



**CITY OF NEWPORT  
PLANNING COMMISSION MEETING  
NEWPORT CITY HALL  
July 12, 2022 – 5:30 P.M.**

Commissioner: Brandon Leyde  
Commissioner: Maria Bonilla  
Commissioner: Anthony Mahmood  
Commissioner: Tami Fuelling  
Commissioner: Michael Kermes

City Administrator: Deb Hill  
Asst. to the City Admin: Travis Brierley  
City Planner: Nathan Fuerst  
Council Liaison: Marvin Taylor

**AGENDA**

1. CALL TO ORDER
2. ROLL CALL
3. MEETING MINUTES
  - A. June 12, 2022
4. PUBLIC HEARING- Sign Ordinance
5. PUBLIC HEARING- Comprehensive Plan Amendment
6. COMMISSION REPORTS
7. ADJOURNMENT



**CITY OF NEWPORT  
PLANNING COMMISSION MEETING MINUTES  
NEWPORT CITY HALL  
June 14, 2022**

**1. CALL TO ORDER**

Chair Leyde called the Planning Commission meeting to order at 5:30 p.m. on June 14, 2022.

**2. ROLL CALL**

Present (5): Chairman Brandon Leyde, Commissioner Maria Bonilla, Commissioner Anthony Mahmood, Commissioner Tami Fuelling, and Commissioner Michael Kermes.

Not Present (0): None.

**3. MEETING MINUTES**

**A. May 10, 2022**

Commissioner Mahmood motioned to approve the Planning Commission Minutes from May 10, 2022. Seconded by Commissioner Kermes. Approved 5-0.

**4. PUBLIC HEARING- Zoning Codes**

**A. Impervious Surface Limitations in the MRCCA**

City Planner Nathan Fuerst stated staff is proposing to remove the 25% limitation for impervious surface coverage in the MRCCA. This conforms to the DNR rules and allows flexibility outside the shoreland overlay but within the MRCCA.

**B. Impervious Surface Definition**

Planner Fuerst stated staff was requested to look at removing decks from the impervious surface definition in areas outside the shoreland overlay district. This allows decks to be installed and not be counted against the lot coverage. Within the shoreland overlay, the city is required to adopt the DNR's model ordinance and therefore the city would not exempt decks in the shoreland overlay district.

**C. Foundation Wall Setbacks**

Planner Fuerst stated staff suggest removing the foundation wall setback requirement on the basis that it does not directly address any known issues with setbacks. The city already has setbacks for structures from property boundaries.

**D. Accessory Structure Footprint Interpretation**

Planner Fuerst stated staff is proposing to strike the square footage heading to help clarify the intent and support the Planning Commission's interpretation of the footprint permitted for a residential accessory structure.

**E. Front Yard Lot Line and Yard Area Definitions**

Planner Fuerst stated staff has identified these definitions as particular issues when it comes to certain zoning applications and fence permits. The front yard and the lot line definitions are restrictive, and this change would permit more flexibility when reviewing proposed property improvements.

## **F. Sight Line Triangles**

Planner Fuerst stated staff is proposing to add this text to the performance standards for districts. If you have an intersection on your property, you need to keep that area clear and not obstruct the sight triangle for the health, safety, and welfare of the community.

Chair Leyde opened the Public Hearing at 5:51 p.m. on June 14, 2022.

Bill Sumner, residing at 737 21<sup>st</sup> Street, stated he is in favor of simplifying and clarifying regulations. Mr. Sumner stated Item A helps residents achieve greater use and livability in their yards. Mr. Sumner stated Item B is sensible as we should not count decks that allow water through as impervious surface. Mr. Sumner clarified the intent for Item C is for new building. Planner Fuerst stated yes as any existing improvements that become legal non-conforming because of a new ordinance would be allowed to continue. Mr. Sumner stated he thought Item D was a good decision for the Planning Commission to use the footprint for an accessory structure. Mr. Sumner inquired if Item E gives staff more discretion to be reasonable. Assistant to the City Administrator Travis Brierley stated Newport has many unique lots and this change allows more flexibility and consistency. Mr. Sumner inquired if the city would go after someone's trees for Item F if they were in the sight line. Planner Fuerst stated this would get reviewed on a case-by-case basis.

Tim Steenlage, residing at 285 Park Place, addressed the Commission. Mr. Steenlage stated about a year and a half ago his house burned down. Last year he had a new house plan created that covered 30% of his property. Unfortunately, this was over the 25% rule, so the plans were not approved, and he wanted to know if there was an update. Assistant Brierley stated the ordinance we were looking at tonight removes the 25% rule and instead would follow the standard 35% rule for R-1. Chair Leyde stated the Planning Commission can recommend these changes, but City Council has the ultimate decision if these changes are approved.

Chair Leyde closed the Public Hearing at 6:10 p.m. on June 14, 2022.

Commissioner Bonilla motioned to recommend the City Council adopts the zoning code changes as described by staff. Seconded by Commissioner Fuelling. Approved 5-0.

## **5. COMMISSION REPORTS**

Chair Leyde stated that City Administrator Deb Hill is going retire and her last day will be on August 4<sup>th</sup>. Chair Leyde congratulated and thanked Administrator Hill for all her help.

## **6. ADJOURNMENT**

Commissioner Mahmood motioned to adjourn the Planning Commission Meeting. Seconded by Commissioner Fuelling. Approved 5-0.

The Planning Commission Meeting was adjourned at 6:12 p.m. on June 14, 2022.

Respectfully Submitted:  
Jill Thiesfeld,  
Administrative Assistant II

Signed: \_\_\_\_\_  
Brandon Leyde, Chairman



## MEMORANDUM

**Memo Date:** July 7, 2022  
**Meeting Date:** July 12, 2022  
**To:** Newport Planning Commission  
**From:** Nathan Fuerst, City Planner  
**Subject:** Zoning Text Amendment – Sign Ordinance

**Action Requested:** Review the request and provide a recommendation on the zoning text amendment to the City Council.

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### Overview

**Applicant:** Vollrath

**Request:** Zoning Text Amendment to City Code Section 36-554

**60 Day Period:** August 21, 2022

### Background

Staff recently received an inquiry from Vollrath, a company operating at 910 Hastings Avenue in the City, for a proposed temporary banner advertising employment opportunities. This banner could not be permitted due to the City's temporary signage regulations which will not allow for the banner size or duration of time proposed by Vollrath. The company is seeking to install a large vinyl banner on the 910 Hastings Avenue industrial building which would be visible from Highway 61.

Specifically, the company is seeking to install a 50' by 63" vinyl banner for 6 (six) months to 1 (one) year. The proposed banner would be approximately 262.5 square feet in area. Staff have suggested a zoning text amendment as the only way to permit the sign as proposed.

### Current Code Section

Temporary Signage is defined in City Code Section 36-552 as follows:

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

The existing City Code Section regulating temporary signage (Sec. 36-554.a) in Business and Mixed Use zoning districts is provided on the next page:

- a) *Temporary signs. Temporary signs or banners that are a maximum 20 square feet in size are allowed. A maximum of three temporary signs are allowed per parcel on commercial properties in business, commercial, and mixed-use districts. Temporary signs may be displayed for a maximum of 30 consecutive days. No sign permit is required for temporary signs.*
- 1) *Temporary signs shall include: banners, pennants, portable bulletin signs, freestanding signs, streamers, and sandwich boards. The design and construction of all the signs shall be professional looking and not be allowed to become torn or weathered.*
  - 2) *Temporary signs such as flying signs, air inflated devices, and search lights shall not be allowed at any time in any zoning district.*

### **Zoning Text Amendment Request**

The applicant's stated reason for making this request is as follows:

*Placing a 'now hiring' sign on the building viewable from the highway. Preference is to leave on the building for six months to a year.*

By requesting a 262.5 square foot vinyl banner for over 6 months, the applicant is effectively requesting two separate amendments.

- To increase allowable sign area from 20 square feet to over 260 square feet.
- To increase the duration of a temporary sign from approximately 30 days to over 180 days.

### **Assessment of the Request**

#### **Size**

The applicant is requesting a substantially larger sign than is otherwise permitted by City Code. Were it a permanent sign, the proposed banner would exceed the maximum sign area for any one wall sign of 150 square feet.

It is common in neighboring communities surrounding Newport's to permit banners greater than 20 square feet in area. Of those ordinances that call out specific numeric maximums, Woodbury's sign ordinance permits the largest temporary banners of up to 80 square feet in size. Other ordinances such as West Saint Paul allow temporary signage with allowable square feet based on the square footage of the structure.

Staff finds that this request makes sense only in very specific circumstances. On a large structure, a banner over 260 square feet may not feel too large as it is a small percentage of the overall surface to which it is affixed. However, on a smaller structure, this size of sign could take up a significant area and have perceived deleterious aesthetic or other impacts.

#### **Duration**

The applicant is also requesting to greatly increase the amount of time that any one temporary sign can be utilized. The current ordinance allows for three separate signs to be up for a period of 30 days each. This requirement would not allow any one sign to be utilized for more than 30 days.

Neighboring community ordinances allow temporary signage for varying durations with several greater than the City's 30 day allowance. Woodbury, again, has the most flexibility allowing banners up to 6 months per year. Other ordinances allow individual or multiple signs for periods of 30, 45, 60 and 90 days.

Staff finds it unreasonable to request a temporary sign for a duration any longer than 6 months. Temporary signage is defined in City Code as allowed for a “limited time”. A period longer than 6 months would mean that such signage is permitted most of the year. It would be contrary to the code’s initial intent to allow such signage for longer durations on the basis that a permanent solution should be found if permanent or semi-permanent signage is desired. Staff also have concerns about ensuring that temporary signage remains in good repair and doesn’t have a blighting influence.

### **City Consideration**

City Code Section 36-40(e) provides considerations that are intended to guide the City’s decision on zoning amendments. Notably, it states that: *No change shall be recommended unless it is required of the public good, is in the interest of the public health, safety, and welfare, and is compatible with the comprehensive plan of the city and any applicable requirements of this article.*

### **Revisions Proposed**

If the City intends to approve this request, staff are proposing that the following revisions occur to accomplish this while reducing unnecessary impacts:

1. Banners be permitted on parcels zoned only for business. This would help to avoid issues in residential contexts.
2. Banners, specifically when affixed to a façade, shall be allowed to have an overall square footage of 300 or take up 10% of the façade area, whichever is less. When in combination with wall signs, the signage may take up no more than 20% of the wall area.
3. Banners be permitted for a maximum duration of no longer than 6 months or 180 days.
4. Banners in addition to existing wall signs and temporary signage shall not require a permit.

Staff review of also resulted in identification of several ways the existing code could be improved for consistency and clarity. Those proposed changes are summarized as follows:

1. Improve definition of temporary signage based on language already found in the ordinance.
2. Relocate language prohibiting certain types of temporary signage to a more suitable location in code.

### **Staff Recommendation**

The Planning Commission should discuss this proposal to determine whether to recommend approval of this proposed text amendment. Whether it recommends approval or denial, it should make specific findings to support its determination.

Considerations may include:

- What reasons are there for approving this text amendment? For denial?
- What unintended impacts may occur if the amendment is approved?
- Is the text amendment consistent with the intent of the City’s Zoning Ordinance and Comprehensive Plan?

After discussion, if the Planning Commission has made findings to support a recommendation to council, it should consider the following example motion:

**“Move to recommend the City Council [adopt/deny] the draft Ordinance 2022-XX, amending City Code Chapter 36, Article 9”**

Name: Vollrath Text Amendment Request

Date: July 12, 2022

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**Resources:**

- Application Documents (attached)
- Draft Ordinance 2022-XX (attached)
- Citywide Zoning Map ([link only](#))
- City Sign Ordinance ([link only](#))



The Vollrath Company, LLC  
1236 N. 18th Street  
Sheboygan, WI 53081  
Phone: 1.800.624.2051  
vollrathcompany.com

July 6, 2022

City of Newport  
Attn: Planning Commission  
596 7<sup>th</sup> Avenue  
Newport, MN 55055

Re: Request for Zoning Amendment for 910 Hastings Ave, Suite 150, Newport, MN 55055

Dear Chairman and Commission Members,

We lease a commercial building at 910 Hastings Ave, Suite 150, Newport, MN 55055. The zoning code limits the size of sign we may place on the building.

We are requesting a zoning amendment because we would like to hang a "now hiring" sign that can be seen from the highway. Anything placed on the ground by our building is only viewable on a low traffic frontage road, not viewable from the highway. Given the large size of the building and plain exterior, we do not think it will have a negative visual impact on the neighborhood or region. The sign will state "Now Hiring" and provide a list of positions open "welders/fabricators, polishers/finishers". It will have our logo "Vollrath" and list our website where positions are posted "vollrathcompany.com/careers". A sign rendering has been provided for your reference to see what the sign will look like.

The sign we are proposing is 50' wide by 63" high. The intention is to have the sign up for as long as we can. We are requesting a minimum of 6 months, but up to a year would be ideal. If approved, it will be printed on heavy duty vinyl and installed securely.

We would like to place the sign as soon as possible and hope the Planning Commission can consider this request at its earliest possible date.

Thank you for your consideration of this matter.

Sincerely,

Tiffany Wieser, Senior Project Manager  
Corporate Communications, Media, and PR  
The Vollrath Company, L.L.C.





# NOW HIRING

VOLLRATHCOMPANY.COM/CAREERS

› WELDERS/FABRICATORS  
› POLISHERS/FINISHERS

Design - 50' wide x 63" high



Street View Mock



Highway View Mock

City of Newport, MN  
Ordinance No. 2022-xx  
An Ordinance Amending Chapter 36, Article IX, Section 554.

**THE CITY COUNCIL OF THE CITY OF NEWPORT DOES ORDAIN THAT** (new material is underlined; deleted material is lined out; sections which are not proposed to be amended are omitted, sections which are only proposed to be re-numbered are only set forth below as to their number and title):

**SECTION 1.** City of Newport City Code, Chapter 36 – Zoning, Article IX- Signs

**Sec. 36-552. Definitions.**

*Temporary sign* means a sign which is erected or displayed for a limited time. Temporary signs are typically constructed of lightweight, non-permanent materials and structures. Temporary signs shall include: banners, pennants, portable bulletin signs, freestanding signs, streamers, and sandwich boards.

**Sec. 36-553. District regulations.**

- (a) All permanent signs shall be constructed in accordance with the current state building code and National Electrical Code. To the extent that any conflict exists between those provisions and the provision of this Code, the more restrictive 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 permissible under the current 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 80 mph, or as determined by the current state building code.
- (d) All billboards and signs along interstates and highways shall comply with applicable federal laws and rules and with M.S.A. §§ 173.13-173.231 and Minn. R. pts. 8810.0200—8810.1400 and successor statutes and rules.
- (e) All sign distances and setbacks required in this article shall be measured from the outer edge of the sign that is closest to the structure or roadway edge from which the setback is required.
- (f) Freestanding and monument signs.
  - (1) Non-accessory freestanding and wall signs are prohibited in all districts, except in areas specially designated for off-premises signs in this article.
  - (2) The base or support structure for freestanding and monument signs shall compliment the design of the building and incorporate 40 percent of brick, stone, decorative block, or similar substantial materials as approved by the city. The base of the sign shall be at least 75 percent of the width of the sign from the ground to the bottom of the sign.
  - (3) Freestanding, on-premises signs along major thoroughfares (I-494 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's design and materials and compliance with this code. Furthermore, the zoning administrator will consider the signs' relationship to any architectural theme of existing or proposed structures on the parcel.
  - (4) Any freestanding sign within 25 feet of any intersection of street right-of-way lines or driveway entrances shall have vertical clearance for proper visibility by motorists on all affected roadways.
- (g) No sign other than public traffic controls shall be erected within any street right-of-way or upon any public easements except as permitted in this section.

- (h) A permit for a sign to be located within 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.
  - (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 sign configuration will not disturb or confuse drivers will be on the applicant seeking to construct the sign.
  - (3) Campaign yard signs permitted by this section may be placed not less than five feet from the curb, lot line or edge of street in residential, mixed-use, business, and industrial districts.
- (i) Any illuminated sign located within 50 feet of lot line of a residential use or a Residential or Mixed-Use district shall have diffused or indirect illumination so direct rays of light shall not be directed into an adjacent residence. All illuminated signs in Business and Industrial Districts adjacent to Residential and Mixed-Use Districts shall be designed to illuminate the sign and not illuminate residential properties to the extent practicable.
- (j) The building official, 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 shall have a shielded light source.
- (k) Roof signs shall be prohibited in all districts.
- (l) Billboards shall be prohibited in all districts except as expressly allowed in Section 36-555.
- (m) Campaign yard signs, posted by a bonafide candidate for political office or by a person or group promoting a political issue or a political candidate, may be placed in any district. Such signs may be erected beginning 46 days before the state primary in a state general election year and must be removed no later than ten days following the election. The signs shall be setback a minimum of five feet from the edge of the street and signs shall not visually obstruct motor vehicle operation. Candidates shall be provided a copy of this ordinance upon filing for office.
- (n) Temporary real estate signs may be erected for the purpose of selling or promoting residential development projects provided:
  - (1) Such signs shall not exceed 128 square feet in area.
  - (2) Only one sign shall be permitted per street frontage upon which the property abuts.
  - (3) Such signs shall be removed when the project is 80 percent completed, sold, or leased.
  - (4) Such signs shall be located no closer than 100 feet to any residence not part of the project.
- (o) Temporary signs adjacent to the public right-of-way for the purpose of selling or leasing individual lots or buildings shall be permitted provided:
  - (1) Such signs shall not exceed six square feet in area for residential property and 32 square feet for nonresidential property and multiple-family developments of four or more dwelling units.
  - (2) Only one such sign is permitted per street frontage upon which the property abuts.
  - (3) Such signs shall be removed within seven days following the lease or sale.
- (p) Temporary signs such as flying signs, air inflated devices, and search lights shall not be allowed at any time, in any zoning district, unless otherwise specified in this chapter.
- (p) The total sign area of any multi-faced free-standing or projecting wall sign shall not exceed two times the permitted area of a two-sided sign or three times the area of a three-sided sign. All applications for signs of more than two sides shall be reviewed by the zoning administrator, and at his/her discretion by the planning commission and city council.
- (q) Off-premises signs, except permitted temporary signs and permitted pylon signs and billboards in business, commercial, and industrial districts, are prohibited in all districts.

- (~~f~~s) Bench signs are permitted in all districts at MTC bus stops. Back-lighted signs are permitted on the ends of bus shelters or transit stations.
- (~~s~~t) Church directional signs shall be permitted in all districts provided the total area of such signs shall not exceed four square feet per facing.
- (~~t~~u) Canopies and marquees shall be considered 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.
- (~~h~~v) Signs advertising garage, yard or similar household sales shall be removed within seven days of the sale.
- (~~w~~u) Signs with moving or changing electronic messages are allowed as part of the total area of a permitted sign.
- (~~w~~x) Signs located in the interior of a building and are not visible from the outside of the building shall be exempt from the provisions of this section and shall not require permits or payment of fees.
- (~~x~~y) No sign shall contain any obscene matter as described by M.S.A § 617.241 or successor statutes.

### **Sec. 36-554. District regulations.**

- (a) In addition to those signs permitted or prohibited in all districts, the following signs are allowed in each specific district and shall be regulated as to size, location, and character according to the requirements set forth:
  - (1) *Residential and mixed-use districts.*
    - a. Non-commercial (election) signs that comply with M.S.A. § 211B.045 or successor statutes.
    - b. Nameplate signs: one for each dwelling unit, not greater than two square feet in area, indicating the name and/or address of the occupant.
    - c. Recreational signs: one sign or bulletin board per street frontage for a park and recreational use in residential districts. Such sign or bulleting board shall not exceed 24 square feet in area nor shall it be placed closer than ten feet to any edge of a street line nor shall it be placed in a location that would interfere with the safe movement of traffic.
    - d. Temporary signs that are a maximum of 20 square feet in size. A maximum of three temporary signs are allowed per parcel in residential districts. Temporary signs may be displayed for a maximum of 14 days, up to two times per year.
    - e. Temporary signs for individual lot or building sales and for sales of residential development projects that comply with section 36-553.
    - f. One permanent sign up to 32 square feet per street frontage shall be allowed by sign permit to identify 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.
    - g. The maximum height of freestanding signs in residential districts shall be eight feet.
    - h. Lighting must be indirect or diffused and comply with the requirements of this section.
    - i. Non-residential institutional uses in residential districts and mixed-use districts:
      - 1. Wall signs: one wall sign for each street frontage shall be permitted on a building. The total area of all wall signs affixed to a building wall shall not exceed 20 percent of the total area of that wall. No individual wall sign shall exceed 150 square feet.  
  
A wall sign shall not project more than 18 inches from the wall to which the sign is to be affixed. Furthermore, wall-mounted signs shall not exceed the roofline of any building.



Banners shall be included in the allowance for wall signs. The design and construction of all banners shall be professional looking and not be allowed to become torn or weathered.

2. Free-standing signs: one freestanding sign is permitted for each street frontage. The total area of a free-standing sign for a building having one street frontage shall not exceed 60 square feet. Where a building has two or more street frontages, each permitted free-standing sign in excess of one shall be no greater than one-half the area of the first sign.

No part of a free-standing sign shall be closer than eight feet to the property line or exceed ten feet in height. The height shall be measured from the base of the sign or grade of the nearest adjacent roadway, whichever is lower.

3. Temporary signs: temporary special event signs may be displayed upon issuance of a permit for not more than ten calendar days, and not more than two times each year. Such signs shall include banners, pennants, flying signs, air-inflated devices, search lights, portable bulleting signs, streamers, and other signs approved by the city.

Established churches are exempt from permit requirements, number of days, and frequency guidelines.

4. Electronic message signs: for non-residential institutional uses in residential and mixed-use districts, signs with moving or changing electronic messages are allowed as part of the total area of the permitted sign, with the following standards:

- i. A Conditional use permit is required.
- ii. The sign is allowed as a portion of a free-standing sign.
- iii. The electronic portion of the sign shall not exceed 32 square feet.
- iv. Signs may be square or rectangular and contain all messages within.
- v. Signs must have minimum display duration of 30 seconds.
- vi. No dynamic display electronic sign shall be erected that by reason of position, shape, movement, or color, interferes with the proper function of a traffic sign, signal, or which constitutes a traffic hazard.
- vii. Signs shall not exceed 4,500 Nits between the hours of civil sunrise and civil sunset, as measured from the sign face.
- viii. Electronic portion of the sign may not be illuminated between 10:00 pm and 6:00 am and shall have a maximum of 250 Nits from civil sunset to civil sunrise, as measured from the sign face. The city council may extend the hours of illumination if the proposed sign is located at least 100 feet from all residential property boundaries.
- ix. Signs shall have a fully-functional off switch that automatically shuts the display sign off when the display deteriorates ten percent or greater.
- x. The lamp wattage and luminance level in Nits shall be provided at the time of permit application.
- xi. Public service messages, in addition to messages such as Amber Alerts, are to be provided at no cost to the public.
- xii. Electronic message signs are prohibited as temporary signs.

- j. The following types of signs are not allowed in residential zoning districts or on parcels with residential uses or adjacent to 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 districts and business signs in mixed-use districts.*

- a. *Temporary signs.* Temporary signs or banners that are a maximum 20 square feet in size are allowed in all business and mixed use districts unless specified otherwise. A maximum of three temporary signs are allowed per parcel on commercial properties in business, commercial, and mixed-use districts. Temporary signs may be displayed for a maximum of 30 consecutive days in all business and mixed use districts unless specified otherwise. No sign permit is required for temporary signs.
  1. ~~Temporary signs shall include: banners, pennants, portable bulletin signs, freestanding signs, streamers, and sandwich boards.~~ The design and construction of ~~all the temporary~~ signs shall be professional looking and not be allowed to become torn or weathered. The City may require removal of a temporary sign if found inconsistent with this requirement.
  2. Temporary signs such as flying signs, air inflated devices, and search lights shall not be allowed at any time in any zoning district as established in Sec. 36.553(p).
  3. In business districts, one additional banner meeting the requirements established in Sec. 36-554(a)(2)(b) may be allowed without a permit.
- b. *Wall signs.*
  1. One wall sign for each street frontage shall be permitted on a building for each business located within the building. The total area of all wall signs affixed to a building wall shall not exceed 20 percent of the total area of that wall. No individual wall sign shall exceed 150 square feet. The business or property owner shall obtain a sign permit for each wall sign.
  2. A wall sign shall not project more than 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.
  3. ~~Banners shall be included in the allowance for wall signs.~~ The design and construction of all banners shall be professional-looking and not be allowed to become torn or weathered. The City may require removal of a temporary sign if found inconsistent with this requirement.
  4. In business districts, one temporary banner is allowed in addition to existing wall signs or other temporary signage for a period of up to 180 days. Such temporary banners do not require a permit but must be affixed to a façade.
  5. In business districts, temporary banners affixed to a façade shall be limited in size to 300 square feet or 10% of the building facade, whichever is less. When combined with all Wall Signs, the overall sign area shall not exceed 20% of the total area of that wall.
- c. *Permanent freestanding signs.* One 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.
  1. The total area of a freestanding sign for a building having one street frontage shall not exceed 80 square feet. Where a building has two or more street frontages, each permitted freestanding sign in excess of one shall be no greater than one-half the area of the first sign.
  2. No part of a permanent freestanding sign shall be closer than ten feet to the front property line or exceed 25 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 sign.
- d. *Portable signs.* One portable message sign up to 40 square feet in area 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 100 square feet per side, 25 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.
- f. *Pylon signs.* Retail and service establishments on property abutting an interstate freeway or state highway right-of-way may erect one pylon sign for each building or building owned by a corporate entity or business. The sign shall not exceed 150 square feet of display surface area and shall be in addition to their one freestanding sign or wall sign. The pylon sign must be placed a minimum of 50 feet from the right-of-way of highways or interstate roadways. The maximum allowed height of pylon signs is 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:
    - i. 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.
    - ii. 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:
    - i. 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.
    - ii. 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 above the 35 foot maximum height permitted in this section when the proposed sign plan meets each of the following requirements:
    - i. The sign is no higher than necessary to allow the bottom edge of the sign face to be visible from at least 50 percent of the traveled surface of the interstate or state highway.
    - ii. The top of the sign face is no more than 12 feet above the bottom of the sign face.
    - iii. The location of the sign is such that the increase in sign height is minimized.
    - iv. The sign face shall not exceed 150 square feet.
- g. *Flags.* An individual business and institution may have no more than three flags or 45 square feet of flag surface area 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 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 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. *Electronic dynamic display business signs.* Signs with moving or changing electronic messages are allowed as part of the total area of the permitted sign in business districts or for business uses in mixed-use districts, with the following standards:
  - 1. Require a sign permit and approval of the city administrator.

2. Allowed for use with free-standing, wall, and pylon signs.
  3. Signs may be square or rectangular and shall contain the entire message within the sign area.
  4. Signs must have a minimum display duration of 30 seconds.
  5. Goods and services described on the sign must be available at the businesses.
  6. No electronic dynamic display business sign shall be erected that by reason of position, shape, movement, or color, interferes with the proper functioning of traffic signs, signals, or which constitutes a safety hazard.
  7. Signs shall not exceed 4,500 Nits between the hours of civil sunrise and civil sunset and shall not exceed 500 Nits between the hours of civil sunset and civil sunrise, as measured from the sign face.
  8. Signs adjacent to residential properties shall be shut off from 10:00 pm to 6:00 am or have a maximum of 250 Nits from civil sunset to civil sunrise.
  9. Signs shall have a fully functional off switch that automatically shuts the display sign off when the display deteriorates ten percent or more.
  10. The lamp wattage and luminance level in Nits shall be provided at the time of permit application.
  11. Public service messages, in addition to messages such as Amber Alerts, are to be provided at no cost to the public.
  12. Electronic dynamic display business signs are prohibited as temporary signs.
- j. Non-commercial (election) signs that comply with M.S.A. § 211B.045 or successor statutes are permitted in Business and Mixed-Use Districts.
- (3) *Industrial districts.*
- a. *Temporary signs.* Temporary signs or banners that are a maximum 20 square feet in size are allowed. A maximum of three temporary signs are allowed per parcel on commercial properties industrial districts. Temporary signs may be displayed for a maximum of 30 consecutive days. No sign permit is required for temporary signs.
1. Temporary signs shall include: banners, pennants, portable bulletin signs, freestanding signs, streamers, and sandwich boards. The design and construction of all the signs shall be professional looking and not be allowed to become torn or weathered.
  2. Temporary signs such as flying signs, air inflated devices, and search lights shall not be allowed at any time in any zoning district.
- b. *Free-standing identification signs.* One identification sign is permitted for each building, not to exceed 80 square feet in area.
- No part of a freestanding sign shall be closer than ten feet to the front property line or exceed 15 feet in height. The height shall be measured the same as for a freestanding sign in the Commercial Districts.
- The maximum height of free-standing signs shall be 20 feet.
- c. *Wall signs:* One wall sign is permitted for each tenant having a private entry into a multi-tenant building in addition to the free-standing building identification sign. The sign be displayed at or near the tenants' entrance and not to exceed ten percent of the area of the wall to which it is affixed.
- No wall sign shall exceed 150 square feet in area. Commercial activities such as motels, restaurants, and similar businesses may have signs according to the standards of the Business and Mixed-Use districts.



- d. Billboard signs are permitted that comply with section 36-555.
- e. Non-commercial (election) signs that comply with M.S.A. § 211B.045 or successor statutes are permitted in Industrial Districts.

**SECTION 2.** This Ordinance shall take effect following its passage and publication with an effective date of \_\_\_\_\_, 2022.

Passed by the City Council of Newport, Minnesota this 21<sup>st</sup> day of July, 2022.

Motion by: \_\_\_\_\_,

Seconded by: \_\_\_\_\_

VOTE:

Elliott	_____
Chapdelaine	_____
Ingemann	_____
Taylor	_____
Johnson	_____

Signed: \_\_\_\_\_  
Laurie Elliott, Mayor

Attest: \_\_\_\_\_  
Deb Hill, City Administrator



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## MEMORANDUM

**Memo Date:** July 7, 2022  
**Meeting Date:** July 12, 2022  
**To:** City of Newport, Planning Commission  
**From:** Nathan Fuerst, City Planner  
**Subject:** Comprehensive Plan Amendment – Chapter 9: Housing  
**Action Requested:** Review and provide a recommendation on the proposed Comprehensive Plan Amendment.

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**Applicant:** City of Newport

### Overview

#### Background

In March 2022, the Newport City Council approved a Comprehensive Plan amendment to the Future Land Use Map in the area immediately surrounding the Newport Transit Station along with other text revisions. As part of the Comprehensive Plan Amendment Process, the Met Council is in the process of reviewing the proposed changes and has identified an inconsistency between Met Council Housing policy and the City's adopted 2040 plan.

The purpose of this item brought forward by staff is to receive formal approval on proposed changes to Chapter 9, Table 9-7: *Housing Implementation Plan to Address Affordable Housing Needs*. The amendment will add several additional tools or strategies for the City to consider as opportunities arise. The amendment will bring the City's 2040 Comprehensive Plan into consistency with the Metropolitan Council's 2040 Housing Policy Plan and will not require any immediate actions be taken.

#### Nature of the Inconsistency

The City adopted its 2040 Comprehensive Plan in 2018, and was one of the first to have its plan reviewed and approved by the Met Council. At the time it was reviewed and ultimately approved by the Met Council, Met Council staff allowed for approval of a plan that was not fully consistent with regional Housing Policy. Had it been reviewed later, this issue would have likely been required to be resolved prior to the Met Council's initial approval of the plan. During more recent communication with Met Council, the following was noted from housing policy review staff:

*to be found fully consistent with the Council's Housing Policy Plan, remaining changes outlined in the Metropolitan Council Staff Report from April 10, 2019 (and included on page 476 the final adopted plan document) must be made. Please note that Cities not found fully consistent with Council housing policy are unable to draw down funds from the program.*

The amendment required to bring the City's Comprehensive Plan into conformance is not substantial. It will formally recognize strategies to support affordable housing without requiring action.

### **Proposed Amendments**

Per Met Council requirements, the city's Comprehensive Plan did include a table within the Housing chapter (Chapter 9) which provided an implementation plan specifically to help address affordable housing needs. The table, Table 9-7, categorizes various implementation strategies using the following prioritizations:

1. Current and ongoing
2. New efforts, 1st priority
3. New efforts, as needed or as funding available

Table 9-7 will need to be amended to include consideration of the following strategies, all of which staff are proposing to assign the lowest priority, level 3:

- Effective referrals to partner organizations that can meet identified housing needs
- Participation in housing related collaboratives, initiatives, or other efforts to support staff knowledge of housing strategies
- Specific tools that can be used to preserve naturally occurring affordable housing (NOAH), including Housing Improvement Areas, partnership with NOAH acquisition funders/developers, and local 4d tax incentives
- Support for the creation of Land Trust units with Two Rivers Community Land Trust

### **Why amend the Plan?**

There are several reasons staff felt it reasonable to make this adjustment at this time. The first is eligibility for the Met Council's LCA funding. With an inconsistent housing element, the City would likely lose out on funding opportunities for a number of different grants which it would otherwise be well positioned for.

Second, is that City staff may have already been taking various actions consistent with the strategies proposed above as opportunities arise. Third, is this will result in no immediate or long-term requirements of the City but it will create a fully consistent Comprehensive Plan. This review item will not resurface in future Met Council reviews, saving staff time in the future.

### **Actions Requested:**

The Planning Commission is asked to provide a recommendation of approval for this draft amendment to the City Council for final approval. The following motion is suggested:

**Motion to recommend City Council Approval of the draft resolution amending the City's 2040 Comprehensive Plan, Chapter 9, Table 9-7.**

### **Resources Used:**

- City of Newport 2040 Comp Plan – [link here](#)
- City of Newport Zoning Map – [link here](#)
- Metropolitan Council – Comprehensive Plan Amendment – [link here](#)

City of Newport, MN  
Resolution No. 2022-XX  
A Resolution Approving an Amendment to the City of Newport's  
2040 Comprehensive Plan

**WHEREAS**, the 2040 Comprehensive Plan was prepared by the City of Newport in conjunction with various community members for the purpose of providing community-based policies and guidelines which enable public officials to enhance the future by implementing planning action steps; and

**WHEREAS**, the Comprehensive Plan contains goals, recommendations and action steps relating to the future growth of the community that fulfills the vision set by the Comprehensive Plan; and

**WHEREAS**, the City's 2040 Comprehensive Plan's Housing Chapter is not fully consistent with the Metropolitan Council's *2040 Housing Policy Plan*; and

**WHEREAS**, the City desires to bring its 2040 Comprehensive Plan into full conformance with the Metropolitan Councils adopted plans and policies; and

**WHEREAS**, the proposed amendments are detailed in pages attached to this resolution; and

**WHEREAS**, the City's Planning Commission held a public hearing at its regular meeting on July 12, 2022, regarding the Comprehensive Plan Amendments and voted unanimously to recommend City Council approval.

**WHEREAS**, the City Council considered the recommendation of the Planning Commission at their regular meeting on July 21, 2022, and voted to approve the Comprehensive Plan Amendments.

**NOW, THEREFORE, BE IT RESOLVED**, the City Council of the City of Newport approves a Comprehensive Plan Amendment to amend Table 9-7, bringing Chapter 9 into full conformance with the Metropolitan Council's *2040 Housing Policy Plan*.

Adopted this 21<sup>st</sup> day of July, 2022 by the Newport City Council.

Motion by: name,

Seconded by: name

VOTE:

Elliott	vote
Chapdelaine	vote
Ingemann	vote
Taylor	vote
Johnson	vote

Signed: \_\_\_\_\_  
Laurie Elliott, Mayor

Attest: \_\_\_\_\_  
Deb Hill, City Administrator

**Table 9-7: Housing Implementation Plan to Address Affordable Housing Needs**

Identified Need	Available Tools	Circumstance and Sequence of Use
<b>≤ 30% AMI and 51-80% AMI</b>		
Preservation of existing affordable housing within all bands of affordability	Foreclosure Prevention Counselling & Homeowner Refinancing Counselling	<b>1:</b> Newport will continue to participate in the Washington County CDA's Homeowner Counselling Programs that include Foreclosure Prevention Counselling and Homeowner Refinancing Counselling.
"	Affordable Mortgages	<b>2:</b> Newport will refer residents to the CDA's Homebuyer Services program, which includes the Start Up Loan program for affordable mortgages.
"	Zoning Ordinance and Code Enforcement	<b>1:</b> Newport will continue to enforce its zoning ordinance and codes to preserve and improve the quality of existing homes in the City and ensure that they meet State Building Code requirements.
"	<a href="#">Preservation of Natural Affordability</a>	<b>3:</b> <a href="#">Specific tools that can be used to preserve naturally occurring affordable housing (NOAH), including Housing Improvement Areas, partnership with NOAH acquisition funders/developers, and local 4d tax incentives</a>
Housing Maintenance Assistance for low-income homeowners within all bands of affordability.	Home Improvement Loans	<b>1:</b> Newport will continue to participate in the CDA's Home Improvement Assistance Loan program, available to households with incomes at or below 80% AMI and will consider participation in or use of other programs that preserve affordable housing as Housing Improvement Areas, acquisition opportunities and incentive programs.

“	Septic System Loan and Grant Programs	<b>1:</b> Newport will refer residents to the CDA’s Septic System Loan and Grant Programs.
Provide additional rental housing and senior housing affordable to households with incomes below 30% AMI and between 51- 80% of AMI.	Rental Assistance and Vouchers	<b>1:</b> Newport will continue to participate in the CDA’s rental assistance programs that serve seniors and families.
“	Options include tax abatement, housing bonds, MHFA programs, Washington County GROW fund, CDBG and HOME funds, Livable Communities funds, and tax incentive programs.	<p><b>1:</b> Newport will continue to work with the CDA, housing developers, and other organizations to utilize programs that create “workforce” housing, affordable senior housing, and other housing that provides new affordable rental units.</p> <p>Newport may work through the CDA to issue housing bonds or seek CDBG and HOME funds. The City has the authority and may abate taxes for housing developments to meet its goals.</p>
“	TIF Local Fee Waiver	<b>2:</b> Newport will consider using TIF funds and fee waivers for redevelopment in locations that are appropriate for TIF funding and city assistance to provide affordable housing for seniors and families if they are part of a mixed-income development.
“ –	<a href="#">Referrals</a>	<a href="#"><b>3: Effective referrals to partner organizations that can meet identified housing needs.</b></a>
“ –	<a href="#">Community Land Trust Units</a>	<a href="#"><b>3: Support for the creation of Land Trust units with Two Rivers Community Land Trust</b></a>

<a href="#">Other Strategies</a>	Site Clean-up of brownfields or other contamination	<b>3:</b> Newport would consider supporting or sponsoring an environmental clean-up grant application for senior housing affordable at 30-50% AMI at locations eligible for such grants.
“ —	Site Assembly	<b>1:</b> Newport will continue to work with the CDA to purchase properties in its Red Rock Gateway Area for redevelopment for housing (including affordable units) and related service and employment opportunities.
“ —	Guiding land at densities that support affordable housing	<b>2:</b> The City’s future land use plan guides land use to permit densities at 8-50 units per acre and includes sufficient areas for development and redevelopment to meet City and regional goals to provide affordable housing. The City will adopt a new zoning map and update its ordinances to be consistent with the plan.
“ —	<a href="#">Staff Training</a>	<a href="#">3: Participation in housing related collaboratives, initiatives, or other efforts to support staff knowledge of housing strategies</a>