



**CITY OF NEWPORT
PLANNING COMMISSION MEETING
NEWPORT CITY HALL
OCTOBER 8, 2015 – 6:00 P.M.**

Chairperson:	Anthony Mahmood	City Administrator:	Deb Hill
Vice-Chair:	Kevin Haley	Executive Analyst:	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. APPROVAL OF PLANNING COMMISSION MINUTES

A. Planning Commission Minutes of September 10, 2015

4. APPOINTMENTS WITH COMMISSION

A. Discussion Regarding Proposed Amendments to Section 1380, Signs

5. COMMISSION & 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



**City of Newport
Planning Commission Minutes
September 10, 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, Matt Prestegaard ,Marvin Taylor, David Tweeten

Commissioners absent –

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

3. APPROVAL OF PLANNING COMMISSION MINUTES

A. Planning Commission Minutes of August 13, 2015

Motion by Prestegaard, seconded by Haley, to approve the August 13, 2015 minutes as presented. With 5 Ayes, 0 Nays, the motion carried.

4. APPOINTMENTS WITH COMMISSION

A. Public Hearing – To consider a Request from Richard Dougherty for an Amendment to a Conditional Use Permit for Property Located at 2193 3rd Avenue

The Public Hearing opened at 6:02 p.m.

Sherri Buss, TKDA Planner, presented on this item as outlined in the September 10, 2015 Planning Commission packet. The Planning Commission requested to add language restricting the use of a paint booth to the conditions to ensure that no major auto body work is being done.

Matt Prestegaard - What is that white thing in the back?

Vice-Chair Haley - It's a trailer for the other business. He's been there for 17 years and uses it to transport cabinets.

Matt Prestegaard - What was the nature of the complaint?

Ms. Buss - It was regarding the painting. The person who made the complaint knew that we have a distinct ordinance between simple auto repair and major auto work and painting. It wasn't related to any noise. They saw the title of the business and that painting was going on.

Matt Prestegaard - Do we know if there's additional concerns?

Ms. Buss - No, that was the only concern and we can get back to them and let them know what we've done to resolve it.

Marvin Taylor - My only concern is the fumes. Are they working on one vehicle at a time?

Richard Dougherty - Yes.

Vice-Chair Haley - The PCA is also strict. If there's a complaint, they come down really hard.

Ms. Buss - You know a neighbor right?

Chairperson Mahmood - Yes and he has no issue with it. He thinks it's great.

Vice-Chair Haley - There's also a tow truck business in there and all of the back-up stuff we've talked about, that was happening there before during the middle of the night.

Ms. Buss - So this is better than that.

Vice-Chair Haley - I would take the welding out of there too for any future businesses.

Marvin Taylor - My only reservation is that the goal of this area is to be mixed-use transit oriented and it's not that. It's a hodgepodge of things. It has a CUP and is a nice, well-kept building but I don't know if we want to be lenient and allow welding. How does that fit in? That area is dominated by some auto body shops and houses. There is nothing in there that suggests that we have a nice transit area nearby.

Ms. Buss - Is welding a part of minor auto body repair?

Vice-Chair Haley - Yes.

Ms. Buss - To be straight with the definition of what he can do there, if that's part of minor auto body repair then we need to allow it.

Vice-Chair Haley - I just had to do welding on my wife's car and it required five minutes of work.

Ms. Buss - We're only adding in the part of the detailing. They already had a CUP for auto repair which allows minor work. When we talked about this use originally is that people using the transit station might want to drop their car off to get work done during the day for minor work. That's why this use is allowed in this area.

Marvin Taylor - Do we want to talk about the time?

Vice-Chair Haley - I'm fine with that.

Matt Prestegaard - That didn't bother me.

Vice-Chair Haley - I'll make a motion to add language regarding the paint booth and to take the welding out.

The Public Hearing closed at 6:18

Motion by Haley, seconded by Prestegaard, to approve Resolution No. 2015-9 as amended. With 5 Ayes, 0 Nays, the motion carried.

B. Discussion Regarding Proposed Amendments to Section 1380, Signs

Sherri Buss, TKDA Planner, presented on this item as outlined in the September 10, 2015 Planning Commission packet. The Planning Commission is discussing an amendment to this Section due to a recent Supreme Court decision that impacts how local governments may regulate signs. The Supreme Court decision requires cities to

amend their sign ordinances to remove any references to specific sign content. The decision does give the City the right to regulate obscene signs and sizes.

The Planning Commission will continue to review the ordinance amendment at the October 8, 2015 meeting and will focus on Section 1380.01-1380.09, Item 1(Residential Districts). The Planning Commission will review the draft amendment that was included in the September 10, 2015 packet to ensure that all references to content were removed, specifically Sections 1380.03, 1380.06, 1380.08, and 1380.09. The Planning Commission requested that the language in Section 1380.01(C)(1) be amended to remove any references to content.

Once the Planning Commission begins discussing regulations in business districts, it will inform business owners and invite them to come to the meeting.

5. COMMISSION AND STAFF REPORTS

6. NEW BUSINESS

7. ANNOUNCEMENTS

A. Upcoming Meetings and Events:

- | | | |
|--------------------------------|--------------------|-----------|
| 1. City Council Meeting | September 17, 2015 | 5:30 p.m. |
| 2. Park Board Meeting | September 24, 2015 | 6:30 p.m. |
| 3. City Council Meeting | October 1, 2015 | 5:30 p.m. |
| 4. Planning Commission Meeting | October 8, 2015 | 6:00 p.m. |

8. ADJOURNMENT

Motion by Haley, seconded by Prestegaard, to adjourn the Planning Commission Meeting at 6:49 p.m. With 5 Ayes, 0 Nays, the motion carried.

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 October 8, 2015
Copies To:	Deb Hill, City Administrator Renee Eisenbeisz, Executive Analyst		
From:	Sherri Buss, RLA AICP, City Planner	Project No.:	15743.000
Date:	September 30, 2015	Routing:	

The Planning Commission meeting on October 8 will include a discussion on updating the city's Sign Ordinance, Section 1380 of the Zoning Ordinance. Based on the introductory discussion at the September meeting, we will focus on Sections 1380.01-1380.09, Item 1 (Residential Districts).

The draft ordinance attached has been updated in a few sections based on our discussion in September, and on some issues related to sign permits that have come to City staff since the last meeting. Those issues include:

- Questions from a local business about requirements for window signs
- Questions from another local business that had placed some signs in the right-of-way area, outside their parcel boundaries. The current ordinance does not permit placing signs in the street right-of-way. When staff called the business to request that they remove the signs, they objected, stating that the City places signs in the right-of-way to advertise a variety of community events, so their business should be allowed to locate their signs in the right-of-way as well.

The Planning Commission should discuss issues related to whether some types of signs (such as Temporary Signs) should be allowed in rights-of-way, and whether such signs should require permits. City Staff have proposed some language in the attached draft to permit discussion of these issues. The language proposes that up to 2 Temporary signs be allowed per parcel, and that those signs can be up to 20 square feet in size, and put up for up to 14 days, twice per year. This is based on the signs that the City and other businesses are currently putting up for meat raffles, Booya, and other community events. If we permit such temporary signs in the right-of-way for City or other community events, we would also need to permit others—businesses, churches, groups, residents—to do the same since we can no longer regulate sign content.

A key issue in the discussion of the draft Sign Ordinance is the recent U.S. Supreme Court decision that sign content cannot be used as a criteria for regulating signs.

The major changes to the draft Sign Ordinance in comparison to the City's current ordinance include the following:

- Section 1380.01—The League of Minnesota Cities strongly encourages adding this section, especially the language that indicates the city will not regulate sign content. In revised Item C 1. In this section based on the Planning Commission discussion at the last meeting to remove references to content.
- Section 1380.02—The League encourages adding this because of some legal challenges to ordinances based on the *Reed* case. It means that if a part of the Sign ordinance is challenged successful, the remainder of the ordinance is still in effect.
- Section 1380.03—The Planner updated the Definitions section to try take out all content-based definitions, and add new ones for sign types included in the ordinance. Please review and see if the definitions are clear, and that content-related definitions have been removed.
- 1380.04 and .05—Moved these section up from its current location at the back of the ordinance, and put all items related to administration and required permits in this section. Only a few changes have been made to the section, including item C, which now references review times allowed in Minnesota Statutes, and item E, which is now consistent with the State Building Code. The times permitted for review in the current ordinance were not consistent with those state requirements.
- 1380.06—Lists signs that do not require permits. The draft consolidates items that were distributed throughout the ordinance here. Some new items for discussion:
 - Small signs that are 6 square feet in size or less would not need permits—this could include garage sale signs, for example.
 - Temporary signs up to 20 square feet in size, up to 2 signs permitted for up to 14 days twice each year. This draft permits such signs in the street right-of-way. The PC should discuss whether the City should allow this in all districts. The item is intended to permit the types of signs currently used to notice community events, but it would permit businesses, residents and institutions to post such signs as well.
 - The “noncommercial signs” in item 4 are the state statutory language for political signs.
- 1380.07—No changes proposed from existing ordinance.
- 1380.08
 - Items A-C are in the current ordinance
 - Items D-F makes new distinctions between permanent and temporary signs
 - Items G-I are in the current ordinance.
 - The Planner removed the items related to sign content in this section.
- 1380.09
 - The PC should discuss the list of signs permitted in residential districts and make recommendations



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.~~

~~F.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~~ that uses ~~of~~ changeable letters.~~

~~J. _____~~

~~K. _____~~

~~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-Sstanding Sign:** A sign which is placed in the ground and not affixed to any part of any structure.~~

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.

~~Ø.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 with its sign face mounted on the ground or mounted on a base at least as wide as the sign and which has a height exceeding eight (8) feet.

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.~~

~~Y.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.

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

~~AA.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.

~~BB.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.

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

~~DD.JJ.~~ **Temporary Sign:** A sign which is erected or displayed for a limited period of time.

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

~~FF.~~ **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.~~

~~GG.MM.~~ **Window Sign:** A building sign, pictures, symbol, or combination thereof that is placed inside a window or upon the window panes or 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.
- B. 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. Certification by the applicant indicating the application complies with all requirements of the sign ordinance.
 6. If the proposed 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 a permit from the state for the sign.
- C. ~~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 for signs with up to two (2) sides upon completion of an inspection of the said sign by the City Building Inspector upon review. 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.
- D. All applications for signs of more than two (2) sides shall be reviewed by the Planning Commission and Council. ~~The applicant shall also submit the fee at the time of application.~~
- E. 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, 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 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 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.

3-1. 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.

4. 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.

2. Garage sale Signs, Signs that are six (6) square feet in area or less.

3. Temporary Signs that are erected for up to fourteen (14) days, and are less than twenty (20) square feet in size each. A maximum of two (2) such temporary signs may be placed on a parcel without a permit. A larger number of Temporary Signs of any size on a parcel or any Temporary Sign that exceeds twenty (20) square feet in size requires a Sign Permit.
4. Non-commercial signs that comply with Minnesota Statutes 211B.045 or successor statutes.
5. 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 six (6) square feet in area for single-family residential uses and thirty-six (36) square feet in area for multifamily residential, commercial, industrial or mixed uses. One sign shall be permitted for each street frontage.
6. 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.
7. Back-lighted signs are permitted on the ends of bus shelters, and signs are permitted on benches at bus stops.

1380.087 - Violations and Fines.

- A. If the City Zoning Administrator or 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 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 signs utilizing electricity shall be subject to the State's current Electrical Code and electrical wiring shall be buried or concealed.

C. 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.

General Provisions Applicable to All Districts.

D. Freestanding Signs

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

1.2. Temporary, non-accessory freestanding signs that are twenty (20) square feet in size or less and that comply with the requirements of this Ordinance are permitted in all districts.

2.3. The base or support structure ~~for of~~ 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. The base of the sign shall be at least seventy-five percent (75%) of the width of the sign from the ground to the bottom of the sign.

3.4. 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.

5. ~~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. The Building Inspector and Zoning Administrator, in granting permits for illuminated signs, shall specify the hours during which the same 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. Any dynamic display sign located within fifty (50) feet of a lot line of a Residential District shall comply with the requirements of Section 1380.03. O and shall be turned off or programmed to go blank between the hours of 10 p.m. and 6 a.m., daily. All illuminated 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 requirements of Section 1380.03., items N and O.~~

~~D.E. _____ No permanent 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. Temporary signs that meet the requirements of this ordinance may be erected within street rights-of-way or on 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.~~

~~E.F. A permit for a permanent 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.~~

~~F. 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. All applications for signs of more than two (2) sides shall be reviewed by the Planning Commission and Council.~~

~~H. _____~~

~~I. Campaign yard signs shall be regulated by the provisions of Minnesota Statutes, Chapter 211B.045. "In any municipality, whether or not the municipality has an ordinance that regulates the size or number of noncommercial signs, all noncommercial signs of any size may be posted in any number from August 1 in a state general election year until ten days following the state general election."~~

~~J. Temporary signs adjacent to the public right-of-way for the purpose of selling or leasing~~

~~individual lots or buildings or a sign promoting the construction or remodeling of a property or building shall be permitted, provided:~~

~~1. Such signs shall not exceed six (6) square feet for residential property and thirty two (32) square feet for nonresidential property, multiple family developments of four (4) or more dwelling units and single family developments of four (4) or more dwelling units.~~

~~1380—Only one (1) such sign is permitted per street frontage upon which the property abuts.~~

~~3. Such sign shall be removed within seven (7) days following the lease or sale or completion of the construction or remodeling project.~~

~~4. 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.~~

~~The Building Inspector and Zoning Administrator, in granting permits for illuminated signs, shall specify the hours during which the same 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. Any dynamic display sign located within fifty (50) feet of a lot line of a Residential District shall comply with the requirements of Section 1380.03. O and shall be turned off or programmed to go blank between the hours of 10 p.m. and 6 a.m., daily. All illuminated 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 requirements of Section 1380.03., items N and O.~~

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

~~2. 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.~~

~~3.—~~

~~4. All applications for signs of more than two (2) sides shall be reviewed by the Planning Commission and Council.~~

~~5.—~~

~~6. The following standards shall apply to image duration, transition, and other characteristics of signs with dynamic display:~~

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

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

~~c.—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.~~

~~d. 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.~~

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

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

~~g. All dynamic display signs shall come 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~~

~~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. 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.~~

~~K. Bench signs are permitted in all districts at MTC bus stops.~~

~~L. Back lighted signs are permitted on the ends of bus shelters.~~

~~M. Public institution and/or Church directional signs shall be permitted in all districts provided the total area of such sign shall not exceed seven (7) square feet."~~

~~N. 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.~~

~~O. Signs advertising garage, yard, or similar household sales shall be removed within seven (7) days after the sale.~~

~~K. 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.~~

~~P. 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 percent (50%) of the window area and shall be designed, constructed, and maintained to be professional looking.~~

~~Q. Signs which are located on the interior of a building, are not on or within three (3) feet of a window and are not visible from the outside of said building shall be exempt from the provisions of this Ordinance and shall not require permits or payment of fees.~~

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

~~H. 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.~~

~~M.I. _____~~ 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 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.~~

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

~~b. Signs may be placed on parcels that are currently offered for sale providing such signs are not closer than 10 feet to any property line and shall not exceed six (6) square feet in area for single-family residences or thirty-six (36) square feet in area for multi-family residences. One sign shall be permitted for each street frontage.~~

~~c. 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.d. The Mmaximum Hheight of Free-Standing Signs in Residential Districts shall be Eeight (8) feet.~~

~~e. 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 are not permitted in Residential Districts.~~

~~b.f. The following types of signs are not permitted 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 that are a maximum twenty (20) square feet in size are permitted. A maximum of two (2) Temporary Signs is permitted per parcel in Business, Commercial, Mixed-Use and Industrial Districts. Temporary signs may be displayed for a maximum of fourteen (14) days, up to two (2) times per year.~~

~~Such signs shall include: banners, pennants, portable bulletin signs, freestanding 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.~~

~~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 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.~~

~~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. Permanent Freestanding Signs: One (1) permanent freestanding sign is permitted for each building for each street frontage.

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 thirty-five (35) 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.

- c. 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.

- d. Portable Signs: One (1) portable bulletin sign up to fifteen (15) square feet may be displayed only during the merchant's business hours, with a permit. 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 may be displayed for up to fourteen (14) days two (2) times each year.

- ~~d.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 100 square feet per side, 15 feet in height, and is setback in no case less than 20 feet from the property lines. The area may be increased to maximum of 150 square feet per side for developments of over 20 acres.

- ~~e.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.

The minimum allowance distance of a pylon sign to ~~an~~ highway or -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 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 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.

~~f. 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.~~

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

Area of Sign	Measurement
sq. ft.	Distance (ft.)
10	32
15	39
20	45

25	50
30	55
35	59
40	63
45	67
50	71

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

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

- 10. Prior to permitting any dynamic display sign, the applicant shall submit a signed letter from the dynamic display sign manufacturer certifying that the dynamic display sign has been calibrated to comply with the requirements of this Section.
- 11. The portion of any dynamic or illuminated sign that is used for the conveyance of any message will be included within the overall size of the sign. For purposes of this section, the permitted size of a dynamic or illuminated sign shall be calculated so as to include the full height and width of the sign structure immediately surrounding the message area.
- j. Canopy and Marquee Signs: Canopies and marquees shall be considered to be an integral part of the structure to which they are accessory. Signs may be attached to a canopy or marquee but such structure shall not be considered as part of the wall area 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 percent (50%) of the window area and shall be designed, constructed, and maintained to be professional looking.
- 1. 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).

1. 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 other advertising structures shall be maintained in good condition and the area around them shall be kept free from debris, weeds, and other objectionable material.

~~1380.06 Administration and Enforcement.~~

- ~~B. **Permits.** Except as provided 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. Permits must be acquired for all existing, new, relocated, modified or redesigned signs except those specifically excepted below. The applicant shall submit with the application 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 applicant shall also submit the fee at the time of application.~~

~~If a sign authorized by a permit has not been installed within three (3) months after the date of issuance of said permit, the permit shall become null and void.~~

- ~~C. 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.~~
- ~~D. All signs utilizing electricity shall be subject to the State's current Electrical Code and electrical~~

~~wiring shall be buried or concealed.~~

- ~~E. 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.~~
- ~~F. Exemptions. The exemptions permitted 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:~~
- ~~7. Signs erected by a governmental unit or public school district.~~
 - ~~8. 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.~~
 - ~~9. 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.~~
 - ~~10. 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.~~
 - ~~11. Real estate signs pertaining to the lease or sale of real estate containing six (6) or less square feet.~~
 - ~~12. 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.~~
 - ~~13. Garage sale Signs.~~

~~1380.08 Violations and Fines.~~

- ~~C. If the City Zoning Administrator or 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, 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.~~

~~D. 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.~~

~~1380.09 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.

1380.113 Sign Materials and Construction

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

B. ~~1380.12~~ Anchorage.

- 1. 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. Electrical equipment used in connection with display signs shall be installed in accordance with all statutes, code provisions, ordinances, and regulations regulating electrical installations.
- 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.