



LEXINGTON

Electronic Digital Billboards

For Information Only



Council: DRAFT Amendments

Article 17 - SIGN REGULATIONS

Sec. 17-5. - Nonconforming signs.

A legal, nonconforming sign may continue in existence as long as it is properly maintained in good condition.

These provisions shall not prevent the repair or restoration to a safe condition of any sign, but a nonconforming sign shall not be:

- (a) Changed to another nonconforming sign except where only the face or copy is changed;
- (b) Structurally altered so as to increase the degree of nonconformity of the sign;
- (c) Expanded or enlarged;
- (d) Reestablished after its removal; or
- (e) Moved to a new location on the building or lot.

Sec. 17-8. - General requirements.

All signs in all zones shall meet the following requirements:

- (a) Illuminated signs shall be located in a fashion which prevents all direct rays of light from shining beyond the property lines of the lot on which the sign is located.
- (b) No light, sign, billboard or other advertising device shall be designed or erected to imitate or resemble any official marker erected by a government entity or any official traffic sign, signal, or device or use any words, phrases, symbols, or characters implying the existence of danger, or the need to stop or maneuver the vehicle.
- (c) No sign shall be attached to or painted on the surface of any tree, utility pole, or street light.
- (d) Projecting signs shall have at least 8 feet of clearance above a road or sidewalk.
- (e) Neon lighting and other lighted tubing signs may be used on signs where signs are permitted to be directly illuminated as defined in this Article.
- (f) No sign, except for government signs, shall be located within the sight triangle of any intersection.
- (g) No sign shall be placed in or project into the public or private street right-of-way, except as specifically permitted herein.
- (h) Every sign, including those for which a permit is not required, shall be maintained in good and safe structural condition at all times.

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- (i) The immediate premises occupied by a sign shall be maintained by the owner in a clean, sanitary and healthful condition. The premises shall be kept free and clear of weeds, debris, trash and refuse.
- (j) Electronic message display systems shall be inspected by the Division of Building Inspection upon installation to ensure compliance with approved plans, permits and requirements of Article 17.

Sec. 17-11. - Signs permitted by specific zone.

Any sign not specifically permitted shall be prohibited.

(g) Highway Service Business, Warehouse/Wholesale, and Industrial Zones (B-3, B-4, I-1, I-2). Permitted signs may be free-standing or wall mounted, as specified; signs may be non-illuminated, indirectly illuminated, internally illuminated or directly illuminated unless specified otherwise; no free-standing sign shall exceed twenty-five (25) feet in height; no free-standing billboard shall exceed forty (40) feet in height.

(1) Signs shall be permitted as follows:

- (a) The total surface area of signs shall not exceed two (2) square feet per linear foot of street or building frontage, whichever is greater; or thirty-two (32) square feet, whichever is greater.
- (b) One free-standing sign per lot shall be permitted per street frontage, with a maximum of two (2) free-standing signs; not exceeding seventy-five (75) square feet per sign; minimum setback shall be ten (10) feet.
- (c) The surface area of wall-mounted sign(s) shall not exceed fifteen percent (15%) of the wall area to which it is attached or thirty-two (32) square feet, whichever is greater, each wall to be considered separately. Only one sign shall be permitted per wall. In the case of a building containing two or more separate uses, these requirements shall be applied separately to the wall area of the building space leased, rented or owned by the individual tenant.
- (d) Window signs shall be limited to no more than twenty-five percent (25%) of the total window area.

(2) Traffic directional signs and signs on or under a canopy or awning shall be permitted as regulated in the B-1 zone.

(3) In conjunction with an indoor theater: one marquee, not to exceed twenty-four (24) square feet per theater; such 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. In addition, one attraction board attached to one free-standing sign, not to exceed twenty-four (24) square feet per theater. The area of the marquee and attraction board shall be included in the computation of the maximum permitted sign area. (Note: Where an attraction board attached to a free-standing sign is not

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utilized, a second marquee, mounted on a different building face, shall be permitted as regulated above.)

(4) One attraction board, wall mounted or attached to a permitted free-standing sign, the area of the attraction board to be included in the maximum permitted sign area.

(5) Menu boards as permitted and regulated in the B-1 zone.

(6) In addition, billboards shall be permitted as follows:

(a) Location.

(i) The lot on which the billboard is constructed must abut a federal or state highway.

(ii) Billboards shall be required to be set back from any street right-of-way twenty (20) feet, or at the same setback as any principal building on the lot, whichever is less.

(iii) Billboards shall not project over the public or private right-of-way.

(iv) No billboard shall be permitted within one hundred fifty (150) feet of any residential zone.

(b) Maximum Size.

(i) No billboard shall exceed four hundred (400) square feet in area.

(ii) Temporary embellishments may be attached, but are limited to ten percent (10%) of the maximum sign area.

~~(c) Minimum Spacing. No billboard shall be permitted within one hundred fifty (150) feet of any residential zone.~~

~~(d) (i) No Standard billboards shall be located at least within five hundred (500) feet of from another standard billboard.~~

(ii) Digital billboards shall be located at least two-thousand five hundred (2,500) feet from another digital billboard.

~~(e) Billboards shall be required to be set back from any street right-of-way twenty (20) feet, or at the same setback as any principal building on the lot, whichever is less.~~

(d) Duration of message for digital billboard: The sign shall remain static for a period of not less eight (8) seconds. The transition from one (1) message or image to the next shall be direct and immediate.

(e) Luminance for digital billboard: 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

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(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.

Sec. 17-12. - Advertising on interstate highways.

No billboard shall be permitted adjacent to interstate or limited-access highways except in conformance with the ~~setback~~ all requirements established by the Federal Highway Administration, the Kentucky Transportation Cabinet, and the requirements of this Zoning Ordinance with respect to the zoning district involved.

Sec. 17-18. - Definitions.

The following definitions unique to this Article are listed below.

- (h) Billboard: Signage intended for lease to a variety of businesses, organizations, and/or individuals. In such case, the sign itself shall be an income generator and a commercial use of the property.

Standard Billboard: A billboard erected using traditional materials such as metal, wood, plastic and/or vinyl without internal illumination.

Digital Billboard: A billboard erected using an electronic message display system. Such sign shall have no moving or scrolling messages, special effects, animations, or video display.

NOTE: These are other definitions that are related to billboard regulation

- (p) Electronic Message Display System: A sign with copy or images which includes, but is not limited to reflective disc, direct illumination, rotating veils, light emitting diodes (L.E.D.s), or liquid crystal diodes (L.C.D.s), and is controlled by means of a central computer or video control system and which has no audible sound.
- (q) Flashing or Blinking: Intermittent or sequential illumination for the purpose of attracting attention to the sign. Flashing includes scintillation, light bursts, sparkling, and twinkling.
- (aa) Luminance: The light that is emitted by or reflected from a surface, measured in nits.
- (gg) Nit: A photometric unit of measurement describing luminous intensity (candelas) per unit area. Expressed in SI units, one nit is equal to one cd/m².
- (ll) Rotating or Moving Sign: Any portion of which moves by mechanical means or the wind; does not refer to changing copy with an electronic message display system.

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(mm) Sign: Any copy, including material used to differentiate the copy from the background, which is applied to a surface as a means of identifying, advertising, announcing, or illustrating products, services, and/or events.

(Ord. No. [015-2021](#), § 1, 3-18-2021 Ord. No. [126-2023](#), § 3, 11-2-2023)

**STAFF REPORT ON PETITION FOR ZONING ORDINANCE TEXT AMENDMENT****PLN-ZOTA-24-00008: AMENDMENT TO ARTICLE 17 FOR DIGITAL BILLBOARDS**

APPLICANT: Urban County Council

PROPOSED TEXT: SEE ATTACHED (Note: **Red** text indicates an addition to the existing Zoning Ordinance; **Blue** text indicates the staff alternative text; text ~~stricken through~~ indicates a deletion.)

STAFF REVIEW:

On September 26, 2024, the Urban County Council passed a resolution initiating a text amendment to the Zoning Ordinance for Planning Commission review and recommendation regarding digital billboards (478-2024). Within the resolution, the Council provided language that would define digital billboards, provide general regulations for the operation of the use, and to establish the zoning districts in which the use would be permitted. The following report reviews the proposed regulations for digital billboards in the community and makes recommendations to modify the proposed Zoning Ordinance text amendment.

TEXT AMENDMENT PROPOSAL

The proposed text initiated by the Urban County Council would allow digital billboards to operate within the same zones as standard billboards: the Corridor Business (B-3), Corridor Node (CN), Wholesale Warehouse and Business (B-4), and Industrial (I-1 and I-2) zones. The digital billboard category would be subject to the same setback, area, and residential separation requirements as standard billboards; however, the council-initiated text includes an increased separation requirement of two-thousand five hundred (2,500) feet between digital billboards due to their potential for creating distractions when grouped together. The proposed text includes a minimum duration time of eight (8) seconds for the message, which is consistent with the limits placed on digital signage in the Lexington Center Business Zone (B-2B) zone and the requirements for digital marquee signs that were adopted in 2023 and 2022 respectively (PLN-ZOTA-23-0002; PLN-ZOTA-22-00001) and the FHWA recommendations for off-premise advertising. The proposal also mirrors the previous digital signage amendments, as it establishes maximum NIT requirements to control the brightness of the sign, as well as prohibitions on moving messages, special effects or transitions, or other distracting effects.

EVALUATION

After review of the Council-initiated text, the Staff has proposed several modifications which are outlined within the proposed staff alternative language. The first significant inclusion was the prohibition of billboards within the Corridor Node (CN) zone, as it is a residential zone, and billboards of any kind are prohibited within the residential zones. The second significant change within the alternative language is a prohibition on converting nonconforming signage to digital signs of any type. Due to the increased risk to driver safety and potential for negative impacts on surrounding uses, digital billboards should be required to meet all applicable criteria in order to be converted. Allowing



nonconforming signs to become digital billboards allows for the potential for inadequate spacing, inappropriate heights, or other aspects that could pose a threat to the health, safety and welfare of the community.

The second change from the Council-initiated text is a change to the spacing standard. The staff alternative text clarifies the language proposed by the Urban County Council to more clearly state that digital billboards must also meet the 500-foot separation requirement from standard billboards, as well as the 2,500 square-foot separation from other digital billboards.

The last change from the Council-initiated text is an inclusion of a provision that specifies a specific sign construction requirement for digital billboards. This provision requires that the billboard implement blocking or louver systems to control the viewing angle of the sign. This technology reduces the impact of the sign on the surrounding properties by ensuring that the sign is only visible from a limited angle, which is oriented towards the state or federal highway.

Staff is supportive of the alternative language, because the proposal creates consistency with the current requirements for standard billboards and works to mitigate any potential impacts of the use through restrictions on location, size, construction, and duration.

The PROPOSED STAFF ALTERNATIVE TEXT is attached for further review and consideration.

The Staff Recommends: **Approval of the Staff Alternative Text**, for the following reasons:

1. The proposed text amendment allows for the expansion of the use of electronic billboards within the most intense zones of Fayette County, where standard billboards have already been found to be appropriate.
2. The proposal incorporates spacing and separation requirements to ensure that there is not an undue concentration of the billboards within a particular area, and that the signs are an adequate distance from residential zones.
3. The proposal includes prohibitions on distracting features such as dynamic content, animations, flashing content, or rapidly changing messages, which create distractions and unsafe driving conditions.
4. The proposed text amendment creates standards for the sign's construction that ensure the impact of the sign is directed towards the highway only, and not the adjoining parcels.

DAC/TLW
11/6/2024,
Planning Services/Staff Reports/ZOTA/2023/PLN-ZOTA-24-00008:DIGITAL BILLBOARDS



Article 17 - SIGN REGULATIONS

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- (c) Expanded or enlarged;
- (d) Reestablished after its removal; or
- (e) Moved to a new location on the building or lot.

(f) Modified or changed to utilize electronic message display systems as a component of the sign.

Sec. 17-8. - General requirements.

All signs in all zones shall meet the following requirements:

- (a) Illuminated signs shall be located in a fashion which prevents all direct rays of light from shining beyond the property lines of the lot on which the sign is located.
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- (c) No sign shall be attached to or painted on the surface of any tree, utility pole, or street light.
- (d) Projecting signs shall have at least 8 feet of clearance above a road or sidewalk.
- (e) Neon lighting and other lighted tubing signs may be used on signs where signs are permitted to be directly illuminated as defined in this Article.
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Planning Staff: DRAFT Alternative Text

(g) No sign shall be placed in or project into the public or private street right-of-way, except as specifically permitted herein.

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(j) Electronic message display systems shall be inspected by the Division of Building Inspection upon installation to ensure compliance with approved plans, permits, and requirements of Article 17.

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(b) One free-standing sign per lot shall be permitted per street frontage, with a maximum of two (2) free-standing signs; not exceeding seventy-five (75) square feet per sign; minimum setback shall be ten (10) feet.

(c) The surface area of wall-mounted sign(s) shall not exceed fifteen percent (15%) of the wall area to which it is attached or thirty-two (32) square feet, whichever is greater, each wall to be considered separately. Only one sign shall be permitted per wall. In the case of a building containing two or more separate uses, these requirements shall be applied separately to the wall area of the building space leased, rented or owned by the individual tenant.

(d) Window signs shall be limited to no more than twenty-five percent (25%) of the total window area.

(2) Traffic directional signs and signs on or under a canopy or awning shall be permitted as regulated in the B-1 zone.

(3) In conjunction with an indoor theater: one marquee, not to exceed twenty-four (24) square feet per theater; such marquee shall project no more than eight (8) feet from the

Planning Staff: DRAFT Alternative Text

building face to which it is attached and shall have a minimum clearance of eight (8) feet. In addition, one attraction board attached to one free-standing sign, not to exceed twenty-four (24) square feet per theater. The area of the marquee and attraction board shall be included in the computation of the maximum permitted sign area. (Note: Where an attraction board attached to a free-standing sign is not utilized, a second marquee, mounted on a different building face, shall be permitted as regulated above.)

(4) One attraction board, wall mounted or attached to a permitted free-standing sign, the area of the attraction board to be included in the maximum permitted sign area.

(5) Menu boards as permitted and regulated in the B-1 zone.

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(i). The lot on which a billboard is constructed must abut a federal or state highway.

~~(ii) Billboards shall be required to be set back from any street right-of-way twenty (20) feet, or at the same setback as any principal building on the lot, whichever is less.~~

~~(iii) Billboards shall not project over the public or private right-of-way.~~

~~(iv) No billboard shall be permitted within one hundred fifty (150) feet of any residential zone.~~

(v.) No billboard shall be permitted within the Corridor Node (CN) zone.

(b) Maximum Size

(i) No billboard shall exceed four hundred (400) square feet in area.

(ii) Temporary embellishments may be attached, but are limited to ten percent (10%) of the maximum sign area.

~~(c) Minimum Spacing No billboard shall be permitted within one hundred fifty (150) feet of any residential zone.~~

~~(d) (i) No Standard billboards shall be located within at least five hundred (500) feet from of another billboard.~~

(ii) Digital Billboards shall be located at least two-thousand five hundred (2,500) feet from another digital billboard, and at least five (500) hundred feet from any standard billboard.

~~(e) Billboards shall be required to be set back from any street right-of-way twenty (20) feet, or at the same setback as any principal building on the lot, whichever is less.~~

Planning Staff: DRAFT Alternative Text

(d) Duration of message for digital billboard: The sign shall remain static for a period of not less than eight (8) seconds. The transition from one (1) message or image to the next shall be direct and immediate.

(e) Luminance for digital billboard: 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 controls the sign's luminance. Digital billboards shall utilize blocking or louver technology in order to reduce the sign's viewing angle, and lessen the light trespass impact on surrounding properties.

Sec. 17-12. - Advertising on interstate highways.

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...

(q) Flashing or Blinking: Intermittent or sequential illumination for the purpose of attracting attention to the sign. Flashing includes scintillation, light bursts, sparkling, and twinkling.

Rec'd by _____

Date: _____

**RECOMMENDATION OF THE
URBAN COUNTY PLANNING COMMISSION
OF LEXINGTON AND FAYETTE COUNTY, KENTUCKY**

IN RE: PLN-ZOTA-24-00008: AMENDMENT TO ARTICLE 17 FOR DIGITAL BILLBOARDS – a text amendment to Article 17 to define and regulate digital billboards in the B-3, B-4, I-1, I-2, and CN zones.

Having considered the above matter on **November 21, 2024**, at a Public Hearing, and having voted **8-3** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **DISAPPROVAL** of this matter for the following reasons:

1. Allowing digital billboards within Fayette County should not be permitted because, despite proposed mitigation, such use is inappropriate due to the aesthetic and nuisance impact of increased lighting on adjacent property owners, especially residential land uses.
2. The proposed text amendment is not in agreement with the 2045 Comprehensive Plan, Theme B, Protection Policy #10, which recommends reducing light pollution to protect dark skies. The illumination of a digital billboard will increase light pollution and nuisance to the general travelling public.
3. The request introduces additional roadway conflicts, reducing the efficiency and effectiveness of our roadway systems (Theme D, Goal #1), and creating less safe conditions (Theme D, Goal #1.d).
4. The proposed text amendment does not address numerous concerns, including the possibility of hacking or security of messages on a digital billboard, nor reduction of signage clutter by instituting swapping or removal provisions.
5. The proposed text recommends allowing digital billboards along federal and state highways in Corridor Business, Warehouse and Wholesale Business, Light Industrial, or Heavy Industrial zones. These zones are most common along corridors including New Circle Road, Nicholasville Road, Winchester Road and Richmond Road, which are the most heavily traveled corridors within Fayette County. Thus, higher levels of distraction caused by digital billboards could lead to additional injury and non-injury accidents along the most heavily traveled corridors.

ATTEST: This 3rd day of January 2025.

 by Traci Wade
Secretary, Jim Duncan

LARRY FORESTER
CHAIR

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Daniel Crum, Principal Planner, Planning Services.**

OBJECTORS

- Amy Clark

- Walt Gaffield

- Mike Brower, Southern Heights
Neighborhood Association

OBJECTIONS

- Stated her opposition citing the intensity of the use of digital billboards, enforcement concerns about how digital billboards would affect impoverished portions of Lexington.
- Stated his concern with digital billboards and distracted driving, the locations of potential digital billboards, and if the community wants to build housing on corridors it does not make sense to allow digital billboards.
- Stated the association’s opposition because of safety concerns and the possibility of hacking the billboard.

VOTES WERE AS FOLLOWS:

AYES: (8) Johnathon Davis, Zach Davis, Forester, Michler, Owens, Penn, Pohl,
and Worth
NAYS: (3) Barksdale, Nicol, and Wilson
ABSENT: (0)
ABSTAINED: (0)
DISQUALIFIED: (0)

Motion for **DISAPPROVAL** of **PLN-ZOTA-24-00008** carried.

Enclosures: Application
Council Resolution to Initiate
Staff Report
Staff recommended text
Applicable excerpts of minutes of above meeting