

September 24, 2007



CITY OF
MANITOWOC

David Less
City Planner

Memo

To: Interested Parties

From: David Less, City Planner

Re: **PC4-2007: Regulation of Digital/Animated Signs in the City of Manitowoc**

On August 20, 2007, the City's Common Council adopted Ordinance No. 371 which amended various elements of the City's sign ordinance under Section 15.45 of the Municipal Code. Ordinance No. 371 became effective on August 31, 2007.

The majority of the changes included in the Ordinance dealt with modifying existing definitions within the Municipal Code, but probably the most significant change resulted in the creation of a new section that details a more flexible regulation of electronic message signs or animated signs, both fixed and movable.

The Ordinance recognizes that the use of electronic message centers in signage is increasing; that the City's sign ordinance needed to evolve to anticipate the evolution of signs to take advantage of electronic technologies; and that these new technologies and media will continue to evolve.

The Ordinance creates requirements for the location, placement, installation, display and regulation of movable and fixed or permanent animated signs, including such items as message duration, brightness, size and locational considerations. The animated sign regulations are designed to minimize and mitigate the level of distraction from electronic signs to motorists and residential areas.

The purpose of this memo is to provide a summary of the procedures and requirements for regulating digital/animated signs contained in the Ordinance, as well as identify the parties responsible for implementing various sections of the Code.

Note that this document is intended only as a summary document. You are advised to not construe or interpret this document as a comprehensive listing of all animated sign requirements. You are advised to review Section 15.45 in its entirety.

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The definition of an “Animated Sign” is intended to be an all-inclusive definition which addresses and assimilates signs we see today, as well as anticipates future technological changes.

The Ordinance defines an animated signs as a sign with a fixed or changing display/message composed of a series of lights that may be changed by electrical, electronic or computerized process or remote control. An animated sign may be fixed (permanently attached to real property) or movable, and may include, but not be limited to light emitting diodes (LED), video, television and plasma screens and holographic images. Animated signs include the following:

- A. A sign whose alphabetic, pictographic, or symbolic informational content can be changed or altered on a fixed display screen composed of electronically illuminated segments.
- B. A sign or any part of a sign that changes physical position by any movement or rotation or that gives the visual impression of such movement or rotation.
- C. A sign with action, motion, or an illusion of either, or changing colors which require either electrical, solar or wind powered energy.
- D. A sign that uses movement, lighting, change of lighting, or special materials to depict action or create a special effect or scene to imitate movement.
- E. A sign that, through the use of moving structural elements, flashing or sequential lights, lighting elements, or other automated method, results in movement, the appearance of movement, or change of sign image or text.
- F. A sign with automatic changing copy, flashing copy or lights, revolving signs, and signs with stroboscopic lights, intermittent lights, beacons or any other type or style of lights.
- G. Electronic display screens, electronic message centers, and billboards/off-premise signs with digital technologies.
- H. Any movable animated sign not permanently attached to the ground or other permanent structure, or a sign originally designed to be transported, including but not limited to, signs designed to

be transported by means of wheels. A movable animated sign includes signs available for use for a fee, payment in lieu of a fee, free of charge, or other arrangement by individuals, businesses or other entities for a limited period of time. A movable animated sign is also a temporary sign.

Signs or portions of a sign with a message content that is strictly limited to time, date, temperature, or gas prices shall not be construed to be animated.

Fees for Fixed and Movable Animated Signs (Section 15.45(18)(b))

The Common Council has established the following permit fees related to fixed and movable animated signs:

A. Fixed Animated Sign

1. One time fee payable to the ***Director of Building Inspection*** upon filing a request for the issuance of a Special Permit by the Plan Commission for the siting of a fixed animated sign. (\$125)(Section 15.45(18)(b)1.(A))

B. Movable Animated Sign

1. One time fee payable to the ***Director of Building Inspection*** upon filing a request for an administrative review and permit to site a movable animated sign. (\$70) (Section 15.45(18)(b)2.(A))
2. Payment by the owner of a movable, animated sign, of an annual permit fee in January of each calendar year to the ***Director of Building Inspection*** for maintaining a movable animated sign in the City. (\$195) Section 15.45(18)(b)2.(B))

General Sign Regulations for All Animated Signs (Section 15.45(18)(c))

Animated signs, both fixed and movable, are regulated under this Section, with the following limitations:

- A. Only be permitted to communicate information pertaining to businesses and activities located on the same lot of record as the animated sign, and messages pursuant to Section 15.45(18)(c)11. A. - C.

- B. Specified terms and conditions for animated signs included in a Traditional Neighborhood Development (TND) under Section 15.73, or a Planned Unit Development (PUD) under Section 15.75, or in other City approved restrictive property covenants, shall control over this Ordinance.
- C. The location of a billboard or off-premise sign featuring animation, video signage and the like shall be regulated as a billboard under Sections 15.45(14)(f)3., (14)(fm)3.f. or (14)(g)3.
- D. All animated signs in existence prior to the effective date of this ordinance shall be deemed to be legal and non-conforming pursuant to Section 15.45(6), and shall not become legal and conforming until issuance of either a special permit pursuant to Section 15.45(18)(e) or administrative permit pursuant to Section 15.45(18)(f).
- E. An animated identification sign as part of a shopping center as defined in Section 15.03(80) is permitted.
- F. Fixed animated signs shall be permitted only as a ground sign or as a wall sign. Fixed animated wall signs shall only be permitted in the "B-3", "C-1", "I-1" and "I-2" zoning districts as defined in Section 15.45(18)(g).
- G. The base of a fixed animated sign shall meet the landscaping requirements under Section 15.45(14)(g)3.f.9.-11., except that there shall be no fee required for compliance with this section.
- H. The removal and disposition of abandoned, deteriorated or dilapidated animated signs shall comply with Section 15.45(7)(b) and (c).
- I. Each unified business development, managed as a total entity and under common ownership, which abuts onto two (2) or more public rights-of-way may contain one (1) animated sign abutting a

collector street, and one (1) animated sign abutting a principal or minor arterial street as defined in the WisDOT "Functional Classification System" for the City, for a maximum of two (2) signs.

- J. Animated signs located on public property or in a public right-of-way and which are owned or leased by the United States, Wisconsin, or any instrumentality, agency or subdivision of either, are not required to have a special permit or administrative permit if the principal use of the sign shall be used for any of the following:
 - 1. For the purpose of directing, controlling or assisting the movement of vehicular traffic, pedestrian traffic or other mode of transportation; or
 - 2. For providing public service or safety warning messages to inform the public of traffic, weather or other emergency conditions necessary to insure the convenience and general welfare of the public; or
 - 3. For promoting messages related to any business event, product, service or activity of local, regional, state or national interest.
- K. Animated signs located on private property shall not display messages for the purpose of directing, controlling or assisting the movement of vehicular traffic on a public right-of-way.
- L. Animated political signs pursuant to §12.04(4)(a) Wis. Stats. shall meet the requirements of this Ordinance.

General Sign Regulations for Movable Animated Signs (Section 15.45(18)(d))

Movable animated signs shall not be located on a unified business development, managed as a total entity and under common ownership, for more than 30 consecutive calendar days at a time, and not more frequently than two (2) times per calendar year at any one (1) business. The placement of one (1) movable animated sign constitutes one (1) event.

- A. The maximum size of any movable animated sign shall be thirty (30) square feet per sign face, up to a maximum of two (2) sign faces; or a maximum of sixty (60) square feet per sign structure.
- B. Movable animated sign shall be securely mounted, legible and maintained in good condition.

- C. Signs shall be placed in accordance with the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD).
- D. The area of a movable animated sign shall be counted against the overall allowable signage on a lot of record.
- E. The owner of a movable animated sign shall be the party responsible for assuring all requirements under this ordinance are met in the siting of a said sign at the property of a lessee, as well as the rectifying all complaints, fees and the payment of all penalties related to the placement of said sign at less's property or business.
- F. Political messages promoting or lobbying for an individual or person shall only be permitted on a movable animated sign located on property owned by the individual campaigning for said political office.

Special Permit Application and Approval Process for Fixed Animated Signs (Section 15.45(18)(e))

- A. Requires issuance of a special permit (including compliance conditions) by the City Plan Commission.
 - 1. If animated sign is replaced, enlarged or relocated at same property, requires review and approval of ***Director of Building Inspection*** and ***City Engineer***.
 - 2. Upon approval of special permit, ***Director of Building Inspection*** and ***City Engineer*** shall make an appropriate record of the land use and structures permitted.
 - 3. Special permits are reviewed in June of each calendar year by the City Plan Commission.
 - 4. Special permit may be revoked at any time by ***Director of Building Inspection*** if public safety issue is created.
 - a. If revoked, City Plan Commission will hold an informational hearing on the

proposed revocation, and files recommendation with Council.

- b. Council may hold public hearing, and will then take action regarding revocation.

B. Application can be filed with either *City Planning or Building Inspection Departments*.

C. Application includes:

1. Scaled site plan.
2. Scaled drawing of sign structure.
3. Model and serial number.
4. Lamp wattage and luminance levels.
5. The applicant for a special permit shall provide written certification to the City from the sign manufacturer that the light intensity has been factory pre-set to not exceed the levels specified herein, and that the intensity level is protected from end-user manipulation by password-protected software or other method(s) acceptable to the City Plan Commission.
6. Sign construction specifications.
7. Total signage calculation for property including animated sign.
8. Other information as specified by City Plan Commission.

Administrative Permit for a Movable Animated Signs (Section 15.45(18)(f))

A. *Director of Building Inspection* and *City Engineer* are authorized to review, approve or deny requests for movable animated signs, based on submittal of the following information:

1. Scaled site plan.

2. Scaled drawing of sign structure.
3. Model and serial number.
4. Lamp wattage and luminance levels.
5. The applicant for an administrative permit shall provide written certification to the City from the sign manufacturer that the light intensity has been factory pre-set to not exceed the levels specified herein, and that the intensity level is protected from end-user manipulation by password-protected software or other method(s) acceptable to the City Plan Commission.
6. Sign construction specifications.
7. Identification of sign owner (lessor) and renter (lessee or licensee).
8. Total signage calculation for property including animated sign.
9. Beginning and ending date for which sign will be used and on-site.
10. Other information as specified by the *Director of Building Inspection* or *City Engineer*.

B. Administrative permit may be revoked at any time by *Director of Building Inspection* if public safety issue is created.

1. If revoked, City Plan Commission will hold an informational hearing on the proposed revocation, and files recommendation with Council.
2. Council may hold public hearing, and will then take action regarding revocation.

Locational Requirements (Section 15.45(18)(g))

- A. Not permitted in "P-1", "R-1", "R-2", "R-3" and "R-4" zoning districts, except for properties meeting the requirements of Section 15.45(18)(c)11.; and properties eligible for adaptive re-use conditional use permits pursuant to Section 15.37(29).
- B. Permitted in the "R-5", "R-6", "B-1" and "B-2" zoning districts, subject to compliance with the following conditions:
 - 1. A sight distance of at least 150 feet between any existing single and two (2) family residential land uses as measured from the edge of the proposed animated sign to the lot line of such a residential land use.
 - 2. The animated portion of an animated sign shall not exceed 30 per cent of any sign permitted for the same zoning district pursuant to Section 15.45(14).
- C. Permitted in the "B-3" zoning district, subject to compliance with the following conditions:
 - 1. A sight distance of at least 100 feet between any existing single and two (2) family residential land uses as measured from the edge of the proposed animated sign to the lot line of such a residential land use.
 - 2. The animated portion of an animated sign shall not exceed 30 per cent of any sign permitted for the same zoning district pursuant to Section 15.45(14).
- D. Permitted in the "R-7" and "B-4" zoning districts, and the 8th Street Historic District, subject to compliance with the following conditions:
 - 1. Located in a public park or landscaped area which is not less than five (5) times the area of the sign structure as measured from its four (4) corners.
 - 2. The animated portion of an animated sign shall not exceed 30 per cent of any sign permitted for the

same zoning district pursuant to Section 15.45(14).

3. Animated signs located in the 8th Street Historic District shall be permitted to be a marquee sign if such design was part of the original design or structure of any property in said Historic District.
- E. Permitted in the "C-1", "I-1" and "I-2" zoning districts, subject to compliance with the following conditions:
1. A sight distance of at least 100 feet between any existing single and two (2) family residential land uses as measured from the edge of the proposed animated sign to the lot line of such a residential land use.
 2. The animated portion of an animated sign shall not exceed 30 per cent of any sign permitted for the same zoning district pursuant to Section 15.45(14).
- F. In zoning districts where minimum spacing and separation distances from existing residential land uses apply, a permitted animated sign display shall be oriented so that no portion of the sign face is visible from the existing residential structures utilized in the spacing/separation measurement.
- G. Minimum spacing and separation requirements shall be maintained and required unless a reduction in the spacing and separation distance is specified by the City Plan Commission under a special permit.
- H. An animated sign shall not be located within 100 feet from an existing intersection, or a future intersection as identified on the City's Official Map pursuant to §62.23(6) Wis. Stats., as measured from any portion of the sign or sign structure to the closest traffic control or warning light as required under Section 15.45(8)(f).
1. City Plan Commission reserves the right to reduce or waive the 100 foot separation requirements hereunder based upon its evaluation of the proposed location of the sign, and a determination

that the proposed sign will not promote visual clutter, will not have an adverse effect on nearby property, and will not create a safety hazard.

Structural and Display Regulations (Section 15.45(18)(h))

- A. An animated sign erected within the interior of a building and affixed to a window, shall not occupy more than thirty (30) per cent of the window area.
- B. Animated signs shall comprise no more than the lesser of 30% of the sign's total allowed sign face area (Section 15.45(14)), or 30 square feet in area per sign face.
- C. The area of a sign face shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral section of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed.
- D. When the sign faces of a double faced sign are parallel to a public right-of-way or the interior angle formed by the faces is 90 degrees or less, only a single face will be counted in computing sign area. If the two (2) faces are of unequal area, the area of the sign shall be established as the area of the larger sign face. In all other cases, the areas of all faces of a multi-faced sign shall be added together to compute the area of the sign.
- E. The animated portion of a sign shall count toward the total sign area.
- F. The maximum height of a sign shall comply with limits pursuant to Section 15.45(14).
- G. Freestanding animated monument signs must be mounted on a base with a width at least 75 per cent of the width of the sign face, based upon the greatest horizontal dimension of the sign. Animated signs are to be integral to the sign structure if part of a monument sign.
- H. Animated signs under this section shall meet the current version of the National Electric Code and State Electric Code.

- I. Animated signs adjacent to I-43 or any federal primary highways shall comply, if required, with §84.30 Wis. Stats.
- J. For multiple occupancy buildings or shopping centers operating as a unified business development, managed as a total entity and under common ownership, one (1) animated sign per building or center shall be permitted, which shall display messages only for businesses located and operating on-site, excepting buildings or centers meeting the requirements under Section 15.45(18)(c)10.
- K. The color and illumination of an animated sign may not interfere or conflict with the effectiveness of, or obscure any official traffic sign, device or signal.
- L. All animated signs shall be equipped to automatically adjust the brightness of the sign.
- M. Undue brightness is prohibited, and is defined herein as illumination of an animated sign in excess of the following intensity levels:
 - 1. Daylight hours: 5,000 nits or equivalent candelas per square meter or footcandles.
 - 2. Dusk to dawn (time of day between sunrise and sunset: 500 nits or equivalent candelas per square meter or footcandles.
 - 3. For animated signs using incandescent lamps, no more than 15 watts per lamp.
- M. Animated signs must have installed an automated light monitor or dimmer, which must be used to adjust the brightness level of the animated sign based on ambient light conditions.
- N. For an animated sign, individual letter or messages must hold or be illuminated for a minimum of one and one-half (1½) seconds, otherwise it is a flashing sign.
- O. Animated signs shall only be permitted to advertise activities conducted on premise and messages under Section 15.45(18)(c)11(A-C). This includes trademarks but only when the identified company is providing service on-site.

Prohibited Animated Signs (Section 15.45(18)(i))

- A. Any sign displaying adult text or graphics (15.45(8)(i)1.).
- B. Any sign emanating audio onto a public right-of-way unless said audio is only audible by the general public within said property's frontage.
- C. Any sign which expels steam or other visual or olfactory distraction.
- D. Any sign which projects a holographic or other image on to a freestanding surface.
- E. Any sign featuring messages for off-premise businesses, except for messages under 15.45(18)(c)11.
- F. Any sign mounted as a projecting sign or; rooftop sign, except for Section 15.45(18)(g)6.
- G. Individual stores/businesses in a multi-tenant building or shopping center which are operating as a unified business development, managed as a total entity and under common ownership.
- H. Signs not requiring a permit under Section 15.45(9).
- I. Any sign which is vertically mounted, horizontally connected, or stacked.
- J. Signs that by their position, working, brightness, illumination, size, shape or color, obstruct, conflict, impair or interfere with traffic signal lights or other traffic control or emergency vehicle lights.
- K. Signs under Section 15.45(8)(i).
- L. Signs that are a nuisance and/or cause glare onto traffic or adjacent property.
- M. Flashing signs.

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