

**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

