

TITLE XV: LAND USAGE

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CHAPTER 150: BUILDING REGULATIONS

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§ 150.01 ADOPTION OF KENTUCKY BUILDING CODE AND STANDARDS OF SAFETY; ENFORCEMENT AGENTS.

(A) The Kentucky Building Code, as contained in Chapter 7, Title 815 of the Kentucky Administrative Regulations; the Kentucky Plumbing Code, as contained in Chapter 20, Title 815 of the Kentucky Administrative Regulations; the Kentucky Standards of Safety, as contained in Chapter 10, Title 815 of the Kentucky Administrative Regulations, together with any amendments, are hereby adopted by reference as if fully set forth in this code of ordinances. Copies of the above codes and any amendments thereto shall be placed on file in the office of the City Clerk where they shall be available for public inspection during normal business hours.

(B) The appropriate enforcement agent shall be designated as the local enforcement agent for the Kentucky Building Code.

(C) The appropriate enforcement agent and all other designated officers, agents, and employees of the city are hereby charged with the enforcement of the provisions of the Standards of Safety. Penalty, see § 150.99

§ 150.02 APPLICATION.

The application of the State Building Code shall be extended to all single-family dwellings in the city which are to be constructed or remodeled.

§ 150.03 APPEALS.

Appeals from decisions made by the Building Inspector under this chapter may be taken to the State Board of Housing, Buildings and Construction unless and/or until a local board of housing appeals, as set forth in KRS Chapter 198B, is established to hear such appeals.

Statutory reference:

Appeals procedure, see KRS 198B.070

§ 150.99 PENALTY.

Any person who violates any provision of the state codes adopted in § 150.01 shall be subject to the following penalties:

(A) Violators of the Uniform State Building Code or the Uniform State Residential Code shall, upon conviction, be subject to a fine of not less than \$10 nor more than \$1000 for each offense. (KRS 198B.990(1))

(B) Violators of the State Standards of Safety shall, upon conviction, be subject to a fine of not less than \$25 nor more than \$1000, imprisonment for not more than 60 days, or both, for each offense. (KRS 227.990(1))

(C) Violators of the State Plumbing Code shall, upon conviction, be subject to a fine of not less than \$10 nor more than \$100, imprisonment for not more than 90 days, or both, for each offense. (KRS 318.990)

CHAPTER 151: ZONING CODE AND COMPREHENSIVE PLAN

Section

- 151.01 Zoning Code adopted
- 151.02 Comprehensive Plan adopted

§ 151.01 ZONING CODE ADOPTED.

(A) The zoning regulations for the cities of Bardstown, Bloomfield, Fairfield, New Haven and Nelson County, Kentucky, and all amendments thereto, are hereby adopted by reference and incorporated into this code of ordinances as if fully set forth herein.

(B) Copies of said zoning regulations are available for public inspection during normal hours at the office of the City Clerk.

(C) Article 12, Sign Requirements, of the zoning regulations is hereby repealed.

(Ord. passed 11-28-74; Am. Ord. passed 7-7-86; Am. Ord. passed 12-5-88; Am. Ord. passed 8-7-89; Am. Ord. 8- -95; Am. Ord. passed 7-12-96; Am. Ord. 2000-1, passed 1-14-00; Am. Ord. 2004-34, passed 4-12-04; Am. Ord. 2005-40, passed 2-14-05; Am. Ord. 2006-53, passed 7-10-06; Am. Ord. 2010-70, passed 11-8-10; Am. Ord. 2012-84, passed 9-10-12; Am. Ord. 2015-104, passed 5-11-15; Am. Ord. 2015-107, passed 10-12-15)

Cross-reference:

Sign Regulations, see Chapter 152

§ 151.02 COMPREHENSIVE PLAN ADOPTED.

(A) The Comprehensive Plan for Nelson County, Kentucky, and all amendments thereto, is hereby adopted by reference and incorporated into this code of ordinances as if fully set forth herein.

(B) Copies of said Comprehensive Plan are available for public inspection during normal hours at the office of the City Clerk.

(Res. passed 9-9-96)

CHAPTER 152: SIGN REGULATIONS

Section

- 152.01 Purpose
- 152.02 Applicability
- 152.03 Definitions
- 152.04 General information
- 152.05 Residential and miscellaneous signs
- 152.06 Commercial signs
- 152.07 Non-conforming signs
- 152.08 Permits, plans and fees
- 152.09 Violations and enforcement
- 152.10 Interpretation and repeal

- 152.99 Penalty

§ 152.01 PURPOSE.

The purpose of this chapter is to encourage the effective use of signs as a means of communications in the city; to maintain and enhance the aesthetic environment and the city'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.

(Ord. passed 7-8-96)

§ 152.02 APPLICABILITY.

A sign may be erected, placed, established, painted, created or maintained in the city only in conformance with the standards, procedures, exemptions and other requirements of this chapter. The effect of this chapter as more specifically set forth herein is:

(A) 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 chapter;

(B) To allow certain signs that are small, unobstructive and incidental to the principle use of the respective lots on which they are located, subject to the substantive requirements of this chapter, without the requirements of a permit;

(C) To provide for small, temporary signs without commercial messages in limited circumstances in the public right-of- way;

(D) To prohibit all signs not expressly permitted by this chapter;

(E) To establish a reasonable fee; and

(F) To provide for the enforcement of the provisions of this chapter.
(Ord. passed 7-8-96)

§ 152.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADMINISTRATOR. The Sign Administrator as appointed by the Mayor of the city 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.

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 chapter.

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.

HISTORIC DISTRICT. An area specifically designated by the city under the provisions of Article 15 of the Zoning Ordinance adopted by Chapter 151 of this code.

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.

LANDMARK SIGN. A sign that is designated by the Historic Review Board as having historic and/or architectural significance. A *LANDMARK SIGN* shall be at least 20 years old unless the Historic Review Board makes a finding that a newer sign with historic and/or architectural significance should be designated to protect it.

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 chapter and which has not been reconstructed, altered or otherwise modified since the adoption of this chapter except to bring the sign into compliance with the provisions of this chapter.

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.

PROJECTING SIGN. Any sign which is erected on a building wall or structure and extends beyond the building wall more than 12 inches.

ROOF SIGN. A sign erected and constructed wholly or in part upon, against, or above the roof of a building. For purposes of this chapter, 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 chapter, 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 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.
(Ord. passed 7-8-96)

§ 152.04 GENERAL INFORMATION.

The information contained in this section is intended to be used as criteria in all other sections of this chapter; however, there may be areas that need more detail or explanation. In those cases, the information in those sections shall be used.

(A) *Chapter Interpretation.* The Sign Administrator of the city is charged with issuance of permits and the enforcement of this chapter. The decision of the Administrator will be valid in areas of interpretation and vagueness. Appeal of decisions of the Administrator shall be made through the City Council.

(B) *Signs Exempt From Regulation.* The following signs shall be exempt from regulation under this chapter:

(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 the city or the Nelson Fiscal Court for signs located on city or 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 city only after obtaining a sign permit from the Administrator except where specifically exempted by this chapter.

(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 square feet in area, and attached to the referenced building.

(2) Personal messages, such as announcements of births, anniversaries, birthdays, not to exceed six square feet in area, and which shall be displayed no longer than 14 days.

(3) (a) The United States of America or 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 25 square feet in area in any residential area or 60 square feet in any commercial or industrial area and shall not be flown from a pole the tip of which is more than 25 feet in height. Such display shall conform to the criteria established in the Ninety-Fourth Session of Congress (94-344; SJ Resolution 49).

(b) A corporation flag, limited to one 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 48 hours of the conclusion of the event to which they relate.

(5) (a) Signs indicating the sale or rental of the premises on which the sign is located, are allowed, provided that for premises five acres in size or less, the maximum allowable size of sign face is eight square feet, with two sign faces maximum. For premises greater than five acres in size, the maximum allowable size of a sign face is 32 square feet with two sign faces maximum.

(b) 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.

(c) Signs advertising auctions of real and personal property are allowed on the premises of the auction and are limited to 32 square feet in size per sign face with two sign faces maximum. The auction sign may only be displayed for the 14 calendar days immediately preceding the auction's date. All auction signs shall be removed on the date 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 square feet for sites less than two acres in size and 32 square feet for sites two acres or greater in size with two 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.

(E) *Other Signs Forfeited.* Any sign installed or placed on or over public property or right-of-way after adoption of this chapter, except in conformance with these requirements, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the city shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of the sign.

(F) *Removal of Certain Signs.* In the event a business ceases operation for a period of 30 days, the sign owner or lessee, or the property owner, shall immediately remove any non-conforming signs identifying or advertising the business or any product. This requirement shall not apply where, under the provisions of this chapter, 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 30 days. Where no such evidence exists, the sign face shall be removed or the message shall be printed 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 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 this code of ordinances.

(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 42 inches apart, the sign area shall be computed by the measurement of one of the faces.

(3) *Computation of Height.* (a) 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.

(b) 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.

(Ord. passed 7-8-96)

§ 152.05 RESIDENTIAL AND MISCELLANEOUS SIGNS.

(A) *Institutional Name Signs.* One sign, which may be indirectly or interiorly illuminated, not exceeding 25 square feet in area, indicating the name of a public or semi-public institution is allowed. In addition, one bulletin board not exceeding 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 non-illuminated or indirectly-illuminated temporary sign (per entrance) is allowed not exceeding 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 90% of lots in a development or 90% rental of the units in a multi-family development, all such signs shall be removed.

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

(D) *Building Identification Signs.* One unlighted sign not exceeding one 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 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 20 square feet in area is allowed. The sign must be either wall or ground-mounted and must be set back at least 10 feet from the right-of-way line or property line and shall not exceed eight feet in height.

(F) *Multi-Family Development Directional Signs.* One 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 square feet in size and shall be wall-mounted or set back at least five 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 60 days before the election and the sign shall be removed within ten 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 60 days before the election and the signs shall be revoked within ten 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.* Residences with home occupations and conditional uses are allowed one sign up to six square feet in size for home occupations and ten square feet in size for conditional uses. The allowed signs may be free-standing or may be attached to the structures that house the conditional use of the home occupation.

(Ord. passed 7-8-96)

§ 152.06 COMMERCIAL SIGNS.

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

(A) *Number of Signs.*

(1) Maximum of four signs per individual business unit that is structurally independent and separated with its own entrance or exit.

(2) Maximum of one free-standing sign, or two free-standing signs for lots that have 200 feet or more of road frontage. Signs shall be 150 feet apart and 25 feet from adjoining property line.

(B) *Types of Signs.*

(1) *Free-Standing Signs.*

(a) Buildings with floor space under 10,000 square feet:

1. Thirty square feet maximum area and maximum height of twenty feet.
2. Fifty square feet maximum area and seven feet maximum height.
3. When located more than 65 feet from the driving lane of a street with 45 MPH speed limit or greater, 70 square feet maximum area and maximum of 10 feet in height.
4. Signs cannot restrict view of entrances or side streets.

(b) Buildings with floor space over 10,000 square feet:

1. Forty-five square feet maximum area and twenty feet maximum height.
2. Seventy-five square feet maximum area and seven feet maximum height.
3. When located more than 65 feet from the driving lane of a street with 45 MPH speed limit or greater, 100 square feet maximum area and 10 feet maximum height.

4. Signs cannot restrict view of entrances or side streets.

(c) Where a single building contains two 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.

(2) *Building-Mounted Signs.*

(a) Maximum number of signs: Three.

(b) Total allowable sign area per elevation:

1. If the business has a total of three building-mounted signs, each sign may be up to five percent of the building elevation or 30 square feet, whichever is larger.
2. If the business has a total of two building-mounted signs, each sign may be up to seven percent of the elevation.
3. If the business has only one building-mounted sign, each sign may be up to nine percent.
4. If the business has a total of three building-mounted signs and no free-standing signs, each sign may be up to seven percent.
5. If the business has a total of two building-mounted signs and no free-standing signs, up to nine percent.
6. If the business has only one building-mounted sign and no free-standing signs, up to eleven percent.

(c) Where a single building or complex of buildings contains two or more separate activities or establishments with their own separate exterior entrances, the individual establishment located therein shall be permitted wall signs and wall sign areas based on the portion of the building frontage used by the establishments as though they were individual buildings with individual street frontages.

(d) Where a single building contains two 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 feet of clearance above sidewalk.

(c) May not project more than ten feet from building nor be any closer than 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 20 feet high.

(5) *Off-Site Signs.*

(a) A subject lot which is permitted a free-standing sign may have one of its permitted free-standing signs on a lot off-site, provided it meets all of the following:

1. The subject lot does not front a major artery or collector street, as identified in the Comprehensive Plan; and
2. The subject lot is not located within the Central Business District, as defined by the Zoning Ordinance adopted in Chapter 151 of this code; and
3. The subject lot is not in a Light Industrial Park, as defined by the Zoning Ordinance as adopted in Chapter 151 of this code; and
4. The subject lot is not located in a shopping center, as defined by the Zoning Ordinance as adopted in Chapter 151 of this code; and
5. The on-site conforming sign would not be visible from a major artery or collector street.

(b) Design Regulations

1. The permitted off-site sign shall not exceed the size, height, and setbacks requirements of the free-standing sign of the lot on which it is located.

2. The permitted off-site sign may not be located within 50 feet of any other free-standing sign or building.

(c) The off-site sign will be in lieu of a free-standing sign for the lot on which it is located.

(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 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.

(7) *Special Events Signs.* One banner or wind sign not exceeding 40 square feet in size as well as balloons may be erected on the premises of an establishment, business or activity having a grand opening, or special event, provided that such sign be displayed for a period not to exceed seven 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 signs stating the beginning and ending days for display.

(8) *Landmark Sign.* Signs that are designated by the Historic Review Board as having historic or architectural significance. A landmark sign shall be at least 20 years old unless the Historic Review Board 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 chapter, 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 40

square feet in area. A listing of individual businesses and industries is allowed as part of the identification sign.

(Ord. passed 7-8-96)

§ 152.07 NON-CONFORMING SIGNS.

For the purpose of this section, a non-conforming sign shall be defined as a sign existing at the effective date of this chapter which could not be built under the terms of this chapter or under the terms of other city ordinances.

(A) The following are to be removed or made to conform to this chapter within 90 days:

- (1) Non-conforming signs made of paper, cloth, or other non-durable material.
- (2) All temporary signs other than those permitted herein.

(B) All non-conforming on-premises and off-premises signs 20% or more in excess of allowed maximum area shall be discontinued and removed or made conforming (amortized) within six years from the effective date of this provision. All such signs which are made non-conforming by a subsequent amendment to this chapter or extension of area in which this chapter is applicable shall be discontinued and removed or made conforming (amortized) within six years after the date of such amendment or extension.

(C) All non-conforming billboards shall be discontinued, and removed or made conforming (amortized) within 11 years after the effective date of this chapter or the date of amendment or extension.

(D) 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 chapter.

(E) Existence of any non-conforming wall sign on the premises will prohibit issuance of further wall sign permits while the non-conforming sign exists.

(F) Existence of any non-conforming free-standing sign on the premises will prohibit issuance of further free standing sign permits while the non-conforming sign exists.

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

(H) Nothing in this section shall prevent the ordinary maintenance or repair of a non-conforming sign or replacement of a broken part of a non-conforming sign. Replacement of broken parts or a non-conforming sign is permitted so long as it does not change the dimensions, location, or size. (Ord. passed 7-8-96)

§ 152.08 PERMITS, PLANS AND FEES.

(A) *Permits.*

(1) If a sign requiring a permit under the provision of this chapter 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.

(2) No sign shall be erected in the public right-of-way except in accordance with this chapter.

(3) 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 chapter (including those protecting existing signs) in every respect and with the Sign Plan in effect for that property.

(4) The following procedures shall govern the application for and issuance of all sign permits under this chapter 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 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 chapter.

(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 chapter shall be as follows:

- | | |
|-------------------------|---------|
| (1) Sign Permit | \$10.00 |
| (2) Revised Sign Permit | 10.00 |

(E) *Completeness.* Within five 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 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 chapter.

(F) *Action.* Within seven 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 chapter 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 chapter 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.

(Ord. passed 7-8-96)

§ 152.09 VIOLATIONS AND ENFORCEMENT.

(A) *Violations.*

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

(a) 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.

(b) To install, create, erect or maintain any sign requiring a permit without such a permit.

(c) To fail to remove any sign that is installed, created, erected, or maintained in violation of this chapter, or for which the sign permit has lapsed.

(2) Each day of a continued violation shall be considered a separate violation when applying the penalty portions of this chapter.

(B) *Enforcement.*

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

(a) Issuing a stop-work order for any and all work on any signs on the same lot;

(b) 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.

(c) In the case of a sign that poses an immediate danger to the public health or safety, taking such measures as are available to the city under the applicable building codes or other ordinances.

(2) 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.

(Ord. passed 7-8-96)

§ 152.10 INTERPRETATION AND REPEAL.

(A) In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements adopted for the promotion of the public health, safety and general welfare. Wherever the requirements of this chapter are at variance with the Zoning Ordinance adopted in Chapter 151 of this code or with the requirements of any other city ordinance or state law, the highest or most restrictive standard shall apply.

(B) Any ordinance or parts to thereof in conflict herewith, specifically including, without limitation, Article 12, Sign Requirements, of the Zoning Ordinance adopted in Chapter 151 of this code, are to the extent of such conflict, hereby repealed.

(Ord. passed 7-8-96)

§ 152.99 PENALTY.

(A) Violation of the provisions of this chapter or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of

its requirements shall upon conviction thereof be fined not less than \$50 nor more than \$500. Each day such violation continues shall be considered a separate offense.

(B) 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.

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

(Ord. passed 7-8-96)

CHAPTER 153: FLOOD DAMAGE PREVENTION

Section

153.01 Flood Damage Prevention Code adopted

§ 153.01 FLOOD DAMAGE PREVENTION CODE ADOPTED.

(A) The Flood Damage Prevention Code of the Zoning Regulations for Bardstown, Bloomfield, Fairfield, New Haven and Nelson County, Kentucky, and all amendments thereto, is hereby adopted by reference and incorporated into this code of ordinances as if fully set forth herein.

(B) The full text of said Flood Damage Prevention Code is available for examination in the Office of the City Clerk of the City of Bloomfield, Kentucky at Bloomfield City Hall, 141 Depot Street, Bloomfield, Kentucky during regular business hours.
(Ord. 2011-71, passed 5-9-11)

