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Patricia V. Gehler

July 31, 2019

TO: Members of the Urban Design Commission
RE: ID # 56387, Appeal of Zoning Administrator's Denial for Signage Located at 3737 E. Washington Ave.

This letter provides the Zoning Administrator's response to arguments in the June 14, 2019 letter from attorneys for Adams Outdoor Advertising in the above appeal.

The Zoning Administrator denied Adams' application to "bank" the square footage from a billboard at 3737 E. Washington because the sign is unlawful and not eligible for sign banking. The reasons are given in Matt Tucker's letter of May 17, 2019 (Saari Exhibit D.) Sec. 31.112 of the Madison General Ordinances allows lawful billboards that are in the way of new development to "bank" the square footage and be replaced elsewhere. This ordinance is a compromise to the otherwise complete ban on all new billboards in the City.

Under this ordinance, only a "lawful" sign is eligible to bank and replace. This is noted in 3 different places, MGO 31.112(1), 31.112(4)(a), and 31.112(4)(f).

The Zoning Administrator (ZA) must apply this ordinance as written. As written, "lawfulness" is a clear eligibility requirement. The ZA denied this application because the billboard was built, or modified, to be much larger than what the permit allows. The original and only permit on-file is for a **10 x 20' sign** (200 sq.ft) but the actual sign is 12' x 25' or 300 square feet.

MGO 31.041(1) is the ordinance that makes this unlawful:

(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....

The version of this ordinance in 1968 when the permit was applied for had the same requirement. (See 31.05 from 1966, attached.) It was unlawful then, and now, to build or maintain a sign without a proper, approved permit for the sign in question.

Why does it matter if the size matches the permit?

- City ordinances require a permit to construct, alter, or enlarge a sign. Constructing or altering a structure beyond what was authorized in the permit is a classic type of code violation. If there were no consequences for building a sign that is different or larger than permitted, the entire permit process would be meaningless.
- The City issues sign permits in order to enforce construction, safety and aesthetic requirements of the sign code. Signs have a maximum size to promote traffic safety and the visual appearance of the City.
- The dimensions of a sign form the basis for the permit fees. Deliberately under-reporting the size defrauds the City and results in a lower permit fee.

How do we know there wasn't a permit to change it to 12' x 25'?

- Matt Tucker can testify to the records he searched. Neither the City nor Adams can find a permit for a 12 x 25 sign at that location. The fact that good records *do* exist for the 1968 permit suggests that the City would also have good records for applications and permits since that time. In this case, there are no new records to demonstrate a change to this permit. The ZA is confident that this likely means no permit to alter or enlarge this sign was ever applied for. This is corroborated by Adams' lack of records.

Does it matter WHO created the unlawful situation?

- No. It doesn't matter who created the unlawful situation. Adams has submitted evidence to suggest this sign has been this size since at least the 1980's (as noted in the Judd affidavit) and possibly since the 1969 lease between Hansen and Vernon Ziegler. (Assuming that lease proves anything regarding size. The full dimensions are not provided) Whether it was Vivid, Hansen or Adams that allowed the sign to be built larger than permitted, the sign remains unlawful today.

What if it was typo?

- Adams argues the 10 x 20 that someone wrote must have must be a "clerical error." Error or no, there is no exception for typos in the sign banking ordinance. There is no evidence that anyone made a clerical error. 10 x 20 does not look like 12 x 25. As the images of the permit show, both faces are clearly described as 10 x 20' for a total of 200 square feet.
- To assume that an error was made, and decide the sign is lawful despite it, would discredit the careful record keeping of the City, render the permitting process pointless, and would ignore the ordinance.

Hasn't too much time passed?

- No. It doesn't matter that the sign has been unlawfully oversized for a long time. Adams makes a few legal arguments about this, see the next page for the ZA's response.

Zoning Administrator's response to Adams' arguments:

1. **The Statute of Limitations is immaterial:**

The statute of limitations for municipal ordinance violations is 2 years, not 10, but this doesn't matter. Wis. Stat. 893.93(2)(b). Adams suggests that if the time has run out to prosecute, the sign is no longer unlawful. This is wrong for many reasons:

a. Whether the statute of limitations has run does not change whether something is considered *unlawful*. At worst, it just means the City could not prosecute, i.e. write a ticket or proceed in municipal court.
b. The statute of limitations has not expired on this case. It does not work this way for ongoing code violations. Unlike a speeding ticket or disorderly conduct, where the illegal activity happens at a single moment in time, every day is a continuing violation. MGO 31.19. Village of Sister Bay v. Hockers is the leading Wisconsin case on this concept and also happens to involve a structure (porch) that was not authorized by the approved building permit. 106 Wis. 2d 474, 479, 317 N.W.2d 505, 507 (Ct. App. 1982). Like the porch in that case, this sign has been unlawful since it was constructed to be 12' x 25', and still is today. This means the City could prosecute for this right now. See also Maiman Real Estate, LLC v. Waupaca County, 16-CV-1025, 2017 WL 4838309 (E.D. Wis. Oct. 24, 2017). Whether to *prosecute* this violation is discretionary.
c. Declining to prosecute does not change its status as "unlawful."
d. Cases on selective enforcement also support this. Zoning staff cannot be everywhere at all times, the City simply doesn't have the resources. Zoning may not catch every permit problem, until it comes to their attention. Here, it did not come to their attention until very recently.

2. **No estoppel.**

Adams argues that because the sign has been 12' x 25' for a long time, the City cannot take action now. This is a concept known as "equitable estoppel." This concept does not apply for several reasons:

a. Equitable estoppel does not apply to city government in this context. A city must be able to enforce ordinances enacted for the "health, safety and welfare" despite the passage of time, or failure to notice or act on it sooner. See Milwaukee v. Leavitt, 31 Wis.2d 72, 76, 142 N.W.2d 169 (1966), Westgate Hotel, Inc. v. Krumbiegel, 39 Wis. 2d 108, 114, 158 N.W.2d 362 (1968).
b. Even if it were an outright mistake (clerical error) by city staff, past or present, an error of an enforcement official does not "estop" the City from enforcing a code violation at a later date. Snyder v. Waukesha Co. ZBA, 74 Wis. 2d 468, 476–77, 247 N.W.2d 98. (1976). There are many cases that hold this, for obvious and practical reasons.
c. As with their statute of limitations argument, even if the legal concept of estoppel were found to apply, this does not mean the sign is "lawful."

3. **UDC does not have discretion to fashion a compromise.**

The Village of Sister Bay case also supports this concept - in that case, the City sought

778 days' worth of penalties at $10/day for the ongoing violation of adding a porch to a building without modifying the building permit. The judge tried to fashion a compromise by imposing only 100 days' worth of fines, thinking this was fair. However the Court of Appeals said it was all or nothing – the trial court did not have the option to fashion an alternative or compromise outcome. The judge had to enforce the law as written, and the law as written required a penalty for each continuing day of violation.

Likewise, in this appeal, the only choice of the UDC is to enforce the ordinance as written. If the sign is unlawful then no amount of square footage can be banked. Neither the Zoning Administrator nor the UDC has the discretion to make up an alternative outcome that is not provided for in the ordinance.

The public, property owners and the sign industry benefit from consistent ordinance enforcement and interpretation. Overlooking the "lawfulness" requirement would chip away at consistency and place the Zoning Administrator in a tenuous legal position where he is asked to do a favor for one party. This is the sort of "unbridled discretion" that Adams argues against when challenging the sign code's constitutionality. Adams cannot have it both ways. The ordinance as written is clear, and it should be enforced as written.

Because this sign is unlawful, the Zoning Administrator properly denied Adams' request to bank the square footage and the UDC must uphold this decision.

Sincerely,

Lara M. Mainella
Assistant City Attorney-City of Madison

Encl.

cc: Matt Tucker, Zoning Administrator
Brian Potts, Attorney for Adams Outdoor Advertising

C-647

APPLICATION FOR

Tag No. C-647

Sign or Signboard Permit

RECEIVED DEC 13 1958

BUILDING DEPARTMENT CITY OF MADISON

1-27-59

Madison, Wis. 12/13 1958

OWNER VILID ADDRESS 102 E. BADGER RD

LOCATION OF SIGN ALONG W. LINE OF 3737 E. WASHINGTON ZONE

CONTRACTOR

TYPE OF SIGN GROUND SIGN

Horizontal Dimensions of Sign 20 ft. Vertical Dimensions of Sign 10 ft. 200 □

HOW PLACED: Extended over public property .... Extended from wall over private property .... Flat on wall .... or .... placed on roof. Distance from sidewalk grade 30' ft.

Distance from roof to lower edge of sign .... ft.

Remarks TO REPLACE SIGNS NOW NEXT TO GOLDEN OX

VERN ZIEGLER Owner

SYCAMORE AVE Address

OUTDOOR ADV Agent Servant

102 E. BADGER RD Address

APPROVED

PARKING

GOLDEN OX

Details showing area calculation of 200 sq. ft.

(10' x 20')

C-644

Sign or Signboard Permit

ZONE 53714

ft.

nded from wall over private

m sidewalk grade 30' ft.

Details showing area calculation of 200 sq. ft.

(10' x 20')

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

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

(a) The advertising sign must have been in existence within the boundaries of the City of Madison on February 2, 2015 or earlier. Signs that come into the City by annexation or attachment after February 2, 2015 are not eligible to be banked.

(b) Redevelopment. The process established in this ordinance is only available for an advertising sign to be removed from a property that is scheduled for redevelopment, if the redevelopment includes all of the following:

1. Removal of improvement(s) other than the existing advertising sign;
2. Construction of new improvement(s) other than an advertising sign, as evidenced by the issuance of a building permit or zoning certificate for the new improvement(s); and
3. The advertising sign must be removed because the sign is located in the same physical space where a new improvement (other than another advertising sign) will be constructed, or adjacent to a new improvement such that proximity of the existing sign would result in a building code violation.

(c) Advertising Sign Replacement not Considered Redevelopment. Removal of an existing advertising sign and construction of a replacement advertising sign on the same site shall not be considered "redevelopment" under this subsection and is prohibited.

(d) Redevelopment projects that have been approved for a demolition permit by the Plan Commission prior to the effective date of this Sec. 31.112 are not eligible to have existing advertising signs banked.

(3) Definitions. For purposes of this section:

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

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

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

(4) Advertising Sign Bank.

(a) One-hundred percent (100%) of the net area of each sign face removed from a lawfully pre-existing advertising sign may be banked.

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

(d) An advertising sign that is a wall sign shall not exceed three hundred (300) square feet in area and shall not project beyond the limits of the facade on which it is located. Advertising signs displayed as a wall sign may be illuminated subject to Sec. 31.04(5)(k).

(e) No advertising sign that is a ground sign shall exceed three hundred (300) square feet in area, except that any advertising sign which is located on a zoning lot with frontage on a street on which the speed limit exceeds forty-four (44) miles per hour, provided that such advertising sign conforms to all other provisions of this chapter, may be as large as seven hundred and fifty (750) square feet in area. Advertising signs displayed as a ground sign may be illuminated subject to Sec. 31.04(5)(k).

(f) No advertising sign shall exceed thirty (30) feet in height except that a design extension may exceed the permitted height limit by no more than eight (8) feet, provided the sum total of the area of all such extensions does not exceed seventy-eight (78) square feet in area. The total sum of the area of all design extensions in excess of thirty (30) feet in height shall be determined by calculating the area of the smallest square or rectangle, the sides of which are perpendicular to the ground that encompasses all such design extensions. In no case shall any design extension which protrudes from the top edge of an outdoor advertising sign exceed eight (8) feet in height even where the height of the main or principle portion of the outdoor advertising sign is less than thirty (30) feet. In the event this provision relating to extensions is amended or repealed, any extensions permitted hereunder shall be promptly lowered in height or removed, accordingly, by the owner, at no cost to the City.

(g) The following setbacks for advertising signs are required, except for advertising signs realigned under Sec. 31.05(2)(c):

1. An advertising sign situated parallel to the right-of-way line must be set back a distance equal to its height.
2. An advertising sign perpendicular, or nearly so, to the street right-of-way line must be set back three (3) feet from the property line.

(h) Roof or above-roof advertising signs shall not be permitted.

(i) No advertising signs are permitted in districts of special control.

(j) No advertising signs are permitted on lots on which dwelling units are located, except caretakers' or guards' dwelling units shall be permitted on the same lot with advertising signs.

(k) No advertising signs shall be permitted on the front facade of any building.

(l) No advertising sign shall be located in any required front yard or in the last ten (10) feet of any required rear yard, except for advertising signs realigned under Sec. 31.05(2)(c).

(m) No advertising sign shall be located on any zoning lot occupied by a nonconforming use.

(n) Any design extension that causes an advertising sign to exceed its total permitted square footage of area is strictly prohibited.

(o) Replacement Advertising Signs. As defined in Sec. 31.112, a "Replacement Advertising Sign" is a temporary permitted sign distinct from an Advertising sign. Sec. 31.11 controls Advertising Signs and Sec. 31.112 controls Replacement Advertising Signs. The requirements of Sec. 31.11 shall apply to any Replacement Advertising Sign erected pursuant to Sec. 31.112, except where expressly stated otherwise in that section. (Cr. by ORD-15-00069, 6-24-15)

31.112 ADVERTISING SIGN BANK AND REPLACEMENT ADVERTISING SIGNS.

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

certificate for new improvement(s) on the property in question has been issued, the Zoning Administrator gives his or her written approval to bank the square footage.

(c) The Zoning Administrator shall maintain an Advertising Sign Bank for each owner so requesting and who meets the requirements herein. The Advertising Sign Bank will include information about the removed sign including the zoning district, whether the sign was in an Urban Design District and any other information the city deems pertinent. The Zoning Administrator shall draw down an Owner's Advertising Sign Bank when a Replacement Advertising Sign permit is issued.

(d) Failure to complete the installation of a Replacement Advertising Sign within six (6) months of issuance of the sign permit shall cause the permit to expire, per Sec. 31.041(4), and the owner will lose the banked square footage associated with that permit.

(e) Banked square footage expires on the sunset date in sub. (7) herein.

(f) Banked square footage may be banked only by the owner of the lawfully-existing removed sign and is not transferrable under any circumstances including but not limited to a transfer by assignment, merger, acquisition, etc.

(g) If a Replacement Advertising Sign is installed in violation of any requirement of the permit for such sign, said permit shall become null and void, the sign shall be immediately and permanently removed, and the banked square footage for that sign permanently forfeited.

(5) Procedure to Install a Replacement Advertising Sign.

(a) The owner must have accumulated the corresponding amount of unexpired banked square footage in the Owner's Advertising Sign Bank to construct the RAS in question, before applying for an RAS permit.

(b) A complete application and permit fee meeting all the requirements for an advertising sign permit under this chapter shall be filed by the owner and reviewed for compliance with this ordinance and according to applicable procedures for the issuance of sign permits established in this chapter. The application shall also include a written agreement to remove the RAS within fifty (50) years of its installation date as required by sub. (6)(f) herein.

(c) Common Council Review. Prior to approving and issuing a permit for an RAS, the Zoning Administrator or designee shall provide written notice to the alderperson of the district where the RAS is proposed to be placed. That alderperson may request a review by the Common Council within fourteen (14) calendar days of the date of the written notice by notifying the City Clerk in writing of the request for review. The Clerk shall place the matter on the next available Council agenda for review, wherein the Council shall consider whether the proposed RAS will substantially impair or diminish the established uses, values or enjoyment of the property in question or any immediately adjacent property. A two-thirds (⅔) vote of the Common Council shall be required to prevent the issuance of an RAS permit, based upon a finding of the foregoing criteria. Any person aggrieved by the decision of the Common Council may, within thirty (30) days after the decision is published in the proceedings of the Common Council, commence an action seeking the remedy available by certiorari. This Sec. 31.112(5)(c), "Common Council Review," shall be ineffective as of a date two (2) years from the effective date of this ordinance.

(6) Replacement Advertising Sign Criteria. A Replacement Advertising Sign shall conform to the requirements for Advertising Signs in Sec. 31.11(2), "General Regulations for Advertising Signs" except:

(a) Permitted Zoning Districts. Replacement Advertising Signs are permitted only in the CC-T, CC, TE, SE, IL, and IG zoning districts and only such districts or portions of such districts that are not located in a Prohibited Location listed in

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

(b) Prohibited Locations. No RAS shall be constructed in an Historic District or on a Landmark building or Landmark site, as defined in Chapter 41, an Urban Design District listed in Sec. 33.24, in the geographic area described in Sec. 31.05(2)(a) or in the No Advertising Sign District described in Sec. 31.13(6). (Am. by ORD-15-00072, 7-29-15)

(c) Height. The height of a Replacement Advertising Sign displayed on the ground shall not exceed thirty (30) feet, measured using one of the following two methods:

1. From the top of the sign to the approved grade at the base of the supporting structure, or

2. If the base of the sign's supporting structure sits below the elevation of the adjacent roadway, the height may be measured from the top of the sign to the highest elevation of any roadway surface within the highway right-of-way directly adjacent to the zoning lot where the RAS is to be located, except an on-ramp, off-ramp, overpass or pedestrian bridge is not eligible for this measurement. The point at which the elevation of the eligible roadway is measured shall be determined by drawing a line from the base of the sign to the roadway that bisects the roadway at a right angle.

(d) Setback, Residence Districts.

1. Replacement Advertising Signs shall be set back not less than three (3) feet and not more than one hundred (100) feet from any property line.

2. No RAS shall be erected within one hundred (100) feet of any property line of a residential zoning district or the lot line of any property containing a residential use.

(e) Net Area. For a Replacement Advertising Sign displayed as a ground sign, the maximum net area of the sign face shall be as set forth in Sec. 31.11(2)(e), with a maximum of two (2) sign faces per structure. If displayed as a wall sign, the maximum net area shall be as set forth in Sec. 31.11(2)(d).

(f) Fifty-year Permit. All RAS permits shall expire fifty (50) years from the date of issuance by the City. Any RAS installed under this section shall be removed within fifty (50) years of the date the permit is issued and the permit holder shall agree to do so, in writing, as a condition of the permit. This obligation to remove the sign shall continue with any change of ownership of the sign or the property where the sign is located. No person shall allow a Replacement Advertising Sign to remain erected for more than fifty (50) years from its installation date.

(7) Sunset Clause. Section 31.112(5)(c), "Common Council Review," shall be ineffective as of a date two (2) years from the effective date of this ordinance. The remainder of this ordinance, Sec. 31.112, MGO, and all related cross references as determined by the City Attorney, shall be ineffective as of a date eight (8) years from its effective date and any unused, unexpired banked square footage in an Advertising Sign Bank shall expire as of the eight-year sunset date. Notwithstanding the foregoing, sub. (4)(g), all of sub. (6), "Replacement Advertising Sign Criteria," and any other provision establishing criteria for a Replacement Advertising Sign shall survive the sunsetting of this ordinance for purposes of enforcement.

(Sec. 31.112 Cr. by ORD-15-00069, 6-24-15)

(c) Sec. 31.04(6) is a Charter Ordinance adopted pursuant to Wis. Stat. § 66.0101, and Article XI, Sec. 3 of the Wisconsin Constitution and shall be effective upon sixty (60) days from passage and publication, subject to the referendum procedures of Wis. Stat. § 66.0101(5).

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.

(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 Zoning Administrator shall 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. Bicycle-sharing facility signs on private property under Sec. 31.046(4): $100 for all permitted signs per facility.
7. 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.
8. Temporary Decorative Window Coverings under Sec. 31.101: Flat fee of fifty dollars ($50) per window. Each permit is valid for a maximum of six (6) months or until the building or tenant space associated with the

window is occupied, whichever is shorter, and is renewable for the same fee and duration if the building or tenant space continues to be vacant. (Cr. by ORD-14-00159, 10-15-14)

(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.

1. Comprehensive Design Review.

a. Initial Comprehensive Design Review: Five-hundred dollars ($500).

b. Application for a change to a Comprehensive Sign Plan under Sec. 31.043(4)(d) that cannot be approved by the Zoning Administrator as a minor change: Five-hundred dollars ($500).

c. Application for a change to a Comprehensive Sign Plan under Sec. 31.043(4)(d) that can be administratively approved by the Zoning Administrator as a minor change: One-hundred dollars ($100).

2. The fee for all other 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 Additional Sign Code Approvals, shall be three-hundred dollars ($300) payable to the City Treasurer.

(Am. by ORD-15-00118, 10-28-15)

(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.