

ORDINANCE

AN ORDINANCE AMENDING, REGULATING SIGNS IN THE "ZONING REGULATIONS FOR BARDSTOWN, BLOOMFIELD, FAIRFIELD, NEW HAVEN & NELSON COUNTY, KENTUCKY."

ORDINANCE NO. \_\_\_\_\_ as amended and adopted \_\_\_\_\_.

WHEREAS, the Court held a first reading on June 16, 2009 and after due advertisement held a second reading and adoption on July 7, 2009, and after due consideration,

UPON MOTION OF Sam Hutchins, SECONDED BY Tim Hutchins, AND A VOTE BEING HAD AND THE COUNTY JUDGE ANNOUNCING THAT THE MOTION CARRIED,

NOW THEREFORE BE IT ORDAINED BY THE FISCAL COURT OF NELSON COUNTY, COMMONWEALTH OF KENTUCKY:

**CHAPTER I: INTRODUCTION**

**A. PURPOSE**

The purpose of the Sign Ordinance is: to encourage the effective use of signs as a means of communications in Nelson County; to maintain and enhance the aesthetic environment and the County's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these Sign Regulations.

**B. APPLICABILITY**

A sign may be erected, placed, established, painted, created or maintained in unincorporated Nelson County only in conformance with the standards, procedures, exemptions and other requirements of this Ordinance.

The effect of this Ordinance as more specifically set forth herein is:

1. To establish a permit system to allow a variety of types of signs in commercial and industrial areas and a limited variety of signs in residential areas, subject to the standards and the permit procedures of the Ordinance;
2. To allow certain signs that are small, unobtrusive and incidental to the principle use of the respective lots on which they are located, subject to the substantive requirements of this Ordinance, without the requirements of a permit;
3. To provide for small, temporary signs without commercial messages in limited circumstances in the public right-of-way;
4. To prohibit all signs not expressly permitted by this Ordinance;
5. To establish a reasonable fee; and

6. To provide for the enforcement of the provisions of this Ordinance.

## CHAPTER II: DEFINITIONS

Certain terms are defined for the purposes of this Ordinance. All other words and phrases shall be given their common, ordinary meaning unless the context clearly requires otherwise. (\* considered a free-standing sign; \*\* considered a building-mounted sign; # can be considered either)

Administrator: The Sign Administrator as appointed by the Nelson County Judge\Executive or his\her designated representative.

Address sign: The numeric reference of a use or building to a street name.

Area of sign: The total area of the sign face which is used to display a message, not including its supporting poles or structures.

Awning: A shelter projecting from and supported by the exterior wall of a building.

Awning sign: A sign painted on, printed on, or attached flat against the surface of an awning. (#)

Bench sign: A sign painted on or affixed to any portion of a bench or seating area at bus stops or other such pedestrian areas. (Prohibited by this ordinance).

Billboard sign: Any off-site sign, available for rent, on a permanent structure on which the copy is periodically changed and which is not located on the premises to which such advertising copy pertains.

Building: As defined in the Building Code or Zoning Regulations.

Building mounted sign: A sign which is connected to a building. This includes, but is not limited to, a wall, building canopy, projecting or awning sign. (\*\*)

Canopy, Building: A rigid multi-sided structure covered with fabric, metal or other material and supported by a building at one or more points and by columns or posts at the other points. May be illuminated by means of internal or external sources.

Canopy, Free-standing: A rigid multi-sided structure covered with fabric, metal or other material and supported by columns or posts. May be illuminated by means of internal or external sources.

Changeable copy sign/Reader board: A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this Ordinance. (#)

Directory sign: A sign which lists the names of the occupants of a multiple occupancy building. (#)

Election Sign: A temporary sign directly associated with national, state or local elections.

Elevation: A geometrical projection of a building on a vertical plane.

Free-standing sign: A sign that is set firmly in or upon the ground surface and is not attached to any building or other structure. (\*)

Grade: The average level of the finished surface of the ground adjacent to a sign or to the exterior wall of the building to which a sign is affixed.

Ground-mounted sign: A free-standing sign with a solid masonry base. (\*)

Illegal sign: A sign which was not in compliance with this, or the applicable ordinance when it was erected, installed, altered or displayed.

Illuminated sign: A sign with an artificial light source incorporated internally or externally for the purpose of lighting the sign.

Incidental sign.: A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental.

Individual business unit: A business which is located in a structurally independent building which has its own entrance and exit.

Non-conforming sign: A sign that was erected, installed or displayed in compliance with previous sign regulations but which is not in compliance with this Ordinance and which has not been reconstructed, altered or otherwise modified since the adoption of this Ordinance except to bring the sign into compliance with the provisions of this Ordinance. (See Chapter VI of this Ordinance).

Off-site sign: A sign which directs attention to a business not located on the same lot where the sign is displayed.

On-site sign: A sign which directs attention to a business located at or a service or product offered on the same lot where the sign is displayed.

Portable sign: A sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported including, but not limited to, signs designed to be transported by means of wheels; signs converted to A or T frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way. (Prohibited by this ordinance unless otherwise specifically allowed).

Projecting sign: Any sign which is erected on a building wall or structure and extends beyond the building wall more than twelve (12) inches. (#)

Roof sign: A sign erected and constructed wholly or in part upon, against, or on the roof of a building, not to extend above the peak of roof. For purposes of this Ordinance, any portion of a building above or behind the fascia or parapet of a building shall be considered part of the roof. (\*\*)

Sign: Any device, structure, fixture, display, or placard using graphics, symbols, and written copy for the primary purpose of identifying, providing directions, or advertising any

establishment, product, goods, place, activity, business, or service.

Sign plan: A coordinated plan for developing signs for an individual building or a group of buildings.

Street frontage: The distance along which a lot line adjoins a public street right-of-way from one lot line intersecting the street to the furthest distant lot line intersecting the same street. For purposes of this Ordinance, a development project containing more than one lot along a street shall be considered to have only one street frontage on that street. Corner lots have at least two (2) street fronts.

Structure: As defined in the Building Code or Zoning Regulations.

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

Time or temperature sign: A sign or portion thereof on which the only copy that changes is an electronic or mechanical indication of time or temperature. (#)

Window sign: A sign that is placed inside a window, or applied or attached to window panes or glass, and which is visible from the exterior of the window and is not permanently painted or otherwise permanently affixed to the window. Signs that are permanently painted or otherwise permanently affixed to the window shall be considered wall-mounted signs. (\*\*)

### **CHAPTER III: GENERAL INFORMATION**

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

#### **A. ORDINANCE INTERPRETATION**

The Sign Administrator of Nelson County is charged with issuance of permits and the enforcement of this Ordinance. The decision of the Administrator will be valid in areas of interpretation and vagueness. Appeal of decisions of the Administrator shall be made through Nelson Fiscal Court.

#### **B. SIGNS EXEMPT FROM REGULATION UNDER THIS ORDINANCE**

The following signs shall be exempt from regulation under this Ordinance:

1. Any traffic sign, public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance.
2. Holiday lights and decorations on residential lots with no commercial message.
3. Traffic control signs on private property, such as Stop, Yield, and similar signs, and which contain no commercial message.
4. Temporary signs on the public right-of-way announcing or relating to a campaign, drive or event of a civic, philanthropic, educational, or religious organization, are allowed provided that an encroachment permit is obtained from the Kentucky

Department of Transportation for all such signs on State of Kentucky property or that written permission is obtained from Nelson Fiscal Court for signs located on Nelson County property. These signs shall be removed promptly upon the conclusion of the event to which they relate.

5. Signs within a ballpark, field or diamond which indicate sponsorship of the teams or activities that occur therein and which cannot be seen from a public street or adjacent properties are allowed.
6. Window signs.

### **C. SIGNS REQUIRING PERMITS**

A sign may be erected, placed, established, painted or created in the County only after obtaining a sign permit from the Administrator except where specifically exempted by this Ordinance.

### **D. SIGNS ALLOWED ON PRIVATE PROPERTY WITHOUT PERMITS**

No commercial messages are allowed on any of the signs not requiring a permit.

1. House or building identification signs, such as address and building markers, no more than four (4) square feet in area, and attached to the referenced building.
2. Personal messages, such as announcements of births, anniversaries, birthdays, not to exceed 6 (six) square feet in area, and shall be displayed no longer than fourteen (14) days.
3. The United States of America, State of Kentucky flags or flags of any other nation or political subdivision shall be flown and displayed in a manner whereby they are not construed as an attraction gaining device for the advertising of a product or use, or in a manner to otherwise draw the attention of the traveling public to an establishment or sales office. Such display shall not exceed twenty—five (25) square feet in area in any residential area or sixty (60) square feet in any commercial or industrial area and shall not be flown from a pole the tip of which is more than twenty-five (25) feet in height. Such display shall conform to the criteria established in the Ninety-Fourth Session of Congress (94-344; SJ Resolution 49).

A corporation flag, limited to one (1) flag per parcel of land, when flown in conjunction with the United States or State of Kentucky flags.

4. Temporary signs announcing or relating to a campaign, drive or event of a civic, philanthropic, educational, or religious organization are allowed. These signs shall be removed within forty-eight (48) hours of the conclusion of the event to which they relate.
5. Signs indicating the sale or rental of the premises on which the sign is located, are allowed, provided that for premises five (5) acres in size or less, the maximum allowable size of sign face is eight (8) square feet, with two (2) sign faces

maximum. For premises greater than five (5) acres in size, the maximum allowable size of a sign face is thirty-two (32) square feet with two (2) sign faces maximum.

Signs indicating real estate for sale, without providing name of real estate company (directly or indirectly), phone numbers, property details, real estate acreage or other site specification details are allowed at major roadway intersections leading to the property or properties for sale. These are for directional purposes only and shall not exceed five (5) square feet in size. Only one (1) sign of this type is allowed per intersection, must have black lettering on white background, and may only be located on property with the owner's permission or if publicly owned, the appropriate governmental body or agency's approval or permission. In addition to the for sale sign allowed, one (1) open house sign is allowed at each intersection. These signs are to be displayed only seven (7) calendar days immediately preceding the open house, not to be site or company specific, limited to five (5) square feet in size, to be removed immediately after the open house, and subject to the other requirements for real estate signs as detailed in this subsection.

Any sign indicating sale or rental of a piece of property shall be removed no later than one week after the sale or lease is closed.

Signs advertising auctions of real and personal property are allowed on the premises of the auction and are limited to thirty-two (32) square feet in size per sign face with two (2) sign faces maximum. In addition to the on premises auction sign, one off premises sign advertising an auction of real and personal property is allowed per auction. This sign, intended to provide time, date, and place information concerning the auction, shall not exceed sixteen (16) square feet in size per sign face with two sign faces maximum,

The auction sign may only be displayed for the fourteen (14) calendar days immediately preceding the auction's date. All auction signs shall be removed on the day that the auction is held.

6. Signs indicating that a contractor or financial institution is currently providing a service on site may be located on that site. One sign is allowed for each contractor or financial institution providing a service on site. The maximum allowable size of sign face is eight (8) square feet for sites less than two (2) acres in size and thirty-two (32) square feet for sites two (2) acres or greater in size with two (2) sign faces maximum. Any sign installed under this section must be removed no later than one week after final occupancy of the site or completion of the service whichever is longer.
7. Any informational, directional or historic marker or sign erected by a public agency is allowed. Identification signs containing the name of a community and/or names of various civic organizations are allowed provided that no message referring to any specific business or commercial activity is included.
8. Informational or directional signs indicating the location of a business or other activity are allowed provided that the sign may not be larger than 4 square feet in size. Such signs must not be located on street right-of-way. No such sign shall be closer than 1000 feet to any existing sign of this type and this type sign may not be illuminated in any manner. (This type of sign is allowed only in areas with an A-i Agricultural zoning classification).

#### **E. OTHER SIGNS FORFEITED**

Any sign installed or placed on or over public property or right-of-way after adoption of this Ordinance, except in conformance with these requirements, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the County shall have the right to recover from the owner or person placing such a sign the full cost of removal and disposal of the sign.

#### **F. REMOVAL OF CERTAIN SIGNS**

In the event a business ceases operation for a period of six (6) months, the sign owner or lessee, or the property owner, shall immediately remove any non-conforming signs identifying or advertising the business or any product. This requirement shall not apply where, under the provisions of this Ordinance, an existing, conforming sign may be altered to advertise a new business or product, and there is evidence that a new business will be in operation on the premises within six (6) months. Where no such evidence exists, the sign face' shall be removed or the message shall be painted over in such a manner as to completely cover up and hide from sight the message. Upon failure of sign owner or lessee, or property owner, to comply with this Section, the Administrator shall issue a written notice to the owner. The notice shall state that the sign shall be removed within ten (10) days. If the owner fails to comply with the written notice to remove the sign, the Administrator is hereby authorized to cause removal of the sign. Any expense incidental to the removal of the sign shall be charged to the owner of the property upon which the sign is located and shall constitute a lien upon the property. For the purpose of dealing with non-conforming signs in this Section, the word "remove" shall mean:

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

#### **G. CONSTRUCTION AND MAINTENANCE STANDARDS**

All signs shall be constructed and maintained in compliance with the appropriate detailed provisions of the Kentucky Building Code, the National Electric Code and other provisions of the Code of Ordinances of Nelson County.

#### **H. COMPUTATIONS**

The following principles shall control the computations of sign area and sign height:

1. Computation of Area of Individual Signs. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face), shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or

other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing or decorative fence or wall when such fence or wall is clearly incidental to the display itself.

2. Computation of Area of Multifaced Sign. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back-to-back so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one of the faces.
3. Computation of Height. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of: (1) existing grade prior to construction, or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower. When a sign is within the building setback, the calculation for the sign may use either the base elevation or the elevation of the roadway.

#### **CHAPTER IV: RESIDENTIAL AND MISCELLANEOUS SIGNS**

##### **A. INSTITUTIONAL NAME SIGNS**

One (1) sign, which may be indirectly or interiorly illuminated, not exceeding twenty—five (25) square feet in area, indicating the name of a public or semi-public institution is allowed. In addition, one bulletin board not exceeding fifteen (15) square feet in area is allowed for any church, school, community center or other public or semi-public institution.

##### **B. SUBDIVISION “FOR SALE” SIGNS**

One (1) non-illuminated or indirectly-illuminated temporary sign (per entrance) is allowed not exceeding thirty-two (32) square feet in area indicating that subdivision property is “For Sale” or under development ‘or that multi-family residential property is under construction and will soon be offered for rent or sale. Upon sale of ninety percent (90%) of lots in a development or ninety percent (90%) rental of the units in a multi-family development, all such signs shall be removed.

##### **C. SUBDIVISION IDENTIFICATION SIGNS**

One (1) indirectly-illuminated subdivision identification sign face (per entrance) is allowed not exceeding twenty (20) square feet in area for each side of an entrance to the subdivision. The sign structure shall not exceed twenty-five (25) feet total in length for each side of an entrance and shall not exceed eight (8) feet in height.



**D. BUILDING IDENTIFICATION SIGNS**

One (1) unlighted sign not exceeding one (1) square foot in area indicating only the name of the owner or occupant of a building is allowed.

**E. MULTI-FAMILY DEVELOPMENT IDENTIFICATION SIGNS**

One (1) sign for multi-family structures or developments, illuminated by indirect or diffused lighting, indicating only the name of the building or development and not exceeding twenty (20) square feet in area is allowed. The sign must be either wall or ground-mounted and must be set back at least ten (10) feet from the right-of-way line or property line and shall not exceed eight (8) feet in height.

**F. MULTI-FAMILY DEVELOPMENT DIRECTIONAL SIGNS**

One (1) additional directional sign per each separate street frontage of the lot on which the use is located for multi-family structures or developments illuminated by indirect or diffused lighting is allowed. The sign shall not exceed three (3) square feet in size and shall be wall-mounted or set back at least five (5) feet from the right-of-way line or property line.

**G. ELECTION SIGNS**

Election signs are permitted to be placed on private property, subject to the following conditions:

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

**H. HOME OCCUPATIONS/CONDITIONAL USES**

Residences with home occupations and conditional uses are allowed one (1) sign up to six (6) square feet in size for home occupations. Conditional uses are allowed one (1) sign up to ten (10) square feet in size. The appropriate Board of Adjustment may allow up to 2 (two) signs, in keeping with the spirit of this ordinance, of a greater size for conditional uses where deemed appropriate. The allowed signs may be free-standing or may be attached to the structures that house the conditional use or the home occupation.

**CHAPTER V: COMMERCIAL SIGNS**

Basic sign requirements for professional office, commercial, and industrial areas:

**A. NUMBER OF SIGNS**

1. Maximum of four (4) signs per individual business unit that is structurally independent and separated with its own entrance or exit.
2. Maximum of one (1) free-standing sign, or two (2) freestanding signs for lots that have 200 feet or more of road frontage. Signs shall be 150 feet apart and 25 feet from any adjoining property line. Sign may go up to side property line with written permission of said adjoining property owner.

**B. TYPES OF SIGNS**

1. Free-Standing Signs

a. Buildings with floor space under 10,000 square feet

Thirty (30) square feet maximum area and maximum height of twenty (20) feet.

Fifty (50) square feet maximum area and seven (7) feet maximum height.

When located more than 65 feet from the driving lane of a street with 45 MPH speed limit or greater, seventy (70) square feet maximum area and maximum of ten (10) feet in height.

Signs cannot restrict view of entrances or side streets.

b. Buildings with floor space over 10,000 square feet

Forty-five (45) square feet maximum area and twenty (20) feet maximum height.

Seventy—five (75) square feet maximum area and seven (7) feet maximum height.

When located more than sixty-five (65) feet from the driving lane of a street with 45 MPH speed limit or greater, one hundred (100) square feet maximum area and ten (10) feet maximum, height.

Signs cannot restrict view of entrances or side streets.

c. Where a single building contains two (2) or more separate activities or establishments, without their own separate exterior entrances and share a common hallway, the building shall be permitted free—standing signs and free-standing sign areas based on the size and location of the building.

d. Each free-standing sign may have attached to it a Changeable Copy Sign/Reader Board which may be equal in size to one-half the allowable area of the free-standing sign to which it is attached. An electronically changeable message/reader board (for example, a light emitting diode (LED)), shall be allowed as changeable copy sign/reader board if the following minimum requirements are satisfied:

- (1) Such electronically changeable message/reader board shall be considered a part of the permitted freestanding sign and shall not exceed one-half the sign area of the

free-standing sign;

- (2) Such electronically changeable message/reader board shall be limited to text only, and the message shall be displayed on the board in a stationary or fixed position;
  - (3) Such electronically changeable message/reader board shall not have visual message with apparent motion caused by, but not limited to, the illusion of moving objects, moving patterns or boards of lights, expanding, contracting, or rotating shapes, scrolling or running messages, or other similar animation effects.
  - (4) Such electronically changeable message/reader board shall not include any message, or any portion thereof, that flashes, blinks, or pulsates.
- e. Any building with a canopy may erect one (1) logo or identification sign, per elevation, not to exceed eight (8) square feet in size each, on up to three different elevations of the canopy, not to exceed three (3) total logo/ID signs allowed. Canopy logo signs as allowed in this subsection, are allowed in addition to the signs as allowed above.

## 2. Building-Mounted Signs

- a. Maximum number of signs: Three (3).
- b. Total Allowable Sign Area Per Elevation:  
If the business has a total of three (3) building-mounted signs, each sign may be up to five percent (5%) of the building elevation or thirty (30) square feet, whichever is larger.

If the business has a total of two (2) building-mounted signs, each sign may be up to seven percent (7%) of the elevation.

If the business has only one (1) building-mounted sign, each sign may be up to nine percent (9%).

If the business has a total of three (3) building-mounted signs and no free-standing signs, each sign may be up to 7%.

If the business has a total of two (2) building-mounted signs and no free-standing signs, up to 9%.

If the business has only one (1) building-mounted sign and no free-standing signs, up to eleven percent (11%).

- c. Where a single building or complex of buildings contains two (2) or more separate activities or establishments which are structurally separated with their own separate exterior entrances, the individual establishment located therein shall be permitted wall signs and wall sign areas based on the portion of the building frontage used by the establishments as though they were individual buildings with individual street frontages.
- d. Where a single building contains two (2) or more separate activities or establishments, without their own separate exterior entrances and share a common hallway, the building shall be permitted wall signs and wall sign areas based on the size of the building.

- e. Building-mounted signs shall not extend above the peak, or highest point of the roof.

3. Incidental Signs

A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as “no parking,” “entrance,” “loading only,” “telephone,” and other similar directives. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental. Not to exceed the area and the number necessary to convey the intended message. Incidental signs do not require a permit.

4. Projecting Signs

- a. May be counted as either free—standing or wall— mounted sign.
- b. Must have nine (9) feet of clearance above sidewalk.
- c. May not project more than ten (10) feet from building nor be any closer than eighteen (18) inches from curb or driving lane.
- d. May not extend above the peak of the roof.
- e. A two or more story building may not have projecting signs above twenty (20) feet high.

5. Off-Site Advertising Signs: allowed in all Zoning Districts, except single family residential districts, subject to the following restrictions and guidelines:

- a. A conditional sign permit is granted by Nelson Fiscal Court after a public hearing for which all adjoining property owners were notified fourteen (14) days in advance. The permit is good for up to two years and is renewable. If more than one business is requesting a sign and they are located back same road then said sign must be shared equally by each business. Only one is allowed at any intersection.
- b. The sign can be no larger than 32 square feet in size, with a maximum of two sign faces, facing opposite directions, back to back.
- c. Any off-site advertising sign is allowed in lieu of an otherwise permitted sign not in addition to other signs, and shall meet all other requirements for free—standing signs on the lot on which is located.
- d. A conditional sign permit should be granted in extraordinary circumstances where the ordinary application of the sign regulations creates a hardship on the applicant, i.e., where the property is not visible from a major highway, or where there is not sufficient room on the property to have an effective on—premises sign. Off—premises signs that are proposed primarily for the purpose of increasing an already conforming amount of advertising space should not be allowed. The sign should be primarily for directional purposes only.

6. Visual Elements Not Allowed

The following visual elements, intended to attract attention to a business or activity, or to convey a message concerning a business or activity and thus are a substitute for additional signs, are not allowed. These visual elements are prohibited in all circumstances whether added to a sign or simply displayed on the property on which the business is located or on any other property.

Visual elements prohibited are:

- a. Pennants and streamers, with or without a message.
- b. Balloons; large or small, with or without a message.
- c. Flashing lights, flashing arrows or other pulsating fixtures or items.
- d. Large displays; inflatable or of permanent construction fixed or portable, that indicate through direct representation or through symbolism, a product or activity undertaken on-site and that are larger than three (3) feet in height and/or width.
- e. Wording or any messages or commercial depiction on' the exterior of a building or any structural element thereof, any independent structure or any other article or item on the property. This includes automobiles and other vehicles unless the message is permanently painted on the vehicle and the vehicle retains its mobility and it is moved frequently, (i.e., twice a week), so as not to provide a stationary sign.
- f. Portable or A-frame signs.
- g. Special Events Display: Visual elements as prohibited under subsection (F) above may be erected on the premises of an establishment, business or activity having a grand opening, or special event, provided that such visual elements be displayed for a period not to exceed seven consecutive calendar days. Two such periods are allowed during a calendar year for each business unit or activity. A sign permit shall be obtained for these displays, stating the beginning and ending days for display.

## 7. Banners

### Commercial

Banners, Wind Signs, or Temporary Signs: One (1) banner, wind sign, or approved temporary sign not exceeding 40 square feet in size may be displayed on property used commercially or industrially. The sign is allowed in addition to any otherwise allowed signage.

### Non-Commercial

Banners, Wind Signs, or Temporary Signs: Four (4) banners, wind signs, or approved temporary signs not exceeding 40 square feet may be displayed on property used by a school or religious organization.

## 8. Landmark Signs

Signs that are designated by the Nelson Fiscal Court as having historic or architectural significance. A landmark sign shall be at least twenty (20) years old unless the Nelson Fiscal

Court makes a finding that a newer sign with historic or architectural significance should be designated to protect it. Landmark signs shall be exempt from the size, height and location restrictions of this ordinance, except that no Landmark sign shall encroach onto the public right-of-way without the written permission of the appropriate governing authority.

9. Light Industrial Park Identification Signs

Industrial Parks and Subdivisions are allowed one subdivision or park identification sign at each entrance. This sign shall not exceed forty (40) square feet in area. A listing of individual businesses and industries is allowed as part of the identification sign.

**CHAPTER VI: NON-CONFORMING SIGNS**

Non-conforming Signs - For the purpose of 'this Section, a nonconforming sign shall be defined as a sign existing at the effective date of this Ordinance which could not be built under the terms of this Ordinance or under the terms of other County Ordinances. The following requirements apply to the continued use of and \or replacement of nonconforming signs:

- A. Continued Use: A nonconforming sign may continue to be used by the business occupying the structure on site for which the sign was originally erected, as long as no major structural support element (frame, pole or bracing) is replaced. If a major structural support element is to be replaced, due to voluntary action by the owner, or due to some act of God or unforeseen circumstance, then the "new" sign to be erected must be in compliance with these regulations.
- B. Replacement: The sign face of a nonconforming sign may be replaced as long as no major structural element of the sign is replaced. As stated in Subsection (A) above if a major structural element is to be replaced then the new sign to be erected must be in compliance with these regulations.
- C. Where a change in use, occupancy or ownership occurs which necessitates the altering of a sign in any manner, the altered or changed sign shall be brought into conformance with the requirements of this Ordinance.
- D. Existence of any non-conforming wall sign on the premises will prohibit issuance of further wall sign permits while the non-conforming sign exists.
- E. Existence of any son-conforming free-standing sign on the premises will prohibit issuance of further free standing sign permits while the non-conforming sign exists.

**CHAPTER VII: PERMITS, PLANS AND FEES**

**A. PERMITS**

If a sign requiring a permit under the provision of this Ordinance is to be placed, constructed, erected or modified on a lot, the owner of the lot or sign shall secure a sign permit prior to the construction, placement, erection, or modification of the sign.

No sign shall be erected in the public right-of-way except in accordance with this Ordinance.

No sign permit of any kind shall be issued for an existing or proposed sign unless the sign is consistent with the requirements of this Ordinance (including those protecting existing signs) in

every respect and with the Sign Plan in effect for that property.

A permit issued for a non-commercial banner under Chapter V(B)(7) above shall be valid for one year and maybe renewed annually thereafter provided that the banners are maintained in a good condition. No permit fee shall be charged for the renewal of a non-commercial banner.

The following procedures shall govern the application for and issuance of all sign permits under this Ordinance and the submission and review of Sign Plans.

**B. SIGN PLAN REQUIRED**

No permit shall be issued for an individual sign requiring a permit until a Sign Plan for the lot on which the sign will be erected has been submitted to and approved by the Administrator as conforming with this section.

**C. SIGN PLAN CONTENTS**

For any lot on which the owner proposes to erect one (1) or more signs requiring a permit, the owner shall submit to the Administrator a Sign Plan containing the following:

1. An accurate plot plan of the lot, at such a scale as the Administrator may reasonably require.
2. Location of buildings, parking lots, driveways, and landscaped areas of the lot.
3. Computations of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of free-standing signs allowed on the lot(s) included in the plan under this Ordinance.
4. An accurate indication on the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not.

**D. FEES**

The fees for sign permits and plans for the period beginning with this Ordinance shall be as follows:

Sign Permit	\$10.00
Revised Sign Permit	\$10.00

Late Fees: In addition to the above fees, an automatic \$50.00 late fee will be assessed to any applicant who erects a sign, or in any other way initiates actions prior to receiving the proper permit or approval from the Sign Administrator to perform these acts. This fee is in addition to, and not in lieu of, any penalties for violations of this or other ordinances. Payment of this late fee will in no way exonerate or excuse the applicant from applying in an appropriate manner and complying with the normal requirements and standard fees for the permission or applicable permit which is needed.

**E. COMPLETENESS**

Within five (5) days of receiving an application for a sign permit, the Administrator shall review it for completeness. If the Administrator finds that it is complete, the application shall then be

processed. If the Administrator finds that it is incomplete, the Administrator shall, within the five (5) day period, send to the applicant a notice of the specific ways in which the application is deficient, with appropriate references to the applicable Sections of this Ordinance.

#### **F. ACTION**

Within seven (7) days of the submission of a complete application for a sign permit, the Administrator shall either:

1. Issue the sign permit, if the sign(s) that is the subject of the application conforms in every respect with the requirements of this Ordinance and the applicable Sign Plan; or
2. Reject the sign permit if the sign(s) that is the subject of the application fails in any way to conform with the requirements of this Ordinance and of the applicable Sign Plan. In case of a rejection, the Administrator shall specify in the rejection the Section or Sections of the Ordinance or applicable plan with which the sign(s) is inconsistent.

### **CHAPTER VIII: VIOLATIONS, ENFORCEMENT AND PENALTIES**

#### **A. VIOLATIONS**

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

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

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

#### **B. ENFORCEMENT**

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

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



taking such measures as are available to the County under the applicable building codes or other ordinances.

4. The Sign Administrator shall have the authority to issue citations for violations of this Ordinance which said Sign Administrator has observed, but shall not have powers of peace officers to make arrests or carry deadly weapons. A person receiving a citation shall appear within the designated time pursuant to the citation.

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

### C. PENALTIES

Violation of the provisions of the Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00). Each day such violation continues shall be considered a separate offense.

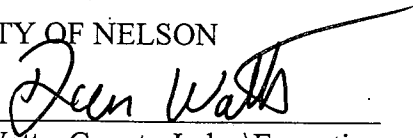
The owner and also, if applicable, the tenant of any building, structure, premises or part thereof, who commits, participates in, or maintains the violation may be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the County from taking such other lawful action as is necessary to prevent or remedy any violation.

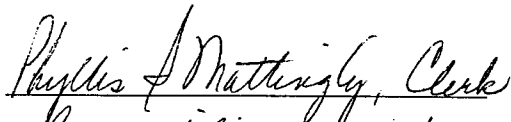
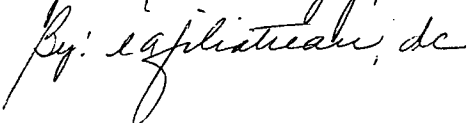
In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety and general welfare. Wherever the requirements of this Ordinance are at variance with the Zoning Ordinance or with the requirements of any other County Ordinance or State law, the highest or most restrictive standard shall apply.

This Ordinance shall become effective on July 12, 2009, after its passage, approval, and publication as required by law.

COUNTY OF NELSON

  
\_\_\_\_\_  
Dean Watts, County Judge/Executive

ATTEST:

  
Phyllis A. Mattingly, Clerk  
By: 

Phyllis Mattingly, Nelson County Clerk

Dated: 7-7-2009

AN ORDINANCE AMENDING REGULATING SIGNS 920.376

WHEREAS, the Court held a first reading on September 7, 2010 and after due advertisement held a second reading and adoption on September 21, 2010 and after due consideration,

UPON MOTION OF Sam Hutchins, SECONDED BY Maynard Wimsett, AND A VOTE BEING HAD AND THE COUNTY JUDGE ANNOUNCING THAT THE MOTION CARRIED,

ORDINANCE NO. 920.376-2 as amended and adopted July 12, 2009, recorded in Book 34, Page 232 is hereby Amends Chapter IV, Section G as follows:

NOW THEREFORE BE IT ORDAINED BY THE FISCAL COURT OF NELSON COUNTY, COMMONWEALTH OF KENTUCKY:

**G. ELECTION SIGNS**

Election signs may not be erected or placed on public property, or on rocks, trees, public fences, sign posts, light poles, or utility poles on public property.

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety and general welfare. Wherever the requirements of this Ordinance are at variance with the Zoning Ordinance or with the requirements of any other County Ordinance or State law, the highest or most restrictive standard shall apply.

This Ordinance shall become effective on Sept. 24, 2010, after its passage, approval, and publication as required by law.

COUNTY OF NELSON

Dean Watts  
Dean Watts, County Judge/Executive

ATTEST:

Phyllis S. Mattingly  
Phyllis Mattingly, Nelson County Clerk

Dated: Sept. 21, 2010