CITY OF NEWPORT
ORDINANCE 2016-2

AN ORDINANCE OF THE CITY OF NEWPORT, MINNESOTA, AMENDING THE ZONING CODE, SECTION 1320 NONCONFORMING USES, LOTS, AND STRUCTURES, SECTION 1330 GENERAL DISTRICT REGULATIONS, AND SECTION 1380 SIGNS

THE CITY COUNCIL OF THE CITY OF NEWPORT, MINNESOTA, HEREBY ORDAINS THAT:

Section 1320 Nonconforming Uses, Lots, and Structures

1320.06 Destruction. If a nonconforming structure is destroyed by any cause to an extent exceeding fifty (50) percent of its fair market value, as indicated by the records of the county assessor, and no building permit has been applied for within one hundred eighty (180) days of when the property is damaged, the use of the same thereafter shall conform to the current zoning requirements;

Section 1330 General District Regulations

1330.05 Performance Standards

Subd. 3 Building Materials. Exterior building materials of all non-residential and mixed-use structures shall comply with the following requirements:

A. Allowable exterior building materials shall be classified as Class I, II or III materials or Accent materials, as follows:

1. Class I exterior building materials include brick, stone, marble or glass. Bronze-tinted or mirror glass are prohibited as exterior materials.

2. Class II exterior building materials include architecturally-treated concrete panels, cast-in-place concrete, or pre-cast concrete panels; specialty concrete block (such as textured, burnished, or rock-faced block) or stucco.

3. Class III exterior building materials include unpainted or surface-painted concrete block (scored or unscored), unpainted or surface-painted plain or ribbed concrete panels, and unfinished or surface-painted metal.

4. Accent materials may be wood or metal if appropriately integrated into the overall building design and not situated in areas that will be subject to physical or environmental damage.

5. All primary and secondary materials shall be integrally-colored with no painted materials.

6. Metal storage buildings (commonly called pole buildings) cannot be used in Newport except in the Rural Estates (RE) District, or as back yard sheds in Industrial Districts if they are screened from view from residential parcels and public streets, or if approved for use in a Business District through a Conditional Use Permit.

B. Business and Mixed-Use Districts. Permitted materials for non-residential and mixed-use buildings shall comply with the following:

1. Class I materials shall cover at least sixty (60) percent of each of the facades of a building. Architecturally-treated concrete panels, cast-in-place concrete, or pre-cast concrete panels may cover sixty (60) percent or more of the facade of buildings in Business Districts. Class II

materials shall cover no more than thirty (30) percent of each facade of a building. Accent materials may include door and window frames, lintels, cornices and other minor elements, and shall cover no more than ten (10) percent of all facades of a building.

C. Industrial Districts Permitted materials for non-residential buildings shall comply with the following:

1. Class I or II materials shall cover at least sixty-five (65) percent of each of the facades of a building. Class III or accent materials shall not cover more than thirty-five (35) percent of each of the facades of a building in an Industrial District.

D. Nonconforming buildings. Additions to nonconforming buildings must be constructed with materials required by this section if the addition exceeds twenty-five (25) percent of the floor area. Exterior remodeling or alterations to a nonconforming building or development must be constructed with materials required by this Section. The Zoning Administrator may authorize the use of other materials if the addition, remodeling, or alteration is deemed to be minor in nature and not visible from a public roadway.

E. Roof materials. All exposed roof materials in all zoning districts shall be similar to or an architectural equivalent of asphalt or fiberglass shingles, wood shingles, tile shingles, finished metal standing seam, or better.

F. Non-residential buildings containing office and retail uses shall maintain forty (40) percent minimum window coverage on the first floor that faces a road or public open space.

Subd. 10 Trash Handling. All refuse and recycling containers must be stored inside of the principle structure or an enclosed accessory structure, no roof required.

Section 1380 Signs

1380.01 Purpose and Definitions.

A. Findings. The City Council hereby finds the following:

1. Exterior signs have a substantial impact on the character and quality of the environment.

2. Signs provide an important medium through which individuals may convey a variety of messages.

3. Signs can create traffic hazards, aesthetic concerns, and detriments to property values, thereby threatening the public health, safety and welfare.

4. The City's zoning regulations have historically included regulation of signs in an effort to provide adequate means of expression and to promote the economic viability of the business community, while protecting the city and its citizens from a proliferation of signs of a type, size, location, and character that would adversely impact upon the aesthetics of the community and threaten the health, safety, and welfare of the community. The regulation of the physical characteristics of signs within the City has had a positive impact on traffic safety and the appearance of the community.

B. Purpose and Intent. It is not the purpose or intent of this sign ordinance to regulate the message displayed on any sign; nor is it the purpose or intent of this article to regulate any building design or any display not defined as a sign, or any sign which cannot be viewed from outside a building. The purpose and intent of this article is to:

1. Regulate the number, location, size, type, illumination and other physical characteristics of signs

within the city in order to promote the public health, safety, and welfare.

2. Maintain, enhance and improve the aesthetic environment of the city by preventing visual clutter that is harmful to the appearance of the community.

3. Improve the visual appearance of the city while providing for effective means of communication, consistent with constitutional guarantees and the city's goals of public safety and aesthetics.

4. Provide for fair and consistent enforcement of the sign regulations set forth under the zoning authority of the City.

C. Effect. A sign may be erected, mounted, displayed or maintained in the city if it is in conformance with the provisions of these regulations. The effect of this sign ordinance is to:

1. Allow a variety of sign types, sizes and locations by zoning district, subject to the standards set forth in this sign ordinance.

2. Allow certain small, unobtrusive signs incidental to the principal use of a site in all zones when in compliance with the requirements of this sign ordinance.

3. Prohibit signs whose location, size, type, illumination, or other physical characteristics negatively affect the environment and where the communication can be accomplished by having less impact on the environment and the public health, safety, and welfare.

4. Provide for the enforcement of the provisions of this sign ordinance.

1380.02 Severability.

If any section, subsection, sentence, clause, or phrase of this Sign Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Sign Ordinance. The City Council hereby declares that it would have adopted the Sign Ordinance in each section, subsection, sentence, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

1380.03 Definitions.

A. **Abandoned sign:** Any sign and/or its supporting sign structure which remains without a message or whose display surface remains blank for a period of one (1) year or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Signs applicable to a business temporarily suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of one (1) year or more. Any sign remaining after demolition of a principal structure shall be deemed to be abandoned. Signs which are present because of being legally established nonconforming signs or signs which have required a conditional use permit or a variance shall also be subject to the definition of abandoned sign.

B. **Accessory Sign:** A sign relating in its subject matter to the use(s) or activities on the premises on which it is located.

C. **Accessory Use:** A use which is subordinate to the principal use being made of a parcel of land. Accessory uses are defined in the Zoning Code.

D. **Awning:** A roof-like cover, often of fabric, plastic, metal or glass designed and intended for protection

from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure primarily over a window, walk or the like. Any part of an awning which also projects over a door shall be counted as an awning.

E. **Awning Sign:** A building sign or graphic printed on or in some fashion attached directly to the awning material.

F. **Banners and Pennants:** Attention-getting devices which resemble flags and are of a nonpermanent paper, cloth or plastic-like consistency.

G. **Bench Signs**: A sign which is affixed to a bench or shelter at a bus stop.

H. **Billboard:** A large off-site sign mounted on one or more legs and designed to display posters or other composite graphics.

I. **Building:** A freestanding structure or group of structures joined by a common wall.

J. **Building Sign:** A sign attached or supported by any structure used or intended for supporting any use or occupancy.

K. **Canopy and Marquee:** A roof like structure projecting over the entrance to a building.

L. **Canopy Sign:** A sign that is part of or attached to a canopy.

M. **Changeable copy sign:** A sign or portion thereof with characters, letters, or illustrations that can be changed or arranged without altering the face or the surface of the sign. Changeable copy signs do not include signs upon which characters, letters, or illustrations change or rearrange only once in a 24-hour period or less often.

N. **District:** A specific zoning district as defined in the Zoning Ordinance.

O. **Dynamic Display Sign**: "Dynamic display" shall mean any characteristics of a sign 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 display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking or animated display and any display that incorporates rotating panels, LED lights manipulated though digital input, "digital ink" or any other method or technology that allows the sign face to present a series of images or displays.

P. **Flag:** Any fabric or similar lightweight material attached at one end of the material, usually to a staff or pole, so as to allow movement of the material by atmospheric changes and which contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices.

Q. **Freestanding Sign:** A sign that is attached to, erected on, or supported by an architecturally-planned structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of or attached to a building or other structure. This definition includes pylon signs and monument signs.

R. **Height of Sign:** The vertical distance measured from the base of the sign at grade to the top of the highest attached component of the sign.

S. **Illuminated Sign:** Any sign which is illuminated by an artificial light source, which shall include all

electronic signs utilizing internal light sources and any sign that makes use of electric lighting to reflect off of an otherwise opaque message surface.

T. **Interior Sign:** A sign which is located within the interior of any building, or within an enclosed lobby or court of any building, and a sign for and located within the inner or outer body, court of entrance of any theater.

U. **Legally established nonconforming sign:** A sign and its support structure lawfully erected prior to the effective date of this ordinance which fails to conform to the requirements of this ordinance. A sign which was erected in accordance with a variance granted prior to the adoption of this ordinance and which does not comply with this ordinance shall be deemed to be a legal nonconforming sign. A sign which was unlawfully erected shall be deemed to be an illegal sign.

V. **Monument or Ground Sign:** A freestanding sign not supported by exposed posts or poles located directly at the grade where the width dimension of the architecturally-designed base is 50 percent or more of the greatest width of the sign face.

W. **Multiple Tenant Site:** A site which has more than one (1) tenant, and each tenant has a separate ground level exterior public entrance.

X. **Non-Accessory Sign:** A sign that is not related in its subject matter to the use(s) or activities at the premises on which it is located.

Y. **Off-premises Sign:** A sign that directs attention to a use or activity that is not located upon the premises where the sign is located or to which it is attached.

Z. **Permanent Sign:** Any sign which is not a temporary sign.

AA. **Portable Sign:** A sign which is not permanently attached to the ground or any structure and so designed as to be movable from one location to another, including by trailer or on its own wheels.

BB. **Principal Building:** A freestanding structure and/or multi- tenant building sharing common walls.

CC. **Projecting Sign:** Any sign, all or any part of which extends over public property more than twelve (12) inches.

DD. **Pylon Sign:** A freestanding sign erected on a single pole structure that greater than twenty (20) feet in height, usually located on a state or interstate highway.

EE. **Roof Sign:** Any sign erected upon or projecting above the roofline of a structure to which it is affixed.

FF. **Sign:** Any letter, word or symbol, device, poster, picture, statuary, reading matter or representation in the nature of an advertisement, announcement, message or visual communication whether painted, posted, printed, affixed or constructed, which is displayed outdoors or on a window or on the interior of a building within three (3) feet of a window and clearly visible from the outside of said building for informational or communicative purposes.

GG. **Sign Area:** That area within the marginal lines of the surface which bears the advertisement, or in the case of messages, figures or symbols attached directly to any part of the building, that area which is included in the smallest rectangle which can be made to circumscribe the message, figure or symbol displayed thereon. The stipulated maximum sign area for a freestanding sign refers to a single facing.

HH. **Street Frontage:** The edge of a street along a parcel. An interior lot has one (1) street frontage and a

corner lot two (2) such frontages.

II. **Sign Structure:** A structure including the supports, uprights, bracing and framework which support or are capable of supporting a sign.

JJ. **Temporary Sign:** A sign which is erected or displayed for a limited period of time. Temporary signs are typically constructed of lightweight, non-permanent materials and structures.

KK. **Traffic Directional Sign:** A sign which is erected by a governmental unit for the purpose of directing or guiding traffic.

LL. **Wall Sign:** A sign attached parallel to, but within two (2) feet of a wall, painted on the wall surface, or erected and confined within the limits of an outside wall of a building or structure, which is supported by such wall or building, and which displays one (1) sign surface.

MM. **Window Sign:** A building sign, pictures, symbol, or combination thereof that is placed inside a window, or upon the window glass, and is visible from the exterior of the window.

1380.04 Administration and Enforcement.

A. Permits. Except as provided in Section 1380.06 below, the owner or occupant of the premises on which a sign is to be displayed, or the owner or installer of such signs, shall file an application provided by the City Zoning Administrator for permission to display such sign. Sign Permits, Conditional Use Permits, or Interim Use Permits must be acquired for all existing, new, relocated, modified or redesigned signs as specified in this section, except those specifically exempted below. The content of the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit.

The applicant shall submit the following information with the application:

1. Names and addresses of the owners of the proposed sign and property where it is proposed to be placed.
2. The legal description of the property where the sign will be placed.
3. A complete set of plans showing the location, setbacks, elevation(s), size materials, and details of the sign to fully and clearly represent the construction and placement of the sign, and cost of the sign.
4. The type of sign (i.e. wall sign, monument sign, etc.).
5. If the sign is proposed to be located along a state trunk highway or interstate highway, the application shall be accompanied by proof that the applicant has obtained all required permits from the state for the sign.

B. The City Zoning Administrator may approve Sign Permits. The review period shall be consistent with Minnesota Statutes 15.99 or successor statutes. If the permit is denied, the Zoning Administrator shall prepare a written notice describing the reason for denial and the applicant's appeal rights, and send it by certified mail, return receipt requested, to the applicant.

C. If a sign authorized by a permit has not been installed within one hundred and eighty (180) days after the date of issuance of a sign permit, the permit shall become null and void.

1380.05 Appeals.

A. A permit applicant or permit holder may appeal any order or determination made by the City Zoning Administrator or her/his deputies pursuant to this Ordinance by filing a notice of appeal with the City Administrator requesting a hearing before the Planning Commission. The Planning Commission will hear:

1. Appeals where it is alleged that there is an error in any order, requirement, decision or determination made by the administrative officer in the enforcement of this Ordinance.

2. Requests for variances from the literal provisions of this Ordinance.

B. Upon completion of said public hearing, the Planning Commission will forward to the Newport City Council a recommendation on said appeal for final approval/disapproval.

1380.06 Exemptions

A. The exemptions allowed by this section shall apply only to the requirement of a permit and shall not be construed as excusing the installer of the sign, or the owner of the property upon which the sign is located, from complying with the other provisions of this Ordinance. No permit is required under this section for the following signs:

1. Signs which are completely within a building, are not on or within three (3) feet of a window and are not visible from the outside of said building.

2. Nameplate or address plate not exceeding two (2) square feet in size.

3. Up to three (3) Temporary Signs that are six (6) square feet in area or less on a property for the duration permitted by this Section.

4. Signs erected by the City on City properties.

5. Window signs in Business, Industrial and Mixed-Use Districts that comply with this Section.

6. Non-commercial signs that comply with Minnesota Statutes 211B.045 or successor statutes.

7. Signs may be placed on parcels that are currently offered for sale provided such signs are not closer than 10 feet to any property line and shall not exceed thirty-six (36) square feet in area for multifamily residential, commercial, industrial or mixed uses. One sign shall be permitted for each street frontage.

8. Signs may be erected on parcels that are currently under construction for single-family or multiple-family residences. The plat of the development shall be recorded with the Washington County Recorder prior to the erection of a sign. Such signs are subject to the following standards:

   a. Such signs shall not exceed one hundred (100) square feet in area.

   b. Only one (1) such sign shall be erected on each road frontage with a maximum of three (3) such signs per project.

   c. Such signs shall be removed when the project is eighty percent (80%) completed, sold or leased.

   d. Such signs shall be located on the property which is for sale.

   e. Signs for nonresidential property, multiple-family developments of four (4) or more dwelling

units and single-family developments of four (4) or more dwelling units shall be located no closer than one hundred (100) feet to any residence not part of the project.

9. Back-lighted signs are allowed on the ends of bus shelters, and signs are allowed on benches at bus stops.

1380.07 Violations and Fines.

A. If the City Zoning Administrator or her/his deputies finds that any sign regulated by this Ordinance is prohibited as to size, location, type, number, height, or method of construction, or is unsafe, insecure or a menace to the public, or if any sign has been constructed or erected without a permit first being granted to the installer of said sign or to the owner of the property upon which said sign has been erected if a permit is required for the sign, or if the owner fails to properly maintain said sign in a safe, orderly condition at all times, including the replacement of defective parts, or is in violation of any other provisions of this Ordinance, the City Zoning Administrator shall give written notice of such violation to the owner or permittee thereof. If the owner or permittee fails to comply with the provision set forth in this Ordinance within ten (10) calendar days following receipt of said notice:

1. **Nuisance**. Such sign shall be deemed to be a nuisance and may be abated by the City by proceedings taken under Minnesota Statutes, Chapter 429, and the cost of abatement, including administration expenses, may be levied as a special assessment against the property upon which the sign is located.

2. **Penalty**. Failure to comply with the provisions of this ordinance shall be a misdemeanor.

B. Any property owner that leases building space or land on and/or within their property has a responsibility to assist, as is applicable, in the enforcement of this section with their tenants.

1380.08 General Provisions Applicable to All Districts.

A. All permanent signs shall be constructed in accordance with the current Minnesota State Building Code and National Electric Code. To the extent that any conflict exists between those provisions and the provision of the City Code, to the extent the City Code provisions are more restrictive, they shall apply. All signs shall be constructed in such a manner and of such material that they shall be safe and substantial, provided that nothing in this Code shall be interpreted as authorizing the erection or construction of any sign not now permissible under the Zoning or Building Codes of the City.

B. All permanent signs utilizing electricity shall be subject to the State's current Electrical Code and electrical wiring shall be buried or concealed.

C. All permanent sign structures shall be designed and constructed to withstand a wind pressure of not less than eighty (80) M.P.H., or as determined by the current Minnesota State Building Code.

D. Freestanding and Monument Signs

1. Permanent non-accessory freestanding and wall signs are prohibited in all districts, except in areas specially designated in this Ordinance.

2. Freestanding signs along major thoroughfares (I494 and T.H. 61) shall be subject to a review by the Zoning Administrator. The focus of the review is to assure the quality of the sign with regard to design and materials - Section 1380.03, B. Furthermore, the Zoning Administrator will consider the signs' relationship to any architectural theme of existing or proposed structures in the area.

3. Any free-standing sign within twenty-five (25) feet of any intersection of street right-of-way lines

and/or driveway entrances shall have vertical clearance for proper visibility by motorists on all affected roadways.

E. No sign other than public traffic controls shall be erected within any street right-of-way or upon any public easements.

F. A permit for a sign to be located within fifty (50) feet of any street or highway regulatory or warning sign, or of any traffic sign or signal, or of any crossroad or crosswalk, will be issued only if:

1. The sign will not interfere with the ability of drivers and pedestrians to see any street or highway sign, or any traffic sign or signal, or any crossroad or crosswalk, and

2. The sign will not distract drivers nor offer any confusion to any street or highway sign, or any traffic sign or signal. The burden of establishing whether a particular sign configuration will not disturb or confuse drivers will be on the applicant seeking to construct the sign.

G. Roof signs shall be prohibited in all districts.

H. Signs attached or supported on a permanently parked vehicle or semi-trailers intended to advertise a business, product or service are prohibited in all districts. This does not include signs painted directly on a vehicle or semi-trailer used in the business or facility, or on site for business purposes.

I. Off-premises signs, except permitted Temporary Signs and permitted Pylon signs and Billboards in business, commercial, and industrial districts, are prohibited in all districts.

J. No sign shall contain any obscene matter as described by Minnesota Statutes Section 617.241 or successor statutes.

1380.09 District Regulations.

A. The following signs are allowed in each specific district and shall be regulated as to size, location and character according to the requirements herein set forth:

1. Residential Districts:

a. Non-commercial signs that comply with Minnesota Statutes 211B.045 or successor statutes.

b. Temporary signs that are a maximum of twenty (20) square feet in size. A maximum of three (3) Temporary Signs are allowed per parcel in residential districts. Temporary signs may be displayed for a maximum of fourteen (14) days, up to two (2) times per year.

c. Signs may be placed on parcels that are currently offered for sale for multifamily properties providing such signs are not closer than 10 feet to any property line and shall not exceed thirty-six (36) square feet in area for multi-family residences. One sign shall be permitted for each street frontage.

d. One monument sign up to thirty-two (32) square feet per street frontage shall be allowed by sign permit for residential subdivisions and multiple-unit developments. The sign may be a maximum of six feet in height. The sign shall be designed to be architecturally compatible with the building or project with the base of the sign consisting of colors and materials compatible to the building or project.

e. Signs may be erected on parcels that are currently under construction for single-family or

multiple-family residences in compliance with the requirements of Section 1380.04.

f. The maximum height of Free-Standing Signs in Residential Districts shall be eight (8) feet.

g. Lighting: Lighting must be indirect or diffused and comply with the requirements of this Zoning Ordinance.

h. The following types of signs are not allowed in residential zoning districts or on parcels with residential uses in all other districts: Awning Signs, Canopy Signs, Changeable Copy Signs, Dynamic Display Signs, Flashing Signs, Marquee Signs, Pole Signs, and Pylon Signs.

2. Business/Commercial/Industrial Districts:

a. Temporary Signs: Temporary Signs or banners that are a maximum twenty (20) square feet in size are allowed. A maximum of three (3) Temporary Signs are allowed per parcel on commercial properties in Business, Commercial, Mixed-Use and Industrial Districts. Temporary signs may be displayed for a maximum of thirty (30) consecutive days. No Sign Permit is required for Temporary Signs.

Temporary signs shall include: banners, pennants, portable bulletin signs, freestanding signs, streamers, and sandwich boards. The design and construction of all said signs shall be professional looking and not be allowed to become torn or weathered.

Temporary signs such as flying signs, air inflated devices, and search lights shall not be allowed at any time in any zoning district.

b. Wall Signs: One (1) wall sign for each business shall be allowed on each street frontage. The total area of all wall signs affixed to a building wall shall not exceed twenty percent (20%) of the total area of that wall. No individual wall sign shall exceed one hundred and fifty (150) square feet. The business or property owner shall obtain a Sign Permit for each Wall Sign.

A wall sign shall not project more than eighteen (18) inches from the wall to which the sign is to be affixed. Furthermore, wall mounted signs shall not exceed the roof line on any building.

c. Permanent Freestanding Signs: One (1) permanent freestanding sign is allowed for each building for each street frontage. The business or property owner shall obtain a Sign Permit for each permanent Freestanding Sign.

The total area of a freestanding sign for a building having one (1) street frontage shall not exceed eighty (80) square feet. Where a building has two (2) or more street frontages, each permitted freestanding sign in excess of one (1) shall be no greater than one-half (1/2) the area of the first sign.

No part of a permanent freestanding sign shall be closer than ten (10) feet to the front property line or exceed twelve (12) feet in height. The height shall be measured from the base of the sign or grade of the nearest adjacent roadway, whichever is lower, to the top edge of the said sign.

d. Portable Signs: One (1) portable bulletin sign up to forty (40) square feet may be displayed only during the merchant's business hours. The business or property owner shall obtain a Sign Permit for a Portable Sign if the sign has electrical components. Such signs shall be located within the width of the storefront to which it is related and shall not be placed within the public right-of-way or public easements.

e. Multi-tenant Monument Signs: One monument sign shall be permitted for each multi-tenant building provided the surface area of the sign does not exceed one hundred (100) square feet per side, fifteen (15) feet in height, and is setback in no case less than twenty (20) feet from the property lines. The area may be increased to maximum of one hundred and fifty (150) square feet per side for developments of over twenty (20) acres.

f. Pylon Signs: Retail and service establishments on property abutting an interstate freeway or state highway right-of-way may erect one (1) pylon sign for each building and/or building owned by a corporate entity or business. Said sign shall not exceed one hundred fifty (150) square feet of display surface area and shall be in addition to their one (1) free-standing sign or wall sign.

Pylon sign must be placed a minimum of fifty (50) feet from the right-of-way of highways or interstate roadways. The maximum allowed height of pylon signs is thirty-five (35) feet, unless the City approves an increase in the height of the sign.

1. Application may be made to the city for a variance to increase the maximum pylon sign height on a lot having the following characteristics.

   a. The lot abuts the right-of-way of an interstate freeway or state highway or abuts a frontage road immediately adjacent to an interstate freeway or state highway.

   b. The lot does not have and is not allowed to have directional signage on the interstate freeway or state highway directing the public to the subject lot.

2. To be eligible for a variance to increase sign height, the application shall be accompanied by the following drawings drawn to scale:

   a. A site plan showing the location of the proposed sign, property lines of the subject property, road alignments of adjacent streets and highways and the locations of any cross sectional drawings necessary to analyze the request.

   b. Cross sectional drawings necessary to analyze the request showing the entire traveled surface of the freeway or state highway, any retaining walls or fences, any frontage roads, and the proposed sign location.

3. The Zoning Administrator **may** approve an application for a variance to increase pylon sign height which meets the criteria set forth in 1380.04,A.,2.,d.,1) where the proposed sign plan meets each of the following requirements:

   a. The sign is no higher than necessary to allow the bottom edge of the sign face to be visible from at least fifty percent (50%) of the traveled surface of the interstate or state highway.

   b. The top of the sign face is no more than twelve (12) feet above the bottom of the sign face.

   c. The location of the sign is such that the increase in sign height is minimized.

   d. The sign face shall not exceed one hundred fifty (150) square feet.

g. Flags: An individual business and institution may have no more than three (3) flags or forty-five (45) square feet of flag surface displayed at any one time.

h. Illuminated Signs: The Building Inspector and Zoning Administrator, in granting permits for illuminated signs, shall specify the hours during which the sign may be kept lighted to prevent the creation of a nuisance. All illuminated signs designed to reflect light off of a light source shall have a shielded light source that will prevent the direct view of that light source from any passing roadway or residence at grade. Any illuminated sign located within fifty (50) feet of a lot line of a Residential District shall be diffused or indirect so as not to direct rays of light into adjacent residences.

i. Dynamic Display Signs. Any dynamic display sign located within fifty (50) feet of a lot line of a Residential District shall comply with the requirements of this section, and shall be turned off or programmed to go blank between the hours of 10 p.m. and 6 a.m., daily.

All Dynamic Display Signs in Business and Industry Districts that are in close proximity to Residential Districts and residential property located in a Business, Commercial and Industrial District shall be designed so as to illuminate the sign and not residential property. All dynamic display signs, regardless of zoning district, shall comply with the following:

1. Portable, dynamic display signs are not allowed as permanent signs in any District.

2. The following standards shall apply to image duration, transition, and other characteristics of signs with dynamic display:

3. An interim use permit is required for dynamic display signs that is a one-time permit and non-transferable.

4. Signs with dynamic display that are oriented toward the public right of way shall not include moving video images.

5. Business and identification signs with dynamic display may either have stable text and/or stable images, or they may have scrolling text and/or scrolling images. Signs with dynamic display which contain stable text and/or stable images may not change their text or image more than once every eight (8) seconds. Signs with dynamic display which contain scrolling text and/or scrolling images may not scroll at a rate faster than one (1) word per second, where words contain an average of five (5) characters each.

6. For stable text and/or stable images, the transition from one static display to another must be direct and immediate without any special effects except for fading and dissolving that takes less than one (1) second.

7. Signs with dynamic display shall not emit sound except of those at drive-through sales and services.

8. Other modes of displaying messages are prohibited. Modes which cause the message to flash are prohibited.

9. All dynamic display signs shall be equipped with automatic dimming technology that automatically adjusts the sign's brightness in direct correlation in natural ambient light conditions. Between dusk and dawn, the sign shall not exceed a brightness level of five hundred (500) nits. At no time shall any dynamic display sign exceed an illumination level of 0.3 foot candles above ambient light as measured using a foot candle (Lux) meter at a preset distance depending on sign area, measured as follows:

Area of Sign	Measurement

sq. ft.	Distance (ft.)
10	32
15	39
20	45
25	50
30	55
35	59
40	63
45	67
50	71

** For signs with an area in square feet other than those specifically listed in the table (i.e., 12 sq ft, 400 sq ft, etc), the measurement distance may be calculated with the following formula:*

Measurement Distance = the square root of the area of sign in Sq. Ft. x 100

10. Prior to permitting any dynamic display sign, the applicant shall submit a signed letter from the dynamic display sign manufacturer certifying that the dynamic display sign has been calibrated to comply with the requirements of this Section.

11. The portion of any dynamic or illuminated sign that is used for the conveyance of any message will be included within the overall size of the sign. For purposes of this section, the permitted size of a dynamic or illuminated sign shall be calculated so as to include the full height and width of the sign structure immediately surrounding the message area.

j. Canopy and Marquee Signs: Canopies and marquees shall be considered to be an integral part of the structure to which they are accessory. Signs may be attached to a canopy or marquee but such structure shall not be considered as part of the wall area.

k. Window Signs: Signs located on a window or on the interior of a building within three (3) feet of a window and clearly visible from the outside of said building shall be regulated by this section. Said signs shall not exceed eighty percent (80%) of the window area and shall be designed and constructed to be professional in appearance and maintained in good repair and be clearly readable. Window signs do not require a Sign Permit.

l. Residential Uses in Business, Commercial and Industrial Districts: Any residential building located in a Business District shall meet the sign requirements of 1380.04, 1. (Residential Districts).

3. Mixed Use Districts:

a. Any residential building in a Mixed Use, Business or Commercial District shall meet the sign requirements of 1380.09 A 1. (Residential Districts—R-3).

b. Any business/commercial or mixed-use building in a Mixed Use District shall meet the sign requirements of 1380.09 A 2. (Business/Commercial/Industrial Districts).

1380.10 Billboards.

A. It shall be unlawful to erect in the city a billboard without first having obtained a license therefore. Application for the license shall be made to the Zoning Administrator upon a form furnished by him or her and accompanied by a fee as established from time to time by the Council, which license fee shall be pro-rated so as to have the license expire on January 31st of each year. Each license shall be issued for a period of one year, except that in the first year of issuance a license shall be valid for that portion of a

year ending the following January 31.

B. Every billboard located in the city upon any thoroughfare shall be located at least three thousand (3,000) feet apart from another billboard and may not, in any event, be located nearer than one thousand, five hundred (1,500) feet from any road or highway intersection.

C. A billboard may only be erected in an I-1 Light Industrial District, shall not exceed five hundred fifty (550) square feet, shall be no higher than twenty-five (25) feet above existing grade level, shall be set back at least ten (10) feet from any property lines, and shall not have flashing lights or moving parts of any kind.

The minimum allowable distance of a billboard to any building shall be twenty-five (25) feet, to any Residential District five hundred (500) feet, and no portion of any billboard shall occupy air space above any driveway or parking area.

D. Every billboard shall be repainted by the licensee at least once every two (2) years.

E. There shall be filed with the City Clerk-Administrator a perpetual bond in favor of the city in the penal sum of two hundred and fifty and no/100 ($250.00) dollars for each billboard. The bond shall be issued by sureties in a form approved by the City Attorney. The condition of the bond shall be full compliance with this Section.

F. A billboard may be an electronic or illuminated sign. Any such billboard, however, must meet the additional requirements imposed upon such signs as are otherwise stated in this Section.

1380.11 Sign Maintenance.

A. All signs, billboards, and other advertising structures together with their supports, braces, guys and anchors shall be maintained in good repair and condition. Every sign and immediate surrounding premises shall be maintained by the owner or person in charge thereof in a clean sanitary, and inoffensive condition and fee and clear of all obnoxious substances, rubbish, and weeds. .

B. The display surfaces of all signs and supports shall be kept neatly painted or posted at all times.

C. All signs which are unsafe, dangerous, and/or unsightly shall be repaired or removed. Unsafe or dangerous signs shall be removed or otherwise properly secured by the property owner and/or sign owner upon receipt of notice to do so by the city. Any abandoned, unsafe, or illegal sign is hereby declared to be a danger to the health, safety, and welfare of the citizens of Newport and is declared to be a public nuisance subject to abatement and assessment, except that legally established nonconforming signs shall not be abated until they have been abandoned for more than one year.

1380.12 Nonconforming Signs.

A. All non-conforming signs shall be brought into compliance within sixty (60) days of a change in the principle business use.

B. Any business or property with signs not in compliance with the standards of this Section, but which were in place legally on the date of the adoption of this Code, may retain such signs as legal non-conforming uses. Such signs may be maintained normally. A significant change in the size, shape, design, or materials of the sign, as determined by the Zoning Administrator, shall be in conformance with all standards of this Section.

C. Any nonconforming temporary or portable sign existing at the time of adoption of this Ordinance shall be made to comply with the requirements set forth herein or shall be removed within one (1) year after the

adoption of this Ordinance.

1380.13 Sign Materials and Construction

A. Nonstructural Trim. Nonstructural trim and portable display surfaces may be of wood, stone, metal, approved plastics, or any combination thereof, provided that Subsection 1380.10 is satisfied where applicable.

B. Anchorage.

1. Structural members supporting unbraced signs shall be so proportioned that the bearing loads imposed on the soil in either direction, horizontal or vertical, shall not exceed the safe values. Braced ground signs shall be anchored to resist the specified wind or seismic load acting in any direction. Anchors and supports shall be designed for safe bearing loads on the soil and for an effective resistance to pull-out amounting to a force twenty-five (25) percent greater than the required resistance to overturning. Anchors and supports shall penetrate to a depth below ground greater than that of the frost line.

2. Portable ground signs supported by frames or posts rigidly attached to the base shall be so proportioned that the weight and size of the base shall be adequate to resist wind pressure.

3. Signs attached to masonry, concrete, or steel shall be safely and securely fastened thereto by means of metal anchors, bolts, or approved expansion screws of sufficient size and anchorage to support the loads applied.

4. No wooded blocks or plugs, or anchors with wood used in connection with screws or nails, shall be considered proper anchorage, except in the case of signs attached to wood framing.

5 No anchor or support of any sign shall be connected to, or supported by, an unbraced parapet wall unless such wall is designed in accordance with the requirements for parapet walls specified for seismic zones in the then adopted Uniform Building Code.

C. Display Surfaces. Display surfaces in all types of signs may be made of metal, glass or approved plastics, provided Subsection 1380.10 is satisfied where applicable.

D. Glass and Plastic Thickness and Area Limitations

1. Sections of approved plastics on wall signs shall not exceed one hundred fifty (150) square feet in area.

2. Sections of approved plastics on signs other than wall signs may be greater than one hundred fifty (150) square feet in area if allowed by the area regulations of the Zoning District, and if approved by the Building Inspector.

3. Sections of approved plastics on wall signs shall be separated three (3) feet laterally and six (6) feet vertically by the required exterior wall construction. Sections of approved plastics on signs other than wall signs may not be required to be separated if approved by the Building Inspector.

4. Glass thickness and area limitations shall be as follows:

Any Dimension (in inches)	Minimum Area (in square inches)	Thickness of Glass (in inches)	Type of Glass

30	500	1/8	Plain, Plate or Wired
45	700	3/16	Plain, Plate or Wired
144	3600	1/4	Plain, Plate or Wired
Over 144	Over 3600	1/4	Wired Glass

E. Plastic Materials: The Building Inspector shall require that sufficient technical data be submitted to substantiate the proposed use of any plastic material and, if it is determined that the evidence submitted is satisfactory for the use intended, he or she may approve its use.

1380.14 Electric Signs.

A. Electrical equipment used in connection with display signs shall be installed in accordance with applicable state and local building and electrical codes.

The foregoing Ordinance was moved by Councilmember Gierzghty and seconded by Councilmember Ingemann.

The following Councilmembers voted in the affirmative: Gierzghty, Ingemann, Sumner, Rahm, Lund

The following Councilmembers voted in the negative:

Effective Date
This Ordinance becomes effective upon its passage and publication according to law.

Adopted by the City Council of the City of Newport, Minnesota on the 21st day of January, 2016.

Signed: _____
Tim Geraghty, Mayor

Attest: _____
Deb Hill, City Administrator