

ORDINANCE 2018-1765

AN ORDINANCE AMENDING THE CITY OF MURRAY ZONING ORDINANCE TO AMEND CHAPTER §156.050 SIGNS IN ORDER TO UPDATE TEXT AND CLARIFY CURRENT SIGN REGULATIONS FOR THE CITY OF MURRAY.

WHEREAS, the Murray Planning Commission met in regular session on November 8, 2018 to discuss possible text amendments to the current sign regulation. A public hearing on the proposed amendment was held on November 5, 2018. Following the public hearing, the Commission voted 8-0 to recommend that the following text amendments be made to the following Sections.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MURRAY AS FOLLOWS, TO-WIT:

The City of Murray Zoning Ordinance shall be amended as follows:

§156.050 SIGNS

I. GENERAL.

A. INTENT. It is the intent of this ordinance Chapter to regulate signs. A permit for the installation of any sign is required unless otherwise provided for in this ordinance Chapter. Permits must be obtained from the zoning official before installation of any type of sign. Failure to obtain a permit can result in the zoning official having the sign removed at the owner's expense. If the owner fails to pay for such removal, the city may attach a lien to the lot on which the sign ~~was~~ is located.

B. SIGNS FOR R-1, R-2, R-3, R-3A, R-4 AND R-5 ZONES

1. ~~Temporary signs are allowed in residential zoning districts per approval of the zoning official.~~
2. ~~Real estate signs are allowed not exceeding six and a quarter (6.25) square feet on residential properties of less than one (1) acre in size. Real estate signs may not exceed twelve (12) square feet on properties from one (1) to ten (10) acres in size. All residential properties greater than ten (10) acres in size shall be allowed real estate signage up to thirty two (32) square feet. All real estate signs are considered temporary for the period of the sale of the property.~~
3. ~~Yard sale signs are permitted only on property of the sale and only on the day before and the days of the sale. No yard sign shall be attached to a tree, fence or public utility pole. No other advertising, except for the yard sale, will be allowed on the sign.~~
4. ~~Temporary signs not exceeding six and a quarter (6.25) square feet may be placed for special events subject to placement of a bond to assure their removal as outlined in the general sign regulations.~~
5. ~~One (1) unlighted sign not over two (2) square feet in area identifying home occupations permitted as a conditional use on the premises. The sign location shall be subject to control by the Board of Zoning Adjustments.~~
6. ~~One (1) free standing or one (1) wall sign not to exceed twelve (12) square feet in area, identifying the fraternity or sorority house on the premises shall be permitted.~~
7. ~~One (1) free standing sign or one (1) wall sign not to exceed 32 square feet for churches or buildings used for church related activities.~~
8. ~~Signage for residential developments will be approved through the review process.~~
9. ~~Electronic reader boards may be allowed on a lot occupied by a permitted church with~~

approval of a Conditional Use Permit by the Board of Zoning Adjustments. Electronic reader boards are subject to the following criteria:

(A) — One (1) electronic reader board is permitted onsite and can be incorporated into a freestanding sign or wall sign. The size of the electronic reader board shall not exceed 30% of the allowable sign area. The overall sign face including the electronic reader board shall not exceed 32 square feet in size.

(B) — The sign area allowed for an electronic reader board is not in addition to the maximum sign area allowed for a wall or freestanding sign, but rather is counted as part of the maximum area of a wall or freestanding sign.

(C) — A single message or segment of a message shall have a display time of at least two (2) seconds including the time needed to move the message onto the sign board, with all segments of the total message to be displayed within ten (10) seconds.

(D) — A message consisting of one (1) segment may remain on the signboard any amount of time in excess of two (2) seconds. An electronic sign requiring more than four (4) seconds to change from one (1) single message to another shall be turned off during the change interval.

(E) — A display traveling horizontally across the signboard shall move between sixteen (16) and thirty two (32) light columns per second. A display may scroll onto the signboard but shall hold for two (2) seconds including the scrolling time.

(F) — A display shall not include an art animation or graphic that portrays motion, except for movement of a graphic onto or off of the signboard.

(G) — Electronic reader boards may operate only between the hours of 7:00 a.m. and 7:30 p.m. unless otherwise expressly approved through the Conditional Use Permit.

A. — SIGNS FOR B-1, B-2, B-3, B-4 & INDUSTRIAL ZONES

1. — The following non-illuminated, indirectly illuminated, or directly illuminated signs shall apply:

(A) — One (1) identification sign for each individual building and/or business not to exceed three (3) square feet and must be attached to the building. The identification sign must be attached to the wall of the building or displayed under a canopy or marquee not to extend more than 12" below the canopy or marquee.

(B) — Private directional signs indicating entrance, exit, or location of parking not exceeding two (2) square feet in surface area for each sign and the height must not be more than 30" from the street level. These signs must be placed on private property and not on public right-of-way.

(C) — One (1) canopy sign is permitted for businesses having an attached canopy covering a privately or publicly owned walkway. The total area of the canopy sign will be determined in conjunction with the allowable wall signage for the business.

2. — The following regulations for business signs (non-illuminated, indirectly illuminated, or directly illuminated shall apply):

(A) — The total number of business signs on a lot shall not exceed three (3).

(B) — Only one (1) free standing business sign shall be permitted with the size to be determined as follows: .5 sq. ft. per lineal foot of street frontage not to exceed 80 square feet. Small lots with under 60 feet of street frontage will be allowed a 30 square foot sign if desired. The outer edge of the sign shall be set back at least ten (10) feet from the side lot line. All permitted free standing signs shall not exceed a height of 24 feet from mean property level. All freestanding signs are to be placed in a landscaped area, with a ratio of one (1) square foot of landscaping to equal one (1) square foot of sign area up to a maximum of eighty (80) square feet.

(C) — One (1) wall business sign for each tenant or lessee mounted on the face of the building with the size to be determined as follows: 5% of square footage of face of building if the building is located up to 100 feet from the street and an additional 5% of square footage of face of

building for each 100 feet thereafter, not to exceed 10%. For double frontage or corner lots, two (2) wall business signs for each tenant or lessee mounted on the face of the building which fronts on both primary and secondary street with the size to be determined above. No flat wall sign shall project above the roof or parapet line.

(D) — Only a wall sign or a projecting sign is allowed in a B-3 zone where the right-of-way does not permit a free standing sign. A projecting sign shall be permitted, provided it does not exceed a surface area of twelve (12) sq. ft. It shall be at least 9 feet above ground level, but shall not project above the roof or parapet line. The front edge of a projecting sign must not project closer than two (2) feet inside the street curb.

(E) — Monument type signage shall be required in place of free standing signage along the Twelfth Street corridor from the southern city limits to the northern city limits and along KY 121 North Bypass at the intersection of Twelfth Street, a/k/a US Highway 641, to the western city limits. Freestanding signs existing at the date of adoption of this Ordinance will be allowed to remain under the terms of §156.050(J)(3). The size of a monument type sign shall be determined as follows: .5 square feet per lineal foot of street frontage not to exceed fifty five (55) square feet except on lots with a frontage road or a shopping center with four (4) or more businesses in which case such sign shall not exceed eighty (80) square feet excluding base and columns. Columns shall not exceed 30" in width or depth. The overall height of a monument type sign shall not exceed ten (10) except on lots with a frontage road or a shopping center with four (4) or more businesses in which case such sign shall not exceed fourteen (14) feet in height with height being measured from mean property level. All monument type signs shall be placed in a landscaped area.

(F) — Real estate signs are allowed not exceeding six and a quarter (6.25) square feet on commercial properties less than one (1) acre in size. Real estate signs may not exceed twelve (12) square feet on properties from one (1) to ten (10) acres in size. All commercial properties greater than ten (10) acres in size shall be allowed real estate signage up to thirty two (32) square feet.

(G) — Electronic reader boards are allowed in B-2, B-3, B-4 and Industrial Zones. Electronic changeable copy shall be permitted for all signs, which shall conform to the following: Non-flashing mode, with electronic changeable copy displaying only on premises messages or public service messages. Changes in copy shall be limited as follow:

1. — Size shall not exceed 30% of allowable sign area
2. — Amber in color
3. — No more than one (1) electronic message board per business
4. — A single message or segment of a message shall have a display time of at least two (2) seconds including the time needed to move the message onto the sign board, with all segments of the total message to be displayed within ten (10) seconds.

5. — A message consisting of one (1) segment may remain on the signboard any amount of time in excess of two (2) seconds. An electronic sign requiring more than four (4) seconds to change from one (1) single message to another shall be turned off during the change interval.

6. — A display traveling horizontally across the signboard shall move between sixteen (16) and thirty two (32) light columns per second. A display may scroll onto the signboard but shall hold for two (2) seconds including the scrolling time.

7. — A display shall not include an art animation or graphic that portrays motion, except for movement of a graphic onto or off of the signboard.

D. — SIGN FOR PROFESSIONAL OFFICE ZONE

1. — The following non illuminated, indirectly illuminated, or directly illuminated signs shall apply:

- (A) — One (1) free standing sign or business wall sign not to exceed twenty (20) square feet. The free standing sign shall not exceed ten (10) feet in height. It shall be set back at least ten (10) feet from front lot line/right of way and five (5) feet from the side lot line/right of way line.

- (B) — One (1) identification sign for each tenant or lessee limited to two (2) square feet

in area, mounted on face of the building.

(C) — Private directional signs indicating entrance, exit, or location of parking not exceeding two (2) square feet in surface area for each sign.

E. — SIGNS FOR AGRICULTURAL ZONE

One (1) sign identifying the name and type of agriculture activity conducted on the same premises not to exceed thirty two (32) square feet.

F. — GENERAL SIGN REGULATIONS

1. — No sign shall be erected or maintained at any location where by reason of its position, wording, illumination, size, shape, or color it may obstruct, impair, obscure, interfere with the view of, or be confused with, any authorized traffic control sign, signal or device.

2. — No sign shall contain or make use of any word, phrase, symbol, shape, form or character in such a manner as to interfere with, or confuse traffic.

3. — No illuminated sign shall be permitted within fifty (50) feet of property in any residential district.

4. — Business ground signs shall be located not closer than ten (10) feet to a street right-of-way line.

5. — No sign shall be placed in any public right of way, except publicly owned signs, such as traffic control signs and directional signs.

6. — Signs projecting from a building or extending over public property shall maintain a clear height of nine (9) feet above the sidewalk and all such signs shall not project closer than two (2) feet inside the street curb.

7. — Wall signs shall not be attached to or obstruct any window, door, stairway or other opening intended for egress, ingress, ventilation and light.

8. — No sign shall be attached to any tree, fence or utility pole.

9. — Any business sign now or hereafter existing which no longer advertises a bona fide business conducted or product sold on the premises, and any advertising sign now or hereafter existing which no longer advertises a bona fide business conducted or a product sold, or activity or campaign being conducted shall be taken down and removed by the owner, agent or person having the beneficial use of the building, structure or lot upon which such sign may be found within forty five (45) days after written notification from the zoning official. Upon failure to comply with such notice within the time specified in such order, the zoning official is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the building, structure, or lot to which such sign is attached.

10. — All signs shall be adequately maintained. Such maintenance shall include proper alignment of structures, continued readability of the structure and preservation of the structure with paint or other preservatives.

11. — All real estate and tract signs shall be removed within ten (10) days after completion of sales activities in connection with the property or tract to which they pertain.

12. — All temporary signs shall be removed within five (5) days after completion of the activity being advertised, and the posting of a performance bond with the zoning official shall be required to insure such removal.

13. — All signs placed upon private property must have the written consent of the owner or his agent.

14. — Permitted temporary signs may be erected or posted for the period not to exceed fourteen (14) days for any quarter of a year. Any sign posted for a longer period must meet the requirements for permanent signs.

15. — The area of a free standing sign shall be measured by drawing eight (8) or fewer straight lines encompassing the extremities of the sign within the smallest possible area. The area of a free standing sign shall not include poles, supports, or other structures which

are used solely for support and which do not contain any advertising of any kind. (See Illustration No. 4)

16. ~~Business announcement signs may consist of wall signs, banners and other similar signs approved by the Murray zoning official. Mobile signs, pennants, streamers, and any moving, rotating or flapping signs, excluding balloons, are prohibited. Signs are limited to two (2) per proprietor, not to exceed 32 square feet each. A \$10.00 permit fee and a sign permit issued by the planning office will be required. The following time limitations also apply:
(A) ~~“Going out of business” and “grand opening” signs may be erected for a period of 30 days and only once per year per proprietor.~~
(B) ~~Temporary signs for “special sale”, “under new management” and similar announcements may be erected for a period of fourteen (14) consecutive days and only once every three (3) months per proprietor.~~~~
17. ~~Window signage is defined as any sign, picture or symbol that is attached to the interior or exterior of a window or window frame. Said signage is not to exceed twenty five (25) percent of the window area. Said signage shall not require a sign permit. Existing businesses will have one hundred and twenty (120) days to come into compliance with this ordinance.~~

~~G. SIGNS PERMITTED IN ALL ZONES AND DISTRICTS~~

~~The following non illuminated signs are permitted in all zones and districts and no permit is necessary for erection:~~

1. ~~Temporary signs not exceeding thirty two (32) square feet in surface area, for architectural, engineering, construction, or other similar firms engaged in the work on a construction site. Such signs shall not be erected prior to submission of a building permit application and shall be removed at the end of construction.~~
2. ~~One (1) temporary sign not to exceed 32 square feet to announce the construction of a new subdivision with lots for sale, to be removed upon the completion of sales of 80% of lots.~~
3. ~~Any official sign, or any informational or directional signs or historic marker erected by a public agency.~~
4. ~~One temporary real estate sales or rental sign indicating only sales or rental of the premises are allowed not exceeding six and a quarter (6.25) square feet of surface area or as provided for in Article I, B and C in this section. The sign shall be placed flat against the building or back from the street not less than ten (10) feet.~~
5. ~~Political campaign signs provided they are kept on private property, shall be removed within fourteen (14) days after the election. Signs must be limited to eight (8) square feet and one (1) sign per candidate, per lot with the bottom of the sign no higher than two (2) feet from ground level. Placement of campaign signs on public property such as traffic signs, utility light poles or buildings is prohibited and if found, will be removed at the cost of the candidate.~~
6. ~~One (1) unlighted sign not over two (2) square feet in area identifying home occupations permitted as a conditional use on the premises. The sign location shall be subject to control by the Board of Zoning Adjustments.~~
7. ~~The flag, pennant, or insignia of any nation, state or city.~~
8. ~~Temporary signs associated with community festivals or events of a cultural or educational nature, not to be displayed more than fourteen (14) consecutive days. Only two (2) signs allowed per event in all zones, except residential, with the size not to exceed 32 square feet each and the posting of a performance bond with the Zoning Official shall be required to insure compliance.~~

9. ~~Unique or unusual signs, such as artistic renderings, murals, etc. are permitted in all zones, except residential, subject to the approval of the Board of Zoning Adjustments based on aesthetics, size, location, and effect upon the general area.~~
10. ~~Two (2) signs not exceeding 32 square feet each advertising the date and location of an auction are allowed. Only one (1) of the permitted signs is allowed off-site indicating the direction to the auction site. The signs can only be erected for a period of fourteen (14) days prior to the event. The signs are to be removed within 24 hours of the completion of the auction.~~

H. SIGNS PROHIBITED IN ALL ZONES AND DISTRICTS

1. ~~Flashing or blinking signs.~~
2. ~~Roof signs.~~
3. ~~Exposed lighting and tubing is not permitted to outline the building or building wall.~~
4. ~~Temporary signs except as provided herein.~~
5. ~~Signs painted directly upon the wall surface of a building.~~
6. ~~Mobile signs.~~
7. ~~Pennants, banners or streamers advertising special sales or events.~~
8. ~~Moving, rotating or flapping signs.~~
9. ~~Billboards as defined in Section I, Article 2.~~
10. ~~Projecting signs, except in B-3 zone.~~
11. ~~Yard sale signs, except as provided for in Article 1, B in this section.~~
12. ~~Signs lettered in a crude or amateurish fashion.~~
13. ~~Inflatable signs and tethered balloons.~~
14. ~~Vehicles or trailers (operable or inoperable), which contain advertising and are not used in the daily conduct of business.~~
15. ~~Off premises signage as defined in Section I, Article 2.~~

I. APPLICATION, FEES AND PENALTIES

1. ~~No sign, except as specifically exempted herein, shall be displayed, or erected, relocated or altered until a permit has been issued by the zoning official. Application materials shall include, but shall not be limited to the following:
 - (A) ~~A completed application form.~~
 - (B) ~~A site plan and/or building elevations drawn to scale showing the locations of the proposed sign(s) on the lot and/or building, including setbacks.~~
 - (C) ~~Detailed sign information including type of construction, method of illumination, dimensions, methods of mounting and/or erecting and other similar information.~~
 - (D) ~~A permit fee.~~~~

J. REGULATION OF SIGNS

1. ~~Signs are permitted only in those zoning districts where they are designated as permitted uses under the zoning district regulations or where specifically permitted under other provisions of this ordinance. Each zoning district will designate the type and size limitations for signs. For the type and size for a particular zoning district, please refer to that section of the ordinance.~~
2. ~~All existing prohibited signs shall be removed within six months from the enactment of this sign ordinance.~~
3. ~~Any business sign legally existing on the effective date of the enactment of this sign ordinance that does not meet the requirements of this ordinance or any amendment thereto shall be considered non-conforming. Such sign shall be allowed to remain unless otherwise provided herein. No such non-conforming sign shall be moved to a new location on the building or lot, altered, expanded or enlarged. No such sign (non-conforming) shall be repaired when damaged from any cause if repairs exceed 50% of the replacement value of the sign as determined by the building inspector. Any replacement sign must comply with the regulations. If a business is discontinued, any non-conforming~~

~~sign that exists must be removed and any new business occupying the same location must conform to this sign ordinance.~~

B. PURPOSE. Signs perform an important function in identifying and promoting properties, businesses, services, residences, events, and other matters of interest to the public. This Chapter regulates all signs within the City of Murray to ensure that they are appropriate for their respective uses, in keeping with the appearance of the affected property and surrounding environment, and protective of the public health, safety, and general welfare. The sign regulations of this section are intended to balance the following differing, and at times, competing goals:

1. To support the desired character of the city, as expressed in adopted plans, policies and regulations;

2. To promote an attractive visual environment;

3. To encourage the effective use of signs as a means of communication for businesses, organizations, and individuals;

4. To provide a means of way-finding for visitors and residents;

5. To provide for reasonable business identification, advertising and communication;

6. To prohibit signs of such excessive size and number that they obscure one another to the detriment of the economic and social well-being of the city and its residents, property owners, and visitors;

7. To protect the safety and welfare of the public by minimizing hazards for motorized and non-motorized traffic;

8. To minimize the possible adverse effects of signs on nearby public and private property;

9. To provide broadly for the expression of individual opinions through the use of signs on private property; and

10. To ensure that the constitutionally guaranteed right of free expression is protected.

C. SCOPE & APPLICABILITY. All signs within the city are subject to the regulations of this Chapter and all other applicable provisions of this zoning code.

D. CONTENT NEUTRALITY. Any sign permitted under this code shall allow the communication of information for commercial and noncommercial purposes without regulating the content, as long as the sign complies with all size, height, and location as well as other applicable requirements of this code and does not bear or contain statements, words, or pictures of obscene or pornographic subjects.

E. GENERAL RULES FOR READING & APPLYING THE CODE LANGUAGE. Regulations are no more strict than as stated. It will be up to the Zoning Official and/or designee to comprehend the code and apply it. The action of the Code Enforcement Officer is final unless appealed as provided in Section 156.050-12B of this code.

F. HIERACHY OF REGULATIONS. Where there is a conflict between a land use

regulation, and a structural regulation, or other conflicts not otherwise addressed by this Chapter, the most restrictive applies.

G. SEVERABILITY. If any word, sentence, section, chapter or any other provision or portion of this Code or rules adopted hereunder is invalidated by any court of competent jurisdiction, the remaining words, sentences, sections, chapters, provisions, or portions will not be affected and will continue in full force and effect.

2. PERMIT REQUIREMENTS, PROCEDURES & FEES

A. SIGN REQUIRED. Unless a particular sign is exempt from the permit requirement under an explicit provision of this Chapter or other applicable law, then a permit for such sign is required.

B. REPLACEMENTS. If any sign is removed and any new sign is erected in its place, a permit shall be obtained the same as if a new sign were erected at a new location, subject to all requirements enumerated herein.

C. MAINTENANCE. If any sign is removed for maintenance and replaced on the same supports, a new permit will not be deemed necessary if the size or type of sign is not changed.

D. RELOCATION OF SIGNS. If any sign is removed from one location and erected at a new location, a new permit shall be obtained.

E. ALTERATION. Alteration or enlargement of any sign shall require a permit the same as for a new sign.

F. APPLICATION. No permit shall be granted until and after an application has been filed with the designated Zoning Official, showing the plans and specifications, including dimensions, materials, and details of construction of proposed structure and meeting all provisions of this Chapter.

G. APPLICATION FORM. The Zoning Official shall prepare and provide a form to be used as an application for a sign permit. The same form may constitute a permit, when duly approved. Multiple signs may be listed on a single permit only when they are all on the same lot or parcel.

H. INFORMATION ON APPLICATION. The sign application form may call for disclosure of any of the following information, but not limited to:

1. Name and contact information for the applicant, and if separate, the name, address, and consent of the property owner;

2. Street address;

3. A site plan and/or building elevations showing the location of the proposed sign(s) on the lot and/or building, including setbacks; and

4. Detailed sign information including type of construction, method of illumination, dimensions, copy, method of mounting and/or erecting and other similar information (Note: The content of the message or speech displayed on the sign shall not be considered when approving or denying a sign permit, however, the content must be submitted to evaluate the sign copy area). See Section 156.050(1)(D).

I. INCOMPLETENESS. Initial review of an application will be for the purpose of determining if the application is complete. If the application is found incomplete, written notice thereof will be given within seven (7) business days of submission, detailing the points of incompleteness, provided contact information has been provided. Notice is deemed effective when mailed, emailed, or

personally delivered. After notice of incompleteness, the applicant shall have 10 business days in which to resubmit the application, with all noticed items of incompleteness corrected. Upon timely resubmission, a new application fee is not required.

J. TIME FOR DECISION. The Zoning Official shall render a decision on each complete sign permit application within 10 business days of when the application was complete.

K. NONCOMPLIANCE WITH PERMIT. All signs must conform to the requirements of the permit, and all other applicable laws. Any sign not erected or constructed as represented on the application upon which the permit was issued shall not be construed as a hardship case, but shall be construed as a misrepresentation of facts on the application and a violation of this Chapter. The owner or agent shall be given a two (2) week notice to remove said sign or correct the error. Any noncomplying sign which is not removed or corrected within the required time shall be deemed a public nuisance and a violation of the zoning regulations, and may be abated in the same manner as any public nuisance or zoning regulation violation.

L. FEES. Upon enactment of this ordinance, future changes of fee schedules will be reviewed and set by the City Financial Committee and City Council.

1. Permit fee for a Freestanding or Monument style sign: \$50;
2. Permit fee for Wall signage: \$50;
3. Permit fee for Temporary signage in Section 156.050-(4)(F): \$10; and
4. Permit fee for Changeable Copy Sign in addition and incorporated into a Freestanding or Monument style sign: \$50.00.

3. SIGN REGULATIONS IN RESIDENTIAL DISTRICTS.

A. APPLICABILITY. The regulations of this section apply to signs in Residential Districts.

B. SIGNS ALLOWED. The following signs are allowed in Residential Districts in addition to any signs allowed pursuant to Section 156.050(8)(A). On-premise roof signs, on-premise projecting signs and all off-premise outdoor advertising signs are prohibited in Residential Districts.

1. APARTMENTS/CONDO BUILDINGS & NEIGHBORHOOD & SUBDIVISION IDENTIFICATION SIGNS.

a. Lots occupied by one (1) or more apartment/condo buildings with at least five (5) units are allowed a maximum of one (1) freestanding sign per street frontage and a maximum of one (1) wall sign per building. Wall signs may not exceed 32 square feet in area;

b. Residential neighborhoods and residential subdivisions, are allowed up to two (2) freestanding signs at each street entrance to the neighborhood or subdivision. Manufactured housing parks, are allowed a single freestanding sign at each street entrance to the neighborhood or subdivision; and

c. The freestanding signs allowed by this section may not exceed 32 square feet in area. Maximum height may not exceed eight (8) feet.

2. NON-RESIDENTIAL USES. The following regulations apply to all principal non-residential uses in Residential Districts.

a. WALL SIGNS. Non-residential uses in Residential Districts are allowed a maximum of one wall sign per public building entrance. No individual wall sign may exceed 32 square feet in area. Home occupations are only allowed one non-illuminated wall sign, not to exceed four (4) square feet in area;

b. FREESTANDING SIGNS. Non-residential uses in Residential Districts are allowed a maximum of one (1) freestanding sign per street frontage. Allowed freestanding signs are subject to a maximum height limit of eight (8) feet and may not exceed 32 square feet in area. Home occupations are prohibited from having a freestanding or monument sign;

c. CHANGEABLE COPY SIGNS. All electronic, digital, or dynamic display unit message boards are prohibited in Residential Districts. However, electronic reader boards may be allowed on a lot occupied by a permitted religious place of worship with approval of a Conditional Use Permit by the Board of Zoning Adjustments, in Residential Districts. Electronic reader boards are subject to the following criteria:

1. All electronic, digital, or dynamic display unit message boards shall only be allowed as an incorporated part of a freestanding or monument type sign. Size will be calculated as part of the total square footage of the sign as a whole. It shall not exceed 30% of sign area. The overall sign face including the electronic reader board shall not exceed 32 square feet in size;

2. Such technology shall be programmed so that the single message or image on the sign changes no more often than every two (2) seconds, with all messages or segments to be displayed within a total of 32 seconds;

3. There shall be no effects of blinking, flashing, scintillation, or similar effects in the individual images;

4. Light monitors shall be installed, and shall at all times allow such monitors to automatically adjust the brightness level of the message board based on ambient light conditions; and

5. The maximum brightness level of all electronic, digital, or dynamic display unit message boards may not exceed 7,000 nits (candelas per square meter) during daylight hours or 1,000 nits between dusk and dawn, i.e., the time of day between sunset and sunrise; and shall only operate between the hours of 7:00 a.m. and 7:30 p.m. unless otherwise expressly approved through the Conditional Use Permit.

4. SIGN REGULATIONS IN BUSINESS DISTRICTS.

A. FREESTANDING SIGNS.

Only one (1) freestanding business sign shall be permitted with the size to be determined as follows:

<u>Total Street Frontage in Linear Feet</u>	<u>Square Footage of Sign Allowed</u>
<u>Up to 60 lf</u>	<u>Up to 30 sf</u>
<u>61 lf to 80 lf</u>	<u>Up to 40 sf</u>

<u>81 lf to 100 lf</u>	<u>Up to 50 sf</u>
<u>101 lf to 120 lf</u>	<u>Up to 60 sf</u>
<u>121 lf to 140 lf</u>	<u>Up to 70 sf</u>
<u>141 lf to 160 lf</u>	<u>Up to 80 sf</u>

Maximum size specifications are not to exceed 80 square feet or 24 feet in height from the average grade level of the lot frontage. Refer to section 156.050-11 for rules of measurement.

B. MONUMENT SIGN CORRIDOR.

1. COMPLIANCE REQUIREMENT. Monument type signs shall be required on the Monument Sign Corridor in place of freestanding signs along 12th Street from the southern city limits to the northern city limits and along Hwy 121 Bypass North at the intersection of 12th Street, known as US Highway 641, to the western city limits. Freestanding signs existing on August 24, 2006 will be allowed to remain under the terms of 156.050(9).

2. 12th STREET & 121 NORTH BYPASS. Only one (1) monument type sign shall be permitted with the size to be determined as follows:

- a. Not to exceed 80 square feet in area, excluding base;
- b. Overall height shall not exceed 14 feet;
- c. All monument type signs in grassy areas shall be placed in a landscaped area;
- d. Columns shall not exceed 30 inches in width or depth. The base and columns shall be excluded when determining size; and
- e. Refer to section 156.050(11) for rules of measurement.

3. FRONTAGE ROAD. Only one (1) monument type sign shall be permitted with the size to be determined as follows:

- a. Not to exceed 120 square feet in area, excluding base;
- b. Overall height shall not exceed 20 feet;
- c. All monument type signs in grassy areas shall be placed in a landscaped area;
- d. Columns shall not exceed 30 inches in width or depth. The base and columns shall be excluded when determining size; and
- e. Refer to section 156.050(11) for rules of measurement.

4. SHOPPING CENTERS. One (1) shopping center sign per street frontage with a minimum of three (3) acres and a minimum of five (5) tenant spaces located in a unified building or a group of buildings on a single lot of record. Monument type sign shall be permitted with the size to be determined as follows:

- a. Not to exceed 300 square feet in area, excluding base;
- b. Overall height shall not exceed 35 feet;
- c. All monument type signs in grassy areas shall be placed in a

landscaped area; and

d. Refer to section 156.050(11) for rules of measurement.

C. WALL SIGNS. One (1) wall sign shall be permitted for each tenant or lessee space, on the façade of the building with the size to be determined as follows:

<u>Square Footage of Façade</u>	<u>Square footage of Sign Allowed</u>
<u>Up to 500 sf</u>	<u>Up to 38 sf</u>
<u>501 sf to 600 sf</u>	<u>Up to 45 sf</u>
<u>601 sf to 700 sf</u>	<u>Up to 55 sf</u>
<u>701 sf to 800 sf</u>	<u>Up to 65 sf</u>
<u>801 sf to 1000 sf</u>	<u>Up to 80 sf</u>

Over 1000 sf will be calculated as follows: up to 8% of the square footage of the façade of the building.

1. Single tenant buildings or tenants with double frontage lots, corner lots, or outer walls will be allowed one (1) additional wall sign for each side and rear façade with size to be calculated as stated above.

2. Wall signs that are placed on the rear and/or side façade and share a property line with an existing residential use or residentially zoned vacant lot or lots shall not be externally or internally illuminated.

3. The total area of a canopy sign will be determined in conjunction with the allowable wall signage for each.

D. CENTRAL BUSINESS DISTRICT. Only one (1) wall sign or projecting sign is allowed where the right of way does not permit a free-standing sign.

1. A wall sign shall not exceed 60 square feet;

2. A projecting sign shall be permitted, provided it does not exceed a surface area of 12 square feet;

3. A projecting sign shall be at least nine (9) feet above ground level, but shall not project above the roof or parapet line;

4. The front edge of a projecting sign must not project closer than two (2) feet inside the street curb; and

5. Wall signs must be flush-mounted on flat surfaces in such a way that they do not destroy or conceal architectural features or details.

E. CHANGEABLE COPY SIGN REGULATIONS. Automatic changeable copy signs shall be allowed in all business districts where freestanding or monument signs are permitted, except where frontage lots are adjacent to residential and/or agricultural districts. Automatic changeable copy signs are not permitted in rear lots unless approved by the Board of Zoning Adjustments.

1. All electronic, digital, or dynamic display unit message boards shall only be

allowed as an incorporated part of a free standing or monument type sign. Size will be calculated as part of the total square footage of the sign as a whole. It shall not exceed 30% of sign area;

2. Such technology shall be programmed so that the message or image on the sign changes no more often than every two (2) seconds, with all messages or segments to be displayed within a total of 32 seconds;

3. There shall be no effects of blinking, flashing, scintillation, or similar effects in the individual images;

4. Light monitors shall be installed, and shall at all times allow such monitors to automatically adjust the brightness level of the message board based on ambient light conditions;

5. The maximum brightness level of a dynamic display may not exceed 7,000 units (candelas per square meter) during daylight hours or 1,000 nits between dusk and dawn, i.e., the time of day between sunset and sunrise;

6. All existing and proposed changeable copy, electronic, digital, or dynamic display unit message boards shall come into compliance with the regulations of this sign ordinance within 28 business days of adoption of this ordinance, except where exempt for size that was previously granted by the Board of Zoning Adjustments; and

7. Shopping centers with a minimum of five (5) tenants are allowed a maximum of 60 square feet for a changeable copy, electronic, digital, or dynamic display unit message board to be calculated as part of the total square footage and shall only be allowed as an incorporated part of the shopping center's freestanding or monument type sign.

F. TEMPORARY SIGNS. The following non-illuminated temporary signs are permitted in all business districts with approval of a sign permit:

1. One (1) A-frame sign or T-frame sign may be allowed for each business to be located no further than 10 feet away from the business door entrance, limited to 3 feet in height by 2 feet in width, each permit allowed for no longer than one (1) year. The sign may not block sidewalk traffic or traffic visibility, and may only be put out during business hours. An annual temporary permit fee is required;

2. One (1) Banner per parcel, not to exceed 32 square feet or 6 feet in height may be allowed for 14 days, per sign permit. Temporary sign fees apply; and

3. Pole Banners may be allowed in private parking lots on existing light poles that are privately owned by the property owner, with prior approval from the property owner. Pole Banners are to not exceed six (6) square feet in area. An annual temporary permit fee is required.

5. SIGN REGULATIONS IN PROFESSIONAL OFFICE DISTRICTS. The following regulations for non-illuminated, indirectly illuminated, or directly illuminated sign shall apply:

A. Wall signs shall not exceed 36 square feet in area. One (1) wall sign per facade;

B. One (1) freestanding or monument style sign shall not exceed 36 square feet in area;

C. A freestanding or monument style sign shall not exceed 10 feet in height; and

D. Refer to section 156.050(11) for rules of measurement.

6. SIGN REGULATIONS IN INDUSTRIAL DISTRICTS. The following regulations for non-illuminated, indirectly illuminated, or directly illuminated sign shall apply:

A. Wall signs shall not exceed 80 square feet in area. One (1) wall sign per facade;

B. One (1) freestanding or monument style sign shall not exceed 80 square feet in area;

C. A freestanding or monument style sign shall not exceed 24 feet in height; and

D. Refer to section 156.050(11) for rules of measurement.

7. SIGN REGULATIONS IN AGRICULTURAL DISTRICTS. The following regulations for non-illuminated, indirectly illuminated, or directly illuminated signs shall apply:

A. Wall signs shall not exceed 12 square feet in area. One (1) wall sign per facade;

B. One freestanding sign shall not exceed 32 square feet in area;

C. A freestanding sign shall not exceed six (6) feet in height; and

D. Refer to section 156.050(11) for rules of measurement.

8. EXEMPT & PROHIBITED SIGNS.

A. EXEMPT SIGNS.

1. The following signs or sign-like devices are allowed in all zoning districts without a permit, except where stated otherwise. Signs subject to this section shall conform to the requirements specified below:

a. Address numbers used for the purpose of identifying the address of any building shall not be counted toward allowed sign area;

b. Detached signs smaller than four (4) square feet in area and less than three (3) feet in height, and containing no commercial message or logo (e.g., "Enter" or "Exit" signs);

c. Cornerstones, foundation stones, and memorial signs or tablets displaying the names of buildings and date of erection, when cut into any masonry surface or inlaid so as to be part of the building or when constructed of bronze or other incombustible material, provided that no such sign shall exceed six (6) square feet in area nor shall any such sign be separately illuminated;

d. Commercial business window signage shall not exceed 25% of the window area to which they are affixed. Refer to section 156.050(11) for rules of measurement;

e. Any official sign, any informational, directional sign, or historic marker erected by a public agency;

f. Signs on vehicles which are regularly used in the operation of a business;

g. Signs required by local ordinance, state, or federal statute;

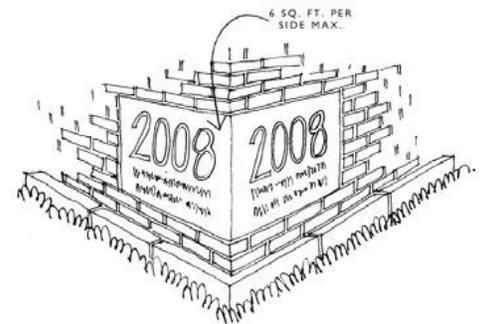
h. Signs required by an order of a court of competent jurisdiction;

i. The flag or insignia of any nation, state, or city. Height restrictions are subject to each zoning district regulation for each individual lot;

j. Any sign installed in a building or enclosed space and not legible from the public right-of-way or from private or public property other than the property on which it is located; and

k. Murals and artistic renderings may be permitted in all non-residential zones, with prior approval from the Board of Zoning Adjustments.

2. The following non-illuminated temporary signs are permitted in all zoning



districts without a sign permit, except where stated otherwise. Signs subject to this section shall conform to the requirements specified below:

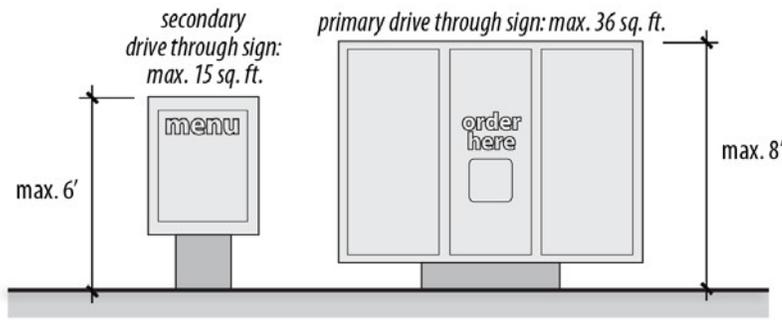
ZONING DISTRICTS	Residential	Non-Residential
Maximum Number of Signs Per Parcel	6	3
Maximum Sign Area Per Sign	8 sq. ft.	12 sq. ft.
Maximum Sign Height	4 ft.	6 ft.
Minimum Setback/ Distance from Right of Way	10 ft.	10 ft.

a. Any temporary sign per parcel shall be located at least five (5) ft. away from another temporary sign;

b. Materials of temporary signs shall be consistent with sign industry standards and in compliance with section 156.050(10) of this ordinance; and

c. All temporary signs shall comply with the requirements of section 156.050(8)(B) of this ordinance.

3. In districts where drive-through and drive-up facilities are allowed, menu boards or other instructional or informational devices related to the drive-through or drive-up facilities shall be allowed without a sign permit, provided that such a device is less than 36 square feet in area and less than eight (8) feet in height for the primary sign. Secondary signs shall not exceed 15 square feet in area or six (6) feet in height. Menu boards existing prior to October 1, 2018 will be allowed to remain under the terms of 156.050(9).



B. PROHIBITED. Unless specifically authorized by another section of this ordinance, or by other law, the following sign types are prohibited at all times and in all zones:

1. Billboards;
2. Portable signs, including folding portable signs and flashing portable signs;
3. Mobile signs or trailer signs;
4. Pennants, streamers, or signs that move, rotate or flap, or inflatable signs, and similar devices. This includes: feather, teardrop, angled, or rectangle flags;
5. Flashing or blinking signs;
6. Signs attached to any tree, fence, or utility pole;
7. Illuminated signs within 50 feet of any residential



zoning district;

8. Signs attached to or painted on licensed motor vehicles or trailers which are parked for long periods of time, which are not operational, and/or which are not regularly used in the operation of a business at the same location where the vehicle is most frequently parked. For purposes of this subsection, a “long period of time” shall be a continuous period of 30 days or separate periods that total 40 days or more out of any 60-day period;

9. Signs painted directly on the wall of a building, except those stated in section 156.050(8)(A);

10. Offsite: Signs displaying off-site commercial messages, except those stated in section 156.050(8)(A);

11. Obstructing: Signs that obstruct, impair, obscure, interfere with the view of, or that may be confused with, any authorized traffic control sign, signal, or device;

12. Roof: Signs for which a separate structure is mounted on a roof or parapet; this provision does not prevent signs which are integral to the building;

13. Clearance: Signs located nearer than eight (8) feet vertically, or four (4) feet horizontally from overhead electric wires or conductors and/or refer to local governing body for electrical to meet precise requirements of the National Electric Code;



14. Blocking: Signs that obstruct any fire escape, required exit, window or door opening used as a means of egress;

15. Annoyances: Signs which are or which have become nuisances by virtue of light reflection or diffraction, glare, focus, noise, smoke, fumes, animation, flashing, intensity of illumination when any such feature, without regard to the message displayed on the sign, is unduly disturbing to surrounding properties or to the public generally;

16. Encroachments: Signs which are mounted or displayed on public property or the public right-of-way, or which project over, into, or above the public right-of-way; and

17. Setback: Signs mounted so that any portion of the physical structure encroaches the required setback.

9. NON-CONFORMING SIGNS. Non-conforming signs in place prior to October 1, 2018 may remain subject to the following provisions:

A. Non-conforming signs must be maintained in good repair and safe condition, in accordance with Section 156.050(11). No permits may be issued for upgrades or modifications to non-conforming signs.

B. If a sign is non-conforming by reason of restrictions on its brightness or illumination or its use of strobe or beacon lights, the sign must be immediately removed or made to conform within 28 business days.

C. If a non-conforming sign is damaged or partially destroyed to the extent of more than 50% of its replacement cost at the time of damage, the sign must be removed or made to conform to all applicable regulations within 90 days of the date of the date damage or destruction. The building

inspector may make determination on what exceeds 50% of replacement cost.

D. If a business is discontinued, any non-conforming sign that exists must be removed within 28 business days. Any new business occupying the same location must conform to the regulations of this sign ordinance.

10. DESIGN, CONSTRUCTION & MAINTENANCE.

A. DESIGN & CONSTRUCTION

1. All signs and sign structures shall be constructed of materials of sufficient strength and quality to withstand weathering or deterioration by wind, moisture, and other natural elements, and shall be maintained in a state of good repair with all braces, bolts, supporting framework, fastenings, letterings, and design work free from deterioration;

2. Signs shall not be lettered in an unprofessional fashion;

3. All signs shall comply with applicable provisions of the most current Kentucky Building Code;

4. All signs shall be constructed in such a manner and fastened in such a way to prevent movement by wind pressure;

5. All permanent signs must be located at least 10 feet away from all property lines and/or public right-of-ways. No temporary sign may be located within the public right-of-way;

6. Freestanding or monument signs in grassy areas shall be constructed with landscaped areas around the entire sign;

7. A sign containing wood in its structure, face, frame or any part thereof, shall be painted or stained;

8. Any business no longer occupying the premises where a business sign is located shall have the sign removed. The property owner of said location shall have 28 business days to comply with this section of the sign ordinance; and

9. Any pole on a property that was previously used for a freestanding sign must be removed within two (2) years of abandonment.

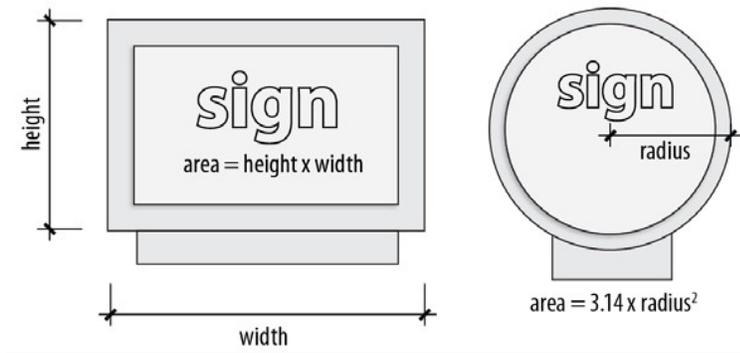
B. MAINTENANCE.

1. All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with these regulations, at all times.

2. All signs shall be maintained in good condition at all times and the Zoning Official and/or designee and/or Code Enforcement Official shall have the authority to order the repair, repainting, alteration, or removal of any sign which is a nuisance to the community by reason of dilapidation, obsolescence, or inadequate maintenance.

11. RULES OF MEASUREMENT.

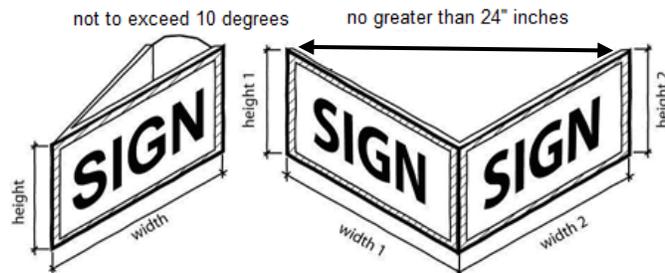
A. SIGN AREA. The area of a sign enclosed in a frame or cabinet whether freestanding, monument or wall sign is determined based on the outer dimensions of the continuous perimeter surrounding the sign face. Area = H x W or Area = 3.14 x radius².



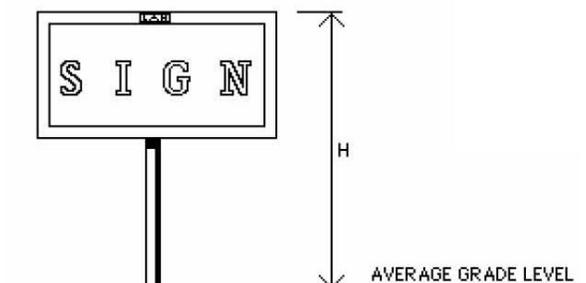
B. CHANNEL (INDIVIDUAL) LETTER SIGNS. The area of a sign comprised of individual letters or elements attached to a building wall or window is determined by calculating the area of the smallest geometric figure that can be drawn around the letters and/or elements. Signs consisting of individual letters and/or elements will be measured as one sign. Below is an example of such measuring rules.

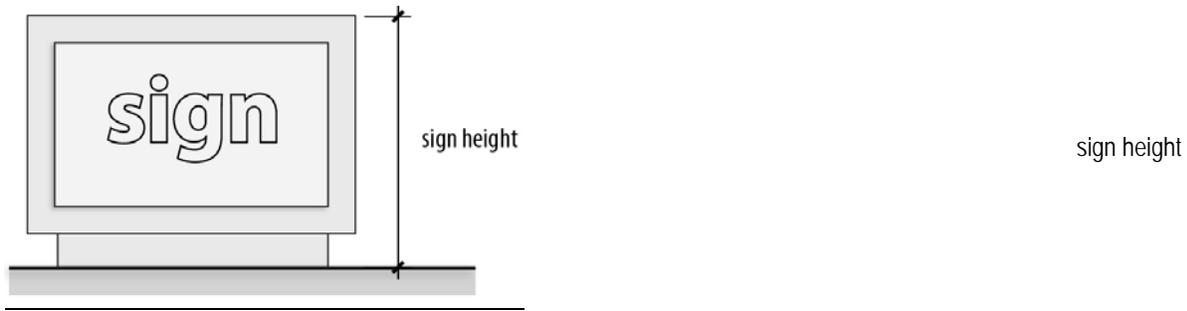


C. MULTI-SIDED SIGNS. When the sign faces of a multi-sided sign are parallel or within 10 degrees or 24 inches of parallel, only one side is counted for total sign area. If the sign faces are not parallel or within 10 degrees or 24 inches of parallel, all sign faces are counted for total sign area.



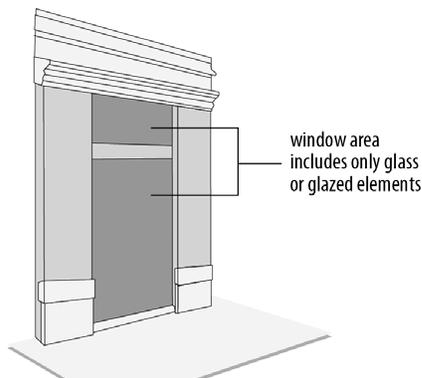
D. SIGN HEIGHT. The height of a sign shall be computed as the distance from bottom of the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the average grade level of lot frontage after construction.





ILLUMINATION & LUMINANCE. Sign illumination in foot-candles is measured two (2) feet from the sign face. For the purpose of verifying compliance with maximum brightness level limits expressed in “nits”, brightness levels must be measured with the dynamic display set to run full white copy with a luminance meter positioned at a location perpendicular to the sign face center. When taking the luminance reading, the sign face must be the only subject visible in the viewfinder.

F. WINDOW AREA. The area of a window includes only the glass or glazed elements of the window. Frames, mullions, and similar features are not counted as part of the window area.



12. VIOLATIONS & APPEALS.

A. VIOLATIONS. This sign ordinance shall be enforced under the City of Murray Code of Ordinances, Code Enforcement Chapter 40. Any person who so violates this zoning code or fails to comply with any of its requirements including the compliance with any official notice of violation, shall be subject to a fine as detailed in the City of Murray Code of Ordinances Code Enforcement Chapter 40.39.

The following are examples of violations, however this list is not all-inclusive:

1. To install, create, or erect any sign requiring a sign permit without such permit;
2. To install, create, or erect any sign in a way that is inconsistent with any plan or permit governing such sign or the zoned lot on which the sign is located;
3. To fail to remove any sign that is installed, created, or erected in violation of this zoning code, or for which the sign permit for such sign has lapsed; and/or
4. To continue any such violation. Each such day of a continued violation shall be considered a separate violation when applying the penalty portions of this zoning code. A separate civil fine shall be assessed for each day a violation continues.

B. APPEALS

1. APPEALING A ZONING OFFICIAL'S ACTION OR DECISION. Appeals to the Board of Zoning Adjustments may be ~~taken~~ made by any person or entity claiming to be injuriously affected or aggrieved by an official action or decision of the ~~Zoning~~ Official. Such appeal shall be ~~taken~~ made within ~~thirty (30)~~ days after the appellant or his agent receives notice of the action appealed from, by filing with said officer and with the ~~Board~~ a notice of appeal specifying the grounds thereof, and giving notice of such appeal to any and all parties of record. Said officer shall forthwith transmit to the ~~Board~~ all papers constituting the record upon which the action appealed from was ~~taken~~ made and shall be treated as and be the respondent in such further proceedings. At any hearing by the ~~Board~~, any interested person may appear and enter his appearance and all shall be given ~~an~~ the opportunity to be heard. The ~~Board~~ shall fix a reasonable time for hearing the appeal and give public notice in accordance with KRS Chapter 424, as well as written notice to the appellant and the ~~Zoning~~ Official at least one week prior to the hearing, and shall decide it within ~~sixty (60)~~ days. The affected party may appear at the hearing in person or be represented by an attorney.

2. NOTICE OF VIOLATION APPEALS. Refer to the City of Murray Code of Ordinances, Code Enforcement Chapter 40.35.

Nothing in this Ordinance hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this Ordinance; nor shall any just or legal right or remedy of any character be lost impaired or affected by this Ordinance.

All other sections and provisions of the Ordinances for the City of Murray, not specifically amended herein, shall remain in full force and effect and shall not be considered amended and shall be incorporated by reference as if fully stated herein.

JACK D. ROSE

ATTEST:

DANNETTA CLAYTON, CITY CLERK

Introduced by the City Council on _____.

Adopted by the City Council on _____.

Published in the Murray Ledger and Times on _____.