

Unified Development Ordinance Organization of Unified Development Ordinance	
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SECTION 5.1
Temporary and Accessory Use/Structure Regulations

5.1.01	Applicability.	5.1.03	Temporary Uses.
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5.1.01 APPLICABILITY.

Temporary and Accessory Use/Structure regulations shall apply to all districts. Where requirements of this Section and a district regulation differ, the more restrictive requirement shall prevail.

5.1.02 ACCESSORY USES.A. General Provisions.

1. Accessory Uses Allowed. Accessory uses are allowed only in connection with lawfully established principal uses.
2. Allowed Uses. Allowed accessory uses are limited to those expressly regulated in this Ordinance as well as those that, in the determination of the Zoning Administrator, satisfy all of the following criteria:
 - a. They are subordinate and clearly incidental to the principal use(s) of the property; and
 - b. Either:
 - i. They are customarily found in conjunction with the subject principal use(s) or principal structure; or,
 - ii. They serve a necessary function for the comfort, safety, or convenience of occupants of the principal use(s).
3. Time of Construction and Establishment. Accessory uses shall be established only after the principal use of the property is in place.

B. Home Occupation. The following requirements shall apply to home occupations when permitted herein:

1. No persons other than the individual, or individuals, residing on the premises shall be engaged in such operation as herein defined.
2. A home occupation shall be clearly incidental and subordinate to the use of a dwelling unit for residential purposes. No more than twenty-five percent

Changes from existing provisions are noted: **Substantive Additions** and ~~Deletions~~

(25%) of the total floor area ~~not or~~ more than five hundred (500) square feet, whichever is ~~less~~ **greater**, of the dwelling unit may be used in connection with a home occupation. Floor area of a dwelling unit, in this case, shall include the floors of all heated and ventilated and thereby habitable rooms, including basements, cellars and habitable attic space.

3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling unit, except **signage** ~~that a name plate~~ as regulated by Section ~~15.3-D~~ **5.7, Sign Regulations** of this Ordinance, shall be permitted. There shall be no entrance or exit way specifically provided in the dwelling or on the premises for the conduct of a home occupation.
4. A home occupation shall be operated wholly within the principal building. No home occupation or any storage of goods, materials, or products connected with a home occupation shall be permitted in an accessory building or garage, attached or detached, or any vehicle including a recreational vehicle.
5. There shall be no goods or products sold upon the premises in connection with such home occupation.
6. No traffic shall be generated by such home occupation in greater volumes than would normally be generated in a residential neighborhood.
7. Delivery from a commercial supplier in a vehicle larger than a step van shall be limited to one delivery and one pickup each week and the delivery or pickup shall not restrict traffic flow.
8. Neither a home occupation nor any equipment used in conjunction with a home occupation shall produce heat, sound, vibration, light, glare, dust, odor, smoke, or fumes detectable to normal sensory perception by a person located off premises or beyond the walls of the dwelling unit if the dwelling is part of a multi-family building. No equipment or process shall create a hazard to person or property, resulting in electrical, visual, or audible interference to nearby machinery or equipment, become a nuisance, or cause fluctuation on line voltage or utilities off or on the premises.
9. A home occupation shall not cause an increase in the use of any one or more utilities (water, sewer, electricity, waste collection, etc.) so that the combined total use for dwelling and home occupation exceeds the average for the residences in the neighborhood.
10. No outdoor display or storage of materials, goods, supplies, or equipment shall be allowed.

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11. The Zoning Administrator may inspect all properties used for home occupations annually to determine compliance with a permit and/or applicable zoning regulations herein.
 - a. Upon inspection and determination of violation, the Zoning Administrator shall notify owner of violations and require compliance within twenty-one (21) days of receipt of notice.
 - b. Failure to comply with notification for compliance from the Zoning Administrator shall be cause for revocation of a permit for any home occupation.

Question to Consider: Do the home occupation standards need to be updated?

- C. **Outdoor Dining. When permitted in the zoning district, restaurants shall be permitted to operate outdoor dining on sidewalks, patios and other impervious surfaces, including areas within the public right-of-way and in courtyards, provided that pedestrian circulation and access to store entrances shall not be impaired. The following standards shall apply to outdoor eating areas:**
 1. **If outdoor dining is proposed to be in the public right-of-way, a permit shall be obtained from the _____ before a Certificate of Zoning Compliance is issued.**
 2. **Planters, fencing, or other devices shall be used as a way of defining the area occupied by the outdoor dining.**
 3. **Extended awnings, canopies, or large umbrellas shall be permitted if located to provide shade or cover.**
 4. **The operators of outdoor dining shall maintain a clean, litter-free, and well-kept appearance within and immediately adjacent to the area of cafe activity.**
 5. **The outdoor dining area may shall comply with the building setback regulations for the zoning district in which it is located, except that the outdoor dining area may encroach up to ten (10) feet into the front setback.**
 6. **The outdoor seating area shall be used in conjunction with, and is under the same management and exclusive control of, a restaurant located on the same or contiguous property.**
- D. **Outdoor Sales/Display in Association with a Permitted Use. When permitted by this Ordinance, the outdoor display of merchandise for sale shall comply with the following requirements. These requirements do not apply to a vehicle sales/rental/service establishment.**

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1. Outdoor display of merchandise for sale shall be limited to products that are customarily associated with the operation of the principal business located on the premises and conducted by employees of such principal business. There shall be no outdoor display of merchandise for sale by any person operating or conducting a business that is different or distinct from the principal business conducted at that location.
 2. The area of the lot devoted to outdoor display shall not exceed 20 percent (20%) of the gross ground floor area of the building(s) on the lot. The Planning Commission may grant a waiver to this requirement when the ground floor area is 5000 square feet or less.
 3. The outdoor display area shall not be located in areas intended for traffic and pedestrian circulation or parking as identified on the approved Development Plan.
 4. Any proposed outdoor display areas shall be approved as part of a development plan review in accordance with Section 1.4.
 5. If the outdoor display of merchandise is proposed to be in the public right-of-way, a permit shall be obtained from the _____ before a Certificate of Zoning Compliance is issued.
 6. The outdoor display and sales areas shall be maintained in good order and appearance.
 7. Temporary structures may be erected in association with a seasonal outdoor display when located in compliance with the required building setbacks and specifically authorized during development plan review.
- E. Outdoor Storage. The outdoor, overnight storage of general materials, fleet vehicles, and equipment shall comply with the following:
1. Outdoor storage of materials, fleet vehicles, and equipment shall only include the storage of goods, materials, equipment, or products customary associated with the principal use. The storage of radioactive, toxic, or otherwise hazardous materials shall not be permitted.
 2. All outdoor storage of goods, materials, fleet vehicles, and equipment shall be enclosed with a solid wall or fence, including solid gates. The wall or fence shall have a height tall enough to conceal all materials therein from the view of any observer standing at grade level. However, in no case shall the height of the fence or wall be less than six (6) feet. The solid wall or fence and the associated gates shall be maintained in good condition. No barb or razor wire shall be permitted.

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3. **All outdoor storage shall be stored in such a fashion as to be accessible to fire-fighting equipment at all times.**
 4. **Areas devoted to outdoor storage shall be located in a rear yard so that it is behind the principal building and not visible from any public street, unless the outdoor storage is located on a corner lot. Enclosed storage areas devoted to outdoor storage shall be setback twenty-five (25) feet from any property boundary that abuts a Residential District, except the R-3 and R-5 Districts. In no case shall the side and rear setback of the enclosed area be less than ten (10) feet.**
 5. **All equipment and fleet vehicles shall be in an operable state. In no case shall inoperable equipment and vehicles be stored overnight.**
 6. **Any proposed outdoor storage areas shall be approved as part of a development plan review in accordance with Section 1.4.**
- F. **Short-Term Rental Properties.** The operation of short-term rental units is subject to all of the following standards and conditions **when permitted by this Ordinance:**
1. An annual permit/license from the city is required. The fee for the initial permit/license is One Hundred Dollars (\$100.00) and the annual fee for each renewal is Fifty Dollars (\$50).
 2. A copy of a current business liability insurance policy is required to be submitted to the City each year at the time an application for a permit is filed.
 3. Occupational taxes shall be paid to the City.
 4. Each dwelling used for short-term rental shall be subject to inspection by the Building Inspector prior to the issuance of an annual business permit/license and at all renewals.
 5. Short-term rental units are permitted in attached single-family dwellings, detached single-family dwellings, two-family dwellings, ~~town homes~~, the Central Business District housing, condominiums, and landominiums. Owners of rental properties must consent to short term rental units. Condominium/Landominium owners must have written permission from the homeowners' association.
 6. Short-term rental guests shall not stay more than twenty-nine (29) consecutive days in duration.
 7. All short-term rental buildings and units shall be in compliance with applicable building codes.

Changes from existing provisions are noted: **Substantive Additions** and ~~Deletions~~

8. Bed and Breakfasts ~~must~~ **shall** be in compliance with their distinct building codes
9. Contact information for the owner(s) ~~must~~ **shall** be posted in a conspicuous location within each unit of the short-term rental.
10. Evacuation plan must be posted in a conspicuous location within each unit of the short-term rental permit.
11. If property is subject to two (2) or more substantiated civil and/or criminal complaints, the Zoning Administrator may revoke the approval of the short-term rental permit/license.
12. **Parking.** Host ~~must~~ **shall** provide one off-street parking space per guest room of short-term rental contract.
13. **Number of Persons Allowed.** No more than two (2) adults per bedroom. Maximum of six (6) adults per home.
14. **Noise Ordinance.** Each unit shall comply with the City's Noise Ordinance. A copy of said Ordinance shall be posted in a conspicuous place within the unit.
15. The owner(s) Host is responsible for giving adjoining neighbors contact information.
16. Any person who shall violate a provision of this ~~Chapter~~ **Section** shall be subject to a fine of Five Hundred Dollars (\$500.00),
17. The City shall have the right to seek civil injunctive relief against any person(s) who rent(s) any rental unit in the absence of a valid rental license and the City shall recover the litigation costs and attorney fees incurred by the City therein.

5.1.03 TEMPORARY USES.

- A. **Temporary Uses Allowed.** Temporary uses are allowed only in connection with lawfully established principal uses.
- B. **Allowed Temporary Uses.** Expressly permitted temporary uses are enumerated in this sub-section. The Zoning Administrator may permit other temporary uses with appropriate conditions to insure public safety and welfare.
- C. **Garage Sales/Yard Sales.** The following requirements shall apply to garage sales/yard sales when permitted herein:

Changes from existing provisions are noted: **Substantive Additions** and ~~Deletions~~

1. **Permit Required.** No garage sale may be conducted within the city without a permit having been first issued for such sale by the Zoning Administrator. Such permit shall set forth and restrict the time and location of such garage sale. No more than three such permits may be issued to one residence and/or household during a calendar year. Such permits shall be limited in time to no more than the daylight hours of two (2) consecutive days.
2. One sign of not more than twelve (12) square feet shall be permitted to be displayed on the property of the residence where a garage sale is being conducted. Such signs shall be displayed only during the times of the sale as stated on the permit. In no case shall the sign be placed on any property other than the property of the residence to which the permit has been issued, nor shall any sign be located closer than five (5) feet from the property line.
3. **General Retail Sales Prohibited.** The conduct of general retail sales or commercial activities in residential areas is, except as otherwise expressly authorized under this Ordinance, prohibited. Garage/Yard sales are permitted only insofar as they are conducted consistent with the limitations set forth herein

5.1.04 ACCESSORY STRUCTURES.

A. General Provisions.

1. **Each accessory structure is permitted in the districts in which it is listed as an accessory, provided that it is developed in compliance with the development standards detailed in this sub-section, unless otherwise permitted or regulated in this Ordinance.**
2. **Yard. Accessory structures shall only be located in the side and rear yards unless otherwise permitted in this Ordinance.**

- B. Accessory Structures. Accessory structures shall not be permitted in any front or side yard unless they are attached to the principal structure on the lot and also conform to the minimum ~~yard~~ **setback** requirements of the ~~zone~~ **zoning district**, except **as otherwise permitted in this Ordinance** ~~in the CBD Zone~~; provided however, garages not attached to the principal structure, if approved by the Board of Adjustment, may be permitted within a side yard but ~~must~~ **shall** be a minimum of sixty (60) feet from the front lot line and **shall** meet side ~~yard~~ setback requirements. Accessory structures shall be permitted to be extended into the minimum ~~yard~~ **setback** areas, as defined herein, in all ~~zones~~ **zoning districts** with the following limitations **in this sub-section. For other permitted encroachments into setbacks, refer to the applicable zoning district section.**

Changes from existing provisions are noted: **Substantive Additions** and ~~Deletions~~

1. At least five (5) feet from any property lines on an interior lot for garages and other storage buildings that do not exceed six hundred (600) square feet in floor area ~~and fifteen (15) feet in height.~~
 2. On a corner lot, the side ~~yard~~ **setback** abutting the street shall equal the front ~~yard~~ **setback** of principal permitted uses on the abutting property on the same side of the street.
 3. On through or double frontage lots both setbacks abutting a street shall be at least the minimum front ~~yard~~ **setback** requirement for the ~~zone~~ **zoning district** in which it is located.
 4. All accessory structures and uses not intended as use for a garage or storage building shall not encroach more than ten (10) feet into the required rear ~~yard~~ setback and conform to all side ~~yard~~ **setback** requirements in the zone in which it is located.
 5. A garage or accessory structure in a residential zone shall be clearly incidental to the principal permitted use.
 6. A garage, or garages, in a single-family zone as an accessory structure to a residence, shall not contain space for more than four (4) motor vehicles.
- C. **Air Conditioning and Outside Mechanical Equipment.** All air conditioning condenser units, heat pumps, or other mechanical devices placed outside of a building shall comply with minimum ~~yard~~ **setback** requirements for the zoning district in which they are located, except that they may be located within ~~five (5)~~ **three (3)** feet of a side property line if they are sound shielded and screened with fencing and/or shrubs equal in height to the height of the appliance.

Question to Consider: Should the minimum side setback for HVAC condensing units & other mechanical devices be reduced to 3 feet?

- D. **Fences and Walls.** No fence, wall, hedge, or other structure or other obstruction above a height of three (3) feet as measured above the curb level shall be erected, placed, maintained, or continued in any zone within that triangular portion of a corner lot formed by measuring fifty (50) feet from the intersection of the rights-of-way line of two (2) streets or of the right-of-way line of a street intersection with a railroad right-of-way line and joining these points with a straight line. No type of tree or planting or other obstruction shall be planted, placed, maintained, or continued in such a manner which would obstruct the vision clearance at corners and railroad crossings.

Changes from existing provisions are noted: **Substantive Additions** and ~~Deletions~~

The following shall be the classification of fences and walls for this Ordinance:

1. Hedges;
 2. Retaining walls;
 3. Other masonry walls;
 4. Ornamental iron (eighty percent (80%) open);
 5. Woven wire-Chain Link (eighty percent (80%) open);
 6. Wood or other materials (more than fifty percent (50%) open);
 7. Solid fences - wood or other materials (less than fifty percent (50%) open);
 8. Barbed wire or sharp pointed fences;
 9. Earthen or concrete walls intended to contain or redirect flooding waters, or otherwise serve as a physical barrier.
- E. Fences and Walls in the Conservation and River Preservation Districts. Fences and/or walls within the Conservation and River Preservation Zoning Districts shall conform to the following requirements **in addition to sub-section D. above:**
1. ~~Section 12.0, except that~~ In front yards, class 2,4, or 5 fences may be erected up to a maximum height of eight (8) feet;
 2. Side and rear yard, class 1, 2, 3, 4, 5, 6, 7, or 8 fences and/or walls may be erected up to a maximum height of eight (8) feet;
 3. Class 9 walls shall be permitted but shall conform to requirements of the Corps of Engineers and/or City Engineer, whichever is applicable.
- F. Fences and Walls in the Residential Districts. Fences and/or walls within the Residential ~~Zones~~ **Zoning Districts** shall conform to the following requirements **in addition to sub-section D. above:**
1. ~~Section 12.0 and~~ The requirements set forth and depicted on Figure ~~2~~ **1** of this Ordinance for residential uses only.
 2. For all nonresidential uses Permitted, **Restricted**, or Conditional uses permitted herein:
 - a. ~~Section 12.0 except that~~ In front yards, class 1 or 2 fences may be erected up to a maximum height of six (6) feet;
 - b. Side or rear yards, class 1,2,3,4,5,6, or 7 fences or walls may be erected up to a maximum height of eight (8) feet;
- G. Fences and Walls in Business and Mixed Use Districts. Fences and/or walls within the **Business and Mixed Use Districts** ~~GC, HC and PO, CBD Zones including those permitted with all conditionally permitted uses in these zones~~ shall conform to the following requirements:

Changes from existing provisions are noted: **Substantive Additions** and ~~Deletions~~

1. ~~Section 12.0, except that~~ In front yards of, GC, HC, and PO, CBD Zones, Classes 1, 2, or 3 fences may be erected up to a maximum height of ~~six (6)~~ **three (3)** feet; and ~~except class 6 fences may be erected in front yards of HC zones to a maximum height of four and one (4 1/2) feet.~~
 2. Side and rear yard, classes 1, 2, 3, 4, 5, 6, or 7 fences and/or walls may be erected up to a maximum height of eight (8) feet except that ~~Section 12.0~~ **sub-section 5.1.04 D.** shall prevail at all intersections.
- H. Fencing for Athletic Activities. In ~~zones~~ **zoning districts** where permitted, public and semi-public athletic fields, ball fields, tennis courts, and similar recreation areas may be fenced with fences of a maximum height of twelve (12) feet. Baseball field backstops may have a maximum height of sixteen (16) feet.
- In Residential Districts, private athletic fields, tennis courts and similar recreation areas may be fenced with Class 4 or Class 5 fences to a maximum height of twelve (12) feet. These fences shall be setback an additional one-foot from the minimum building setbacks established in each ~~zone~~ **zoning district** for each additional foot in height above the foot maximum height established in ~~Section 12.3~~ **5.1.04 D.** of this Ordinance.
- I. Height for Barbed Wire or Sharp Pointed Fences. ~~In zones~~ Where permitted, barbed wire or sharp pointed fences, shall not be less than a height of six (6) feet.
- J. General Provisions for Fences and Walls.
1. Measurement of All Fence and/or Wall Heights.
 - a. All fences and/or wall heights shall be measured from their top edge to bottom edge, except as stated in ~~Section 12.0~~ **sub-section 5.1.04 D.**, and shall be maintained at bottom edge of no greater than 3 inches from the existing grade at any point.
 - b. All locations for distance measurements shall be measured from lot lines.
 2. Height of Fences atop Retaining Walls. A combination fence and retaining wall may be erected. The retaining wall portion may be erected up to the level of the higher finished grade. The fence portion must be of the class and height permitted within this Ordinance for the applicable zone. Said measurement shall be made at the location of the fence and retaining wall. Where difference in grade require “guards” per Kentucky Building Code (KBC), fencing and/or guards shall meet the minimum standards of this Ordinance and the KBC.

Changes from existing provisions are noted: **Substantive Additions** and ~~Deletions~~

3. **Structural Elements of Fences.** Fences shall be constructed so that all structural members shall be located on the inside of the fence. The inside shall be the side which faces the property owned by the person building the fence.

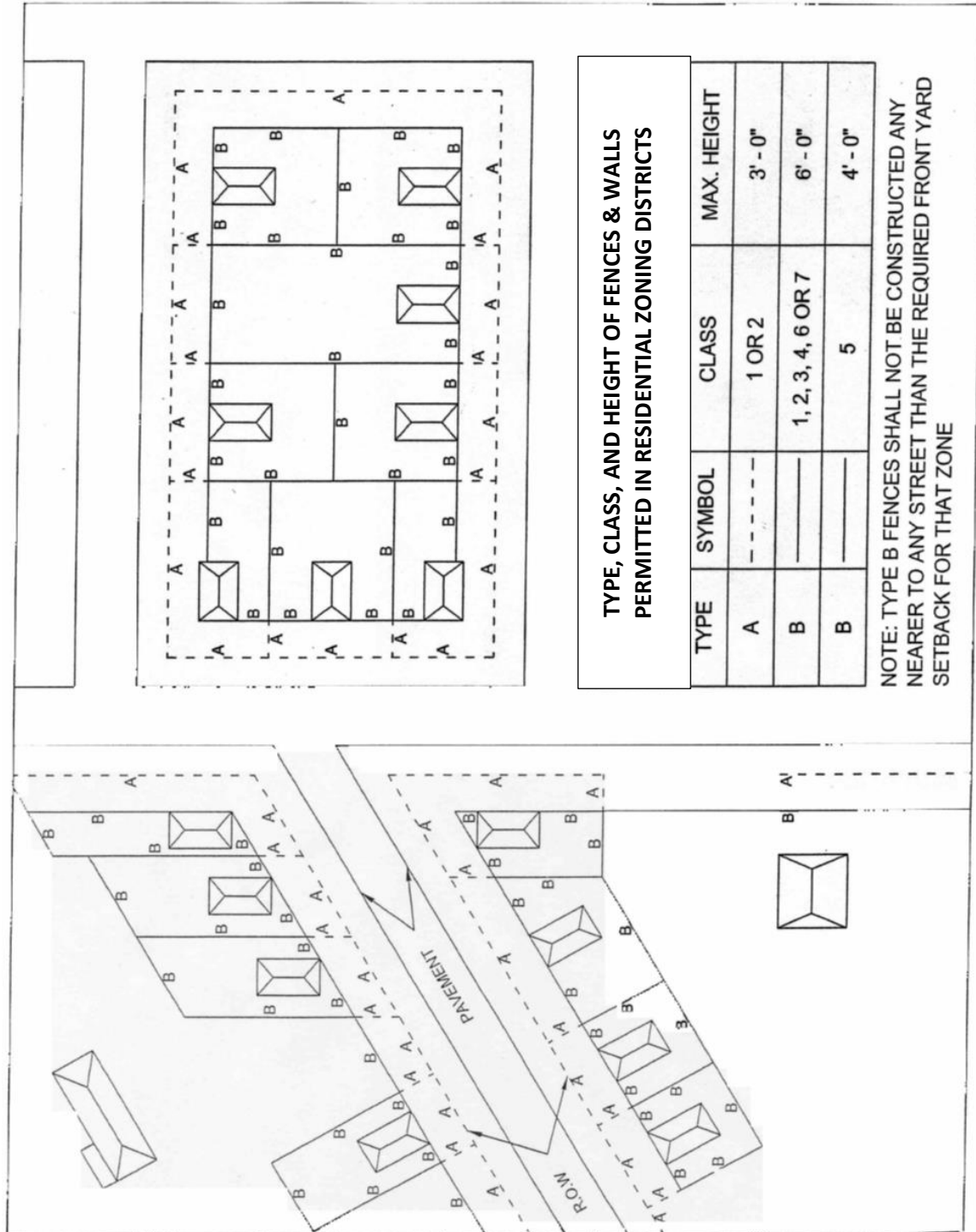


Figure 1 - TYPE, CLASS, AND HEIGHT OF FENCES & WALLS PERMITTED IN RESIDENTIAL ZONING DISTRICTS

- K. **Satellite Receiving Antenna for All Zoning Districts.** Satellite Receiving Antenna in all Zoning Districts shall conform to the following requirements:
1. A satellite receiving antenna, and its components, herein defined as an accessory structure, shall not be permitted within any front yard ~~depth~~ or side ~~yard depth~~ **setback** in any ~~zone~~ **zoning district**.
 2. In all ~~zones~~ **zoning districts**, a satellite-receiving antenna may be permitted in the rear yard area provided that such structures are set back from the rear lot line a minimum of fifteen (15) feet and set back from the side lot lines a minimum of fifteen (15) feet.
 3. The structure shall be mounted at ground level and the entire structure shall not exceed fifteen (15) feet in height as measured from ground level to the highest point of the structure.
 4. The dish antenna shall be limited to a maximum of ten (10) feet in diameter.
 5. No more than one (1) satellite receiving antenna shall be permitted per lot in single-family residential zones.
 6. No satellite-receiving antenna shall be roof-mounted or connected to any other structure.
 7. All structures shall be neutral in color ~~and bear no advertising emblem~~. The name of the manufacturer in letters shall not exceed two inches in height.
 8. In the case of a corner lot providing that all **setback** requirements ~~for yard space~~ are complied with, the rear yard shall be most opposite the front yard and front lot line.
 9. In the case of a double frontage lot, the unit shall be located within the required rear ~~yard depth~~ **setback** for that ~~zone~~ **zoning district**.
 10. A Building Permit is required before a structure is to be placed on any lot. All satellite-receiving antenna shall comply with all regulations of the Kentucky Building Code, the Federal Communications Commission and the Official Zoning Ordinance.
 11. Any dish-type antenna measuring twenty-four (24) inches in diameter or less shall be excluded from all provisions of ~~Section 9.15~~ **this sub-section**; however, dish-type antennae of this size shall still comply with all regulations of the Kentucky Building Code and the Federal Communications Commission.

L. Outdoor Swimming Pools.

1. Private Swimming Pools. All private swimming pools eighteen (18) inches or more in depth shall be regulated according to the following requirements:
 - a. Swimming pools shall be permitted to be located only to the side or rear of the principal permitted dwelling or dwellings, shall be a minimum of sixty (60) feet from the front lot line, meet side ~~yard~~ setback requirements and may encroach up to ten (10) feet into the minimum required rear **setback yard**.
 - b. Except as herein provided, no swimming pool, including the apparatus and equipment pertaining to the operation of the swimming pool shall be permitted within any required side ~~yards~~ **setback** of the lot nor within the limits of any public utility right-of-way or easement.
 - c. The swimming pool, or the property on which the pool is located, shall be surrounded by a fence or wall (only classes 1, 3, 4, 5, 6, and 7 are permitted as regulated in ~~Article XII~~ **sub-section 5.1.04 D.** of this Ordinance) at least four (4) feet in height but not exceeding a height of six (6) feet or of such construction that a small child may not reach the pool from the street or from any adjacent property without opening a door or gate or scaling a wall or fence as determined by the Zoning Administrator. The same shall have a self-closing and self-latching gate. Elevated or portable pools which sides are at least four (4) feet above the surrounding ground level for a minimum area of four (4) feet from the base of the pool will be considered to comply with this regulation, provided stairs, ramps, or ladders used for ingress and egress are protected by self-latching and self-closing gates or other approved protection. Pools located more than three hundred and fifty (350) feet from the nearest lot line are excluded from this fence requirement.
 - d. Glare from floodlights used to illuminate the swimming pool area for night bathing shall be directed away from adjacent properties and comply with ~~Section 9.14~~ _____ of this Ordinance.
 - e. All swimming pools including the apparatus and equipment pertaining to the operation of the swimming pool, shall be constructed and erected in accordance with all applicable codes, ordinances, and regulations of the City of Fort Thomas. Any water used in the operation of a swimming pool other than from a public source, shall be approved by the appropriate health department.
 - f. On a corner lot, a swimming pool shall conform to all setback requirements for a **principal** structure in that zone. When a swimming pool is placed on a corner lot whose rear lot line is common with a side

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lot line of an adjoining lot, a closed fence (less than 10% open) and screen plantings shall be placed on the corner lot to the extent necessary to screen the view of the pool and the view of the fence from said abutting lot. The minimum screening shall be determined by the Zoning Administrator.

2. **Public, Semi-Public, and Commercial Swimming Pools.** All public, semi-public, and commercial swimming pools shall be regulated according to the KBC and the following requirements:
 - a. Except as herein provided, no swimming pool including the apparatus and equipment pertaining to the operation of the swimming pool, shall be permitted within any required ~~yards~~ **setback** of the lot or within the limits of any public utility right-of-way easement.
 - b. No mechanical device for the reproduction or amplification of sounds used in connection with swimming pools shall create a nuisance to adjacent residential properties through the emission of noises, voices or music.
 - c. The swimming pool or the property on which the pool is located shall be surrounded by a fence or wall, (only classes 1, 3, 4, 5, 6, and 7 are permitted as regulated by ~~Article XII~~ **sub-section 5.1.04 D.** of this Ordinance) at least six (6) feet in height, but not exceeding the height as herein required, or of such construction that a small child may not reach the pool from the street or from any adjacent property without opening a door or gate or scaling a wall or fence as determined by the Zoning Administrator.
 - d. Pools located more than three hundred and fifty (350) feet from the nearest lot line are excluded from the fence requirement.
 - e. Glare from flood lights used to illuminate the swimming pool area for night bathing shall be directed away from adjacent properties and comply with ~~Section 9.14~~ _____ of this Ordinance.
 - f. All swimming pools including the apparatus and equipment pertaining to the operation of the swimming pool shall be constructed and erected in accordance with all applicable codes, ordinances, and regulations of the City of Fort Thomas. Any water used in the operation of swimming pool other than from a public source, shall be approved by the appropriate health department.

Changes from existing provisions are noted: Substantive Additions and ~~Deletions~~

- M. **Solar Energy System (SES), Integrated & Rooftop. Integrated and Rooftop Solar Energy Systems are permitted as an accessory structure when attached to a principal or accessory building and installed in conformance with the following:**
1. **Solar Access. Consistent with KRS 381.200(2), a property owner may obtain a solar easement from another property owner for the purpose of ensuring adequate exposure to sunlight for an Integrated or Rooftop SES. Such easement shall be recorded.**
 2. **Tree Removal. The removal of trees or natural vegetation for an Integrated or Rooftop SES shall be limited to the extent practicable or any applicable regulations or restrictions.**
 3. **Height Restrictions.**
 - a. **A rooftop SES may exceed the maximum permitted height for the structure type by no more than five (5) feet.**
 - b. **A rooftop SES shall be positioned on the roof so as not to extend above or beyond the edge of any ridge, hip, valley, or eave, provided that where it is mounted on a sloped roof, the SES shall not vertically exceed the highest point of the roof to which it is attached by more than five (5) feet except whenever rooftop SES are located on the front of the structure with pitched, hipped, or gambrel roofs, the panels shall be mounted at the same angle as the roof's surface with no more than 18 inches between the roof and the upper side of the SES.**
 4. **Lighting. Integrated and Rooftop SESs shall not be illuminated and shall be designed and installed to prevent off-site glare.**
 5. **Integrated SESs shall comply with all setback requirements for the structure type.**
 6. **Glare. SESs shall be placed and arranged such that reflected solar radiation or glare shall not be directed onto adjacent buildings, properties, or streets.**

Question to Consider: Are these appropriate standards for Integrated and Rooftop Solar Energy Systems, particularly the height exception?

Changes from existing provisions are noted: **Substantive Additions** and ~~Deletions~~

SECTION 5.7 Sign Regulations

5.7.01	Intent.	5.7.08	Murals.
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5.7.01 INTENT.

The purpose of this Section is to promote the public health, safety, and welfare through the provision of standards for existing and proposed signs of all types. More specifically, this Section is intended to:

- A. Encourage the effective use of signs as a means of communications in the City of Fort Thomas.
- B. Maintain and enhance the aesthetic environment and the City's ability to attract sources of economic development and growth.
- C. Improve pedestrian and traffic safety.
- D. Minimize the possible adverse effect of signs on nearby public and private property.
- E. Enable the fair and consistent enforcement of these Sign Regulations.
- F. **Promote and maintain visually attractive residential and commercial areas by reducing visual clutter and preventing blight characterized by oversized, overcrowded, abandoned, obsolete, and/or dilapidated signs.**
- G. **Ensure that signs are located and designed to reduce distraction and confusion as factors that may contribute to traffic congestion and accidents and thereby maintain a safe and orderly pedestrian and vehicular environment.**
- H. **Provide review procedures that enable the City to evaluate thoroughly the appropriateness of a sign to a specific site or building and its surroundings.**
- I. **Achieve an appropriate balance between signs as a means of communication and reducing the distractions caused by signs.**
- J. Prohibit all signs not expressly permitted by this Section.

Changes from existing provisions are noted: **Substantive Additions** and ~~Deletions~~

- K. **Promote clarity in sign communications while providing reasonable and appropriate opportunities to identify properties and advertise goods and services.**
- L. Provide for the enforcement of the provisions of ~~this Ordinance~~ **these Sign Regulations.**
- M. To allow certain signs that are small, unobtrusive and incidental to the ~~principle~~ **principal** use of the respective lots on which they are located, subject to the substantive requirements of ~~this Ordinance~~ **these Sign Regulations**, without the requirements of a Sign Permit.

5.7.02 GENERAL PROVISIONS.

The information contained in this ~~Chapter~~ **Section** is intended to be used as criteria, **as applicable**, in all other ~~Chapters and~~ Sections of this Ordinance; however, there may be areas that need more detail or explanation. In those cases, the information in those ~~Chapters or~~ **applicable** Sections shall be used.

~~Ordinance Interpretation. The Zoning Administrator of the City of Fort Thomas is charged with issuance of permits and the enforcement of this Ordinance. Appeal of decisions of the Zoning Administrator shall be made through the Fort Thomas Board of Adjustment pursuant to Article XVIII _____.~~

- A. **General Regulation.** Signs shall be erected maintained or continued in compliance with the regulations for the ~~zone~~ **zoning district** in which they are located, all applicable provisions and regulations of this Ordinance or any applicable laws, codes, including the Kentucky Building Code, or ordinances of the City of Fort Thomas.
- B. **Placement of Signs.** It shall be unlawful and a violation of this Ordinance for any person to fasten, place, paint or attach in any way any sign, handbill, poster, advertisement, or notice of any kind, ~~whether political or otherwise~~, or cause the same to be done in or upon any curbstone, lamp post, utility pole, hydrant, bridge, culvert, public drinking fountain, ~~public~~ trash container, ~~courtesy~~ benches, rest station building, tree, **other structure not intended or approved as a sign support** or in or upon any portion of any public sidewalk, street or sign, except as specifically permitted within this Ordinance.

5.7.03 CLASSIFICATION OF SIGNS.

The following shall serve as definitions for terms used in this Section:

- A. **Abandoned Sign: A sign that identifies or advertises a business, lessor, service, owner, product, or activity no longer conducted on the premises for 90 consecutive days, and/or for which no legal owner or proprietor is found on the premises.**

Changes from existing provisions are noted: **Substantive Additions** and ~~Deletions~~

- B. **Animated Sign: A sign that uses movement or change of lighting to depict action or to create a special effect or scene.** Any sign having a conspicuous and intermittent variation in the illumination or physical position of any part of the sign.
- C. **Banner Sign: A temporary sign composed of cloth, canvas, plastic, fabric or similar lightweight, non-rigid material that can be mounted to a structure with cord, rope, cable, or a similar method, or that may be supported by stakes in the ground. National and state flags and the official flag of any organization, institution or business shall not be considered banners.**
- D. **Bench Sign:** A sign painted on or affixed to any portion of a bench or seating area at bus stops or other such pedestrian areas.
- E. **Building Marker: Letters, words, or insignia cut into the building surface, or otherwise permanently mounted on the building, with the name or address of the building, date of construction, or to convey a memorial or similar message.**
- F. **Building-Mounted Sign: A sign that is applied or attached to any part of a building including but not limited to wall, cabinet, awning, canopy, marquee, projecting, hanging, and painted signs.**
- G. **Cabinet Sign: A building-mounted sign that may be multi-sided incorporating a rigid frame, which supports and retains the removable sign face panel(s) and/or background constructed of plastic or similar translucent materials, and which usually has an internal light source. Cabinet signs do not include signs composed of individually mounted and individually illuminated letters or logos.**
- H. **Canopy or Awning Sign: A sign on or attached to the awning, canopy, or other fabric, plastic, or structural protective cover over a door entrance or window. See Illustration of a Canopy or Awning Sign.** Any sign affixed directly to any canopy.

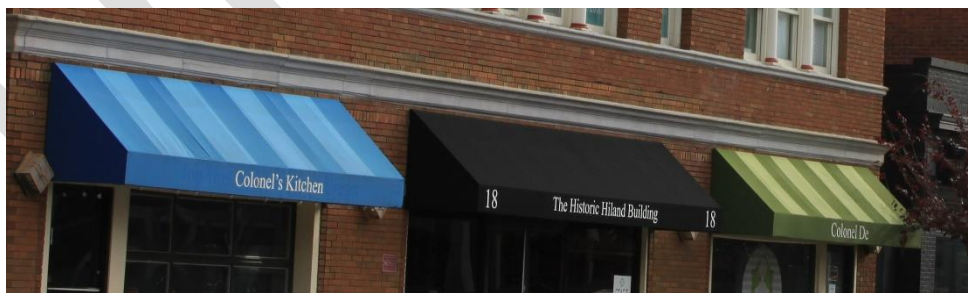


Illustration of Canopy or Awning Sign

- I. **Canopy Valance: That portion of a canopy consisting of short strips or bands of material hung at the lower edge of the canopy.**
- J. **Changeable Copy Sign: A sign on which the message or graphics is not permanently affixed to the structure, framing, sign face, or background and is**

Changes from existing provisions are noted: **Substantive Additions** and ~~Deletions~~

designed to be periodically replaced or changed by mechanical devices or manually usually through the placement of letters or symbols on a panel mounted in or on a track system sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this Ordinance.



Illustration of Directory Sign

- K. **Comprehensive Sign Plan. A coordinated program of all signs, including exempt and temporary signs, located on a development site.**

- L. **Directory Sign:** A sign that lists the names of the occupants of a multiple occupancy building **or site**. See Illustration of Directory Sign,

- M. **Electronic Message Center. An electrically activated changeable sign whose variable message and/or graphic presentation capability can be electronically programmed by computer from a remote location. Also known as an EMC. EMCs typically use light emitting diodes (LEDs) as a lighting source. See Illustration of Electronic Message Center.**



Illustration of Electronic Message Center

- N. **Feather Sign: A sign with a flexible or rigid pole to which one side of a flexible fabric, generally in the shape of a feather or similar shape, is attached, and which is used for the primary purpose of advertising or attention-getting by the public display of visually communicative images. Such banners are also known and sold under names which include, but are not limited to, "quill sign," "banana banner," "blade banner," "flutter banner," "flutter flag," "bowflag," "teardrop banners," and others. The definition includes functionally similar display devices. See**



Illustration of Feather Sign

Changes from existing provisions are noted: **Substantive Additions** and ~~Deletions~~

Illustration of Feather Sign.

- O. **Festoons: A string of ribbons, tinsel, small flags, pinwheels or the like.**
- P. **Flashing Sign: A sign, other than a changeable copy sign or animated sign, which contains an intermittent or sequential flashing light source, used primarily to attract attention.**
- Q. **Freestanding Sign: A sign supported by one or more uprights, posts, columns, or vertical structures or supports affixed to the ground and not attached to any part of the building. See Figure 1. Any sign that is set firmly in or upon the ground surface and is not attached to any building or other structure.**

- R. **Ground Sign: A freestanding sign, other than a pole or pylon sign, whose sign surface is attached to a proportionate solid base, typically on a monument or pedestal structure. See Illustration of a Ground Sign.**



Illustration of Ground Sign

- S. **Hanging Sign: A double-faced sign mounted to a wall or building that hangs from a bracket or support structure. See Illustration of a Hanging Sign.**



Illustration of Hanging Sign

- T. **Illuminated Sign: A sign with an artificial light source incorporated internally or externally for the purpose of lighting the sign.**
- U. **Incidental Instructional Sign: A sign or signs that support and facilitate traffic flow and safety needs or otherwise supports the operational convenience for the benefit of facility owner or tenant and the customers alike.**

~~SIGN, INCIDENTAL: A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives. No sign with a commercial message~~

Changes from existing provisions are noted: **Substantive Additions** and ~~Deletions~~

~~legible from a position off the lot on which the sign is located shall be considered incidental.~~

- V. **Individual Letter Sign**: Letters and/or numbers individually fashioned from metal, glass, plastic or other materials and attached directly to the wall **or a runway attached directly to the wall** of a building, but not including a sign painted on a wall or other surface.
- W. **Marquee Sign**: **A sign attached to or supported by a permanent roof-like structure or canopy of rigid materials supported by and extending from the façade of a building. See Illustration of a Marquee Sign.**



Illustration of Marquee Sign

- X. **Menu Board**: **A sign, usually used by a restaurant, which is either mounted to the building, or located near the building alongside a driving or stacking lane. A "menu board" shall not be counted as a sign under Section 5.7 so long as it complies with the following requirements:**
- 1. It is constructed as an accessory use to a "drive-up service window" or "drive-thru";**
 - 2. The menu board does not face the municipal right-of-way but faces a side or rear property line;**
 - 3. No more than two (2) menu boards for each "drive-thru service window" are permitted; and,**
 - 4. It complies with all other requirements, as applicable, for a wall sign or freestanding sign as set forth in these Sign Regulations.**
- Y. **Mural**: **Any pictorial or graphic illustration that is painted, constructed, or affixed onto an outside vertical wall, facade, or other surface of a building or structure other than a sign structure that does not constitute a sign as defined by this Section, which is meant to be decorative in nature and where architectural elements of a given wall are incorporated harmoniously therein. A mural may contain incidental text, logos, or symbols, but is generally for the purpose of decoration or artistic expression.**

Changes from existing provisions are noted: **Substantive Additions** and ~~Deletions~~

- Z. **Nonconforming Sign: A sign which was erected legally but that no longer complies with current sign restrictions and regulations.**

~~SIGN, NON-CONFORMING: A sign that was erected, installed or displayed in compliance with previous sign regulations but which is not in compliance with this Ordinance and which has not been reconstructed, altered or otherwise modified since the adoption of this Ordinance except to bring the sign into compliance with the provisions of this Ordinance.~~

- AA. **Pedestrian Sign: A sign near or at street/sidewalk level that is oriented and scaled to the pedestrian, rather than the motorist. Such sign typically has two hinged boards or faces that can be placed on the ground that is used on a temporary basis.**

- BB. **Permanent Sign: A sign permitted by this Ordinance designed to be permanently attached to a building, structure, or the ground that is constructed of rigid, non-flexible materials that enables the sign to resist environmental loads, such as wind, and precludes ready removal or movement of the sign.**

- CC. **Pole Cover: An enclosure for concealing and/or for decorating poles or other structural supports of a freestanding sign.**

- DD. **Pole Sign: A permanent freestanding sign with a visible support structure that is usually double-faced, mounted on a round pole(s), square tube, or other fabricated member without any type of secondary support. pole signs may be internally or externally illuminated. See Pylon Sign.**



Pole Sign

- EE. **Portable Sign: A sign that is designed to be transported on wheels, skids, a bench, runners, brackets or has a frame to which wheels, skids, runners, brackets or similar mechanical devices are or can be attached.**

~~SIGN, PORTABLE: A sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported including, but not limited to, signs designed to be transported by means of wheels; signs converted to A or T frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way.~~

- FF. **Projecting Sign: A sign that projects from and is supported by a wall or parapet of a building with the display surface of the sign in a plane perpendicular to or approximately perpendicular to the wall. See Figure 1 and Illustration of Projecting Sign.**



Changes from existing provisions are noted: **Substantive Additions** and ~~Deletions~~

~~Any sign projecting from the face of a building and securely attached to the building by bolts, anchors, chains, guys, or to posts, poles, or angle irons attached directly to the building.~~

Illustration of Projecting Sign

- GG. Pylon Sign: A freestanding sign with a visible support structure enclosed with a pole cover. Often called pole signs, pylons may be internally or externally illuminated.**
- HH. Roof Sign: A sign erected on, above or over the roof of a building.**
- II. Rotating Sign: A sign, or any portion thereof, which moves in a revolving or similar manner.**
- ~~SIGNS: Any word, lettering, figures, numbers, phrases, sentences, emblems, devices, (including loud speakers, banners, posters, pennants, flags, ribbons, streamers, spinners, or other similar moving devices as well as strings of lights or spotlights) designs, pictures, trade names or trademarks by which is affixed to, or represented directly or indirectly upon a building, structure, or piece of land and which directs attention to an object, place, activity, person, firm, corporation, institution, business service, commodity or a product, which are visible from the rights-of-way of any street, road or highway and designed to attract attention. The term "sign" shall not include the flag, pennant, or insignia of any nation, state, county, city, or other political unit. This definition is meant to include any political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, monument, event or any type of traffic or warning sign or signal or the usual house or building number.~~
- ~~SIGN, ADVERTISING: A sign, which directs attention to a business, commodity, service, or entertainment, conducted, sold or offered:~~
- ~~A. Only elsewhere than upon the premises where such sign is located or to which it is affixed; or~~
- ~~B. As a minor and incidental activity upon the premises where the sign is located.~~
- ~~SIGN, AREA: The total area of the sign face which is used to display a message, not including its supporting poles or structures.~~
- JJ. Sign: Any object, device, display, or structure, or part thereof, visible from a public place, a public right-of-way, any parking area, or any navigable body of water which is designed and used to attract attention to an institution, organization, business, product, service, event, or location by any means involving words, letters, figures, designs, symbols, fixtures, logos, colors, illumination, or projected images. The definition of sign shall include all parts, portions, units, and materials composing the same, together with the frame, background, and supports or anchoring thereof.**
- KK. Sign Band: A horizontal band extending the full width of the building facade and**

Changes from existing provisions are noted: **Substantive Additions** and ~~Deletions~~

located between the highest first floor windows and the cornice, or if there is more than one story, the highest first floor windows and the bottom of the second floor windows.

- LL. **Sign Face: An exterior display surface of a sign including non-structural trim exclusive of the supporting structure. Typically refers to the most prominent message area of a sign, but may refer generically to the surface area on a sign where copy is displayed.**
- MM. **Temporary Sign: A sign that is designed to be used only temporarily and is not permanently, or intended to be permanently, attached to a building, structure, or on the ground. Examples of these signs include, but are not limited to, banners and feather signs**

A sign, including paper, cardboard and fabric signs, which is used for a limited period of time and is not permanently mounted.

- NN. **Wall Sign: A sign on the surface or on the outside wall of any building, or erected parallel thereto, which does not extend more than 12 inches therefrom and which does not project above the roofline or beyond the corner of the building. See Figure 1 and Illustration of Wall Signs.**



Illustration of Wall signs

SIGN, FLAT: Any sign which is attached directly, in rigid manner and parallel to the building wall and shall not extend outward from the building wall more than twelve (12) inches, except, however, if the sign is illuminated, the reflectors shall project not more than four (4) feet beyond the face of the sign. Such sign or signs shall not extend beyond the top or ends of the wall surface on which they are placed.

- OO. **Window Sign: A sign that is attached to, affixed to, painted on, or located within two (2) feet inside of a window and exposed to public view outside of the building. Any type of sign or outdoor advertising device which is attached to a window of any building, but shall not extend past the limits of said window. For the purpose of **this Section 5.7** Article XV SIGN REGULATIONS, the word "window" shall be construed to**

Changes from existing provisions are noted: **Substantive Additions** and ~~Deletions~~

mean any glass, which comprises part of the surface of the wall regardless of its ability to be moved. **See Figure 1 – Illustration of Sign Types.**

~~SIGN, ELECTION: A temporary sign directly associated with national, state or local elections.~~

~~SIGN, ON-SITE: A sign which directs attention to a business located at or a service or product offered on the same lot where the sign is displayed.~~

~~SIGN, TIME OR TEMPERATURE: A sign or portion thereof on which the only copy that changes is an electronic or mechanical indication of time or temperature.~~



Figure 1
Illustration of Types of Signs

Illustration from A Planners Dictionary. Edited by Michael Davidson and Fay Dolnick

5.7.04 APPLICATION OF SIGN REGULATIONS.

The regulations contained in this Section shall apply to all signs in the City of Fort Thomas.

- A. Signs ~~shall~~ **may** be erected, placed, established, painted, **altered, reconstructed, moved** or maintained, **in whole or part**, only in conformance with the standards, procedures, exemptions, **type, design, size, location, illumination and** other requirements **set forth in this Section Ordinance and in accordance with other applicable codes and regulations of the City.**
- B. **Architectural features that are either part of the building or structure are not considered signs and are exempt from these regulations. Architectural features include any construction attending to, but not an integral part of the sign, and which may consist of landscaping, building or structural forms that enhance the site in general. An architectural feature means ornamentation or decorative**

Changes from existing provisions are noted: Substantive Additions and ~~Deletions~~

elements attached to, incorporated into, or projection from the exterior of a building. Architectural features include, but are not limited to, doors, windows columns, cornices, eaves, gutters, belt courses, sills, lintels pediments, bay windows, chimneys, trim details and decorative ornaments.

C. The following signs and displays are exempt from the Sign Regulations of this Section:

1. A public regulation and information sign, municipal and traffic signs, and a sign displaying a public notice or warning required by federal, state, or local law, ordinance, or regulation;
2. Flags of the United States, the Commonwealth of Kentucky, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction. These flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting these conditions shall be considered a sign and shall be subject to regulations as such;
3. Decorations pertaining to religious or secular holidays when displayed during the appropriate time of the year. Decorative elements of a temporary nature intended for the acknowledgment of a cultural holiday or season when displayed during the appropriate time of the year; ~~Holiday lights and decorations on residential lots with no commercial message.~~
4. Signs conforming to the Manual of Uniform Traffic Control Devices and other government signs for traffic control, public safety, and other regulatory purposes. ~~Traffic control signs on private property, such as Stop, Yield, and similar signs, and which contain no commercial message.~~
5. Any sign in a building, not attached to a window or door that is not legible from a distance of more than three (3) feet beyond the building in which such sign is located. ~~Signs inside a building and not visible from the exterior, but shall not include signs within open malls or open courts~~
6. Any outdoor sign that is not in any way visible from any adjacent public right-of-way or from any adjacent property.
7. ~~Window signs, except in the CBD where signs are subject to approval of the Design Review Board~~

5.7.05 COMPUTATIONS AND RULES OF MEASUREMENT.

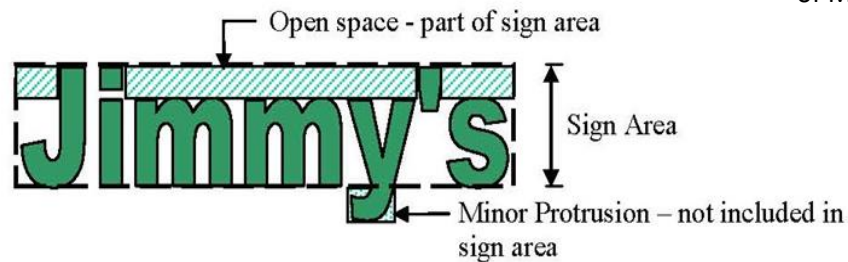
The following regulations shall control the computation and measurement of sign area, sign height, and building frontage:

A. Determining Sign Area.

Changes from existing provisions are noted: **Substantive Additions** and ~~Deletions~~

1. **Sign area shall include the face of the entire display area of the sign. Sign area shall not include the structural support unless such structural support is an integral part of the sign design.**
2. **For a sign that is framed, outlined, painted, or otherwise prepared and intended to provide a background for a sign display, the area of the sign shall be the area of no more than three geometric shapes that encompasses the entire background or frame. Any protrusions beyond the area of less than 5% of the total sign area shall be exempt.**
3. **For a sign comprised of individual letters, figures or elements on a wall or similar surface of a building or structure, or on a regular or irregular shaped freestanding sign, the area of the sign shall be the area of up to three geometric shapes that encompasses the perimeter of the area on which all elements of the sign display are located. Any protrusions beyond the area of less than 5% of the total sign area shall be exempt. See Figure 2.**

Figure 2
Calculation of Open Space & Area of Minor Protrusion



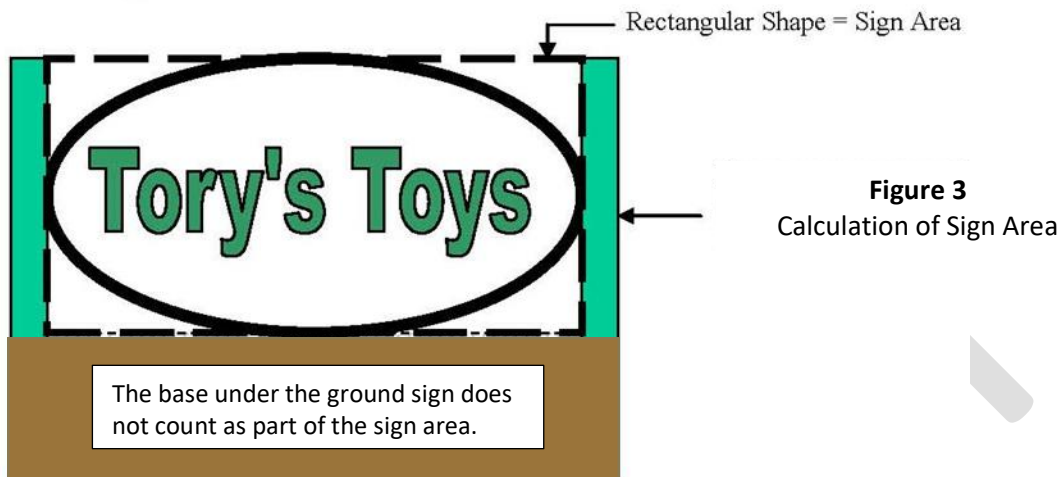
4. **For freestanding signs and projecting signs:**
 - a. **The sign area shall be computed by the measurement of one of the faces as prescribed above when two identical display faces are joined parallel to each other and are within two feet of each other. See Figure 3.**
 - b. **No more than two display faces shall be permitted for one sign.**
 - c. **The sign area shall not include:**
 - i. **A pole or other structural support unless such pole or structural support is internally illuminated or otherwise so designed to constitute a display device or a part of a display device;**
 - ii. **Architectural features that are a part of the freestanding or projecting sign and are not an integral part of the sign; and,**
 - iii. **Landscaping for freestanding signs.**

Computation of Area of Multi-faced Sign. The sign area for a sign with more

Changes from existing provisions are noted: **Substantive Additions** and ~~Deletions~~

~~than one face shall be computed by adding together the area of all sign faces visible from any one point.~~

~~When two identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one of the faces.~~



~~Computation of Area of Individual Signs. The area of a sign face (which is also the sign area of a wall sign or other sign with only one 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 of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing or decorative fence or wall when such fence or wall is clearly incidental to the display itself.~~

- B. **Determining Sign Height. The height of a sign shall be measured from the average grade at the base of the sign or support structure to the top of the sign or support structure, whichever is highest. Decorative caps on top of the support posts shall not be included in the total sign height provided they do not exceed nine (9) inches in height. The height of a freestanding sign on an earthen mound shall be measured from the average site grade at the perimeter of the mounded area.**

~~The height of a sign shall be the vertical distance measured from average elevation of the finished grade to the highest attached component of the sign exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating or elevating the sign.~~

Changes from existing provisions are noted: Substantive Additions and ~~Deletions~~

- C. **Determining Building and Tenant Space Frontage.** For the purposes of these Sign Regulations, the length of the building wall that faces a public street, that faces a parking lot, or that contains a public entrance to the uses therein shall be considered the building frontage as provided below:
1. **Each building frontage shall be entitled to the sign area permitted in this Section.**
 2. **The building frontage shall be measured along such building wall between the exterior faces of the exterior side walls.**
 3. **In the case of an irregular wall surface, a single straight line extended along such wall surface shall be used to measure the length.**
 4. **For multi-occupant buildings, the portion of a building that is owned or leased by a single occupant shall be considered a tenant space. The building frontage for a tenant space shall be the distance as measured between the centerlines of each party wall bordering the tenant space.**
 5. **The primary frontage is the wall with the main public entrance to a building or tenant space. A site/building may have secondary frontage when any of the following site/building characteristics are present: (See Figures 4a and 4b.)**
 - a. **The subject site is located on a corner or through lot; or**
 - b. **The primary parking area is not located adjacent to a public street; or**
 - c. **The building or unit has exterior walls with public entrances that do not face the public street.**
 6. **When a site has primary and secondary frontage, as defined in sub-section 5.7.05 (C) 5., the applicant shall determine, for signage purposes, which wall shall be the primary building frontage and which wall(s) shall be the secondary building frontage. A business shall have only one wall with primary building frontage. Any business and/or building shall be limited to two secondary frontages.**
- D. **Determining Window Area.** The window area of a building shall be the total glass area of windows on the building frontage. For the purposes of these regulations, a single glass window shall be all of the glass area that has less than six (6) inches of separation from other glass areas. For the purposes of determining window area for ground floor occupants, the ground floor shall only include the glass area to a height of fifteen (15) feet above the average elevation of the finished grade of the building.
- E. **Determining Sign Setbacks.** The required setbacks for any freestanding sign shall apply to all elements of the sign, including its frame and base.

Illustration of Primary and Secondary

Figure 4a - Multi-Tenant Building

- █ Primary
- █ Secondary

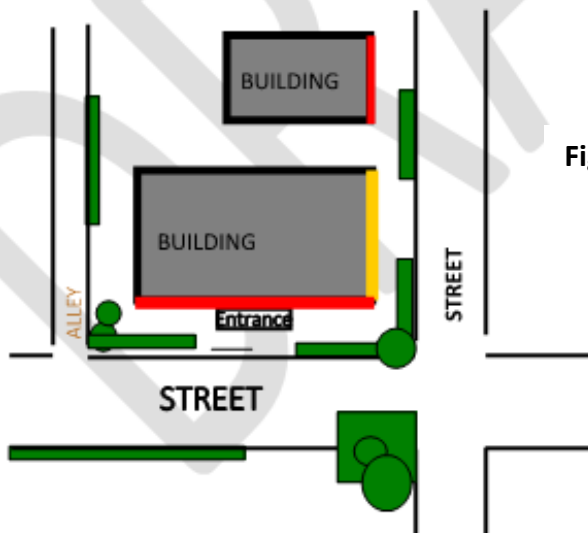
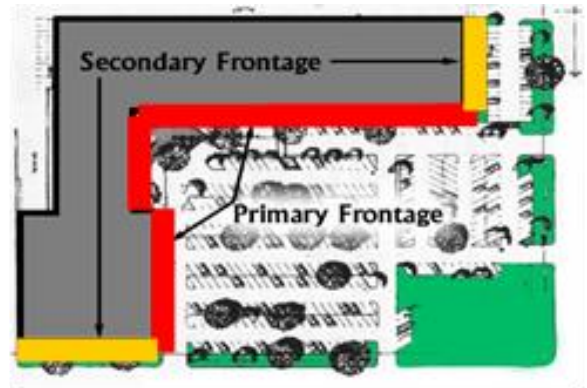


Figure 4b - Single Tenant Building

5.7.06 SIGNS IN NON-RESIDENTIAL DISTRICTS.

Signs in Business, Mixed Use, and River Preservation Districts shall conform to the standards set forth in this sub-section 5.7.06.

- A. Maximum Number and Area of Permanent Signs Attached to Buildings. Permanent signs attached to buildings shall conform to the maximum number, area limitations, and other requirements set forth in Schedule 5.7.06 A.

Changes from existing provisions are noted: **Substantive Additions** and ~~Deletions~~

Schedule 5.7.06 A. Permanent Building-Mounted Signs for the Primary Frontage ^{(1) (5)}						
Type of Sign	Permit	Maximum Area	Illumination	Sign Placement	Maximum Number	Additional Requirements
1. Hanging, Wall, Marquee ⁽²⁾	Yes	1 square foot of area for each horizontal linear feet frontage of building wall upon which sign is to be located	Permitted, external or internal illumination with no flashing or animation Adjacent to Residential Uses: No illuminated wall signs on side or rear of building	The width of a wall & hangings sign shall not exceed ninety percent (90%) of the width of the tenant space or length of the building frontage or tenant space. At least five percent (5%) at each end of the building frontage shall remain open and unoccupied by signage. Wall, hanging & marquee signs shall not extend higher than the bottom of the sill of the second story window, or above the lowest point of the roof, or over 25 feet above grade (whichever is lowest) unless otherwise approved by the Design Review Board.	None, except the total area of all wall, hanging, and marquee signs shall not exceed 1 square foot of signage for each linear foot of primary building frontage	The entire sign should be affixed to one continuous, flat vertical, opaque surface or the sign may consist of individually mounted letters. See sub-section 5.7.06 B., Bonus Signs Upper floor tenants may have wall/hanging signs. For buildings with more than one occupant, the property owner shall designate which occupants may be identified on wall, hanging, and marquee signs.
2. Projecting	Yes	12 15 sq. ft. per sign face	Permitted, external or internal illumination with no flashing or animation	7 ft. of clearance above sidewalk Shall not project more than 6 feet from the building nor be closer than 18 inches from the back of curb. The top of the sign may shall not extend not extend above the parapet line or roof of a building higher than the lowest of: The bottom of the sills of the second story window The lowest point of the roof, 20 feet above grade	1 per tenant with minimum of 6 feet of separation between projecting signs	Maximum 2 sides No exposed guy wires or turnbuckles allowed

Changes from existing provisions are noted: **Substantive Additions** and ~~Deletions~~

Schedule 5.7.06 A. Permanent Building-Mounted Signs for the Primary Frontage ^{(1) (5)}						
Type of Sign	Permit	Maximum Area	Illumination	Sign Placement	Maximum Number	Additional Requirements
3. Canopy/ Awning Sign	Yes	<u>In the AP-MX, NC/O, & RP Districts:</u> 1 sq. ft. of area for each horizontal linear foot of building wall frontage <u>CBD:</u> ½ sq. foot for each horizontal linear foot of building wall frontage	Not Permitted	Shall project no more than 6 ft. from the face of the building and be no closer than 18 inches from the back of the curb. Shall provide clearance of 7 ft. from sidewalk/grade Awning/canopy signage only permitted above first and second floor windows & doors	NA	Wall signs may be placed above canopy/awning signs Signage is prohibited on cubed or curved awnings. Awning/canopy signage shall only be permitted on the valance of the awning or canopy. The canopy/awning valance containing signage shall not be more than 9 inches in height.
Incidental Instructional Signs ⁽³⁾	No	4 sq. ft.	Not Permitted	Incidental Instructional Signs shall only be located below the roofline or the uppermost portion of the parapet wall	2	NA
Directory Sign	Yes	15 square feet per sign face	Permitted, external or internal illumination with no flashing or animation	Shall be located at or below the first-floor sign band	1 sign for every 6 tenants	Tenants on upper floors may be identified on a directory sign Maximum one sign face, except projecting directory signs may have 2 sign faces.
Window Signs	No, except Permit Needed in CBD⁽⁴⁾	25% of window area	Permitted, external or internal illumination with no flashing or animation	May be placed in ground and upper floor windows	Limited by window area	NA

Changes from existing provisions are noted: **Substantive Additions** and ~~Deletions~~

Schedule 5.7.06 A. Permanent Building-Mounted Signs for the Primary Frontage ^{(1) (5)}						
Type of Sign	Permit	Maximum Area	Illumination	Sign Placement	Maximum Number	Additional Requirements
<p>⁽¹⁾ <u>The number of signs is not limited to a specific number. A building is permitted to have any number provided the total area of all signs does not exceed the maximum area allocation for each sign type.</u></p> <p>⁽²⁾ Where a single building or complex of buildings contains two (2) or more separate activities or establishments with their own separate exterior entrances, the individual establishment located therein shall be permitted wall signs and wall sign areas based on the portion of the building frontage used by the establishments as though they were individual buildings with individual street frontages.</p> <p>⁽³⁾ <u>Incidental Instructional signs shall be permitted in addition to all other signs when they are of such size and location that satisfy the intended instructional, way-finding purpose. Incidental instructional signs shall be permitted pursuant to Schedule 5.7.06 A. and may include the name of the business and logos.</u></p> <p>⁽⁴⁾ See sub-section 5.7.12 B. 2 a., Consideration by the Design Review Board</p> <p>⁽⁵⁾ For signs located within 100 feet of a Residential District, see sub-section 5.7.12 B. 2. b., Consideration by the Design Review Board</p> <p>NP = Not Permitted NA = Not Applicable</p>						

- Questions to Consider:
1. Projecting Signs: Should the area be enlarged? Larger projecting signs would permit such signs to be used as directory signs for multi-tenant buildings. Should projecting signs be allowed above the first-floor sign band?
 2. Should wall signs be permitted above the first-floor sign band?
 3. Should awning signage be permitted above windows on upper floors?

- B. **Bonus Signs.** A building-mounted sign permitted in Schedule 5.7.06 A. shall be erected in compliance with the following additional regulations.
1. **Sign Bonuses for Large Building Setbacks. In the AP-MX, NC/O, RP Districts, the maximum allowable area for a wall sign may be increased by 25% for each 100 feet of building setback where the building is visible from the street and located more than 100 feet from the street on which the building fronts. The sign bonus allowed herein shall not exceed 100% of the maximum allowable area.**
 2. **Sign bonuses for Corner & Through Lots, Side and Rear Entrances. The maximum allowable area for wall signs shall be increased above the allowable area set forth in Schedule 5.7.06 A. as followings:**
 - a. **Additional area shall be permitted when a building has a secondary frontage.**
 - b. **The sign area for signs on each secondary building frontage shall be no greater than sixty percent (60%) of the sign area permitted for the primary frontage.**

Changes from existing provisions are noted: **Substantive Additions** and ~~Deletions~~

- c. **At the applicant’s discretion, some or all of the sign area permitted for the primary frontage may be transferred to a secondary frontage. The resulting total area on the secondary frontage shall not exceed the maximum sign area permitted for the primary frontage. The election to transfer primary frontage sign area to secondary frontage shall be made in the sign application.**

C. **Permanent Freestanding Signs.** Permanent freestanding signs shall comply with the following regulations:

- 1. **Maximum Number, Area and Height, Minimum Setback of Permanent Freestanding signs.** Permanent freestanding signs shall comply with Schedule 5.7.06 C.

Schedule 5.7.06 C. Permanent Freestanding Signs ⁽¹⁾								
Type of Sign	Permit Needed	Maximum Area	Illumination	Sign Placement		Maximum Number	Maximum Height	Additional Requirements
				Minimum Setback from Side Lot Line	Minimum Setback from Right-of-Way			
a. Ground ⁽²⁾	Yes	<i>In the AP-MX, NC/O, & RP Districts:</i> 40 square feet <i>CBD:</i> ½ sq. foot per linear foot of lot frontage with a maximum of 40 sq. ft.	Permitted, external or internal (Letters only) illumination	5 feet	5 feet <u>Equal to height of sign</u>	1 per parcel <u>zoning lot</u>	10 feet	Shall only have two <u>sides-faces</u>
b. Pole/ Pylon ⁽³⁾	Yes	12 sq. ft. <u>16 sq. ft.</u>	Permitted, external or <u>internal illumination with no flashing or animation</u>	5 feet	5 feet <u>Equal to height of sign</u>	1 per parcel <u>zoning lot</u>	7 feet	Shall be landscaped in accordance with section 9.17; See sub-section 5.7.06 C. 2.

Changes from existing provisions are noted: **Substantive Additions** and ~~Deletions~~

**Schedule 5.7.06 C.
Permanent Freestanding Signs⁽¹⁾**

Type of Sign	Permit Needed	Maximum Area	Illumination	Sign Placement		Maximum Number	Maximum Height	Additional Requirements
				Minimum Setback from Side Lot Line	Minimum Setback from Right-of-Way			
c. Sandwich Board Pedestrian Sign	No	8 sq. ft. per side	Not Permitted; No animation	Shall allow 6 foot clear, unobstructed width on sidewalk for safe pedestrian passage , be placed within 6 inches of the face of the curb, not extend over curb line, and not restrict ingress/egress for vehicles		One per Store-Front One per tenant including upper floor tenants provided that such signs are spaced no less than 10 ft apart horizontally	4 feet	Sign shall only be displayed during hours business is open
Off-Street Parking Signs d. Incidental Instructional Signs⁽⁴⁾	No	6 sq. ft.	May be illuminated but only from a concealed light source and shall not be flashing, glaring, nor animated Not Permitted	NA	NA	1 per curb cut	5 feet	The Zoning Administrator may permit additional Incidental Instructional Signs within off-street parking areas & to serve the intended instructional, way-finding purpose

⁽¹⁾ For signs located within 100 feet of a Residential District, see sub-section 5.07.12 B. 2. b.

⁽²⁾ **Not permitted on the site when the building is set back less than 10 feet from the street right-of-way.**

⁽³⁾ **Only permitted for Menu Boards in the Alexandria Pike Mixed Use District and in the Neighborhood Commercial/Office District and as permitted by sub-section 5.7.06 C.2.**

⁽⁴⁾ **Incidental Instructional signs shall be permitted in addition to all other signs when they are of such size and location that satisfy the intended instructional, way-finding purpose. Incidental instructional signs shall be permitted pursuant to Schedule 5.7.06 C. and may include the name of the business and logos.** Shall be limited in subject matter to off-street parking direction and instructions and shall have no merchandise, manufacturing, service or other advertising

NP = Not Permitted

NA = Not Applicable

Questions to Consider: 1. Should the height of ground signs be reduced in the CBD? 2. Should pole/pylon signs be prohibited except in limited circumstances? 3. Should upper floor tenants have pedestrian signs?

2. Pole, Pylon and Ground Signs in the Neighborhood Commercial/Office District.
 - a. Pole/Pylon Signs Located adjacent to an Interstate Highway. In the **Neighborhood Commercial/Office District**, on parcels located adjacent to an Interstate Highway with principal access from a federal aid primary highway one (1) pole or pylon sign, not to exceed 400 square feet and 50 feet maximum height, shall be permitted on the owned/leased premises (for each free standing building) ~~where a qualified business activity is conducted~~; said sign shall be located within 50 feet of the building in which the business activity is conducted; however, in no case shall there be more than three (3) pole signs permitted within a ~~G.C.~~ **NC/O** development, regardless of the number of free standing buildings. Property subdivisions and/or outtakes of a ~~General Commercial~~ **Neighborhood Commercial/Office District** tract, approved by the Planning Commission, shall not constitute a separate ~~general commercial~~ development for the purposes of this sub-section.

Questions to Consider: It is necessary to permit such signs adjacent to I-471?

- b. Pole/Pylon/Ground Signs along US-27. **One pole, pylon, or ground sign is permitted on zoning lots located on US-27 in compliance with the following requirements:**
 - i. One (1) ground sign not to exceed 200 square feet with a maximum height of 20 feet for the purpose of identifying a commercial area. The sign shall be located at the entrance from an arterial highway into a ~~general commercial~~ **Neighborhood Commercial/Office District** development with multiple uses within the site;
 - ii. **The zoning lot shall be a minimum of 5 acres with more than 300 feet of frontage on US-27;**
 - iii. Additionally, one (1) electronic message sign ~~center~~ used as an integral part of the ~~above~~ permitted ground, **pole, or pylon** sign shall be permitted provided it complies with the ~~following~~ requirements in sub-section 5.7.06 C. 2. c.:
- c. Requirements for Electronic Message Center Sign.
 - i. Said sign shall not exceed one hundred (100) square feet and shall

Changes from existing provisions are noted: **Substantive Additions** and ~~Deletions~~

- not exceed a maximum height of twenty (20) feet;
- ii. ~~The messages permitted on said sign shall be limited to the uses operating within the development site and/or for public service announcements~~
 - iii. Said sign shall be located no closer than 450 feet to a residential ~~zone~~ **zoning** district;
 - iv. The operation of said sign shall be limited to the hours between 6:00 A.M. and 11:00 P.M., Sunday through Saturday;
 - v. The illumination of said sign shall not glare on to adjacent residential ~~zones~~ **zoning districts**;
 - vi. ~~The flashing or changing of intermittent messages shall not be less than five (5)~~ **eight (8)** second intervals. **During such interval, the entire message, graphic or display shall not be moving, flashing, Scintillating, animating, nor changing in color or light intensity or visibly changing in any other manner. The following EMC display features and functions are prohibited: continuous scrolling and/or traveling, flashing, spinning, rotating, and similar moving effects, and all dynamic frame effects or patterns of illusionary movement or simulating movement. ;**
 - vii. **Said sign** shall be neither flashing nor animated and ~~May~~ **shall** only be illuminated from a concealed light source; **and,**
 - viii. No part of any ground ~~or~~ pole, **or pylon** sign shall be closer than five (5) feet from any property line;
 - ix. ~~No pole sign shall be, at its lowest point, less than ten (10) feet from the ground;~~
 - x. Shall be landscaped in accordance with **this Ordinance; Section 9.17.**
 - xi. **Any Electronic Message Center that malfunctions, fails, or ceases to operate in its usual or normal programmed manner causing motion, movement, flashing or any other similar effects, shall be repaired or disconnected within 24 hours by the owner or operator of such sign.**
 - xii. **Audio Prohibited. EMCs shall not utilize audio devices to create sound.**

Changes from existing provisions are noted: Substantive Additions and ~~Deletions~~

- xiii. Each EMC sign shall be operated with monitoring and methods in place that shall either turn off the display, or show a full black image on the display, in the event of a malfunction that affects more than 50 percent of the EMC sign face.
 3. Minimum Sign Setback from Intersection. On corner lots, freestanding signs shall comply with the minimum sign setback from both street rights-of-way, as set forth in Schedule 5.7.06 C.
 4. Landscaping. Ground, pole, and pylon signs shall be erected in a landscaped area and not on sidewalks, drives, or in parking lots, except Menu Boards. Neither the landscaping nor the ground, pole, or pylon sign shall obstruct the view of vehicles entering or exiting the property.
 5. Multi-Occupant Facilities. When a ground sign is permitted on a site that has more than one occupant, the property owner shall designate which occupants shall be identified on the sign face.
- D. Temporary Signs. The following regulations for temporary signs supplement and are in addition to the sign regulations set forth in sub-sections 5.7.06 A. – C. A Sign Permit shall be required for these temporary signs.
1. Setbacks. All temporary freestanding signs shall be located no closer than five (5) feet from the street right-of-way line and ten (10) feet from a side lot line, unless specifically regulated otherwise.
 2. Temporary Signs Allowed for an Unrestricted Time on a Developed Non-residential Parcel. For an unrestricted amount of time, one (1) temporary sign shall be permitted per developed non-residential property. Maximum size for a freestanding sign is 20 square feet, and the maximum size for a temporary sign attached to a building is 20 square feet. The maximum height for a freestanding temporary sign is 6 feet.
 3. Temporary Signs Allowed for a Restricted Amount of Time on Developed and Undeveloped Parcels.
 - a. One (1) additional temporary sign may be located on a property during active construction authorized by a Zoning Permit provided the sign does not exceed 32 square feet.
 - b. One (1) additional temporary sign, either freestanding or building mounted, shall be permitted up to thirty (30) days, twice a year. The maximum size for a freestanding sign is 20 square feet, and the maximum size for a temporary sign attached to a building is 20 square feet. The maximum height for a freestanding temporary sign is 6 feet.

Changes from existing provisions are noted: **Substantive Additions** and ~~Deletions~~

- 4. **Number and Size on Undeveloped Non-residential Parcel. One (1) temporary sign shall be permitted per undeveloped property. Maximum size for a freestanding sign is 16 square feet. The maximum height for a freestanding, temporary sign is 6 feet.**

One (1) banner not exceeding twenty (20) square feet in size as well as balloons may be erected on the premises of an establishment, business or activity having a grand opening, or special event, provided that such sign be displayed for a period not to exceed seven (7) consecutive calendar days Two (2) such periods are allowed during a calendar year for each business unit or activity. A sign permit shall be obtained for these signs stating the beginning and ending days for display.

5.7.07 SIGNS IN RESIDENTIAL DISTRICTS.

Signs for all residential uses and for non-residential uses in the Residential Districts, Conservation District, Residential Cluster Development Overlay District, shall comply with the regulations set forth in this sub-section (R-1AA, R-1A, R-1B, R-1C, R-1D, R-1-CBD, R-2, R-3, R-5, CO, and RCD-O) shall conform to the standards set forth in this sub-section 5.7.07.

- A. **Sign Standards.** Permanent signs for all residential uses and for non-residential uses shall be limited in number, area, height, setback, and other requirements based on the type of use, as set forth in Schedule 5.7.07 A.

Schedule 5.7.07 A. Permanent Signs in the Residential and Conservation Districts						
Type	Permit Needed	Maximum Number Permitted	Maximum Area Per Sign	Illumination	Regulations for Freestanding signs	
					Maximum Height	Min. Setback
1. Signs for Single-family Detached, Detached Dwellings in RCD-O, Residential Care Facility for Persons with Disabilities, Two-Family Dwellings						
a. Wall Sign	No	1/DU	2 sq. ft.	Not Permitted	NA	NA
b. Ground Sign for Residential Subdivision ⁽¹⁾	Yes	1/development entrance ⁽⁴⁾	20 sq. ft.	External only	8 ft.	5 ft.
2. Developments for Multi-Family Dwellings and Attached Single-Family Dwellings						
a. Ground Sign ⁽²⁾	Yes	1/development	40–25 sq. ft.	External only	8** 10 ft.	5 ft.
b. Wall sign	Yes	1/development	25* sq. ft.**	External only	NA	NA
3. Non-residential Uses/Conditional Uses						
a. Wall Sign	Yes	1	16 sq. ft.	External only	NA	NA
b. Ground Sign ⁽²⁾⁽³⁾	Yes	1	25 sq. ft or 40 sq ft.**	Permitted	8 ft.	5 ft.

Changes from existing provisions are noted: **Substantive Additions** and ~~Deletions~~

Schedule 5.7.07 A. Permanent Signs in the Residential and Conservation Districts						
Type	Permit Needed	Maximum Number Permitted	Maximum Area Per Sign	Illumination	Regulations for Freestanding signs	
					Maximum Height	Min. Setback
(1) The sign structure shall not exceed twenty-five (25) feet total in length for each side of an entrance. (2) Not permitted on the site when the building is set back less than 10 feet from the street right-of-way. (3) For any church, school, community center or other public or semipublic institution Community Facility/Institution , the sign area may be increased to a maximum 40 square feet when used in combination with a bulletin board Changeable Copy Sign . (4) See sub-section 5.7.07 B. 3 * Maximum size: One square foot of area for each horizontal linear foot of building wall upon which sign is to be located **Conflicting provisions in the existing Sign Ordinance DU = Dwelling Unit NA = Not Applicable						

Questions to Consider: 1. What is the appropriate size of ground signs for conditional uses in Residential Districts? 2. What is the appropriate size of wall signs for multi-family & attached single-family developments? 3. Is it appropriate to prohibit pole and pylon signs in the multi-family district?

B. Supplemental Regulations for Permanent Freestanding Signs.

1. **Freestanding signs shall be erected in a landscaped area and not on sidewalks, drives, or in parking lots.**
2. **No part of a freestanding sign, the wall or entry feature on which it is mounted, or the landscaping shall obstruct the view of vehicles entering or exiting the property.**
3. **For residential subdivisions, the freestanding sign shall have a maximum of two sign faces per entrance and be either one double-faced freestanding sign or one sign face attached to a wall or entry feature located on each side of the street entrance.**

C. Incidental Instructional Signs. One (1) additional ~~directional~~ Incidental Instructional Sign ~~sign indicating ingress/egress~~ per each separate street frontage providing access to the **zoning** lot on which the use is located ~~for multi-family structures or developments illuminated by indirect or diffused lighting~~ is allowed. The sign shall not exceed three (3) square feet in size and shall be wall-mounted or set back at least five (5) feet from the right-of-way line or property line.

D. Electronic Message Center. ~~Digital Signage~~ **An Electronic Message Center is** permitted in the R-1AA, R-1A, R-1B, R-1C, R-1D, R-2, R-3, R-5, ~~RCD~~ Districts in lieu of a ~~bulletin board~~ **Changeable Copy Sign** ~~is permitted for~~ **Community Facilities/Institutions** ~~a public or parochial school in a residential zone, but subject to the following additional restrictions: when permitted in a residential zoning~~

Changes from existing provisions are noted: **Substantive Additions** and ~~Deletions~~

district.

1. The entire sign shall not exceed 40 sf per side or ~~10~~ **8** ft. in height typical to a ~~monument type~~ **ground** sign.
2. The operation of said sign shall be limited to the hours between 6:00 A.M. and 11:00 P.M., Sunday through Saturday.
3. The sign shall not glare into adjacent properties used for residential purposes.
4. The sign shall be no closer than 5 ft. to any property line.
5. The sign shall be landscaped **as required by this Ordinance** ~~in accordance with Section 9.17.~~
6. Any **Electronic Message Center** sign ~~using electronic technology for changeable copy message boards which~~ **that** malfunctions, fails, or ceases to operate in its usual or normal programmed manner causing motion, movement, flashing or any other similar effects, shall be repaired or disconnected within 24 hours by the owner or operator of such sign.
7. Maximum digital sign area per sign side, limit 2 sides, is 75% of the permitted total of ~~the monument~~ signage **face** per side.
8. No message, graphic, display or part thereof shall be visible for less than ten (10) seconds. During such interval, the entire message, graphic or display shall not be moving, flashing. Scintillating, animating, nor changing in color or light intensity or visibly changing in any other manner. **The following EMC display features and functions are prohibited: continuous scrolling and/or traveling, flashing, spinning, rotating, and similar moving effects, and all dynamic frame effects or patterns of illusionary movement or simulating movement.**
9. **Electronic Message Center Illumination. The brightness of the EMC's illuminance shall not exceed 0.3 foot-candles above the ambient light level in accordance with the following procedure:**
 - a. **The illuminance of an EMC shall be measured with an illuminance meter set to measure foot candles accurate to at least two decimals.**
 - b. **Illuminance shall be measured with the EMC off, and again with the EMC displaying a white image for a full color-capable EMC, or a solid message for a single-color EMC.**
 - c. **All measurements shall be taken as close as practical to a perpendicular plane of the sign at the distance determined by the following formula: The square root of the Area of Sign in Sq. Ft x 100.**

Changes from existing provisions are noted: Substantive Additions and ~~Deletions~~

All permitted EMCs shall be equipped with a sensor or other device that automatically determines the ambient illumination is programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3- foot candle measurements.

Each EMC sign shall be operated with monitoring and methods in place that shall either turn off the display, or show a full black image on the display, in the event of a malfunction that affects more than 50 percent of the EMC sign face.

~~Maximum brightness levels for variable message signs shall not exceed twelve (12) foot-candles, measured from the nearest point of any highway or public road. All such signs shall be equipped with a dimmer control and a photocell which shall constantly monitor ambient light conditions and adjust brightness accordingly.~~

- 10. The display change interval, which is defined as the time period between when one message, graphic or display becomes illegible and the next message graphic or display first reaches legibility, shall be 3 seconds or less. **Transitions may employ fade, dissolve, and or other transition effects.**
- 11. **Audio Prohibited. EMCs shall not utilize audio devices to create sound.**

Questions to Consider: Should EMC’s be permitted for all Community Facilities/Institutions in Residential Districts?

- E. **Supplemental Regulations for Temporary Signs. Temporary signs do not require a Sign Permit and are permitted only in compliance with the following provisions:**
 - 1. **Temporary signs associated with single-family detached dwellings, two-family dwellings, and attached single-family dwellings shall comply with the requirements in Schedule 5.7.07 E. 1.**

Schedule 5.7.07 E. 1 Temporary Signs for Single-family Detached Dwellings, Two-family dwellings, and Attached Single-family Dwellings	
	Requirement
a. Total of All Temporary Signs at any One Time	<u>Maximum of 16 sq. ft. per lot or parcel</u>
b. Number of Signs	<u>Unlimited except that the total area shall not exceed 16 sq. ft.</u>
c. Maximum Height of Freestanding Temporary Signs	<u>4 feet</u>

Changes from existing provisions are noted: **Substantive Additions** and ~~Deletions~~

2. **Temporary Signs for non-residential uses shall comply with the requirements in Schedule 5.7.07 E. 2.**

Schedule 5.7.07 E. 2 Temporary Signs for Non-residential Uses	
	Requirement
a. Total of All Temporary Signs at any One Time	<u>Maximum of 20 sq. ft.</u>
b. Number of Signs	<u>Unlimited except that the total area shall not exceed 20 sq. ft.</u>
c. Maximum Height of Freestanding Temporary Signs	<u>6 feet</u>

3. **Setbacks. All temporary freestanding signs shall be located no closer than five (5) feet from the street right-of-way line and ten (10) feet from a side lot line, unless specifically regulated otherwise.**

4. **One additional temporary sign may be located on a property during active construction on the property authorized by a Zoning Permit as long as the sign does not exceed sixteen (16) square feet and is less than six (6) feet in height.**

ELECTION SIGNS:

Election signs not exceeding twelve (12) square feet are permitted to be placed on private property, subject to the following conditions:

1. Where signs are otherwise permitted, an election sign may be erected no sooner than sixty (60) days before the election and the sign shall be removed within ten (10) days following the election to which it applies; the owner of the property on which the sign is placed shall be responsible for its removal.
2. Election signs may not be erected or placed on public property, or on rocks, trees, public fences, sign posts, light poles, or utility poles on public property

REAL ESTATE SIGNS:

1. Real estate signs which advertise the sale, rental or lease of the premises on which said sign is located. Said sign shall not be animated, may be illuminated by only by concealed lighting and only until 10:00 p.m. Such signs shall be removed by owners or agent within ten consecutive calendar days after the sale, rental or lease of the premises. Individual lot signs cannot exceed twelve (12) square feet in outside area, single or double

Changes from existing provisions are noted: **Substantive Additions** and ~~Deletions~~

~~faced, maximum height of five (5) feet.~~

~~2. One open house sign may be placed simultaneous to the placement of a for sale sign, on the lot being advertised for sale only, for a period not to exceed seventy-two (72) hours.~~

~~3. Acreage tract signs cannot exceed twelve (12) square feet in outside area per acre, single or double faced, maximum height of eight (8) feet and maximum area of one hundred (100) square feet.~~

5.7.08 MURALS.

Murals are exempt from the standards for signs in this Section, but shall comply with any applicable adopted policy guidance and the following:

- A. **Murals shall only be permitted in the CBD after approval by the Design Review Board.**
- B. **Design, construction, installation, repair, and maintenance of such displays shall not interfere with traffic or public safety.**
- C. **No part of a mural shall exceed the height or width of the structure to which it is tiled, painted, or affixed.**
- D. **No part of a mural shall extend more than six (6) inches from the plane of the wall upon which it is tiled, painted, or affixed and shall not project over a public right of way.**
- E. **No mural may consist of, or contain, electrical or mechanical components, or changing Images.**
- F. **No murals shall be placed over the exterior surface of any building opening, including, but not limited to, windows, doors, and vents.**
- G. **A mural shall not cover, destroy, or materially alter a distinctive architectural feature of the building or structure.**
- H. **No mural shall be arranged and illuminated in a manner that will produce a light intensity of greater than three-foot candles, as measured at the property line of the nearest commercial property or one-foot candle, as measured at the property line of the nearest residentially used property.**
- I. **It shall be the responsibility of the property owner or the owner's designee to ensure that the mural is maintained in good condition, free from graffiti, and free from chipped, peeled, torn, or faded paint or materials for the duration of the mural's existence.**
- J. **In the event that a mural is damaged, vandalized, removed, altered, or destroyed,**

Changes from existing provisions are noted: **Substantive Additions** and ~~Deletions~~

- including graffiti abatement, the property owner or the owner’s designee, in consultation with a mural artist, shall be responsible for restoring the mural to the original condition, within 60 days from the date a notice is sent to the property owner regarding damage to the mural.**
- K. **An appropriate clear sealer or a suitable varnish or topcoat shall be applied to the finished mural. Graffiti resistant sealers should be chosen.**
- L. **The application for a mural shall include:**
1. **A color photographic or digital image of the proposed wall location in the context of adjoining properties, and a color image depicting the proposed wall mural to represent with general accuracy the appearance of the wall with the addition of the mural.**
 2. **A description of the materials to be used.**
 3. **Written permission from the owner of the building or structure on which the wall mural will be placed.**
 4. **Any other information the Zoning Administrator deems necessary for the Design Review Board to review and evaluate the request.**

Questions to Consider: Should murals be permitted in non-residential districts outside of the CBD? Should the size of murals be limited? Should smaller murals not visible from public streets be permitted without approval of the Design Review Board? (These would be murals only visible from walking paths, etc.) Should murals be prohibited on front facades?

5.7.09 PROHIBITED SIGNS.

All signs not expressly permitted in this Section are prohibited. Visual elements, intended to attract attention to ~~a business~~ **an establishment** or activity, or to convey a message concerning ~~a business~~ **an establishment** or activity and thus are a substitute for additional signs, are ~~not allowed~~ **prohibited**. These visual elements are prohibited in all circumstances whether added to a sign or simply displayed on the property on which the business is located or on any other property. Prohibited signs include but are not limited to the following:

- A. **A sign on or over any public sidewalk, street, or other public property or within any public easement or right-of-way except as otherwise permitted in this Ordinance.**
- B. **Roof Signs.**
- C. **Billboards.**
- D. **Flashing, moving, blinker, racer type, intermittent, rotating, moving, animated, or revolving signs, whirligig devices, and tethered balloons,** pennants, ribbons, streamers, **spinners,** flashing lights, flashing arrows, other pulsating fixtures or items, **exposed light bulbs, strings of lights not permanently mounted to a rigid**

Changes from existing provisions are noted: Substantive Additions and ~~Deletions~~

- background, and other similar types of attention-getting devices except Electronic Message Centers as permitted in this Section.**
- E. **Merchandise, equipment, products, vehicles or other items not themselves for sale and placed for attention getting, identification, or advertising purposes.**
- F. **Signs mounted on mobile platforms or trailers, with either fixed or movable letters, lighted or unlighted.**
- G. **Pole and pylon signs, except as provided in sub-section 5.7.06.**
- H. **Temporary signs placed in the public right-of-way not installed by a government agency for public safety, notification, or identification except as permitted by this Ordinance.**
- I. **Feather signs.**
- J. **Signs attached to natural vegetation.**
- K. **Signs containing any words or symbols that would cause confusion because of their resemblance to highway traffic control or direction signals.**
- L. ~~Courtesy Benches~~ **signs.**
- M. Visual elements prohibited includes automobiles and other vehicles unless the message is permanently painted on the vehicle and the vehicle retains its mobility and it is moved frequently throughout the day, so as not to provide a stationary sign.
- N. **Other signs or attention getting devices that raise concerns substantially similar to those listed above.**

~~Large displays; inflatable or of permanent construction fixed or portable, that indicate through direct representation or through symbolism, a product or activity undertaken on-site and that are larger than three (3) feet in height and/or width.~~

All signs shall be limited to the following standards:

- ~~1. Is erected and maintained to advertise a use specifically permitted in the zone in which the sign is located or for a non-conforming use;~~
- ~~2. Is clearly incidental, customary to and commonly associated with the operation of the use being advertised;~~
- ~~3. Is established and controlled under and by the same ownership as the use being advertised;~~
- ~~4. Is limited in location to the premises on which the use being advertised is located;~~
- ~~5. Is limited in the subject matter to the name, design, picture or phone number and address of the owner, operator, builder, sales agent, managing agent, lessor, lessee, of the premises or of the activities (including merchandise handled or services rendered)~~

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~~on the premises on which such sign is located and does not include any general commercial advertising unrelated to or extending in substantial degrees beyond the specifically permitted subject;~~

5.7.10 DESIGN STANDARDS.

In addition to ensuring compliance with the requirements of these regulations, the Zoning Administrator; the Planning Commission; and the Design Review Board, as applicable, shall consider the proposed general design arrangement and placement of the sign according to the following criteria:

- A. **The lettering shall be large enough to be easily read but not overly large or out of scale with the building or site.**
- B. **The sign should be consolidated into a minimum number of elements.**
- C. **The ratio between the message and the background shall permit easy recognition of the message.**
- D. **The size, style, and location of the sign shall be appropriate to the activity of the site.**
- E. **The sign shall be designed and placed to enhance the architecture of the building.**
- F. **Signs shall be designed with a limited number and harmonious use of colors.**
- G. **Signs, if seen in series, shall have a continuity of design with the style of sign generally consistent throughout the building or block.**
- H. **Incidental Instructional signs shall contain the minimum information and the minimum area necessary to convey the message and instruct the viewer in the safe and efficient use of the facility.**
- I. **Signs shall be located to maintain safe and orderly pedestrian and vehicular circulation.**

5.7.11 SIGN ILLUMINATION, CONSTRUCTION, AND MAINTENANCE STANDARDS; PROHIBITIONS.

- A. **Illumination. Illuminated signs shall meet the following requirements:**
 - 1. **Light sources shall be shielded from all adjacent buildings and streets.**
 - 2. **Lights shall not cause glare that distracts pedestrians or motorists or causes glare on adjacent residences or residential districts.**
 - 3. **The illumination of signs shall not obstruct or distract attention from traffic control or any other public informational signs. Signs visible from sight lines along streets shall not contain symbols or words, or red and green lights that resemble highway traffic signs or devices.**

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- B. Construction and Maintenance Standards Applicable to All Temporary Signs. **All temporary signs shall be constructed and maintained in compliance with the following:**
1. **Temporary signs shall not be mounted, attached, affixed, installed, or otherwise secured in a manner that will make the sign a permanent sign.**
 2. **No temporary sign shall be mounted, attached, affixed, installed, or otherwise secured so as to protrude above the roofline of a structure.**
 3. **Temporary signs shall not be posted in any place or in any manner that is destructive to public property including, but not limited to, rights-of-way, utility poles, public trees, etc.**
 4. **Unless otherwise specifically stated, temporary signs shall not be illuminated.**
 5. **No temporary sign shall require a foundation, support, wiring, fittings or elements that would traditionally require a building permit or electrical permit.**
 6. **Temporary signs shall not be affixed to any permanent sign or permanent structure except when such sign is attached to the principal building as permitted in this Section.**
 7. **No streamers, spinning, flashing, windblown devices or similarly moving devices shall be allowed as part of or attachments to temporary signs.**
 8. **All temporary signs shall be secured in such a manner as to prevent swinging or other significantly noticeable movement resulting from the wind that could pose a danger to people, vehicles or structures.**
 9. **Temporary signs shall be maintained in good condition. Because of the nature of materials typically used to construct temporary signs and to avoid the unsightliness of deteriorating signs and all safety concerns which accompany such a condition, temporary signs shall be removed or replaced when such sign is deteriorated.**
- C. Construction and Maintenance Standards. All **permanent** signs shall be constructed and maintained in compliance with the appropriate detailed provisions of the Kentucky Building Code, the National Electric Code and other provisions of the Code of Ordinances of the City of Fort Thomas.
1. Additional Construction Standards.
 - a. **A sign shall be located and secured in a manner to insure the safety of pedestrians and motorists.**

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- b. No sign shall obstruct architectural trim or feature of a building including but not limited to a column or an arch; window; door; fire escape; balcony, platform, stairway, ladder, vent, or any means of entry or exit.
 - c. No sign shall be erected in a public right-of-way, or at the intersection of any streets, which obstructs free and clear vision; or at any location where, by reason of its position, shape or color, the sign may interfere with, obstruct the view of, or be confused with any traffic control sign, signal or device; or which includes the words “STOP”, “LOOK”, “DANGER” or any other like word, phrase, symbol or character which may be confused with a traffic or warning sign.
2. Additional Maintenance Standards. All signs shall be maintained in good repair in accordance with the following:
- a. The property owner, occupant, tenant and/or sign applicant shall maintain a sign so the sign content is visible, the sign is operable and the sign is in good repair, structurally sound and secure; and shall continue to comply with all building code requirements.
 - b. The Zoning Administrator may order any sign to be painted or refurbished to keep the sign in a neat and safe condition. All sign supports, guys, braces and anchors shall be maintained in a safe condition.
 - c. Abandoned Signs & Failure to Maintain.

~~In the event a business ceases operation for a period of thirty (30) days, the sign owner or lessee, or the property owner, shall immediately remove any non conforming signs identifying or advertising the business or any product. This requirement shall not apply where, under the provisions of this Ordinance, an existing, conforming sign may be altered to advertise a new business or product, and there is evidence that a new business will be in operation on the premises within thirty (30) days. Where no such evidence exists, the sign face shall be removed or the message shall be painted over in such a manner as to completely cover up and hide from sight the message. Upon failure of sign owner or lessee, or property owner, to comply with this Section, the Zoning Administrator shall issue a written notice to the owner. The notice shall state that the sign shall be removed within ten (10) days.~~

An abandoned sign which fails to serve the purpose for which it was intended or a sign not properly maintained shall be removed by the owner, occupant, tenant and/or sign applicant within ten (10) days after receipt of written notice by the Zoning Administrator. The sign

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area shall be replaced by a neutral, single background color panel or similar cover. If the sign is comprised of individually raised letters, the letters shall be removed and any holes in the building's façade shall be repaired. If the owner fails to comply with the written notice to remove the sign, the Zoning Administrator is hereby authorized to cause removal of the sign. Any expense incidental to the removal of the sign shall be charged to the owner of the property upon which the sign is located and shall constitute a lien upon the property. For the purposes ~~of dealing with non-conforming signs in~~ **of** this sub-section, the word "remove" shall mean:

- i. The sign face, along with posts, columns, or supports of freestanding signs, shall be taken down and removed from the property.
- ii. The sign face and supporting structures of "projection", "roof" or "wall" signs shall be taken down and removed from the property.
- iii. The sign face of "painted wall signs" shall be removed by painting over the wall sign in such a manner as to completely cover up and hide from sight the sign in question.

- D. **Other Limitations.** No sign shall be erected maintained or continued in any zone which is:
1. Constituting a nuisance, because of light, glare, focus, noise, animation, flashing, intensity of illumination as to unduly disturb the use of surrounding properties.
 2. Misleading, nor advertising a defunct business establishment or occupant, fraudulent obscene, immoral, indecent or unsightly in character.
 3. Located upon the inside curve of a street which causes any interference to sight distance.
- E. **Signs Erected on Private Property in Violation of Ordinance.** **Signs erected in violation of the Ordinance shall be removed by the owner, tenant, occupant and/or sign applicant, or person having the beneficial use of the building, structure, or land upon which such sign is located, within ten (10) days after receipt of written notice by the Zoning Administrator. Upon failure to remove the sign pursuant to such order, the Zoning Administrator is hereby authorized to commence legal action for an order to remove the sign. All expenses incurred by the City to remove the sign shall be paid by the owner of the property on which the sign is located.**
- F. **Signs Erected on Public Property in Violation of Ordinance.** Any sign installed or placed on or over public property or right-of-way after adoption of this Ordinance,

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except in conformance with these requirements, shall be subject to removal by the City without notice. In addition to other remedies hereunder, the City shall have the right to recover from the owner or person placing such a sign the full cost of removal and disposal of the sign.

- G. **Emergency Removal. In cases of emergency, the Zoning Administrator may cause the immediate removal of a dangerous or defective sign without notice.**

5.7.12 NONCONFORMING SIGNS.

- A. **Maintenance of Nonconforming Signs. A nonconforming sign and the supports thereof shall be maintained in good condition pursuant to this Section, this Ordinance, and any other applicable law and codes.** Nothing in this ~~section~~ **Ordinance** shall prevent the ordinary maintenance or repair of a nonconforming sign or replacement of a broken part of a nonconforming sign. Replacement of broken parts of a non-conforming sign is permitted so long as it does not change the dimensions, location, ~~or sign size, or the area of the sign face.~~
- B. **Alteration and Removal of Nonconforming Signs.**
1. The following are to be removed or made to conform to this Ordinance within 90 days **[of the date of adoption of this Ordinance]:**
 - a. Nonconforming signs made of paper, cloth, or other non-durable material.
 - b. All temporary signs other than those permitted herein.
 2. **Nonconforming signs shall be removed and any subsequent modification or replacement, excluding maintenance pursuant to this Ordinance, shall conform to all requirements of this Ordinance:**
 - a. **When 50% or more of the market value of the sign has been destroyed or taken down; or,**
 - b. **When the use which the nonconforming sign is accessory to is vacant for 180 consecutive days.**
 3. **A nonconforming sign shall not be altered, modified or reconstructed other than to comply with this Ordinance except:**
 - a. **When the existing use has new ownership which results in a change in the name of the use or business on the property; and,**
 - b. **Pursuant to this sub-section, the nonconforming sign may be changed only by replacing a sign panel, replacing individual sign letter and logos within the same area of the sign face or by**

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repainting a sign face.

~~Where a change in use, occupancy or ownership occurs which necessitates the altering of a sign in any manner, the altered or changed sign shall be brought into conformance with the requirements of this Ordinance.~~

- 4. **A nonconforming sign shall immediately lose its legal nonconforming status and thereafter must be brought into conformance with this Ordinance or removed whenever alterations to a nonconforming sign changes the structure or framing or the nonconforming sign is relocated.**

~~2. All such signs which are made non-conforming by a subsequent amendment to this Ordinance or extension of area in which this Ordinance is applicable shall be discontinued and removed or made conforming (amortized) within six (6) years after the date of such amendment or extension.~~

~~4. Existence of any non-conforming wall sign on the premises will prohibit issuance of further wall sign permits while the non-conforming sign exists.~~

~~5. Existence of any non-conforming freestanding sign on the premises will prohibit issuance of further freestanding sign permits while the non-conforming sign exists.~~

~~6. Upon failure to comply within the time specified, the Zoning Administrator is hereby required to cause removal of any non-conforming sign. Any expense incident thereto shall be paid by the owner, agent, or lessee of the sign or of the property upon which the sign is located.~~

5.7.13 ADMINISTRATIVE PROVISIONS.

A. Compliance with this Ordinance. A sign may be erected, placed, established, painted, or created in the City only after obtaining a Sign Permit from the Zoning Administrator except where specifically exempted by this Ordinance.

B. **Application, Administrative Review, and Approval of Signage Proposals.**

1. Consideration by the Zoning Administrator. **The Zoning Administrator shall review a Sign Permit Application including the Sign Plan for compliance with the design criteria, construction standards, maintenance, any previously approved Comprehensive Site Plan, and all other applicable regulations in this Ordinance.**

2. Consideration by the Design Review Board.

a. Any request for **Comprehensive Sign Plans and** Sign Permits, **unless specifically exempted by this Ordinance or administrative review is permitted as authorized in Section 36.014, Review Process, of the Fort**

Question to Consider: Should the Planning Commission be authorized to grant waivers to the Sign Regulations?

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Thomas, KY Code of Ordinances, within the CBD ~~zone~~ shall be submitted to the Fort Thomas Design Review Board. The color, materials, support structure and appearance of signs in the CBD will be controlled by the Design Review Board through their regular review process.

~~Any sign not previously approved by the Design Review Board will be considered nonconforming as of the enactment of this Ordinance until found to be appropriate by subsequent action of the Design Review Board. All non-conforming signs will be subject to Section 15-6.~~

- b. The intent of this section is to allow for a ~~greater~~ **appropriate** transitions from a ~~commercial zoning district~~ **non-residential uses** to a residential zoning districts. Any sign proposed in a location that is within 100 feet of a residential zoning district shall be subject to review by the Design Review Board. The Design Review Board may restrict the maximum permitted size, height, and area of a sign by not more than 50%; may increase the minimum required set-back of a sign by not more than 100%; may restrict the hours of illumination of a sign; and may restrict the materials used in construction or fabrication of a sign.

3. Permits.

- a. If a sign requiring a permit under the provision of this Ordinance is to be placed, constructed, erected, or modified on a lot, the owner of the lot or sign shall secure a Sign Permit prior to the construction, placement, erection, or modification of the sign.
- b. No sign shall be erected in the public right-of-way except in accordance with this Ordinance.
- c. No sign permit of any kind shall be issued for an existing or proposed sign unless the sign is consistent with the requirements of this Ordinance (including those protecting existing signs) in every respect and with the Sign Plan in effect for that property.
- d. The following procedures shall govern the application for and issuance of all sign permits under this Ordinance and the submission and review of Sign Plans.
 - i. Sign Plan Required. No permit shall be issued for an individual sign requiring a permit until a Sign Plan for the lot on which the sign will be erected has been submitted to and approved by the Zoning Administrator as conforming with this ~~section~~ **Ordinance**.
 - ii. **Upon approval of a Sign Plan, the Zoning Administrator shall issue a Sign Permit.**

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- iii. **A Sign Permit shall expire one year after the date of issuance if the sign has not been installed.**
- iv. **The Zoning Administrator may approve a minor alteration to an existing Sign Permit without requiring the submittal, review, and approval of a new Sign Permit application.**
- e. Sign Plan Contents. For any lot on which the owner proposes to erect one (1) or more signs requiring a permit, the owner shall submit to the Zoning Administrator a Sign Plan containing the following:
 - i. An accurate site plan of the property, at such a scale as the Zoning Administrator may reasonably require, illustrating the location of all buildings, parking and circulation areas, and landscaped areas.
 - ii. The site plan shall include the location of each existing and proposed sign of any type, whether requiring a permit or not.
 - iii. Elevation drawings indicating the type of sign, locations, dimensions, total sign area, height and number of signs.
 - iv. For signs ~~in the CBD~~ requiring approval of the Design Review Board, additional information must be submitted including scaled drawings illustrating the design, typography, color, logos, placement on the building, lighting, sign materials and mounting hardware.
- C. Signs Allowed on Private Property without Permits. ~~Except as noted, no commercial messages are allowed on any of the signs not requiring a permit.~~ **The following signs shall be permitted on private property without a Sign Permit.** All such signs shall be located a minimum of five (5) feet from any property line and shall not exceed a height of six (6) feet. Shall be neither animated nor illuminated.
 - 1. House or building identification signs, such as address and building markers, no more than two (2) square feet in area, and attached to the referenced building.

~~For approved home based business operations, professional nameplates not exceeding two (2) square feet in area, single or double faced. Said sign shall not be animated nor illuminated.~~

~~One sign per residential subdivision lot not exceeding twelve (12) square feet in area or six (6) feet in height.~~

~~Signs not over one hundred (100) square feet in outside area, single or double faced, maximum height of ten (10) feet denoting the (person/firm), architect, engineer or contractor, when placed upon the premises where construction work is being performed. Said sign shall be removed by owner or agent within ten (10) consecutive calendar days after completion of the project or that person's/firm's part of the project.~~

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2. Any informational, directional, or historic marker or sign erected by a public agency is allowed. Identification signs containing the name of a community are allowed ~~provided that no message referring to any specific business or commercial activity is included.~~
 3. **Building markers**, memorial signs, or tablets, ~~containing the name of a building and/or the date of erection~~ when built into the walls of the building and constructed of bronze, brass, marble, stone, or other noncombustible materials.
- D. Comprehensive Sign Plan.
1. **For all newly constructed multi-tenant buildings and development projects with multiple buildings, a Comprehensive Sign Plan shall be required and submitted for review and approval by the Planning Commission during Development Plan Review.**
 2. **For multi-tenant buildings and development projects with multiple buildings outside of the CBD, the Design Review Board may review and provide a recommendation to the Planning Commission.**
 3. **Whenever the Planning Commission has approved a Comprehensive Sign Plan, the Zoning Administrator shall require that a subsequent tenant sign complies therewith.**
 4. **Comprehensive Sign Plans shall include, but not be limited to, sign locations, dimensions, colors, letter styles, and sign types for all signs to be installed on the site including exempt signs.**
 5. **Both the Planning Commission and the Design Review Board, as applicable, shall review the location, size, color, and style of each sign according to the criteria in sub-section 5.7.10, Design Standards.**
- E. Status of Prior Violations. A violation of the sign regulations in effect upon the adoption of this Section shall continue, unless in compliance with this Section, and penalties and enforcement remedies available to the City shall continue in full force and effect. The City may continue to pursue imposition and collection of penalties for the violations that occurred prior to the effective date of this Ordinance.

5.7.14 VIOLATIONS AND ENFORCEMENT.

- A. Violation. Any of the following shall be a violation of this Ordinance and shall be subject to the enforcement remedies and penalties provided by this Ordinance and by state law:

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1. To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the lot on which the sign is located.
2. To install, create, erect, or maintain any sign requiring a permit without such a permit.
3. To fail to remove any sign that is installed, created, erected, or maintained in violation of this Ordinance, or for which the sign permit has lapsed.

Each day of a continued violation shall be considered a separate violation when applying the penalty portions of this Ordinance.

- B. **Enforcement.** Any violation or attempted violation of this Ordinance or of any condition or requirement adopted pursuant hereto may be restrained, corrected, or abated, as the case may be, by injunction or other appropriate proceedings pursuant to state law. The remedies of the City shall include, but are not limited to the following:

1. Issuing a stop-work order for any and all work on any signs on the same lot;
2. Seeking an injunction or other order of restraint or abatement that requires the removal of the sign(s) or the correction of the non-conformity.
3. In the case of a sign that poses an immediate danger to the public health or safety, taking such measures as are available to the City under the applicable building codes or other ordinances.

All the remedies provided herein shall be cumulative. To the extent that state law may limit the availability of a particular remedy set forth herein for a certain violation or a part hereof, the remedy shall remain available for other violations or other parts of the same violation.