



Legislation Text

File #: 39847, Version: 1

**Fiscal Note**

The proposed resolution includes two fiscal components: 1) increasing the fee for Comprehensive Design Review by the UDC from \$300 to \$500; 2) creating a \$100 application fee for minor changes to an approved Comprehensive Sign Plan.

The fiscal impact for the first component is as follows: The Planning Division received an average of thirteen Comprehensive Design Review applications annually over the past ten years. Assuming this figure, the proposed increase in the Comprehensive Design Review application fee would produce an additional \$2,600 in revenue per year.

The fiscal impact for the second component is as follows: The Planning Division does not currently record the number of requests for minor changes to approved Comprehensive Sign Plans it receives in a year. Planning Division staff estimate the Division receives an average of two to four minor change requests in a year. Assuming these figures, the proposed fee of \$100 for minor changes to approved Comprehensive Sign Plans would produce additional revenue of less than \$500 in a year.

**Title**

Amending, creating and repealing various sections of Chapter 31, the Sign Control Ordinance, of the Madison General Ordinances to modify the criteria for menu or merchandise boards, allow additional ground signs on certain lots, make a technical correction to measurement of awning signs, modify the measurement of wall signs on large buildings, allow accessory window signs, and to allow certain nonconforming signs to remain in place with a change of use.

**Body**

DRAFTER'S ANALYSIS: This ordinance makes the following substantive changes to the Sign Control Ordinance: 1) New criteria will allow a business to display menu or merchandise boards on the exterior of the business and need not be placed within a signable area. 2) The requirement that a nonconforming sign must be brought into conformity with the code with a change of use is being eliminated, as is the requirement that a shared ground sign must be made to conform if all of the occupants or uses on the shared sign are changed simultaneously. 3) The method of measuring net area of awning signs is being corrected. 4) The maximum wall sign net area of 30% of the signable area for buildings of 25,000 square feet or more is modified so that it will only apply to single occupancy, stand-alone, non-residential buildings of 25,000+ square feet, or individual occupancies of 25,000+ square feet in a multi-occupancy building; with a new, overall maximum net area of 120 square feet per wall sign. 5) The new maximum net area for wall signs on buildings or occupancies under 25,000 square feet will be 80 square feet. 6) Two additional ground signs will be available for lots with a lengthy street frontage. 7) The window sign ordinance is modified to allow small accessory window signs which are temporary or are regulatory or informative in nature, such as the business hours, no trespassing, no smoking, etc. Such accessory window signs will not count against the maximum net area of signs allowed on the window under the current ordinance. 8) The fee for Comprehensive Design Review by the UDC is raised from \$300 to \$500; applications to change an approved Comprehensive Sign Plan will also be \$500 unless the change can be administratively approved as a minor change. This ordinance creates a \$100 application fee for such a minor change. 9) The UDC's authority to approve a "variance" in height, area and setback of a sign is increased from 25% to 50%.

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

1. Subsection (1) entitled "Purpose and Intent" of Section 31.02 entitled "Purpose and Scope" of

the Madison General Ordinances is created to read as follows:

“(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 areas, viable commercial areas and to identify industrial and other areas;
- (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) To recognize the role of appropriate and identifiable signage in helping businesses inform, direct and communicate with customers; and
- (fg) Recognition that signage is not intended to serve as a principal or sole use of a zoning lot.”

2. Subsection (2) entitled “Definitions” of Section 31.03 entitled “Rules and Definitions” of the Madison General Ordinances is amended by amending therein the following:

“Menu or Merchandise 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. A type of wall sign displayed on the exterior of a building which may include manual changeable copy, may be enclosed in a protective case, and is oriented toward pedestrians to provide information regarding the establishment, such as a restaurant menu, a menu of services, or a list of merchandise.”

3. The introductory paragraph of Subsection (5) entitled “Signs Outside Signable Area” of Section 31.07 entitled “Wall, Roof and Above-Roof Signs” of the Madison General Ordinances is amended to read as follows:

“(5) Signs Outside Signable Area. The following types of signs may be displayed on a wall outside the selected signable area described in Sec. 31.07(2)(a) and may be displayed in addition to the primary wall sign(s) authorized by that subsection. However, except for menu or merchandise boards, the following signs must be displayed on a part of the wall that meets the definition of “Signable Area” in Sec. 31.03(2).”

4. Subdivision (b) of Subsection (5) entitled “Signs Outside Signable Area” of Section 31.07 entitled “Wall, Roof and Above-Roof Signs” of the Madison General Ordinances is amended to read as follows:

“(b) ~~Menu boards placed at a height between three and a half to eight (3½ to 8) feet off the ground and with a maximum net area of ten (10) square feet.~~ Menu or Merchandise Board(s) as defined in Sec. 31.03 (2) are permitted anywhere on the façade and need not be placed within a Signable Area as defined in Sec. 31.03(2), if all of the following criteria are met:

1. Maximum of one (1) per occupancy, per street frontage.
2. Placed at a height between two (2) and seven (7) feet measured from the adjacent ground elevation to the top of the menu board.
3. Maximum net area of three (3) square feet.
4. Affixed flat to or parallel to and at a distance of not more than four (4) inches from the wall face or window surface and shall not otherwise project into the right-of-way.
5. Shall not extend beyond any edge of the wall or window to which it is affixed.
6. May include manual changeable copy feature(s), chalkboard, dry erase board, or similar material, however pre-fabricated sign boards that include an advertisement for any product are

- prohibited.
7. May be enclosed inside a protective case, if so, the case shall be included in measuring the net area.
  8. May be displayed on the exterior a window, but shall count against the total net area permissible for a Primary Window Sign under Sec. 31.10(1).
  9. Illumination. May be externally illuminated as allowed by Sec. 31.04(5)(k), but shall not be internally illuminated with back-lighting of copy.
  10. Downtown Core. Any menu board to be displayed in the Downtown Core, in addition to meeting the criteria of this subsection, must be reviewed by the UDC for compliance with the criteria of the "Downtown Urban Design Guidelines." In the event of a conflict between this subsection and those guidelines, the more stringent requirement shall apply.
5. Paragraph 2. of Subdivision (a) entitled "General Rule" of Subsection (1) of Section 31.05 entitled "Nonconforming Signs" of the Madison General Ordinances is hereby repealed.
6. Subdivision (b) entitled "Shared Ground Signs" of Subsection (1) of Section 31.05 entitled "Nonconforming Signs" of the Madison General Ordinances is hereby repealed.
7. Subdivision (2) of Section 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).~~"
8. Subsection (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."
9. Subsection (4) entitled "Size" of Section 31.07 entitled "Wall, Roof and Above-Roof Signs" of the Madison General Ordinances is amended to read as follows:
- "(4) Size.
- (a) Standard Net Area. The ~~permitted~~ maximum net area of all wall, roof and above-roof signs within a single signable area 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. When using the lineal foot method, the total net area shall not exceed one hundred percent (100%) of the signable area designated under Sec. 31.07(2), above. In no case shall a wall, roof, or above-roof sign eligible for measurement under this sub. (a) exceed eighty (80) square feet in net area.~~
  - (b) Occupancies of 25,000 Square Feet. For a single occupancy, stand-alone, non-residential building with twenty-five thousand (25,000) square feet or more in floor area, or a non-residential occupancy or tenant space with twenty-five thousand (25,000) square feet or more in floor area in a multi-tenant building, the maximum net area of all wall, roof and above roof signs shall be thirty percent (30%) of the signable area. The lineal foot measurement method shall not be available. In no case shall a wall sign under this sub. (b) exceed one hundred twenty (120)

square feet in net area. Any other occupancies or tenant spaces of less than twenty-five thousand (25,000) square feet of floor area on the same building or zoning lot are eligible for standard net area measurement under sub. (4)(a)."

10. Subdivision (a) entitled "Number" of Subsection (2) entitled "Number, Height, Net Area" of Section 31.08 entitled "Ground Signs" of the Madison General Ordinances is amended to read as follows:

"(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, or unless qualified for additional ground signs under sub. (ab) below. "Zoning Lot" shall have the definition found in Sec. 28.211, which includes a planned multi-use site, or a lot, or lots; as further described in that section. However, for purposes of this section only, a planned multi-use site that meets the criteria of Sec. 28.137(2)(e) 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."

11. Subdivision (ab) entitled "Additional Ground Signs" of Subsection (2) entitled "Number, Height, Net Area" of Section 31.08 entitled "Ground Signs" of the Madison General Ordinances is created to read as follows:

"(ab) Additional Ground Signs. More than two ground signs may be displayed on a zoning lot if all of the following criteria are met:

1. The zoning lot has a single street frontage of five-hundred (500) feet or more in length. For purposes of this provision, "street" has the definition in Sec. 28.211, MGO.
2. The zoning lot must have a vehicle entrance with driveway access on the street that corresponds to the five hundred foot (500') lot line.
3. One (1) additional ground sign may be placed at each such vehicle entrance on the zoning lot.
4. Any such additional ground sign must be a Monument Sign as defined in Sec. 31.03(2), with a maximum height of eight (8) feet, maximum net area of thirty-two (32) square feet for a single sign face and sixty-four (64) square feet in combined net area for all faces on the sign, and a maximum of two (2) sign faces per sign."

12. Section 31.10 entitled "Window Signs" of the Madison General Ordinances is amended to read as follows:

**"31.10 WINDOW SIGNS.**

Window signs, as defined in Sec. 31.03(2), may be displayed in Group 2 and 3 districts without a permit, subject to the following restrictions:

- (1) Primary Window Signs.
  - (a) 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) (b) 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.
- (2) Accessory Window Signs. The following types of window signs may be displayed in addition to the window signs allowed under subs. (1) and (2) and shall not be counted toward the maximum net area therein:
  - (a) Temporary window signs of not more than four (4) square feet in net area, displayed for not longer than fifteen (15) calendar days within any thirty (30) day period.
  - (b) Regulatory signs such as "no smoking," "no firearms/weapons," "no trespassing" and the like, and hours of operation, containing no commercial message. The total net area of all such signs on the window shall not exceed three percent (3%) of the total window area.
  - (c) The net area for Accessory Window signs shall be measured using the method in subs. (1) or (2), accordingly.
  - (3) The "total window area" shall be one (1) continuous panel of glass or other transparent

material, or a set of two (2) 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 material.

(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(5)(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.”

13. Subdivision (d) entitled “Urban Design Commission Fees” of Subsection (3) entitled “Permit and Application Fees” of Section 31.041 entitled “Signs and Permit Fees” of the Madison General Ordinances is amended to read as follows:

“(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, ~~Comprehensive Design Review~~ and Additional Sign Code Approvals, shall be three-hundred dollars (\$300) payable to the City Treasurer.

14. Subsection (2) entitled “Modifications of Height, Area or Setback” of Section 31.043 entitled “Urban Design Commission and Comprehensive Design Review” of the Madison General Ordinances is amended to read as follows:

“(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~~ fifty percent (~~25~~50%) greater net area or ~~twenty-five~~ fifty percent (~~25~~50%) higher than the maximum height otherwise allowed, or reduce the required yard or setback if such approval.”

15. Footnote 2. of Table 1 of Subdivision (1) entitled “Table 1” of Section 31.15 entitled “Tables of Permitted Signs, by Zoning Districts” of the Madison General Ordinances is amended to read as follows:

“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, except when additional ground sign(s) are permitted under Sec. 31.08(1)(ab). ~~A maximum of two (2) ground signs may be displayed on a single zoning lot. See Sec. 31.08(2)(c) of this ordinance.~~”

#### EDITOR’S NOTES:

1. Section 31.05(1)(a)2. currently reads as follows:

“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.”

2. Section 31.05(1)(b) currently reads as follows:

“(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.”