

Ellinger
Myers
Lawless
Beard
Feigel
Crosbie
McChord
Martin
Henson
Lane

SERVICES COMMITTEE

September 1, 2009

1:00 P.M.

A G E N D A

1. Slaughtering Livestock - Henson (1-7)
2. Sign Ordinance - Lane (8-28)
3. Items in Committee (29-30)

"Services Committee, to which should be referred matters relating to public safety, public works, urban county courts, and constitutional officers."

Council Rules & Procedures, Section 2.102(3)



Lexington-Fayette Urban County Government
DEPARTMENT OF LAW

Jim Newberry
Mayor

Logan Askew
Commissioner

To: Marian Zeitlin, Legislative Aide
Office of the Urban County Council

From: Department of Law

Date: July 16, 2009

Re: Livestock—Slaughter in Residential Zones
Log No. 09-CC0675

You recently requested, on behalf of Councilmember Henson, that the Department of Law determine whether any existing ordinance prohibits the slaughter of livestock (for personal consumption) in residential zones. The question arose because Councilmember Henson received a complaint about a goat being slaughtered in the backyard of a residence over the 4th of July weekend. The police advised the complaining neighbor that such activity is not illegal. You contacted the Health Department which confirmed that the activity is legal if the animal is slaughtered for personal consumption. There is no existing ordinance or statute that prohibits the slaughter of livestock in residential zones for personal consumption.

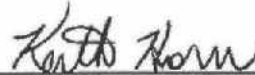
As you indicated in your request, section 10-33 of the Code of Ordinances provides that "no persons . . . shall slaughter meat-producing animals . . . without a permit issued by the board of health." It appears that the ordinance was designed to apply to persons who regularly slaughter animals and process and sell the meat, not to the occasional processing of an animal for personal consumption. However, such limitation is not explicit in the ordinance. I spoke with the manager of the Environmental Health and Protection branch of the Health Department and she tells me that the Health Department does not read the ordinance as requiring a permit for the type of situation in question.

To summarize, the activity you described (and about which received a complaint) is not illegal and, according to the Health Department, does not require a permit.

Your request also indicated that Councilmember Henson is considering proposing that an ordinance be amended or a new one created to prohibit the slaughter of livestock in residential zones. Our research indicates that adopting such an ordinance

would be permissible. I suggest that the enforceability of such an ordinance, and the issue in general, be discussed with (at least) the Division of Police (and perhaps Animal Care and Control). The Health Department has also indicated a willingness to be involved in the discussion. We also need to discuss exactly what conduct is to be prohibited before an ordinance can be drafted (a general discussion about the issue will also be helpful for this purpose).

Please let me know if you have any questions and how you wish to proceed.



Keith Horn, Attorney Sr.

Cc: Jim Newberry, Mayor
Joe Kelly, Senior Advisor—Management
Rebecca Langston, Council Administrator

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ARTICLE III. MEAT*

*Cross references: Licenses, § 13-13.

Sec. 10-32. Definitions.

- (a) The term "health officer" shall mean the health officer of the urban county board of health, who is charged with the duty of enforcing the provisions of this article.
- (b) The terms "processing" and "manufacture" as applied to meat products and meat food products in this article, shall include comminuting, grinding, drying, cooking, smoking, pickling, flavoring, rendering and canning, or any combination of these.

 Sec. 10-33. Permit.

- (a) No persons other than those operating under the supervision of the United States Department of Agriculture, or a municipality meeting the standards as set forth in this article, shall slaughter meat-producing animals, or manufacture or process any meat product or meat food product in the urban county without a permit issued by the board of health; nor shall any person sell or offer for sale in the urban county any meat, meat product or meat food product slaughtered or processed outside the urban county without a permit issued by the board of health.
- (b) Such permit shall be in effect until revoked or noncompliance and shall not be transferable.
- (c) The health officer shall revoke any permit, issued under this section for any violation of this article or of the reasonable rules and regulations adopted by the board of health pertaining thereto.

Sec. 10-34. Supervision of slaughtering.

No slaughtering shall be done by any person affected by this article except under the supervision of the lay meat inspector; the term "supervision," as used in this section, including ante-mortem and post-mortem inspections by such lay inspector; however, slaughtering may be done without such supervision in case of an emergency as defined in the rules and regulations adopted under the authority given in section 10-35 (if any resulting carcass, or part of a carcass, is inspected prior to its coming into contact with inspected meat).

Sec. 10-35. Rules and regulations; hours of slaughtering.

- (a) The board of health shall adopt such reasonable rules and regulations as are necessary to carry out the provisions of this article and shall have, among other powers, the power to regulate the hours of slaughtering for any person engaged in slaughtering in the urban county so as to ensure that no slaughtering will be done except under conditions such as will conform to the provisions of this article.
- (b) The hours as established by the board of health shall be reasonable, taking into consideration the nature of the business and such other factors as may be necessary so that an

undue hardship will not be worked upon any person affected by this article.

Sec. 10-36. Branding, stamping or marking.

(a) No person shall display, sell, offer for sale or otherwise dispose of, or have in his possession in the urban county or ship, send or cause to be brought within the urban county limits for the purpose of displaying, selling, offering for sale or otherwise disposing of any meat, cattle, sheep, hog or goat which does not have on each primal part the meat-inspection brand, tag, stamp or other mark or identification of:

- (1) Lexington-Fayette Urban County Board of Health; or
- (2) The United States Bureau of Animal Industry, Department of Agriculture; or
- (3) A municipality whose standard of meat inspection is equivalent to that maintained by the urban county board of health and officially recognized and approved by such board of health.

(b) Any carcass, or primal part thereof, of cattle, hog, sheep or goat, or any meat, meat product or meat food product found, offered for sale or displayed for sale, within the urban county which does not bear the marks, brands or stamps as required by this section shall be destroyed or excluded from the urban county under the direction and supervision of the health officer.

(c) Each person who, for the purpose of evading the provisions and requirements of this article, forges, simulates, detaches, defaces, alters or destroys any tag, mark, brand or stamp mentioned or referred to in this section shall be deemed guilty of a misdemeanor and punished as provided in section 10-50.

(d) All inspection stamps, marks, and other such brands referred to herein shall be under the control of a lay meat inspector and used only under his supervision.

Sec. 10-37. Veterinarian; supervision of inspectors.

(a) The board of health shall appoint a veterinarian, regularly licensed as such, to supervise the lay meat inspector or inspectors mentioned in this article and to inspect the plants affected by this article.

(b) The lay meat inspector shall consult with such veterinarian with reference to any questionable carcass slaughtered, and the decision of such veterinarian shall be considered as final.

Sec. 10-38. Inspection outside urban county.

Nothing contained in this article shall be construed to require the board of health to furnish any type of inspection service provided for in this article outside the limits of the urban county.

Sec. 10-39. Inspection upon request; fee.

When requested to do so by a purchaser, inspection shall be made by the lay meat inspector or his assistants of any animals, either by ante-mortem or post-mortem examination, to determine whether such animals are fit for human consumption. A fee of fifteen dollars (\$15.00) shall be paid to the board of health for such inspection.

Sec. 10-40. Laws and rules of state and state board of health govern.

If any of the provisions of this article regulating the inspection of meat and meat products and the slaughter of cattle, calves, sheep, goats, swine and other animals and the sale and disposition of meat therefrom, and inspection, shall conflict with or be inconsistent with the laws of the state, or the rules of the state board of health governing inspection of meat or sanitation of slaughterhouses, such state laws and rules shall govern.

Sec. 10-41. Right of entry of inspectors.

The meat inspector and his assistants are hereby authorized to enter any premises, vehicle, railroad car, market stall or place where animals are slaughtered, prepared or stored, or offered for sale for human consumption, for the purpose of making such inspection as he or his assistants deem necessary in the discharge of their duties.

Sec. 10-42. Sanitary facilities in slaughterhouses.

Slaughterhouses in which meat or meat products are prepared or handled shall have adequate sanitary facilities and accommodations as required by the state board of health under headings listed as follows: Quarantine pen, floors, walls and ceiling, windows and doors, ventilation, lighting, no flies or vermin, toilets, washroom water supply, waste disposal, offal disposal, premises, equipment and utensils, disinfection of equipment, hot and cold water, condemnation of soiled meat, chill room, meat transportation, and personnel, including employee's habits, clean clothing, freedom from disease and proper disinfection of hands.

Sec. 10-43. Slaughterhouses prohibited near residences.

It shall be unlawful to erect or maintain any slaughterhouse or place where animals of any description are butchered, within one hundred (100) yards of any residence.

Sec. 10-44. Inspection and approval of carcass.

(a) No carcass or any part thereof of any slaughtered cattle, calf, sheep, goat or swine shall be branded or otherwise marked for identification by the meat inspector or his assistants until it has been inspected and passed for food.

(b) The viscera, head, tongue, tail and caul of each cow, calf, sheep, goat or hog slaughtered when the inspector is not present shall be kept together and wholly separated from similar parts of any other carcass and so marked for identification that the carcass from which such viscera and parts have been removed can be identified. The above viscera and parts shall await the inspection of the lay meat inspector or his assistants.

Sec. 10-45. Disposition of unfit carcass and parts.

Any carcass, or any part thereof, of any slaughtered cattle, calf, sheep, goat or swine diseased when slaughtered, or having any other condition which may render such carcass or parts unfit for human consumption, shall be freely slashed with a knife and saturated with kerosene and shall not be sold or otherwise disposed of for human food.

Sec. 10-46. Meat not to be left exposed.

No fresh or cured meat or meat products shall be left exposed in the open air to the action of

moisture, soot, dust or flies for the purpose of exhibition or other reasons by any person.

Sec. 10-47. Sale of undiseased slaughtered meat only.

It shall be unlawful for any person in the urban county to sell the flesh of any animal dying other than by slaughter, or slaughtered when diseased.

Sec. 10-48. Protection of meat during transportation.

No meat or meat products shall be transported in any wagon or other vehicle in the urban county unless fully protected from moisture, soot, dust and flies by the use of covered refrigerated vehicles, and use of clean white cloths fully protecting such meat and meat products.

Sec. 10-49. Sanitation of delivery vehicles.

All delivery vehicles used in the transportation of meat and meat products in the urban county shall be kept in a sanitary manner; and no dirty burlap, dirty clothes or other unclean coverings shall come in contact with the meat or meat products.

 Sec. 10-50. Penalties.

(a) Any person, firm or corporation or officer, agent or employee thereof, violating any of the provisions of sections 10-32 through 10-39, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than five dollars (\$5.00) nor more than five hundred dollars (\$500.00), each day's violation to constitute a separate offense.

(b) Any person violating provisions of sections 10-40, 10-41, 10-42, 10-44, 10-45, 10-46, 10-48 or 10-49 shall be guilty of a misdemeanor and punished by a fine of not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00), each day's violation to constitute a separate offense.

(c) Any person violating section 10-43 shall be fined ten dollars (\$10.00) for each day of violation.

(d) Any person violating section 10-47 shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00).

(a) No person owning or having in his custody and control any fowl shall permit same to run at large, or to go upon the grounds or property of another, or beyond the bounds of the property of such owner or person in control of such fowl.

(b) Any person who shall violate any provision of this section shall be fined not less than one dollar (\$1.00) nor more than twenty-five dollars (\$25.00) for each offense.

State law references: Strays and animals running at large, KRS ch. 259.

Sec. 4-11. Hogs; keeping.

 (a) The keeping of hogs, goats or pigs within any area of the urban county except those zoned agricultural is hereby prohibited and declared to be unlawful.

(b) A violation of the provisions of this section shall subject the offender to a fine of five dollars (\$5.00) and each day such violation shall continue shall be deemed a separate offense.

Sec. 4-11.1. Dangerous wildlife.

(a) The keeping or holding of wildlife that have been identified by the Kentucky Department of Fish and Wildlife Resource as inherently dangerous to human health and safety within any area of the urban county is hereby prohibited and declared to be unlawful. This section shall not apply to any zoological garden accredited by the American Association of Zoological Parks and Aquariums, appropriately licensed theatrical exhibits, carnivals or circuses, any authorized wildlife rehabilitator or licensed veterinary hospital for purposes of treating injured animals, or any federally-licensed research institution.

(b) Any wildlife kept in violation of the provisions of this section shall be seized and impounded by the division of police and shall be confined in a suitable place.

(c) A violation of the provisions of this section shall subject the offender to a fine of not less than two hundred dollars (\$200.00) and not more than five hundred dollars (\$500.00) in addition to the reasonable costs incurred in seizing, impounding and confining the wildlife. Each day such violation shall continue shall be deemed a separate offense.

(Ord. No. 147-94, § 1, 7-14-94; Ord. No. 178-98, § 1, 6-25-98; Ord. No. 187-2000, § 1, 6-29-00; Ord. No. 90-2005, § 2, 4-21-05)

Sec. 4-12. Noisy animals, keeping.

(a) It shall be unlawful for any person to keep, pasture or harbor within any area of the urban county except those zoned agricultural any bull, cow or other animal that bellows or otherwise makes such noise as to disturb the peace and quiet of the people in the neighborhood where the same is kept.

(b) Any person violating this section shall be fined not less than five dollars (\$5.00) nor more than fifteen dollars (\$15.00) for each offense.

Cross references: Noise disturbances, § 14-71 et seq.

Sec. 4-12.1. Giving away live animals as prizes prohibited.

(a) As used in this section "animal" includes every living creature, domestic or wild, except a human being.

(b) It shall be unlawful within any area of the county for any person to offer or give away any

ARTICLE 17

SIGN REGULATIONS

17-1 INTENT - The intent of this Article is to provide sign standards and restrictions which allow for the legitimate needs for identification of agricultural, residential, professional office, business, and industrial activities while at the same time promoting signage which does not unduly detract from the overall aesthetics of the community; which reduces intrusions and protects property values; which provides for improved public safety by minimizing the undue distraction of the motoring public; which provides for the protection and enhancement of the tourist industry by promoting a more harmonious and pleasing community image; which is equitably provided in terms of the nature and scale of the activities to be identified and of non-conforming signs; and which generally enhances and strengthens the economic stability of Lexington-Fayette Urban County.

17-2 SCOPE - The provisions of this Article shall apply to the display, construction, erection, alteration, use, location, and maintenance of all signs within Lexington-Fayette Urban County, and it shall be unlawful hereafter to display, construct, erect, alter, use or maintain any sign except in conformance with provisions of this Article.

Furthermore, it shall be unlawful to alter, maintain, enlarge, use, or display any sign erected or constructed prior to the enactment of this Article except in conformance with this Article. Except as specifically provided, the following shall be exempt from the provisions of this Article:

- (a) Signs which are not visible beyond the boundaries of the lot or parcel upon which they are located and/or from any public thoroughfare or right-of-way.
- (b) Official governmental notices and notices posted by governmental officers in the performance of their duties; governmental signs to control traffic or for other regulatory purposes, or to identify streets, or to warn of danger. Identification or bulletin board signs accessory to governmental buildings or other facilities shall not be exempt from the provisions of this Article.
- (c) The flag, pennant, or insignia of any nation, organization of nations, state, county or city, any religious, civic or fraternal organization, or any educational institution; except when such are used in connection with a commercial promotion or as an advertising device.
- (d) Works of fine art not containing a commercial message and, which in no way depict a trademark, logo or phrase meant to represent, identify, or advertise a specific

product or business.

- (e) Temporary decorations or displays, when such are clearly incidental to and are customarily and commonly associated with any national, local, or religious holiday or celebration.
- (f) Temporary or permanent signs erected by public utility companies or construction companies to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines, and similar devices.
- (g) Merchandise, pictures, or models of products or services which are incorporated as an integral part of a window display.
- (h) Signs displayed on trucks, buses, trailers or other vehicles which are being operated in the normal course of a business, such as signs indicating the name of the owner or business which are affixed or painted onto moving vans, delivery trucks, contractors' vehicles and equipment, rental trucks and trailers, and the like; provided that such signs are clearly incidental to the use of the vehicle in conjunction with a bona fide business and are not for the purpose of display of signs, and provided that they are parked or stored in areas appropriate to their use as vehicles, and in such a manner and location on the lot so as to minimize their visibility from any street to the greatest extent feasible.

17-3 DEFINITIONS - The following definitions unique to this Article are listed below. The terms to be defined have been grouped according to the specific aspects of sign control to which they pertain in order to provide a clearer understanding of the regulations contained later in this Article.

17-3(a) SIGN - Any writing, pictorial representation, form, emblem, trademark, flag, banner, decoration (including material used to differentiate the sign copy from the background) or any figure which is written, printed, projected, painted, constructed, or otherwise displayed upon or designed into a building, board, plate, canopy, awning, window, vehicle, or upon any object or device which by reason of its form, color, wording, symbol, design, illumination, motion or other characteristic is designed to attract attention to the subject thereof or is used as a means of identification, advertisement, announcement, or of illustrating products.

17-3(b) BASIC SIGN TYPES BY FUNCTION - The following categories of signs are hereby defined based upon the nature of the information they are intended to provide:

(1) ADVERTISING SIGN - A sign which directs attention to a business, product, service or activity generally conducted, sold or offered elsewhere than on the premises where such sign is located.

(2) ATTRACTION BOARD - A sign which contains no permanent copy, either letters or emblems, on which copy is changed manually with changeable letters and which announces special activities on the property.

(3) BULLETIN BOARD - A sign which allows the manual changing of the copy material and is used to notify the public of non-commercial events or occurrences such as church services, political rallies, civic meetings or similar events.

(4) BUSINESS SIGN - A sign which directs attention to a business, profession, product, activity, or entertainment, sold or offered upon the premises where such sign is located, and may include information as for an identification sign.

(5) CONSTRUCTION SIGN - A temporary sign identifying the project name, the architect, engineer, contractor, financing company, material supplier, or others engaged in work on the construction site on which the sign is located. Leasing information, renderings and similar copy shall also be permitted.

(6) DIRECTIONAL SIGN - A non-commercial sign of an instructional nature, such as "parking," "exit" or "entrance," displayed solely for the convenience of the public, no more than twenty-five percent (25%) of such sign being devoted to the name or logo of the property, business or profession on the site and containing no business advertising, or product trade name identification or listing of any product sold or offered on the premises.

(7) DISTRICT IDENTIFICATION SIGN - Any type of sign or other graphic, located on public or private property, which establishes the identity of a unique and distinct community district by way of its size, configuration, height, location or message; and which has no direct advertising value for any specific business, product or service.

(8) GOVERNMENT SIGN - A temporary or permanent sign erected by any government body for traffic direction, or for designation or direction to any school, hospital, park, historic site or other service, property or facility; provided that such signs not contain business advertising of any kind.

(9) HISTORIC MARKER - A sign or emblem which commemorates or identifies an event, past ownership of property, or age of a building.

(10) INCIDENTAL SIGN - A small sign, not exceeding two (2) square feet each, limited to information and directions related to the permitted use on the lot or building on which the sign is located, and containing no direct illumination as defined in this Article. Examples of incidental signs would include "no smoking," "restroom," "no solicitors," "no trespassing," "self service," "vacancy," credit card acceptance signs, signs indicating hours of business, and similar information.

(11) IDENTIFICATION SIGN - A sign which establishes the identity of a building or building complex by name or symbol or combines name, street address, and/or management and has no direct advertising value.

(12) INFORMATIONAL SIGN - A sign whose copy gives only the time, temperature and/or date through an electronic message display system or by mechanical means (including clocks and thermometers), and provides no advertising of any product or business activity.

(13) LANDMARK SIGN - Any type of sign or other graphic that helps to create a unique location by way of its size, configuration, height, location or message and exhibits distinctive stylistic features.

(14) MENU BOARD - A free-standing or wall-mounted sign primarily designed for the display of menu items and prices for the purpose of placing orders for such items in conjunction with a restaurant utilizing drive-through service.

(15) MENU BOX - A wall-mounted sign, primarily designed for the display of menu items and prices in conjunction with a restaurant.

(16) NAMEPLATE - A wall sign which gives only the name, address, and/or occupation of the occupant(s) of the building on which it is located.

(17) POLITICAL SIGN - A temporary sign supporting the candidacy for office or urging action on any other matter on the ballot of a state, local or national election or referendum.

(18) REAL ESTATE SIGN - A temporary sign indicating only sale or rental of property or buildings on which the sign is erected.

(19) TEMPORARY SIGN - Any sign or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, plywood, or other light materials, with or without frames, and/or intended to be displayed for

a limited period of time only.

(20) TRACT SIGN - A temporary sign advertising the original sale of property in a subdivision.

(21) A-FRAME or SANDWICH BOARD - A free standing, movable sign, not secured or attached to the ground or any building or structure, composed of a sign panel and supporting structure or one or more panels which form both the structure and sign face, and which is intended to be placed in a sidewalk or pedestrian way. A-frame signs shall not include trailer signs with or without wheels affixed.

17-3(c) SIGN TYPES BY MEANS OF MOUNTING OR ERECTING - The following categories of signs are hereby defined primarily by the means of mounting or erecting and locational placement upon a building or premises:

(1) AWNING SIGN - A sign painted on or printed on, or attached flat against, the surface of an awning. As used in this Article, awning shall be defined as a shelter supported entirely from an exterior wall of a building consisting of cloth or other similar non-rigid material supported by a frame.

(2) UNDER-AWNING OR UNDER-CANOPY SIGN - A small sign, limited to four (4) square feet, attached to and suspended from the underside of a canopy or awning and having a clearance of not less than eight (8) feet.

(3) CANOPY SIGN - A sign painted, printed or attached flat against a surface of a canopy. As used in this Article, canopy shall be defined as a permanently roofed shelter covering a sidewalk, driveway or other similar area, which shelter may be wholly supported by a building or may be wholly or partially supported by columns, poles or braces extended from the ground.

(4) ABOVE-CANOPY SIGN - A sign mounted to the top edge of the roof of a canopy, constructed of metal or similar rigid and solid materials, that projects vertically from the canopy to form the free standing letters or graphics of the sign.

(5) FREE-STANDING SIGN - A sign, not attached to any building, and attached to the ground by poles, braces, or other means.

(6) MARQUEE - A sign used in conjunction with a theater which is attached to, and supported by, the building and generally projects from the building; and, which in addition to permanent copy, may allow for changeable letters.

(7) MOBILE SIGN - A mobile sign is a sign that is affixed to a frame having wheels or is capable of being

carried, or otherwise portable; does not have a permanent foundation; cannot withstand the stress and wind loads of the Building Code; and is designed to stand free from a building or other structure. Signs designed to be affixed to the surface of real estate shall be deemed free standing signs and not mobile signs, but the mere removal of wheels or temporary securing of a sign to the surface of real estate shall not prevent its being a mobile sign within this definition.

(8) MONUMENT SIGN - A free standing sign where the length of the base of the sign is a minimum of 75 percent (75%) of the length of the longest part of the sign.

(9) PROJECTING SIGN - A sign which is attached directly to a canopy, marquee, or wall of a building and which extends horizontally outward from such canopy, marquee or wall more than twenty-four (24) inches.

(10) ROOF SIGN - A sign which projects above the cornice of a flat roof, or above the top edge of any roof, including the ridge line of a gabled or hipped roof. Such top edge shall not include any cupolas, pylons, chimneys or other minor projections above the roof line.

(11) WALL-MOUNTED SIGN - A sign attached parallel to and extending not more than twenty-four (24) inches from the wall of the building; and includes painted, individual letter and cabinet signs, signs on a mansard, or on a parapet not exceeding six (6) feet in height; and provided the parapet extends on at least three sides of a building and signs erected on or against the side of a roof but not projecting above the roof line. No copy shall be permitted to be displayed on the sides of the sign which are perpendicular to the wall face.

(12) PAINTED SIGN - Any sign which is applied with paint or similar substance directly to a wall or other surface. Any painted sign shall be subject to the regulations of the zone in which it is located.

(13) WINDOW SIGN - A sign which is painted on, applied or attached to, the interior of a window or located within three (3) feet of the interior of a window, and which can be seen through the window from the exterior of the structure. Merchandise which is included in a window display shall not be included as a part of a window sign.

17-3(d) SIGN TYPES BY DESIGN FEATURES - The following categories of signs are hereby defined primarily by certain design features of the sign itself:

(1) NON-ILLUMINATED SIGN - A sign which does not emit or reflect artificial light from any source, either directly or indirectly.

(2) ILLUMINATED SIGN - A sign which emits or reflects, either directly or indirectly, artificial light from any source:

(a) DIRECTLY ILLUMINATED SIGN - A sign which is lighted by means of an unshielded light source (including neon tubing) which is visible as a part of the sign and where light travels directly from the source to the viewer's eye.

(b) INDIRECTLY ILLUMINATED SIGN - A sign whose light source is so situated as to project light onto the exterior or front of the sign surface, or to project light onto the building facade where the sign is located.

(c) INTERNALLY ILLUMINATED SIGN - A sign whose light source is within the sign, with the sign having a transparent or translucent background or cover which silhouettes opaque or translucent letters or designs.

(3) ROTATING OR MOVING SIGN - A sign, any portion of which moves by mechanical means, motion of the wind or other means. Such motion does not refer to methods of changing copy used on an electronic message display system.

(4) FLASHING OR BLINKING SIGN - A sign, the illumination of which is not kept constant and which contains an intermittent or sequential flashing light source for the purpose of either attracting attention to the sign or as a method of changing copy.

(5) ELECTRONIC MESSAGE DISPLAY SYSTEM - A sign with copy or images which includes, but is not limited to reflective disc, direct illumination, rotating veins, light emitting diodes (L.E.D.'s), or liquid crystal diodes (L.C.D.'s), and is controlled by means of a central computer or video control system and which has no audible sound.

17-3(e) OTHER SIGN TYPES AND DEFINITIONS - The following phrases are hereby defined for the purposes of this Article:

(1) ABANDONED SIGN - A sign and/or supporting structure which no longer identifies a business conducted or product sold on the premises; any advertising sign which no longer directs attention to a bona fide business conducted, product sold, or activity or campaign being conducted or for which no legal owner can be found. A sign shall be deemed as abandoned when the conditions described above have been in evidence for a period exceeding one hundred eighty (180) days. For the purposes of this definition, an advertising sign shall not be deemed abandoned solely because the sign has contained

no copy for a period exceeding one hundred eighty (180) days.

(2) AREA OF A SIGN - Shall be defined and computed as follows:

(a) FREE STANDING OR PROJECTING SIGNS:

- (1) Any double-faced sign shall have only one face, the largest, counted in calculating the area.
- (2) Any sign with three or more sign faces shall have the area calculated by summing the area of the sign faces and dividing by two.
- (3) Any sign that is considered 3-dimensional in shape shall have the area calculated by projecting the sign onto a vertical plane and summing the area of the sign face for all sides of the sign designed to attract attention or to communicate information that can be seen at any one time by a person from one vantage point.
- (4) If the sign is composed of one or two individual cabinets, the area around and enclosing the perimeter of each cabinet or module shall be summed and totaled to determine the area. The perimeter of the measurable area shall not include embellishments such as pole covers; framing; decorative roofing; etc., provided there is no written copy on such embellishments and such embellishments are clearly incidental to the sign itself.
- (5) If the sign is composed of more than two sign cabinets, or modules, the area enclosing the entire perimeter of all cabinets and/or modules within a single contiguous geometric figure shall be the area of the sign. The measurable area shall not include embellishments such as pole covers; framing; decorative roofing; etc., provided there is no written copy on such embellishments and such embellishments are clearly incidental to the sign itself.

(b) WALL SIGNS - The area shall be within a single-continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of the copy, including vertical and horizontal spacing between individual letters, logos, etc.

(3) BANNER SIGN, PENNANT OR STREAMER - An identification sign, a temporary sign or a business sign made of durable fabric only, and not made of wood, metal or soft or hard plastic, having no enclosing framework.

Such banner sign, pennant or streamer may be non-illuminated or indirectly illuminated only.

(4) CLEARANCE OF A SIGN - The least vertical distance between the lowest point of any sign, including the framework, and the established grade at the sign.

(5) HEIGHT OF A SIGN - The vertical distance measured from the highest point of the sign, including the frame and any embellishments and the established grade at the adjacent street.

(6) FACE OF A SIGN - The vertical area of the sign on which the copy is placed.

(7) COPY - Any word, letter, number, or emblem affixed to the sign surface, either permanently or in removable form.

(8) DOUBLE-FACED SIGN - A sign with two faces either set parallel or up to a forty-five degree (45°) angle. Any two sign faces set at an angle greater than forty-five degrees (45°) shall be considered two separate signs.

(9) ILLEGAL SIGN - A sign which does not meet the requirements of this Zoning Ordinance and which is not non-conforming.

(10) NON-CONFORMING SIGN - A sign which was legally erected, but which does not comply with the adopted sign regulations of this Zoning Ordinance for the zone in which it is located.

(11) SETBACK OF A SIGN - The horizontal distance between any street right-of-way and a free-standing sign and/or its supporting structure. The measurement shall be taken at the closest point proximity between the right-of-way and any part of the sign or structure.

(12) BUILDING FRONTAGE - The horizontal, linear dimension of that side of a building which abuts a street, parking area, or other unenclosed circulation area open to the general public. Where more than one use occupies a building, the building frontage shall be the front width of the portion of the building occupied by that use.

(13) STREET FRONTAGE - The linear distance between the lot lines measured along the abutting public or private street.

17-4. GENERAL PROVISIONS

17-4(a) PERMIT REQUIREMENTS - No sign, except as specifically exempted herein, shall be displayed, erected, relocated or altered unless and until a permit has been issued by the Division of Building Inspection. Application

materials shall be as required by the Division of Building Inspection, and shall include, but shall not be limited to the following:

- (1) A completed application form.
- (2) A site plan and/or building elevation drawing, showing the location of the proposed sign(s) on the lot and/or building, including setbacks.
- (3) Detailed sign information, including type of construction, method of illumination, dimensions, copy, method of mounting and/or erecting and other similar information.
- (4) The written consent of the owner of the underlying real property or authorized agent.
- (5) A permit fee in an amount determined by the Urban County Council.

The Division of Building Inspection shall maintain written records of all permits issued or formally denied and any conditions attached to approval of such permit requests. Signs may be erected or constructed only in compliance with the approved permit.

17-4(b) ENFORCEMENT - Except as provided herein, the Division of Building Inspection shall enforce the provisions of this Article and shall utilize its powers to ensure compliance with its provisions and the provisions of any approved permit. The Division shall maintain written records of any enforcement actions taken. The Division of Code Enforcement shall also have enforcement authority as to the provisions of Sections 17-4(g) and (j) below, and shall maintain written records of any enforcement actions taken.

17-4(c) SIGNS EXEMPT FROM PERMIT REQUIREMENTS - The following signs shall not require a permit. However, such signs are subject to applicable restrictions contained within this Article, and the Division of Building Inspection shall take enforcement action against any such sign which does not conform to the specified requirements.

- (1) Political Signs;
- (2) Nameplates;
- (3) Government Signs;
- (4) Real Estate Signs;
- (5) Incidental Signs;
- (6) Window Signs; and
- (7) The changing of copy on a billboard, attraction board, marquee, informational sign, or electronic message display system.

17-4(d) REMOVAL OF REAL ESTATE SIGNS - All real estate and tract signs shall be removed within ten (10) days after completion of sales activities in connection with the property or tract to which they pertain.

17-4(e) ILLUMINATED SIGNS NEAR RESIDENTIAL ZONES - Illuminated signs shall be located in a fashion which minimizes, to the greatest feasible extent, the direct rays of such illumination penetrating into any residential zone or property used for residential purposes.

17-4(f) IMITATION OF OFFICIAL SIGNAGE - No light, sign or other advertising device shall be designed or erected in such a manner or location as to imitate or resemble any official traffic sign, signal or device or use any words, phrases, symbols or characters implying the existence of danger, or the need to stop or maneuver the vehicle.

17-4(g) SIGNS ON TREES, UTILITY POLES OR OTHER STRUCTURES - No sign shall be attached to or painted on the surface of any tree, utility pole, street light standard, or dilapidated structure.

17-4(h) LIGHTING ON INDIRECTLY ILLUMINATED SIGNS - Gooseneck and thin line reflectors and lighting shall be permitted on indirectly illuminated signs, provided such do not extend six (6) feet beyond the sign structure to which they are attached and such illumination is directed upon the sign in such a fashion as to reduce the possibility of direct light rays shining onto any adjacent property or public way.

17-4(i) NEON SIGNS - Neon lighting and tubing and other exposed light sources not exceeding one hundred (100) watts per bulb may be used on signs where signs are permitted to be directly illuminated as defined in this Article.

17-4(j) SIGNS WITHIN SIGHT TRIANGLES - No sign (except for government signs), may be located within the required sight triangle of any intersection, nor within or projecting into the public or private street right-of-way, except as specifically permitted herein.

17-4(k) SIGNS FOR NON-CONFORMING USES - Signs accessory to legal non-conforming uses shall be permitted and shall be subject to the regulations of the zone in which the use is located.

17-4(l) LOCATION OF ALLOWABLE SIGNAGE BASED ON STREET FRONTAGE - Where signs are permitted on a lot on a per frontage basis under this Article, such signs shall be located and oriented to the distinct street frontage by which the sign is permitted. In addition, for free standing signs permitted on a lot on a per frontage basis, the signs on that lot may not be closer than seventy-five (75) feet from each other as measured in a straight line.

17-4(m) SIGNS AS A PERCENTAGE OF WALL AREA - Where wall signs are permitted as a percentage of the wall area to which they are attached, such wall area shall include all windows, doors, and wall area of the building in one plane of elevation. Where the building or wall face is broken or irregular in relation to a single vertical plane perpendicular to

the ground (by such architectural features as dormers, pitched roofs, awnings, etc.), the requirements may be applied in one of two ways:

- (1) The total building face may be considered as one, two-dimensional wall, and number of signs permitted and maximum area requirements applied on that basis.
- (2) Where each individual plane created by the architectural feature projects or is recessed by twelve (12) inches or more, each plane may be considered as a separate wall, and number of signs permitted and maximum area requirements applied on that basis. However, the total square footage of the permitted signs shall not exceed the square footage permitted under 17-4(m)(1) above, and no sign shall be oriented in a direction other than that of the building face under consideration.

17-4(n) INCIDENTAL SIGNS - No incidental sign shall be attached to a free standing advertising sign, business sign, identification sign or directional sign.

17-4(o) CANOPY SIGNS AS PART OF ALLOWABLE WALL SIGNAGE - Canopy signs shall be counted as a part of and limited to the percentage allowable for wall signs. The height of canopy signs shall not exceed twenty (20) feet. For any case where the vertical dimension of the canopy face exceeds three (3) feet, only three (3) feet of the vertical dimension shall be used for computing the area of such facing, and any sign or sign cabinet permitted shall have a maximum vertical dimension of three (3) feet.

17-4(p) SIGNAGE FOR MULTIPLE USES - Where more than one use occupies a building, the permitted sign area shall be based on the building frontage or wall area, as applicable, of that use.

17-4(q) PERMITTED SIGN AREA BASED ON FRONTAGE - Street or building frontage used as a basis of determining permitted sign area for a building or use shall not be used as the basis for determining the permitted sign area for another building or use.

17-5 PROHIBITED SIGNS IN ALL ZONES - The following signs and/or sign features shall be prohibited in all zones.

- (a) Mobile Signs.
- (b) Roof Signs.
- (c) Flashing or Blinking Signs, except for permitted informational signs.
- (d) Rotating or Moving Signs.
- (e) Abandoned Signs.

- (f) Streamers, pennants and tag signs or similar signs or devices made of wood, plastic, metal, or similar material, other than cloth, except when attached to a permitted temporary sign.
- (g) Any sign which emits any noise, odor or visible matter for the purpose of attracting attention to the sign.
- (h) Any free standing sign, any portion of which overhangs any part of a building.

17-6 PERMITTED SIGNS IN ALL ZONES - The following signs shall be permitted within all zones, subject to the restrictions specified:

- (a) Government signs with no restrictions on size, number or location.
- (b) Political signs, not exceeding four (4) square feet in area, limited to one sign per street frontage; and erected no earlier than thirty (30) days prior to the election they pertain to; and removed within five (5) days after such election.
- (c) Real estate signs, limited to one (1) sign per street frontage; non-illuminated; not exceeding six (6) square feet in area and six (6) feet in height; and removed within ten (10) days after completion of the sale or lease of the property to which they pertain.
- (d) Construction signs, not exceeding sixty-four (64) square feet, limited to one per street frontage in multi-family residential, office, business, and industrial zones; or where one sign is to be utilized, the permitted sign area may be totaled by summing the square footage permitted on each street frontage. In agricultural, single family and two-family zones, construction signs shall not exceed thirty-two (32) square feet and shall be limited to one per street frontage. All construction signs shall be non-illuminated or indirectly illuminated and shall be removed prior to issuance of an occupancy permit for the structure to which they pertain.
- (e) Tract signs, set back from any street as required for a principal structure within the zone; non-illuminated, and further regulated as follows:
 - (1) Where the subdivision contains twenty-five (25) lots or less, the sign area shall not exceed sixty-four (64) square feet.
 - (2) Where the subdivision contains more than twenty-five (25) lots, the sign area shall not exceed one hundred (100) square feet.
 - (3) Each subdivision shall be permitted one (1) tract sign per arterial or collector street frontage,

provided the total number of signs shall not exceed four (4) signs.

(f) Incidental Signs.

- (g) Temporary signs, not specifically otherwise regulated, in accordance with the following conditions:

- (1) Such signs shall be limited to window or wall signs only; shall not exceed one hundred (100) square feet in surface area per use where non-rigid materials are used; and shall not exceed thirty-two (32) square feet per use where rigid materials such as wallboard or plywood are utilized; and shall comply with the applicable regulations for the zone in which they are located.

- (2) Such signs shall not remain in place for a period of more than thirty (30) days; except that the Division of Building Inspection may, for good cause, extend the time period for an additional 30 days upon application therefore. In addition, no use shall be permitted to display a temporary sign for more than a total of one hundred fifty (150) days during any calendar year.

- (h) Historic markers not exceeding six (6) square feet in area, limited to one sign per street frontage.

- (i) Landmark and district identification signs may be permitted with the approval of the Commissioner of Public Works and Development (or designee) and a four-member sign review committee established by the Mayor. In addition to the Commissioner of Public Works and Development, the committee shall consist of at least one (1) architect, licensed in the Commonwealth of Kentucky, and at least one (1) building inspector from the Division of Building Inspection. Any such signs shall meet all applicable Kentucky Building Code and Kentucky Fire Safety Code requirements.

A landmark or district identification sign shall be evaluated by the sign review committee, based on the following criteria:

- (1) The sign exhibits distinctive stylistic features and an unusual use of material in the design.
- (2) The sign is an example of artistic design and skilled craftsmanship.
- (3) The sign is a significant part of the architectural or cultural history of the community.

17-7 PERMITTED SIGNS BY ZONE - The following sign regulations shall be applicable within the zoning categories indicated. Any sign not specifically permitted shall be deemed as prohibited.

17-7(a) AGRICULTURAL ZONES (A-R, A-U, A-B and A-N) - Permitted signs within these zones may be either free standing or wall mounted unless otherwise specified; no free standing sign may exceed ten (10) feet in height; signs shall be either non-illuminated or indirectly illuminated unless otherwise specified.

- (1) One nameplate per residence or other permitted use, not exceeding one (1) square foot in area.
- (2) One identification sign for a permitted home occupation, or a bed and breakfast facility permitted as a conditional use, not exceeding two (2) square feet in area.
- (3) One identification sign for a farm or estate, not exceeding ten (10) square feet.
- (4) One identification sign for any permitted use not otherwise specifically provided for, not exceeding thirty-two (32) square feet in area.
- (5) One identification sign for a permitted church or school for academic instruction, free standing or wall mounted; not exceeding thirty-two (32) square feet in area; not exceeding eight (8) feet in height if free standing; in addition, one bulletin board not exceeding twelve (12) square feet in area and eight (8) feet in height.
- (6) One non-illuminated business sign advertising agricultural products grown or raised on the premises, not exceeding thirty-two (32) square feet in area.
- (7) For farms utilizing more than one point of access, one non-illuminated or indirectly illuminated sign per entrance, indicating the name of the farm and directional information, as necessary to provide information as to the particular farm activity which must be served by only that point of access; not to exceed ten (10) square feet in area; maximum height of ten (10) feet.
- (8) Subdivision entrance identification signs of permanent construction, free standing or wall mounted; not exceeding thirty-two (32) square feet in area; no more than two per entrance; not more than two entrances to be identified. Such signs may be located in the right-of-way (in the median or at each side of the street) subject to written authorization of the Commissioner of Public Works, who shall determine that the signs would not be located in the sight triangle and would not cause a hazard to traffic. Proof of permanent maintenance and an encroachment permit shall be provided by the applicant prior to the issuance of a permit for a subdivision entrance identification sign located in the

right-of-way.

17-7(b) LOW DENSITY RESIDENTIAL ZONES (R-1 [A THROUGH E], R-1T, R-2) - Permitted signs within these zones shall be wall signs unless otherwise specified; signs shall be either non-illuminated or indirectly illuminated. Minimum setback for any free standing sign permitted under this section shall be one-half (½) the minimum front yard requirement for the zone in which the sign is to be located; and no less than ten (10) feet in any case.

- (1) One nameplate per residence or other permitted use, not exceeding one (1) square foot in area.
- (2) One identification sign for a permitted home occupation, not exceeding two (2) square feet in area.
- (3) One identification sign, for a farm or estate exceeding five (5) acres in size, free standing or wall mounted; not exceeding ten (10) square feet in area; not exceeding ten (10) feet in height if free standing.
- (4) One identification sign for a permitted kindergarten, nursery school, day nursery, or child care center, wall mounted not more than seven (7) feet above ground level; not exceeding two (2) square feet in area.
- (5) One identification sign for a permitted church or school for academic instruction, free standing or wall mounted; not exceeding thirty-two (32) square feet in area; not exceeding eight (8) feet in height if free standing; in addition, one bulletin board, free standing or wall mounted, not exceeding twelve (12) square feet in area and eight (8) feet in height.
- (6) One identification sign for any permitted use not otherwise specifically provided for, free standing or wall mounted; not exceeding thirty-two (32) square feet in area; not exceeding eight (8) feet in height if free standing.
- (7) Subdivision entrance identification signs of permanent construction, free standing or wall mounted; not exceeding thirty-two (32) square feet in area; not exceeding six (6) feet in height if free standing; no more than two per entrance; not more than two entrances to be identified, or not more than four entrances to be identified when all such signs are oriented to an intersection with an arterial, collector, boulevard or parkway. Such signs may be located in the right-of-way (in the median or at each side of the street) subject to written authorization of the Commissioner of Public Works, who shall determine that the signs would not be located in the

sight triangle and would not cause a hazard to traffic. Proof of permanent maintenance and an encroachment permit shall be provided by the applicant prior to the issuance of a permit for a subdivision entrance identification sign located in the right-of-way.

- (8) For a Group Residential Project within the R-1T zone only, one non-illuminated directional sign per entrance, not exceeding three (3) square feet in area; and not exceeding three (3) feet in height if free-standing; not to exceed four (4) signs per Group Residential Project.
- (9) One identification sign for a bed and breakfast facility permitted as a conditional use, free standing or wall mounted; not exceeding two (2) square feet in area; not exceeding six (6) feet in height if free standing.

17-7(c) HIGH DENSITY RESIDENTIAL ZONES (R-3 & R-4) - Permitted signs within these zones shall be free standing or wall mounted as specifically noted; signs shall be either non-illuminated or indirectly illuminated.

- (1) Signs as permitted and regulated under Section 17-7(b) above.
- (2) One identification sign for a multi-family residential building containing four (4) or more dwelling units and not located within a Group Residential Project, free standing or wall mounted; not exceeding thirty-two (32) square feet in area; not exceeding eight (8) feet in height if free standing; minimum setback of at least twenty (20) feet.
- (3) Identification sign(s) for a Group Residential Project, one sign per street frontage with a maximum of two (2) signs; free standing or wall mounted; not exceeding thirty-two (32) square feet in area per sign; not exceeding eight (8) feet in height if free standing; minimum setback of at least twenty (20) feet.
- (4) Pole-banner signs shall be permitted only if displayed in a parking area approved as a conditional use to be accessory to a mixed-use project, and subject to the following restrictions:
 - (a) Banner signs shall be a maximum size of two (2) feet by four (4) feet, and there shall be no more than two (2) per pole.
 - (b) Banner signs may not advertise a specific business or products, goods or services.
 - (c) Pole-mounted banners shall be permitted on

light fixtures in parking areas located outside the public right-of-way.

- (d) Banner poles shall be spaced to be no closer than forty-five (45) feet from each other.
- (e) The total number of pole-mounted banner signs shall be limited to one (1) for every 3,000 square feet of parking area.
- (f) All pole-mounted banner signs shall provide a minimum of eight (8) feet of vertical clearance, and may not encroach into the right-of-way.

17-7(d) HIGH RISE APARTMENT ZONE (R-5) - Permitted signs within this zone shall be free standing or wall mounted, as specifically noted; signs may be internally illuminated only when across a public street from any office, business or industrial zone; otherwise, signs shall be either non-illuminated or indirectly illuminated.

- (1) Signs as permitted and regulated under Section 17-7(c) above, except for subdivision entrance identification signs.
- (2) One wall-mounted business sign per building, identifying any or all incidental retail uses allowed as a conditional use, not exceeding sixteen (16) square feet in area. Where utilized, the otherwise permitted wall signs in the R-5 zone shall not be allowed.
- (3) One wall-mounted business sign per extended-stay hotel conditional use; not exceeding thirty-two (32) square feet in area.
- (4) In addition, when located within $\frac{3}{4}$ mile of an interchange for a designated interstate highway, one wall-mounted business sign visible from the interstate highway per extended-stay conditional use, but not below a minimum height of seventy-five (75) feet from the base of the wall; not exceeding one hundred fifty (150) square feet in area.
- (5) In addition, one wall-mounted business sign per principal permitted office use, not exceeding two (2) square feet in area. Where utilized, the otherwise permitted nameplate shall not be allowed.

17-7(e) PROFESSIONAL OFFICE ZONE (P-1) AND MIXED USE 1: NEIGHBORHOOD NODE ZONE (MU-1) - Permitted signs may be either free standing or wall mounted, as specifically noted; signs shall be non-illuminated, indirectly illuminated, or internally illuminated unless otherwise specified. No free-standing sign shall exceed ten (10) feet in height.

- (1) Identification or Business signs, limited to one free-standing sign per building and one wall-mounted sign per street frontage, with a maximum of two such wall-mounted signs per building; free-standing sign not to exceed forty (40) square feet in area; wall-mounted sign not to exceed five percent (5%) of the wall area to which it is attached; minimum setback of ten (10) feet for a free-standing identification sign.

(Note: Where a free-standing sign is not utilized on a lot with only one street frontage, a second wall-mounted sign on a different building face shall be permitted as regulated above in place of the permitted free-standing sign.)

- (2) One nameplate per tenant or lessee, not exceeding two (2) square feet in area; non-illuminated or indirectly illuminated only.
- (3) Informational signs, not exceeding twenty (20) square feet. Such signs shall be included in the computation for maximum square footage specified under 17-7(e)(1) above, and shall be free standing only when included as a part of a permitted free-standing identification sign.
- (4) Directional signs not exceeding three (3) square feet in area; not exceeding three (3) feet in height if free standing; not to exceed two (2) signs per entrance.
- (5) One attraction board, wall mounted or attached to the permitted free-standing identification sign, the area of the attraction board to be included in the maximum permitted sign area.
- (6) In addition, and within a designated Professional Office Project only:
 - (a) One project identification sign, free standing or wall mounted; not exceeding one hundred (100) square feet in area.
 - (b) One identification sign, wall mounted; not exceeding fifteen (15) square feet in area for a restaurant, cocktail lounge or night club.
 - (c) Project entrance identification signs of permanent construction, free standing or wall mounted; not exceeding thirty-two (32) square feet in area; not exceeding eight (8) feet in height; and no more than two per entrance. Such signs may be located in the right-of-way (in the median or at each side of the street), subject to written authorization of the Commissioner of Public Works, who shall determine that the signs would not be located in the sight

triangle and would not cause a hazard to traffic. Proof of permanent maintenance and an encroachment permit shall be provided by the applicant prior to the issuance of a permit for a subdivision entrance identification sign located in the right-of-way.

17-7(f) NEIGHBORHOOD BUSINESS ZONE (B-1) -

Permitted signs may be free standing or wall mounted as specified; signs shall be non-illuminated, indirectly illuminated, or internally illuminated unless specified otherwise. No free-standing sign shall exceed twenty (20) feet in height.

- (1) Business signs shall be permitted as follows:

- (a) The total surface area of business signs shall not exceed one and one-half (1½) square feet per linear foot of street or building frontage, whichever is greater; or thirty-two (32) square feet, whichever is greater.
- (b) One free-standing business sign shall be permitted per street frontage, with a maximum of two (2) free-standing signs; not exceeding fifty (50) square feet per sign; minimum setback one-half the setback required for a principal building, but not less than ten (10) feet in any case.
- (c) One projecting business sign not exceeding fifty (50) square feet in area, not exceeding twelve (12) feet in height, and only directly or indirectly illuminated, shall be permitted in lieu of all free-standing business signage, as permitted herein, under the following circumstances:
 - (1) the parcel on which the sign is placed is located within the defined Infill and Redevelopment Area; and
 - (2) the existing principal structure on the parcel is located ten (10) feet or less from the front property line.
- (d) The surface area of a wall-mounted business sign shall not exceed fifteen percent (15%) of the wall area to which it is attached or thirty-two (32) square feet, whichever is greater, each wall to be considered separately. Only one business sign shall be permitted per wall. In the case of a building containing two or more separate business uses, these requirements shall be applied separately to the wall area of the building space leased, rented or owned by the individual business tenant.

- (e) Window signs shall be permitted, limited to no more than twenty-five percent (25%) of the total window area, and direct illumination shall be permitted.
 - (f) Canopy or awning signs (including above-canopy signs) shall be permitted and included in the computation of the maximum permitted sign area and limited to the percentage allowable for wall signs. Under-canopy or under-awning signs shall be permitted and limited to identification signs.
- (2) In conjunction with an indoor theater, one marquee, not to exceed twenty-four (24) square feet per theater; such marquee shall project no more than eight (8) feet from the building face to which it is attached and shall have a minimum clearance of eight (8) feet. In addition, one attraction board attached to one free-standing business sign, not to exceed twenty-four (24) square feet per theater. The area of the marquee and attraction board shall be included in the computation of the maximum permitted sign area.
- (Note: Where an attraction board attached to a free-standing business sign is not utilized, a second marquee, mounted on a different building face, shall be permitted as regulated above.)
- (3) One attraction board, wall mounted or attached to a permitted free-standing business sign; the area of the attraction board to be included in the maximum permitted sign area.
 - (4) Directional signs not exceeding three (3) square feet in area, not exceeding three (3) feet in height; if free standing not to exceed two (2) signs per entrance.
 - (5) One nameplate per tenant or lessee, not exceeding two (2) square feet in area; non-illuminated or indirectly illuminated.
 - (6) Informational signs, not exceeding twenty (20) square feet. Such signs shall be included in the computation for maximum square footage specified under 17-7(f)(1) above, and shall be free standing only when included as a part of a permitted free-standing identification sign.
 - (7) One menu board per restaurant use or one menu board per drive-through lane. All copy (including any logos, restaurant name, etc.) shall have a maximum letter height and width of six (6) inches, containing no direct illumination; not exceeding forty-five (45) square feet in area; maximum height

of eight (8) feet if free standing; and not located so as to have the copy visible to vehicular traffic on any adjacent street.

- (8) One menu box per restaurant use, not exceeding four (4) square feet.

17-7(g) HIGHWAY SERVICE BUSINESS. WAREHOUSE / WHOLESALE AND INDUSTRIAL ZONES (B-3, B-4, I-1, I-2) - Permitted signs may be free standing or wall mounted as specified; signs may be non-illuminated, indirectly illuminated, internally illuminated or directly illuminated unless specified otherwise; no free-standing business sign shall exceed twenty-five (25) feet in height; no free-standing advertising sign shall exceed forty (40) feet in height.

- (1) Business signs shall be permitted as follows:

- (a) The total surface area of business signs shall not exceed two (2) square feet per linear foot of street or building frontage, whichever is greater, or thirty-two (32) square feet, whichever is greater.
 - (b) One free-standing business sign per lot shall be permitted per street frontage, with a maximum of two (2) free-standing signs; not exceeding seventy-five (75) square feet per sign; minimum setback shall be one-half (1/2) the setback required for a principal building, but not less than ten (10) feet in any case.
 - (c) The surface area of wall-mounted business sign(s) shall not exceed fifteen percent (15%) of the wall area to which it is attached or thirty-two (32) square feet, whichever is greater, each wall to be considered separately. Only one business sign shall be permitted per wall. In the case of a building containing two or more separate business uses, these requirements shall be applied separately to the wall area of the building space leased, rented or owned by the individual business tenant.
 - (d) Window signs shall be permitted, limited to no more than twenty-five percent (25%) of the total window area.
- (2) Nameplates, directional signs, informational signs and signs on or under a canopy or awning shall be permitted as regulated in the B-1 zone.
 - (3) In conjunction with an indoor theater: one marquee, not to exceed twenty-four (24) square feet per theater; such marquee shall project no more than eight (8) feet from the building face to which it is

attached and shall have a minimum clearance of eight (8) feet. In addition, one attraction board attached to one free-standing business sign, not to exceed twenty-four (24) square feet per theater. The area of the marquee and attraction board shall be included in the computation of the maximum permitted sign area.

(Note: Where an attraction board attached to a free-standing business sign is not utilized, a second marquee, mounted on a different building face, shall be permitted as regulated above.)

- (4) One attraction board, wall mounted or attached to a permitted free standing business sign, the area of the attraction board to be included in the maximum permitted sign area.
- (5) Menu boards as permitted and regulated in the B-1 zone.
- (6) In addition, advertising sign structures shall be permitted as follows:
 - (a) The lot must abut a federal or state highway.
 - (b) No advertising sign structure shall exceed four hundred (400) square feet in area.
 - (c) No advertising sign shall be permitted within one hundred fifty (150) feet of any residential zone.
 - (d) No advertising sign structures shall be located within five hundred (500) feet of another advertising sign structure, unless one of the two signs located within five hundred (500) feet of another sign meets the requirements of, and has been allowed under, sub-paragraph (f) below.
 - (e) Advertising signs shall be required to be set back from any street right-of-way twenty (20) feet, or at the same setback as any principal building on the lot, whichever is less.
 - (f) An advertising sign structure located not less than two hundred (200) feet of another advertising sign structure shall be permitted as follows:
 - (1) The requirements of sub-paragraphs (a), (c) and (e) above shall be met.
 - (2) The advertising sign shall be limited to the identification of, and directional information for, a motel or hotel that is not located on a federal or state highway.
- (3) Any business signs located on the motel or hotel lot shall not be visible from the federal or state highway abutting the lot on which the advertising sign is located.
- (4) The advertising sign structure shall not exceed fifty (50) square feet in area, and its height shall not exceed forty (40) feet.
- (5) The advertising sign shall be attached to an existing free-standing business sign structure, and no other advertising signs shall be permitted on the same lot.
- (6) No advertising signs shall be permitted on the motel or hotel lot.
- (7) The motel or hotel lot shall be located not more than 1,000 feet from the federal or state highway abutting the lot on which the advertising sign is located.
- (7) As part of a permitted free-standing or wall-mounted advertising or business sign for an indoor or outdoor stadium or arena located in a B-3 zone having a permanent seating capacity in excess of 5,000 persons for athletic and cultural events, an electronic message display system shall be permitted, not exceeding 50% of the total sign area of the permitted sign, to be used exclusively to notify the public of events to be held in the stadium or arena. No moving or scrolling messages shall be permitted. Messages displayed may be changed not more frequently than every 15 seconds.
- (8) Pole-banner signs shall be permitted only if displayed in a parking area accessory to a mixed use project, and subject to the following restrictions:
 - (a) Banner signs shall be a maximum size of two (2) feet by four (4) feet, and there shall be no more than two (2) per pole.
 - (b) Banner signs may not advertise a specific business or products, goods or services.
 - (c) Pole-mounted banners shall be permitted on light fixtures in parking areas located outside the public right-of-way.
 - (d) Banner poles shall be spaced to be no closer than forty-five (45) feet from each other.
 - (e) The total number of pole-mounted banner signs shall be limited to one (1) for every 3,000 square feet of parking area.

- (f) All pole-mounted banner signs shall provide a minimum of eight (8) feet of vertical clearance, and may not encroach into the right-of-way.

17-7(h) DOWNTOWN BUSINESS ZONES (B-2, B-2A) -

Permitted signs may be free standing or wall mounted, as specified; such signs may be non-illuminated, indirectly illuminated, internally illuminated or directly illuminated, unless specified otherwise.

(1) Business signs shall be permitted as follows:

- (a) Signs with general product advertising or lists of specific goods or services shall be prohibited.
 - (b) One free-standing sign shall be permitted for each street frontage, not to exceed two free-standing signs. The free-standing signs shall have a maximum area of forty (40) square feet, a maximum height of twenty (20) feet, and a maximum projection into the right-of-way of twelve (12) inches.
 - (c) One wall-mounted sign per building face shall be permitted, placed at a height of fifty (50) feet or higher. Such sign shall have a maximum area of three percent (3%) of the wall area to which it is attached, with a maximum projection into the right-of-way of twelve (12) inches.
 - (d) In addition to the wall sign permitted under (c) above, one additional wall-mounted sign shall be permitted per building face. Such sign shall have a maximum lettering height or vertical cabinet dimension of two and one-half (2½) feet, and shall be located at a height of less than fifty (50) feet on the building, with a maximum projection into the right-of-way of twelve (12) inches.
 - (e) In addition to the wall mounted signs permitted under (c) and (d) above, each establishment within the building, having a separate and direct entrance to the outside, shall be permitted one wall sign per street building face. Such sign shall be located no lower than ten (10) feet nor higher than thirty (30) feet on the building, and mounted on the building where the establishment is located. Such sign shall have a maximum area of one and one-half (1½) square feet per linear foot of frontage, not to exceed eighty (80) square feet, with a maximum projection into the right-of-way of twelve (12) inches.
 - (f) One projecting business sign, not exceeding fifty (50) square feet in area, shall be permitted for each establishment within the building having a separate and direct entrance to the outside. Such sign shall have a minimum vertical clearance of ten (10) feet and a height limit of thirty (30) feet as attached to the building. Such sign shall be mounted on the building so that it does not conflict with wall-mounted signs permitted under (e) above or with any windows, doors or other architectural features of the building; and with a maximum projection from the face of the building and into the adjacent right-of-way of eight (8) feet. In no case shall a projecting sign be closer than two (2) feet to the back of curb of any adjacent roadway.
 - (g) Window signs shall be permitted, limited to no more than twenty-five percent (25%) of the total window area.
- (2) Wall-mounted identification signs, not exceeding five (5) square feet, with a maximum letter height of six (6) inches; located no higher than ten (10) feet on the face of the building; one sign per establishment having a separate and direct entrance to the outside; maximum projection into the right-of-way of twelve (12) inches.
 - (3) Nameplates, directional signs, menu boards, menu boxes and informational signs shall be permitted as regulated in the B-1 zone.
 - (4) Canopy or awning signs shall be permitted in lieu of allowable wall signs, not exceeding twenty percent (20%) of the face of the canopy or awning. Under-canopy or under-awning signs shall be permitted and limited to identification signs. Above-canopy signs shall be permitted and limited to the percentage allowable for wall signs.
 - (5) Banner signs, pennants and streamers, with no general product advertising, or list of specific goods or services, shall be permitted; limited to one such banner, pennant or streamer per ten (10) feet of linear frontage, a total maximum area of fifteen percent (15%) of the wall area to which it is attached, a minimum of eight (8) feet of vertical clearance and a maximum projection into the right-of-way of three (3) feet.
 - (6) A-frame or sandwich board type signs shall be permitted as follows:
 - (a) Maximum size of eight (8) square feet per

panel, maximum height 48", maximum width 24";

- (b) One sign per street front, maximum two signs;
 - (c) Placement of sign shall allow for four (4) clear feet of sidewalk width;
 - (d) Sign shall be in place only when business is open;
 - (e) Placement of sign not to restrict egress from parked cars, and not over curb line;
 - (f) Shall be maintained in good condition;
 - (g) Shall not be attached to any public utility pole, street light standard or tree;
 - (h) Non-illuminated;
 - (i) There shall be an annual renewal permit fee, as established under the Code of Ordinances.
- (7) In addition to the otherwise permitted signs, wall-mounted electronic message display center boards shall be permitted for civic centers which contain exhibition halls and an arena for athletic and cultural events; for hotels and motels containing conference centers and restaurants; for television and radio system signal distribution centers and studios; and for banks, securities and commodities brokers, credit institutions, savings and loans, and investment companies. The total surface area shall not exceed eighty (80) square feet per sign. One electronic message display center shall be permitted per street front, with a maximum of two signs.

17-7(j) LEXINGTON CENTER BUSINESS ZONE (B-2B) - Permitted signs may be free standing or wall mounted, as specified; such signs may be non-illuminated, indirectly illuminated, internally illuminated or directly illuminated; painted wall signs shall be prohibited. No free-standing sign permitted under this section shall exceed twenty (20) feet in height, nor project into the right-of-way more than twelve (12) inches.

- (1) Business signs, wall-mounted identification signs, canopy or awning signs, under-canopy or under-awning signs, above-canopy signs and banner signs shall be permitted as regulated in the B-2 and B-2A zones.
- (2) In addition to the other signs permitted in this zone, four (4) wall-mounted electronic message display system signs shall be permitted for civic centers which contain exhibition halls and an arena for

athletic and cultural events. Two (2) such signs, not exceeding two hundred (200) square feet, shall be permitted and shall be used primarily only to notify the public of special events in the civic center or to provide public service information. Two (2) additional signs may also be erected, not exceeding fifty (50) square feet each, and shall be used exclusively for directional and/or informational purposes. Electronic message display system signs may be mounted on the wall of the civic center or any structure having a common wall with the civic center.

- (3) Nameplates, directional signs, menu boards and informational signs shall be permitted as regulated in the B-1 zone.
- (4) A-frame or sandwich board type signs shall be permitted and regulated as in the B-2 and B-2A zones.

17-7(i) INTERCHANGE SERVICE BUSINESS ZONE (B-5P) - Permitted signs shall be either free standing or wall mounted; signs may be non-illuminated, indirectly illuminated, internally illuminated, or directly illuminated.

- (1) Wall-mounted business signs and window signs shall be regulated as under Section 17-7(f)(1). Free-standing signs shall be regulated as follows:
 - (a) One free-standing business sign per lot shall be permitted, with a maximum area of three hundred fifty-six (356) square feet, with a maximum height of ninety (90) feet, but not below a minimum height of seventy-five (75) feet; a minimum setback of ten (10) feet from any right-of-way shall be required.
 - (b) In addition, one free-standing business sign per street frontage shall be permitted to a maximum of two (2) signs; sign area shall not exceed fifty (50) square feet; sign height shall not exceed twenty (20) feet; a minimum setback of ten (10) feet from any street shall be required.
- (2) One attraction board, wall mounted or attached to the free-standing business sign permitted under 17-7(j)(1)(b) above; the area of the attraction board to be included in the maximum permitted sign area.
- (3) Nameplates, menu boards, and directional signs shall be permitted and regulated as in the B-1 zone.

17-7(k) PLANNED SHOPPING CENTER ZONE (B-6P) - Signs within the B-6P zone shall be permitted and regulated as for B-1 [Section 17-7(f)], except as follows:

- (1) In place of the free-standing signs permitted under Section 17-7(f)(1)(b), the only permitted free-standing signs shall be shopping center identification signs. One sign shall be permitted per street frontage, with a maximum of two (2) signs. The maximum square footage of each sign shall be one hundred fifty (150) square feet, with a maximum height of twenty-five (25) feet for a regional shopping center; and seventy-five (75) square feet, with a maximum height of twenty (20) feet in a community or neighborhood shopping center. An attraction board may be attached to the free standing sign, provided it does not exceed the area of the identification sign and provided that no permanent copy identifying any specific business or product sold within the center is included on the attraction board. The area of the attraction board shall be included in the computation of the area of the free-standing sign. The copy on such an attraction board shall be limited to sales or other events on the premises and civic meetings, rallies or other non-commercial events on or off the premises.
- (2) The wall-mounted signs shall show only the name and/or logo of the business or profession, and shall contain no product trade name identifications. A listing of any products sold or offered on the premises may be an integral part of, and incorporated into, each permitted wall sign, provided the listing occupies no more than fifty percent (50%) of the area of the sign.
- (3) Window signs shall be permitted, limited to no more than twenty-five percent (25%) of the total window area.
- (4) Non-illuminated or indirectly illuminated projecting signs may be permitted only as a conditional use as described under Section 17-12, where the purpose of such projecting signs is to create a unified and distinct shopping area design and where such signs will be utilized in place of wall signs.

17-7(i) MOBILE HOME PARK ZONE (M-1P) - Permitted signs shall be either non-illuminated or indirectly illuminated.

- (1) One free-standing mobile home park identification sign shall be permitted; sign not to exceed thirty-two (32) square feet in area, not exceeding eight (8) feet in height, minimum setback of twenty (20) feet from any street.
- (2) One nameplate per mobile home; not exceeding one square foot in area.

17-7(m) PLANNED UNIT DEVELOPMENT ZONES (PUD) - Signs shall require a sign permit from the Division of Building Inspection. The height, size, location, design features, etc., of any sign accessory to a use first permitted in a residential zone shall be determined by the sign requirements for the zone in which the use is first permitted. All signs accessory to business or office uses shall be as permitted and regulated for a neighborhood shopping center in the Planned Shopping Center (B-6P) zone.

17-7(n) OFFICE, INDUSTRY AND RESEARCH PARK ZONE (P-2) - Signs within the P-2 zone shall be permitted and regulated as for P-1 [Section 17-7(e)], except as follows:

- (1) Wall-mounted identification signs shall be limited to one per wall, with a maximum of four (4); wall-mounted signs not to exceed five percent (5%) of the wall area to which it is attached.
- (2) Signs within the designated retail area shall be permitted and regulated as in the B-6P [Section 17-7(k)] zone.
- (3) Project entrance identification signs shall be permitted and regulated under Section 17-7(e)(6)(c) above.

17-7(o) MIXED USE 2: "NEIGHBORHOOD CORRIDOR ZONE" (MU-2) - Signage shall be as permitted and restricted as follows:

- (1) Signs shall be non-illuminated, indirectly illuminated or internally illuminated, unless otherwise specified.
- (2) No free-standing sign shall exceed ten (10) feet in height.
- (3) Identification or business signs shall be permitted as follows:
 - (a) One free-standing identification sign shall be permitted per street frontage, per development, with a maximum of two (2) free-standing signs; not exceeding seventy-five (75) square feet per sign.
 - (b) The surface area of wall-mounted business signs shall not exceed fifteen percent (15%) of the wall area to which they are attached, or thirty-two (32) square feet, whichever is greater; each wall to be considered separately. Only one business sign shall be permitted per wall. In the case of a building containing two or more separate business uses, these requirements shall be applied separately to the wall area of the building space leased, rented or

owned by the individual business tenant.

- (c) Window signs shall be permitted, limited to no more than twenty-five percent (25%) of the total window area; and direct illumination shall be permitted.
- (d) Canopy or awning signs shall be permitted and limited to the percentage allowable for wall signs. Under-canopy or under-awning signs shall be permitted and limited to identification signs.
- (4) Projecting business signs shall be permitted in addition to wall-mounted business signs, where the purpose of such projecting signs is to create a unified and distinct mixed use are. No more than one (1) sign for each establishment within the building, having a separate and direct entrance to the outside, per street building face. Such sign shall extend no lower than eight (8) feet over the public right-of-way and must be mounted on the building where the establishment is located. Such sign shall have a maximum area of twelve (12) square feet, with a maximum projection from the wall of the building of no more than four (4) feet.
- (5) An attraction board may be attached to a free-standing sign, provided it does not exceed the area of the identification sign and provided that no permanent copy identifying any specific business or product sold within the center is included on the attraction board. The area of the attraction board shall be included in the computation of the area of the free-standing sign. The copy on such an attraction board shall be limited to sales or other events on the premises and civic meetings, rallies or other non-commercial events on or off the premises.
- (6) Directional signs not exceeding three (3) square feet in area, not exceeding three (3) feet in height; if free standing, not to exceed two (2) signs per entrance.
- (7) One nameplate per tenant or lessee, not exceeding two (2) square feet in area; non-illuminated or indirectly illuminated.
- (8) One menu board per restaurant use. All copy (including any logos, restaurant name, etc.) shall have a maximum letter height and width of six (6) inches, containing no direct illumination; not exceeding thirty (30) square feet in area; maximum height of eight (8) feet if free standing; and not located so as to have the copy visible to vehicular traffic on any adjacent street.
- (9) Wall-mounted banner signs, pennants and streamers

shall be permitted, with no general product advertising or list of specific goods or services; limited to one (1) such banner, pennant or streamer per ten (10) feet of linear frontage; a total maximum area of ten percent (10%) of the wall area to which it is attached; a minimum of eight (8) feet of vertical clearance; and a maximum projection into the right-of-way of three (3) feet.

17-7(p) MIXED USE 3: "MIXED-USE COMMUNITY ZONE" (MU-3) - Signage shall be permitted and restricted as in the MU-2 zone, except as follows:

- (1) Wall-mounted banner signs, pennants and streamers shall be permitted for a total maximum area of fifteen percent (15%) of the wall area to which they are attached, with all other restrictions from the MU-2 zone.
- (2) Pole-mounted banner signs shall be permitted, subject to the following:
 - (a) Banner signs shall be a maximum size of two (2) feet by four (4) feet, and there shall be no more than two (2) per pole.
 - (b) Banner signs may not advertise specific businesses or products, goods or services.
 - (c) Pole-mounted banners shall be permitted on light fixtures in parking lots and pedestrian plazas located outside the public right-of-way.
 - (d) Banner poles shall be spaced to be no closer than forty-five (45) feet from each other.
 - (e) The total number of pole-mounted banner signs shall be limited to one (1) for every 3,000 square feet of parking lot or pedestrian plaza.
 - (f) All pole-mounted banner signs shall provide a minimum of eight (8) feet of vertical clearance, and may not encroach into the right-of-way.
 - (g) Pole banners in parking lots located in another zone that are incorporated in an approved final development plan for an MU-3 project are permitted, subject to the same restrictions and requirements applicable to the pole-banner signs for the MU-3 project.
- (3) A-frame or sandwich board type shall be permitted as follows:
 - (a) Maximum size of eight (8) square feet per panel, maximum height 48", maximum width 24";

- (b) One sign per street frontage, maximum two signs;
 - (c) Placement of sign shall allow for four (4) clear feet of sidewalk width;
 - (d) Sign shall be in place only when business is open;
 - (e) Placement of sign not to restrict egress from parked cars and not over curb line;
 - (f) Shall be maintained in good condition;
 - (g) Shall not be attached to any public utility pole, street light standard or tree;
 - (h) Shall be non-illuminated; and
 - (i) There shall be an annual renewal permit fee, as established under the Code of Ordinances.
- (4) One (1) free-standing business or identification sign per street frontage, per development, shall be permitted. A maximum of two (2) free-standing signs shall be deemed as primary, not exceeding seventy-five (75) square feet per sign. All other free-standing signs shall be considered secondary, and shall not exceed forty (40) square feet per sign.
- (5) One (1) project identification sign per building, per street frontage, shall be permitted, not to exceed five percent (5%) of the wall area to which it is attached. Such projecting sign shall extend no lower than eight (8) feet, with a maximum projection from the wall of the building of no more than four (4) feet.

17-8 VARIANCES

17-8(a) AUTHORITY OF THE BOARD OF ADJUSTMENT - The Board of Adjustment shall have the authority to hear and decide on applications for variances to the dimensional requirements contained therein in accordance with Article 7 of this Zoning Ordinance. The Board shall not be authorized to increase the number of permitted signs; and may not permit any sign to be erected or mounted, to incorporate any design feature, information, or copy, nor to permit a design type that is not specifically permitted in the zone in which the sign is to be located; nor to grant any variance which would increase the maximum total permitted sign area on a single lot or building.

17-8(b) FINDINGS REQUIRED FOR VARIANCES - Before granting a variance to the dimensional requirements for a sign, the Board shall find all of the following, which shall be recorded along with any imposed conditions or

restrictions in the minutes and records and issued in written form to the applicant to constitute proof of the variance:

- (1) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or in the same zone.
- (2) The strict application of the provisions of the sign regulations of this Zoning Ordinance would deprive the applicant of a reasonable use of the land or would create unnecessary hardship on the applicant.
- (3) Such special circumstances are not the result of actions of the applicant taken subsequent to the adoption or amendment of the sign regulation of this Zoning Ordinance.
- (4) Reasons that the variance will not adversely affect the public health, safety and welfare, and will not alter the essential character of the general vicinity, and will not cause a hazard or a nuisance to the public.

17-9 NON-CONFORMING SIGNS - A legal non-conforming sign may continue in existence and shall be properly maintained in good condition. These sign regulations shall not be construed to prevent the strengthening, repair, or restoring to a safe condition of any sign; but a non-conforming sign shall not be:

- (a) changed to another non-conforming sign; except where only the faces or the messages are changed, or where the sign is reduced in height, size or area;
- (b) structurally altered (except to meet safety requirements) so as to prolong the life of the sign;
- (c) altered so as to increase the degree of non-conformity of the sign;
- (d) expanded or enlarged;
- (e) re-established after its discontinuance for ninety (90) days;
- (f) moved to a new location on the building or lot.

17-10 DISCONTINUANCE OF ILLEGAL SIGNS - Mobile signs prohibited under 17-5(a) are illegal signs and are subject to immediate enforcement action.

17-11 DISCONTINUANCE OF TEMPORARY SIGNS - Any temporary sign erected or displayed more than 90 days prior to the date of passage of this Article shall be removed forthwith.

17-12 SIGNS AS CONDITIONAL USES - The Board of Adjustment shall have the authority to approve conditional uses for signs which are specifically listed in the zone in question. Such signs shall be subject to all provisions and procedures as set forth in Article 7 for a conditional use permit.

17-13 MAINTENANCE STANDARDS - Every sign, including those signs for which a permit is not required, shall be maintained in good condition at all times.

- (a) Any painted wall sign shall be repainted at least once every three (3) years.
- (b) All signs which contain painted parts shall be kept neatly painted, including metal parts which are not galvanized or of rust resistant materials.
- (c) The Division of Building Inspection shall have the authority to order the repair, repainting, alteration or removal of any sign which constitutes a hazard to the health, safety or public welfare or which is an eyesore to the community by reason of inadequate maintenance, dilapidation or obsolescence.

17-14 PENALTIES FOR VIOLATION - Violation of the provisions of these sign regulations shall constitute a misdemeanor, which shall be subject to the fines and penalties as set forth in Article 5 for violation of this Zoning Ordinance.

ARTICLE 17: SIGN REGULATIONS

17-3 DEFINITIONS

17-3(b) BASIC SIGN TYPES BY FUNCTION - The following categories of signs are hereby defined based upon the nature of the information they are intended to provide:

(18) REAL ESTATE SIGN - A temporary sign indicating only sale or rental of residential or commercial property or buildings on which the sign is erected and shall include both of the following generally:

(a) RESIDENTIAL REAL ESTATE SIGN – a temporary sign indicating only sale or rental of residential property or buildings on which the sign is erected.

(b) COMMERCIAL REAL ESTATE SIGN – a temporary sign indicating only sale or rental of office, warehouse, retail, industrial, business and multi-family property or buildings on which the sign is erected.

17-4 GENERAL PROVISIONS

17-4(d) REMOVAL OF REAL ESTATE SIGNS - All residential real estate and tract signs shall be removed within ten (10) days after completion of sales activities in connection with the property or tract to which they pertain. All commercial real estate signs shall be removed within thirty (30) days after completion of sales activities in connection with the property or tract to which they pertain.

17-6 PERMITTED SIGNS IN ALL ZONES - The following signs shall be permitted within all zones, subject to the restrictions specified:

.....
(c)

- (1) Real-Residential real estate signs, limited to one (1) sign per street frontage; non-illuminated; not exceeding six (6) square feet in area and six (6) feet in height; and removed within ten (10) days after completion of the sale or lease of the property to which they pertain.
- (2) Commercial real estate signs, not exceeding sixty-four (64) square feet, not exceeding twelve (12) feet in height, limited to one per street frontage; in the case of a double-faced sign, only one side shall be counted for the purposes of the foregoing 64' limitation; non-illuminated or indirectly illuminated. A temporary sign as described in 17-6(g) may also be permitted in addition to the foregoing commercial real estate sign(s).

.....
(g) Temporary signs, not specifically otherwise regulated, in accordance with the following conditions:

- (1) Such signs shall be limited to window or wall signs only; shall not exceed one hundred (100) square feet in surface area per use where non-rigid materials are used; and shall not exceed thirty-two (32) square feet per use where rigid materials such as wallboard or plywood are utilized; and shall comply with the applicable regulations for the zone in which they are located.
- (2) Such signs shall not remain in place for a period of more than thirty (30) days; except that the Division of Building Inspection may, for good cause, extend the time period for an additional 30 days upon application therefore. In addition, no use shall be permitted to display a temporary sign for more than a total of one hundred fifty (150) days during any calendar year.

PRE-APPLICATION CONFERENCE RECORD

(Zoning Ordinance Text Amendment)

DATE: 6/12/2009

ADDRESS OF PROPERTY (if applicable): _____

CHANGE REQUESTED:

Real Estate signage - commercial sign size

REPRESENTATIVES PRESENT AT MEETING:

Sam Bennett, Commercial Property Association
of Lexington

In order that the staff may have a record of the pre-application conference, you are asked to sign below indicating that the following information relating to your proposed text amendment has been provided.

- ☒ A copy of "Steps Involved in Zoning Ordinance Text Amendments (ZOTA)."
- ☒ A copy of "Zoning Ordinance Text Amendment Application."
- ☒ A copy of "Filing Fee Schedule."
- ☐ A copy of "Official Meeting and Filing Schedule" for 200__ with filing and meeting dates indicated.
- ☒ A copy of the listing of Neighborhood Associations can be obtained from the ~~Strategic Planning Section of the~~ Division of Planning, 101 East Vine Street, 7th Floor.

- call Traci Wade for most up-to-date list
the week prior to filing.

Tim L. Ward
Staff

Sam Bennett
Owner's Representative

258-3183

WLS/tlw
02/02/2007
pre-app zota record

Justification Statement

The current provisions of Article 17-6(c) of the Zoning Ordinances limit real estate signs to six square feet in area, and six feet in height. While these restrictions may be appropriate for residential real estate signs, the scale and size of commercial real estate projects, as well as the presence of competing commercial signs on the same site, justifies a need for larger signage for commercial projects. This is consistent with the longstanding practice, whereby larger signage for commercial real estate signs have generally been accepted.

The purpose of this text amendment is to revise the current provisions, to permit commercial real estate signs that do not exceed sixty-four (64) square feet, and do not exceed twelve (12) feet in height, limited to one per street frontage, non-illuminated or indirectly illuminated. This change is consistent with the current provisions relating to "construction signs" contained in Article 17-6(d).

Services Committee Items

August 14, 2009

<u>Item</u>	<u>Referred By</u>	<u>Date Referred</u>	<u>Status</u>
Slaughtering Livestock	Henson	8-11-09	Sept 09
Signage Review	Lane	8-11-09	Sept 09
Commercial Development & Neighborhood Association Signage	Lane	8-11-09	Sept 09
Taxicab Special Events Permits	Gorton	5-26-09	August 09
Golf Carts on Public Roads	Stinnett	3-10-09	August 09
Underground Utilities in New Developments	Feigel	3-3-09	August 09
2003 Public Utilities Ice Storm Task Force	Gorton	2-13-09	Mar 09/Fall 09
Private Solid Waste Providers	Gorton	2-13-09	Spring 09
Animal Cruelty	Myers	4-2-09	August 09
Sign Ordinance	Myers	9-9-08	Spring 2009
Multi-Way Stop Glendover Dr @ Valley Rd	Beard	7-8-08	Petition Drive
Employee Automobile Usage and Reimbursement	Blues	5-13-08	General Services Update

<u>Item</u>	<u>Referred By</u>	<u>Date Referred</u>	<u>Status</u>
Zandale Storm Water Ditch	Beard	11-20-07	
Imposing Fines for ROW Signage	Myers	11-14-06	
Curb Replacement Program	Gorton	3-12-05	