounded on all sides by solid walls or mullions wider than six (6) inches shall be considered individual windows.
- (4) The net area, for purposes of subs. (1) and (2), shall be determined by measuring a box around each group of characters, objects, images, logos and any background.
- (5) For purposes of this section, any banner attached to the outside of a window shall not be considered a window sign.
- (6) Illumination. Window signs may be illuminated, subject to Sec. 31.04(6)(k). Window signs that are internally illuminated and flashing are prohibited.
- (7) Other Window Signs Prohibited. Window signs other than those expressly allowed under this section (Sec. 31.10) or expressly permitted or allowed elsewhere in this code (ch. 31) shall be prohibited, and no permit shall be issued for a window sign in violation thereof.

31.11 ADVERTISING SIGNS.

- (1) Existing advertising signs are nonconforming and permitted to remain only in the C2, C3, and C3L Commercial Districts and the M1 and M2 Manufacturing Zoning 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
- (2) General Regulations for Advertising Signs.
 - (a) In addition to the regulations in this subsection, advertising signs shall conform to all other provisions of this chapter except size, height, setback and signable area regulations which apply only to other signs.
 - (b) Advertising signs, and their supporting structures if other than a wall sign, shall be spaced at intervals of not less than three hundred (300) feet when viewed from one directional flow of street traffic.
 - (c) Reserved For Future Use.
 - (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:
 - 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.
- (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.

31.115 OFF-PREMISE DIRECTIONAL SIGNS

- (1) Off-Premise Directional Signs, as defined in Sec. 31.03(2) are permitted only in the C1, C2, C3, and C3L Commercial Districts, and the M1 and M2 Manufacturing Districts, in compliance with the following:
 - (a) No off-premise directional sign shall exceed sixteen (16) feet in height or thirty-two (32) square feet in gross area.
 - (b) Not more than one (1) off-premise directional sign shall be located on any zoning lot.
 - (c) The following setbacks for off-premise directional signs are required:
 - 1. An off-premise directional sign situated parallel to the highway right-of-way must be set back a distance equal to its height.
 - 2. An off-premise directional sign perpendicular, or nearly so, to the highway right-of-way must be set back three (3) feet from the property line.
 - (d) An off-premise directional sign cannot be the principal or sole use of land on the zoning lot where the off-premise sign is proposed to be displayed.

31.12 CHANGEABLE COPY SIGNS.

Changeable Copy Signs are permitted as follows:

- (1) Manual Changeable Copy Signs. Manual Changeable Copy Signs are permitted in any zoning district where business or identification signs are permitted, provided that:
 - (a) The changeable copy is integral to a business or identification sign.
 - (b) The total gross and net area of the entire sign (as applicable) does not exceed the maximum for the type and location of sign upon which the changeable copy is displayed, as provided elsewhere in this ordinance.
 - (c) The characters forming the changeable copy message shall be of one color.

- (2) Electronic Changeable Copy Signs. Electronic Changeable Copy Signs are permitted in the commercial, office, manufacturing districts, and non-residential uses in special districts, if displayed according to Sec. 31.046(1).

31.13 DISTRICTS OF SPECIAL CONTROL FOR PURPOSES OF SIGNS.

The following districts shall be considered “Districts of Special Control” for the purposes of this Ordinance. The provisions of this Ordinance shall apply to all signs within such districts except as stated below:

- (1) Historic Districts. Sec. 33.01, MGO, permits the City to designate Historic Districts. This chapter shall apply to Historic Districts, however the plan for an Historic District may include specific sign regulations that shall supersede the provisions of this ordinance.
- (2) Urban Design Districts. Sec. 33.24, MGO, permits the City to designate Urban Design Districts. This chapter shall apply to Urban Design Districts, however the Urban Design criteria for any such district may include specific sign regulations that shall supersede the provisions of this ordinance.
- (3) Planned Community Development District (PCD). In the Planned Community Development district, signs shall be classified and permitted in accordance with the sign requirements for the C1 district found in this Ordinance and Chapter 28, if applicable; unless different requirements are recommended by the Urban Design Commission and are made a part of an approved recorded Specific Implementation Plan (“SIP”). If such different requirements are approved they shall be, along with the recorded plan, construed to be and enforced with the full force and effect as this Ordinance. The SIP may adopt by reference all or portions of Chapter 31. No person shall display any sign within a Planned Community Development District in violation of the SIP or this section.
- (4) Planned Unit Development District (PUD). In the Planned Unit Development district, there shall be no predetermined specific regulations for signs, but such requirements as are made a part of an approved recorded Specific Implementation Plan shall be, along with the recorded plan itself, construed to be and enforced with the full force and effect as this ordinance. The SIP may adopt by reference all or portions of Chapter 31. No person shall display any sign within a Planned Unit Development District in violation of the SIP or this section.
- (5) Planned Community Mobile Home Park District. The same regulations shall apply as those regulating signs in the PUD district in Sec. 31.13(4), above.
- (6) No Advertising Sign District. The No Advertising Sign District is the area bounded by Lake Mendota on the North, Lake Monona on the South, Livingston Street on the East and Park Street from Lake Mendota to Dayton Street to Bedford Street to Lake Monona on the West. This district is of special importance historically and includes past, present and future redevelopment projects representing significant public and private investments. Under Sec. 31.11(2)(i), there shall be no advertising signs permitted in Districts of Special Control.
- (7) Reserved for Future Use.
- (8) Annexed Lands. Lands annexed to the City after November 30, 1987 shall be considered a district of special control. Under Sec. 31.11(2)(i), there shall be no advertising signs permitted in Districts of Special Control.
- (9) C4 Central Commercial District. In the C4 Central Commercial District, all signs shall conform to any requirements for signs found in the “Urban Design Guidelines for Downtown Madison” published by the Urban Design Commission and referenced in Sec. 28.09(5), in addition to the provisions of this ordinance.
- (10) Violation of Sign Regulations in a District of Special Control. In addition to the prohibitions found elsewhere in this Ordinance, no person shall display, permit or maintain a sign in a District of Special Control in violation of this section.

31.14 REGULATION OF SIGNS IN AGRICULTURAL, CONSERVANCY, AND RESIDENTIAL DISTRICTS.

- (1) Signs in the Conservancy and Agriculture Districts -- Applicability. All signs in the Conservancy and Agricultural districts shall follow the provisions for signs in the R1 District under Secs. 31.14(2)(a) and (b); except signs displayed on the zoning lot of any commercial use allowed as a conditional use in the Conservancy or Agriculture districts are governed by the provisions of this chapter that apply to the C1 district.

- (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(4), “Table 3,” also applies to all signs under this section.
- (a) General Requirements for all Signs in the Conservancy, Agricultural, Residential Districts (listed under Secs. 31.14(1) and (2) above):
1. All signs are to be displayed on a wall or on the ground, and limited to one sign per street frontage, unless otherwise expressly stated herein or Table 3.
 2. All signs require a permit unless exempt from permit in Sec. 31.044.
 3. All signs shall be nonilluminated unless expressly stated otherwise.
 4. No sign shall violate the provision for vision clearance under Sec. 28.04(12).
 5. Sections 31.016 through 31.12 do not apply in the Residential, OR, Conservancy or Agricultural districts unless expressly stated herein.
- (b) R1 District. In the R1 district, the following signs may be displayed as described below and in Table 3.
1. Identification Signs.
 - a. Single Family or 2-unit Residential Buildings. A maximum of one (1) identification sign per dwelling unit, or two (2) per unit on a corner or through lot, one (1) per street frontage, may be displayed. The identification sign shall not exceed two (2) square feet in net area, and shall be limited to the name of the building occupant or management, address of the building, and any legal home occupation or handicapped home occupation. Signs under this paragraph shall be wall signs only, and are exempt from permit under Sec. 31.044.
 - b. Multiple Family Dwellings, Apartment Hotels, Fraternity and Sorority Houses and Lodging Houses. A maximum of one (1) identification sign per dwelling unit, or two (2) per unit on a corner or through lot, one per street frontage, may be displayed. The identification sign shall not exceed three (3) square feet in net area, and shall be limited to the name of the building occupant or management, address of the building, and any legal home occupation or handicapped home occupation. If any occupant of the building has a legal home occupation or handicapped home occupation, one (1) additional sign of two (2) square feet in net area may be displayed for each such occupation in addition to the identification sign allowed under this paragraph. Signs under this paragraph shall be wall signs only, and are exempt from permit under Sec. 31.044.
 - c. Nonresidential Buildings. For nonresidential buildings, a maximum of one (1) identification sign or two (2) per unit on a corner or through lot, one (1) per street frontage, may be displayed. The identification sign shall not exceed six (6) square feet in net area and shall be limited to the name of the building occupant or management, address of the building, and any legal home occupation or handicapped home occupation. Signs under this paragraph shall be wall signs only.
 - d. Height. No identification sign shall be higher than one (1) story or twelve (12) feet above curb level, whichever is lower.
 2. Real Estate Signs. Real Estate signs in the residential district shall be allowed under Sec. 31.044, except that on a lot abutting a waterway, up to two (2) real estate signs, one 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.
 3. Noncommercial Signs. Noncommercial signs in the Residential District shall be as allowed under Secs. 31.044 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.
4. Parking Lot Directional and Parking Lot Regulation Signs. The following may be displayed and are exempt from permit under Sec. 31.044:
 - a. Area and Number. Parking Lot Directional Signs, designating parking area entrances or exits are limited to one (1) sign for such exit or entrance, and to a maximum net area of three (3) square feet each. One (1) Parking Lot Regulation sign per parking area, designating the conditions of use or identity of such parking area and limited to a maximum area of nine (9) square feet, shall be permitted. Two (2) Parking Lot Regulation signs, one (1) facing each street, shall be permitted on a corner zoning lot or a through lot. No sign shall project beyond the property line into the public way.
 - b. Height. No sign shall project higher than ten (10) feet above curb level.
 - c. Setback. Signs under this paragraph shall be setback at least three (3) feet.
 5. Church, Hospital, School and PRD Identification Street Signs.
 - a. Area and Number. One (1) wall and one (1) ground signs per street frontage may be displayed; identifying the entity, with a maximum of two ground (2) signs and two (2) wall signs per zoning lot. Additional wall or ground signs for wayfinding purposes may be permitted when approved by the Urban Design Commission when the zoning lot is occupied by two (2) or more of the uses described above and the size of the lot, number of vehicular and pedestrian entrances, and layout of the buildings require additional signs for wayfinding purposes in order to promote traffic and pedestrian safety. Signs under this paragraph, whether displayed on a wall or the ground, shall not exceed twelve (12) square feet in net area nor be closer than ten (10) feet to any lot line, except such signs may be increased in net area by one (1) square foot for each additional foot that the sign set back more than twelve (12) feet from the street lot line. No sign under this section shall exceed thirty-two (32) square feet in net area.
 - b. Height. No identification street graphic shall project higher than one story, or twelve (12) feet above the curb level, whichever is lower.
 6. Project Signs (Non-illuminated).
 - a. A sign describing a construction or improvement project, including the names of the contractors, architects, engineers, owners or occupants, provided that such sign may be in place only during the period that said project is under construction and while valid building permits are in force and further provided that only one such sign may be erected per street frontage, and no such sign shall exceed thirty-two (32) square feet in area.
 - b. Height and Setback. The maximum height for a project sign under this section shall be eight (8) feet. The minimum setback for a project sign displayed as a ground sign shall be ten (10) feet.
 7. Condominium Identification Signs.
 - a. A condominium may display condominium identification sign(s) if the total acreage of the property of the condominium, as determined by the legal description within the condominium instruments, is one and one-half (1 ½) acres or more and the condominium includes eight (8) or more units. For purposes this paragraph, the terms “condominium,” “condominium instruments,” “property,” and “units” shall have the meanings found in Wis. Stat. ch. 703.
 - b. Number, Area, and Setback. One (1) identification sign on a wall and one (1) sign on the ground per street frontage may be displayed; with a maximum of two signs on the ground and two on the wall, per

condominium. Condominium identification signs shall not exceed twelve (12) square feet in net area, except that the UDC may approve a sign of more than twelve (12) but not more than thirty-two (32) square feet under Sec. 31.043(3)(g). The minimum setback for condominium identification sign shall be ten (10) feet.

- c. Height. Maximum height for a condominium identification sign under this section is one (1) story or twelve (12) feet above the curb level, whichever is lower.
8. Existing Nonconforming Commercial Uses in a Residential district shall follow applicable sign requirements for the C1 district.
- (c) R1-R, R2, R2S, R2T, R3, R4, R4A, and R4L Districts. The provisions governing signs in the R1 district under Secs. 31.14(2)(a) and (b) shall apply.
- (d) R5, R6, R6H. The provisions governing signs in the R1 district under Secs. 31.14(2)(a) and (b) shall apply, except for the following:
 1. For multiple-family dwellings, apartment hotels, fraternity and sorority houses, and lodging houses, a single identification sign, not exceeding twelve (12) square feet in area and indicating only the name and address of the building and the name of the management thereof, may be displayed, provided that on a corner zoning lot, two (2) such signs, one facing each street, shall be permitted.
 2. For nonresidential buildings, a single identification sign, not exceeding twelve (12) square feet in area and indicating only the name and address of the building and the principal occupant may be displayed, provided that on a corner zoning lot, two (2) such signs, one facing each street, shall be permitted. If displayed as a ground sign, the maximum height shall be four (4) feet. See Table 3 for height requirements for wall signs under this paragraph.
 3. For a dwelling located on a lot that is to the rear of another lot and access to the street is only the width of a driveway, one (1) directional sign not exceeding three (3) square feet may be placed in the front yard of the property fronting on the street, and shall be exempt from permit, provided:
 - a. Permission is obtained from the owner of the property on which the sign is to be located;
 - b. Only the name, address, and name of management thereof are indicated;
 - c. A sign permit is obtained prior to the erection of the sign; and
 - d. The sign does not exceed three (3) feet in height and is a minimum of six (6) feet from the front lot line.
 4. In the R6 district, additional identification signs up to two (2) square feet for certain businesses approved as a conditional use in a residential building as specifically regulated in sec. 28.08(7)(c)7.
- (e) OR and RS. In the OR and RS districts, the sign requirements of the R6 district in Sec. 31.14(2)(d) shall apply, except that identification signs for any type of use shall be subject only to the provisions for nonresidential buildings set forth in Sec. 31.14(2)(d)2., and further that for any commercial use allowed as a permitted or conditional use in the OR district, the regulations governing signs in the C1 District shall apply.
- (f) Newly-Created Zoning Districts. If a new Residential, Agricultural or Conservancy district, or other Special District is created in Chapter 28 but not included in this chapter and signage for that district is not addressed in Chapter 28, then the restrictions for the R1 district under Sec. 31.14(2)(b) herein shall apply.

31.15 TABLES OF PERMITTED SIGNS, BY ZONING DISTRICTS.

(1) Table 1. GROUND, PROJECTING, WALL, ROOF, AND ABOVE-ROOF SIGNS IN COMMERCIAL, OFFICE AND MANUFACTURING ZONING DISTRICTS.

Table 1 describes the zoning districts in which the above types of signs may be displayed, and the maximum net area of the signs, as determined by the speed limit and lanes of traffic of the adjacent highway. Each type of sign is further regulated by specific sections within this chapter.

Newly-created zoning districts: If a new Commercial, Manufacturing or Office district is created in Chapter 28 but not included in this Chapter and signage for that district is not addressed in Chapter 28, then the restrictions of this Table shall apply as follows:

- A new Commercial district: follow the sign regulations in this Chapter for the C2 district.
- A new Manufacturing district: follow the sign regulations in this Chapter for the M1 district
- A new Office district: follow the sign regulations in this Chapter for the O1 district

- See Table 1 on Next Page -

Ground Signs (31.08)										Projecting 31.09	Wall ³ & Roof 31.07	Above Roof 31.07(3)	
<u>Type of sign:</u>		<u>Pole Signs:</u>						<u>Monument Signs:</u>					All ground signs (pole & monument)
<u>Zoning District:</u>		C1 & C4 ⁶ , O-1		C2, C3, C3L, O-2, O-3, O-4, M1, M2		C1 & C4, O-1		C2, C3, C3L, O-2, O-3, O-4, M1, M2		RPSM and RDC ⁷	All C, O and M districts (see footnote 8 for RPSM & RDC)	All C, O and M districts (see footnote 8 for RPSM & RDC)	
No. of Traffic Lanes	Speed Limit (mph) ¹	Max. Height	Max. Net Area (sq.-ft.) ^{2,5}	Max. Height	Max. Net Area (sq. ft.) ^{2,5}	Max. Ht.	Max. Net Area (sq. ft.) ^{2,5}	Max. Ht.	Max. Net Area (sq. ft.) ^{2,5}	Max Ht.	Max Net Area (sq. ft.) ⁷	Max. Net Area (% of signable area) ⁴	Max. Net Area (% of signable area) ⁴
2-3 Lanes	0-34 mph	12'	32/64	16'	32/64	8'	32/64	10'	32/64	6'	32/64	40%	40%
	35-44 mph	12'	32/64	16'	50/100	8'	32/64	10'	50/100	6'	32/64	40%	40%
	45+ mph	14'	32/64	16'	72/144	9'	32/64	10'	72/144	6'	32/64	40%	40%
4-5 Lanes	0-34 mph	12'	32/64	16'	40/80	8'	32/64	10'	40/80	6'	32/64	40%	40%
	35-44 mph	14'	32/64	16'	64/128	9'	32/64	10'	64/128	6'	32/64	40%	40%
	45+ mph	16'	32/64	20'	80/160	10'	32/64	12'	80/160	6'	32/64	40%	40%
6+ Lanes	0-34 mph	14'	32/64	16'	48/96	9'	32/64	10'	48/96	6'	32/64	40%	40%
	35-44 mph	16'	32/64	18'	72/144	10'	32/64	11'	72/144	6'	32/64	40%	40%
	45+ mph	18'	32/64	22'	144/288	11'	32/64	13'	144/288	6'	32/64	40%	40%

Table 1 – footnotes:

1. For ground signs on zoning lots with more than one street frontage, use the miles per hour on the street with the faster speed limit to determine the maximum net area allowed.
2. Maximum Net Area of Ground Signs. The first number represents the maximum net area allowed for a single face of a ground sign. The second number represents the maximum combined net area on all faces of all ground signs displayed on a zoning lot. A maximum of two (2) ground signs may be displayed on a single zoning lot. See Sec. 31.08(2)(c) of this ordinance.
3. Wall signs displayed outside the signable area under Sec. 31.07(5) have different maximum net areas. Additional wall signs displayed on large buildings under Sec. 31.07(6) have different signable area and maximum net areas. See Sec. 31.07.
4. The maximum net area for Wall, Roof and Above-roof signs is either forty percent (40%) of the signable area or two (2) square feet of signage for each lineal foot of building frontage. If the net area is measured by lineal feet of building frontage, the total net area of the sign displayed shall not exceed one hundred percent (100%) of the signable area available under Sec. 31.07(2).
5. Signs adjacent to a Public Park - See Secs. 28.04(21)(b). If a proposed sign is displayed at a location adjacent to a park as described in 28.04(21)(b), the maximum net area is thirty-two (32) square feet. If the proposed sign is larger than thirty-two (32) square feet, it is considered “new development adjacent to public parks” and must seek Conditional Use approval to exceed thirty-two (32) square feet (unless it falls under Sec. 28.04(21)(b)2., which states that “Signs in excess of thirty-two (32) square feet may be permitted within two hundred (200) feet of the park where they will not interfere with the view of or from the park.”)
6. Per Sec. 31.13(9), Signs in the C4 Central Commercial District, shall conform to any requirements for signs found in the “Urban Design Guidelines for Downtown Madison” published by the Urban Design Commission and referenced in Sec. 28.09(5), in addition to conforming to the provisions of this Chapter. May be approved under the Powers of the Secretary to the Urban Design Commission, per Sec. 33.24(4)(g).

RPSM and RDC Districts - Table 1 footnotes:

7. Ground signs in RPSM and RDC Districts: All ground signs shall be incorporated in the landscape plan, and shall include the provision of plant materials at the base of such signs.
8. Wall signs in RPSM and RDC Districts: The net area for wall signs in the RPSM and RDC districts shall be a maximum of 100 square feet per sign, or 100% of the signable area, whichever is smaller.

**(2) Table 2. COMMERCIAL, OFFICE AND MANUFACTURING ZONING DISTRICTS
MISCELLANEOUS SIGNS**

“Yes” = Permitted in the districts indicated. Sign Permit required.

UDC = Urban Design Commission review/approval required

Newly-created zoning districts: If a new Commercial, Manufacturing or Office district is created in Chapter 28 but not included in this Chapter and signage for that district is not addressed in Chapter 28, then the restrictions of this Table shall apply as follows:

A new Commercial district: follow the sign regulations in this Chapter for the C2 district.

A new Manufacturing district: follow the sign regulations in this Chapter for the M1 district.

A new Office district: follow the sign regulations in this Chapter for the O1 district.

Type of Sign	Sign Permitted in these Zoning Districts				
	C4	C1, O-1	C2, C3 & C3L O-2, O-3, O-4	M1, M2 & SM	RPSM and RDC
Awning (31.06), Canopy (31.071)	UDC ¹	Yes	Yes	Yes	Yes
Sidewalk Showcase (31.03(2))	UDC ¹	Yes	Yes	Yes	No
Pennants, Decorative & Promotional Banners & Flags on Private Property ² (31.075.)	UDC ¹	Yes	Yes	Yes	No
Neighborhood & Subdivision Identification ³	N/A	Yes ³	Yes ³	Yes ³	Yes ³
Building Entrance Identification (31.03(2))	UDC ¹	Yes - 12 square feet max	Yes - 12 square feet maximum	Yes - 12 square feet max	Yes - 12 square feet max
Business Opening Signs (31.065)	UDC ¹	Yes	Yes	Yes	No
Portable Signs on Private Property (31.046(2)(a))	Yes	Yes	Yes	Yes	Yes
Portable Signs on Public Property (31.046(2)(b)) ⁴	Yes ⁴	Yes ⁴	Yes ⁴	Yes ⁴	Yes ⁴
Inflatable Signs (31.046(3)) ⁵	Yes ⁵	Yes ⁵	Yes ⁵	Yes ⁵	Yes ⁵
Off-Premise Directional Signs (31.115)	No	C1, Yes O-1, No	C2, C3, C3L, Yes O-2, O-3, O-4, No	M1, M2, Yes SM, No	No
Electronic Changeable Message Signs (31.046(1))	UDC ^{1,7}	Yes ⁶	Yes ⁶	Yes ⁶	Yes ⁸

Table 2 footnotes:

1. See 31.13(9). Requires Urban Design Commission review and approval, but may be approved under the Powers of the Secretary to the Urban Design Commission, per Sec. 33.24(4)(g).
2. Subject to Approval of Director of Department of Planning & Community & Economic Development.
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.
4. Portable signs on public property are only allowed pursuant to a parade permit, Street Use Permit, Parks special event permit, or hand-carried signs and subject to all conditions of Sec. 31.046(2)(b).
5. Inflatable Signs are only allowed pursuant to a parade permit, Street Use Permit, Parade Permit, or Parks special event permit.
6. Electronic Changeable Copy may be used on wall, roof, above-roof, ground, projecting, and canopy signs where such signs are permitted in these districts, subject to the requirements of Sec. 31.046(1). Also permitted for non-residential uses in districts of special control.

Table 2 footnotes (cont'd):

7. Only permitted for non-residential uses in the C4 district.
8. Subject to all additional sign criteria for RPSM and RDC established in this chapter (see Table 1 footnotes) and established in Chapter 28.

**(3) Table 3. SIGNS PERMITTED IN
RESIDENTIAL, AGRICULTURAL, CONSERVANCY DISTRICTS
(Sec. 31.14)**

All signs on this Table may be displayed as on a wall or on the ground only and limited to one (1) sign per street frontage, unless otherwise indicated in the Table or Sec. 31.14.

For Agricultural and Conservancy Zoning Districts – See Sec, 31.14(1). Signs shall be classified and may be displayed in accordance with the requirements for the R1 District under Sec. 31.14(2); however, for any commercial use allowed as a conditional use in the Conservancy or Agricultural District, the regulations governing signs in the C1 District shall apply. Existing Nonconforming Commercial Uses follow sign requirements for the C1 district.

For Residential and OR Zoning Districts – See Sec. 31.14(2). Also, for any commercial use allowed as a permitted or conditional use in the OR district, the regulations governing signs in the C1 District shall apply.

Newly-created zoning districts. If a new Residential, Agricultural or Conservancy district is created in Chapter 28 but not included in this chapter and signage for that district is not addressed in Chapter 28, then the restrictions for the R1 district under Sec. 31.14(2)(b) herein shall apply.

Type of Sign	Net Area Sq. Ft.	Height		Min. Setback	Wall	Ground	Illuminated	Number
		Min.	Max.					
Identification signs in the R1, R2, R3, R4, R4A, R4L:								
Single family or 2-unit Residential Uses	2'	---	12' or 1 story (lower)	---	Yes	No	No	1 per unit, 2 on a corner or through lot.
Identification*** for multifamily, apartment hotels, frat/sorority, lodging houses in	3'	---	12' or 1 story (lower)	---	Yes	No	No	1 per building, 2 on corner or through lot.
Identification*** for Nonresidential Buildings	6'	---	12' or 1 story (lower)	---	Yes	No	No	1 per bldg, 2 on corner or thru lot.
Identification*** for multifamily, apt. hotels, frat/sorority and lodging houses in R5, R6, R6H, RS, OR	12'	---	12'	---	Yes	No	No	1 per building, 2 on a corner lot
R6- Identification sign for business establishments allowed as a conditional use in residential building in R6 (see 28.08(7)(c)7.)	2'	---	12' or 1 story (lower)	---	Yes	No	No	1 per business
Identification*** for Nonresidential Buildings in R5, R6, R6H, RS, OR	12'	---	15'	---	Yes	Yes*	No	1 per building, 2 on a corner lot

Type of Sign	Net Area Sq. Ft.	Height		Min. Setback	Wall	Ground	Illuminated	Number
		Min.	Max.					
Identification signs in the R1, R2, R3, R4, R4A, R4L:								
Single family or 2-unit Residential Uses	2'	---	12' or 1 story (lower)	---	Yes	No	No	1 per unit, 2 on a corner or through lot.
Identification*** for multifamily, apartment hotels, frat/sorority, lodging houses in	3'	---	12' or 1 story (lower)	---	Yes	No	No	1 per building, 2 on corner or through lot.
Identification*** for Nonresidential Buildings	6'	---	12' or 1 story (lower)	---	Yes	No	No	1 per bldg, 2 on corner or through lot.
Identification*** for multifamily, apt. hotels, frat/sorority and lodging houses in R5, R6, R6H, RS and OR	12'	---	12'	---	Yes	No	No	1 per building, 2 on a corner lot
Identification*** for Nonresidential Buildings in R5, R6, R6H, <u>RS, OR</u>	12'	---	15'	---	Yes	Yes*	No	1 per building, 2 on a corner lot
Church, Hospital, School and PRD "Identification" 31.14(2)(b)5.	12' to 32'	1'	12'	10'	Yes	Yes	Yes	1 wall, 1 ground per st. frontage, max. of 2 per zoning lot **
Project – 31.14(2)(b)6. exempt from permit under 31.04(8)	32'	1'	8'	10'	Yes	Yes	No	1 per street frontage
Building Entrance Identification	12'	---	---	---	Yes	No	Yes	1 per entrance
Off-premise residential directional sign – 31.14(2)(d)3.	3	---	3	6	n/a	Yes	No	1
Parking Lot Directional (Entrance and Exit) – 31.14(2)(b)3.	3'	---	10'	3'	yes	yes	no	1 per entrance or exit
Parking Lot Regulation 31.14(2)(b)3.	9'	---	10'	3'	yes	yes	no	1, or 2 per corner or thru lot

Condominium Identification 31.14(2)(b)7.	12' or 13' to 32' with UDC Approval	1'	12'	10'	Yes	Yes	Yes	1 Wall, 1 Ground Max. of 2 per condominium
Neighborhood & Subdivision Identification ****	****	****	****	****	****	****	****	****

* Maximum Height 4 feet, sign and landscape approval of Director of Department of Planning and Community and Economic Development required.

** Additional wall or ground identification street graphics for wayfinding purposes may be approved by the Urban Design Commission. See Secs. 31.14(2)(b)4.a. and 31.04(2)(b)2.b.viii.

*** Identification Signs, for properties designated Landmarks, shall be permitted as approved by the Plan Commission and the Landmarks Commission when those commissions approve the use. Signs for existing uses may be approved by the Landmarks Commission and the Director of Planning and Community and Economic Development.

**** 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.

31.16 - 31.18 RESERVED FOR FUTURE USE.

31.19 PENALTIES.

Any person, who violates any provisions of this ordinance, permits, allows or continues a violation, or fails to comply with any of its requirements shall, upon conviction thereof, be subject to a forfeiture of not less than thirty dollars (\$30) and not more than five hundred dollars (\$500), plus applicable costs, for each violation. Each day or portion thereof that a violation continues shall be considered a separate violation.

31.20 SEVERABILITY.

In the event that any section of this ordinance shall be declared or judged by a court of competent jurisdiction to be invalid or unconstitutional, such adjudication shall in no manner affect the other sections of this ordinance, which shall be in full force and effect as if the said section or said sections were not originally a part thereof.”

2. Subsection (2) entitled “Definitions” of Section 28.03 entitled “Rules and Definitions” of the Madison General Ordinances is amended by amending or deleting therein the following:

~~“Sign. A sign is an emblem, name, identification, description or illustration which is affixed to or appears directly or indirectly upon a building, structure or piece of land and which directs attention to an object, product, place, activity, person, institution, organization or business. Neither official court or public notices, nor the flag, emblem or insignia of a nation, political unit, school or religious group, shall be considered a sign under this ordinance. Any device, structure, fixture, or placard, including its supporting base, frame, electrical and all other accessory components; using text, graphics, symbols and/or other written copy for the primary purpose of identifying, providing directions, or advertising any establishment, product, goods, or services; located outside of a building or within three (3) feet of the interior of a window and which is visible from the exterior.”~~

3. Subsection (15) of Section 28.04 of the Madison General Ordinances is hereby repealed and reserved for future use.

4. Paragraph 10. of Subdivision (b) of Subsection (26) entitled “Home Occupations” of Section 28.04 entitled “General Provisions” of the Madison General Ordinances is amended to read as follows:

“10. That there is no evidence, other than the ~~nameplate~~ identification sign referred to in 11 below that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling; and”

5. Paragraph 11. of Subdivision (b) of Subsection (26) entitled "Home Occupations" of Section 28.04 entitled "General Provisions" of the Madison General Ordinances is amended to read as follows:

"11. That there is used no sign which is attached to the building, other than a ~~nameplate~~² identification sign permitted under Secs. 31.14 and 31.15(4); which sign shall not be illuminated and shall not be more than two (2) square feet in area."

6. Subparagraph g. of Paragraph 16. of Subdivision (c) of Subsection (2) of Section 28.07 of the Madison General Ordinances is hereby repealed and reserved for future use.

7. Subparagraph h. of Paragraph 4. of Subdivision (c) entitled "Permitted Uses" of Subsection (4) entitled "O-3 Administrative Office District" of Section 28.085 entitled "Office Districts" of the Madison General Ordinances is amended to read as follows:

"h. Restaurants, drugstores and valet shops for employees and their guests, and for business visitors and guests, provided such uses shall be accessible only through a lobby and no advertisement or display shall be visible from outside the building, except outside identification and directional signs would be allowed as provided in Chapter 31, Sign Control Ordinance."

8. Subparagraph a. of Paragraph 1. of Subdivision (c) of Subsection (2) of Section 28.09 of the Madison General Ordinances is hereby repealed and reserved for future use.

9. Paragraph 12. of Subdivision (d) of Subsection (2) of Section 28.09 of the Madison General Ordinances is hereby repealed and reserved for future use.

10. Paragraph 7. of Subdivision (d) of Subsection (5) of Section 28.09 of the Madison General Ordinances is hereby repealed and reserved for future use.

11. Paragraph 6. of Subdivision (h) of Subsection (2) of Section 28.10 of the Madison General Ordinances is hereby repealed and reserved for future use.

12. Subparagraph a. of Paragraph 1. of Subdivision (c) of Subsection (3) of Section 28.10 of the Madison General Ordinances is hereby repealed and reserved for future use.

13. Subparagraph a. of Paragraph 1. of Subdivision (c) of Subsection (4) of Section 28.10 of the Madison General Ordinances is hereby repealed and reserved for future use.

14. Paragraph 6. of Subdivision (h) of Subsection (6) of Section 28.10 of the Madison General Ordinances is hereby repealed and reserved for future use.

15. Subsection (1) entitled "Title" of Section 33.24 entitled "Urban Design Commission" of the Madison General Ordinances is amended to read as follows:

"(1) This ~~ordinance~~ section shall be known, cited and referred to as the Madison Urban Design Commission ordinance and may be referred to herein as "this ordinance."

16. Subsection (3) entitled "Commission Composition and Terms" of Section 33.24 entitled "Urban Design Commission" of the Madison General Ordinances is amended by amending therein the following:

"(3) Commission Composition and Terms. An Urban Design Commission, advisory to the City Plan Commission, and vested with final decision-making authority as described elsewhere in this ordinance, in Chapter 31 (Sign Control Ordinance) and elsewhere in these ordinances, is hereby created, consisting of nine (9) voting members. Of the initial voting members appointed, three shall serve terms of two years each; three shall serve terms of one year each; and three shall serve terms of three years each; provided, however, that notwithstanding the provision of subdivision (j) below, the aldermanic member shall serve a two-year term and such term shall be

concurrent with his/her term as a member of the Council. Thereafter, the term for each voting member shall be three years. The voting members shall be appointed by the Mayor and approved by the Common Council as follows:"

17. Subdivision (l) of Subsection (3) entitled "Commission Composition and Terms" of Section 33.24 entitled "Urban Design Commission" of the Madison General Ordinances is created to read as follows:

"(l) All Commission members shall be subject to Sec. 3.35 (Code of Ethics) and all other applicable laws regarding ethics and conflicts of interest. Additionally, no member of the Urban Design Commission who is employed by, or has any ownership interest in, an entity which has entered into a contract with the City of Madison for any work on a building being built or expanded by the City, or has any other private pecuniary interest, direct or indirect, in any such contract, shall be authorized to participate in any capacity in any official function in regard to that contract or to perform in regard to that contract any official function requiring the exercise of discretion on her/his part."

18. Subdivision (a) entitled "General Powers and Duties" of Subsection (4) entitled "Powers and Duties" of Section 33.24 entitled "Urban Design Commission" of the Madison General Ordinances is amended to read as follows:

"(a) General Powers And Duties. In addition to other duties specifically enumerated herein, in Chapter 31 (Sign Control Ordinance), and elsewhere in these ordinances, the Urban Design Commission (UDC) shall make recommendations to the City Plan Commission, Common Council and any other concerned commission on all matters referred or assigned to it under the provisions of this ordinance and other City ordinances. In addition, the Commission may provide advice and make recommendations concerning urban design problems at the request of any City department, agency, commission or division."

19. Subdivision (b) entitled "Planned Developments" of Subsection (4) entitled "Powers and Duties" of Section 33.24 entitled "Urban Design Commission" of the Madison General Ordinances is amended to read as follows:

"1. Planned Developments. The Urban Design Commission shall review the design of all proposed developments ~~which that~~ are considered planned developments under provisions of the Zoning Ordinance (i.e., Secs. 28.07(4), (5), (6) and 28.12(11)(k)). In exercising this power, the commission shall be bound by the provisions of Secs. 28.07(4), (5) and (6) and Sec. 28.12(11)(k) and shall report its findings to the City Plan Commission and Common Council."

20. Subdivision (d) entitled "Review of Public Projects" of Subsection (4) entitled "Powers and Duties" of Section 33.24 entitled "Urban Design Commission" of the Madison General Ordinances is amended to read as follows:

"(d) Review of Public Projects. The Urban Design Commission shall approve plans for all buildings proposed to be built or expanded in the City by the State of Wisconsin, the University of Wisconsin, the City of Madison, Dane County, the Federal Government or any other local governmental entity which has the power to levy taxes on property located within the City. At least annually, the head of every City department, agency, commission or division responsible for major exterior alteration of new or existing public buildings and their related spaces (excluding any subterranean portions of such buildings), parks, or open spaces shall report to the Urban Design Commission those projects proposed for consideration in the capital budget and shall periodically report consideration of such additional projects that subsequently appear during the year. The Urban Design Commission shall provide advice and make recommendations to the responsible department, agency, commission or division on the design, appearance and aesthetics of each proposed project. All plans reviewed by the Urban Design Commission which are submitted to the Common Council for approval shall be accompanied by the report of the commission on the project. The commission shall report in writing to the City Plan Commission and the Common Council at least annually a summary of its recommendations on those projects it has reviewed. The commission need not prepare a detailed design analysis on such minor

projects as it deems to have negligible effect on residual environment of the City, including but not limited to the design characteristics of street pavement.

~~No member of the Urban Design Commission who is employed by, or has any ownership interest in, an entity which has entered into a contract with the City of Madison for any work on a building being built or expanded by the City, or has any other private pecuniary interest, direct or indirect, in any such contract, shall be authorized to participate in any capacity in any official function in regard to that contract or to perform in regard to that contract any official function requiring the exercise of discretion on her/his part.~~

21. Subdivision (e) entitled "Establishment of Urban Design Districts" of Subsection (4) entitled "Powers and Duties" of Section 33.24 entitled "Urban Design Commission" of the Madison General Ordinances is amended to read as follows:

"(e) Establishment of Urban Design Districts.

1. The Urban Design Commission, after analysis of an area and meeting with property owners and residents, may propose geographically defined districts within the City of Madison as Urban Design Districts. Each proposal shall include a description of the district's boundaries, a design analysis, a statement of design objectives and methods, recommendations for future public and private improvements and developments and specific criteria to be employed in reviewing development proposals. Upon approval of such proposal by the Urban Design Commission, the proposal shall be submitted to the City Plan Commission and Common Council for review and adoption. Adoption of the proposal would include any rezonings and proposed ordinance amendments set forth in the proposal, thus requiring public hearings and procedures as set forth in Sec. 28.12(9) of the Zoning Code. Amendments to an Urban Design District may be proposed and shall be reviewed and adopted in the same manner.
2. All concerned City departments, commissions and agencies shall work with the Urban Design Commission in the development of a proposal for the designated district.
3. All plans for the major exterior remodeling of existing properties including but not limited to painting of an unpainted exterior face or for new development within an Urban Design District shall be approved by the Urban Design Commission prior to the issuance of any building, demolition or excavation permits therefor. Upon application for such permits, unless the District regulations provide otherwise, the Zoning Administrator shall forward said application together with such plans or other information as may be prescribed to the Urban Design Commission for review and action.

UDC Public Hearing Procedure. The Urban Design Commission shall hold a public hearing on each application for ~~a permit~~ the types of permits listed above, and each matter for which a hearing is required under Sec. 31.043, and any other procedure under Sec. 33.24 that requires a public hearing, within thirty (30) days of the date of filing of said application. Notice of the time, place and purpose of such hearing shall be given by Class 1 notice under Wis. Stat. § 985.07 (2007-2008), and notice shall also be sent to the applicant, the Alderperson of the Ward District in which the property affected is located and the owners of property in whole or in part situated within ~~one~~ two hundred ~~(400)~~ (200) feet of the boundaries of the properties affected, said notice to be sent at least ~~seven (7)~~ ten (10) days prior to the date of such public hearing. Nothing herein shall prevent the owner or the owner's architect from requesting a meeting with the Urban Design Commission prior to beginning extensive preliminary plans for the proposed development, by making a request through the Secretary of the Commission. Said request may be made to the Secretary of the Commission who shall be a staff member of the City Department of Planning and Community and Economic Development. The owner and/or the owner's architect or other agent may request additional meetings with the Commission during the planning process.

An appeal of the decision of the Urban Design Commission to approve or reject the issuance of ~~the a building, demolition or excavation permit under this subsection, or to approve exterior painting, or any other approval required by this Sec. 33.24(4)(e)3.,~~ may be taken to the Plan Commission by the applicant or by the Alderperson of the District in which the use is located. Any appeal shall stay issuance of permits hereunder until the appeal has been acted upon by the Plan Commission.

Appeals of UDC decisions regarding signs made pursuant to sec. 31.043 shall be final administrative decisions as stated in Sec. 31.043(5)."

22. Subdivision (g) entitled "Duties of the Secretary" of Subsection (4) entitled "Powers and Duties" of Section 33.24 entitled "Urban Design Commission" of the Madison General Ordinances is amended to read as follows:

- "(g) Duties of the Secretary of the Urban Design Commission. The Secretary of the Commission shall be a staff member of the Department of Planning and Community and Economic Development.
1. Administrative Approval within Urban Design Districts. The Secretary may administratively approve certain proposed building additions, minor façade alterations, or minor construction within Urban Design Districts if found to be in compliance with the applicable criteria and requirements of the District in question.
 2. Minor Alteration to Approved Plans Reviewed under Sec. 33.24(4)(b).
~~When, subsequent to the UDC's approval of a plan by the Plan Commission adopting the recommendations of the Urban Design Commission, a developer finds it necessary for which UDC approval was required under Sec. 33.24(4) or elsewhere in these ordinances, a request is made to alter the plans, the s~~Secretary of the Urban Design Commission may approve ~~changes~~ such alteration(s) on behalf of the UDC, if in the exercise of her/his professional judgment, a change does not substantially alter the approved design, and may make that recommendation to the Director of the Department of Planning and Community and Economic Development.
 3. Minor Façade Alterations in C4 Central Commercial District. The Secretary shall perform the duties for review and approval of applications for minor building facade changes in the C4 district found in the "Urban Design Guidelines for Downtown Madison" published by the Urban Design Commission and referenced in Sec. 28.09(5), and shall apply the criteria therein.
 4. Sign Permit Review by the Secretary.
 - a. Urban Design Districts. The Secretary shall be authorized to review applications for sign permits in Urban Design Districts using the standards and criteria for each district as required by this ordinance, and shall report to the Zoning Administrator whether proposed signage is in compliance with such requirements, and may recommend approval or denial of the permit accordingly.
 - b. C4 Central Commercial District. The Secretary shall perform the duties for review and approval of applications for sign permits in the C4 district, as described in Secs. 31.13(9), and shall apply the criteria therein, which includes the "Urban Design Guidelines for Downtown Madison."

23. Paragraph 6. of Subdivision (h) entitled "Other Duties" of Subsection (4) entitled "Powers and Duties" of Section 33.24 entitled "Urban Design Commission" of the Madison General Ordinances is created to read as follows:

- "6. Perform all duties as authorized in Chapter 31, Sign Control Ordinance, referenced below in Sec. 33.24(4)(j)."

24. Subdivision (j) entitled "Sign Review Under Chapter 31" of Subsection (4) entitled "Powers and Duties" of Section 33.24 entitled "Urban Design Commission" of the Madison General Ordinances is created to read as follows:

- "(j) Sign Review Under Chapter 31. The Commission shall perform all duties required by Chapter 31, the Sign Control Ordinance, including but not limited to: conducting Comprehensive Design Reviews under Sec. 31.043, hearing requests for modification of height, area and setback for signs, hearing requests for Additional Sign Code Approvals, hearing appeals from decisions of the Zoning Administrator (except those decisions related to structural or mechanical concerns heard by the Building Board of Appeals under Sec. 31.04(3)(b)1.) and shall perform any other duties or functions as may be required of the Commission under Chapter 31. The Commission shall use criteria for sign review described in Sec. 33.24(7)(b) below."

25. Subsection (6) entitled “Fees” of Section 33.24 entitled “Urban Design Commission” of the Madison General Ordinances is amended to read as follows:

- “(6) Fees.
- ~~1-(a)~~ Any application for new construction or major exterior remodeling of existing properties in any Urban Design District, public projects pursuant to Sec. 33.02(4)(c) and (d), unless built or expanded by the City of Madison, State of Wisconsin, University of Wisconsin or federal government; more than ten (10) parking spaces in the front or side of a building in an RPSM district, pursuant to Sec. 28.10(2)(h)2; or review of soft-drink vending machines or courier delivery service deposit receptacles on private property shall be accompanied by a fee of three hundred dollars (\$300), which shall be paid to the City Treasurer.
 - ~~2-(b)~~ Any application for minor exterior remodeling of existing properties in an Urban Design District or a C4 District shall be accompanied by a fee of one hundred fifty dollars (\$150), which shall be paid to the City Treasurer.
 - (c) Application fees for Comprehensive Design Review or any other sign review by the UDC shall be as established in Chapter 31 of the Madison General Ordinances.”

26. Subsection (7) entitled “Urban Design Commission Criteria” of Section 33.24 entitled “Urban Design Commission” of the Madison General Ordinances is amended to read as follows:

- “(7) Urban Design Commission Criteria. In addition to the criteria established elsewhere in Sec. 33.02 for each Urban Design District, the Commission shall apply the following criteria, when applicable:
- (a) Rowhouse Criteria.
 - 1. The mass or volume and setback of proposed structures appear comparable to that of existing buildings in the immediate area.
 - 2. Facades of new structures should maintain a compatible relationship with those of existing structures in terms of:
 - a. Windowsill or header lines.
 - b. Proportion and rhythm of window and door openings.
 - c. Horizontal or vertical emphasis of major building elements.
 - d. Extent of architectural detail.
 - e. Presence of porches.
 - 3. Building materials which, in appearance, are similar or compatible to those used on the exteriors of existing structures in the area should be used.
 - 4. Roof slope and orientation should be similar to others in the immediate area.
 - 5. Front setback variations will be required and shall be part of the Urban Design Commission’s review, findings and recommendations.
 - (b) Criteria for Sign Review Under Chapter 31. Criteria for Comprehensive Design Review or other sign approval duties assigned to the UDC in Chapter 31, shall be as described in Sec. 31.043 and elsewhere in Chapter 31. Criteria for reviewing signs in Urban Design Districts shall be as set forth in this ordinance. Criteria for the UDC to review signs under other any other review procedures shall be as set forth by the applicable ordinance. To the extent that requirements, guidelines or other provisions regarding signs in this ordinance conflict with Chapter 31 or any other ordinance, the more restrictive provision shall apply.”

27. Subdivision (b) entitled “Design Review Required” of Subsection (8) entitled “Urban Design District No. 1” of Section 33.24 entitled “Urban Design Commission” of the Madison General Ordinances is amended to read as follows:

- “(b) Design Review Required. All development in the district (including, but not limited to, new buildings or structures, additions to existing buildings or structures, major exterior alterations of existing buildings or structures, painting of existing unpainted exterior faces, exterior lighting, landscaping or screening done in conjunction with new buildings or structures or additions, and cutting or removal of trees greater than two inches in maximum diameter, and permits for new signs) shall require approval of the Urban Design Commission or the Secretary if authorized under Sec. 33.24(4)(g), and shall be designed, erected, and maintained in compliance with this

ordinance, with all applicable federal and state laws, and with the Building Code, Zoning Ordinance, and other applicable codes of the City of Madison not in conflict with this ordinance. The applicable regulations of other codes shall continue to apply with full force and effect to all properties in the district. However, if this ordinance conflicts with other city regulations, the regulations which are more restrictive or which impose higher standards or requirements shall govern.”

28. Paragraph 4. entitled “Signs” of Subdivision (c) entitled “Basis for Design Review” of Subsection (8) entitled “Urban Design District No. 1” of Section 33.24 entitled “Urban Design Commission” of the Madison General Ordinances is amended to read as follows:

“4. Signs. Signs in the district shall meet the following requirements and conform as much as possible to the following guidelines.

a. Requirements.

- i. Signs, if located on or adjacent to buildings, shall be integrated with the architectural design of the buildings.
- ii. Signs shall be located and designed only to inform the intended clientele.
- iii. Signs shall be used only as identification of the establishment, and shall have no more than a total of eight (8) symbols and/or words.
- iv. No portion of an illuminated sign shall have luminance greater than two hundred (200) foot-lamberts for any portion of the sign within a circle of two (2) feet in diameter.
- v. ~~No sign or part of any sign shall move, flash, rotate, or change its illumination more than once an hour.~~
- vi. A minimum setback of five (5) feet from the public right-of-way is required of all ground signs. A minimum setback of ten (10) feet from the public right-of-way is required for signs exceeding ten (10) square feet in effective area. A minimum setback of twenty (20) feet is required for all signs exceeding twenty (20) square feet in effective area.

29. Subsubparagraph iv. of Subparagraph a. entitled “Requirements” of Paragraph 4. entitled “Signs” of Subdivision (c) entitled “Basis for Design Review” of Subsection (8) entitled “Urban Design District No. 1” of Section 33.24 entitled “Urban Design Commission” of the Madison General Ordinances is amended to read as follows:

“iv. No portion of an illuminated sign shall have luminance greater than two hundred (200) foot-lamberts for any portion of the sign within a circle of two (2) feet in diameter and the level of illumination shall not change more than once an hour.”

30. Subsubparagraph v. of Subparagraph a. entitled “Requirements” of Paragraph 4. entitled “Signs” of Subdivision (c) entitled “Basis for Design Review” of Subsection (8) entitled “Urban Design District No. 1” of Section 33.24 entitled “Urban Design Commission” of the Madison General Ordinances is hereby repealed.

31. Subsubparagraph vi. of Subparagraph b. entitled “Guidelines” of Paragraph 4. entitled “Signs” of Subdivision (c) entitled “Basis for Design Review” of Subsection (8) entitled “Urban Design District No. 1” of Section 33.24 entitled “Urban Design Commission” of the Madison General Ordinances is amended to read as follows:

“vi. Internally illuminated signs ~~should use light letters on a dark background~~ displaying illuminated copy shall be designed in such a way so that when illuminated, the sign appears to have light-colored copy on a dark or non-illuminated background.”

32. Subdivision (c) entitled “Design Review Required” of Subsection (9) entitled “Urban Design District No. 2” of Section 33.24 entitled “Urban Design Commission” of the Madison General Ordinances is amended to read as follows:

“(c) Design Review Required. All development in the district (including, but not limited to, new buildings or structures, additions to existing buildings or structures, major exterior alterations of

existing buildings or structures, painting of existing unpainted exterior surfaces, and street graphics and screening done in conjunction with new buildings or structures or additions to existing buildings or structures, and permits for new signs), except residential buildings containing eight (8) or fewer dwelling units and modifications to the existing miniature golf course, par-three golf course, driving range and batting cages and any new structures containing less than two thousand (2000) square feet situated on the Vitense Golfland abutting the 5400 and 5500 blocks of Schroeder Road, shall require approval of the Urban Design Commission or the Secretary if authorized under Sec. 33.24(4)(g), and shall be designed, erected, and maintained in compliance with this ordinance, all applicable federal and other state laws, and the Building Code, Zoning Ordinance and other applicable codes of the City of Madison not in conflict with this ordinance. Approval of the Urban Design Commission under this subsection shall not be required for an awning unless it is part of other development requiring approval under this subsection. The applicable regulations of other codes shall continue to apply with full force and effect to all properties in the district. However, if this ordinance conflicts with other City regulations, the regulations which are more restrictive or which impose higher standards or requirements shall govern.”

33. Subsubparagraph v. of Subparagraph b. entitled “Requirements” of Paragraph 4. entitled “Private Signs” of Subdivision (d) entitled “Basis for Design Review” of Subsection (9) entitled “Urban Design District No. 2” of Section 33.24 entitled “Urban Design Commission” of the Madison General Ordinances is hereby repealed.

34. Subdivision (b) entitled “Design Review Required” of Subsection (10) entitled “Urban Design District No. 3” of Section 33.24 entitled “Urban Design Commission” of the Madison General Ordinances is amended to read as follows:

“(b) Design Review Required. All development in the district (including, but not limited to, new buildings or structures, additions to existing buildings or structures, major exterior alterations of existing buildings or structures, painting of existing unpainted exterior surfaces, screening done in conjunction with new buildings or structures or additions to existing buildings or structures, and cutting or removal of trees greater than 2 inches in diameter, and permits for new signs) shall require approval of the Urban Design Commission or the Secretary if authorized under Sec. 33.24(4)(g) and shall be designed, erected, and maintained in compliance with this ordinance, all applicable federal and State laws, and the Building Code, Zoning Ordinance and other applicable codes of the City of Madison not in conflict with this ordinance. The applicable regulations of other codes shall continue to apply with full force and effect to all properties in the district. However, if this ordinance conflicts with other City regulations, the regulations which are more restrictive or which impose higher standards or requirements shall govern.”

35. Subsubparagraph v. of Subparagraph a. entitled “Requirements” of Paragraph 4. entitled “Signs” of Subdivision (c) entitled “Basis for Design Review” of Subsection (10) entitled “Urban Design District No. 3” of Section 33.24 entitled “Urban Design Commission” of the Madison General Ordinances is hereby repealed.

36. Subsubparagraph vi. of Subparagraph b. entitled “Guidelines” of Paragraph 4. Entitled “Signs” of Subdivision (c) entitled “Basis for Design Review” of Subsection (10) entitled “Urban Design District No. 3” of Section 33.24 entitled “Urban Design Commission” of the Madison General Ordinances is amended to read as follows:

“vi. Internally illuminated signs ~~should use light letters on a dark background~~ displaying illuminated copy shall be designed in such a way so that when illuminated, the sign appears to have light-colored copy on a dark or non-illuminated background.”

37. Subdivision (c) entitled “Design Review Required” of Subsection (11) entitled “Urban Design District No. 4” of Section 33.24 entitled “Urban Design Commission” of the Madison General Ordinances is amended to read as follows:

“(c) Design Review Required. All development in the district (including, but not limited to, new buildings or structures, additions to existing buildings or structures, major exterior alterations of

existing buildings or structures, painting of existing unpainted exterior surfaces, ~~and street graphics~~ and screening done in conjunction with new buildings or structures or additions to existing buildings or structures, and permits for new signs), except residential buildings containing eight (8) or fewer dwelling units, shall require approval of the Urban Design Commission or the Secretary if authorized under 33.24(4)(g), and shall be designed, erected, and maintained in compliance with this ordinance, all applicable federal and other state laws, and the Building Code, Zoning Ordinance and other applicable codes of the City of Madison not in conflict with this ordinance. Approval of the Urban Design Commission under this subsection shall not be required for an awning unless it is part of other development requiring approval under this subsection. The applicable regulations of other codes shall continue to apply with full force and effect to all properties in the district. However, if this ordinance conflicts with other City regulations, the regulations which are more restrictive or which impose higher standards or requirements shall govern.”

38. Subsubparagraph iii. of Subparagraph a. entitled “Requirements” of Paragraph 3. entitled “Street Graphics” of Subdivision (d) entitled “Basis for Design Review” of Subsection (11) entitled “Urban Design District No. 4” of Section 33.24 entitled “Urban Design Commission” of the Madison General Ordinances is hereby repealed.

39. Subsubparagraph vi. of Subparagraph b. entitled “Guidelines” of Paragraph 3. entitled “Street Graphics” of Subdivision (d) entitled “Basis for Design Review” of Subsection (11) entitled “Urban Design District No. 4” of Section 33.24 entitled “Urban Design Commission” of the Madison General Ordinances is amended to read as follows:

“vi. Internally illuminated ~~street graphics should use light letters on a dark background~~ signs displaying illuminated copy shall be designed in such a way so that when illuminated, the sign appears to have light-colored copy on a dark or non-illuminated background.”

40. Subdivision (c) entitled “Design Review Required” of Subsection (12) entitled “Urban Design District No. 5” of Section 33.24 entitled “Urban Design Commission” of the Madison General Ordinances is amended to read as follows:

“(c) Design Review Required. All development in the District (including, but not limited to, new buildings or structures, additions to existing buildings or structures, major exterior alterations of existing buildings or structures, painting of existing unpainted exterior surfaces, and ~~street graphics~~ and screening done in conjunction with new buildings or structures or additions to existing buildings or structures, and permits for new signs), except residential buildings containing eight (8) or fewer dwelling units, shall require approval of the Urban Design Commission or the Secretary if authorized under Sec. 33.24(4)(g), and shall be designed, erected, and maintained in compliance with this ordinance, all applicable federal and other state laws, and the Building Code, Zoning Ordinance and other applicable codes of the City of Madison not in conflict with this ordinance. Approval of the Urban Design Commission under this subsection shall not be required for an awning unless it is part of other development requiring approval under this subsection. The applicable regulations of other codes shall continue to apply with full force and effect to all properties in the District. However, if this ordinance conflicts with other City regulations, the regulations which are more restrictive or which impose higher standards or requirements shall govern.”

41. Subsubparagraph iii. of Subparagraph a. entitled “Requirements” of Paragraph 3. entitled “Street Graphics” of Subdivision (d) entitled “Basis for Design Review” of Subsection (12) entitled “Urban Design District No. 5” of Section 33.24 entitled “Urban Design Commission” of the Madison General Ordinances is hereby repealed.

42. Subsubparagraph v. of Subparagraph b. entitled “Guidelines” of Paragraph 3. Entitled “Street Graphics” of Subdivision (d) entitled “Basis for Design Review” of Subsection (12) entitled “Urban Design District No. 5” of Section 33.24 entitled “Urban Design Commission” of the Madison General Ordinances is amended to read as follows:

“v. Internally illuminated ~~street graphics should use light letters on a dark background~~ signs displaying illuminated copy shall be designed in such a way so that when illuminated, the sign appears to have light-colored copy on a dark or non-illuminated background.”

43. Subdivision (c) entitled “Design Review Required” of Subsection (13) entitled “Urban Design District No. 6” of Section 33.24 entitled “Urban Design Commission” of the Madison General Ordinances is amended to read as follows:

“(c) Design Review Required. All development in the District (including, but not limited to, new buildings or structures, additions to existing buildings or structures, major exterior alterations of existing buildings or structures, painting of existing unpainted exterior surfaces, ~~and street graphics~~ and screening done in conjunction with new buildings or structures or additions to existing buildings or structures, and permits for new signs), except residential buildings containing eight (8) or fewer dwelling units, shall require approval of the Urban Design Commission or the Secretary if authorized under Sec. 33.24(4)(g), and shall be designed, erected, and maintained in compliance with this ordinance, all applicable federal and other state laws, and the Building Code, Zoning Ordinance and other applicable codes of the City of Madison not in conflict with this ordinance. Approval of the Urban Design Commission under this subsection shall not be required for an awning unless it is part of other development requiring approval under this subsection. The applicable regulations of other codes shall continue to apply with full force and effect to all properties in the District. However, if this ordinance conflicts with other City regulations, the regulations which are more restrictive or which impose higher standards or requirements shall govern.”

44. Subsubparagraph iii. of Subparagraph a. entitled “Requirements” of Paragraph 3. entitled “Street Graphics” of Subdivision (d) entitled “Basis for Design Review” of Subsection (13) entitled “Urban Design District No. 6” of Section 33.24 entitled “Urban Design Commission” of the Madison General Ordinances is hereby repealed.

45. Subsubparagraph v. of Subparagraph b. entitled “Guidelines” of Paragraph 3. entitled “Street Graphics” of Subdivision (d) entitled “Basis for Design Review” of Subsection (13) entitled “Urban Design District No. 6” of Section 33.24 entitled “Urban Design Commission” of the Madison General Ordinances is amended to read as follows:

“v. Internally illuminated ~~street graphics should use light letters on a dark background~~ signs displaying illuminated copy shall be designed in such a way so that when illuminated, the sign appears to have light-colored copy on a dark or non-illuminated background.”

46. Subdivision (c) entitled “Design Review Required” of Subsection (14) entitled “Urban Design District No. 7” of Section 33.24 entitled “Urban Design Commission” of the Madison General Ordinances is amended to read as follows:

“(c) Design Review Required. All development in the District (including, but not limited to, new buildings or structures, additions to existing buildings or structures, major exterior alterations of existing buildings or structures, painting of existing unpainted exterior surfaces, street graphics, and new parking facilities or alterations to existing parking facilities), except residential buildings containing two (2) or fewer dwelling units and development/redevelopment on properties within the Meriter and St. Mary’s Hospital campuses that are part of adopted master plans for the campuses shall require approval of the Urban Design Commission or the Secretary if authorized under Sec. 33.24(4)(g), and shall be designed, erected, and maintained in compliance with this ordinance, all applicable federal and other state laws, and the Building Code, Zoning Ordinance and other applicable codes of the City of Madison not in conflict with this ordinance. The Planning Division Director, or his/her designee, may approve minor alterations to existing and/or approved buildings or structures and site. The Planning Division Director, or his/her designee, may also approve the design of street graphics that are permissible under the Street Graphics Ordinance. Approval of the Urban Design Commission under this subsection shall not be required for an awning unless it is part of other development requiring approval under this subsection. The applicable regulations of other codes shall continue to apply with full force and effect to all properties in the District. However, if this ordinance conflicts with other City

regulations, the regulations which are more restrictive or which impose higher standards or requirements shall govern.”

47. Subsubparagraph vii. of Subparagraph a. entitled “Guidelines” of Paragraph 6. entitled ““Signage” of Subdivision (d) entitled “Basis for Design Review” of Subsection (14) entitled “Urban Design District No. 7” of Section 33.24 entitled “Urban Design Commission” of the Madison General Ordinances is amended to read as follows:

“vii. ~~Opaque backgrounds and white or light colored letters are preferred for backlit signs~~Internally illuminated signs displaying illuminated copy should be designed so that when illuminated, the sign appears to have light-colored copy on a dark or non-illuminated background.”

48. The City Attorney may replace all references to “effective area” within Sec. 33.24 with “net area” as appropriate to be consistent with the new terminology of Chapter 31.

49. The City Attorney may replace all references to “street graphic” or “private sign” or “graphic” within Sec. 33.24 with “sign” as appropriate to be consistent with the new terminology of Chapter 31.

50. The City Attorney may replace all references to “street graphic” with “Sign” in the Madison General Ordinances as appropriate to be consistent with the new terminology of Chapter 31.

51. Subdivision (a) of Subsection (3) entitled “Schedule of Deposits” of Section 1.08 entitled “Issuance of Citations for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits” of the Madison General Ordinances is amended by amending the following:

<u>“Offense</u>	<u>Ord. No./Adopted Statute No.**</u>	<u>Deposit</u>
Street graphic <u>Sign</u> erected/repaired/altere relocated/maintained/or change of copy without permit.	31.04(3)(d) <u>31.041(1)</u>	\$100 \$200, 2nd in 12 mos. \$500, 3rd & subsequent in 12 mos.
Street graphic <u>Sign</u> erected/displayed in public right-of-way.	31.04(6)(e) <u>31.045(3)(c)</u>	\$100 \$200 \$500, 3rd & subsequent in 12 mos.
Portable street graphic prohibited sign violations <u>on private property.</u>	31.04(6)(k) <u>31.046(2)(a)</u>	\$100 \$200 \$500, 3rd & subsequent in 12 mos.
Prohibition of displaying signs over expressways <u>/highways (40 Miles per hour or more).</u>	31.04(6)(m) <u>31.045(3)(j)</u>	\$100 \$200 \$500, 3rd & subsequent in 12 mos.
<u>Portable sign violations on public property.</u>	<u>31.046(2)(b)</u>	<u>\$100</u> <u>\$200, 2nd & subsequent</u> <u>in 12 mos.</u>
<u>All other Portable signs prohibited.</u>	<u>31.046(2)(c)</u>	<u>\$100</u> <u>\$200, 2nd & subsequent</u> <u>in 12 mos.</u>
Election campaign posters <u>sign violations.</u>	31.04(8)(j) <u>31.044(1)(e)</u>	\$50

Unlawful pennants, flags and decorative and promotional banners.

31.075

\$100
\$200, 2nd & subsequent
in 12 mos.”

52. Subdivision (b) of Subsection (3) entitled “Schedule of Deposits” of Section 1.08 entitled “Issuance of Citations for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits” of the Madison General Ordinances is amended to read as follows:

“(b) For violation of provisions of Chapter 6 (Fire Department and Fire Regulations), Chapter 7 (Public Health), Chapter 22 (Consumer Protection and Weights and Measures), Chapter 27 (Minimum Housing and Property Maintenance Code), Chapter 28 (Zoning Code), Chapter 31 (Sign Code), Section 33.24 (Urban Design Commission ordinance), and Chapter 34 (Fire Prevention Code) of the Madison General Ordinances not enumerated in Subdivision (a) above: one hundred dollars (\$100) for the first violation, two hundred dollars (\$200) for the second violation and two hundred fifty dollars (\$250) for the third and all subsequent violations within any twelve (12) month period. For violations of the provisions of Section 11.08, Madison General Ordinances, Wisconsin Administrative Code, Chapter MVD5, the Revised Uniform State Traffic Deposit Schedule shall apply where applicable and in the event no deposit amount is listed for the offense, one hundred dollars (\$100) shall be the deposit amount.”

EDITOR’S NOTE:

1. When the changes provided by this ordinance have been made, the Table of Contents for Chapter 31 will read as follows:

CHAPTER 31: SIGN CONTROL ORDINANCE

ADMINISTRATION, GENERAL REGULATIONS

- 31.01 Short Title.
- 31.02 Purpose and Scope.
- 31.03 Rules and Definitions.
- 31.04 Administration, Enforcement, Construction Requirements.
- 31.041 Sign Permits and Fees.
- 31.042 Licensing of Sign Erectors.
- 31.043 Urban Design Commission and Comprehensive Design Review.
- 31.044 Signs Exempt from Permit.
- 31.045 Unsafe and Unlawful Signs and Structures.
- 31.046 Miscellaneous Signs.
- 31.05 Nonconforming Signs.

SPECIFIC TYPES OF SIGNS

- 31.051 Applicability of Sections 31.06-31.12.
- 31.06 Awning Signs.
- 31.065 Business Opening Signs.
- 31.07 Wall, Roof, and Above-Roof Signs.
- 31.071 Canopy Signs.
- 31.075 Pennants, Flags and Decorative and Promotional Banner(s).
- 31.08 Ground Signs.
- 31.09 Projecting Signs.
- 31.10 Window Signs.
- 31.11 Advertising Signs.
- 31.115 Off-Premise Directional Signs.
- 31.12 Changeable Copy Signs.

MISCELLANEOUS

- 31.13 Districts of Special Control For Purposes of Signs.
- 31.14 Regulation of Signs in Agricultural, Conservancy, and Residential Districts.
- 31.15 Tables of Permitted Signs, by Zoning District.
- 31.16 - 31.18 (Reserved For Future Use.)

- 31.19 Penalties.
- 31.20 Severability.
Index.

2. Chapter 31 of the Madison General Ordinances currently reads as follows:

PLEASE SEE "Current Chapter 31 To Be Repealed" in Attachments, Legistar #04167.

3. Section 28.04(15) of the Madison General Ordinances currently reads as follows:

"(15) Signs are permitted in all zoning districts provided the signs are erected and maintained in conformance with all regulations set forth herein or in Chapter 31 of the Madison General Ordinances that apply to the zoning district in which said signs are erected."

4. Section 28.07(2)(c)16.g. of the Madison General Ordinances currently reads as follows:

"g. Signs as regulated in this section."

5. Section 28.09(2)(c)1.a. of the Madison General Ordinances currently reads as follows:

"a. Signs as regulated in this section."

6. Section 28.09(2)(d)12. of the Madison General Ordinances currently reads as follows:

"12. Public service signs."

7. Section 28.09(5)(d)7. of the Madison General Ordinances currently reads as follows:

"7. Public service signs."

8. Section 28.10(2)(h)6. of the Madison General Ordinances currently reads as follows:

"6. Street Graphics. All street graphics shall comply with the regulations of Chapter 31, Madison General Ordinances, provided, however, the following limitations shall apply.

- a. No advertising street graphic, above roof graphic, roof street graphic and projecting street graphic shall be allowed in the RPSM District.
- b. No wall street graphic shall cover more than 10 percent of the building face, and in no case shall such sign exceed a gross area of 100 square feet.
- c. No ground sign shall exceed a maximum height of six (6) feet and a maximum gross area of thirty-two (32) square feet. All ground signs shall be incorporated in the landscape plan, including the provision of plant materials at the base of such signs."

9. Section 28.10(3)(c)1.a. of the Madison General Ordinances currently reads as follows:

"a. Street graphics."

10. Section 28.10(4)(c)1.a. of the Madison General Ordinances currently reads as follows:

"a. Signs as regulated in this section."

11. Section 28.10(6)(h)6. of the Madison General Ordinances currently reads as follows:

"6. Street Graphics. All street graphics shall comply with the regulations of Chapter 31, Madison General Ordinances, provided, however, the following limitations shall apply.

- a. No advertising street graphic, above roof graphic, roof street graphic and projecting street graphic shall be allowed in the RDC District.
- b. No wall street graphic shall cover more than 10 percent of the building face, and in no case shall such sign exceed a gross area of 100 square feet.

- c. No ground sign shall exceed a maximum height of six (6) feet and a maximum gross area of thirty-two (32) square feet. All ground signs shall be incorporated in the landscape plan.”

- 12. Current Sec. 33.24(8)(2)4.a.v. reads as follows:
 - “v. No sign or part of any sign shall move, flash, rotate, or change its illumination more than once an hour.”

- 13. Current Sec. 33.24(9)(d)4.b.v. reads as follows:
 - “v. No sign nor part of any sign shall move, flash, rotate, or change its illumination more than once an hour.”

- 14. Current Sec. 33.24(10)(c)4.a.v. reads as follows:
 - “v. No sign nor part of any sign shall move, flash, rotate, or change its illumination more than once an hour.”

- 15. Current Sec. 33.24(11)(d)3.a.iii. reads as follows:
 - “iii. No street graphic nor part of any street graphic shall move, flash, sparkle, rotate or change its message or its illumination more than once an hour.”

- 16. Current Sec. 33.24(12)(d)3.a.iii. reads as follows:
 - “iii. No street graphic nor part of any street graphic shall move, flash, sparkle, rotate or change its message or its illumination more than once an hour.”

- 17. Current Sec. 33.24(13)(d)3.a.iii. reads as follows:
 - “iii. No street graphic nor part of any street graphic shall move, flash, sparkle, rotate or change its message or its illumination more than once an hour.”