**ORDINANCE 2013-23**

**AN ORDINANCE OF THE CITY OF FORT MITCHELL AMENDING THE TEXT OF THE OFFICIAL ZONING CODE OF THE CITY TO ADD REGULATIONS PERTAINING TO AUTOMATED CHANGEABLE COPY (DIGITAL) SIGNS; AND ADDING MUSEUMS AS A CONDITIONAL USE, TO THE R-1F (RESIDENTIAL ONE-F) ZONE AND DIRECTING THAT THIS ORDINANCE BE PUBLISHED BY SUMMARY.**

**WHEREAS**, the City has submitted an application requesting the Kenton County Municipal and Planning and Zoning Commission (the “Commission”) to review and make recommendations on a proposed text amendment to the City’s official zoning code to add regulations pertaining to automated changeable copy (digital) signs; and adding museums as a Conditional Use to the R-1F (Residential One-F) zone as set forth in Section 10.5; and,

**WHEREAS,** pursuant to KRS 100.211, the Commission provided notice and held a public hearing on the application on September 5, 2013, in order to collect information and to discuss the proposed text amendment;

**WHEREAS,** upon the completion of the public hearing, the Commission further discussed the proposed text amendment;

**WHEREAS,** the Commission did, by proper resolution, pursuant to KRS Section 100.211 make a recommendation to approve the proposed text amendment amending the provisions relating to the automated changeable copy (digital) signs and the addition of museums as a Conditional Use to the R-1F zone and made certain findings, which the City hereby adopts and incorporates by reference, except to the extent that the City deviates from such findings herein.

**NOW THEREFORE,** be it ordained by the City of Fort Mitchell, Kentucky, as follows:

**SECTION I**

Section 7.0, of Article VII of the Official Zoning Code of the City of Fort Mitchell, relating to “Words and Phrases” is hereby amended to add the following new definitions:

CHANGEABLE COPY SIGN, AUTOMATIC: “Automatic changeable copy sign” means a type of sign on which the copy changes automatically through the use of electronic or electro-mechanical technology. All changeable copy shall be included within the allotted face of sign square footage.

CHANGEABLE COPY SIGN, MANUAL: “Manual changeable copy sign” means any sign on which copy for all or a portion of the sign can be changed by a human being removing or rearranging letters, symbols or numerals. All changeable copy shall be included within the allotted face of sign square footage.

**SECTION II**

Section 14.7 of Article XIV of the Official Zoning Code of the City of Fort Mitchell is hereby amended to add the following provisions:

SECTION 14.7 SPECIAL SIGNS:

I. FLASHING SIGNS, MOVING SIGNS, AND CHANGEABLE COPY SIGNS

1. General Rule: Signs that move, flash or simulate movement are prohibited except as allowed under this section. A changeable copy sign is considered a different classification of sign under this Article; conversion of an existing sign to a changeable copy sign or to add changeable copy elements to it is allowed only if the modified sign will conform with all standards in this Section and with all other applicable standards related to the location, height, size and other

characteristics of the sign.

2. Rules for Changeable Copy Signs Allowed under this Article: Automatic changeable copy signs shall be allowed only under those sign classes in which they are listed as a permitted sign type (Section 14.13) and shall be subject to the following additional restrictions:

a. Such technology shall be programmed so that the message or image on the sign changes no more often than every eight seconds.

b. There shall be no effects of movement, flashing, scintillation, or similar effects in the individual images.

c. Changes of image shall be substantially instantaneous as seen by the human eye and shall not use fading, rolling, window shading, dissolving or similar effects as part of the change.

d. Video technology in signs shall use automatic level controls to reduce light levels at night and under cloudy or other darkened conditions, in accordance with the following standards.

(1) All electronic or digital display unit message boards shall have installed ambient light monitors, and shall at all times allow such monitors to automatically adjust the brightness level of the electronic board based on ambient light conditions.

(2) Maximum brightness levels for electronic or digital display boards shall not exceed 5,000 nits when measured from the billboard’s face at its maximum brightness, during daylight hours and 500 nits when measured from the board face at its maximum brightness between dusk and dawn, i.e., the time of day between sunrise and sunset.

e. Any sign using electronic or electro-mechanical technology for changeable copy message boards, which malfunctions, fails, or ceases to operate in its usual or normal programmed manner causing therein motion, movement, flashing or any other similar effects, shall be repaired or disconnected within 48 hours by the owner or operator of such billboard.

f. The area of a sign consisting of electronic or electro-mechanical message board elements shall not constitute more than fifty percent (50%) of any sign.

g. The following limitations shall apply to the location of signs using electronic or electro-mechanical technology for a message board:

(1) A sign on which the electronic or electro-mechanical message board includes 100 or more square feet of sign area shall not be erected within 500 feet of any residential zoning districts, although this restriction shall not apply to mixed use districts and commercial districts allowing residential uses.

(2) A sign on which the electronic or electro-mechanical message board includes 20 or more square feet of sign area but less than 100 square feet of sign area shall not be erected within 200 feet of property falling in one of any residential zoning districts, although this restriction shall not apply to mixed use districts and commercial districts allowing residential use.

(3) A sign on which the electronic or electro-mechanical message board includes less than 20 square feet of sign area shall not be erected within 100 feet of property zoned and used exclusively for single family uses; it is the express intent of this provision to allow the use of such technology on signs for institutional uses located in residential districts, provided that the required separation is maintained between the sign and any property zoned and exclusively used for a single-family use.

**SECTION III**

Section 14.13(G),(H) and (I) of Article XIV of the Official Zoning Code of the City of Fort Mitchell is hereby amended to add the following provisions:

SECTION 14.13 CLASSIFICATION OF SIGNS:

G. CLASS 7: The following signs, meeting the following specifications, shall constitute Class 7 and shall be only business and identification signs, as defined herein:

1. Structural Type - Pole sign or ground sign, single or double faced.

2. Maximum Size Of Single Sign - Sixty (60) square feet.

3. Maximum Height Above Grade At Top Of Sign - Pole: twenty (20) feet; Ground: ten (10) feet.

4. Limitations On Number Of Signs - One (1) sign may be erected for each street frontage of the lot or building site on which the primary permitted use is located.

5. Ground signs only may include changeable copy signs, not to exceed fifty percent (50%) of the sign area.

~~5~~.6. Other Limitations

a. Such sign shall be neither flashing nor animated.

b. No part of any ground or pole sign shall be set back closer than five (5) feet from any property line.

c. All signs shall be located in such a manner that they are wholly visible from the centerline of the abutting street which the sign faces from a minimum distance of two hundred fifty (250) feet. No sign shall be located in such a manner that it partially or wholly obstructs adjacent signs as viewed from the centerline of the

abutting street from a minimum distance of two hundred fifty (250) feet.

H. CLASS 8: The following signs, meeting the following specifications, shall constitute Class 8 and shall be only business or identification signs, as defined herein:

1. Structural Type - Ground sign, single or double faced.

2. Maximum Size Of Single Sign - Fifty (50) square feet.

3. Maximum Height Above Grade At Top Of Sign - Ten (10) feet.

4. Limitations On Number Of Signs

a. One (1) sign may be erected for each street frontage of the lot or building site on which the primary permitted use is located.

b. One (1) sign may be erected for identification purposes of a residential development for each major entrance.

5. May include changeable copy signs, not to exceed fifty percent (50%) of the sign area.

~~5~~.6. Other Limitations

a. Shall be neither flashing nor animated.

b. May only be illuminated from a concealed light source.

c. No part of any ground sign shall be closer than five (5) feet from any property line.

I. CLASS 9: The following signs, meeting the following specifications, shall constitute Class 9 and shall be only business or identification signs, as defined herein:

1. Structural Type - Pole or ground signs, single or double faced.

2. Maximum Size Of Single Sign - One hundred fifty (150) square feet.

3. Maximum Height Above Grade At Top Of Sign - Pole: thirty (30) feet; Ground: ten (10) feet.

4. Limitations On Number Of Signs

a. One (1) sign may be erected on each abutting major street identifying a shopping complex of three (3) or more businesses located in a unified building or an attached group of buildings.

b. One (1) sign may be erected along each butting arterial street entrance into an Industrial Zone for the purposes of identifying an industrial development.

5. Ground signs only may include changeable copy signs, not to exceed fifty percent 50%) of the sign area.

~~5~~.6. Other Limitations

a. Shall be neither flashing nor animated.

b. May only be illuminated from a concealed light source.

c. No part of any ground or pole sign shall be closer than five (5) feet from any property line.

d. No pole sign shall be, at its lowest point, less than ten (10) feet from the ground.

**SECTION IV**

Section 10.5(C) of Article X of the Official Zoning Code of the City of Fort Mitchell is hereby amended to add a new subsection 10.5(C)(12) to read in full as follows:

C. CONDITIONAL USES: The following uses, or any customary accessory buildings or uses, subject to the approval of the board of adjustment, as set forth in Sections 9.14 and 18.7 of this ordinance:

1. Cemeteries

2. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial street

3. Fire and police stations, providing they are located adjacent to an arterial street

4. Funeral homes, provided they are located adjacent to an arterial street

5. Governmental offices

6. Institutions for higher education, providing they are located adjacent to an arterial street

7. Institutions for human medical care - hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged, providing they are located adjacent to an arterial street

8. Nursery schools

9. Public and parochial schools

10. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries

11. Recreational uses other than those publicly owned and/or operated, as follows:

a. Golf courses

b. Country clubs

c. Swimming pools

12. Museums, provided they are an accessory use to a single-family residential dwelling, and they are in existence or established on or before December 31, 2015. This section shall allow expansion of the use, provided it continues to be a accessory use.

**SECTION V**

All ordinances or parts thereof in conflict herewith are to the extent of such conflict hereby repealed.

**SECTION VI**

This ordinance is hereby ordered to be published by Summary.

CITY OF FORT MITCHELL, KENTUCKY

BY:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Christopher Wiest, Mayor

ATTEST:

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City Clerk/Deputy City Clerk

DATE OF FIRST READING: September 23, 2013

DATE OF SECOND READING AND ENACTMENT:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

DATE OF PUBLICATION:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_