

## **CHAPTER 11: SIGNS**

### **11-1 PURPOSE**

The purpose of this Section is to regulate the placement and construction of signs for the purposes of providing information and advertising in an orderly, effective, and safe manner. Restrictions on type, location, and size of signs help preserve the character of the County and protect the public from hazardous and distracting displays and to create an attractive environment for the citizens and visitors alike which is conducive to business, industry, and tourism.

### **11-2 GENERAL STANDARDS FOR ALL ZONING DISTRICTS**

All signs are subject to the following standards:

1. **Setbacks.** All signs shall be set back from the right-of-way of public roads not less than ten (10) feet from the closest part of the sign. All signs shall be set back ten (10) feet from adjacent property lines.
2. **Placement near Railroad Crossings.** No sign in excess of three (3) square feet per surface with no more than two (2) surfaces shall be less than five hundred (500) feet from the intersection of a public road and a railroad, provided that advertising may be affixed to or located adjacent to a building at such intersection in such a manner as not to cause any greater obstruction of vision than that caused by the building itself.
3. **Building and Electrical Permits.** Any freestanding sign in excess of thirty-two (32) feet in area or any sign requiring footings shall require a building permit. Any sign involving electrical components shall have the appropriate electrical permit and approval by the state electrical inspector.
4. **Signs on Public Property.** Private signs are prohibited on all public property (public land, right-of-way, dedicated easements, etc.), except the following signs may be placed within public right-of-way provided they do not interfere with traffic or visibility:
  - a. **Public announcement signs for community events by civic and non-profit groups.** Signs shall be removed within seven (7) days of the event.

3. Reclamation shall begin after the mining of twenty-five percent (25%) of the total area to be mined or four (4) acres, whichever is less. Once these areas have been depleted of the mine deposit they shall be sloped and seeded in compliance with the end use plan.
4. Reclaimed areas shall be surfaced with soil of a quality at least equal to the topsoil of land areas immediately surrounding, and to a depth of at least six (6) inches. The topsoil shall be seeded, sodded, or planted. Such planting shall adequately retard soil erosion.
5. The finished grade shall be such that it will not adversely affect the surrounding land or future development of the site and shall be consistent with the end use plan.
6. The above standards may be modified to provide for unique conditions.

- b. Directional real estate signs for community-wide annual events such as the "Parade of Homes". Signs shall be removed within seven (7) days of the event.
  - c. Street, warning, directional and other official signs erected by a government agency.
  - d. Special event signs erected by the County.
5. Illuminated Signs. Illuminated signs may be permitted, but dynamic display signs or devices giving off an intermittent or rotating beam of light shall be prohibited. Flood lighting shall be focused upon the sign. No lighting for signs shall directly reflect light beams onto any public street, or residential structure. Signs may not be illuminated beyond any lot line.

### **11-3 SIGNS PERMITTED IN ALL ZONING DISTRICTS**

Signs are a permitted accessory use in all zoning districts subject to the following standards.

1. Real Estate Signs. A real estate sign for the purpose of selling, renting or leasing a single parcel, not in excess of twelve (12) square feet per surface and with no more than two (2) surfaces, may be placed within the front yard of the property. Real estate signs exceeding twelve (12) square feet per surface shall be allowed in Commercial and Industrial zoning districts as provided in Section 11-5 of this Ordinance.
2. Temporary Signs. There shall be no more than one temporary sign on any lot, and such sign shall not exceed twenty five (25) square feet per surface with no more than two (2) surfaces, which may remain on site a maximum of ten (10) days.
3. Election Signs. Election signs provided such signs are removed within ten (10) days following the election to which the sign is related. No election sign shall be permitted more than two (2) months preceding the election to which the sign relates.
4. Ideological Signs. One ideological, non-commercial sign per parcel, which does not advertise a product, service, or business, but expresses a viewpoint, opinion, idea or non-commercial message such as a message pertaining to politics, religion or charity, may be permitted but in no case shall the total sign area exceed thirty-two (32) square feet per surface with no more than two (2) surfaces. Such sign shall be maintained in a neat and orderly manner.

5. Identification Signs. One area identification sign, not to exceed thirty-two (32) square feet per surface with no sign having more than two (2) surfaces, shall be allowed for each street entrance to a development or municipality. Sign permit required for sign in excess of twelve (12) square feet.

#### **11-4 SIGNS PERMITTED IN AGRICULTURAL, RURAL RESIDENTIAL, RESIDENTIAL SUBURBAN, AND URBAN RESERVE DISTRICTS**

1. One name plate sign for each dwelling unit not to exceed two (2) square feet in area per surface, and no sign shall be so constructed as to have more than two (2) surfaces.
2. One sign for each permitted non-residential use or use by conditional use permit. Such signs shall not exceed twelve (12) square feet in area per surface and no sign shall be so constructed as to have more than two (2) surfaces. On principal arterial and minor arterial streets, signs in excess of twelve (12) square feet may be permitted by conditional use permit, but in no case shall the total square footage exceed sixty-four (64) square feet per surface or one hundred twenty-eight (128) total square feet. Sign permit required for signs in excess of twelve (12) square feet.
3. Symbols, statues, sculptures and integrated architectural features on buildings may be illuminated by flood lights provided the source of light is not visible from a public right-of-way or adjacent property.
4. No sign shall exceed ten (10) feet in height above the average grade level.
5. For the purpose of selling or promoting a residential project, one sign not to exceed eighty (80) square feet per surface with no more than two (2) surfaces may be erected on the project site. Sign permit required for sign in excess of twelve (12) square feet.
6. Crop demonstration signs advertising the use of a particular variety, brand, or type of agricultural plant, chemical or tillage.
7. Agricultural product signs indicating that the proprietor of a farm is a dealer in seed, fertilizer, or other agricultural products only when such dealership is incidental to the primary agricultural business of the farm.

## 11-5 SIGNS PERMITTED IN COMMERCIAL AND INDUSTRIAL DISTRICTS

1. Total Sign Area. The aggregate square footage of sign space per lot, including all sign surfaces, shall not exceed two hundred fifty (250) square feet.
2. Free Standing Sign. One (1) free standing sign (pole or monument sign) shall be allowed per lot.
  - a. Monument Sign. The total sign area of the monument sign shall not exceed one hundred (100) square feet with a maximum of ten (10) feet in height above the average grade. The monument sign materials, color and related elements shall be consistent with the overall site design and architecture of the principal building on the lot and is subject to the approval of the Planning Department.
  - b. Pole Sign. The total sign area of the pole sign shall not exceed seventy-five (75) square feet with a maximum height of twenty-five (25) feet in height above the average grade.
  - c. Electronic Message Center (EMC). The total EMC sign area shall not exceed 40% of the allowable square footage (per side for double sided signs). Displays may not change or move more often than once every ten (10) seconds, except one for which changes are necessary to correct hour-and-minute, date, or temperature information. Off-premises advertisements are prohibited.

Messages shall change instantaneously and shall not fade, change color, dissolve, blink, or appear to simulate motion in any way. Use of animation, frame effects, video and flashing components is prohibited. The display must freeze in one position if a malfunction occurs. The display must also be equipped with a means to immediately discontinue the display if it malfunctions, and the sign owner/operator must immediately stop the display when notified by the County that it is not in compliance with this chapter.
3. Wall Sign. The total sign area of wall signage shall not exceed one (1) square foot of sign area for each lineal foot of building frontage up to a maximum of two hundred (200) square feet.
4. Real Estate Sign. For the purpose of selling or promoting a commercial or an industrial project, one real estate sales sign not to exceed a total of one hundred thirty (130) square feet with no more than two (2) surfaces, may be erected upon the project site.

## 11-6 PROHIBITED SIGNS

The following types of signs are expressly prohibited in all zoning districts:

1. No sign shall contain any indecent or obscene picture or wording.
2. Roof signs including signs mounted on a roof surface or projecting above the roof line or a structure if either attached to the structure or cantilevered over the structure.
3. Revolving and moving signs.
4. Flashing and animated signs.
5. No private sign shall be erected that resembles any official marker erected by a government agency nor shall any private sign display words such as "stop" or "danger", or otherwise constitute a traffic hazard.
6. Signs that obstruct the vision of pedestrians, cyclists, or motorists traveling on or entering public streets.
7. No sign shall be painted directly on the roof or outside wall of a building. Works of art that are not commercial messages are exempt.
8. Signs affixed to vehicles and/or trailers that are parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to an activity located on the same or a nearby property shall be prohibited. Signs affixed to vehicles where the sign is incidental to the use of the vehicle are not prohibited.
9. No sign shall be painted on fences, rocks, or similar structures or features, nor shall paper or similar signs be attached directly to a building wall with adhesive or similar means.
10. Signs that obstruct any window, door, fire escape, stairway or opening intended to provide light, air, ingress or egress of any building or structure.
11. Signs within the public right-of-way except for those listed in Section 11-2.
12. Balloon/inflatable signs. A flexible, inflated bag in various shapes and colors.

13. Banners, streamers, pennants signs. Attention-getting devices that are composed of lightweight material.
14. Bench signs. A sign affixed to a bench.
15. Portable signs.
16. Projection signs. Wall signs shall be mounted parallel to the building and shall not project more than eighteen (18) inches from the face of the building.
17. No sign shall, by reason of position, shape or color interfere in any way with the proper functioning or purpose of a traffic sign or signal.
18. Dynamic display signs.
19. Any other sign which is not in conformance with the regulations provided herein.

#### **11-7 ADVERTISING SIGNS/BILLBOARDS**

1. Advertising signs/billboards may be permitted as a conditional use in the industrial district along Interstate 35 or U.S. Highway 169 providing the total square footage of both sides of the sign area is not more than six hundred (600) square feet.
2. No advertising sign/billboard shall be located within five hundred (500) feet of parks, historical sites, public picnic or rest areas, or within two hundred (200) feet of church or school property.
3. No advertising sign/billboard shall be located closer than thirteen hundred (1300) feet horizontal distance from any other advertising sign measured in any direction. Advertising signs shall not exceed thirty (30) feet above the average ground level at the base of sign.
4. Dynamic display advertising signs/billboards shall be prohibited.

#### **11-8 SIGN REMOVAL**

Any sign which is erected or maintained contrary to the provisions of this Ordinance; or for which no permit has been obtained; or which is abandoned is hereby declared to be public nuisance, illegal and non-conforming. The County may enter upon the land where the sign is located and may remove and dispose such sign after a hearing as

provided by law, and after thirty (30) days notice to the owner and lessee, if known. No compensation shall be paid for any sign to be removed or disposed of pursuant to this Section. If the County receives any proceeds from the sign, the County shall first apply the proceeds to reimburse the County for any expenses incurred, and refund the remainder to the owner of the sign, if known. Any costs incurred by the County which are not reimbursed may be assessed against the property upon which the sign was located as a special assessment. For the application of these regulations, "abandoned" shall be determined by the Planning Department.

### **11-9 SIGN MAINTENANCE**

1. All signs shall be maintained in a safe, presentable and sound structural condition at all times. Maintenance shall include painting, cleaning, replacement or repair of defective or vandalized parts.
2. The owner of any sign shall be required to have such sign property painted at least once every two (2) years, if needed, including all parts and supports of the sign, unless such parts or supports are galvanized or otherwise treated to prevent rust.
3. The owner or lessee of any sign, or the owner of the land on which the sign is located shall keep the grass, weeds or other growth cut and the area free from refuse between the sign and the street and also for a distance of six (6) feet surrounding the sign.

### **11-10 OBSOLETE SIGNS**

Any sign and its structure which is erected without a permit or no longer advertises a bona fide business conducted, or a product no longer sold, shall be taken down and removed by the owner, agent or person having the beneficial use of the building, or land upon which the sign may be found within ten (10) days after written notification from the Planning Department.

### **11-11 UNSAFE OR DANGEROUS SIGNS**

Any sign which becomes structurally unsafe or endangers the safety of a building or premises or endangers the public safety shall be taken down and removed by the owner, agent or person having the beneficial use of the building or land upon which the sign is located within ten (10) days after written notification from the Planning Department.

## **11-12 ADMINISTRATION/SIGN PERMITS**

### **11-12-1 Sign Permit Requirements**

1. No signs, except exempted signs, shall be erected, constructed, altered, rebuilt, or relocated until a sign permit has been issued by the County. The sign permit shall be reviewed and processed administratively subject to the procedures and criteria outlined in Section 2-8 of this Ordinance. A fee established by the County Board shall accompany each sign permit application.
2. Complete permit application, signed and dated by applicant and landowner.
3. Two (2) copies of an accurate survey or plot plan of the property, at such scale as the Planning Department shall reasonably require. The Planning Department may also require the applicant locate lot corners on the site to verify the sign location.
4. An accurate indication on the survey or plot plan of the location, area, and dimensions of each existing wall and freestanding sign, proposed sign, and proposed future sign(s) of any type, whether requiring a permit or not. The survey or plot plan shall identify the setback distances from property lines and right-of-ways.
5. Two (2) copies of design specifications including: graphic representation of the sign face, lighting, location of each sign on the building, sign materials, and sign dimensions.
6. Plans, specifications, and method of construction or attachment to the building or in the ground, including all dimensions, showing all light sources, wattage, type and color lights, and details of any light shield or shades.
7. If the proposed sign is along 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.
8. If the work authorized under a sign permit has not been completed within twelve (12) months after the date of issuance, the permit shall lapse and be of no further force and effect.

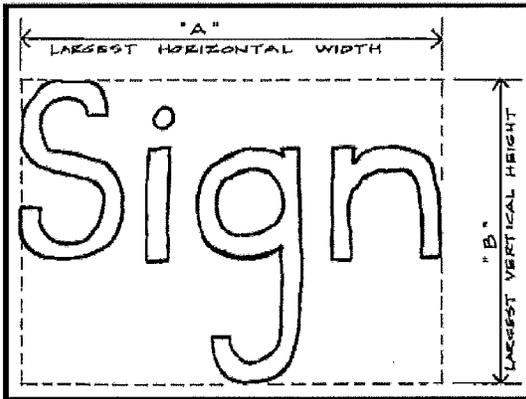
## 11-12-2 Exemptions

The following is a list of signs exempt from obtaining a sign permit. These exemptions, however, shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provisions of this chapter.

1. Name plate signs not exceeding two (2) square feet of display surface on residential property stating only the name, address, and profession of the occupant.
2. One (1) nameplate sign per occupant, not to exceed two (2) square feet shall be allowed.
3. Names of buildings, dates of erection, commemorative tablets and the like, when carved into stone, concrete or similar materials or made of bronze, steel, aluminum, or other permanent type of construction and made an integral part of the structure.
4. Real estate signs under twelve (12) square feet of surface area with no more than two (2) surfaces.
5. Election signs.
6. Temporary signs.
7. Crop demonstration and agricultural product related signs.
8. Ideological, non-commercial signs.
9. Signs on private property requesting "No Trespassing", "No Hunting", etc.
10. The changing of the display surface on a painted or printed sign only. This exemption, however, shall apply only to poster replacement or on-site changed involving a sign painted elsewhere then directly on a building.
11. Construction signs under twelve (12) square feet of surface area with no more than two (2) surfaces.
12. Any signs authorized by a governmental unit and approved by the County such as directional, street name, traffic, safety, danger and parking signs.

## 11-13 CALCULATING SIGN AREA

1. The area of a sign face shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background or the display or used to differentiate the sign from the backdrop or structure against which it is placed. The structural supports for the sign, whether they are columns, pylons, or a building, or part thereof, shall not be included in the calculation of the advertising display area. Each sign face will be calculated separately.
2. Individual Letters. When attached to the surface of a building, canopy, awning, wall or window, the sign area shall be calculated as that part of the smallest rectangle or other geometric shape that encompasses all of the letters or symbols. The sign area shall include all lettering, wording, and accompanying designs or symbols.



## CHAPTER 12: ENERGY SYSTEMS (WIND AND SOLAR)

### 12-1 PURPOSE AND INTENT

The purpose of this Section is to regulate the installation and operation of Wind Energy Conversion Systems (WECS) and Solar Energy Systems within Scott County not otherwise subject to siting and oversight by the State of Minnesota under the Minnesota Power Plant Siting Act (MS 116C.51-116C.697.)

The Scott County Comprehensive Plan supports the use of renewable and alternative energy sources to reduce greenhouse gases and protect the natural environment. The plan's goal #XI-5 states that "efficient energy consumption, conservation, the use of renewable technologies, and energy responsible land use decisions should be a priority in Scott County."

### 12-2 DEFINITIONS

WECS - Wind Energy Conversion System: An electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers and substations that operate by converting the kinetic energy of wind into electrical energy. The energy maybe used on-site or distributed into the electrical grid.

Commercial WECS - A WECS of equal to or greater than 40 kW in total name plate generating capacity.

Non-Commercial WECS - A WECS of less than 40 kW in total name plate generating Capacity.

Community Solar Energy System (also called a "Solar Garden") – a solar-electric (photovoltaic) array that provides retail electric power (or a financial proxy for retail power) to multiple community members or businesses residing or located off-site from the location of the solar energy system, under the provisions of Minn. Statutes 216B.1641 or successor statute.

Feeder Line - Any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the electric power grid, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the WECS.

Passive Solar Energy System – see Definition in Chapter 1.