

BODY – LEGISTAR #35037

DRAFTER'S ANALYSIS: Under the old zoning code, most mixed-use residential buildings were zoned PUD and a custom sign package was approved by the UDC under Sec. 31.13(4). Now, most mixed-use residential buildings will be in conventional zoning districts, not subject to UDC review, and entitled to signage "as of right" that may be more expansive than otherwise allowed in a residential district or approved by the UDC. For example, if a mixed-use building is located in a Group 2 district, the existing code allows wall signs at the 2nd story or higher and extra signs for buildings over 5 stories or with multiple tenants. This amendment accomplishes two things: (1) closes the loophole described above, and (2) creates an across-the-board height restriction for signs displayed on a building in a Group 2 zoning district to no higher than the window sill of the 2nd story or eighteen feet (18'), whichever is lower.

This ordinance amendment will close the "loophole" for mixed-use residential buildings and purely residential buildings located in non-residential zoning districts. This ordinance will apply to mixed-use buildings defined in Sec. 28.211 that include a residential use, as well as stand-alone residential uses located in a Group 2 or 3 zoning district. (The sign code organizes zoning districts into 3 groups for purposes of regulating signs. Group 1 is residential and most strict. Group 2 is in the middle and Group 3 is for traditional commercial and manufacturing type uses.)

Under new sec. 31.072, mixed-use and stand-alone residential buildings in non-residential areas may have Group 2 signs, but the height of any wall, canopy, or awning sign will be limited to the 1st story or 18 feet, whichever is lower. Projecting signs will be limited to the 2nd story or 30 feet, whichever is lower (compared to 3rd story in non-residential districts.) A single Building Entrance Identification sign of 12 square feet is allowed, per 31.15(2) (Table 2.) Buildings that include a residential use may also have a permanent Identification sign that provides rental information, this replaces temporary/unattractive real estate signage. The extra wall signs available to "large buildings" by Sec. 31.07(6) will not be allowed. Extra signs to identify vertical occupancies above the 1st story under Sec. 31.07(2)(a)2. will also not be allowed. Instead, all wall signs will have to be displayed at the 1st floor level (except 1 extra sign may be displayed on buildings over 5 stories high in Group 3 districts only.)

This ordinance does not change the method for measuring the size of wall signs, although the method for selecting signable area on an awning is being clarified. The height of any ground signs permitted for these types of uses will also be restricted to 6 feet.

This ordinance will change the rules for Comprehensive Design Review, so that process cannot be used to get around the new sign height restrictions in Group 2 and for mixed use / residential buildings.

Finally, this ordinance makes some formatting changes to Sec. 31.15(1) – Table 1 will now apply to Ground signs only.

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

1. New Section 31.072 entitled "Mixed-Use Residential Buildings and Residential Uses in Groups 2 and 3" of the Madison General Ordinances is created to read as follows:

"31.072 MIXED-USE RESIDENTIAL BUILDINGS AND RESIDENTIAL USES IN GROUPS 2 AND 3.

- (1) Applicability. "Mixed-use building" shall have the meaning given in Sec. 28.211. This section shall apply to the following:
 - (a) Mixed-use buildings that include a residential use in all Group 2 and 3 zoning districts, and districts zoned PD regardless of the zoning district assigned by the Zoning Administrator under Sec. 31.13(4), and
 - (b) Entirely residential buildings located in a Group 2 or Group 3 zoning district.
- (2) Wall Signs. Wall signs on a building to which this section applies shall be consistent with the requirements for wall signs in Group 2 districts, except:
 - (a) No wall sign shall be displayed higher than above the window sill of the second story, or higher than eighteen feet (18'), whichever is lower.
 - (b) The provisions for "large buildings" under Sec. 31.07(6)(a) and (b) shall not apply.
 - (c) The provisions for multi-story buildings with more than one vertical occupancy in Sec. 31.07(2)(a)2. shall not apply.
 - (d) On a mixed-use building, the signable area for non-residential use(s) shall be as close as reasonably possible to the space within the building occupied by the non-residential use(s) and the available signable area may be divided for multiple side-by-side occupants as set forth in Sec. 31.07(2)(a)1., however the sign placement must not violate the height limitations of this section.
- (3) Ground Signs. Ground signs may be displayed on a zoning lot of a building to which this section applies, consistent with the requirements of sec. 31.08, except the height of the ground sign shall not exceed six (6) feet.
- (4) Identification Signs. An Identification Sign may be displayed on a building to which this section applies, if that building or the residential portion of the building is of a type identified in Sec. 31.14(3)(a)1. or 2., and the sign shall meet the requirements of Secs. 31.14(3)(a)1. or 2. as applicable.

- (5) Other Signs. The following other types of signs may be displayed on a building to which this section applies, if permissible for Group 2 districts and with the following restrictions:
- (a) Canopy signs permitted under Sec. 31.071 except the resulting canopy sign cannot be displayed any higher than the floor of the second story or eighteen (18) feet, whichever is lower,
 - (b) Awning signs permitted under Sec. 31.06, except signs may only be displayed on an awning that is located on the first story of the building, and all awning signage shall be no higher than the floor of the second story or eighteen (18) feet, whichever is lower,
 - (c) Projecting signs permitted under Sec. 31.09, except a projecting sign may be displayed no higher than the ceiling of the second story, or thirty feet (30), whichever is lower, and
 - (d) Any other sign that is permissible in a Group 2 zoning district and not mentioned above, however such signs shall be displayed no higher than the floor of the second story, eighteen (18) feet, or the height restriction of the applicable provision, whichever is lowest. In the event of a conflict between this section and another provision of this ordinance relating to sign height, the lower height restriction shall apply to the buildings covered by this section.”

2. Subdivision (b) entitled “Group 2” of Subsection (1) of Section 31.021 entitled “Zoning District Groups” of the Madison General Ordinances is amended to read as follows:

- “(b) Group 2. The zoning districts in Group 2 are the districts listed below. Group 2 zoning districts include neighborhood-serving commercial uses, pedestrian-oriented corridors, smaller-scale development and park and recreation areas.

LMX	Limited Mixed-Use
NMX	Neighborhood Mixed-Use District
TSS	Traditional Shopping Street District
DC	Downtown Core
UOR	Urban Office Residential
UMX	Urban Mixed-Use
PR	Parks and Recreation
<u>TE</u>	<u>Traditional Employment District</u> ”

3. Subdivision (c) entitled “Group 3” of Subsection (1) of Section 31.021 entitled “Zoning District Groups” of the Madison General Ordinances is amended to read as follows:

- “(c) Group 3. The zoning districts in Group 3 are the districts listed below. Group 3 zoning districts include higher-volume motor vehicle transportation corridors, larger-scale development, and primarily auto-oriented commercial and employment uses.

AP	Airport District
TE	Traditional Employment District
SE	Suburban Employment District
SEC	Suburban Employment Center District
IL	Industrial - Limited District
IG	Industrial - General District
CC-T	Commercial Corridor - Transitional District
CC	Commercial Center District”

4. Subsection (2) entitled “Definitions” of Section 31.03 entitled “Rules and Definitions” of the Madison General Ordinances is amended to read as follows:

“Large Buildings. Those buildings exceeding one hundred twenty-five (125) feet in length or having five (5) stories or more in height, except that mixed-use buildings as defined in Sec. 28.211 that include a residential use, or stand-alone residential buildings are not considered “Large Buildings.””

5. Paragraphs 8. and 9. of Subdivision (b) entitled “Comprehensive Design Review Criteria” of Subsection (4) entitled “Comprehensive Design Review (“CDR”)” of Section 31.043 entitled “Urban Design Commission and Comprehensive Design Review” of the Madison General Ordinances are created to read as follows:

- “8. Comprehensive Design Review cannot be used to approve any signage that violates Sec. 31.072 (Mixed-Use Residential Buildings and Residential Uses in Groups 2 and 3).”

9. Comprehensive Design Review cannot be used to increase the height of wall or ground signs in Group 2 Districts beyond that permitted by Sec. 31.07(8).”

6. Subdivision (2) of Subsection 31.06 entitled “Awning Signs” of the Madison General Ordinances is amended to read as follows:

“(2) An awning may be designated a signable area ~~as an alternative to one~~ in lieu of a signable area 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. The maximum net area of the sign displayed on the awning shall be determined by measuring the available signable area for a wall sign on the building façade using the methods for signable area measurement under Sec. 31.07(2)(b) and calculating the maximum net area under Sec. 31.07(4). An awning sign under this subsection may be displayed in addition to the signs allowed under sub. (1).~~”

7. Subdivision (6) entitled “Height” of Section 31.06 entitled “Awning Signs” of the Madison General Ordinances is created to read as follows:

“(6) Height. In Group 2 zoning districts, awning signs may only be displayed on an awning that is located on the first story of the building, and all awning signage shall be no higher than the floor of the second story or eighteen (18) feet, whichever is lower. The height of awning signs on a building covered by Sec. 31.072 shall be as set forth in that section.”

8. Subdivision (1) of Section 31.07 entitled “Wall, Roof and Above-roof Signs” of the Madison General Ordinances is amended to read as follows:

“(1) Wall and roof signs may be displayed in the Group 2 and 3 districts, subject to the requirements of ~~the Tables of Permitted Signs, Sec. 31.15(1) (Table 1)~~ this section. Wall signs on mixed-use residential buildings and residential buildings in Groups 2 and 3 are regulated under Sec. 31.072. 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, however no wall sign shall project into the right-of-way except as authorized by Sec. 31.04(6). No sign affixed flat against a building wall shall extend beyond any edge of such wall. Wall and roof signs may be illuminated subject to Sec. 31.04(5)(k).”

9. Paragraph 2. of Subdivision (a) entitled “Number of Signable Areas” of Subsection (2) entitled “Wall and Roof Signable Area” of Section 31.07 entitled “Wall, Roof and Above-Roof Signs” of the Madison General Ordinances is hereby repealed.

10. Paragraph 1. entitled “Wall Signs” of Subdivision (b) entitled “How to Select and Measure Signable Area” of Subsection (2) entitled “Wall and Roof Signable Area” of Section 31.07 entitled “Wall, Roof and Above-Roof Signs” of the Madison General Ordinances is amended 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. Notwithstanding the availability of a signable area, no wall sign may be displayed on a building above the window sill of the second story, except on a large building of five (5) or more stories in height in Group 3 districts, as allowed by sub. (6)(b) herein.”

11. Subdivision (6) entitled “Large Buildings” of Section 31.07 entitled “Wall, Roof and Above-roof Signs” of the Madison General Ordinances is amended to read as follows:

“(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 fifty percent (50%) of the net area ~~or~~ and no accessory sign shall be taller than fifty percent (50%) of the

~~height vertical measurement used to calculate the net area of the largest permitted wall, roof or above-roof sign already displayed on that facade. (this part has to do with the overall size of the If a tenant space within a multi tenant building is over 125 feet in length, the tenant occupying such space may also display up to four (4) accessory wall signs on that tenant's space, in addition to those allowed by this paragraph for the main building.~~

- (b) ~~Buildings Five (5) or More Stories in Height. In Group 3 districts only, For buildings five (5) stories or more in height, may select one (1) additional signable area for each façade. may be selected. The signable area under this section shall be measured using the criteria under according to Sec. 31.07(2)(b), except a signable area above the window sill of the second story may be selected. A maximum of one (1) sign may be displayed in the selected signable area and in no case shall the net area of the sign exceed sixty-four (64) square feet. except the total area of the additional signable area under this paragraph shall not exceed five percent (5%) of the area of the façade. The maximum net area of a sign displayed within this additional signable area shall be determined under Sec. 31.07(4). This provision does not apply to buildings covered by Sec. 31.072, which are excluded from the definition of Large Buildings in 31.03(2), or to any buildings in a Group 2 district.~~

12. Subsection (8) entitled "Height of Wall Signs in Group 2 Districts" of Section 31.07 entitled "Wall, Roof and Above-roof Signs" of the Madison General Ordinances is created to read as follows:

- "(8) Height of Wall Signs in Group 2 Districts. Any wall sign that would be permitted on a wall in a Group 2 zoning district shall be displayed no higher than the window sill of the second story or eighteen (18) feet, whichever is lower. In the event of a conflict between this section and another provision of this ordinance relating to sign height, the lower height restriction shall apply to buildings in Group 2 zoning districts."

13. Subsection (6) entitled "Height" of Section 31.071 entitled "Canopy Signs" of the Madison General Ordinances is created to read as follows:

- "(6) Height. In Group 2 zoning districts, an attached canopy sign may only be displayed on a canopy that is located on the first story of the building, and all canopy signage shall be no higher than the floor of the second story or eighteen (18) feet, whichever is lower. The height of a canopy sign anywhere on a zoning lot of a building covered by Sec. 31.072 shall be as set forth in that section."

14. Subdivision (c) entitled "Net Area" of Subsection (1) of Section 31.09 entitled "Projecting Signs" of the Madison General Ordinances is amended to read as follows:

- "(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"),~~ twenty (20) square feet when adjacent to a highway with two (2) to three (3) lanes of traffic, and thirty-two (32) square feet when adjacent to a highway with four (4) or more lanes of traffic, 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)."

15. Subdivision (e) entitled "Height" of Subsection (1) of Section 31.09 entitled "Projecting Signs" of the Madison General Ordinances is created to read as follows:

- "(e) Height. The height of a projecting sign on a building in Group 2 zoning districts shall be no higher than the ceiling of the second story, or thirty (30) feet, whichever is lower. The height of a projecting sign on buildings covered by Sec. 31.072 shall be as set forth in that section."

16. The title and introductory paragraph of Subsection (1) entitled "Table 1. Ground, Projecting, Wall, Roof, and Above-Roof Signs in Groups 2 and 3" of Section 31.15 entitled "Tables of Permitted Signs, by Zoning Districts" of the Madison General Ordinances is amended to read as follows:

- "(1) **Table 1. GROUND, PROJECTING, WALL, ROOF, AND ABOVE-ROOF SIGNS IN GROUPS 2 AND 3.** Table 1 describes the zoning districts in which ~~the above types of~~ ground 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~~ Ground signs are further regulated by specific sections within Sec. 31.08 and elsewhere in this chapter."

17. Table 1. of Subsection (1) entitled "Table 1. Ground, Projecting, Wall, Roof, and Above-Roof Signs in Groups 2 and 3" of Section 31.15 entitled "Tables of Permitted Signs, by Zoning Districts" of the Madison General Ordinances is amended by amending therein the following:

<u>Type of sign:</u>		<u>Ground Signs</u>										<u>Project-ing 31-09</u>	<u>Wall-³ & Roof 31-07</u>	<u>Above Roof 31-07(3)</u>
		<u>Pole Signs:</u>					<u>Monument Signs:</u>							
<u>Zoning District:</u>	<u>Speed Limit (mph)¹</u>	<u>Group 2</u>		<u>Group 3</u>		<u>Group 2</u>		<u>Group 3</u>		<u>Group 2 and 3</u>		<u>Max.-Net Area (%-of signable area)⁴</u>		
		<u>Max. Height⁴</u>	<u>Max. Net Area (sq.ft.)^{2, #3}</u>	<u>Max. Height⁶</u>	<u>Max. Net Area (sq. ft.)^{2, #3}</u>	<u>Max. Ht.⁴</u>	<u>Max. Net Area (sq. ft.)^{2, #3}</u>	<u>Max. Ht.⁴</u>	<u>Max. Net Area (sq. ft.)^{2, #3}</u>	<u>Max. Net Area (sq. ft.)^{2, #3}</u>	<u>Max. Ht.⁴</u>		<u>Max. Net Area (sq. ft.)^{2, #3}</u>	
2-3 Lanes	0-34 mph	12'	32/64	16'	32/64	8'	32/64	10'	32/64	20'	40%	40%		
	35-44 mph	12'	32/64	16'	50/100	8'	32/64	10'	50/100	20'	40%	40%		
	45+ mph	14'	32/64	16'	72/144	9'	32/64	10'	72/144	20'	40%	40%		
4-5 Lanes	0-34 mph	12'	32/64	16'	40/80	8'	32/64	10'	40/80	32'	40%	40%		
	35-44 mph	14'	32/64	16'	64/128	9'	32/64	10'	64/128	32'	40%	40%		
	45+ mph	16'	32/64	20'	80/160	10'	32/64	12'	80/160	32'	40%	40%		
6+ Lanes	0-34 mph	14'	32/64	16'	48/96	9'	32/64	10'	48/96	32'	40%	40%		
	35-44 mph	16'	32/64	18'	72/144	10'	32/64	11'	72/144	32'	40%	40%		
	45+ mph	18'	32/64	22'	144/288	11'	32/64	13'	144/288	32'	40%	40%		

18. "Table 1 – footnotes" of Subsection (1) entitled "Table 1. Ground, Projecting, Wall, Roof, and Above-Roof Signs in Groups 2 and 3." of Section 31.15 entitled "Tables of Permitted Signs, by Zoning Districts" of the Madison General Ordinances are amended as follows:

"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).~~
- 5.3. Per Sec. 31.13(9), Signs in the DC Downtown Core District, shall conform to the "Downtown Urban Design Guidelines" published by the Urban Design Commission and referenced in Sec. 28.074, 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).
4. The maximum height of a ground sign displayed on a building in a Group 2 zoning district or a building covered by Sec. 31.072 shall be six (6) feet."

EDITOR'S NOTE:

Sec. 31.07(2)(a)2 currently reads as follows:

- "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."