

ORDINANCE NO. 18-02

AN ORDINANCE OF THE CITY OF RICHMOND, KENTUCKY AMENDING THE DEVELOPMENT ORDINANCE RELATING TO SIGNS

WHEREAS, the City's development ordinance contains, in Section 412, various provisions relating to signs in the City; and

WHEREAS, the United States Supreme Court has recently issued an opinion as to signs, and the Board of Commissioners wishes to amend the City's sign regulations so as to bring them into compliance with that ruling;

NOW, THEREFORE, BE IT ORDAINED that:

SECTION I

Section 412 of the City's development ordinance is hereby repealed in its entirety, to be replaced as appears hereinafter.

SECTION II

Section 412 of the City's development ordinance is amended, to read in its entirety as follows:

412 SIGNS

412.1 PURPOSE

The purpose of this section of the ordinance is to protect the public health, safety, and general welfare by regulating existing and proposed outdoor advertising, billboards, and outdoor signs of all types. It is further the intent of this section to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of the City. Additionally this section is designed to reduce sign or advertising distractions and obstructions that may contribute to vehicular accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, and keep intact and enhance community aesthetics and development.

412.2 PERMITS REQUIRED

No sign, except as is excluded in Section 412.3, may be constructed, erected, moved, enlarged, illuminated, or substantially altered in design or construction without a permit issued by the City of Richmond Department of Planning and Zoning or Codes Enforcement. Application shall be made to the City as prescribed by the Department of Planning and Zoning or Codes Enforcement.

412.3 SIGNS EXCLUDED FROM PERMITTING

The following signs shall not require a permit:

1. Permanent signs not larger than two (2) square feet in size of the type normally associated with residential use such as for property address and owner identification.
2. Signs erected by, on behalf of, or pursuant to the authorization of a governmental body, including legal notices, informational signs, and traffic signs.
3. Integral decorative or architectural features of a building or works of art not containing letters, trademarks, moving parts, or lights.
4. Signs painted on or otherwise permanently attached to currently licensed motor vehicles that are not used primarily as signs.
5. One temporary construction identification sign with construction related permits posted per site not exceeding thirty-two square feet in area. Such signs shall not be erected prior to the issuance of a building permit for the site, and shall be removed within ten days of building occupancy.
- 6.. Historical markers.

412.4 COMMERCIAL AND BUSINESS SIGNS

1. A single business on a single lot shall be allowed one free-standing sign per street frontage and one wall or façade sign per drive or parking isle frontage.
2. A shopping center or building with multiple business occupants shall be limited to one free-standing sign per street frontage. An out lot within a shopping center shall be allowed a separate free-standing sign. Each individual tenant space shall be allowed one wall or façade sign per drive or parking isle frontage.
3. The dimensions of the wall sign in business, commercial and industrial districts shall not exceed three (3) square feet of sign area for each linear foot of building frontage.
4. The maximum surface area of a free-standing sign in commercial and industrial districts shall be two (200) hundred square feet, except in a B-4 district where the maximum surface area of a free-standing sign shall be six (600) hundred square feet.
5. B-4 districts shall be permitted one free standing sign per development entrance accessed by public roads.
6. The maximum height of a free-standing sign shall be forty feet measured from the ground to top of sign cabinet.

412.5 SETBACK REQUIREMENTS

1. Placement of a free-standing sign shall conform to sight distance regulations of the City Access Management Manual. The sight visibility study shall be performed, signed and stamped by a Kentucky Licensed Civil Engineer for conformance with City Ordinance and safe design standards. The minimum setback from the street pavement edge shall be ten feet and must reside entirely on the subject property to include any grade work, foundation, overhang or protrusions.

2. In commercial or industrial districts no sign or advertising structure shall be erected or placed closer than fifty feet to a side or rear yard line of a residential district.
3. No sign shall be placed at a location where it constitutes a safety hazard or where it causes excessive light or glare for adjacent property.

412.6 TEMPORARY SIGNS

1. All temporary signs not excluded in Section 412.3 shall require a permit. A permit remains in effect for forty-five days from the date of issuance.
2. No temporary sign placed on the ground shall exceed thirty-two square feet in area. No temporary sign suspended above the ground shall exceed fifty square feet in area and shall be constructed and attached securely and such that it will not be a safety hazard.
3. No temporary sign other than those set forth in Section 412.3 which do not require a permit shall be located on any commercial or industrial property.

412.7 GENERAL REQUIREMENTS

In addition to the requirements stated above, all permitted signs shall adhere to the following requirements:

1. With the exception of properly-permitted, lawfully-existing billboard signs, and except as is otherwise specifically set forth in this ordinance, off premises business or commercial signs are prohibited. A sign shall be deemed to be a business or commercial sign if it advertises a business, commercial establishment, product, or service.
2. Signs for home occupations are prohibited in residential districts.
3. No sign in a residential district shall be illuminated.
4. All wiring, fittings, and materials used in the construction, connection, and operation of an illuminated sign shall be in accordance with the provisions of the most recent National Electric Safety Code.
5. Any illuminated sign located in the City's downtown business (B-2) and neighborhood (B-1) district shall emit light of a constant intensity and shall display only one message. A waiver may be granted to signs whose only other message is a display of weather, date, or time.
6. No sign shall project from the front or face of a building a distance of more than two feet. No sign shall be placed on the roof of any building so as to project beyond the front or face of the building or which extends higher than the top of the roof.
7. No permanent sign or part thereof shall consist of banners, ribbons, streamers, spinners, or other similar moving devices.
8. No sign shall be installed, erected, or attached in any fashion to a fire escape or emergency exit.
9. Any sign placed in a public right-of-way in violation of this provision may be removed and disposed of by the City.
10. Any canopy shall be at least eight feet above the sidewalk and shall not extend any closer than eight inches to the pavement edge, including any support being used.

11. Any sign found by the Department of Codes Enforcement to be in danger of falling or in need of repair or maintenance shall be removed or repaired by the owner upon written notice from that Department within fourteen (14) calendar days.
12. Any sign in lawful existence at the time of the enactment of this ordinance shall remain a lawful sign, but shall not be enlarged or expanded. A non-conforming sign may be replaced only with a sign that conforms to the requirements herein set forth.
13. Digital, LCD, or LED reader board signs are not permitted in the City's downtown business (B-2) and neighborhood (B-1) district. No such sign shall be constructed, placed, or erected in any other location in the City unless the Board of Adjustments shall first have granted an application for permission from that Board to do so at a specific location and with such conditions as the Board may deem appropriate to the location.
14. All commercial free-standing signs shall be removed when the business to which it pertains is no longer in operation at the premises where the sign is located within fourteen (14) calendar days.
15. No sign shall be attached to or painted on the surface of any tree, utility pole, street light or right of way fence.
16. All signs which advertise an upcoming event shall be removed within three (3) days after the occurrence of the event.
17. It is the responsibility of the applicant and sign installer to contact and locate any/all utility services before installation of any sign.
18. Signs in overlay districts must seek the applicable City Board approval before a permit shall be issued.
19. Free standing signs shall submit engineered structural plans, details and site plans showing utilities and visibility triangles.

SECTION III

In the event that any provision of this Ordinance is declared to be invalid by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

SECTION IV

This Ordinance shall become effective immediately upon its enactment following second reading, and publication in accordance with the requirements of applicable Kentucky law.


DATE OF FIRST READING:	January 9, 2018
MOTION BY:	Commissioner Newby
SECONDED BY:	Commissioner Blythe
DATE OF SECOND READING:	January 23, 2018
MOTION BY:	Commissioner Blythe

**SECONDED BY:
VOTE**

Commissioner Blythe
Commissioner Eaves
Commissioner Morgan
Commissioner Newby
Mayor Barnes

**Commissioner Newby
YES NO**


x
x
x
x
x



Mayor Barnes

ATTEST:


City Clerk

Approved as to form:


City Attorney, Garrett Fowles