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July 16, 2008 AT 03:49PM

Signed: JU
MARILYN NOVAK G V I
BENTON COUNTY MINNESOTA
MARILYN J NOVAK
COUNTY RECORDER

BENTON COUNTY ORDINANCE NO. 429

WHEREAS, the Benton County Department of Development instituted proceedings to amend the Benton County Ordinance 185; and,

WHEREAS, on June 24, 2008 and June 25, 2008, Notice of Public Hearing and intent to amend Benton County Ordinance was published in the official newspapers of the county; and,

WHEREAS, on July 10, 2008, the Benton County Planning Commission held a public hearing; and,

WHEREAS, on July 15, 2008, the Benton County Board of Commissioners held a public hearing and approved the proposed ordinance amendment; and,

NOW PURSUANT TO THE AUTHORITY VESTED BY MINNESOTA STATUTES SECTION 394.25, THE BENTON COUNTY BOARD OF COMMISSIONERS ORDAINS: that Section 9.1 of the Benton County Ordinance 185 shall be replaced in its entirety with the following:

9.1 Signs

9.1.1 Purpose and Intent

The intent of the establishment of use and performance standards for signs is to protect and promote the health, safety, morals and general welfare of the inhabitants of Benton County through the creation of impartial standards, regulations and procedures which govern the erection, use and/or display of devices, signs, or

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symbols serving as a means of visual communication to persons situated within, upon or adjacent to public rights-of-way of properties.

9.1.2 General Provisions:

- A. Signs except those issued by the County, State, Municipality or public utility are prohibited within public right-of-ways.
- B. Illuminated signs may be permitted in the business and industrial districts. The light from any illuminated sign or from any light source, including interior of a building, shall be so shaded, shielded or directed that the light intensity or brightness shall not adversely affect surrounding or facing premises nor adversely affect safe vision of operators of vehicles moving on public or private roads, highways or parking areas.

9.1.3 General regulations for every district:

- A. For the purpose of selling, renting or leasing a single parcel, a temporary sign not in excess of 32 square feet of sign area per side may be placed within the front yard.
- B. For the purpose of selling a commercial area or an industrial area, one temporary sign not to exceed a total of 240 square feet in sign area.
- C. For the purpose of selling or promoting a residential project, one sign not to exceed a total of 240 square feet in sign area.
- D. Political signs are permitted.
- E. No sign in excess of three square feet shall be less than 300 feet from the intersection of two or more public roads, or less than 300 feet from the intersection of a public road and a railroad, provided that a sign 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.
- F. No sign shall be less than two feet from a public right-of-way line.

9.1.4 Signs Not Requiring Permits:

The following types of signs are exempt from permit requirements but must otherwise be in conformance with all requirements of this section:

- A. On-premise temporary construction signs having a sign area of 50 square feet or less;

- B. Garage sales signs not to exceed 12 square foot sign area;
- C. Holiday decorations;
- D. Political signs, on-premise private sale or on-premise event signs;
- E. On-premise temporary real estate signs;
- F. Official notices authorized by a court, public body or public safety official;
- G. Directional, warning or informational signs authorized by federal, state, county or municipal governments;
- H. The flag of a government or a noncommercial institution, such as a school;
- I. Signs on private property that request "No Trespassing" or "No Hunting" etc;
- J. Building mounted signs

9.1.5

Prohibited signs:

The following types of signs are prohibited in all districts:

- A. Abandoned signs
- B. Signs imitating or resembling official traffic or government signs or signals;
- C. Any sign placed that may obstruct motorist or pedestrian visibility;
- D. Signs attached to telephone poles, public benches, street lights, or placed on any public property or public right-of-way without approval of the public authority;
- E. A sign that obstructs any window, door, fire escape, stairway, or opening intended to provide light, air, ingress, or egress for any building or structure.
- F. Signs suspended beneath a canopy, overhang, roof, or marquee without a minimum clearance from grade of eight feet in a vehicular way or seven feet in a pedestrian way;
- G. Any sign erected above the roof line of a building;
- H. Unsafe/dangerous signs.
- I. Searchlights.

9.1.6 Portable Signs

- A. Portable signs, shall only be allowed once during any twelve month period for no more than 90 days and not to exceed 32 square feet per side sign area with a maximum of two sides. Portable signs shall be located a minimum of ten feet from the property line and/or right-of-way.
- B. There shall be no more than one portable sign per parcel permitted at any one time.
- C. Anchors for portable or temporary signs shall be maintained to prevent displacement or tipping during high winds.

9.1.7 Billboard Signs.

All signs that exceed 150 square foot sign area per side shall require a conditional use permit. A site shall be limited to either one monument sign or one billboard. Billboards are limited to the B, B-2, I and I-2 Districts. All Billboards must be in conformance with the following standards:

- A. Maximum sign area shall be 300 square feet per side with no more than 2 sides.
- B. The minimum ground clearance shall be 12 feet.
- C. The maximum height of a billboard shall be 60 feet.
- D. No part of the billboard structure shall be built upon or over the public right-of-way.
- E. The minimum distance from other billboards on the same side of a road shall be 1,000 feet.
- F. The minimum distance from street intersection shall be 300 feet as measured from the edge of the right of way to the base of the billboard.
- G. The minimum distance from adjacent properties or right-of-ways shall be 50 feet.
- I. No billboard located within 1,000 feet of residentially zoned property may be illuminated.
- J. Lighting devices used in association with billboards shall be placed and directed in a manner which, so far as practicable, illuminates the sign only, and does not illuminate or reflect upon public roadways or adjacent properties.

9.1.8 Signs Permitted in Agricultural (A) and Rural Agricultural (RA) Districts

- A. One building mounted sign not to exceed 32 square feet in sign area
- B. One monument sign for each dwelling, non-residential use or use by conditional use permit not to exceed 32 square feet in sign area per side, and no sign shall be so constructed as to have more than two sides. Monument signs shall be located a minimum of 20 feet from the side and rear property line and 10 feet from the right-of-way. No monument sign shall exceed 20 feet in height above the average grade.
- C. Signs permitted in every district and signs not requiring permits in accordance with Section 9.1.3 and 9.1.4 of the Development Code.

9.1.9 Signs Permitted in the Rural-Service (RS) District

- A. One building mounted signs not to exceed 32 square feet in sign area.
- B. One monument sign for each parcel not to exceed 50 square feet in sign area per side with no more than 2 sides. No monument sign shall exceed 20 feet in height above the average grade. Monument signs shall be located a minimum of 20 feet from the side and rear property line and 10 feet from the right-of-way.
- C. Signs permitted in every district and signs not requiring permits in accordance with Section 9.1.3 and 9.1.4 of the Development Code.

9.1.10 Signs permitted in a Residential (R-1, R-2, R-3) District

- A. One building mounted sign not to exceed 8 square feet in sign area.
- B. One monument sign for each permitted non-residential use or use by conditional use permit. Such signs shall not exceed 32 square feet in sign area per side and no sign shall be so constructed as to have more than two sides. No sign shall exceed 10 feet in height above the average grade. Signs shall be located a minimum of 20 feet from the side and rear property line and 10 feet from the right-of-way.
- C. Signs permitted in every district and signs not requiring permits in accordance with Section 9.1.3 and 9.1.4 of the Development Code.

9.1.11 Signs Permitted in the Businesses (B) and Business Enterprise (B-2) District

- A. Building mounted signs shall be permitted.

- B. One monument sign shall be permitted per lot and shall be limited to a maximum of 150 square feet in sign area per side and no more than two sides. No sign shall extend in height more than 50 feet above the average grade level of the lot on which the sign is erected. Monument signs shall be located a minimum of 10 feet from the right-of-way and 20 feet from the side and rear property line.
- C. Signs permitted in every district and signs not requiring permits in accordance with Section 9.1.3 and 9.1.4 of the Development Code.
- D. Portable signs subject to Sect. 9.1.6 of the Development Code.
- E. Billboards subject to Sect. 9.1.7 and 11.6 of the Development Code.

9.1.12 Signs Permitted in the Industrial (I-1, I-2) District

- A. Building mounted signs shall be permitted.
- B. One monument sign shall be permitted per lot and shall be limited to a maximum of 150 square feet in sign area per side and no more than two sides. No sign shall extend in height more than 50 feet above the average grade level of the lot on which the sign is erected. Monument signs shall be located a minimum of 10 feet from the right-of-way and 20 feet from the side and rear property line.
- C. Signs permitted in every district and signs not requiring permits in accordance with Section 9.1.3 and 9.1.4 of the Development Code.
- D. Portable signs subject to Sect. 9.1.6 of the Development Code.
- E. Billboards subject to Sect. 9.1.7 and 11.6 of the Development Code.

9.1.13 Sign Removal

- A. The applicant for a sign permit shall be deemed the owner and thus responsible for the removal of the sign within three months of its abandonment, or for the removal of a sign which is structurally unsafe or in disrepair as determined by the Department of Development.
- B. Signs not so removed by the owner will be removed by the County at the owner's expense.

The following changes shall be made in Section 3:

Delete Sections 3.13 Billboards; 3.75 Identification Sign; 3.171 Sign-Advertising-(Billboard); 3.172 Sign-Business; 3.173 Sign-Flashing; 3.174 Sign-Gross Area of; 3.175 Sign-Nameplate.

Amend the following sections to read as follows:

3.170 Sign: Any object, writing, letter work or numeral, pictorial presentation, illustration or decoration, emblem, device, symbol or trademark, flag (excluding the American or Minnesota State Flag), banner or pennant or any other device, figure or similar character which is used to announce, direct attention to, identify, advertise or otherwise make anything known; and is visible from the public right-of-way or from adjoining property. Monument signs that exceed 150 square feet sign area per side shall be regulated as a billboard signs.

3.176 Sign, Temporary: A sign affixed, erected, or maintained on a premise for a total of 90 calendar days, including portable signs which are designed for and capable of being moved from one location to another; and including banners, pennants, or similar display.

Add the following Sections:

3.170A Sign, Abandoned: Any sign and/or its supporting sign structure which remains without a message or whose display surface remains blank for a period of one 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 year or more. Any sign remaining after demolition of a principal structure shall be deemed to be abandoned.

3.171 Sign Area: The area within the frame shall be used to calculate the gross area except that the width of the frame in excess of 12 inches shall be added thereto. The entire area within a single, continuous perimeter enclosing the extreme limits of the actual sign surface. When letters or graphics are mounted without a frame, on a building the gross area shall be the area bounded by a straight line 6 inches beyond the periphery of said letters or graphics. Each surface utilized to display a message or to attract attention shall be measured as a separate sign. The sign area does not include any structural elements outside the limits of such sign and not forming an integral part of the display. Stripes or colors on an awning or canopy that are not part of the actual sign shall not be counted as sign surface area.

3.171A Sign, Billboard: A sign that exceeds 150 square feet per side in sign area.

- 3.172 Sign, Building Mounted: A sign painted on or placed against or attached to the exterior wall surface of a building.
- 3.172A Sign, Construction: A temporary sign erected on the premises where construction or mining is taking place, indicating the firms having a role in the construction or mining.
- 3.173 Sign, Governmental: A sign erected by a local or other unit of government which is used to identify a public building or area, to direct traffic or to otherwise inform the public.
- 3.173A Sign, Illuminated: Any sign which depends upon any artificial light source either directed at the sign or as an integral component of the sign.
- 3.174 Sign, Monument: A sign which is either attached directly to the ground or is on pylons, posts or walls and is completely independent of any building or other structures on the property on which it is located.
- 3.174A Sign, Non-conforming: Any sign lawfully in existence of the effective date of this ordinance or any sign lawfully in existence on the date of any amendment to this ordinance which does not conform to the regulations affecting signs for the district in which the sign is located.
- 3.175 Sign, Political: Any sign which states the name and/or picture of an individual seeking election or appointment to a public office, or pertaining to a forthcoming public election or referendum.
- 3.175A Sign, Portable: Any sign which is not affixed permanently to the premises on which it is located and which is constructed so as to permit it to be moved from place to place whether on wheels or otherwise.

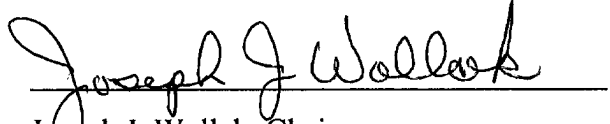
Delete "Advertising Signs (Billboards)" to Sections 7.1.23; 7.2.20; 7.2A.20

Add "Signs as regulated by this Ordinance" to Sections 7.3.1A; 7.4.1A; 7.5.1A

Add "Billboard Signs" to Sections 7.6.2; 7.6A.3; 7.7.2; 7.8.2

Approved and adopted by the Benton County Board of Commissioners this 15th day of July in the year of 2008.

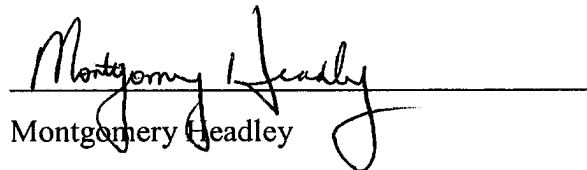
Upon enactment, this ordinance shall be effective upon the date of its publication as provided by law.



Joseph J. Wollak, Chair

Benton County Board of Commissioners

ATTEST:



Montgomery Headley

Benton County Administrator