

## **ORDINANCE O-12-2017**

**AN ORDINANCE AMENDING THE OFFICIAL ZONING ORDINANCE OF THE CITY OF FORT THOMAS, CAMPBELL COUNTY, KENTUCKY, BEING ORDINANCE NO. O-16-2007, ENACTED ON MAY 21, 2007, ARTICLE XV, SECTION 15.5 SIGNS BY TYPE, TO ADD TEXT FOR DIGITAL SIGNAGE AS A PERMITTED USE WITHIN ZONES R-1AA, R-1A, R-1B, R-1C, R-1D, R-2, R-3, R-5, AND RCD ZONING DISTRICTS.**

**WHEREAS**, the Fort Thomas Planning Commission initiated a request to amend the text of the Official Zoning Ordinance of the City of Fort Thomas, Kentucky under Article XV, Section 15.5; and

**WHEREAS**, said text amendment will permit Digital Signage as a permitted use within zones R-1AA, R-1A, R-1B, R-1C, R-1D, R-2, R-3, R-5, and RCD Zoning Districts; and

**WHEREAS**, the Fort Thomas Planning Commission held a public hearing on said text amendment which was properly advertised and held on Wednesday, November 15, 2017, and

**WHEREAS**, the Fort Thomas Planning Commission has made a recommendation to the Board of Council in the form of Resolution No. Z-04-2017 containing certain findings of fact to approve and adopt said text amendment as referenced herein, a copy of which is attached hereto (Exhibit A) and made a part hereof by reference,

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FORT THOMAS, CAMPBELL COUNTY, KENTUCKY:**

### **SECTION I**

That the City of Fort Thomas Official Zoning Ordinance, known as Ordinance O-4-02, and adopted on May 21, 2007, is hereby amended by adding the following underlined words or phrases:

#### **SECTION 15.5 SIGNS BY TYPE**

Any request for sign permits within the CBD zone shall be submitted to the Fort Thomas Design Review Board. The color, materials, support structure and appearance of signs in the CBD will be controlled by the Design Review Board through their regular review process.

Any sign not previously approved by the Design Review Board will be considered nonconforming as of the enactment of this Ordinance until found to be appropriate by subsequent action of the Design Review Board. All non-conforming signs will be subject to Section 15-6. Two of any of the following signs types shall be permitted per building or use, as defined herein.

One sign type may be chosen as the “primary” sign and a different sign type shall be chosen for the “secondary” sign. Primary signs shall conform to the size requirements stated herein by sign type, and associated “secondary signs shall not exceed 1/4 the size of the chosen primary sign and shall not exceed the maximum size as stated by sign type. Additionally, corner lots shall be permitted an additional sign, (of any Type), not to exceed 1/3 the size of the primary sign or the maximum size as stated by sign type.

## B. FREE STANDING SIGNS

### 6. Digital Signage Permitted In – R-1AA, R-1A, R-1B, R-1C, R-1D, R-2, R-3, R-5, RCD

An electronic message sign in lieu of a bulletin board is permitted for a public or parochial school in a residential zone, but subject to the following additional restrictions when permitted in a residential zoning district.

a. The entire sign shall not exceed 40 sf per side or 10 ft. in height typical to a monument type sign.

b. The operation of said sign shall be limited to the hours between 6:00 A.M. and 11:00 P.M., Sunday through Saturday.

c. The sign shall not glare into adjacent properties used for residential purposes.

d. The sign shall be no closer than 5 ft. to any property line.

e. The sign shall be landscaped in accordance with Section 9.17.

f. Any sign using electronic technology for changeable copy message boards which malfunctions, fails, or ceases to operate in its usual or normal programmed manner causing motion, movement, flashing or any other similar effects, shall be repaired or disconnected within 24 hours by the owner or operator of such sign.

g. Maximum digital sign area per sign side, limit 2 sides, is 75% of the permitted total of monument signage per side.

h. No message, graphic, display or part thereof shall be visible for less than ten (10) seconds. During such interval, the entire message, graphic or display shall not be moving, flashing, Scintillating, animating, nor changing in color or light intensity or visibly changing in any other manner. Maximum brightness levels for variable message signs shall not exceed twelve (12) foot-candles, measured from the nearest point of any highway or public road. All such signs shall be equipped with a dimmer control and a photo cell which shall constantly monitor ambient light conditions and adjust brightness accordingly.

i. The display change interval, which is defined as the time period between when one message, graphic or display becomes illegible and the next message graphic or display first reaches legibility, shall be 3 seconds or less.

**SECTION II**

That the City Clerk be, and she is, hereby authorized and directed to deliver a certified copy of this Ordinance to the Zoning Administrator

**SECTION III**

That this Ordinance shall amend, but not repeal, the existing Zoning Ordinance. The provisions of this Ordinance are severable. If any provision, section, paragraph, or part thereof is held invalid, such decision shall not affect or impair the validity of the remainder of this Ordinance.

**SECTION IV**

That this Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

APPROVED:

\_\_\_\_\_  
Eric Haas, Mayor

1<sup>st</sup> Reading: November 20, 2017

ADOPTED: December 18, 2017

ATTEST:

\_\_\_\_\_  
Melissa K. Beckett, City Clerk