

SECTION 330.
SIGNS AND OUTDOOR ADVERTISING
(Amended June 3, 2010)

330.01 **INTENT AND PURPOSE**

Subd. 1. This section is intended to provide for the orderly control of signs and outdoor advertising, to permit the use of signs and outdoor advertising necessary for adequate identification and direction in order to promote the health, safety and welfare of the citizens of Tonka Bay, and to provide for commercial advertising under appropriate conditions.

Subd. 2. Contained in this ordinance *(Amended June 3, 2010)* are the requirements for signs and outdoor advertising which are allowed in various zone districts. These include details pertaining to size, shape, height, location, setbacks and construction of signs and other outdoor advertising.

Subd. 3. It is the intention of this ordinance that the owner of any sign which is otherwise allowed by this ordinance may substitute non-commercial speech in lieu of any other commercial speech or non-commercial speech. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech or favoring of any particular non-commercial speech over any other non-commercial speech. *(Amended June 3, 2010)*

330.02 **GENERAL REGULATIONS**

Subd. 1 No sign shall be erected, maintained, modified or continued unless it is in full compliance with the regulations for the zone district in which it is located and all applicable provisions and regulations of the Zoning Ordinance, Minnesota State Statutes and Federal regulations.

Subd. 2. No sign shall be placed in the right-of-way of any public street or highway except *(Amended June 3, 2010)* traffic or other municipal signs, legal notices, railroad crossing signs, danger, and such temporary, emergency, or non-advertising signs.

Subd. 3 No sign shall be placed at any location where, by reason of the position, shape, or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device.

Subd. 4 No sign shall display the words "stop", "look", "drive-in", "brake", or "danger" or any other word, phrase, symbol or character in such manner as to interfere with, mislead, or confuse traffic.

Subd. 5 No sign shall be placed on public property other than signs placed by agencies or governments.

Subd. 6 No sign shall be placed on any private property without the consent of the owner of said property.

Subd. 7 No sign shall be placed, painted, attached, or in any manner affixed to trees, rocks, or similar natural surfaces, or attached to utility poles, bridges, towers, storage facilities, or similar public structures.

Subd. 8 No sign shall be placed on any utility pole except for utility identification or similar purpose.

Subd. 9 Corner Vision Clearance Triangle Requirements

No sign which is over 42 inches in height shall be erected, placed or maintained within a triangle formed by the point of intersection of lot lines abutting a street and/or railroad right-of-way and the points located along the lot lines 55 feet from the point of intersection. A variance to this restriction may be granted by the City Council under the provisions of Section 1004 of this Ordinance. Traffic safety shall be considered in any variance decision.

Subd. 10 Sign Permits

- a. No signs, except for those not subject to permits listed below, shall be erected or modified without a permit approved by the Tonka Bay City Council.
- b. Prior to construction of a sign requiring a permit, an application for a permit for such shall be filed with the Tonka Bay City Administration and shall include the following information.
 - (1) Application form completed and signed by the property owner or authorized agent.
 - (2) Survey with plans showing property boundaries of the lot, parcel or tract with all existing structures and location of proposed sign.

Subd. 11 Fees

Accompanying each application for a sign permit shall be a non-refundable processing fee in an amount established by the City Council.

330.03 SIGNS OR ADVERTISING DEVICES NOT PERMITTED

The following types of signs or advertising devices are expressly prohibited in all districts unless specifically permitted.

Subd. 1. Portable or wheeled signs or advertising devices, except for operable and licensed motorized vehicles and licensed trailers used in the pursuit of regular day to day business having the name of the permitted use and service(s) offered or the name of the permitted use for hauling of materials, equipment, and/or merchandise.

Subd. 2. Balloons or similar types of lighter-than-air objects tethered to the ground by lines or other method.

Subd. 3. Searchlights and/or spotlights.

Subd. 4. Signs or advertising devices consisting of *(Amended June 3, 2010)* flashing, blinking, rotating or otherwise animated parts, *(Amended June 3, 2010)* or any type of illumination or attraction devices that fluctuate in light intensity, except for holiday decorations, *(Amended June 3, 2010)* time and/or temperature devices.

Subd. 5. Billboards and off premise signs.

330.04 SIGNS OR ADVERTISING DEVICES NOT REQUIRING PERMITS

Subd. 1 Construction or Real Estate Signs

Temporary ground or wall signs not extending outside the property line and not more than 6 square feet per face in area which identify or advertise new construction, remodeling, rebuilding, sale, rental or lease of a designated

structure or land area for a permitted use on which signs are located. Only one (1) sign shall be allowed per lot, shall not be illuminated and shall be removed on completion of construction, remodeling, sales or lease. Not included are signs which identify or advertise developments.

Subd. 2. Holiday and Seasonal Decorations:

Signs in the nature of decoration, clearly incidental and customary and commonly associated with any national, local or religious holiday or season; provided that such signs shall be displayed for a period of not more than 60 consecutive days, not more than 60 days in any one year; and may be of any type, number, area, height, location, illumination or animation.

Subd. 3. Memorial Signs

Memorial signs or tablets, names of buildings and date of erection when cut into masonry surface or inlaid so as to be part of the building or when constructed of bronze or other incombustible material.

Subd. 4. Occupant Signs

Signs containing the name(s) or occupant(s), address of the premises and signs of danger or a cautionary nature. These signs shall be limited to wall and ground signs, which are no more than 2 square feet in area per sign face and may be illuminated by a concealed source. Wall signs may be attached to any surface and/or fence. In any event, there shall be no more than one (1) sign of each type per lot.

Subd. 5. On-Site Informational Signs

Signs commonly associated with and limited to information relating to the permitted use on the lot in which the sign is located. These signs shall be limited to one (1) wall, window and ground sign for each permitted use which are not more than two (2) square feet per sign area and may be illuminated by a concealed light source.

Subd. 6. Public Signs

Signs required or specifically authorized for public purposes, notice or posting by any law or statute. These signs may be of any type, number, area, and height above grade and location authorized by the law or statute under which the signs are erected.

Subd. 7. Signs in a Display Window

Temporary signs in the display window of a business use which are incorporated with a display of merchandise or a display relating to services offered which do not exceed four (4) square feet in area.

Subd. 8. Time and/or Temperature Devices

Devices, which provide only date, time and temperature information, which do not exceed 8 square feet in area and which do not exceed the height of structures to which attached.

Subd. 9. Rummage (Garage) Sale Signs

Rummage sale signs shall be removed within two days after the end of the sale and shall not exceed four square feet. Rummage sale signs shall not be located in any public right-of-way. The City shall have the right to remove and destroy signs not conforming to this paragraph.

330.05 SIGNS PERMITTED IN ALL ZONE DISTRICTS

The following signs requiring permits are permitted in all zone districts:

Subd. 1. Construction, Real Estate or Development Signs

Temporary ground signs advertising the construction, remodeling, development, sale, rental or lease of a designated structure or land. These temporary ground signs are of two types, on premise and off-premise.

a. On-Premise:

(1) Location of the sign shall be on the land where the construction, remodeling, development, sale, rental or lease of a designated structure is permitted. For developments, there shall be no more than one (1) single or double-faced sign per major access to the development. All builders within the development shall be included in this one sign.

(2) Maximum Size of Sign: Maximum size of sign shall be 24 square feet per face.

(3) Maximum Height: Maximum height shall be 10 feet.

(4) Setbacks: These signs shall be setback at least 10 feet from any lot line.

(5) Illumination: Signs shall not be illuminated.

(6) A permit shall be issued for one (1) year and shall be renewable for one-year periods. For developments, a permit shall be renewable until all improvements have been sold, leased, or occupied. Applications for renewal shall be accompanied by complete and detailed information concerning the status of the development, i.e. number of homes and/or lots unsold, and projections of total completion of project.

b. Off-Premise:

(1) These temporary signs are limited to use with developments only and shall display only the name and logo of the development and developer, directional information, either graphic and/or written.

(2) These temporary signs shall not be erected without the permission of the landowner.

(3) Maximum Number and Spacing of Signs: A maximum number of 4 single or double-faced signs shall be allowed for each development and shall be spaced no closer than 300 feet from any other sign.

(4) Maximum Size of Sign: Maximum size of sign shall be 24 square feet per face.

(5) Maximum Height: Maximum height shall be 10 feet.

(6) Setbacks: These signs shall be setback at least 10 feet from any lot line.

(7) Illumination: These signs shall not be illuminated.

(8) A permit shall be issued for 1 year and shall be renewable for additional one-year periods. For developments, a permit shall be renewable until all improvements have been sold, leased or occupied. Application for renewal shall be accompanied by complete and detailed information concerning the status of the development, i.e., numbers of homes unsold, and projection of total completion of project.

c. These temporary signs must be removed upon the completion of construction, remodeling, sales, rental or lease. For developments, these signs shall be removed upon completion of all initial sales in the development.

Subd. 2. Directional Signs

Wall and ground signs giving parking and traffic directions. These signs shall be no more than five (5) square feet per face in area and may be illuminated from a concealed light source. Ground signs shall be no more than 42 inches in height above grade. There shall be no more than one (1) sign per curb cut.

330.06 **SPECIFIC ZONE DISTRICT SIGN REGULATIONS**

Subd. 1. Residential Zone Districts

- a. The following signs are permitted in the R-1A, R-1B, R-2A, R-2B, R-3 and R-4 zone districts.
- (1) Signs not requiring a permit.
 - (2) Signs requiring a permit which are permitted in all zone districts.
 - (3) Signs requiring a permit which are clearly incidental, customary and commonly associated with a permitted use in the zone district and are located on the same lot as such permitted use.

Residential signs are only allowed for area identification.

- a. Type of Sign: Wall, window, and ground.
- b. Maximum Number of Signs: One (1) single or double-faced sign for each lot.
- c. Maximum Sign Area:
 - (1) Total Sign Area per Lot: 24 square feet. Only one (1) face of a double-faced sign shall be used to compute the total sign area.
 - (2) Ground Sign: 24 square feet per face in area.
 - (3) Wall Sign: May not exceed 15 percent of the signable area.
 - (4) Window Sign: May not exceed 5 percent of total window area.
- d. Maximum Height above Grade:
 - (1) Wall and window signs - no sign shall be higher than the height of structures to which attached.
 - (2) Ground Signs: 10 feet.
- e. Setbacks: 10 feet. Wall signs may protrude 18 inches from the building to which attached.

Subd. 2. Commercial Zone Districts:

- a. The following signs are permitted in the C-1 and C-2 Zone Districts.
- (1) Signs not requiring a permit.
 - (2) Signs requiring a permit in any zone district.

- (3) Signs requiring a permit which are clearly incidental, customary and commonly associated with a permitted use in the zone district and are located on the same lot as such permitted use.
- (4) Signs located in the interior of buildings even though visible from the exterior.
- (5) Area Identification Signs: Area identification signs, designating a business development, provided that the building or buildings are set back from the street or thoroughfare to provide space for service and parking, provided such signs not exceed 24 square feet in area per thoroughfare approach.
- (6) Wall Signs: May not exceed 15 percent of the signable area.
- (7) Window Signs: May not occupy more than 15 percent of the total area of the window in which they are displayed.
- (8) Nameplate Signs: One nameplate sign per business in addition to any wall signs which may also be allowed, provided that such nameplate sign not exceed 24 square feet in area. Such signs shall indicate only the name and address of the business or building. For corner lots, two (2) such signs, one (1) facing each street may be permitted. Such signs may be illuminated.
- (9) Temporary Signs: Temporary signs may be used for grand openings, special events, special advertisements, and holidays, but limited for a period not to exceed 10 days at one time and 60 days per year. Such temporary signs shall be limited to not more than three (3) on a parcel and the total sign area for all temporary signs shall not exceed 48 square feet in area.
- (10) Freestanding Signs: One freestanding sign for any business not part of a business development but set back from the street or thoroughfare to provide space for service and parking, provided that such sign not exceed 24 square feet in area. Such signs may be illuminated.
- (11) Hanging Business Sign: One hanging sign per business in a development in addition to any other signs which may also be allowed, provided that such sign not exceed 12 square feet in area. Such signs shall indicate only the name and address of the business. For a corner business, two (2) such signs,

one (1) facing each street may be permitted. Such signs may be illuminated.

- (12) Electronic Changeable Copy Sign *(Amended June 3, 2010)*
- b. Maximum Height above Grade:
 - (1) Wall, Nameplate, Hanging Business, Window, and Temporary Signs - no sign higher than the height of structure to which it is attached.
 - (2) Ground, Freestanding, and Area Identification, and Temporary Signs: 10 feet.
- c. Setbacks:
 - (1) Front and Rear Setbacks: 8 feet. Wall signs may protrude 18 inches from the building to which attached.
 - (2) Side Setbacks: 8 feet. For setbacks on lot lines not adjacent to a street, the side setback shall be 5 feet. Wall signs may protrude 18 inches from the building to which attached.

Subd. 3. Planned Unit Development Zone Districts:

Sign regulations for Planned Unit Development Zone Districts will be as stated in the Official Development Plan for the particular Planned Unit Development.

330.07 **DESIGN STANDARDS**

Subd. 1. Purpose:

The purpose of the design *(Amended June 3, 2010)* standards is to develop signage in a creative and aesthetic manner for a building, project or development. Such signs shall compliment the architectural design of the building, project or development and shall have a visual continuity. The signs, due to their visual continuity, shall provide an index to the visual environment by providing a sense of place and reducing confusion. The City finds that there is a correlation between electronic displays on signs and the distraction of drivers. Distraction can lead to traffic accidents. Drivers can be distracted not only by a changing message, but also by knowing that the sign has a changing message. Drivers may watch a sign waiting for the next change to occur. Drivers are also distracted by messages that do not tell the full story in one look. People have a natural desire to see the end of the story and will continue to look at the sign in order to wait for the end. Additionally, drivers are more distracted by special effects used to change the message, such as fade-ins and fade-outs. Finally, drivers are generally more distracted by messages that are too small to be clearly seen or that contain more than a simple message.

Despite these public safety concerns, there is merit to allowing new technologies to easily update messages. Except as prohibited by State or Federal law, sign owners should have the opportunity to use these technologies with certain restrictions. The restrictions are intended to minimize potential driver distraction and to minimize proliferation in all districts where signs can adversely impact residential character.

There is the potential for numerous electronic displays to exist along any roadway. If more than one electronic display can be seen from a given location on a road, the minimum display time becomes critical. If the display time is too short, a driver could be subjected to a view that appears to have constant movement. This impact would obviously be compounded in a corridor with multiple signs. If electronic displays become pervasive and there are no meaningful limitations on each sign's ability to change frequently, drivers may be subjected to an unsafe degree of distraction and sensory overload. Therefore, a longer display time is appropriate.

A constant message is typically needed on a sign so that the public can use it to identify and find an intended destination. Changing messages detract from this way-finding purpose and could adversely affect driving conduct through last-second lane changes, stops, or turns, which could result in traffic accidents.

In conclusion, electronic displays should be allowed on signs but with appropriate restrictions to minimize their proliferation and their potential threats to public safety. *(Amended June 3, 2010)*

Subd. 2. Requirements:

- a. Properties Required to Have Design Standards - A design is required for:
 - (1) A single tenant building, project or development where there is more than one (1) building.
 - (2) All multiple tenant buildings, projects or developments.
 - (3) Any building, project or development where there is more than one (1) sign on an elevation.
 - (4) Any building, project or development where there is signage on more than one (1) elevation.
- b. Design Consistent with Sign Ordinance: A sign built to Design Standards for a building, project or development shall abide by and be consistent with all the regulations in this section.
- c. Construction:

The supports for all signs or sign structures shall be placed in or upon property and shall be securely built, constructed and erected in conformance with the requirements of this section.
- d. Materials:
 - (1) Materials for construction of signs and sign structures shall be of the quality and grade as specified for buildings in the State Building Code.
 - (2) In all signs and sign structure, the materials and details of construction shall, in the absence of specified requirements, conform to the following:
 - Shall be constructed of wood, stone, brick, metal, plastic or other natural materials or combinations thereof.

- Shall be stained or varnished only in order to retain natural color and grains, except that lettering placed on the sign may use opaque paint of any color.
- e. Restrictions on Combustible Materials:
Signs mounted on or projecting from buildings shall be constructed of non-combustible materials except as provided in this section. No combustible materials other than approved plastics shall be used in the construction of electric signs.
- f. Restrictions on Electronic Changeable Copy Signs:
Electronic Changeable Copy Signs are allowed subject to the following restrictions:
 - (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 if notified by the City that the sign is not complying with the standards of this;
 - (5) The sign shall comply with all signage regulations.

(Amended June 3, 2010)

330.08 NON-CONFORMING SIGNS

Subd. 1 The right to keep, own, maintain, or display any sign prohibited by the terms of this section as a legal non-conforming use shall cease and terminate in accordance with the following amortization schedule:
All signs in compliance with the City Ordinance prior to the adoption of this amendment which are in violation of the terms and provisions of this sign code shall be removed or brought into conformity by January 1, 2006.

Subd. 2. Termination of Non-conforming Signs

- a. By Abandonment: Abandonment of a non-conforming sign shall terminate immediately the right to maintain such sign.
- b. By Destruction or Damage: The right to maintain any non-conforming sign shall terminate and shall cease to exist whenever the sign is damaged or destroyed from any cause whatsoever.

330.09 SIGN MEASUREMENT

Subd. 1. Area to be measured:

The area of a sign shall be measured in conformance with the regulations as herein set forth; provided that the structure or bracing of a sign shall be omitted from measurement unless such structure or bracing is made part of the message or face of the sign. Where there are not more than 2 faces of a ground sign and where the faces are back to back, parallel or at less than a 90-degree angle, the total area of the largest face shall determine the area of the sign.

Subd. 2. Signs with Backing

The area of signs with backing or a background, material or otherwise, that is part of the overall sign display shall be measured by determining the sum of the area of such square, rectangle, portion of a circle or any combination thereof, which creates the smallest single continuous perimeter enclosing the extreme limits of the display surface or face of the sign, including all frames, backing, face plates, nonstructural trim or other component parts not otherwise used for support.

Subd. 3. Signs without Backing

The area of all signs without backing or a background, material or otherwise, that is part of the overall sign display shall be measured by determining the sum of the areas of each square, rectangle, portion of a circle, or any combination thereof, which creates the extreme limits of each word, written representation (including any series of letters), emblems or figures of similar character, including all frames, face plates, nonstructural trim or other component parts not otherwise used for support for parts of the sign having no backing.

330.10 VARIANCES

A sign permit applicant or permit holder may appeal an order or determination by making an application for a variance. Variance procedures shall be established in the Tonka Bay Zoning Ordinance.

330.11 DEFINITIONS PERTAINING TO SIGNS AND OUTDOOR ADVERTISING

ANIMATED SIGN: Any sign which changes, or any part of which changes, physical position by any movement or rotation.

BILLBOARD: A sign designated so that advertising space can be leased for a business, product or service not available on the premises.

BUILDING FRONT: One exterior wall of a building facing the front line of a lot, or one exterior wall containing the primary entrance to the building.

DIRECTIONAL SIGN: Any sign that directs the movement or placement of pedestrian or vehicular traffic on a lot without reference to, or inclusion of, the name of the product sold or services performed on the lot or in the building, structure or business enterprise occupying the same.

DISPLAY SURFACE: The display surface is the area made available by the structure for the purpose of displaying the advertising message, or which is intended to draw attention to the advertising message by internal lighting.

ELECTRONIC CHANGEABLE COPY SIGNS: A sign with characteristics that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a sign or portion of a sign that displays electronic, pictorial text information in which each alpha-numeric character or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, or other illumination device within the display area. The characters for the copy or script are only available on a standard word processing keyboard and include graphics, pictures, or other items. Electronic changeable copy signs include computer programmable, microprocessor-controlled electronic displays, and messages.

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FLASHING SIGN: Any directly or indirectly illuminated sign either stationary or animated, which exhibits changing natural or artificial light or color effects by any means whatsoever.

GRADE: The average elevation of the ground directly below the sign or advertising device where such sign or device is located on a lot, parcel or tract of land.

GROUND SIGN: A sign supported by holes, uprights or braces extending from the ground but not attached to any part of a building.

ILLUMINATED SIGN: A sign lighted by or exposed to artificial lighting either by lights on the sign or directed towards the sign.

LOT: A tract, building site, parcel or portion of land separated from other parcels or portions by description as on a subdivision of record, a survey map or by metes and bounds. This does not include leases for portions of lots.

OFF-PREMISE SIGN: A sign other than a billboard advertising a business, product, or service, not available on the lot, parcel or tract of land on which the sign is located.

ON PREMISE SIGN: A sign advertising a business, product or service on the lot, parcel or tract of land on which the sign is located.

PROJECTING SIGN: A sign other than a wall sign, which projects from a wall and is supported by a wall of a building.

SIGN: Any man-made object or device or part thereof, situated outdoors or indoors and which object or device or effect produced is primarily used to advertise, announce, identify, declare, demonstrate, display, instruct, or attract attention by any mean including words, letters, fixtures, colors, motion, illumination, sound, and projecting images.

SIGNABLE AREA: A continuous portion of a building wall upon which a sign is attached which is unbroken by doors and windows.

SIGN PERMIT: A permit issued for the erection, construction, enlargement, alteration, repair, moving, improvement, removal, conversion, or demolition of any sign.

SIGN WITH BACKING: Any sign that is displayed upon, against, or through any material, color surface or backing that forms an integral part of such display and differentiates the total display from the background against which it is placed.

SIGN WITHOUT BACKING: Any word, letter, emblem, insignia, figure or similar character or group thereof, that is neither backed up, incorporated in or otherwise made part of any larger display area.

SIGN STRUCTURE: Sign structure shall mean any supports, uprights, braces and framework of the sign, which does not include any portion of the sign message.

TIME AND/OR TEMPERATURE DEVICES: Devices which provide time, date, and temperature information only.

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.