



Legislation Details (With Text)

File #: 07651 **Version:** 1 **Name:** advertising street graphics (billboards)
Type: Ordinance **Status:** Filed
File created: 10/2/2007 **In control:** PLAN COMMISSION
On agenda: 4/8/2008 **Final action:** 4/8/2008
Enactment date: 4/8/2008 **Enactment #:**

Title: Amending Sections 31.05(2)(b) and 31.11 of the Madison General Ordinances to remove the prohibition on relocating or replacing advertising street graphics.

Sponsors: Jed Sanborn, Thuy Pham-Remmele

Indexes:

Code sections:

Attachments: 1. Ordinance07651Plans.pdf, 2. ADAMS OUTDOOR ADVERTISING LITIGATION.pdf, 3. LettersSupportCapReplace.pdf, 4. Section31.05Report110707.pdf, 5. EDC City of Madison Businesses.pdf, 6. Street Graphic Ord Excerpt.pdf, 7. Letters Etc.pdf, 8. 07651 Additional Letters of Support.pdf, 9. 07651 Regent Street Redevelopment (2).pdf, 10. Memo & Photos 121307.pdf, 11. 121207specialreport.pdf

Date	Ver.	Action By	Action	Result
4/8/2008	1	COMMON COUNCIL	Place On File Without Prejudice	Pass
3/24/2008	1	PLAN COMMISSION	RECOMMEND TO COUNCIL TO PLACE ON FILE WITHOUT PREJUDICE - REPORT OF OFFICER	Pass
3/20/2008	1	DOWNTOWN COORDINATING COMMITTEE	Return to Lead with the Recommendation to Place on File without Prejudice	Pass
12/17/2007	1	PLAN COMMISSION	RECOMMEND TO COUNCIL WITH THE FOLLOWING RECOMMENDATIONS - REPORT OF OFFICER	Pass
12/12/2007	1	URBAN DESIGN COMMISSION	Return to Lead with the Recommendation to Place on File	Pass
12/5/2007	1	ECONOMIC DEVELOPMENT COMMITTEE	Return to Lead with the Following Recommendation(s)	Pass
12/4/2007	1	COMMON COUNCIL	Re-refer for Recessed Public Hearing	Pass
11/1/2007	1	URBAN DESIGN COMMISSION	Refer	Pass
10/16/2007	1	PLAN COMMISSION	Refer	
10/16/2007	1	PLAN COMMISSION	Refer	
10/16/2007	1	PLAN COMMISSION	Refer For Public Hearing	
10/16/2007	1	COMMON COUNCIL	Refer For Public Hearing	Pass
10/2/2007	1	Attorney's Office/Approval Group	Approved As To Form	
10/2/2007	1	Attorney's Office	Fiscal Note Required / Approval	
10/2/2007	1	Finance Dept/Approval Group	Fiscal Note Pending	
10/2/2007	1	Attorney's Office	Referred for Introduction	

Fiscal Note

No expenditure required.

Title

Amending Sections 31.05(2)(b) and 31.11 of the Madison General Ordinances to remove the prohibition on relocating or replacing advertising street graphics.

Body

DRAFTER'S ANALYSIS: The current ordinances regulating advertising street graphics (billboards) provide for a gradual phase-out of these graphics, generally occurring as properties that have billboards are redeveloped. This ordinance amendment would end the phase-out by allowing existing billboards to be relocated or replaced indefinitely. This ordinance amendment also allows billboards to be located in Urban Design Districts and lands annexed to the City since approximately 1983, neither of which is allowed under the current ordinance.

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

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

"(b) Any other advertising street graphic existing as of November 1, 1983, including those excepted from or otherwise not included in the areas set forth in Subdivision (a) above, may be continued provided that it may not be ~~relocated, replaced,~~ expanded, enlarged, repositioned or raised in height and may be relocated or replaced only if pursuant to Sec. 31.11(2)(s). Such existing advertising street graphics 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 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 graphic 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."

2. Section 31.11 entitled "Advertising Street Graphics and Off-Premise Directional Graphics" of the Madison General Ordinances is amended to read as follows:

"31.11 ADVERTISING STREET GRAPHICS AND OFF-PREMISE DIRECTIONAL GRAPHICS.

- (1) Existing advertising street graphics ~~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 Section 31.15(3), subject to the nonconforming advertising street graphics provisions of Section 31.05(2). Notwithstanding any other provision of these ordinances, new, ~~relocated and replacement~~ advertising street graphics are prohibited. Relocated and replacement advertising street graphics only are permitted under (s), below. Off-premise directional graphics are permitted only in the C1, C2, C3, and C3L Commercial Districts, and the M1 and M2 Manufacturing Districts as regulated in this section.
- (2) General Regulations.
 - (a) In addition to the regulations in this subsection, advertising street graphics shall conform to all other provisions of this chapter except size, height, setback and signable area regulations which apply only to other street graphics.
 - (b) Advertising street graphics, and their supporting structures if other than a wall graphic, 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 street graphic which is a wall graphic 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.

- (e) No advertising street graphic which is a ground graphic shall exceed three hundred (300) square feet in area, except that any advertising street graphic 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 street graphic conforms to all other provisions of this chapter, may be as large as seven hundred and fifty (750) square feet in area.
- (f) No advertising street graphic 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 that 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 graphic exceed eight (8) feet in height even where the height of the main or principle portion of the outdoor advertising graphic 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 street graphics are required:
 - 1. An advertising street graphic situated parallel to the right-of-way line must be set back a distance equal to its height.
 - 2. An advertising street graphic 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 street graphics shall not be permitted.
- (i) No advertising street graphics are permitted in districts of special control, except for Urban Design Districts and annexed lands.
- (j) No advertising street graphics 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 street graphics.
- (k) No advertising street graphics shall be permitted on the front facade of any building.
- (l) No advertising street graphic shall be located in any required front yard or in the last ten (10) feet of any required rear yard.
- (m) No advertising street graphic shall be located on any zoning lot which is occupied by a nonconforming use.
- (n) No off-premise directional graphic shall exceed sixteen (16) feet in height nor thirty-two (32) square feet in area.
- (o) Not more than one (1) off-premise directional graphic shall be located on any zoning lot.
- (p) The following setbacks for off-premise directional graphics are required:
 - 1. An off-premise directional graphic situated parallel to the street right-of-way must be set back a distance equal to its height.
 - 2. An off-premise directional graphic perpendicular, or nearly so, to the street right-of-way must be set back three (3) feet from the property line.
- (q) Off-Premise directional graphics meeting the purpose of the ordinance as described in Sec. 31.02(1) may be approved by the Director of Planning and Community and Economic Development, and, in case of rejection, may be appealed to the Plan Commission.
- (r) Any design extension which causes an advertising street graphic or off-premise directional graphic to exceed its total permitted square footage of area is strictly prohibited.
- (s) An advertising street graphic may be relocated or replaced only if the following conditions are met:
 - 1. The relocated or replaced advertising street graphic may be located only in the C2, C3, and C3L Commercial Districts, or the M1 and M2 Manufacturing Districts.

2. An existing advertising street graphic is removed, so that there is no increase in the number of advertising street graphic structures.
3. The relocated or replaced advertising street graphic shall not exceed the number of faces or the total face area of the removed advertising street graphic.
4. The relocated or replaced advertising street graphic shall be constructed of materials of at least twenty percent (20%) greater value than the materials of the existing advertising street graphic that will be removed, as evidenced by the submission of plans and cost estimates for construction of an advertising street graphic identical to the one to be removed and one of at least twenty percent (20%) greater value."