 CHAPTER 158: SIGN REGULATIONS
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GENERAL PROVISIONS

§ 158.01 INTENT.

The purpose of this chapter is to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; to promote the economic welfare of the community by providing businesses a reasonable opportunity to use signs to communicate, to advertise and to assist potential customers to locate and identify desired products, goods, services or facilities; to maintain and enhance the aesthetic environment without unduly restricting the city's ability to attract sources of economic development and growth; to promote both renovation and proper maintenance; and to enable the fair and consistent enforcement of these Sign Regulations.

(Ord. 99-06, passed 6-7-99)

Cross-reference:

Zoning code, see Chapter 156;

Subdivision regulations, see Chapter 155;

Streets and sidewalks, see Chapter 91;

Traffic Code, see § 70.06;

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Offenses, see § 130.09;

Utilities, see § 50.02

📖 § 158.02 APPLICABILITY.

- (A) A sign may be erected in the city only in conformance with the standards, procedures, exemptions and other requirements of this chapter.
- (B) The effect of this chapter as more specifically set forth herein is:
 - (1) 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;
 - (2) To allow certain signs that are small, unobtrusive 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;
 - (3) To prohibit all signs not expressly permitted by this chapter;
 - (4) To establish a reasonable fee; and
 - (5) To provide for the enforcement of the provisions of this chapter.

(Ord. 99-06, passed 6-7-99)

📖 § 158.03 DEFINITIONS.

Words and phrases used in this chapter shall have the meanings set forth in this section. Words and phrases not defined in this section but defined in the zoning ordinance of the city shall be given the meanings set forth in such chapter. All other words and phrases shall be given their common, ordinary meaning unless the context clearly requires otherwise.

ABANDONED. Any sign which no longer gives correct directions to, location of, description of a business, service or activity performed, or product sold or a sign not being properly maintained. Any such sign which is related to a business, service, activity or product which has not been operating, performed, or sold for a period of ninety (90) days, or which the business activity has relocated, shall be considered an abandoned sign. A sign associated with a vacant business or property which is advertised and marketed for sale or lease shall not be considered abandoned.

ADMINISTRATOR. The Zoning Administrator or his/her designated representative.

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BILLBOARD. A permanent free-standing sign to which is attached a sign face at least two hundred (200) square feet in area, containing a message relating to an activity or product that is foreign to the site on which the sign is located or an advertising device erected by a company or individual for the purpose of selling advertising messages for profit.

BUILDING. Any structure having a roof supported by columns or walls for the shelter or enclosure of persons or property.

CANOPY SIGN. Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.

CHANGEABLE COPY SIGN/BULLETIN 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.

ERECT. To construct, reconstruct, build, relocate, raise, assemble, place, affix, attach, create, paint, draw or in any other way bring into being or establish; but it shall not include any of the foregoing activities when performed as an incident to the change of message or routine maintenance.

FREE-STANDING SIGN. Any sign supported by structures or supports that are placed on or anchored in the ground and that are independent from any building or other structure.

GROUND-MOUNTED SIGN. A free-standing sign with a solid base.

ILLEGAL SIGN. A sign which was not in compliance with this, or the applicable chapter when it was erected, installed, altered or displayed.

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”, “hours of operation” and other similar directives. No commercial message may exceed twenty-five percent (25%) of such sign.

INDIVIDUAL BUSINESS UNIT. A business which is located in a structurally independent building which has its own entrance and exit.

LOT. Any piece or parcel of land or a portion of a subdivision thereof, the boundaries of which have been established by some legal instrument of record, that is recognized and intended as a unit for the purpose of transfer of ownership and having its principle frontage on an officially approved street or place.

NON-CONFORMING SIGN. A sign lawfully erected and legally existing on the effective date of this chapter, or of amendments thereto, but which does not conform to the provisions of this chapter.

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OFF-PREMISE SIGN. A sign which directs attention to a business, service or product offered not located on the same lot where the sign is displayed.

ON-PREMISE SIGN. A sign which directs attention to a business, 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; balloons used as signs; and signs attached to or painted on vehicles parked and visible from the public right-of-way whose primary purpose is advertising.

PRINCIPAL BUILDING. The building in which is conducted the principal use of the lot on which it is located. Lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

PUBLIC SERVICE SIGN. Noncommercial signs necessary to promote health, safety and welfare and other regulatory, statutory, traffic control or directional signs erected on public property with permission as appropriate from the State of Kentucky, the United States or the city of Madisonville. Signs which indicate scenic or historical points of interest and identify public property are public service signs. Off-premise signs placed by a public agency for the purpose of guiding persons to emergency centers or places of public interest are also included.

SIGN. Any writing, pictorial presentation, number, illustration or decoration, flag, banner or pennant or other device which is used to announce, direct attention to, identify, advertise or otherwise make anything known.

SIGN FACE. That part of a sign that is or may be used for copy.

SIGN FACE AREA. The total area contained within a single continuous perimeter enclosing all parts of such sign but excluding any structural elements outside the limits of the sign which are required for the supporting of such sign.

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 (2) street fronts.

STRUCTURE. Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, walls, fences and signs.

TEMPORARY SIGN. A sign including, but not limited to, paper, cardboard and fabric signs, which is used for a limited period of time and is not permanently mounted.

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WALL SIGN. A sign painted or attached to a wall of a building and is parallel to the wall.

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 painted or otherwise permanently affixed to the window. Signs that are painted or otherwise permanently affixed to the window shall be considered wall signs.

(Ord. 99-06, passed 6-7-99)

REGULATIONS; REQUIREMENTS

§ 158.10 GENERAL PROVISIONS.

- (A) All signs shall be constructed in such manner and of such material that they shall be safe, properly secured, supported and braced, and shall be kept in good repair. The city may order the removal of any sign which becomes a public hazard.
- (B) No sign shall be erected or maintained which obstructs free and clear vision of traffic, traffic signals or interferes with ingress/egress, or generally creates a traffic hazard to persons or property.
- (C) No sign shall be allowed in the public right-of-way or in a public easement, except for the following:
 - (1) Public Service signs.
 - (2) Informational signs of a public utility regarding its poles, lines, pipes or facilities as regulated by the Kentucky Manual of Uniform Traffic Control.
 - (3) Awning, projecting and suspended signs projecting over a public right-of- way as permitted herein.
 - (4) Emergency warning signs erected by a governmental agency, a public utility company or a contractor doing authorized or permitted work in the public right-of-way as regulated by the Kentucky Manual of Uniform Traffic Control.
 - (5) Beautification signs.
 - (6) Banners/flags placed on utility poles in the downtown area so long as they contain no commercial message or logo and permission is granted by the appropriate authority.
 - (7) Subdivision identification signs in accordance with § [158.19](#) (A)
- (D) No sign may be placed within a public right-of-way without the prior written consent of the appropriate public authority affected. [back to top](#)

- (E) Any sign erected or placed on public property, except in conformance with this chapter, shall be forfeited and subject to confiscation. In addition to other remedies herein, the city shall have the right to recover from the owner or person placing such a sign, the full costs of removal, storage and/or disposal of such sign.

(Ord. 99-06, passed 6-7-99) [Penalty, see § 158.99](#)

§ 158.11 COMPUTATIONS.

The following principles shall control the computations of sign area and sign height:

- (A) 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 calculated using the area contained within a single continuous perimeter enclosing all parts of such sign but excluding any structural elements outside the limits of the sign which are required for the supporting of such sign. See Figure 1.



- (B) Computation of Area of Multi-faced Signs. 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. See Figure 2. When two identical sign faces are placed back-to-back or in a V-shape 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 forty-two (42) inches apart or greater than a forty-five (45) degree angle, the sign area shall be computed by the measurement of one of the faces. See Figure 3. The sum of all sign faces shall not exceed twice the maximum sign area as set forth in this chapter.

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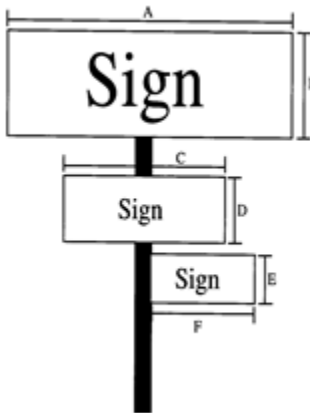


Figure 2

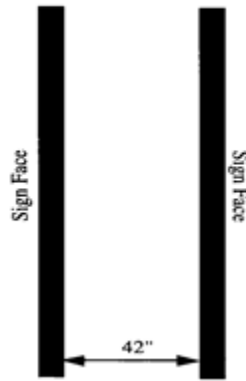
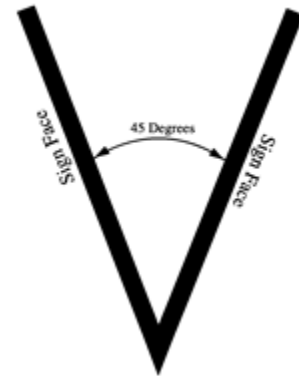


Figure 3



- (C) Computation of Height. The height of a sign shall be computed as the distance from the base of the sign at normal grade, or to the elevation of an adjacent public road, to the top of the highest attached component of the sign, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. See Figure 4.

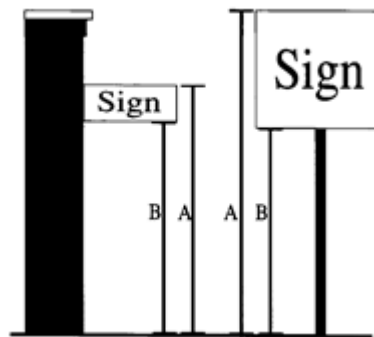


Figure 4

- (D) Computation of free standing sign setback. The required setback for free standing signs shall be the distance between the sign's leading edge and the property line.

(Ord. 99-06, passed 6-7-99) [Penalty, see § 158.99](#)

📖 § 158.12 SIGNS EXEMPT FROM REGULATION.

The following signs shall be exempt from regulation under this chapter:

- (A) Public service signs.
- (B) Holiday lights, decorations and displays.

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- (C) Signs not visible from the public right-of-way.
 - (D) Signs within a public or private ballpark that face the playing field.
 - (E) Signs incorporated into machinery or equipment by a manufacturer or distributor, which identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booths and gasoline pumps.
 - (F) Identification signs such as address and building markers.
 - (G) Community identification signs and community beautification project signs.
 - (H) Personal messages such as announcements of births, anniversaries and birthdays.
- (Ord. 99-06, passed 6-7-99)

 § 158.13 SIGNS PROHIBITED.

The following signs shall be prohibited in all zoning districts:

- (A) Non-permitted advertising benches.
 - (B) Flashing or blinking signs.
 - (C) Portable signs, tethered balloons, inflatable signs or similar signs or devices except as permitted in § [158.15](#) (F) and (G).
 - (D) Any sign affixed to a tree, utility pole, fence, stone or light pole on public property except as permitted in § [158.10](#) (C)(G).
 - (E) Any sign which emits any noise, odor or visible matter for the purpose of attracting attention to the sign.
 - (F) Abandoned signs.
 - (G) Signs displaying copy that is harmful to minors.
- (Ord. 99-06, passed 6-7-99) [Penalty, see § 158.99](#)

§ 158.14 SIGNS EXEMPT FROM PERMIT REQUIREMENT.

The following signs shall not require a permit; however, such signs are subject to applicable restrictions contained within this chapter:

- (A) Pennants, streamers, and flags, located in either a commercial or industrial district.
- (B) Changing out sign faces or the changing of copy of a billboard, attraction board, or marquee providing no structural alterations are to be performed.
- (C) A single home occupation may have a wall sign not exceeding three (3) square feet in area.
- (D) Temporary signs in accordance with § [158.15](#).
- (E) Incidental signs not to exceed four (4) square feet in area.
- (F) Private sale signs; however, such signs must be removed within one (1) day after the sale.
- (G) Signs containing information regarding public services or public events are allowed provided no message referring to any specific business or commercial activity is included.
- (H) Restaurant menu boards not exceeding forty (40) square feet and eight (8) feet in height.

(Ord. 99-06, passed 6-7-99)

§ 158.15 TEMPORARY SIGNS.

Temporary signs shall be non-illuminated and shall be erected or displayed for a limited period of time. Maximum surface area of temporary wall signs, including but not limited to banners and window signs, shall be counted as part of the percentage allowable for wall signs and shall not exceed twenty-five percent (25%) of the building face of the wall to which it is attached. Temporary signs are portable, that is movable from one location to another, and are not permanently attached to the ground or any immobile structure. The following temporary signs shall not require a permit but are subject to applicable restrictions contained within this chapter:

- (A) Banners: Banners shall be allowed in commercial and industrial districts only when attached at all four corners to the principal building provided they do not exceed fifty (50) square feet in area. Maximum of two banners per wall.
- (B) For Sale/Rent: Signs indicating the sale or rental of the premises on which the sign is located, provided all signs shall be removed no later than seven (7) days after the sale or lease is closed.

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- (C) Auction: Signs advertising auctions of real and personal property, provided all signs shall be removed on the day the auction is held.
- (D) Campaign: Campaign signs shall be permitted in all districts and are subject to the following additional regulations:
 - (1) Campaign signs shall not be posted on any public property.
 - (2) No person shall post or attempt to post a campaign sign on private property without the express consent of the owner or occupant of such property.
 - (3) All campaign signs shall be removed within ten (10) days following the election to which it applies; the owner of the property on which the sign is placed is responsible for its removal.
- (E) Construction: Construction signs, non-illuminated, to be removed upon completion of the project.
- (F) Not For Profit Events: Signs announcing or relating to a drive or event of a civic, philanthropic, educational, or religious organization are allowed. These signs shall be removed within forty-eight (48) hours of the conclusion of the event to which they relate.
- (G) Special Event Displays (Commercial): Special event displays are allowed for businesses within a commercial or industrial district or for permitted businesses in a residential district. Temporary signs such as portable signs, tethered balloons, inflatable signs or similar signs or devices may be erected on the premises of an establishment having a grand opening or special event, provided that such sign shall be displayed no more than sixty (60) days during one (1) calendar year. Prior to its display, such signs must be registered with the Administrator, via letter or fax, stating the beginning and ending date for display.

(Ord. 99-06, passed 6-7-99) [Penalty, see § 158.99](#)

§ 158.16 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 or on a later date when the property is annexed to the city, and which was constructed in accordance with chapters and other applicable laws in effect on the date of its construction, but which is not in conformance with the requirements of this chapter.

- (A) All non-conforming signs made of paper, cloth or other non-durable material are to be removed or made to conform to this chapter within thirty (30) days of the adoption of this chapter.

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- (B) All temporary signs other than those permitted herein are to be removed or made to conform to this chapter within six (6) months of the adoption of this chapter.
- (C) Should a non-conforming sign be moved for any reason, it shall thereafter conform to this chapter and the regulations for the district in which it is located after it is moved.
- (D) 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 of a non-conforming sign is permitted so long as it does not change the dimensions, location or size.
- (E) Whenever a non-conforming sign is damaged by wind, fire or other casualty, the sign may be repaired, restored or replaced to the same size, height and location as existed prior to the damage or destruction. The sign may not be modified in any way which would make it more non-conforming.
- (F) Upon failure to comply with the above within the time specified, the Administrator may cause removal and disposal of any non-conforming sign. Any expense incident thereto, including reasonable attorney fees, shall be paid by the owner, agent or lessee of the sign or of the property upon which the sign is located.

(Ord. 99-06, passed 6-7-99) [Penalty, see § 158.99](#)

§ 158.17 SIGNS REQUIRING PERMITS.

A sign may be erected in the city only after obtaining a sign permit from the Administrator except where specifically exempted by this chapter.

(Ord. 99-06, passed 6-7-99) [Penalty, see § 158.99](#)

§ 158.18 ILLUMINATION STANDARDS.

- (A) Sign lighting may not cause confusion with traffic lights, be misconstrued as a traffic signal or otherwise create a hazardous condition.
- (B) Except where expressly prohibited, illumination of signs is permissible so long as the light emitted does not shine onto an adjoining property in a way as to create a nuisance or into the eyes of motorists or pedestrians using or entering public streets or ways.

(Ord. 99-06, passed 6-7-99) [Penalty, see § 158.99](#)

§ 158.19 RESIDENTIAL SIGNS.

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In addition to the general requirements set forth in this chapter, the following shall apply to residential districts:

- (A) Subdivision identification signs. One (1) subdivision identification sign per street frontage, indicating only the name of the subdivision and not exceeding thirty-two (32) square feet in area. The sign structure must be ground-mounted, not to exceed nine (9) feet in height, and shall set back at least ten (10) feet from the property line. However, such sign may be located in the right-of-way (in the median only), subject to written authorization of the City Engineer, if deemed not to constitute a hazard. Proof of permanent maintenance and an encroachment permit shall be provided by the applicant prior to the issuance of a permit for a subdivision entrance identification sign located in the right-of-way.
- (B) Multi-family development identification signs. One (1) wall sign and one (1) ground-mounted sign for multi-family structures or developments per street frontage, indicating only the name of the building or development and not exceeding thirty-two (32) square feet in area. A ground-mounted sign must be set back at least ten (10) feet from the property line, not to exceed nine (9) feet in height.
- (C) Permitted commercial, nonconforming and conditional uses. One (1) wall sign and one (1) ground-mounted sign per street frontage is permitted, provided no sign shall exceed thirty-two (32) square feet in area. A ground-mounted sign must be set back at least ten (10) feet from the property line, not to exceed nine (9) feet in height.
- (D) Institutional signs. One (1) wall sign and one (1) ground-mounted sign per street frontage is permitted, provided no sign shall exceed thirty-two (32) square feet in area, which shall serve to identify a public, semi-public, educational or religious institution and announce its services and/or activities. A ground-mounted sign must set back at least ten (10) feet from the property line, not to exceed nine (9) feet in height. Off-premise directional signs less than twelve (12) square feet shall be considered incidental signs.

(Ord. 99-06, passed 6-7-99) [Penalty, see § 158.99](#)

§ 158.20 COMMERCIAL/INDUSTRIAL SIGNS.

In addition to the general requirements set forth in this chapter, the following shall apply in commercial and industrial zoning districts:

- (A) Types of signs allowed.
 - (1) Free-standing signs.
 - (2) Dimensions

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<u>Zoning District</u>	<u>Maximum Square Feet</u>	<u>Maximum Height</u>
C-1	50 sq. ft.	20'
C-2, C-3, M-1, M-2, M-3	180 sq. ft. (not to exceed 120 sq. ft. per any one face)	45'
C-4	80 sq. ft. (not to exceed 50 sq. ft. per any one face)	30'

(3) Number of signs.

- (a) Maximum of one (1) free-standing sign for lots having two hundred (200) feet or less of road frontage. For each additional two hundred (200) feet of road frontage, an additional free standing sign is allowed.
- (b) Free-standing signs shall be a minimum of fifty (50) feet from any other free-standing sign on the same lot.
- (c) Advertising benches that are permanently mounted shall be considered a free-standing sign except when abutting the principal building, then they shall be counted as a wall sign. See wall signs in subsection (A) (2) (f).

(4) Setbacks. The leading edge of a free-standing sign may abut the property line except:

- (a) When located in a vision clearance area which is an area triangular-shaped located at the intersection of any combination of streets, alleys or driveways. The sides of the triangle extend fifteen (15) feet from the intersection of the vehicle travel areas. See Figure 5. The height of the vision clearance area is from forty-two (42) inches above grade to ten (10) feet above grade. See Figure 6. Support structure(s) for a sign may only be located in a vision clearance area if the combined total width is twelve (12) inches or less and the combined total depth is twelve (12) inches or less.

FIGURE 5

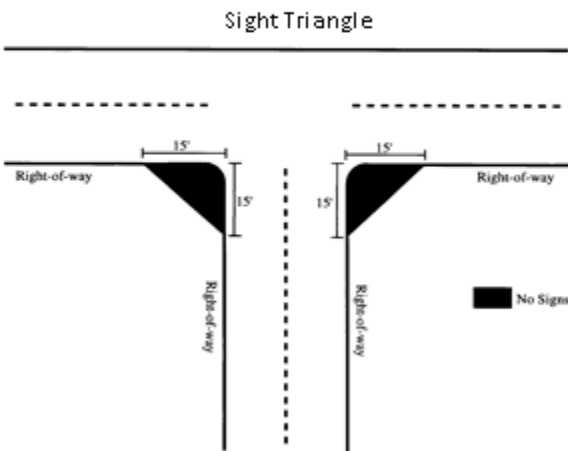
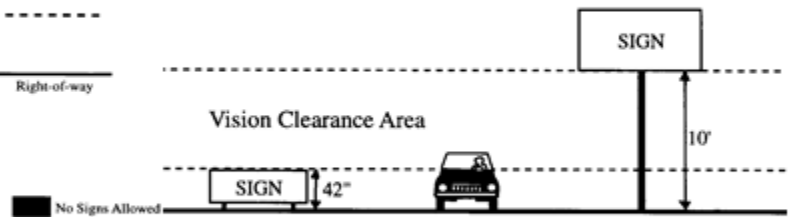


FIGURE 6

Vision Clearance Standards



- (b) When a sign extends over a private area where vehicles travel or are parked, the bottom of the sign structure must be a minimum of ten (10) feet above the ground. This includes driveways, alleys, parking areas and loading and maneuvering areas.

(B) Wall signs:

- (1) Maximum surface area of wall or roof signs shall not exceed twenty-five percent (25%) of the building face of the wall to which it is attached. Such wall area shall include all windows, doors, and wall area of the building in one plane of elevation. Where the building or wall face is broken or irregular in relation to a signal vertical plane perpendicular to the ground (by such architectural features as dormers, pitched roofs, awnings, etc.) the total building face may be considered as one, two dimensional wall, and number of signs permitted and maximum area requirements applied on that basis.
- (2) Shall not extend above the peak of the roof.
- (3) Where a single building or complex of buildings contains two (2) or more separate activities or establishments with their own separate exterior entrances, the individual businesses located therein shall be permitted wall signs and wall sign areas based on the portion of the building frontage used by the businesses as though they were individual buildings with individual street frontages.
- (4) Where a single building contains two (2) 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 entire building face to which the sign(s) will be attached.
- (5) Permanent window signs shall be counted as part of the percentage allowable for wall signs. Permanent window signs less than three (3) square feet will not require a permit.

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- (6) Advertising benches abutting the principle building and permanently mounted shall be considered a wall sign and shall be counted as part of the percentage allowable for wall signs.

(D) Canopy Signs:

- (1) Shall not be allowed above the first story of a building.
- (2) Shall be counted as part of the percentage allowable for wall signs.
- (3) When extended over either a private or public sidewalk, the minimum clearance from the lowest point of the awning or canopy to the top of pavement shall be eight (8) feet.
- (4) If projecting over a public right-of-way, proof of insurance naming the city as an insured party must be provided and authorization must be obtained from the City Council.

(E) Projecting/Suspended Signs:

- (1) One per street frontage.
- (2) Must have a minimum of eight (8) feet of clearance above the ground.
- (3) Projecting signs shall not extend more than seven (7) feet from a building and must be at least two (2) feet from the curb line of any street or off-street parking area nor extend above the roofline of the building to which it is attached.
- (4) Shall be counted as part of the percentage allowable for wall signs.
- (5) If projecting or suspended over a public right-of-way, proof of liability insurance naming the city as an insured party must be provided and authorization must be obtained from the City Council.

(E) Off-Premise Signs. Off-premise signs must be deducted from the total allowable area for any free-standing signs on the premises of the business entity being advertised. The following regulations apply:

- (1) One free-standing sign per individual business unit not to exceed twenty- five (25) square feet in area. A sign advertising more than one individual business unit may have a maximum sign area of seventy-five (75) square feet and shall comply with applicable height and setback requirements for that district.
- (2) May not be located within fifty (50) feet of any other free-standing sign.

(F) Billboards.

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- (1) A conditional use permit must be granted before any new billboard is erected.

- (2) No new billboards will be allowed within the area bounded by North Street to McLaughlin and Madison Avenue to Park Avenue. See Figure 7 on page 142.
- (3) Shall not be erected within one hundred fifty (150) feet of any structure, excluding fences, without the written consent of the owner(s) of the adjoining structures.
- (4) Shall not exceed thirty (30) feet in height nor three hundred (300) square feet in area.
- (5) Minimum setback from any street right-of-way shall be twenty (20) feet or even with any existing structure, whichever is greater.
- (6) Shall not be erected within fifty (50) feet of a side property line without the written consent of the adjacent owner(s).
- (7) Must be erected on a single pole constructed of steel.

(Ord. 99-06, passed 6-7-99; Am. Ord. 99-11, passed 7-5-99) [Penalty, see § 158.99](#)

§ 158.21 SHOPPING CENTERS IN C-2, C-3, M-1, M-2 & M-3.

One (1) free-standing sign indicating the name of the shopping center is allowed per street frontage. Any such free-standing sign shall not exceed one hundred fifty (150) square feet or forty-five (45) feet in height. A changeable copy/bulletin board may be attached to the free-standing sign provided it does not exceed fifty percent (50%) of the maximum allowable area.

(Ord. 99-06, passed 6-7-99) [Penalty, see § 158.99](#)

§ 158.22 PARKWAY SIGN DISTRICT.

- (A) In addition to the requirements of this chapter, the following shall apply to free-standing signs located along the Pennyrile Parkway within the areas depicted in Figure 8 and Figure 9.
- (B) Property zoned C-2, C-3 or Industrial may have a maximum of two (2) free-standing on-premise signs with one (1) sign not to exceed sixty-five (65) feet in height and two-hundred (200) square feet in area and the second sign not to exceed a maximum height of twenty (20) feet and eighty (80) square feet in area. If § [158.20](#) (A)(1) and (B)(1) applies, additional signs allowed may not exceed twenty (20) feet in height and eighty (80) square feet in area.

(Ord. 99-06, passed 6-7-99) [Penalty, see § 158.99](#)

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§ 158.23 SIGN VARIANCE.

(A) Definition. A sign variance is a mechanism, which allows an individual to install a sign on his or her property in a way that is otherwise prohibited by the City's Sign Regulations. Typically, a sign variance is sought by an individual wishing to waive one or more dimensional standards/general requirements such as size and height limitations, placement in reference to the building and/or street, or type of sign allowed in a particular zoning district due to unique signs or unusual conditions.

(B) Purpose. Due to the strict nature of the Sign Regulations regulating signs in agricultural, conservation, residential, neighborhood commercial and office professional zoning districts and allowing a maximum size sign of 50 square feet or less, there may be instances where the requirements of the Sign Regulations would result in a significant hardship or would not permit the owner to effectively advertise its business or service. By applying to the Board of Adjustment (BOA) for a sign variance, a relief mechanism is provided to grant exceptions to the Sign Regulations. However, in no instance may the BOA grant a variance to allow a sign to exceed 50% of the maximum area and height allowed in a particular zone.

(C) Review Criteria. In assessing the appropriateness of a sign variance application, the BOA shall take into consideration the benefit to the applicant if the variance is granted, as weighed against any resulting detriment to the health, safety and welfare of the neighborhood. In so doing, the following findings must be found:

- (1) The variance is in harmony with the general purposes and intent of the Madisonville Sign Regulations;
- (2) The applicant has established a hardship is created by exceptional or extraordinary conditions applying to the property that do not apply generally to adjacent and/or nearby properties and such conditions are a result of lot size or shape or topography over which the applicant or owner has no control. A mere loss of an advantage, convenience to the applicant or economic reasons alone do not constitute a hardship;
- (3) The variance will not adversely impact the visual image of the area, will not be detrimental or offensive to reasonable property owners in the vicinity, or adversely impact or be inconsistent or incompatible with the character of the adjoining properties and/or neighborhoods;
- (4) The variance will not adversely affect pedestrian and/or vehicular traffic or safety.

(D) Application Procedure.

- (1) An application for a sign variance, including supporting materials and a site plan, must be submitted to the Madisonville Zoning Administrator who will then schedule a public hearing before the BOA to consider the request. At least 7 days prior to the public hearing, a legal notice shall be placed in the local newspaper, and the adjoining property owners shall be notified by regular mail of the public hearing. [*back to top*](#)

- (2) In deciding on the sign variance request, the BOA may approve, approve with modifications or disapprove the variance. In addition, the BOA may impose such other terms and conditions as it deems necessary to minimize any adverse impact on the neighborhood or community.
- (3) The applicant, or a representative of the applicant, is strongly encouraged to attend the hearing in order to address concerns and to respond to any questions raised by the BOA.

(E) Materials to be Submitted.

- (1) A completed sign variance application;
- (2) A site plan showing the following:
 - (a) Location of all existing and proposed signs on the lot or building, (building signs include awning, projecting, roof, suspended and window signs);
 - (b) Location of all existing buildings, driveways/access roads, parking areas and adjoining street right-of-way;
 - (c) Setback distances from the proposed signs to the property lines and to any existing buildings and/or signs on the lot.
- (3) Dimensions of all existing and proposed signs including ground clearance and overall height from grade to bottom of sign. Attach photographs or sign renderings of proposed signs. Building wall size must be provided if proposed sign is to be located on the building;
- (4) Provide a copy of the deed of the property in question and any site surveys or plats; and
- (5) Application fee.

(Ord. 2011-16, passed 11-21-11)

 § 158.24 MAINTENANCE.

All signs shall be properly maintained. Such maintenance shall include proper alignment of structure, continued readability of the structure and preservation of the structure with paint or other preservatives. If a sign is not maintained, written notice of any disrepair may be issued by the enforcement officer to the owner of said structure or property owner. If the disrepair is not corrected within sixty (60) days of issuance of said notice, the Administrator may cause removal of the structure.

(Ord. 99-06, passed 6-7-99) [Penalty, see § 158.99](#)

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§ 158.25 ABANDONED/OBSOLETE SIGNS.

- (A) Abandoned signs shall be removed within thirty (30) days of abandonment. This section shall not apply to any sign associated with a vacant business or property which is advertised and marketed for sale or lease provided that the sign and the property is maintained in conformance with all applicable provisions as established by the city.
- (B) Upon failure of sign owner or lessee, or property owner, to comply with this chapter, the Administrator shall issue a written notice to the owner. The notice shall state that the sign shall be removed within thirty (30) 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, including reasonable attorney fees, 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 abandoned signs in this chapter, 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.

(Ord. 99-06, passed 6-7-99) [Penalty, see § 158.99](#)

PERMITS; PLANS; FEES

§ 158.50 PERMITS

- (A) If a sign requiring a permit under this chapter is to be placed, constructed, or erected on a lot, the owner of the lot or sign shall secure a sign permit prior to the construction, placement, or erection of the sign. Modification of an existing sign due to ordinary maintenance or the alteration of an existing sign face, provided there are no dimensional changes, shall not require a permit. No sign permit of any kind shall be issued unless the sign is consistent with the requirements of this chapter.
- (B) The following procedures specified in §§ [158.51](#) through [158.55](#) shall govern the application for the issuance of all sign permits under this chapter and the submission and review of Sign Plans.

(Ord. 99-06, passed 6-7-99) [Penalty, see § 158.99](#)

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§ 158.51 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. For any lot on which the owner proposes to erect one (1) or more signs requiring a permit, the owner shall submit to the Administrator a Sign Plan containing the following:

- (A) The name, address and telephone number of the owner or persons entitled to possession of the sign and of the sign contractor or erector.
- (B) The location by street address of the proposed sign structure.
- (C) The nature of the business.
- (D) An accurate site plan of the lot, including:
 - (1) Location of buildings, parking lots and driveways.
 - (2) Computations of the maximum total sign area, the maximum area for individual signs and the height of signs.
 - (3) An accurate indication on the site plan of the proposed location of each present and proposed sign of any type including setbacks.
 - (4) Projected cost of construction.
- (E) Such other information as the Administrator may require to determine full compliance with this chapter and any other applicable chapters of this code.
- (F) Payment of all required fees.

(Ord. 99-06, passed 6-7-99)

§ 158.52 FEES.

- (A) The fees for sign permits for the period beginning with this chapter shall be as follows:
 - (1) Signs thirty-two (32) square feet and less - twenty-five dollars (\$25.00).
 - (2) Signs more than thirty-two (32) square feet but less than fifty (50) square feet - fifty dollars (\$50.00).
 - (3) Signs more than fifty (50) square feet - one hundred dollars (\$100.00).
- (B) Whenever a sign permit fee is required by this chapter and work is started prior to [back to top](#)

obtaining a permit, the amount of fees shall be doubled for a permit subsequently issued to cover such work.

(Ord. 99-06, passed 6-7-99)

📖 § 158.53 COMPLETENESS.

Within five (5) days of receiving an application for a sign permit, the Administrator shall review it for completeness. If the Administrator finds it is complete, the application shall then be processed. If the Administrator finds that it is incomplete, the Administrator shall, within the five (5) day period, send to the applicant a notice of the specific ways in which the application is deficient, with appropriate references to the applicable chapters of this code.

(Ord. 99-06, passed 6-7-99)

📖 § 158.54 ACTION.

Within seven (7) days of the submission of a complete application for a sign permit, the Administrator shall either:

- (A) Issue a sign permit, if the sign that is the subject of the application conforms in every respect with the requirements of this chapter and the applicable Sign Plan; or
- (B) Reject the sign permit if the sign 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 how the application fails to conform to this chapter.

(Ord. 99-06, passed 6-7-99)

📖 § 158.55 EXPIRATION OF SIGN PERMIT.

If a sign, for which a permit has been issued, is not erected within six (6) months of its issuance, the permit shall expire and become null and void.

(Ord. 99-06, passed 6-7-99)

ADMINISTRATION; ENFORCEMENT

📖 § 158.75 ENFORCEMENT.

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- (A) The Zoning Administrator of the city shall be charged with the issuance of permits and the enforcement of this chapter. Appeal of decisions of the Administrator shall be made to the Board of Adjustment.
- (B) 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:
 - (1) Issuing a stop-work order for any and all work on any signs on the same lot;
 - (2) Seeking an injunction or other order of restraint or abatement that requires the removal and disposal of the sign(s) or the correction of the violation.
 - (3) In the case of a sign that poses an immediate danger to the public health or safety, taking all reasonable and necessary steps to immediately abate the danger.
- (C) All the remedies provided herein shall be cumulative. To the extent that state law may limit or invalidate 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. 99-06, passed 6-7-99) [Penalty, see § 158.99](#)

Cross reference:

Board of Adjustment, see § [156.11](#)

 § 158.76 VIOLATIONS.

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 this chapter, any regulations 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 permit.
- (C) Failure to remove and dispose of any sign that is erected or maintained in violation of this chapter, upon notification of non-compliance by the Administrator.
- (D) Each day of a continued violation shall be considered a separate violation when applying the penalty portions of this chapter.

(Ord. 99-06, passed 6-7-99) Penalty, see § 156.11

 § 158.77 OTHER SIGNS FORFEITED.

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Any sign installed or placed on or over public property or right-of-way after the adoption of this chapter, except in conformance with these requirements, shall be subject to immediate removal. 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 cost of removal, storage and/or disposal of the sign.

(Ord. 99-06, passed 6-7-99) [Penalty, see § 158.99](#)

§ 158.78 APPEALS.

(A) Any person deeming themselves aggrieved by any action, order or determination of the Administrator or other authorized person or body pursuant to the provisions of this chapter shall, within thirty (30) days, have the right to appeal to the Board of Adjustment. The notice of appeal shall be in writing and clearly state the basis for the appeal. An appeal which fails to state the basis for said appeal shall be automatically dismissed without a hearing. Such appeal shall be filed with the City Clerk within thirty (30) days after notification to the applicant of such action, order or determination and shall be given reasonable opportunity to be heard by the Board of Adjustment.

(B) The decision of the Board of Adjustment may be appealed to the Hopkins Circuit Court.

(Ord. 99-06, passed 6-7-99)

§ 158.79 CONFLICT WITH OTHER ORDINANCES.

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 or with the requirements of any other city ordinance or state law, the highest and most restrictive standard shall apply.

§ 158.99 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 fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00). The violator shall also be responsible for paying reasonable attorney fees. 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. [back to top](#)

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

(Ord. 99-06, passed 6-7-99)

Figure 7



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Figure 8
PARKWAY SIGN AREA - EXIT 42



Figure 9
PARKWAY SIGN AREA - EXIT 44



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