

CITY OF TONKA BAY MEMORANDUM

To: Honorable Mayor and City Council Members
Lindy Crawford, City Administrator

From: Erin Perdu, AICP, City Planner

Date: November 3, 2015

WSB Project No. 01987-560

Regarding: Interpretation of Sign Ordinance

ISSUE

The City has received a pre-application for an electronic message board at the Tonka Village shopping center. In 2010, the City amended its sign ordinance to allow for electronic message boards under certain circumstances and with a set of design standards. The pre-application was reviewed according to this language and the other requirements for wall signs in commercial districts.

As a result of the pre-application, additional information has been requested so it can be confirmed that the sign meets the following design standards:

1. The illumination source shall not be placed so to cause confusion or hazard to traffic, or to conflict with official or traffic signs, signals, or lights;
2. An Electronic Changeable Copy Sign may not change or move more often than one time per hour, except one for which changes are necessary to correct hour-and-minute, date, or temperature information;
3. The messages displayed must be static, and the transition from one static display to another must be instantaneous without any special effects;
4. Electronic changeable copy and signs shall be designed and equipped to freeze the device in one position if a malfunction occurs or immediately discontinue the display. Additionally, the sign owner shall immediately stop the display

There is some question, however, as to the permissible location of the electronic message board. The sign is proposed to be located on the existing brick “pier” at the northern end of the building, facing south. The development review committee initially reviewed the proposed sign as a “wall sign”. The definition of a wall sign per the Tonka Bay Sign Ordinance is as follows (emphasis added):

WALL SIGN: A sign attached to, painted on, or erected against a wall or roof of a building or structure which extends no more than 18 inches from the wall surface upon which it is attached and whose display surface is parallel to the face of the building and does not exceed the height of the building upon which it is mounted.

The existing pier at the northern end of the building has its widest sides facing west. The longest side of the building, where most of the tenant signage is now located, is facing west. The question then arises as to which is the “face” of the building per the wall sign definition.

INTERPRETATION

The question centers around whether the sign's display surface is parallel to the face of the building. The definition of wall sign states that the display surface must be parallel to the face of the building. There is, however, no definition of "face of building".

After reviewing the complete sign ordinance with regard to wall signs and signs in commercial districts, it is my interpretation that the signage proposed by the applicant (an electronic message board on the south ~~east~~-facing side of the existing pier is permitted as a wall sign in a commercial district. In this case, there is tenant signage located along the west facing wall of the building as well as on the south facing wall (Caribou Coffee). Because there is signage on the south facing wall, this should be considered a face of the building.

In cases such as this where there is ambiguity in the language, staff (in this case, the Development Review Committee) must make an interpretation. If the Council agrees, the applicant will be instructed to proceed with a sign permit application including the additional information supplied in the pre-application letter. If not, the applicants will be required to apply for a variance for any signage on the pier walls.