For any building containing three or more offices or other tenants sharing a common entrance or hallway, one additional wall sign shall be allowed at each public entrance. Such sign shall bear no commercial message related to activities, goods or services not offered on the premises. The sign shall not be legible from the public right-of-way. The sign shall not be separately illuminated. The sign shall not be more than four square feet in area. The purpose of this section is to allow for directory signs, listing tenants or occupants, but the sign may bear any message other than a commercial message related to commercial activities not conducted on the premises.

B DETACHED SIGNS

1. Permanent detached signs are allowed in these zoning districts subject to the following limitations.

	Principal	Directory	Other
Maximum number	One per street frontage per site	One per vehicle entrance	One per public entrance
Maximum size	25 square feet	Six square feet	Six square feet
Maximum height	8 feet	4 feet	4 feet
Minimum setback from nearest property line	5 feet from front property line; 10 feet from any other property line	15 feet	25 feet
Permitted illumination	External or internal, direct or concealed source	Concealed source only	Concealed source only
Changeable copy	Automatic allowed; may cover up to 25 percent of sign face	Not allowed	Only manual changeable copy is allowed; may cover entire sign face

C. DIRECTORY (WALL) SIGNS

1. One directory sign on a wall, not exceeding six square feet in area, is allowed per public entrance for a nonresidential building. Such sign shall not be legible from the public right-of-way and shall be illuminated by direct white light only.

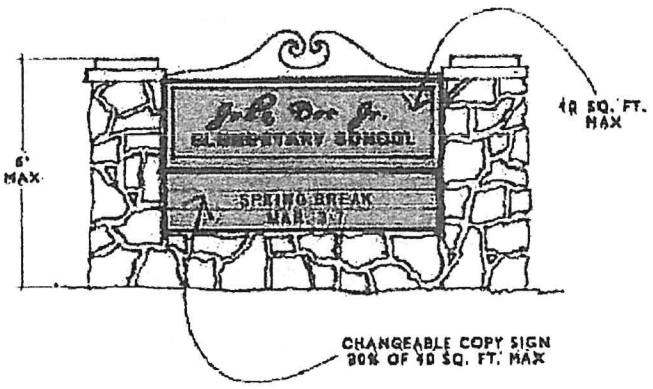
~~D. INCIDENTAL SIGNS~~

~~1. Additional detached signs, permanent or temporary, of not more than two (2) square feet in area and four (4) feet in height are allowed, provided that such signs contain no commercial message and are not illuminated.~~

~~The intent of this regulation is to provide for signs that provide messages like "no parking", "no dumping", "beware of dog", "rest rooms', but such signs may bear any message that is not a commercial message.~~

D. INSTITUTIONAL SIGNS

1. Any school, house of worship, recreation center or other institutional use permitted in the zoning district may have one detached sign, not to exceed forty (40) square feet in area. This may include changeable copy signs, not to exceed thirty percent (30%) of the sign area. Such signs may be illuminated.



2. Each such use shall also be allowed one wall sign for each public entrance to a building; such wall signs shall not exceed four (4) square feet each and shall not be illuminated.
3. A permanent wall sign is allowed for institutional uses in these districts subject to the following limits. No sign shall extend above the top of the wall of the building, including parapets and architectural extensions.

	Wall
Maximum size	Two (2) square feet of sign area per lineal foot of building width on the side of building on which sign is located, with a maximum size of 150
Maximum number	One per building street frontage
Permitted illumination	Concealed source only
Changeable copy	Not allowed
Maximum Letter Size	Thirty-six (36) inches

~~F. TRAFFIC CONTROL SIGNS~~

~~1. Signs conforming with the Manual of Uniform Traffic Control Devices and containing no commercial message are allowed in required off-street parking areas.~~

E. OTHER SIGNS

1. Other signs as permitted pursuant to Section 15.4, F., Signs Subject to Other Standards, and Section 15.4, G., Signs Allowed Without a Permit.

SECTION 15.11 SIGNS ALLOWED IN GENERAL BUSINESS AND COMMERCIAL DISTRICTS

A. WINDOW AND WALL SIGNS

1. NC Zoning Districts

a. Window and permanent wall signs are allowed for nonresidential uses in these districts, subject to the following limits. No wall sign shall extend above the top of the wall of the building, including parapets and architectural extensions.

	Window	Wall	Total
Maximum size	25 percent of window area on that building wall	See total	Two (2) square feet of sign area per lineal foot of building width on the side of building on which sign is located
Maximum number	Area limit only	One per building street frontage	N/A
Permitted illumination	No separate illumination	Illumination from a concealed source only	N/A
Changeable copy	Not allowed	Not allowed	N/A

2. HC Zoning Districts

a. Window and permanent wall signs are allowed for nonresidential uses in these districts, subject to the following limits. No wall sign shall extend above the top of the wall of the building, including parapets and architectural extensions.

	Window	Wall	Total
Maximum size	25 percent of window area on that building wall	See total	Two (2) square feet of sign area per lineal foot of building width on the side of building on which sign is located
Maximum number	Area limit only	One per building street frontage	N/A
Permitted illumination	External or internal, concealed or direct source	External or internal, concealed or direct source	N/A
Changeable copy	Not allowed	Automatic allowed; may cover up to 25 percent of area of sign face	N/A

B. POLE OR GROUND SIGNS

1. NC Zoning Districts

a. Pole or principal ground signs are allowed in these zoning districts subject to the following limitations.

	Principal	Other
Maximum number	One per street frontage	One per vehicle entrance in NSC district; not allowed in NC district
Maximum size	25 square feet	Six square feet
Maximum height	20 feet	4 feet
Minimum setback from nearest right-of-way	5 feet	25 feet
Minimum setback, other	Five feet from any other property line; 50 feet from nearest single-family residential district	Five feet from any other property line; 15 feet from nearest single-family residential district
Permitted illumination	Concealed source only	Concealed source only
Changeable copy	Not allowed	Not allowed

2. HC Zoning Districts

a. Pole or principal ground signs are allowed in these zoning districts subject to the following limitations.

	Principal	Other
Maximum number	One per street frontage	One per vehicle entrance
Maximum size	60 square feet	Four square feet
Maximum height	20 feet	4 feet
Minimum setback from nearest right-of-way	5 feet	5 feet
Minimum setback, other	Five feet from any other property line; 50 feet from nearest single-family residential district	Five feet from any other property line; 15 feet from nearest single-family residential district
Permitted illumination	External or internal, exposed or concealed source	Concealed source only
Changeable copy	Automatic allowed; may cover up to 25 percent of sign face allowed	Not allowed

C. DETACHED SIGNS NOT LEGIBLE FROM THE RIGHT-OF-WAY

1. HC Zoning Districts

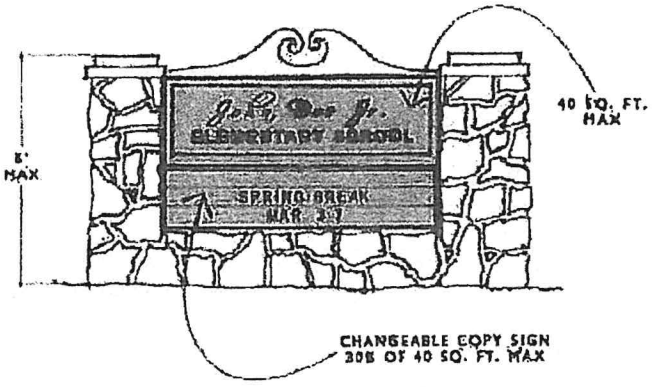
a. To improve wayfinding on multi-user sites, the following detached signs are allowed in addition to those allowed under subsection B of this Section. One detached sign not legible from the right-of-way, not exceeding twenty (20) square feet in area and not exceeding six feet in height shall be allowed for each ten separate nonresidential uses or per vehicle entrance, whichever is less. One additional such sign shall be allowed for each two drive-through lanes. Such sign shall be set back from the public right-of-way a minimum of fifty (50) feet, from any other property line a minimum of thirty (30) feet, and from a residential zoning district a minimum of fifty (50) feet. Such sign shall not contain changeable copy and the sign may be internally illuminated or externally illuminated from an exposed or concealed source.

D. WALL SIGNS NOT LEGIBLE FROM THE RIGHT-OF-WAY

1. For any building containing three or more uses of any type sharing a common entrance or hallway, one additional wall sign shall be allowed at each public entrance providing access to such uses. Such sign shall bear no commercial message related to activities, goods or services not offered on the premises. The sign shall not be legible from the public right-of-way. The sign shall not be separately illuminated. The sign shall not be more than four square feet in area. The purpose of this section is to allow for directory signs, listing tenants or occupants, but the sign may bear any message other than a commercial message not related to commercial activities on the premises.

E. INSTITUTIONAL SIGNS

1. Any school, house of worship, recreation center or other institutional use permitted in the zoning district may have one detached sign, not to exceed forty (40) square feet in area. This may include changeable copy signs, not to exceed thirty percent (30%) of the sign area. Such signs may be illuminated.



2. Each such use shall also be allowed one wall sign for each public entrance to a building; such wall signs shall not exceed four (4) square feet each and shall not be illuminated.

3. A permanent wall sign is allowed for institutional uses in these districts, subject to the following limits. No sign shall extend above the top of the wall of the building, including parapets and architectural extensions.

	Wall
Maximum size	Two (2) square feet of sign area per lineal foot of building width on the side of building on which sign is located, with a maximum size of 150 square feet
Maximum number	One per building street frontage
Permitted illumination	Concealed source only
Changeable copy	Not allowed
Maximum Letter Size	Thirty-six (36) inches

~~F. INCIDENTAL SIGNS~~

~~1. Additional detached signs, permanent or temporary, of not more than two (2) square feet in area and four (4) feet in height are allowed, provided that such signs contain no commercial message and are not illuminated. The intent of this regulation is to provide for signs that provide messages like "no parking", "no dumping", "beware of dog", "rest rooms', but such signs may bear any message that is not a commercial message.~~

~~G. TRAFFIC CONTROL SIGNS~~

~~1. Signs conforming with the Manual of Uniform Traffic Control Devices and containing no commercial message are allowed in required off street parking areas.~~

F. OTHER SIGNS

1. Other signs as permitted pursuant to Section 15.4. F.. Signs Subject to Other Standards. and Section 15.4. G.. Signs Allowed Without a Permit.

SECTION 15.12 MASTER SIGNAGE PLANS

A. PURPOSE AND INTENT

1. It is the purpose of the City of Park Hills to require owners, lessees and managers of sites containing multiple signs requiring permits to plan and design signs that are compatible with the buildings on the site, thus enhancing the appearance of the site and of the streetscape that includes it. This Section spells out specific criteria for review for compliance with the section, but the City of Park Hills recognizes that the consideration of issues of design necessarily requires some exercise of judgment, within the specific criteria set out in this Section. Although the City of Park Hills has provided a remedy of appeal for an applicant aggrieved by an action on a proposed master signage plan, it is the intent of the City of Park Hills that the primary remedy for such an applicant is the erection and installation of all of the signs allowed by right, under other sections of this Article. It is thus the intent of the City of Park Hills, that, to the extent that it can guide the scope of review of a court considering an appeal, a court considering an appeal under this Section reverse or remand the decision of the Zoning Administrator only if it finds that such action is arbitrary and capricious.

B. APPLICABILITY

1. The owner of any site that includes more than one tenant or occupant shall apply for approval of a Master Signage Plan before applying for a sign permit for any detached sign.

C. PROCEDURE

1. The submittal of a Master Signage Plan shall be considered a Stage II Development Plan.
2. The owner(s) shall apply to the planning commission's duly authorized representative.
3. Where an application for approval of a Master Signage Plan is submitted simultaneously or as part of another Stage II Development Plan, the two shall be processed together. Where an application includes properties not under common ownership, all property owners shall sign the application or shall submit documents granting the applicant the authority to process such an application.
4. The planning commission's duly authorized representative shall review the submitted Stage II Development Plan with regard to its compliance with the required elements of this Section, for Master Signage Plans, other applicable elements of this Article, and other applicable regulations, and its conformity with any approved Stage I Development Plan for the property. In approving the Master Signage Plan, the planning commission's duly authorized representative may authorize minor adjustments from the Stage I Development Plan.
5. If a Master Signage Plan application is denied, the applicant may submit a new application with a revised plan at any time.
6. Any person aggrieved by the action of the planning commission's duly authorized representative on a Master Signage Plan may appeal the decision by filing an application with the Planning Commission.

D. APPLICATION CONTENTS

1. The application for approval of a Master Signage Plan shall contain at least the following information. Where the application is submitted simultaneously with an application for a Stage II Development Plan approval, the Master Signage Plan may refer to portions of the Stage II Development Plan application or approved Stage I Development Plan for related requirements:

    a. If the site has not been improved, all information required by Section 9.18 for a Stage II Development Plan;
    b. If the site has been improved, as-built conditions, showing all buildings and other improvements and all parking areas and vehicle entrances;
    c. A proposed design plan showing signage design at a scale of ½" = 1 ft.
    d. Computation of the maximum area for all signs, the height of signs and the number of detached signs allowed on the development

site(s) included in the plan under this Article, including incentives authorized below;

e. For properties with multiple tenants or multiple occupants entitled to signs, an allocation of the allowed signage among the eligible tenants or users;

f. An accurate indication on the plot plan of the current or proposed location of each present and future sign of any type, whether requiring a permit or not, except that signs not requiring permits need not be shown;

g. The color schemes and design features (excluding specific messages) for proposed signs; and

h. The signatures of all owners or their authorized agents in such form as the legislative body may require.

E. AMENDMENTS

1. A Master Signage Plan may be amended by filing a new Master Signage Plan that conforms to all requirements of this Section in effect at the time of submittal.

F. PROVISIONS FOR NONCONFORMING SIGNS

1. A Master Signage Plan for a property already containing signs on the date of submission of the application shall include a schedule for bringing all signs on the development site into conformance with the Master Signage Plan by a specified date. The conformance schedule included in such Master Signage Plan shall be considered a condition of approval of the Master Signage Plan.

G. CRITERIA FOR APPROVAL

1. A Master Signage Plan shall be approved if and only if the planning commission's duly authorized representative finds that the proposed plan meets all of the standards set out in this Article. If the planning commission's duly authorized representative finds that the proposed plan substantially meets such standards, it may approve the proposed plan subject to conditions that will cause it to meet these standards. Otherwise, the planning commission's duly authorized representative shall deny the application for plan approval:

   a. Each proposed sign conforms with all applicable standards of this Article;

   b. The total amount of signage proposed for any building, wall, site, or portion of a site, conforms with all applicable standards of this Article;

c. The proposed plan contains all of the information required by subsection D of this Section

d. The proposed allocation of allowed signage among eligible tenants, which shall be proportional to one of or a combination of the following criteria:

(1) The number of public entrances to space leased to or controlled by each tenant or occupant;

(2) The linear feet of frontage of the space leased to or controlled by each tenant or occupant along the wall(s) containing public entrances; and/or

(3) The façade area of the building elevation(s) containing the public entrances to the spaces leased to or controlled by each tenant or occupant.

e. All proposed signs shall be part of a common design scheme, meeting at least the following criteria:

(1) The materials and design of all wall signs shall follow one design scheme;

(2) The materials and design of freestanding signs [~~bearing commercial messages~~] shall follow one design scheme, which may or may not be the same as the design scheme for wall signs;

(3) Each design scheme shall require consistency among signs for at least three of the following criteria: lighting design; color schemes; materials; shape; proportion; and/or type faces;

(4) If the design schemes for the wall signs and freestanding signs are different, they shall have in common at least two of the following criteria: lighting design; color schemes; materials; proportion; and

(5) The design scheme for freestanding signs shall use building materials, colors and, where applicable, architectural design features consistent with the materials, colors and architectural design features of the principal building on the site.

H. EFFECT

1. After approval of a Master Signage Plan, no permit shall be issued for a sign on the site(s) subject to the Master Signage Plan except in accordance with such plan, and no sign shall be erected, placed, painted, or maintained, except in accordance with such plan, and such plan may be enforced in the same way as any provision of this Article. In case of

any conflict between a provision of a Master Signage Plan and one or more provisions of this Article, this Article shall prevail.

I. SPECIAL SEVERABILITY PROVISIONS

1. The severability provisions of Section 15.16. A., 11., are limited by this subsection. If any procedural aspect of this Section is found by a court of competent jurisdiction to be unconstitutional, it is the intent of the City of Park Hills that this entire Section, but only this Section, should be stricken as unconstitutional, but that any plans previously approved under it should remain in effect, allowing the signs shown on such plans as lawful nonconforming signs, regardless of whether such signs have been erected on the date of such decision. If any substantive part of the standards and criteria for approval of this Section is found by a court of competent jurisdiction to be unconstitutional it is the intent of the City of Park Hills that such part be stricken and that the rest of this Section remain in full force and effect, in accordance with the principles set out in more detail in Section 15.16, A., 11.

SECTION 15.13 PERMIT REQUIREMENTS AND PROCEDURES

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

1. WHEN REQUIRED

a. Replacements

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

b. Maintenance

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

c. Relocation of Signs

(1) If any sign is removed from one location and erected at a new location, a new permit shall be obtained.

d. Alteration

(1) Alteration or enlargement of any sign shall require a permit the same as for a new sign. Any change in technology for a sign shall be considered an alteration; this shall expressly apply but not be limited to the conversion of a sign to changeable copy technology of any type.

2. APPLICATION

a. No permit shall be granted until and after an application has been filed with the designated administrative official, showing the plans and specifications, including application fees, dimensions, materials, and details of construction of the proposed structure and meeting all provisions of this Article.

3. APPLICATION FORM

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

4. INFORMATION ON APPLICATION

a. The sign application form shall include the following information:

(1) Name and contact information for the applicant, and if separate, the name, address and consent of the property owner;
(2) Street address and Property Identification Number (PIDN) of the site;
(3) Accurate site plan to scale describing the design, dimensions, proposed placement, structural and electrical characteristics and appearance of the sign(s), including the location of existing buildings, signs and other structures on the same site as the proposed sign(s);
(4) If the plans and drawings require an engineer's or architect's seal, signature or certificate, such shall show current Kentucky registration or licensure;
(5) Any signs or other structures to be removed or relocated;
(6) Dimensions and heights of all existing and proposed sign(s);
(7) Information regarding electrification, trenching, demolition, plumbing, temporary street closure, or encroachment into the public right of way;
(8) Any known uncorrected violations of zoning laws on the site;

(9) Name, address and any licensing/bonding information for any sign contractors;

(10) Technical drawings, specifications, structural safety calculations for the sign structure;

~~[(11) An expressed representation that the sign will not be used for the display of offsite commercial messages;]~~

~~[(12) The graphic design or proposed message of the sign is optional with the applicant;]~~

(~~13~~11) If the sign is subject to any of the safety codes (building, electrical, etc.), then all information required to determine compliance with such codes or to satisfy the requirements of such codes;

(~~14~~12) The length of each occupant's/tenant/s lineal wall frontage;

(~~15~~13) Workers' compensation and liability documents and occupational licenses for all contractor's.

5. INITIAL REVIEW

a. Unless a given sign is exempt from the permit requirement, all sign permit applications shall be reviewed by the Zoning Administrator, and approved or denied on the basis of whether the proposed sign satisfies all requirements of this Article, and all other applicable laws, rules and regulations. If it does, then the permit shall be issued. If it does not, then the denial notice shall specify the point(s) of noncompliance. Decisions on sign permit applications shall be made in writing by the Zoning Administrator, and are subject to the appeal procedures provided herein. When applicable, permits under building and electrical codes then in effect are also required; sign permits may be approved subject to compliance with building and electrical code requirements.

6. COMPLETENESS

a. Initial review of an application will be for the purpose of determining if the application is complete. If the application is found incomplete, written notice of the finding of incompleteness will be given to the applicant within fifteen working days of submission, detailing the points of incompleteness. Notice is deemed effective when mailed or personally delivered. After notice of incompleteness, the applicant shall have thirty calendar days in which to resubmit the application, with all noted items of incompleteness cured. If the application is resubmitted within that time, no additional fee shall be required, and the application, if complete, shall then be processed in accordance with this Section. If no notice of incompleteness is timely provided, the application shall be deemed complete as of the

last day on which the notice of incompleteness could have been given.

7. TIME FOR DECISION

   a. The Zoning Administrator shall render a decision on each complete sign permit application within five working days of when the application was complete.

8. NONCOMPLIANCE WITH PERMIT

   a. All signs shall conform to the requirements of the permit, and all other applicable laws. Any sign not erected or constructed as represented on the application upon which the permit was issued shall not be construed as a hardship case, but shall be construed as a misrepresentation of facts on the application and a violation of this Article. Any noncomplying sign which is not removed or corrected within the required time shall be a deemed public nuisances and a violation of the zoning ordinance, and may be abated in the same manner as any public nuisance or zoning ordinance violation.

SECTION 15.14 APPEALS

A. Decisions on sign permit applications, as well as directives, orders, notices and all other sign-related decisions of the Zoning Administrator may be appealed to the Board of Adjustment.

1. INITIATION OF APPEAL

   a. An appeal under this Article may be initiated by following the procedures set forth in KRS §100.261, within the time allowed by that section.

2. HEARING ON APPEAL

   a. Within 60 working days of timely receipt of a notice of appeal, the Board of Adjustment shall hear the appeal in an open, public, duly noticed hearing. The appellant and all other persons wishing to be heard shall be allowed to present evidence and argument. The Board will base its decision on the law and the evidence presented at the hearing. The Board will issue a written decision within 30 calendar days of the hearing, and the written decision shall state the decision and the facts and law supporting the decision.

3. WAIVER OF TIME

a. Any of the timeliness requirements of this Section may be waived by the appellant.

4. JUDICIAL REVIEW

a. The decision of the Board of Adjustment is final. Further review may be had in Kenton County Circuit Court, pursuant to the Kentucky law of civil procedure.

5. STATUS PENDING APPEAL

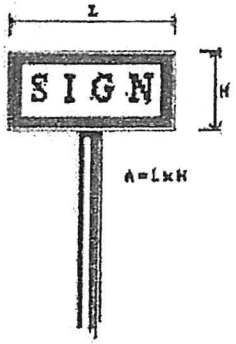
a. While any sign related matter is on appeal, the status quo of the subject sign(s) shall be maintained, except when, by virtue of physical condition, the sign poses an immediate threat to the public health, safety and welfare, in which case the threat may be abated in the same manner as any other immediate threat to the public health, safety and welfare.

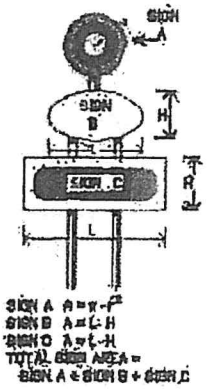
SECTION 15.15 DEFINITIONS AND MEASUREMENTS

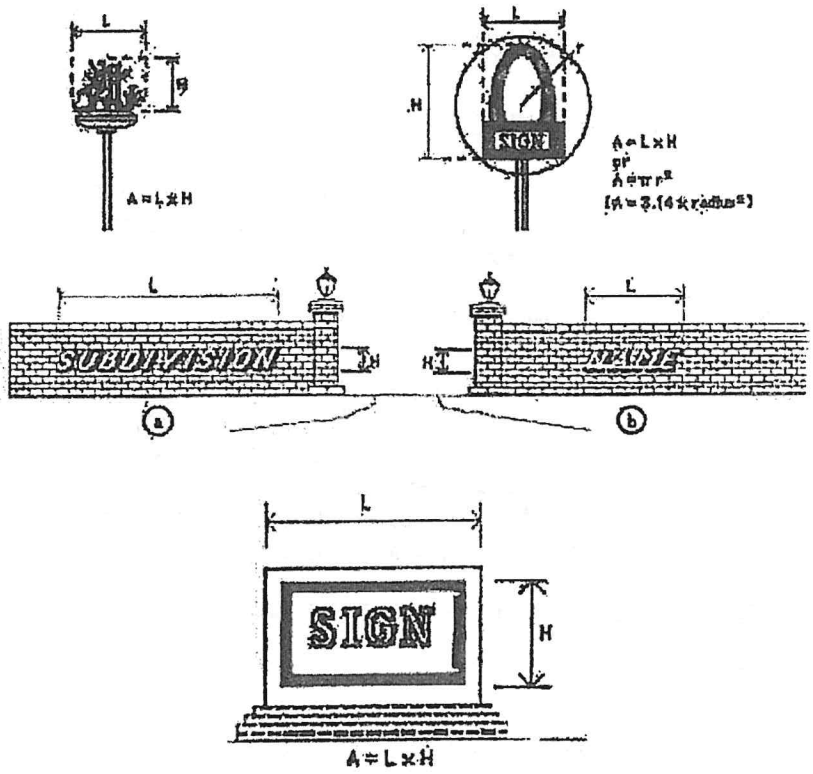
A. MEASUREMENTS

1. Area of Signs Other than Wall Signs

a. The gross surface area of a sign, except wall signs, is the entire area contained within a single continuous perimeter enclosing the extreme limits of such sign. For detached signs composed of more than one sign cabinet or module, the gross surface area shall include the sum of the area in each cabinet or module only. If a sign has more than one face, the gross surface area shall be equal to the maximum area of the sign face or faces visible from any ground position along any public right-of-way at any one time.







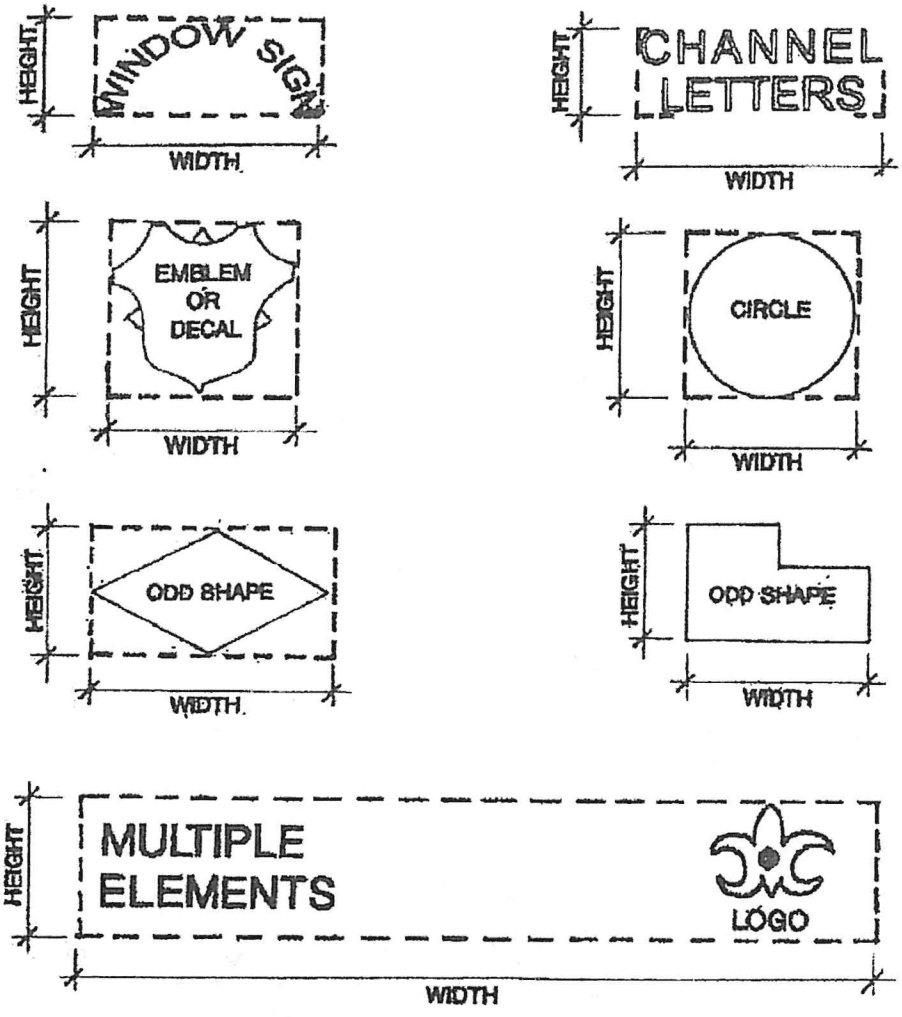
b. The perimeter of a sign will not include lighting fixtures, pole covers, landscaping, framing, decorative roofing, moldings or aprons or other architectural or decorative embellishments, provided they contain no written copy, logos or symbols.

2. Area of Wall Signs

a. The gross surface area of a wall sign is the entire area contained within a single continuous perimeter composed of any straight line geometric figure(s) which encloses the extreme limits of the advertising message(s). If the sign is composed of individual letters or symbols using the wall as the background with no added decoration, color or embellishment, the total sign area shall be calculated by measuring the area within the perimeter of each symbol or letter. The combined area of the individual figures shall be considered the total sign area.

3. Computation of Area of Multifaced Signs

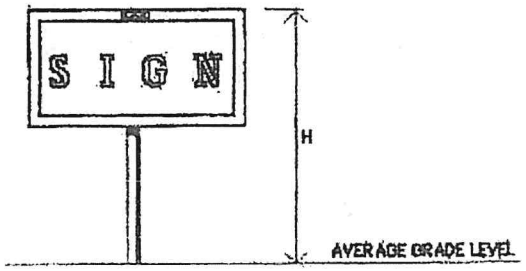
a. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one of the faces.



4. Measurement of Height of Sign

a. Sign height shall be measured from the elevation at the base of the sign to the highest point of the highest element of the sign, excluding any incidental structural element, such as an uplift cable

for a projecting sign. Where the sign is located on a mound or berm, the average elevation of the land 20 feet to each side of the sign shall be used as a basis for measuring height.



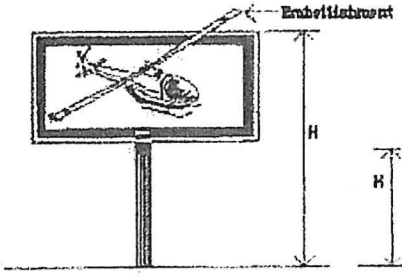


fig. 3
HEIGHT OF SIGN

fig. 4
HEIGHT OF SIGN

SECTION 15.16 POLICIES AND RULES OF CONSTRUCTION

A. This Article shall be administered, enforced and construed in accordance with the following policies.

1. DISCRETIONARY REVIEW

a. When one or more signs are part of a project or development, or a variance, conditional use permit, exception or special use permit is sought for sign(s), which requires discretionary review, then the sign shall be reviewed without regard to the graphic design or visual image on the display face of the sign, and discretion shall be restricted to structural, location and other non-communicative aspects of the sign. This provision does not override the billboard policy.

2. MESSAGE NEUTRALITY

a. It is the City of Park Hills policy to regulate signs in a constitutional manner.

3. REGULATIONS ON OFF-SITE MESSAGES

a. This Article distinguishes in some cases between commercial messages that relate to products or services not offered at the location of the sign ("off-site commercial messages"). The purpose of that distinction is to acknowledge the need of businesses for identification and notice of their businesses at a business location while limiting the proliferation of commercial messages generally. There is no intent to limit noncommercial messages in any way with this distinction.

4. BILLBOARD POLICY

a. New billboards, as defined herein, are prohibited. The City of Park Hills completely prohibits the construction, erection or use of any billboards, other than those which legally exist within the regulatory zoning jurisdiction of the City of Park Hills, or for which a valid permit has been issued and has not expired, as of the date on which this provision is first adopted. No permit shall be issued for any billboard which violates this policy, and the City of Park Hills will take immediate enforcement or abatement action against any billboard constructed or maintained in violation of this policy. In adopting this provision, the City of Park Hills affirmatively declares that it would have adopted this billboard policy even if it were the only provision in this Article. The City of Park Hills intends for this billboard policy to be severable and separately enforceable even if other provision(s) of this Article may be declared, by a court of competent jurisdiction, to be unconstitutional, invalid or unenforceable.

5. MESSAGE SUBSTITUTION

a. Subject to the property owner's consent, a noncommercial message of any type may be substituted in whole or in part for the message displayed on any sign for which the sign structure or mounting device is legal without consideration of message content. Such substitution of message may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. In addition, any on-site commercial message may be substituted, in whole or in part, for

any other on-site commercial message, provided that the sign structure or mounting device is legal without consideration of message content. This provision does not create a right to increase the total amount of signage on a parcel, lot or land use; does not affect the requirement that a sign structure or mounting device be properly permitted; does not allow a change in the physical structure of a sign or its mounting device; and does not allow the substitution of an off-site commercial message in place of an on-site commercial message or a noncommercial message.

6. REGULATORY INTERPRETATIONS

a. All regulatory interpretations of this Article are to be exercised in light of the City of Park Hills message neutrality and message substitution policies. Where a particular type of sign is proposed in a permit application, and the type is neither expressly allowed nor prohibited by this Article, or whenever a sign does not qualify as a "structure" as defined in the building code then in effect, then the Zoning Administrator shall approve, conditionally approve or disapprove the application based on the most similar sign type that is expressly regulated by this Article, in light of the policies stated in this Section.

7 NONCOMMUNICATIVE ASPECTS

a. All rules and regulations concerning the non-communicative aspects of signs, such as location, size, height, illumination, spacing, orientation, etc., stand enforceable independently of any permit or approval process.

8. MIXED USE ZONES AND OVERLAY ZONES

a. In any zone where both residential and non residential uses are allowed, the sign-related rights and responsibilities applicable to any particular parcel or land use shall be determined as follows: (1) if specific sign regulations are provided in the zoning district, those regulations shall be applied; or (2) if no sign regulations are provided in the zoning district, residential uses shall be treated as if they were located in a zone where a use of that type would be allowed as a matter of right, and nonresidential uses shall be treated as if they were located in a zone where that particular use would be allowed, either as a matter of right or subject to a conditional use permit or similar discretionary process.

9. PROPERTY OWNER'S CONSENT

a. No sign may be displayed without the consent of the legal owner(s) of the property on which the sign is mounted or displayed. For purposes of this policy, "owner" means the holder of the legal title to the property and all parties and persons holding a present right to possession, control or use of the property. The signature of the property owner or authorized agent will be required on all applications for sign permits.

10. LEGAL NATURE OF SIGN RIGHTS

a. As to all signs attached to real property, the signage rights, duties and obligations arising from this Article attach to and travel with the land or other property on which a sign is mounted or displayed. This provision does not modify or affect the law of fixtures, sign-related provisions in private leases regarding signs (so long as they are not in conflict with this Article or other law), or the ownership of sign structures. This provision does not apply to hand held signs or other images which are aspects of personal appearance.

11. SEVERABILITY

a. Generally

(1) If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article, except as limited by Section 15.16, A., 11., b.

b. Severability Where Less Speech Results

(1) Without diminishing or limiting in any way the declaration of severability set forth above in subsection A of this Section or elsewhere in this Article or this Code, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article is declared unconstitutional, such declaration shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise additional standards.

c. Severability of Provisions Pertaining to Prohibited Signs

(1) Without diminishing or limiting in any way the declaration of severability set forth above in subsection A of this Section, or elsewhere in this Article or in this Code, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article or any other laws declared unconstitutional by valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article that pertains to prohibited signs, including specifically those signs and sign types prohibited and not allowed under Section 15.5 of this Article. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article or of any part of the Zoning Ordinance is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article, except as expressly provided in Section 15.16, A., 11., b.

d. Severability of Prohibition on Off-premise Signs

(1) If any part section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article and/or another provisions of this Article or other provisions of Zoning Ordinance or this Code are declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the limitations on off-premise signs as contained herein.

SECTION 15.~~12~~17 SIGNS ALLOWED IN THE INSTITUTIONAL ZONING DISTRICT (INST)

A. APPLICATION

All sites shall be required to have an approved master signage plan, in accordance with Section 15.~~8~~12 of this zoning ordinance.

B. WINDOW AND WALL SIGNS

1. Window and permanent wall signs are allowed for uses in these districts, subject to the following limits. No wall sign shall extend above the top of the wall of a building, including parapets and architectural extensions.

	Window	**Wall**	**Total**
Maximum size	25 percent of window area on that building wall	See total	Two (2) square feet of sign area per lineal foot of building width on the side of building on which sign is located
Maximum number	Area limit only , as approved in the master signage plan	Area limit only , as approved in the master signage plan	N/A
Permitted illumination	No separate illumination	Illumination from a concealed source only	N/A
Changeable copy	Not allowed	Not allowed	N/A

2. Signage located on windscreens associated with athletic facilities on the campus of a public or private school shall be permitted. The maximum permitted area of said signs shall not exceed four (4) square feet of sign area per lineal foot of width on the side of the structure to which the sign is located. Said signs shall be reviewed by the zoning administrator for compliance with the maximum permitted area requirements but shall not be required as part of a master signage plan.

C. DETACHED SIGNS

Principal ground signs are allowed subject to the following limitations.

	Principal	**Other**
Maximum number	Ground signs, as approved in the master signage plan	Ground signs for directional and way-finding purposes, as approved in the master signage plan
Maximum size	60 square feet	20 square feet

Maximum height	12 feet	6 feet
Minimum setback	Five (5) feet from any property line; 50 feet from the nearest single-family residential district	Five (5) feet from any property line; 15 feet from the nearest single-family residential district
Permitted illumination	External or internal, exposed or concealed source	Internal or concealed source only
Changeable copy	Manual and automatic allowed; may cover up to 30% of the sign face allowed. Automatic changeable copy signs are subject to the restriction set forth in Section 15.6.,D., of this zoning ordinance	Not allowed

D. DETACHED SIGNS NOT LEGIBLE FROM THE RIGHT-OF-WAY

To improve wayfinding on institutional sites with multiple buildings as well as to allow permitted uses to create a campus environment, an unlimited number of wall or detached ground signs shall be permitted provided that said signs shall not be seen or visible at any time from any public right-of-way, Said signs which are permanent shall not be larger than twenty (20) square feet and shall be setback one-hundred feet from the nearest property line. Signs may be internally illuminated or externally illuminated from an exposed or concealed source.

E. TEMPORARY BANNERS

1. Any institutional use on a site larger than five acres may erect up to three (3) temporary banners on the site which shall not require a zoning permit, subject to the following conditions:
   a. Such banners shall be anchored to a pole or building at the top and bottom, so that the end of the banner does not flap in the wind, like a flag or pennant;
   b. Such banners may be attached to poles serving another purpose, such as supporting parking lot or street lights, or to separate poles used only for the banners;
   c. Such banners shall be setback twenty (20) feet from all right-of-way and property lines.

d. If the banners are attached to separate poles, those poles shall not exceed 10 feet in height.
e. Such banners shall not exceed 50 square feet in area on one side;
f. Each such banner may contain a message on each side. Messages on such banners may include messages related to the activities or services of the institution or other non-commercial messages. No such banner shall in any case include any commercial message unrelated to the institutional use;
g. Such banners shall not be separately illuminated; and
h. Such banners may be visible from the public right-of-way but shall not be legible from any location except the site used by the institution.

~~F. INCIDENTAL SIGNS~~

~~Additional detached signs, permanent or temporary, of not more than two (2) square feet in area and four (4) feet in height are allowed, provided that such signs contain no commercial message and are not illuminated. The intent of this regulation is to provide for signs that provide messages like "no parking", "no dumping", "beware of dog", "rest rooms', but such signs may bear any message that is not a commercial message.~~

~~G. TRAFFIC CONTROL SIGNS~~

~~Signs conforming with the Manual of Uniform Traffic Control Devices and containing no commercial message are allowed in required off-street parking areas.~~

F. OTHER SIGNS

1. Other signs as permitted pursuant to Section 15.4. F., Signs Subject to Other Standards, and Section 15.4. G., Signs Allowed Without a Permit.