

### **ARTICLE III. SIGNS IN CENTRAL THE DOWNTOWN BUSINESS DISTRICT\***

**\*Editor's note:** Pursuant to instructions of the city, the provisions of §§ 1-24 of Ord. No. 17-76; adopted Sept. 14, 1976, have been included as Chapter 11, Article III, §§ 11-41--11-64.

**Cross references:** Buildings and Building Regulations, Chapter 5; Planning, Chapter 12; Sign Regulations in Zoning Ordinance, Appendix A, Article 11.

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#### **Sec. 11-41. ~~Signs overhanging sidewalk, public way.~~ Reserved.**

~~Subject to other provisions of this article, no sign or other display device shall project perpendicularly from any building or other structure so that said sign overhangs the sidewalk or public way. No horizontal or flush sign shall extend more than eighteen (18) inches over the sidewalk or public way.~~

~~(Ord. No. 17-76, § 1, 9-14-76)~~

#### **Sec. 11-42. Exceptions to provisions of article.**

Hotel, theater and building marquees shall not be affected by this article where such marquees exist at the time ~~this~~ the original article ~~is~~ was adopted [September 14, 1976].

(Ord. No. 17-76, § 2, 9-14-76)

#### **Sec. 11-43. ~~Canvas awnings.~~ Window Signage**

~~Canvas awnings shall not be affected by this article as an overhanging device if said awnings are at least six (6) feet six (6) inches from the sidewalk when fully extended.~~ Window signs shall be calculated the same as wall signs, unless the signage is used for supplemental advertising, in which case it shall be approximately twenty-five (25) percent of the total glass area.

~~(Ord. No. 17-76, § 3, 9-14-76)~~

#### **Sec. 11-44. Total number of signs per business.**

~~Each business shall be limited to one sign regardless of type, plus a window sign not exceeding fifteen (15) per cent of the total glass area~~ two (2) signs per street frontage in any combination of wall sign, window sign, projecting sign, freestanding sign or awning/canopy sign.

~~(Ord. No. 17-76, § 4, 9-14-76)~~

#### **Sec. 11-45. Illumination.**

Signs conforming to this article may be illuminated only indirectly, or may be non-illuminated. ~~No directly internally illuminated signs of any type are permitted.~~ Any indirect illumination on a sign shall be installed so as to be directed onto the sign only with a maximum illumination of 2 foot candles and not encroach onto adjoining buildings or residential areas.

~~(Ord. No. 17-76, § 5, 9-14-76)~~

**Sec. 11-46. ~~Maximum height of new signs.~~ Signs for building with a single entrance servicing multiple businesses/tenants.**

~~No new sign shall exceed two (2) feet in height. Single buildings that house multiple tenants shall be allowed to have any two of the following signs per street frontage: (1) a projecting sign that list all of the businesses within the building; (2) small one (1) square foot wall plaques displaying each business within the building at the main entrance doorway; or (3) a freestanding sign that list all of the businesses occupying the building (as regulated in Sec. 11-49).~~

~~(Ord. No. 17-76, § 6, 9-14-76)~~

**Sec. 11-47. Canvas Awning and Canopy signs.**

~~Signs located on a canopy shall be identification type, located on the face of the canopy only. Lettering height shall not exceed eighty (80) per cent of the depth of the canopy fascia, but such lettering may extend the full width of the canopy. A sign on the canopy fascia may be substituted for the primary sign but not used in addition to another sign. All awnings and canopies shall be at least seven (7) feet above the sidewalk when fully extended. Signs located on an awning or canopy shall be painted, printed or attached flat against the surface of the awning/canopy. Lettering/logo height shall not exceed eight (80) percent of the height of the slant or flap of the awning or the fascia of the canopy, but the lettering may extend the full width of the awning/canopy. If both the tops and sides of the awning are utilized for signage, this would constitute for the two allowable signs as referenced in Sec. 11-44. Under canopy or under awning signs shall be permitted and limited to identification signs.~~

~~(Ord. No. 17-76, § 7, 9-14-83)~~

**Sec. 11-48. Projecting signs.**

~~Nonilluminated pProjecting signs are permitted, provided they do not extend more than sixty (60) inches beyond the face of the building (including support), and that the area of such signs does not exceed eight (8) nine (9) square feet in area, and that the ratio of height to width is not less than 1:2 nor more than 2:1. The bottom of such signs shall not be less than seven (7) ~~feet nor more than eight (8)~~ feet above the walk and shall not encroach on any significant architectural details/features or second floor window space. Such signs ~~will~~ shall be supported by one top bracket only.~~

~~(Ord. No. 17-76, § 8, 9-14-76; Ord. No. 23-94, § 1, 9-20-94)~~

**Sec. 11-49. Freestanding signs.**

~~Freestanding non-illuminated signs are permitted, provided that the surface of the sign does not exceed five and five-tenths (5.5) square feet, that the edge of the sign does not extend beyond the curbline, and that the maximum dimensions of the support frame do not exceed eight (8) square feet thirty-six (36) (maximum forty-eight (48) inches wide and or twenty-four (24) thirty-six (36) inches high. The bottom of such support shall be seven (7) feet above sidewalk level, and the vertical support shall ~~not~~ be closer to the curb than twenty-four (24) inches from the curb.~~

(Ord. No. 17-76, § 9, 9-14-76)

**Sec. 11-50. Window decals.**

Window decals advertising the acceptance of credit cards, chamber of commerce membership, security notices, store hours or official trademarks may be placed on doors or windows of businesses. These shall be allowed in addition to the other signs stated elsewhere herein. The total area of all such decals, taken together, shall not exceed five (5) per cent of the door glass area when located on doors or five-hundredths (.05) per cent of the glass area of windows when located on windows. Decals located on doors shall only be affixed in an area of the door ~~below eye level~~ that does not hinder visibility into or out of the door.

(Ord. No. 17-76, § 10, 9-14-76)

**Sec. 11-51. Directional Signs.**

Directional signs not exceeding three (3) square feet in area; not exceeding four (4) feet in height; if freestanding not to exceed two (2) signs per entrance.

**Sec. 11-52. Menu Board Signs.**

One indirectly or internally illuminated menu board sign per business use drive-through lane or drive-up curbside service station; not exceeding thirty (30) square feet in area; maximum height of eight (8) feet if freestanding; and not located so as to have the copy visible to vehicular traffic on any adjacent street. If the menu board sign is six (6) square feet or less, a sign permit is not required.

**Sec. 11-53. Informational Signs.**

Informational signs, not exceeding twenty (20) square feet, and shall be freestanding only when included as part of a permitted freestanding identification sign.

**Sec. 11-54. Directly lighted Internally illuminated, flashing, blinking signs.**

Directly lighted Internally illuminated, flashing or blinking signs, except informational signs showing time, temperature or news or menu board signs, are prohibited.

(Ord. No. 17-76, § 11, 9-14-76)

**Sec. 11-525. Neon signs--Where permitted.**

Neon or other lighted tubing signs shall not be permitted except where such lighting is used behind solid lettering to produce a "halo" effect, or where it is used indirectly. ~~This section shall not apply to areas and structures facing entirely upon West Washington Street.~~

Interior neon "open" signs are permitted with the following requirements:

- 1) Sign shall not exceed a maximum of four (4) square feet in area;
- 2) Sign shall have a 110-volt maximum input;
- 3) Sign shall only read "OPEN";
- 4) Sign shall be located in the window of the business;

- 5) Sign shall only be illuminated while the business is open to the public and shall be turned off within one-half hour after the close of business;
  - 6) Sign shall not flash, blink, oscillate, rotate or intermittently turn on and off; and
  - 7) One sign shall be allowed per business.
- (Ord. No. 17-76, § 12, 9-14-76; Ord. No. 25-83, § 1, 11-8-83)

**Sec. 11-536. Same--Use as outline prohibited.**

Buildings, structures or ornamental features shall not be outlined with neon tubing, strings of lights or otherwise. Neon lighting and tubing may not be used to outline buildings or structures or ornamental features by use of exposed neon tubing, strings of lights, or otherwise.

(Ord. No. 17-76, § 13, 9-14-76)

**Sec. 11-547. Signs above cornices prohibited.**

No sign shall be erected above the cornice of any building.

(Ord. No. 17-76, § 14, 9-14-76)

**Sec. 11-558. Portable, A-frame signs. ~~prohibited~~**

No portable or A-frame signs are permitted. Portable signs shall be permitted on public sidewalks in the Downtown Business District, subject to the following requirements:

- 1) Only one portable sign shall be permitted for each business; however, no more than two portable signs may be located at an individual building entrance, regardless of the number of businesses using the entrance (upon written approval of the building owner or managing agent, a rotating schedule for multiple tenants at a single entrance may be approved)
- 2) Sign dimensions:
  - a. Maximum area shall be six square feet
  - b. Maximum height shall be three feet
  - c. Maximum width shall be two feet
- 3) Sign location:
  - a. A minimum thirty-six (36) inch wide pedestrian travel-way shall be maintained between the sign and the face of the curb, or any public structure located on the sidewalk, such as streetlight poles, trash receptacles, etc.
  - b. The sign shall be placed next to the building wall with a maximum space of four (4) inches
  - c. The sign shall not be more than six feet from the entrance of the business advertised.
- 4) Message content. The sign may be designed with a changeable slate face to advertise daily specials for a restaurant.
- 5) The sign shall be removed from the public sidewalk when the business is closed.

(Ord. No. 17-76, § 15, 9-14-76)

**Sec. 11-569. Signs painted on buildings.**

Signs painted directly onto buildings ~~must conform with the provisions of this article shall be prohibited.~~

(Ord. No. 17-76, § 16, 9-14-76)

**Sec. 11-5760. Signs erected by public agency.**

Official signs, or any informational or directional signs or historic markers erected by a public agency are permitted.

(Ord. No. 17-76, § 17, 9-14-76)

**Sec. 11-5861. Moving, enlarging, replacing nonconforming sign.**

A legal non-conforming sign may continue in existence and shall be properly maintained in good condition. A non-conforming sign shall not be moved to a new location, or enlarged or replaced. Only the face or the message of a legal non-conforming sign may be changed.

(Ord. No. 17-76, § 18, 9-14-76)

**Sec. 11-5962. Permit required for new signs.**

No new sign may be erected without a permit. Such permit may be obtained only when accurate scaled drawings showing location, size, type and colors are submitted and approved by the ~~codes enforcement officer~~ Office of Planning & Community Development. If the property is located within the Historic District overlay, a Certificate of Appropriateness from the Historic Preservation Commission is also required.

(Ord. No. 17-76, § 19, 9-14-76)

**Sec. 11-60. Date for removal of nonconforming signs. Reserved.**

~~All existing signs which do not conform to the provisions of this ordinance shall be removed.~~

~~(Ord. No. 17-76, § 20, 9-14-76)~~

**Sec. 11-613. Removal of signs advertising closed business.**

A sign shall be removed or neatly obliterated, by the owner of the sign or of the building to which it is affixed, within thirty (30) days after closure of the business to which it relates.

(Ord. No. 11-97, § 1, 3-4-97)

**Sec. 11-624. Penalty for violation of article.**

Any person, firm or corporation violating the provisions of this article shall, upon conviction, be fined ~~not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00)~~ for each offense; and each day such person, firm or corporation continues such violation shall constitute a separate offense.

(Ord. No. 17-76, § 22, 9-14-76)

**Sec. 11-635. Boundaries of central Downtown Business District.**

For the purpose of this article, the central downtown business district of the City of Winchester, Kentucky, shall be defined as that entire area including all structures included within the boundaries herein described; starting at the northwest corner of the bounded district at the intersection of North Maple Street and the railroad tracks, running south on North Maple Street to Douglas Court, then west to a point at the intersection of First Street and West Washington Street, continuing east along West Washington Street to Bells Alley, south along Bells Alley to West Hickman Street, east along West Hickman Street to Wall Alley, then south along Wall Alley to Boone Avenue, east along Boone Avenue to Main Street and then along the south property line of the parcel located at the southeast corner of the intersection of Main Street and Valentine Court, then turning north at the eastern property line of the parcel mentioned above and continuing north along Valentine Court to East Hickman Street, east along East Hickman Street to South Highland Street, continuing north along South Highland Street and North Highland Street to the railroad tracks, then west along the railroad tracks to North Maple Street (Downtown Business District boundary is shown in Exhibit 1 attached). ~~bounded on the south by Hickman Street, then easterly to an extension of Church Alley between the Codell Building and The Winchester Building and Savings Association Building, then north along said alley through the west side of the First Baptist Church parking lot, then continuing north along Church Alley to the northeast corner of property owned by Belk Simpson, then westerly along the north property line of Belk Simpson to Main Street, then north along Main Street to Washington Street, then easterly along Washington Street to the point which would be an extension of the alley running parallel to Main Street and behind Pound Furniture Company and other stores and the A&P Food Store to Depot Street, then north along said alley to the C&O Railroad, then west along said railroad to a point at which Wall Alley extended northward would meet said railroad, then south along Wall Alley and Wall Street, including all structures and areas facing on and on both sides of Wall Street or Wall Alley, to Hickman Street, the southern boundary, and all structures included within the boundaries herein described.~~

(Ord. No. 17-76, § 23, 9-14-76; Ord. No. 13-89, § 1, 7-25-89)

**Sec. 11-646. Precedence.**

Sections 11-41 through 11-66 shall take precedence over all other provisions of the Code of Ordinances of the City of Winchester, Kentucky to the extent that such other ordinances, including the zoning ordinance contained in Appendix A hereto, pertain to signs in the Central Business District.

(Ord. No. 24-94, § 1, 1-17-95)

**Sec. 11.67. Definitions.**

The following definitions unique to this article are listed below. The terms to be defined have been grouped according to the specific aspects of sign control to

which they pertain in order to provide a clearer understanding of the regulations contained later in this article.

*Abandoned sign and structure:* A sign and/or supporting structure which no longer identifies a business conducted or product sold on the premises; any advertising sign and/or supporting structure which no longer directs attention to a bona fide business conducted, product sold, or activity or campaign being conducted or for which no legal owner can be found. A sign and/or supporting structure shall be deemed as abandoned when the conditions described above have been in evidence for a period exceeding thirty (30) days. For the purpose of this definition, an advertising sign shall not be deemed abandoned solely because the sign has contained no copy for a period exceeding thirty (30) days.

*Attraction Board:* A sign which contains no permanent copy, either letters or emblems, on which copy is changed manually with changeable letters and which announces special activities on the property.

*Awning Sign:* A sign painted, printed or attached flat against the surface of an awning. As used in this article, awning shall be defined as a shelter supported entirely from an exterior wall of a building consisting of cloth or other similar non-rigid material supported by a frame.

*Banner Sign:* A sign made of fabric or other non-rigid material with no enclosing framework.

*Bulletin Board:* A sign which allows the manual changing of the copy material and is used to notify the public of noncommercial events or occurrences such as church services, political rallies, civic meetings or similar events.

*Business Sign:* A sign which directs attention to a business, profession, product, activity, or entertainment, sold or offered upon the premises where such a sign is located, and may include information as for an identification sign.

*Canopy Sign:* A sign painted, printed or attached flat against a surface of a canopy. As used in this article, canopy shall be defined as permanently roofed shelter covering a sidewalk, driveway or other similar area, which shelter may be wholly supported by a building or may be wholly or partially supported by columns, poles or braces extended from the ground.

*Construction Sign:* A temporary sign identifying the project name, the architect, engineer, contractor, financing company, material supplier, or others engaged in work on the construction site on which the sign is located. Leasing information, renderings and similar copy shall also be permitted.

*Curb-side service menu board:* A freestanding or wall-mounted sign primarily designed for the display of menu items and prices for the purpose of placing

orders for such items in conjunction with a restaurant utilizing drive-up curbside service.

*Directional Sign:* A noncommercial sign of an instructional nature, such as “parking,” “exit” or “entrance,” displayed solely for the convenience of the public, no more than twenty-five (25) percent of such sign being devoted to the name or logo of the property, business or profession on the site and containing no business advertising, or product trade name identification or listing of any product sold or offered on the premises.

*Double-faced Sign:* A sign with two (2) faces either set parallel or up to a forty-five (45) degree angle. Any two (2) sign faces set at an angle greater than forty-five (45) degrees shall be considered two (2) separate signs.

*Electronic Message Display System:* A sign with copy which utilizes rotating reflective disc, direct illumination, rotating veins, light emitting diodes (L.E.D.’s) or liquid crystal diodes (L.C.D.’s), and is changed by means of a central computer teletype.

*Flashing or Blinking Sign:* A sign, the illumination of which is not kept constant and which contains an intermittent or sequential flashing light source for the purpose of either attracting attention to the sign or as a method of changing copy.

*Freestanding Sign:* A sign, not attached to any building, and attached to the ground by poles, braces, or other means.

*Government Sign:* A temporary or permanent sign erected by any government body for traffic direction, or for designation or direction to any school, hospital, park, historic site or other service, property or facility.

*Historic Marker:* A sign or emblem which commemorates or identifies an event, past ownership of property, or age of a building.

*Illegal Sign:* A sign which does not meet the requirements of this Zoning Ordinance and which has not been identified as a non-conforming sign.

*Illuminated Sign:* A sign which emits or reflects, either directly or indirectly, artificial light from any source.

a. *Directly illuminated sign:* A sign which is lighted by an unshielded light source which is visible as a part of the sign and where light travels directly from the source to the viewer’s eye.

b. *Indirectly illuminated sign:* A sign whose light source is so situated as to project light onto the exterior or front of the sign surface, or to project light onto the building facade where the sign is located.

c. *Internally illuminated sign*: A sign whose light source is within the sign, with the sign having a transparent or translucent background or cover which silhouettes opaque or transparent letters or designs.

*Incidental Sign*: A small sign, not exceeding two (2) square feet each, limited to information and directions related to the permitted use on the lot or building on which the sign is located, and containing no direct illumination as defined in this Article. Examples of incidental signs would include “no smoking,” “restroom,” “no solicitors,” “no trespassing,” “self service,” “vacancy,” credit card acceptance signs, signs indicating hours of business, and similar information.

*Identification Sign*: A sign which establishes the identity of a building or building complex by name or symbol or combines name, street address, and/or management and has no direct advertising value.

*Informational Sign*: A sign whose copy gives only the time, temperature and/or date through an electronic message display system or by mechanical means (including clocks and thermometers), and provides no advertising of any product or business activity.

*Marquee Sign*: A sign used in conjunction with a theatre which is attached to and supported by the building and generally projects from the building and, which in addition to permanent copy may allow for changeable letters.

*Menu Board*: A freestanding or wall-mounted sign primarily designed for the display of menu items and prices for the purpose of placing orders for such items in conjunction with a restaurant utilizing drive-through service.

*Nameplate*: A wall sign which gives only the name, address, and/or occupation of the occupant(s) of the building on which it is located.

*Non-conforming Sign*: A sign which was legally erected but which does not comply with the adopted sign regulations of this Zoning Ordinance for the zone in which it is located.

*Non-illuminated Sign*: A sign which does not emit or reflect artificial light from any source either directly or indirectly.

*Painted Sign*: Any sign which is applied with paint or similar substance directly to a wall or other surface.

*Political Sign*: A temporary sign supporting the candidacy for office or urging action on any other matter on the ballot of a state, local or national election or referendum.

*Projecting Sign:* A sign which is attached directly to a canopy, marquee, or wall of a building and which extends horizontally outward from such canopy, marquee or wall more than twenty-four (24) inches.

*Real Estate Sign:* A temporary sign indicating only sale or rental of property or buildings on which the sign is erected.

*Roof Sign:* A sign which projects above the cornice of a flat roof, or above the top edge of any roof including the ridge line of a gabled or hipped roof. Such top edge shall not include any cupolas, pylons, chimneys or other minor projections above the roof line.

*Rotating or Moving Sign:* A sign, any portion of which moves by mechanical means, motion of the wind or other means. Such motion does not refer to methods of changing copy used on an electronic message display system.

*Sign.* Any writing, pictorial representation, form, emblem, trademark, flag, banner, decoration (including material used to differentiate the sign copy from the background) or any figure which is written, printed, projected, painted, constructed, or otherwise displayed upon or designed into a building, board, plate, canopy, awning, window, vehicle, or upon any object or device which by reason of its form, color, wording, symbol, design, illumination, motion or other characteristic is designed to attract attention to the subject thereof or is used as a means of identification, advertisement, announcement, or of illustrating products.

*Sign Area:* Shall be defined and computed as follows:

(1) *Freestanding or Projecting Signs:*

- a. Any double-faced sign shall have only one face, the largest, counted in calculating the area.
- b. Any sign with three (3) or more sign faces shall have the area calculated by summing the area of the sign faces and dividing by two (2).
- c. If the sign is composed of one or two (2) individual cabinets, the area around and enclosing the perimeter of each cabinet or module shall be summed and totaled to determine the area. If the sign is composed of more than two (2) sign cabinets, or modules, the area enclosing the entire perimeter of all cabinets and/or modules within a single continuous geometric figure shall be the area of the sign. The perimeter of the measurable area shall not include embellishments such as pole covers, framing, decorative roofing, etc., provided there is no written copy on such

embellishments and their total surface area (excluding pole covers provided such covers do not extend more than six (6) inches at any point from any structural member) does not exceed twenty-five (25) per cent of the otherwise permitted sign area.

b. *Wall Sign*: The area shall be within a single continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of the copy including vertical and horizontal spacing between individual letters, logos, etc.

*Sign Clearance*: The least vertical distance between the lowest points of any sign, including the framework, and the established grade at the sign.

*Sign Copy*: Any word, letter, number, or emblem affixed to the sign surface either permanently or in removable form.

*Sign Face*: The vertical area of the sign on which the copy is placed.

*Sign Height*: The vertical distance measured from the highest point of the sign including the frame and any embellishments to the established grade at the adjacent street, or to the base of the sign, whichever is greater.

*Sign Setback*: The horizontal distance between any street right-of-way and a freestanding sign and/or its supporting structure. The measurement shall be taken at the closest point proximity between the right-of-way and any part of the sign or structure.

*Temporary Sign*: A sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, plywood, or other light materials, with or without frames, and/or intended to be displayed for a limited period of time only.

*Under Awning or Under Canopy Sign*: A small sign, limited to four (4) square feet, attached to and suspended from the underside of a canopy or awning and having a clearance of not less than eight (8) feet.

*Wall-mounted Sign*: A sign attached parallel to and extending not more than twenty-four (24) inches from the wall of the building and includes painted, individual letter and cabinet signs, signs on a mansard, or on a parapet not exceeding three (3) feet in height and provided the parapet extends on at least three (3) sides of a building and signs erected on or against the side of a roof but not projecting above the roof line. No copy shall be permitted to be displayed on the sides of the sign which are perpendicular to the wall face.

*Window Sign:* A sign which is painted on, applied or attached to, or located within three (3) feet of the interior of a window and which can be seen through the window from the exterior of the structure. Merchandise which is included in a window display shall not be included as a part of a window sign.

Secs. 11-658--11-70. Reserved.