



Legislation Text

File #: 38645, Version: 3

Fiscal Note

There may be a small increase in General Fund revenues derived from additional sign permit fees.

Title

AMENDED SUBSTITUTE Creating Sections 31.112 and. 31.11(2)(o) and amending Sections 31.11(1) and 31.05(2)(b) of the Madison General Ordinances to create a permit for a 50-year Replacement Advertising Sign using square footage from an advertising sign removed from a property to be redeveloped, and amending Section 31.04(5)(k)4.a. regarding illumination of certain signs.

Body

DRAFTER'S ANALYSIS: This ordinance establishes a "cap and replace" program to allow removal of an existing billboard ("Advertising Sign") from a property to be redeveloped and construction of a replacement sign on another site. An Advertising Sign is a sign that advertises something unrelated to the premises upon which the sign is located. Advertising signs are typically owned by outdoor advertising companies. New advertising signs are prohibited by ordinance. This ordinance would allow construction of a replacement advertising sign under some circumstances.

A similar ordinance, ID # 35036, was defeated on January 20, 2015 after a Mayoral Veto. A challenge to the veto did not pass. The differences between the vetoed ordinance and this ordinance are:

- (1) The property where the existing sign is located must be scheduled for redevelopment.
- (2) The procedure is only available to signs in existence within the city as of February 2, 2015. (Future billboards that come into the city through annexation will not be eligible.)
- (3) The replacement advertising sign permit will have a maximum lifespan of 50 years.
- (4) The ordinance will sunset in eight years.

Under this ordinance, the owner of an advertising sign in existence within the City limits as of February 2, 2015, may remove the sign and bank the square footage, if the property is to be redeveloped and the sign must be removed to accommodate the redevelopment. (This option would not be available to remove an existing billboard and replace it on the same lot.) Eligible sign owners will receive credit for the square footage removed, to be applied toward a permit for a replacement sign with a maximum lifespan of fifty years. The square footage of the removed sign would be "banked" at a ratio of 1 square foot to 1. A permit for a Replacement Advertising Sign ("RAS") would be issued for a maximum of 50 years. At the conclusion of 50 years the permit holder or the landowner must remove the sign. Replacement signs would be allowed only in the CC-T, CC, TE, SE, IL, and IG zoning districts, but not in an Urban Design District, an Historic District, Landmark building or Landmark site, the area described in Sec. 31.05(2)(a), nor in the area known as the No Advertising District.

The Zoning Administrator will administer the sign bank. Once placed in the bank, the square footage is not transferrable to anyone else. Failure to complete the installation of a Replacement Advertising Sign within 6 months of permit issuance will result in the permit becoming void and the banked square footage lost. Replacement Advertising Signs will be subject to most of the rules applicable to existing Advertising Signs, except an RAS will be allowed in annexed lands (pre-February 2, 2015), will have different setback rules (minimum of 3 feet and maximum of 100 feet), different rules for height measurement, and the RAS may be displayed for no more than 50 years. The sign cannot be located within 100 feet of a residential property line. An RAS will have a maximum height of 30 feet but if the base of the sign sits at a grade below the adjacent roadway, the 30 feet can be measured from the top of the sign to the road surface where it is intended to be viewed, rather than from the top of the sign to the ground. The issuance of a replacement advertising sign

permit may be reviewed by the Common Council upon request of the Alder of the district where the sign is proposed to be placed. A two-thirds vote of the Council could override the issuance of the permit upon a finding that the proposed sign will substantially impair or diminish the established uses, values or enjoyment of the property in question or any immediately adjacent property.

This amendment also adds necessary references to Replacement Advertising Signs in Sec. 31.11, and deletes the option of measuring illumination by watts for signs up to 300 square feet. Sec. 31.05(2)(b) is amended to make it clear that Replacement Advertising Signs will not be treated as nonconforming under that section because they are a new type of permitted sign. Finally, the RAS ordinance and related cross references will sunset in eight (8) years from the effective date.

The Common Council of the City of Madison do hereby ordain as follows:
Please see "Amended Substitute Body" in Attachments.