



**SUPPLEMENTAL STAFF REPORT ON PETITION FOR ZONING ORDINANCE TEXT  
AMENDMENT**

**PLN-ZOTA-22-00001: AMENDMENT TO ARTICLE 17: SIGNAGE REGULATIONS TO ALLOW  
A DIGITAL MARQUEE (ELECTRONIC MESSAGE DISPLAY)**

APPLICANT: BIG PICTURE VENTURES, LLC

PROPOSED TEXT: (Note: Text underlined indicates an addition to the existing Zoning Ordinance; text ~~stricken through~~ indicates a deletion.)

**ARTICLE 17: SIGN REGULATIONS**

Article 17-11(i)(6):

In conjunction with an indoor theater facility, one marquee per street frontage, maximum of two, shall be allowed in addition to the other signs permitted in this zone as follows: The marquee shall project no more than eight (8) feet from the building face to which it is attached and shall have a minimum clearance of eight (8) feet. The marquee shall not exceed a total of 40 (forty) square feet per screen (not including any screen smaller than 10 feet by 16 feet). The marquee may utilize a digital display, provided that there shall be no moving or scrolling messages, and provided that messages may be changed no more frequently than every five (5) seconds. No digital marquees shall be located directly adjacent to, or directly across the street from a residential zone.

**STAFF REVIEW**

In the period following the May public hearing, the staff met with the applicant regarding their concerns with the staff alternative and continued to research best practice ordinances and professional publications regarding the utilization of electronic message display systems within urban localities. Whereas the staff's initial recommendation does provide a model ordinance that would allow for the use of such signage in association with indoor theaters, staff reviewed some of the concerns raised by the applicant and the Planning Commission during the initial public hearing.

During the hearing and the subsequent meetings, the applicant indicated that there were three areas of concern with the staff's alternative language: maximum size of the sign, oversight of the sign, and duration of the message or image. The staff reviewed the text and found that increasing the per theater size from twenty-four (24) to thirty (30) square feet was acceptable, as it allowed for a slight increase in the downtown areas, which are less likely to have large scale multiplexes or to use the bulletin board sign allowances that are permitted in other business zones. However, staff remained resolute on the maximum of three-hundred (300) feet due to concerns with the larger scale signs, the impact on the architecture of the area, and the potential nuisances produced by larger digital signage.



In response to the applicant's concern with the oversight or "sign-off" on proposed signage, staff has modified the language to match the state regulations of digital signage. This does not negate the importance of the Division of Traffic Engineering's review of such signs, which will occur during the permitting process, but clarifies the specific location aspects of the placement of signs.

Finally, the staff continued to review the appropriate duration of messages or images displayed utilizing an electronic message display system. While the forty-five (45) second duration allows for significant increases in the messaging and was associated with the light cycles of downtown traffic signals, staff further reviewed documentation of what has been determined to be appropriate in other communities and model ordinances. There is a significant range in the duration that communities have determined to be most appropriate. At the base level for many communities, the timing has been set at eight (8) seconds. This is the typical time range attributed to digital signage associated with areas of high rates of speed, including highways and interstates. Within the Lexington-Fayette Urban County Zoning Ordinance, a duration limit of fifteen (15) seconds has been established for stadiums within the Highway Service Business (B-3) zone. The B-3 zone is intended to provide for retail and other uses, which are necessary to the economic vitality of the community but may be inappropriate in other zones. The zone is intended to be located along higher intensity roadways with higher rates of speed, ranging from 35 mph to 55 mph. The downtown streets of Lexington, specifically the areas within the B-2, B-2A and B-2B zones, are meant to both carry the appropriate vehicular traffic, but are also meant to be pedestrian centric. Within Lexington, the base speed limit is 25 mph unless otherwise indicated. It is staff's opinion that any increased use of electronic message display systems should be considered in light of the urban context and the slower downtown speeds. This determination is supported by documentation provided by the United States Sign Council (USSC) Foundation and the American Planning Association. Staff has found that a reduction of the original duration time of an image or message from forty-five (45) seconds to twenty (20) seconds allows for proper detection, review, and then eye movement away from the message for motorists in a complex roadway system, like those found in Lexington's downtown areas. While any increase in messaging of signage can result in inattentiveness and distraction of drivers, staff believes that a twenty (20) second duration will allow for safe mobility patterns to occur.

Staff recommends the following amended staff alternative:

17-11(i)(6) In conjunction with an indoor theater, one marquee, not to exceed ~~twenty four (24)~~ ~~thirty (30)~~ square feet per theater, with a maximum of three-hundred (300) square feet; such marquee shall project no more than eight (8) feet from the building face to which it is attached and shall have a minimum sign clearance of eight (8) feet. Marquee signs may utilize electronic message display systems, only if the sign complies with the following additional requirements:

- a) Image: Sign must be static and there shall be no moving or scrolling messages, special effects, or animations.
- b) Location:
  - i. The sign shall not conflict with the operation of traffic lights, shall not have blinking, and the location shall be agreed to by the Division of Traffic Engineering; The sign shall not interfere with, imitate, or resemble an official traffic sign, signal, or traffic control device.
  - ii. The sign shall not be located directly adjacent to, or directly across public right-of-way or a private road, from a residential zone.



- c) Duration of message: The sign shall remain static for a period of not less than forty-five (45) twenty (20) seconds. The transition from one (1) message or image to the next shall be direct and immediate.
- d) Luminance: Between sunrise and sunset, the maximum luminance shall be five thousand (5,000) nits, and between sunset and sunrise, the maximum luminance shall be five hundred (500) nits. Sunrise and sunset shall be determined by the National Oceanic and Atmospheric Administration (NOAA), US Department of Commerce, for Lexington-Fayette Urban County. The sign must be equipped with an automatic dimmer control or other mechanism that automatically controls the sign's luminance.
- e) The marquee sign shall not display messages or be illuminated when the use is closed.

The Staff Recommends: **Approval of the staff alternative text** to the Zoning Ordinance, for the following reasons:

1. The proposed staff alternative text amendment allows for the expansion of the use of electronic message display systems within the Lexington Center Business (B-2B) zone to allow an increase in signage opportunity, while also complementing the surrounding land use and can help promote the surrounding attractions.
2. The proposed staff alternative text amendment provides greater limitations that prevent the creation of influences adverse or would negatively impact the overall health, safety, and welfare of the Lexington community and visitors to the Urban County.

