



**CITY OF NEWPORT
PLANNING COMMISSION MEETING
NEWPORT CITY HALL
JANUARY 14, 2016 – 6:00 P.M.**

Chairperson:	Anthony Mahmood	City Administrator:	Deb Hill
Vice-Chair:	Kevin Haley	Asst. to the City Admin:	Renee Eisenbeisz
Commissioner:	Matt Prestegaard	Planner:	Sherri Buss
Commissioner:	Marvin Taylor	Council Liaison:	Tom Ingemann
Commissioner:	David Tweeten		

AGENDA

1. CALL TO ORDER

2. ROLL CALL

3. NOMINATION AND APPOINTMENT OF CHAIRPERSON AND VICE-CHAIRPERSON FOR 2016

4. APPROVAL OF PLANNING COMMISSION MINUTES

- A. Planning Commission Minutes of the October 8, 2015 Meeting
- B. Planning Commission Minutes of the November 12, 2015 Workshop

5. APPOINTMENTS WITH COMMISSION

- A. **Public Hearing** – To consider amendments to Section 1320, Nonconforming Uses, Lots, and Structures, Section 1330 General District Regulations, and Section 1380, Signs
 - 1. Memos from Sherri Buss and Renee Eisenbeisz
 - 2. Resolution No. P.C. 2016-1
 - 3. Resolution No. P.C. 2016-2
 - 4. Resolution No. P.C. 2016-3

6. COMMISSION & STAFF REPORTS

7. NEW BUSINESS

8. ANNOUNCEMENTS

- A. Upcoming Meetings and Events:
 - 1. City Offices Closed for Martin Luther King Jr. Day January 18, 2016
 - 2. City Council Meeting January 21, 2016 5:30 p.m.
 - 3. City Council Meeting February 4, 2016 5:30 p.m.
 - 4. Planning Commission Meeting February 11, 2016 6:00 p.m.

9. ADJOURNMENT



**City of Newport
Planning Commission Minutes
October 8, 2015**

1. CALL TO ORDER

Chairperson Mahmood called the meeting to order at 6:00 P.M.

2. ROLL CALL -

Commissioners present – Anthony Mahmood, Kevin Haley, Marvin Taylor, David Tweeten

Commissioners absent – Matt Prestegaard

Also present –Renee Eisenbeisz, Executive Analyst; Sherri Buss, TKDA Planner; Tom Ingemann, Council Liaison

3. APPROVAL OF PLANNING COMMISSION MINUTES

A. Discussion Regarding Proposed Amendments to Section 1380, Signs

Sherri Buss, TKDA Planner, presented on this item as outlined in the October 8, 2015 Planning Commission packet. The Planning Commission discussed Sections 1380.01-1380.09(A), Item 1. Below are the key discussion points and requested changes:

- **1380.03, Definitions:**
 - **Bulletin Sign** - Remove this definition since it's the same as a changeable copy sign.
 - **Address Sign/Nameplate or Identification Sign** - Keep the definition for address signs in the ordinance and remove the definition for nameplate or identification sign since signs less than 6 square feet are allowed without a permit.
 - **Temporary Sign** - Add language to the Temporary Sign definition pertaining to materials to differentiate between permanent signs.
- **1380.04, Administration:**
 - **Items C and D** - Change the language to allow the Zoning Administrator to approve all sign permits and remove Item D requiring the Planning Commission to approve signs with more than 2 sides.
- **1380.06, Exemptions:**
 - **Item A(2)** - Add language allowing up to 3 per parcel for signs that are 6 square feet or less.
 - **Item A(3)** - This language will allow any property owner (residential or commercial) to have a temporary sign on their parcel up to 14 days as long as the signs are less than 20 square feet. The Planning Commission directed staff to add language allowing temporary signs in the right-of-way adjacent to any parcel.
 - **Item A(5)** - Remove the setback requirement.
- **1380.08, General Provisions Applicable to All Districts**
 - **Items A - C** - Add "permanent" to each of these sections so that the provisions aren't required for temporary signs.
 - **Item D(1)** - Remove this section all-together since it relates to content.
 - **Item D(3)** - The Planning Commission discussed changing this language to be for monument signs instead of freestanding signs and directed staff to research what other cities do for monument signs.
 - **Item E** - The Planning Commission directed staff to add language about blocking visibility and time requirements.

- **Item H** - Remove this section.
- **1380.09, District Regulations**
 - **Item A(1)** - The Planning Commission directed staff to add language to this section that allows up to three temporary signs that are less than 6 square feet on each parcel.
 - **Item A(1)(b)** - Remove the setback requirement.
 - **Item A(1)(f)** - The Planning Commission directed staff to amend this language to require a permit for the signs listed instead of saying they aren't allowed since there are businesses in residential districts.

The Planning Commission will be discussing the rest of Section 1380 at the November 12, 2015 meeting.

5. COMMISSION AND STAFF REPORTS

6. NEW BUSINESS

7. ANNOUNCEMENTS

A. Upcoming Meetings and Events:

- | | | |
|--|------------------|-----------|
| 1. Annual Fun Walk - Meet at Pedestrian Bridge
Near Tinucci's | October 10, 2015 | 9:00 a.m. |
| 2. City Council Meeting | October 15, 2015 | 5:30 p.m. |
| 3. Park Board Meeting | October 22, 2015 | 6:30 p.m. |
| 4. Buckthorn Removal Day - Bailey School
Forest | October 24, 2015 | 9:00 a.m. |

8. ADJOURNMENT

Motion by Haley, seconded by Tweeten, to adjourn the Planning Commission Meeting at 7:01 p.m. With 4 Ayes, 0 Nays, 1 Absent the motion carried.

Signed: _____
Anthony Mahmood, Chairperson

Respectfully submitted,

Renee Eisenbeisz
Executive Analyst



**City of Newport
Planning Commission Workshop Minutes
November 12, 2015**

1. CALL TO ORDER

Chairperson Mahmood called the meeting to order at 6:00 P.M.

2. ROLL CALL -

Commissioners present – Anthony Mahmood, Matt Prestegaard, Kevin Haley, Marvin Taylor, David Tweeten

Commissioners absent –

Also present – Deb Hill, City Administrator; Renee Eisenbeisz, Executive Analyst; Sherri Buss, TKDA Planner; Tom Ingemann, Council Liaison

3. DISCUSSION REGARDING PROPOSED AMENDMENTS TO SECTION 1380, SIGNS

Sherri Buss, TKDA Planner, presented on this item as outlined in the November 12, 2015 Planning Commission packet. The Planning Commission discussed Sections 1380.01-1380.09(A), Item 2. Below are the key discussion points and requested changes:

- **Section 1380.08(E)** - Change this language to prohibit signs in the right-of-way.
- **Section 1380.09 -**
 - **Temporary Signs** - Change the language to allow temporary signs for 30 days instead of 14 days without a permit. Also, remove the requirement for how many times per year. Finally, add sandwich signs to this section.
 - **Wall Signs** - Add language to allow one wall sign for each business.
 - **Permanent Freestanding Signs** - Change the height from 35 feet to 12 feet.
 - **Portable Signs** - Change the language to increase the square footage from 15 square feet to 40 square feet and require a permit only if the portable sign has electrical components. Also, add language stating that it can't be in the right-of-way or public easements.
 - **Canopy and Marquee Signs** - Remove the language regarding it warranting additional sign area.
 - **Window Signs** - Change the language to allow window signs without a permit and to cover 80% of the window. Also, add language requiring them to be in good repair.
- **Section 1380.13** - Add stone to the list of allowed materials in Section A.
- **Section 1380.14** - Remove this Section and just put that applicants need to comply with electrical codes.

The public hearing for these changes will be January 14, 2016.

4. DISCUSSION REGARDING BUILDING MATERIALS

Sherri Buss, TKDA Planner, presented on this item as outlined in the November 12, 2015 Planning Commission packet. The Planning Commission directed staff to draft building material standards similar to Maplewood's ordinance for commercial and mixed-use districts. Additionally, the Planning Commission requested that staff add language regarding the maintenance and upkeep of building exteriors. The public hearing for these changes will be January 14, 2016.

5. DISCUSSION REGARDING PROPOSED ZONING AMENDMENTS

Executive Analyst Eisenbeisz presented on this item as outlined in the November 12, 2015 Planning Commission packet. The Planning Commission directed staff to change the language in Section 1330.05, Subd. 10 regarding trash enclosures to match the language in Section 1350.18, Item F. The public hearing for these changes will be January 14, 2016.

6. ADJOURNMENT

Signed: _____
Anthony Mahmood, Chairperson

Respectfully submitted,

Renee Eisenbeisz
Executive Analyst



444 Cedar Street, Suite 1500
Saint Paul, MN 55101
651.292.4400
tkda.com

Memorandum

To:	Newport Planning Commission	Reference:	Planning Commission Meeting January 14, 2016
Copies To:	Deb Hill, City Administrator Renee Eisenbeisz, Assistant to the City Administrator		
From:	Sherri Buss, RLA AICP, City Planner	Project No.:	16021.000
Date:	January 5, 2016	Routing:	

The Planning Commission meeting on January 14 will include public hearings on several ordinance updates:

- Sign Ordinance – Section 1380 of the Zoning Ordinance
 - Staff made the changes requested by the Planning Commission at the November meeting. Some of the changes were editorial in nature. The most significant changes are in 1380.09 District Regulations, Item 2, Business/Commercial/Industrial Districts.
 - The Commission should review the attached ordinance amendment to identify any final changes.
 - The Commission will listen to public comments, and may make final changes to the amendment based on comments.
 - The final ordinance amendment will go to the City Council for approval.
- Building Materials Standards – Section 1330.05, Subdivision 3
 - Staff made the changes to the ordinance amendment recommended by the Commission. The revised ordinance standards are based on those included in the City of Maplewood ordinance for commercial and mixed use districts, as discussed at the meeting.
 - The Commission asked that standards be included for building exterior maintenance. The City already has detailed standards for building maintenance in Ordinance 8, Section 811.07. This section has been included in your packet for review
 - The Commission should review the attached ordinance amendment to identify any changes needed.
 - The Commission will listen to public comments, and may make final changes to the amendment based on comments.
 - If the Commission finalizes the amendment at this meeting, it will go to the City Council for approval.
- Additional Amendments—Renee has a couple of additional amendments that she will discuss with the Commission. The proposed amendments are attached.



MEMO

TO: Planning Commission
Deb Hill, City Administrator

FROM: Renee Eisenbeisz, Assistant to the City Administrator

DATE: January 5, 2016

SUBJECT: Minor Zoning Amendments

BACKGROUND

At their November 12, 2015 workshop, the Planning Commission discussed the following minor zoning amendments:

Non-conforming structures - Staff found a discrepancy in Section 1320.06 regarding non-conforming structures. The current City Code states that if a non-conforming structure is destroyed by 50% or more, the use of the same shall conform to the current zoning requirements. However, State Statutes (462.357, Subd. 1e) allow destroyed non-conforming structures 180 days to apply for a building permit of the same use. If a building permit is applied for within that 180 days, they do not need to meet the current zoning requirements. As such, the City needs to amend Section 1320.06 to state this.

Trash Enclosures - Councilman Sumner requested that the Planning Commission review the requirement regarding trash enclosures in regards to materials. Currently, the City Code states the following:

- **Section 1330.05, Subd. 10** - Trash enclosures need to be constructed of the same material as the principal structure. This section regulates all districts except RE, R-1, and R-1A districts.
- **Section 1330.05, Subd. 21** - Trash enclosures need to be kept in a building or in a fully screened area. This section regulates the RE, R-1, and R-1A districts.
- **Section 1350.18, Item F** - Requires trash enclosures to be in a fully enclosed accessory structure. Does not regulate material. This section is for non-residential districts.

Councilman Sumner requested that the Planning Commission look at allowing the enclosures to be different material than the principal structure. The Planning Commission directed staff to change Section 1330.05, Subd. 10 to have the same language as Section 1350.18, Item F.

DISCUSSION

Please find Resolution No. P.C. 2016-1 and Resolution No. P.C. 2016-2 reflecting the above changes. The Planning Commission will have a public hearing for the zoning amendments at its January 14, 2016 meeting.

RECOMMENDATION

It is recommended that the Planning Commission approve Resolution No. P.C. 2016-1 and Resolution No. P.C. 2016-2.

1330.05 Performance Standards

Subd. 1 Intent. It shall be the intent of this section to promote high standards of design and construction in the City. These standards are set forth in order to enhance the visual appearance of the built environment within the City, to preserve the taxable value, to implement the goals and policies of the Comprehensive Plan and to promote the public health, safety, and welfare of the general public.

Subd. 2 General Scope—Performance Standards for Non-Residential Districts. Except in the RE, R-1, and R-1A districts, any construction or alteration of buildings, structures, property or exterior equipment in the City which requires a building permit under the provisions of this Chapter shall be reviewed by the Zoning Administrator and shall comply with the standards set in Subds. 3-15 and 17-19 inclusive. **Subd. 16 includes performance standards for Fences in all districts.**

If the Zoning Administrator determines that the plans comply with the intent and standards contained herein, a building permit may be issued. All decisions of the Zoning Administrator may be appealed to the City Council as provided for in this Chapter.

Subd. 3 Building Materials. Exterior building materials of all non-residential and mixed-use structures shall ~~be one of, or a combination of, the following materials; comply with the following requirements:~~

~~A. Allowable Permitted materials:~~

~~1) Face brick, stone, or glass; exterior building materials shall be classified as Class I, II or III materials or Accent materials, as follows.~~

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

~~b. 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.~~

~~c. 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.~~

~~d. 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.~~

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

~~a.—~~

~~b. Decorative concrete block with a color and texture theme that is directly related to the building material, if not more than 50% of the building elevation faces any public roadway. Plain, flat unpainted~~

~~concrete block is not allowed, nor is any type of painted concrete block;~~

~~e. Architecturally treated concrete or cast in place or precast concrete panels;~~

~~d. Stucco or other cement like coating applied in a manner so as to create a harmonious design with other exterior materials;~~

~~e. Metal panels with interlocking, concealed, or tongue and groove seams, and concealed fasteners, if the exterior surface finish is warranted by the manufacturer for twenty years against blistering, peeling, cracking, flaking, checking, or chipping, if not more than 50% of the building elevation faces any public roadway;~~

~~f. Wood, wood siding, metal siding, or vinyl siding, may be utilized as building materials in the R-2, R-3, and MX districts for residential construction. These materials shall not be used for commercial or industrial buildings, except as approved by the City.~~

f. Metal storage buildings (commonly called pole buildings) cannot be used in Newport except in the Rural Estates (RE) District, or as back yard sheds 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.

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

a. 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.

~~1) Conditional materials-Industrial Districts Other exterior building materials may be approved by Conditional Use Permit, if it is determined that:~~
Permitted materials for non-residential buildings shall comply with the following:

3)

~~a. 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.~~

~~a.~~

4) 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.

5) 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.

6) 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.

~~The materials are similar to or better than the permitted materials listed above;~~

~~2) The materials are high quality, long lasting, attractive, reasonably maintenance free, and;~~

~~3) The materials are integrated harmoniously into the building design and with neighboring uses.~~

~~4) The materials are approved by the building official.~~

Subd. 4 Additions, Alterations, and Accessory Structures. All subsequent additions, exterior alterations, and accessory structures, built after the construction of the original building or buildings shall be of the same materials as those used in the original building and shall be designed to conform to the original architectural concept and general appearance. These provisions shall not prevent the upgrading of the quality of materials used in a remodeling or expansion project. Such alterations shall also maintain the appearance of the building exterior due to fading, cracking, peeling, rotting, or other degradations or inconsistencies, particularly where signage, equipment, fixtures, or other features may have been removed, revealing an inconsistent color or condition of materials.

Subd. 5 Other Structures—Garages and Walls. Garages, screen walls, and other areas of exposed permanent materials shall be of a similar type, quality and appearance as the principal structure. These provisions shall not prevent the upgrading of the quality of materials used in a remodeling or expansion project. Exposed areas of retaining walls shall be of high quality durable materials compatible with the overall design of the site plan and structures.

Subd. 6 Outside Storage. All outside storage of equipment, materials, or vehicles shall be completely screened from the eye-level view of adjacent residential property and public streets, and from the public front and office sides of business and industrial uses, subject to the following conditions and exceptions:

- A. Temporary, daily parking of vehicles, for a period of no more than forty-eight (48) consecutive hours, for employees or patrons of a business, need not be screened in side and rear yards adjacent to other business or industrial uses, but shall be completely screened from residential uses. In front yards, all such vehicles need to be screened to a height of three (3) feet. Any vehicle parked for more than forty-eight (48) consecutive hours shall be completely screened from the eye-level view of adjacent residential property and public streets, and from the public front and office sides of business and industrial uses.

by the failure of the owner to maintain a dwelling in a reasonable rodent-proof condition, extermination is the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof is the responsibility of the owner.

811.07 Public Nuisance Defined: Whoever by an act or failure to perform a legal duty intentionally does any of the following is guilty of violating this ordinance.

A. Maintains or permits an unfavorable building appearance or level of maintenance.

1. Buildings, structures and fences which have been so poorly maintained that their physical condition and appearance detract from the surrounding neighborhood are declared to be public nuisances because they (a) decrease adjoining landowners and occupants enjoyment of their property and neighborhood and (b) may adversely affect property values and neighborhood patterns.
2. Standards:
 - a. Any building, structure, or fence is a public nuisance if it does not comply with the following requirements:
 - i. No part of any exterior surface shall have deterioration, holes, breaks, gaps, loose or rotting boards or timber.
 - ii. Every exterior surface which has had a surface finish such as paint applied shall be maintained to avoid noticeable deterioration of the finish. No wall or other exterior surface shall have peeling, cracked, chipped, or otherwise deteriorated surface finish on more than twenty (20) percent of:
 - a. Any one wall or other flat surface;
 - b. All door and window moldings, eaves, gutters, and similar projections on any one side or surface.
 - iii. No glass, including windows and exterior light fixtures, shall be broken or cracked and no seams shall be torn or separated from moldings.
 - iv. All exterior doors and shutters shall be hung properly and have an operable mechanism to keep them securely shut or in place.
 - v. All cornices, moldings, lintels, sills, bay or dormer windows, and similar projections shall be kept in good repair and free from cracks and defects which make them hazardous or unsightly.
 - vi. Roof structures shall be tight and have no defects which admit water. All roof drainage systems shall be secured and hung properly.
 - vii. Chimney, antennae, air vents, and other similar projections shall be structurally sound and in good repair. Such projections shall be secured properly, where applicable, to an exterior wall or roof.

- viii. Premises shall be graded and maintained so as to drain water away from occupied structures and minimize the accumulation of water on such premises.
- ix. Every residential premise shall be maintained in a condition to control erosion, dust and mud by suitable landscaping with grass, trees, shrubs or other planted ground cover, or by paving with asphalt, concrete or by such other suitable means as shall be approved by the city official.
- x. All accessory structures including, but not limited to, detached garages, sheds and fences, shall be maintained structurally sound and in good repair. All exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by paint which is not lead-based paint or by other protective covering or treatment.
- xi. It shall be unlawful to permit a refrigerator or other container, sufficiently large enough to retain a child and with doors which fasten automatically when closed, to be exposed and accessible to children without removing the doors, lids, hinges or latches.

B. Maintains or permits buildings or structures which endanger public safety, health or property within the City.

1. Any building or structure in the City which is found by the City Building Inspector or Fire Marshall, or their designee, to be dangerous to public Safety, health or property by reason of:
 - a. Damage by fire;
 - b. Defective chimneys or stovepipes;
 - c. Dilapidated condition or decay;
 - d. Defective electrical wiring;
 - e. Defective gas installations;
 - f. Defective heating apparatus;
 - g. Defective sewage disposal system or plumbing;
 - h. Any other defect endangering the public safety, health, or other property.

are hereby declared to be a public nuisance.

2. Any building which is damaged, decayed, dilapidated, unsanitary, unsafe, vermin or rodent infested, or which lacks provisions for basic illumination, ventilation, or sanitary facilities to the extent that the defects create a hazard to the health, safety, or welfare to the occupants or of the public, may be declared unfit for human habitation. Whenever any building has been declared unfit for human habitation, the enforcement officer shall order same vacated within a reasonable time and shall post a placard on the property which shall (1) be in writing, (2) include a description of the property sufficient for identification, (3) include a statement of a reason or reasons why it is being issued, (4) include a description of the repairs and improvements required

to bring the dwelling into compliance with the provisions of this ordinance, and (5) include a statement of time allowed to correct the violations.

C. Maintains or permits garbage or refuse to be placed or stored in yards.

1. To enhance the safety of residents, no solid waste, garbage, refuse, appliances, bulky waste, recyclables and yard wastes shall be placed in yards or properties in the City. Woodpiles, and/or lumber may be stored and stacked in an orderly manner not visible from the street.

D. Special Provision – Lawn Maintenance

1. **Preamble:** There are a variety of landscapes in the City, which diversify and add a richness to the quality of life. Certain areas in the City have been left, or allowed to go, unmaintained. They have been accepted by the vast majority of the city residents as appropriate and as part of the unique quality of life in this community. There are community expectations, however, that once an area has been disturbed, landscaped, or otherwise maintained, that area will continue to be maintained in a consistent manner. When vegetation in that area is not continually maintained, it becomes aesthetically unpleasing and violates community standards. Property, which appears neglected, may decrease the value of adjacent properties. In addition, if vegetation is not properly maintained, there may be the following adverse impacts on public health, safety, and welfare:
 - a. Undesirable vegetation such as common buckthorn, quackgrass, and other weeds may invade and threaten to supplant other more desirable vegetation.
 - b. Vegetation which causes allergic reactions, such as ragweed, may develop.
 - c. Tall vegetation along driveways and public roads may impair visibility when entering or exiting public roads.
2. **Definitions:** For the purpose of this section the following words shall have the meanings specified below:
 - a. **Meadow Vegetation** is grasses and flowering and broad leaf plants which are native to, or adapted to, the State of Minnesota, which are commonly found in meadow and prairie plan communities, except weeds.
 - b. **Noxious Weeds** shall be those plants which are determined from time to time to be noxious weeds pursuant to Minnesota Statute 18.171, subdivision 5.
 - c. **Regularly Cut** means mowing or otherwise cutting the vegetation so that it does not exceed eight (8) inches.
 - d. **Turf Grasses** are grasses commonly used in regularly cut lawn areas, such as bluegrass, fescue, and rye grass blends, and non-woody vegetation interspersed with them.
 - e. **Weeds** include all noxious weeds, buffalobur, common cocklebur, crabgrass, dandelions, jimsonweed, quackgrass, common and giant ragweed, field sandbur, velvetleaf, and wild sunflower. Weeds also include anything that is horticulturally out of place. For example, a tree seedling is a weed in a vegetable garden. A property owner may establish that a plant or plants are not horticulturally out of place by providing a written landscape plan for the area in

Section 1380 - Signs

Section 1380, Signs: ~~“The Code of Ordinances of the City of Newport, County of Washington, State of Minnesota,” shall be amended by amending Chapter 13, Zoning Ordinance of the City Code, for purposes of adding the following:~~

1380.01 Purpose and ~~Intent~~ 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.

~~The purpose of this Ordinance is to protect and promote the general welfare, health, safety and order within the City of Newport through the standards, regulations and procedures governing the erection, use and/or display of devices, signs or symbols serving as visual communicative media to persons situated within or upon public rights of way or properties.~~

~~The provisions of this Ordinance are intended to encourage creativity, a reasonable degree of freedom of choice, an opportunity for effective communication and a sense of concern for the visual amenities on the part of those designing, displaying or otherwise utilizing needed communicative media of the types regulated by this Ordinance, while at the same time assuring that the public is not endangered, annoyed or distracted by the unsafe, disorderly, indiscriminate or unnecessary use of such communicative facilities.~~

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.
- A-B. Accessory Sign: A sign relating in its subject matter to the ~~premises on which it is located, or to products, accommodations, services 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.
- B-E. Awning Sign: A building sign or graphic printed on or in some fashion attached directly to the awning material.

~~C. **Address Sign:** Postal identification numbers only, whether written or in numeric form.~~

~~D. **Area Identification Sign:** A free standing sign which identifies the name of a neighborhood, a residential subdivision, a multiple residential complex consisting of three (3) or more structures, a shopping center or area, an industrial area, an office complex consisting of three (3) or more structures or any combination of the above that could be termed an area.~~

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

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

~~G.H. **Billboard:** A large ~~outdoor advertising off-site sign structure~~ mounted on one or more legs and designed to display posters or other composite graphics ~~advertisements where the advertised goods or services are not provided at the location of the sign.~~~~

~~H.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.~~

~~I. **Bulletin Sign:** An accessory sign which announces goods or services available through the use of changeable letters.~~

~~J. _____~~

~~K. **Church Directional Sign:** A sign which bears the address and/or name of a church and direction arrows pointing to a church location.~~

K. **Canopy and Marquee:** A roof like structure projecting over the entrance to a ~~theater, store, etc.~~ 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.

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

M.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 through 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.
- ~~N-Q. **Free-Standing Sign:** A sign which is placed in the ground and not affixed to any part of any structure 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.
- ~~Q-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.~~
- ~~P. **Institutional Sign:** Any sign or bulletin board which identifies the name and other characteristics of a public or private institution on the site where the sign is located.~~
- 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.
- ~~Q. **Nameplate or Identification Sign:** A sign which bears the name and/or address of the occupants of the building.~~
- ~~X. **Non-Accessory Sign:** A sign other than an 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.
- ~~R-Z. **Permanent Sign:** Any sign which is not a temporary sign.~~
- ~~S. —~~
- ~~T. **Nonconforming Sign:** A sign which does not conform to the newly enacted requirements of this Ordinance.~~

~~U-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.

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

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

~~Permanent Sign: Any sign which is not a temporary sign.~~

~~X-DD.~~ **Pylon Sign:** A freestanding ~~area identification~~ sign erected on a single pole structure that greater than twenty (20) feet in height, usually intended for freeway advertising located on a state or interstate highway.

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

~~Z-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.

~~AA-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.

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

~~CC-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.

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

~~EE.~~ **Internal Traffic Directional Sign:** ~~A sign which is erected on private property by the owner of such property for the purpose of guiding vehicular and pedestrian traffic within his property. Such sign bears no advertising information.~~

~~LL.~~ **Wall Sign:** ~~Any sign which is affixed to a wall of any building.~~ 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.

~~FF-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.

1380.034 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. a complete description of the sign and a sketch showing its size, location, manner of construction and such other information as shall be necessary to inform the City Zoning Administrator of the kind, size, material, construction and location of the sign. The City Zoning Administrator may approve Sign Permits upon completion of an inspection of the said sign by the City Building Inspector. 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.~~

~~The applicant shall also submit the fee at the time of application.~~

C. If a sign authorized by a permit has not been installed within ~~three (3) months~~ one hundred and eighty (180) days after the date of issuance of ~~said permit~~ 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.

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

~~All 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.~~

Exemptions.1380.06 Exemptions

A. The exemptions ~~permitted~~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 erected by a governmental unit or public school district.~~

~~2. Memorial signs or tablets containing the name of the building, its use and date of erection when cut or built into the walls of the building and constructed of bronze, brass, stone or marble.~~

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.

~~3.~~2. Nameplate or address plate not exceeding two (2) square feet in size.

~~4. Up to three (3) Temporary A nameplate sign not exceeding two (2) square feet in area, and containing only the name of the resident, or title of person practicing a profession, in a Residential District.~~

~~5. Real estate signs pertaining to the lease or sale of real estate containing six (6) or less square feet.~~

~~6. Construction signs advertising the development or improvement of a property by builder, owner, contractor or other persons furnishing service, materials or labor, provided such sign is removed when the work is completed or upon issuance of a certificate of occupancy or completion, whichever occurs first.~~

3. Garage sale Signs. 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.

1380.087 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, ~~content~~, 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.~~

~~A.~~

~~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.~~

General Provisions Applicable to All Districts.

D. Freestanding and Monument Signs

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

~~1.~~

~~2. The base or support structure for freestanding signs shall complement the design of the building and incorporate forty percent (40%) of brick, stone, decorative block, or similar substantial materials as approved by the Zoning Administrator.~~

~~3.2.~~ 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.~~ Freestanding signs shall be constructed with the base consisting of materials matching the building with said base at least seventy five percent (75%) of the width of the sign from the ground to the bottom of the sign. 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.

~~B. 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.~~

~~C.E. No sign, other than public traffic controls, direction or street name signs, or campaign yard signs, shall be erected or temporarily within any street right-of-way or upon any public easements. Campaign yard signs may be located in a commercial, industrial or residential lot not less than five (5) feet from the curb, lot line or edge of street, and shall meet the requirements identified in Subsection I, below.~~

~~D.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.~~

~~E. 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.~~

~~G. Roof signs shall be prohibited in all districts.~~

~~F.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. Except as otherwise provided for in this Section, no sign may be placed on any property if the sign does not advertise a product or service located or available on that property. Off-premises signs, except permitted Temporary Signs and permitted Pylon signs and Billboards in business, commercial, and industrial districts, are prohibited in all districts.~~

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

1380.049 District Regulations.

A. ~~In addition to those signs permitted in all districts,~~ The following signs are ~~permitted~~ 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.
Nameplate Signs: One (1) sign for each dwelling unit, not greater than two (2) square feet in area, indicating the name and/or address of the occupant.

~~Institutional and Recreational Signs: One (1) sign or bulletin board per street frontage for public institutional use; for recreational use in residential districts, such sign or bulletin board shall not exceed twenty four (24) square feet in area nor shall it be placed closer than ten (10) feet to any edge of street line nor shall it be placed in a location that would interfere with the safe movement of traffic.~~

~~Area Identification Signs: One (1) sign per each major development, not to exceed twenty four (24) square feet in area.~~

~~Temporary Signs: According to 1380.03.~~

- ~~a.f. The Mmaximum Hheight 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. Dynamic display signs shall comply with the requirements in Section 1380.03. O. Dynamic display signs shall comply with the requirements in Section 1380.03. N and O.~~

- ~~b.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.~~

- ~~i. Home Occupation Signs: Any occupant of a residential unit engaged in a home occupation, may have one (1) sign not exceeding three (3) square feet.~~

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.

~~a-b.~~ Wall Signs: One (1) wall sign for each business shall be allowed on each street frontage shall be permitted on a building for each business located within such building. 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.

~~b-c.~~ Permanent Freestanding Signs: One (1) permanent freestanding sign is permitted-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-permitted~~ freestanding sign in excess of one (1) shall be no greater than one-half (1/2) the area of the first sign. ~~(Maplewood Ordinance: 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. The area around the base of the sign shall also be landscaped or~~ Newport: The base or support structure of freestanding signs shall complement the design of the primary building on the parcel and incorporate forty percent (40%) of brick, stone, decorative block, or similar substantial materials as approved by the Zoning Administrator.)

~~(Maplewood Ordinance: The total size and maximum height of each freestanding sign [excluding pylon signs] is determined by the street classification [as designated in the City's Comprehensive Plan] of the closest street to which each freestanding sign is located. In the case of signs located at an intersection, the higher ranking street classification should be used to determine the maximum height and size allowable for a freestanding sign. The following table lists the maximum size and heights permitted for freestanding signs:~~

Classification of Street Abutting Property	Maximum Sign Size (sq. ft.)	Maximum Height of Freestanding Sign
Principal arterial (I-494 and Highway 61)	180	12
Minor arterial (Hastings and 7 th Ave)	140	12
Collector Street (10 th Ave and 12 th St)	100	10

Local Street	80	10
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No part of a permanent freestanding sign shall be closer than ten (10) feet to the front property line or exceed ~~thirty five~~twelve (~~35~~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.

~~e.~~

~~d.~~

~~e. Bulletin Signs: Bulletin signs may have individual face areas of up to fifty percent (50%) of the area of the display surface area of the business' identification or free-standing sign. Bulletin signs which are not wall-mounted must have a minimum elevation of ten (10) feet from the base of the sign or grade of the nearest adjacent roadway, whichever is lower, to the bottom edge of the said sign.~~

~~f.~~

~~d. Portable Signs: One (1) portable bulletin sign up to fifteen-forty (1540) square feet may be displayed only during the merchant's business hours. The business or property owner shall obtain with 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 be additionally regulated by 1380.04, 2. e. Temporary Signs and shall not be placed within the public right-of-way or public easements.~~~~

~~g.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.~~

~~h.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. The minimum allowance distance of a pylon sign to an interstate right of way is fifty (50) feet, with a maximum height of thirty five (35) feet.~~

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 permitted-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 permit 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. Temporary Signs: Temporary special event signs may be displayed upon issuance of a permit, for not more than thirty (30) calendar days, and not more than two (2) times each year. Such signs shall include: banners, pennants, portable bulletin signs, streamers, and other signs approved by the City. The design and construction of all said signs shall be professional looking and not be allowed to become torn or weathered.~~

~~No temporary sign or combination of temporary signs may exceed eighty (80) square feet in area.~~

~~All signs, including temporary special event signs, which are located on the interior of a building within three (3) feet of a window and clearly visible from the outside of said building shall not exceed fifty percent (50%) of the window area.~~

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

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 same-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.

e.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 ~~come~~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.

~~h.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 ~~and thus shall not warrant additional sign 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 ~~fifty-eighty~~ fifty-eighty percent (~~580~~58%) of the window area and shall be designed, and constructed to be professional in appearance, and maintained in good repair and be clearly readable ~~to be professional looking.~~ Window signs do not require a Sign Permit.

~~e.~~ f.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).

4.3. Mixed Use Districts:

- a. Any residential building in a Mixed Use, Business or Commercial District shall meet the sign requirements of 1380.049 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 1380.049 A 2. (Business/Commercial/Industrial Districts).

1380.0510 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 ~~and~~ other advertising structures together with their supports, braces, guys and anchors shall be maintained in good repair and condition, and the area around them shall be kept free from debris, weeds, and other objectionable material. 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.

1380.06 Administration and Enforcement.

1380.09 Appeals.

~~A permit applicant or permit holder may appeal any order or determination made by the City Zoning Administrator or 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:~~

- ~~A. 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.~~
- ~~B. Requests for variances from the literal provisions of this Ordinance.~~

~~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.~~

1380.102 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.

1380.143 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. ~~1380.12~~ 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. ~~1380.13~~-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. ~~1380.14~~-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.
~~1380.15 — Use of Approved Plastics~~**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.

~~1380.164~~ Electric Signs.

~~A. Electric signs shall be constructed of noncombustible materials, except as approved by the Building Inspector.~~

~~B. The enclosed shell of electric signs shall be watertight, excepting that service holes fitted with covers shall be provided into each compartment of such signs.~~

~~C.A.~~ Electrical equipment used in connection with display signs shall be installed in

accordance with ~~all statutes, code provisions, ordinances, and regulations regulating electrical installations~~ applicable state and local building and electrical codes.

~~D. Every electric sign shall have painted on the sign, or attached in permanent fashion, the name of the sign erector and date of erection. The name and date shall be of sufficient size and contrast to be readable from a reasonable distance. Failure to provide the name and date shall be grounds for rejection of the sign by the Building Inspector.~~

**PLANNING COMMISSION
RESOLUTION NO. P.C. 2016-1**

**A RESOLUTION RECOMMENDING CITY COUNCIL APPROVE A ZONING AMENDMENT TO SECTION
1320 NONCONFORMING USES, LOTS, AND STRUCTURES**

WHEREAS, The City has been working to clean up language in its Zoning Code to match State Statutes; and

WHEREAS, City staff found that Section 1320.06 does not match the State Statutes in regards to the destruction of non-conforming structures; and

WHEREAS, The Planning Commission held a public hearing to have Section 1320.06 match the State Statutes at its meeting of Thursday, January 14, 2016; and

NOW, THEREFORE, BE IT RESOLVED, That the Newport Planning Commission recommends Newport City Council approval of a Zoning Amendment to amend the present language found in *Section 1320 Nonconforming Uses, Lots, and Structures*. It will read as follows:

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;

Adopted this 14th day of January, 2016 by the Newport Planning Commission.

VOTE: Mahmood	_____
Haley	_____
Prestegaard	_____
Taylor	_____
Tweeten	_____

Signed: _____
Anthony Mahmood, Chairperson

ATTEST: _____
Deb Hill, City Administrator

**PLANNING COMMISSION
RESOLUTION NO. P.C. 2016-2**

**A RESOLUTION RECOMMENDING CITY COUNCIL APPROVE A ZONING AMENDMENT TO SECTION
1330 GENERAL DISTRICT REGULATIONS**

WHEREAS, The City has been working to update language in its Zoning Code; and

WHEREAS, City staff received requests to change language regarding trash enclosures; and

WHEREAS, City staff feels that the current language regarding building materials is outdated and difficult to interpret; and

WHEREAS, The Planning Commission feels it is advantageous to clean up and clarify language regarding trash enclosures and building materials; and

WHEREAS, The Planning Commission held a public hearing at its meeting of Thursday, January 14, 2016; and

NOW, THEREFORE, BE IT RESOLVED, That the Newport Planning Commission recommends Newport City Council approval of a Zoning Amendment to amend the present language found in *Section 1330 General District Regulations*. It will read as follows:

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 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 a fully enclosed accessory structure.

Adopted this 14th day of January, 2016 by the Newport Planning Commission.

VOTE: Mahmood	_____
Haley	_____
Prestegaard	_____
Taylor	_____
Tweeten	_____

Signed: _____
 Anthony Mahmood, Chairperson

ATTEST: _____
 Deb Hill, City Administrator

PLANNING COMMISSION
RESOLUTION NO. P.C. 2016-3

**A RESOLUTION RECOMMENDING CITY COUNCIL APPROVE A ZONING AMENDMENT TO SECTION
1380 SIGNS**

WHEREAS, The League of Minnesota Cities recently recommended that cities update their sign ordinance due to a Supreme Court decision regulating signs; and

WHEREAS, the Supreme Court decision states that cities may not have a sign ordinance that differentiates signs based on topic or content; and

WHEREAS, The Planning Commission feels it is advantageous to amend the City's sign ordinance to reflect this decision and update the ordinance to address current issues and needs; and

WHEREAS, The Planning Commission held a public hearing at its meeting of Thursday, January 14, 2016; and

NOW, THEREFORE, BE IT RESOLVED, That the Newport Planning Commission recommends Newport City Council approval of a Zoning Amendment to amend the present language found in *Section 1380 Signs*. It will read as follows:

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 through 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 sq. ft.	Measurement 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 free 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	Minimum Area	Thickness of Glass	Type of Glass
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(in inches)	(in square inches)	(in inches)	
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.

Adopted this 14th day of January, 2016 by the Newport Planning Commission.

VOTE: Mahmood _____
Haley _____
Prestegaard _____
Taylor _____
Tweeten _____

Signed: _____
Anthony Mahmood, Chairperson

ATTEST: _____
Deb Hill, City Administrator