

ORDINANCE NO. \_\_\_\_\_ - 2021

AN ORDINANCE AMENDING ARTICLES 17, 8-21(o)4, 8-24(o)5, 22B-6, APPENDIX 24B-6(1), 28-3(h)(6), 28-4(h)(5) and 28-5(5) OF THE ZONING ORDINANCE RELATING TO SIGN REGULATIONS. (URBAN COUNTY COUNCIL).

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WHEREAS, the Lexington-Fayette Urban County Council directed the Planning Commission to consider and make recommendations to the Council for a text amendment to Articles 17, 8-21(o)4, 8-24(o)5, 22B-6, APPENDIX 24B-6(1), 28-3(h)(6), 28-4(h)(5) and 28-5(5) of the Zoning Ordinance relating to sign regulations;

WHEREAS, the Planning Commission did review, hold a public hearing and make recommendations to the Council regarding Article 17, relating to sign regulations; and

WHEREAS, this Council has reviewed the recommendations and considered amendments to Article 17, 8-21(o)4, 8-24(o)5, 22B-6, APPENDIX 24B-6(1), 28-3(h)(6), 28-4(h)(5) and 28-5(5) relating to sign regulations;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That Article 17 of the Lexington-Fayette Urban County Government Zoning Ordinance is hereby amended to read as follows:

SIGN REGULATIONS

17-1 INTENT – The intent of this Article is to provide sign standards and restrictions which allow for the legitimate needs for identification of agricultural, residential, professional office, business, and industrial activities while at the same time promoting signage which does not unduly detract from the overall aesthetics of the community; which reduces intrusions and protects property values; which provides for improved public safety by minimizing the undue distraction of the motoring public; which provides for the protection and enhancement of the tourist industry by promoting a more harmonious and pleasing community image; which is equitably provided in terms of the nature and scale of the activities to be identified and of non-conforming signs; and which generally enhances and strengthens the economic stability of Lexington-Fayette Urban County.

17-2 SCOPE – These provisions apply to the display, construction, erection, alteration, location, and maintenance of all new and existing signs within Lexington-Fayette Urban County.

17-3 EXEMPT SIGNS – The following signs are exempt from the provisions of this Article and are, therefore, exempt from the requirement to obtain a sign permit:

- (a) Signs not legible beyond the boundaries of the property upon which they are located and/or from any public thoroughfare or right-of-way.
- (b) Government signs that are placed by government officers in the performance of their professional/elected duties.
- (c) Temporary or permanent signs erected by public utility companies or construction companies in the performance of their professional duties.
- (d) Vehicle signage when painted directly on a vehicle or attached magnetically.

17-4 SIGNS NOT REQUIRING A PERMIT – The following signs shall not require a permit, but may be subject to other provisions within this Ordinance:

- (a) Incidental signs
- (b) Historic markers
- (c) Construction signs
- (d) Change of copy on any sign where the framework or other structural elements are not altered
- (e) Limited duration signs, limited to one (1) sign per street frontage, and further regulated as follows:
  - (1) When associated with agricultural or residential (other than a Group Residential Project) use of the property, such sign area shall not exceed six (6) square feet and six (6) feet in height. Such sign shall be non-illuminated.
  - (2) When associated with business, commercial or industrial use of the property, a mixed-use development, or a Group Residential Project, such sign area shall not exceed thirty-two (32) square feet in area and ten (10) feet in height; except such a sign may be permitted up to, but not exceed, sixty-four (64) square feet in area when:
    - (a) The building to which such a sign pertains contains 100,000 or more square feet; or
    - (b) The site to which such a sign pertains contains two (2) or more acres.Such signs shall be non-illuminated or indirectly illuminated.
- (f) Window signs
- (g) Pole banners
- (h) Temporary signs related to events that are sponsored by neighborhood associations or owners' associations that are located within the public or private street right-of-way of that neighborhood, and that do not otherwise interfere with sight in violation of Section 17-8(f). There shall not be more than ten (10) signs for any such event, and each such sign shall not exceed six (6) square feet in area and six (6) feet in height; shall not be displayed more than seven (7) calendar days prior to the event; and must be removed within two (2) calendar days after the event.

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.

17-6 PENALTIES FOR VIOLATION – Violation of the provisions of these sign regulations shall constitute a misdemeanor which shall be subject to the fines and penalties as set forth in Article 5 for violation of this Zoning Ordinance.

17-7 PERMIT REQUIREMENTS – No sign, except as specifically exempted herein, shall be displayed, erected, relocated or altered unless and until a permit has been issued by the Division of Building Inspection. Application materials shall be as required by the Division of Building Inspection, and shall include, but shall not be limited to the following:

- (a) A completed application form.
- (b) A site plan and/or building elevation drawing, showing the location of the proposed sign(s) on the lot and/or building, including setbacks.
- (c) Detailed sign information, including type of construction, method of illumination, dimensions, method of mounting and/or erecting and other similar information.
- (d) The consent of the owner of the underlying real property or authorized agent.
- (e) A permit fee in an amount determined by the Urban County Council

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, or other advertising device shall be designed or erected to imitate or resemble 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' 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 condition at all times.

17-9 PROHIBITED SIGNS IN ALL ZONES – The following signs and/or sign features shall be prohibited in all zones:

- (a) Mobile signs;
- (b) Roof signs that extend higher than the top edge of the roof;
- (c) Rotating or moving signs;
- (d) Abandoned signs;
- (e) Streamers, pennants, and tag signs or similar signs or devices except when attached to a permitted temporary sign;
- (f) Any sign which emits any noise, odor, or visible matter;
- (g) Free-standing signs which overhang any part of a building; and
- (h) Flashing or blinking signs.

17-10 APPEALS – The Board of Adjustment shall have the authority to hear and decide on applications for variances to signage dimensional requirements in accordance with Article 7 of this Zoning Ordinance.

- (a) The Board shall also have the authority to hear and decide on applications for the transfer of unused signage square footage, but only when the transfer is between the same signage type and along the same street frontage.
- (b) The Board shall not have the authority to increase the number of permitted signs, allow a design feature or type of sign not specifically permitted in the subject zone, nor to grant any appeal that would increase the maximum total permitted sign area on a single lot or building.

17-11 **SIGNS PERMITTED BY SPECIFIC ZONE** – Any sign not specifically permitted shall be prohibited.

17-11(a) **AGRICULTURAL ZONES (A-R, A-U, A-B, and A-N)** – Permitted signs within these zones may be either free-standing or wall mounted unless otherwise specified; no free-standing sign may exceed ten (10) feet in height; signs shall be either non-illuminated or indirectly illuminated unless otherwise specified.

(1) Residence - One wall sign not exceeding one (1) square foot in area.

(a) Subdivision entrance signs of permanent construction, free-standing or wall mounted; not exceeding thirty-two (32) square feet in area; no more than two per entrance; not more than two entrances to be identified. Such signs may be located in the right-of-way (in the median or at each side of the street) subject to written authorization of the Commissioner of Public Works, who shall determine that the signs would not be located in the sight triangle and would not cause a hazard to traffic. Proof of permanent maintenance and an encroachment permit shall be provided by the applicant prior to the issuance of a permit for a subdivision entrance sign located in the right-of-way.

(2) Farm or Estate

(a) One sign for a farm or estate, not exceeding ten (10) square feet.

(b) For farms utilizing more than one point of access, one non-illuminated or indirectly illuminated sign per entrance, not to exceed ten (10) square feet in area; maximum height of ten (10) feet.

(3) Buildings Used for Religious or Educational Activities

(a) One free-standing sign not exceeding thirty-two (32) square feet in area and eight (8) feet in height, or one wall sign per building not exceeding thirty-two (32) square feet in area.

(b) One bulletin board, not exceeding twelve (12) square feet in area and eight (8) feet in height.

(4) Bed and Breakfast Facility

(a) One sign for a permitted bed and breakfast facility permitted as a conditional use, not exceeding two (2) square feet in area.

(5) All Other Permitted Uses

(a) One sign for any other permitted or conditional use not noted herein, not exceeding thirty-two (32) square feet in area.

17-11(b) **MOBILE HOME PARK ZONE (M-1P)** – Permitted signs shall be either non-illuminated or indirectly illuminated.

(1) One free-standing sign per park entrance. Sign shall not exceed thirty-two (32) square feet in area, eight (8) feet in height, and shall have a minimum setback of ten (10) feet from any street.

(2) One wall sign per mobile home that shall not exceed one (1) square foot in area.

17-11(c) **LOW DENSITY RESIDENTIAL ZONES (R-1 [A THROUGH E], R-1T, R-2)** – Permitted signs within these zones shall be wall signs unless otherwise specified; signs shall either be non-illuminated or indirectly illuminated. Minimum setback for any free-standing sign permitted under this section shall be ten (10) feet.

(1) Residence - One wall sign not exceeding one (1) square foot in area

(a) Subdivision entrance signs of permanent construction, free-standing or wall mounted; not exceeding thirty-two (32) square feet in area; no more than two per entrance; not more than two entrances to be identified. Such signs may be located in the right-of-way (in the median or at each side of the street) subject to written authorization of the Commissioner of Public Works, who shall determine that the signs would not be located in the sight triangle and would not cause a hazard to traffic. Proof of permanent maintenance and an encroachment permit shall be provided by the applicant prior to the issuance of a permit for a subdivision entrance sign located in the right-of-way.

(2) Buildings Used for Religious or Educational Activities

(a) One sign that shall not exceed thirty-two (32) square feet in area and eight (8) feet in height if free-standing. If the property is five or more acres in size and has

frontage on two or more streets, then a second sign of the same dimensional requirements is permitted, provided the signs are located a minimum of two hundred fifty (250) feet from each other.;

- (b) One bulletin board that shall not exceed twelve (12) square feet in area and eight (8) feet in height if free-standing. If the property is five or more acres in size and has frontage on two or more streets, then a second sign of the same dimensional requirements is permitted, provided the signs are located a minimum of two hundred fifty (250) feet from each other.
- (3) One sign for a farm or estate exceeding five (5) acres in size, not exceeding ten (10) square feet in area.
- (4) One sign for a permitted kindergarten, nursery school, day nursery, or child care center, wall mounted not more than seven (7) feet above ground level; not exceeding two (2) square feet in area.
- (5) For a Group Residential Project within the R-1T zone only, one non-illuminated traffic directional sign per entrance, not exceeding three (3) square feet in area; and not exceeding three (3) feet in height if free standing; not to exceed four (4) signs per Group Residential Project.
- (6) Bed and Breakfast Facility
  - (a) One sign for a permitted bed and breakfast facility permitted as a conditional use, not exceeding two (2) square feet in area and six (6) feet in height if free-standing.
- (7) All other Permitted Uses
  - (a) One sign for any other permitted or conditional use not noted herein, not exceeding thirty-two (32) square feet in area and eight (8) feet in height.

**17-11(d) HIGH DENSITY RESIDENTIAL ZONES & HIGH-RISE APARTMENT ZONE (R-3, R-4, & R-5)** – Permitted signs within these zones shall be free-standing or wall signs unless otherwise specified; signs shall be either non-illuminated or indirectly illuminated; signs may be internally illuminated only when across a public street from any office, business or industrial zone. Minimum setback for any free-standing sign permitted under this section shall no less than ten (10) feet.

- (1) Signs as permitted and regulated under Section 17-11(c).
- (2) Multi-family residential buildings, including dormitories, but excluding Group Residential Projects, may have one sign not exceeding thirty two (32) square feet in area and eight (8) feet in height if free-standing.
- (3) Group Residential Projects, one sign per street frontage, with a maximum of two (2) signs, not exceeding thirty-two (32) square feet in area per sign and eight (8) feet in height if free-standing.
- (4) One wall-mounted sign per building in R-5 zones with incidental retail uses allowed as a conditional use, not exceeding sixteen (16) square feet in area. Where utilized, the otherwise permitted wall signs shall not be permitted.
- (5) One wall-mounted sign per extended-stay hotel conditional use in R-5 zones; not exceeding thirty-two (32) square feet in area. When located within  $\frac{3}{4}$  mile of an interchange for a designated interstate highway, one additional one hundred fifty (150) square foot wall-mounted sign visible from the interstate highway is permitted at a minimum height of seventy-five (75) feet.
- (6) One wall-mounted sign per principal permitted office use, not exceeding two (2) square feet in area.

**17-11(e) PROFESSIONAL OFFICE ZONE (P-1) AND MIXED USE 1: NEIGHBORHOOD NODE ZONE (MU-1)** – Permitted signs may be either free-standing or wall mounted, as specifically noted; signs shall be non-illuminated, indirectly illuminated, or internally illuminated unless otherwise specified. No free-standing sign shall exceed ten (10) feet in height, with the exception of hospitals, as regulated below.

- (1) One free-standing sign per building; not to exceed forty (40) square feet in area, with a minimum setback of ten (10) feet.

- (2) One wall-mounted sign for buildings with one street frontage, not to exceed five percent (5%) of the wall area to which it is attached. When a free-standing sign is not utilized on a lot with only one street frontage, a second wall-mounted sign on a different building face shall be permitted as regulated above in place of the permitted free-standing sign.
- (3) Two wall-mounted signs for buildings with two street frontages, located on separate wall faces, not to exceed five percent (5%) of the wall area to which the signs are attached.
- (4) Three wall-mounted signs for buildings three (3) stories or taller with two street frontages, located on separate wall faces, not to exceed five percent (5%) of the wall area to which the signs are attached. Signs not located on a street frontage shall not be placed on a building face directly adjacent to any residential zone.
- (5) One wall sign per tenant or lessee, not exceeding two (2) square feet in area; non-illuminated or indirectly illuminated only.
- (6) Traffic directional signs not exceeding three (3) feet in height if free-standing; not to exceed two (2) signs per entrance.
- (7) One attraction board, wall mounted or attached to the permitted free-standing sign, the area of the attraction board to be included in the maximum permitted sign area.
- (8) Canopy or awning signs, limited to fifteen percent (15%) of the area of the surface to which they are attached. Such signs shall be included in the computation of the maximum permitted sign area specified under 17-11(e)(1) above.
- (9) Pole-mounted banner signs shall be permitted, subject to the following:
  - (a) Banner signs shall be a maximum size of two (2) feet by four (4) feet, and there shall be no more than two (2) per pole.
  - (b) Pole-mounted banners shall be permitted on light fixtures in parking lots and pedestrian plazas located outside the public right-of-way.
  - (c) Banner poles shall be spaced to be no closer than forty-five (45) feet from each other.
  - (d) The total number of pole-mounted banner signs shall be limited to one (1) for every 3,000 square feet of parking lot or pedestrian plaza.
  - (e) All pole-mounted banner signs shall provide a minimum of eight (8) feet of vertical clearance, and may not encroach into the right-of-way.
- (10) In addition, and within a designated Professional Office Project only:
  - (a) One project sign, free-standing or wall mounted; not exceeding one hundred (100) square feet in area.
  - (b) One sign, wall mounted; not exceeding fifteen (15) square feet in area for a restaurant, cocktail lounge or night club.
  - (c) Subdivision signs of permanent construction, free-standing or wall mounted; not exceeding thirty-two (32) square feet in area; not exceeding eight (8) feet in height; and no more than two per entrance. Such signs may be located in the right-of-way (in the median or at each side of the street), subject to written authorization of the Commissioner of Public Works, who shall determine that the signs would not be located in the sight triangle and would not cause a hazard to traffic. Proof of permanent maintenance and an encroachment permit shall be provided by the applicant prior to the issuance of a permit for a subdivision sign located in the right-of-way.
- (11) In addition, and within a hospital campus or Regional Medical Campus [as generally defined in 23A-10(b)(9)], only:
  - (a) A maximum of three signs per campus, free-standing or wall mounted. A sign located along a street classified as a collector or an arterial shall not exceed one hundred fifty (150) square feet in area and twenty (20) feet in height. A sign located at the intersection of a street classified as a collector or an arterial and a local street shall not exceed seventy-five (75) square feet and fifteen (15) feet in

height. No signs shall be located along a street classified as a local street or at the intersection of two local streets.

- (b) Subdivision signs of permanent construction, free-standing or wall mounted; not exceeding one hundred (100) square feet in area; not exceeding ten (10) feet in height; no more than two per entrance along a street classified as a collector or arterial; not more than two entrances to be identified per campus. Such signs shall only be located at entrances shown on an approved development plan.
  - (c) Three wall-mounted signs for buildings with two street frontages, located on separate wall faces, not to exceed five percent (5%) of the wall area to which the signs are attached. Signs not located on a street frontage shall not be placed on a building face directly adjacent to any residential zone.
- (12) Temporary signs –One temporary sign per street frontage shall be allowed subject to the following conditions:
- (a) Shall be limited to window or wall signs only.
  - (b) Shall not exceed fifty (50) square feet per sign where non-rigid materials are used.
  - (c) Shall not exceed thirty-two (32) square feet per sign where rigid materials, such as wallboard or plywood, are used.
  - (d) Shall comply with the applicable regulations for the zone in which they are located.
  - (e) Temporary signage may be displayed once every three (3) months for up to fourteen (14) continuous days.

17-11(f) **NEIGHBORHOOD BUSINESS ZONE (B-1)** – Permitted signs may be free-standing or wall mounted, as specified; signs shall be non-illuminated, indirectly illuminated, or internally illuminated unless specified otherwise. No free-standing sign shall exceed twenty (20) feet in height.

(1) Signs shall be permitted as follows:

- (a) The total surface area of signs shall not exceed one and one-half (1½) 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 shall be permitted per street frontage, with a maximum of two (2) free-standing signs; not exceeding fifty (50) square feet per sign; minimum setback shall be ten (10) feet.
  - (c) One projecting sign not exceeding fifty (50) square feet in area, not exceeding twelve (12) feet in height, and only directly or indirectly illuminated, shall be permitted in lieu of all free-standing signage, as permitted herein, under the following circumstances:
    - (1) the parcel on which the sign is placed is located within the defined Infill and Redevelopment Area; and
    - (2) the existing principal structure on the parcel is located ten (10) feet or less from the front property line.
  - (d) The surface area of a wall-mounted sign 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.
  - (e) Window signs shall be limited to no more than twenty-five percent (25%) of the total window area, and direct illumination shall be permitted.
  - (f) Canopy or awning signs (including above-canopy signs) shall be permitted and included in the computation of the maximum permitted sign area and limited to the percentage allowable for wall signs.
- (2) 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 utilized, a second marquee, mounted on a different building face, shall be permitted as regulated above.)

- (3) 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.
- (4) Traffic directional signs not exceeding three (3) square feet in area, not exceeding three (3) feet in height; if free-standing, not to exceed two (2) signs per entrance.
- (5) One sign per tenant or lessee, not exceeding two (2) square feet in area; non-illuminated or indirectly illuminated.
- (6) One menu board per restaurant use or one menu board per drive-through lane. All copy (including any logos, restaurant name, etc., shall have a maximum letter height and width of six (6) inches, containing no direct illumination; not exceeding forty-five (45) square feet in area; maximum height of eight (8) feet if free-standing; and not located so as to have the copy visible to vehicular traffic on any adjacent street.
- (7) One menu box per restaurant use, not exceeding four (4) square feet.
- (8) Pole-mounted banner signs shall be permitted, subject to the following:
  - (a) Banner signs shall be a maximum size of two (2) feet by four (4) feet, and there shall be no more than two (2) per pole.
  - (b) Pole-mounted banners shall be permitted on light fixtures in parking lots and pedestrian plazas located outside the public right-of-way.
  - (c) Banner poles shall be spaced to be no closer than forty-five (45) feet from each other.
  - (d) The total number of pole-mounted banner signs shall be limited to one (1) for every three thousand (3,000) square feet of parking lot or pedestrian plaza.
  - (e) All pole-mounted banner signs shall provide a minimum of eight (8) feet of vertical clearance, and may not encroach into the right-of-way.
- (9) Temporary signs – One temporary sign per street frontage shall be allowed subject to the following conditions:
  - (a) Shall be limited to window or wall signs only.
  - (b) Shall not exceed fifty (50) square feet per sign where non-rigid materials are used.
  - (c) Shall not exceed thirty-two (32) square feet per sign where rigid materials, such as wallboard or plywood, are used.
  - (d) Shall comply with the applicable regulations for the zone in which they are located.
  - (e) Temporary signage may be displayed once every three (3) months for up to fourteen (14) continuous days.

**17-11(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 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) The lot must abut a federal or state highway.
  - (b) No billboard shall exceed four hundred (400) square feet in area.
  - (c) No billboard shall be permitted within one hundred fifty (150) feet of any residential zone.
  - (d) No billboard shall be located within five hundred (500) feet of another 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.
- (7) As part of a permitted free-standing or wall-mounted billboard or sign for an indoor or outdoor stadium or arena located in a B-3 zone having a permanent seating capacity in excess of five thousand (5,000) persons for athletic and cultural events, an electronic message display system shall be permitted; not exceeding fifty percent (50%) of the total sign area of the permitted sign. No moving or scrolling messages shall be permitted. Messages displayed may be changed not more frequently than every fifteen (15) seconds.
- (8) Pole-banner signs shall be permitted only if displayed in a parking area accessory to a mixed-use project, and subject to the following restrictions:
  - (a) Banner signs shall be a maximum size of two (2) feet by four (4) feet, and there shall be no more than two (2) per pole.
  - (b) Pole-mounted banners shall be permitted on light fixtures in parking areas located outside the public right-of-way.
  - (c) Banner poles shall be spaced to be no closer than forty-five (45) feet from each other.
  - (d) The total number of pole-mounted banner signs shall be limited to one (1) for every three thousand (3,000) square feet of parking area.
  - (e) All pole-mounted banner signs shall provide a minimum of eight (8) feet of vertical clearance, and may not encroach into the right-of-way.
- (9) Subdivision signs, only for projects governed by a unified development plan and exceeding four (4) acres in size; one (1) subdivision sign shall be permitted per public street frontage, with a maximum of three (3) signs; not exceeding seventy-five (75) square feet per sign; with a maximum height of ten (10) feet. The total square

footage of each subdivision sign shall be counted towards the maximum amount of signage available for the lot allowed under Section 17-11(g)(1)(a) above. Subdivision signs shall be located at least fifty (50) feet away from any free-standing signs.

- (10) Temporary signs –One temporary sign per street frontage shall be allowed subject to the following conditions:
  - (a) Shall be limited to window or wall signs only.
  - (b) Shall not exceed fifty (50) square feet per sign where non-rigid materials are used.
  - (c) Shall not exceed thirty-two (32) square feet per sign where rigid materials, such as wallboard or plywood, are used.
  - (d) Shall comply with the applicable regulations for the zone in which they are located.
  - (e) Temporary signage may be displayed once every three (3) months for up to fourteen (14) continuous days.

17-11(h) **DOWNTOWN BUSINESS ZONES (B-2, B-2A)** – Permitted signs may be free-standing or wall mounted, as specified; such signs may be non-illuminated, indirectly illuminated, internally illuminated or directly illuminated, unless specified otherwise.

(1) Signs shall be permitted as follows:

- (a) One free-standing sign shall be permitted for each street frontage, not to exceed two free-standing signs. The free-standing signs shall have a maximum area of forty (40) square feet, a maximum height of twenty (20) feet, and a maximum projection into the right-of-way of twelve (12) inches.
- (b) One wall-mounted sign per building face shall be permitted, placed at a height of fifty (50) feet or higher. Such sign shall have a maximum area of three percent (3%) of the wall area to which it is attached, with a maximum projection into the right-of-way of twelve (12) inches.
- (c) In addition to the wall sign permitted under (b) above, one additional wall-mounted sign shall be permitted per building face. Such sign shall have a maximum lettering height or vertical cabinet dimension of two and one-half (2½) feet, and shall be located at a height of less than fifty (50) feet on the building, with a maximum projection into the right-of-way of twelve (12) inches.
- (d) In addition to the wall mounted signs permitted under (b) and (c) above, each establishment within the building, having a separate and direct entrance to the outside, shall be permitted one wall sign per street building face. Such sign shall be located no lower than ten (10) feet nor higher than thirty (30) feet on the building, and mounted on the building where the establishment is located. Such sign shall have a maximum area of one and one-half (1½) square feet per linear foot of frontage, not to exceed eighty (80) square feet, with a maximum projection into the right-of-way of twelve (12) inches.
- (e) One projecting sign, not exceeding fifty (50) square feet in area, shall be permitted for each establishment within the building having a separate and direct entrance to the outside. Such sign shall have a minimum vertical clearance of ten (10) feet and a height limit of thirty (30) feet as attached to the building. Such sign shall be mounted on the building so that it does not conflict with wall-mounted signs permitted under (b) above or with any windows, doors or other architectural features of the building; and with a maximum projection from the face of the building and into the adjacent right-of-way of eight (8) feet. In no case shall a projecting sign be closer than two (2) feet to the back of curb of any adjacent roadway.
- (f) Window signs shall be limited to no more than twenty-five percent (25%) of the total window area.

- (2) Wall-mounted signs, not exceeding five (5) square feet, with a maximum letter height of six (6) inches; located no higher than ten (10) feet on the face of the building; one sign per establishment having a separate and direct entrance to the outside; maximum projection into the right-of-way of twelve (12) inches.
- (3) Traffic directional signs, menu boards, and menu boxes shall be permitted as regulated in the B-1 zone.
- (4) Canopy or awning signs shall be permitted in lieu of allowable wall signs, not exceeding twenty percent (20%) of the face of the canopy or awning. Under-canopy or under-awning signs shall be permitted. Above-canopy signs shall be permitted and limited to the percentage allowable for wall signs.
- (5) Banner signs, pennants and streamers shall be permitted; limited to one such banner, pennant or streamer per ten (10) feet of linear frontage, a total maximum area of fifteen percent (15%) of the wall area to which it is attached, a minimum of eight (8) feet of vertical clearance and a maximum projection into the right-of-way of three (3) feet.
- (6) A-frame or sandwich board type signs shall be permitted as follows:
  - (a) Maximum size of eight (8) square feet per panel, maximum height forty-eight (48) inches, maximum width twenty-four (24) inches;
  - (b) One sign per street front, maximum two signs;
  - (c) Placement of sign shall allow for four (4) clear feet of sidewalk width;
  - (d) Sign shall be in place only when business is open;
  - (e) Placement of sign not to restrict egress from parked cars, and not over curb line;
  - (f) Shall be maintained in good condition;
  - (g) Shall not be attached to any public utility pole, street light standard or tree;
  - (h) Non-illuminated.
- (7) In addition to other permitted signs, wall-mounted electronic message display center boards shall be permitted for civic centers which contain exhibition halls and an arena for athletic and cultural events; for hotels and motels containing conference centers and restaurants; for television and radio system signal distribution centers and studios; and for banks, securities and commodities brokers, credit institutions, savings and loans, and investment companies. The total surface area shall not exceed eighty (80) square feet per sign. One electronic message display center shall be permitted per street front, with a maximum of two signs.
- (8) Temporary signs –One temporary sign per street frontage shall be allowed subject to the following conditions:
  - (a) Shall be limited to window or wall signs only.
  - (b) Shall not exceed fifty (50) square feet per sign where non-rigid materials are used.
  - (c) Shall not exceed thirty-two (32) square feet per sign where rigid materials, such as wallboard or plywood, are used.
  - (d) Shall comply with the applicable regulations for the zone in which they are located.
  - (e) Temporary signage may be displayed once every three (3) months for up to fourteen (14) continuous days.
- (9) Pole-mounted banner signs shall be permitted in the B-2 zone, subject to the following:
  - (a) Banner signs shall be a maximum size of two (2) feet by four (4) feet, and there shall be no more than two (2) per pole.
  - (b) Pole-mounted banners shall be permitted on light fixtures in parking lots and pedestrian plazas located outside the public right-of-way.
  - (c) Banner poles shall be spaced to be no closer than forty-five (45) feet from each other.
  - (d) The total number of pole-mounted banner signs shall be limited to one (1) for every three thousand (3,000) square feet of parking lot or pedestrian plaza.

- (e) All pole-mounted banner signs shall provide a minimum of eight (8) feet of vertical clearance, and may not encroach into the right-of-way.

17-11(i) **LEXINGTON CENTER BUSINESS ZONE (B-2B)** – Permitted signs may be free-standing or wall mounted, as specified; such signs may be non-illuminated, indirectly illuminated, internally illuminated or directly illuminated; painted wall signs shall be prohibited. No free-standing sign permitted under this section shall exceed twenty (20) feet in height, nor project into the right-of-way more than twelve (12) inches.

- (1) Wall-mounted signs, canopy or awning signs, under-canopy or under-awning signs, above-canopy signs and banner signs shall be permitted as regulated in the B-2 and B-2A zones.
- (2) In addition to the other signs permitted in this zone, four (4) wall-mounted electronic message display system signs shall be permitted for civic centers which contain exhibition halls and an arena for athletic and cultural events. Two (2) such signs, not exceeding two hundred (200) square feet, shall be permitted. Two (2) additional signs may also be erected, not exceeding fifty (50) square feet each. Electronic message display system signs may be mounted on the wall of the civic center or any structure having a common wall with the civic center.
- (3) Traffic directional signs and menu boards shall be permitted as regulated in the B-1 zone.
- (4) A-frame or sandwich board type signs shall be permitted and regulated as in the B-2 and B-2A zones.
- (5) Temporary signs – One temporary sign per street frontage shall be allowed subject to the following conditions:
  - (a) Shall be limited to window or wall signs only.
  - (b) Shall not exceed fifty (50) square feet per sign where non-rigid materials are used.
  - (c) Shall not exceed thirty-two (32) square feet per sign where rigid materials, such as wallboard or plywood, are used.
  - (d) Shall comply with the applicable regulations for the zone in which they are located.
  - (e) Temporary signage may be displayed once every three (3) months for up to fourteen (14) continuous days.

17-11(j) **INTERCHANGE SERVICE BUSINESS ZONE (B-5P)** - Permitted signs shall be either free-standing or wall mounted; signs may be non-illuminated, indirectly illuminated, internally illuminated, or directly illuminated.

- (1) Wall-mounted signs and window signs shall be regulated as under Section 17-11(f)(1). Free-standing signs shall be regulated as follows:
  - (a) One free-standing sign per lot shall be permitted, with a maximum area of three hundred fifty-six (356) square feet, with a maximum height of ninety (90) feet, but not below a minimum height of seventy-five (75) feet; a minimum setback of ten (10) feet from any right-of-way shall be required.
  - (b) In addition, one free-standing sign per street frontage shall be permitted to a maximum of two (2) signs; sign area shall not exceed fifty (50) square feet; sign height shall not exceed twenty (20) feet; a minimum setback of ten (10) feet from any street shall be required.
- (2) One attraction board, wall mounted or attached to the free-standing sign permitted under Section 17-11(j)(1)(b) above; the area of the attraction board to be included in the maximum permitted sign area.
- (3) Menu boards and traffic directional signs shall be permitted and regulated as in the B-1 zone.
- (4) Temporary signs – One temporary sign per street frontage shall be allowed subject to the following conditions:
  - (a) Shall be limited to window or wall signs only.

- (b) Shall not exceed fifty (50) square feet per sign where non-rigid materials are used.
  - (c) Shall not exceed thirty-two (32) square feet per sign where rigid materials, such as wallboard or plywood, are used.
  - (d) Shall comply with the applicable regulations for the zone in which they are located.
  - (e) Temporary signage may be displayed once every three (3) months for up to fourteen (14) continuous days.
- (5) Pole-mounted banner signs shall be permitted, subject to the following:
- (a) Banner signs shall be a maximum size of two (2) feet by four (4) feet, and there shall be no more than two (2) per pole.
  - (b) Pole-mounted banners shall be permitted on light fixtures in parking lots and pedestrian plazas located outside the public right-of-way.
  - (c) Banner poles shall be spaced to be no closer than forty-five (45) feet from each other.
  - (d) The total number of pole-mounted banner signs shall be limited to one (1) for every three thousand (3,000) square feet of parking lot or pedestrian plaza.
  - (e) All pole-mounted banner signs shall provide a minimum of eight (8) feet of vertical clearance, and may not encroach into the right-of-way.

17-11(k) **COMMERCIAL CENTER ZONE (B-6P)** – Signs within the B-6P zone shall be permitted and regulated as for B-1 [Section 17-11(f)], except as follows:

- (1) Regional Shopping Centers (30 acres or greater) may have one free-standing sign per street frontage with a maximum of one hundred fifty (150) square feet per sign face and a maximum height of thirty (30) feet. All other Shopping Centers (less than 30 acres) may have one free-standing sign per street frontage with a maximum of seventy-five (75) square feet per sign face and a maximum height of twenty-five (25) feet
- (2) Non-illuminated or indirectly illuminated projecting signs may be permitted in lieu of wall signs.
- (3) Multi-Family Residence - Multi-family residential buildings may have:
  - (a) One free-standing sign per entrance that shall not exceed a combined total of thirty-two (32) square feet in area and eight (8) feet in height.
  - (b) One wall sign that shall not exceed twelve (12) square feet in area.
- (4) Temporary signs – One temporary sign per street frontage shall be allowed subject to the following conditions:
  - (a) Shall be limited to window or wall signs only.
  - (b) Shall not exceed fifty (50) square feet per sign where non-rigid materials are used.
  - (c) Shall not exceed thirty-two (32) square feet per sign where rigid materials, such as wallboard or plywood, are used.
  - (d) Shall comply with the applicable regulations for the zone in which they are located.
  - (e) Temporary signage may be displayed once every three (3) months for up to fourteen (14) continuous days.
- (5) Pole-mounted banner signs shall be permitted, subject to the following:
  - (a) Banner signs shall be a maximum size of two (2) feet by four (4) feet, and there shall be no more than two (2) per pole.
  - (b) Pole-mounted banners shall be permitted on light fixtures in parking lots and pedestrian plazas located outside the public right-of-way.
  - (c) Banner poles shall be spaced to be no closer than forty-five (45) feet from each other.
  - (d) The total number of pole-mounted banner signs shall be limited to one (1) for every three thousand (3,000) square feet of parking lot or pedestrian plaza.

- (e) All pole-mounted banner signs shall provide a minimum of eight (8) feet of vertical clearance, and may not encroach into the right-of-way.

17-11(l) **PLANNED UNIT DEVELOPMENT ZONES (PUD)** – A permitted signs height, size, location, and design features shall be determined by the sign requirements set forth in the zone in which the proposed or existing use is first permitted.

17-11(m) **UNIVERSITY RESEARCH CAMPUS ZONE (P-2)** – Signs within the P-2 zone shall be permitted and regulated as for P-1 [Section 17-11(e)], except as follows:

- (1) Wall-mounted signs shall be limited to one per wall, with a maximum of four (4); wall-mounted signs not to exceed five percent (5%) of the wall area to which it is attached.
- (2) Signs within the designated retail area or mixed-use areas shall be permitted and regulated as in the B-6P [Section 17- 11(k)] zone.
- (3) Subdivision signs shall be permitted and regulated under Section 17- 11(e)(10)(c).
- (4) Temporary signs – One temporary sign per street frontage shall be allowed subject to the following conditions:
  - (a) Shall be limited to window or wall signs only.
  - (b) Shall not exceed fifty (50) square feet per sign where non-rigid materials are used.
  - (c) Shall not exceed thirty-two (32) square feet per sign where rigid materials, such as wallboard or plywood, are used.
  - (d) Shall comply with the applicable regulations for the zone in which they are located.
  - (e) Temporary signage may be displayed once every three (3) months for up to fourteen (14) continuous days.

17-11(n) **MIXED USE 2: NEIGHBORHOOD CORRIDOR ZONE (MU-2)** – Signage shall be as permitted and restricted as follows:

- (1) Signs shall be non-illuminated, indirectly illuminated or internally illuminated, unless otherwise specified.
- (2) No free-standing sign shall exceed ten (10) feet in height.
- (3) Signs shall be permitted as follows:
  - (a) One free-standing sign shall be permitted per street frontage, per development, with a maximum of two (2) free-standing signs; not exceeding seventy-five (75) square feet per sign.
  - (b) The surface area of wall-mounted signs shall not exceed fifteen percent (15%) of the wall area to which they are 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.
  - (c) Window signs shall be limited to no more than twenty-five percent (25%) of the total window area; and direct illumination shall be permitted.
  - (d) Canopy or awning signs shall be permitted and limited to the percentage allowable for wall signs. Under-canopy, over-canopy, or under-awning signs shall be permitted.
- (3) Projecting signs shall be permitted in addition to wall-mounted signs, where the purpose of such projecting signs is to create a unified and distinct mixed use area. No more than one (1) sign for each establishment within the building, having a separate and direct entrance to the outside, per street building face. Such sign shall extend no lower than eight (8) feet over the public right-of-way and must be mounted on the building where the establishment is located. Such sign shall have a maximum area of thirty-two (32) square feet, with a maximum projection from the wall of the building of no more than four (4) feet.

- (4) An attraction board may be attached to a free-standing sign, provided it does not exceed the area of the free-standing sign. The area of the attraction board shall be included in the computation of the area of the free-standing sign.
- (5) Traffic directional signs not exceeding three (3) square feet in area, not exceeding three (3) feet in height; if free-standing, not to exceed two (2) signs per entrance.
- (6) One sign per tenant or lessee, not exceeding two (2) square feet in area; non-illuminated or indirectly illuminated.
- (7) One menu board per restaurant use. All copy shall have a maximum letter height and width of six (6) inches, containing no direct illumination; not exceeding thirty (30) square feet in area; maximum height of eight (8) feet if free-standing; and not located so as to have the copy visible to vehicular traffic on any adjacent street.
- (8) One menu box per restaurant use, not exceeding four (4) square feet.
- (9) Wall-mounted banner signs, pennants and streamers shall be permitted, limited to one (1) such banner, pennant or streamer per ten (10) feet of linear frontage; a total maximum area of ten percent (10%) of the wall area to which it is attached; a minimum of eight (8) feet of vertical clearance; and a maximum projection into the right-of-way of three (3) feet.
- (10) Pole-mounted banner signs shall be permitted, subject to the following:
  - (a) Banner signs shall be a maximum size of two (2) feet by four (4) feet, and there shall be no more than two (2) per pole.
  - (b) Pole-mounted banners shall be permitted on light fixtures in parking lots and pedestrian plazas located outside the public right-of-way.
  - (c) Banner poles shall be spaced to be no closer than forty-five (45) feet from each other.
  - (d) The total number of pole-mounted banner signs shall be limited to one (1) for every three thousand (3,000) square feet of parking lot or pedestrian plaza.
  - (e) All pole-mounted banner signs shall provide a minimum of eight (8) feet of vertical clearance, and may not encroach into the right-of-way.

17-11(o) **MIXED USE 3: MIXED-USE COMMUNITY ZONE (MU-3)** – Signage shall be permitted and restricted as in the MU-2 zone, except as follows:

- (1) Wall-mounted banner signs, pennants and streamers shall be permitted for a total maximum area of fifteen percent (15%) of the wall area to which they are attached, with all other restrictions from the MU- 2 zone.
- (2) Pole-mounted banner signs shall be permitted, subject to the following:
  - (a) Banner signs shall be a maximum size of two (2) feet by four (4) feet, and there shall be no more than two (2) per pole.
  - (b) Pole-mounted banners shall be permitted on light fixtures in parking lots and pedestrian plazas located outside the public right-of-way.
  - (c) Banner poles shall be spaced to be no closer than forty-five (45) feet from each other.
  - (d) The total number of pole-mounted banner signs shall be limited to one (1) for every three thousand (3,000) square feet of parking lot or pedestrian plaza.
  - (e) All pole-mounted banner signs shall provide a minimum of eight (8) feet of vertical clearance, and may not encroach into the right-of-way.
  - (f) Pole banners in parking lots located in another zone that are incorporated in an approved final development plan for an MU-3 project are permitted, subject to the same restrictions and requirements applicable to the pole-banner signs for the MU-3 project.
- (3) A-frame or sandwich board type shall be permitted as follows:
  - (a) Maximum size of eight (8) square feet per panel, maximum height forty-eight (48) inches, maximum width twenty-four (24) inches;
  - (b) One sign per street frontage, maximum two signs;
  - (c) Placement of sign shall allow for four (4) clear feet of sidewalk width;
  - (d) Sign shall be in place only when business is open;

- (e) Placement of sign not to restrict egress from parked cars and not over curb line;
  - (f) Shall be maintained in good condition;
  - (g) Shall not be attached to any public utility pole, street light standard or tree; and
  - (h) Shall be non-illuminated.
- (4) One (1) free-standing sign per street frontage, per development, shall be permitted. A maximum of two (2) free-standing signs per development shall be deemed as primary, not exceeding one hundred fifty (150) square feet per sign. All other free-standing signs shall be considered secondary, and shall not exceed forty (40) square feet per sign. Such signs may be located in or adjacent to the right-of-way (in the median or at each side of the street), subject to written authorization of the Commissioner of Public Works & Development, who shall determine that the signs would not be located in the sight triangle and would not cause a hazard to traffic. Proof of permanent maintenance and an encroachment permit shall be provided by the applicant prior to the issuance of a permit for such a sign located in the right-of-way.
- (5) One (1) project identification sign per building, per street frontage, shall be permitted, not to exceed five percent (5%) of the wall area to which it is attached. Such projecting sign shall extend no lower than eight (8) feet, with a maximum projection from the wall of the building of no more than four (4) feet.
- (6) In addition, and within a designated Entertainment Mixed-Use Project only:
- (a) In conjunction with an indoor theater: one marquee, not to exceed twenty-four (24) square feet, shall be permitted 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 per theater may be attached either to one free-standing sign or to the marquee, not to exceed twenty-four (24) square feet.

17-11(p) **EXPANSION AREA ZONES**

- (1) **CONSERVATION DISTRICT (CD), EXPANSION AREA RESIDENTIAL (EAR-1, EAR-2 and EAR-3) and COMMUNITY CENTER (CC) ZONES** – Signage in EAR-1, EAR-2, and EAR-3 zones shall be permitted and restricted under Section 17-11(d). Signage in the Community Center (CC) Zone shall be permitted and restricted under Section 17-11(f) for nonresidential uses, and shall be permitted and restricted under Section 17-11(d) for residential uses.
- (2) **ECONOMIC DEVELOPMENT (ED) ZONE** - Signage shall be permitted and restricted as follows:
- (a) Temporary signs – One temporary sign per street frontage shall be allowed subject to the following conditions:
    - (1) Shall be limited to window or wall signs only.
    - (2) Shall not exceed fifty (50) square feet per sign where non-rigid materials are used.
    - (3) Shall not exceed thirty-two (32) square feet per sign where rigid materials, such as wallboard or plywood, are used.
    - (4) Shall comply with the applicable regulations for the zone in which they are located.
    - (5) Temporary signage may be displayed once every three (3) months for up to fourteen (14) continuous days.
  - (b) Residential Supportive Uses: On land designated for residential use within the development as defined by Article 23A-10(j)(12), signage shall be regulated as in the R-3, R-4, and R-5 zones (see Section 17-11(d)).
  - (c) Non-Residential Principal and Supportive Uses: On land designated for Non-Residential Principal or Supportive Uses within the development as defined by Article 23A-10(j)(12), signage shall be regulated as in the B-3, B-4, I-1, and I-2 zones (see Section 17-11(g)), subject to the following restrictions:
    - (1) Billboards shall be prohibited.



- (2) Regional Medical Campus signage shall be regulated per Article 17-11(e)(11).
- (3) When located within 800 feet of an interstate right-of-way, free-standing signs shall be regulated per the B-5P zone per Article 17-11(j)(1)(a) and shall be internally illuminated only.

17-12 ADVERTISING ON INTERSTATE HIGHWAYS – No billboard shall be permitted adjacent to interstate or limited-access highways except in conformance with the setback 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.

17-13 LANDMARK AND DISTRICT IDENTIFICATION SIGNS – Permitted with the approval of the Commissioner of Environmental Quality & Public Works (or designee) and a four-member sign review committee established by the Mayor. In addition to the Commissioner of Environmental Quality & Public Works, the committee shall consist of at least one (1) architect licensed in the Commonwealth of Kentucky, and at least one (1) building inspector from the Division of Building Inspection. Any such signs shall meet all applicable Kentucky Building Code and Kentucky Fire Safety Code requirements. A landmark or district identification sign shall be evaluated by the sign review committee based on the following criteria:

- (a) The sign exhibits distinctive stylistic features and an unusual use of material in the design.
- (b) The sign is an example of artistic design and skilled craftsmanship.
- (c) The sign is a significant part of the architectural or cultural history of the community.

17-14 MAINTENANCE STANDARDS – Every sign, including those signs for which a permit is not required, shall be maintained in good condition at all times. The Division of Building Inspection shall have the authority to order the repair, repainting, alteration or removal of any sign which constitutes a hazard to the health, safety or public welfare or which is an eyesore to the community by reason of inadequate maintenance, dilapidation or obsolescence. If any sign has to be removed due to lack of maintenance, any supporting structures or materials (e.g. wood or metal posts) shall also be removed.

17-15 ENFORCEMENT – Violation of the provisions of these sign regulations shall be enforced as set forth in Article 5 of this Zoning Ordinance. Should an enforcement action result in the removal of an illegal sign, all supporting structures or materials (e.g. wood or metal posts) shall be considered as part of the sign and must also be removed.

17-16 SUBSTITUTION CLAUSE – The owner of any sign which is otherwise allowed by this chapter may substitute noncommercial speech in lieu of any other commercial speech or noncommercial speech. This substitution of copy 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 speech over any other noncommercial speech. This provision prevails over any more specific provision to the contrary.

17-17 SEVERABILITY CLAUSE – In the event any word or sentence in this ordinance, or provision or portion of this ordinance, or rules adopted by this ordinance is invalidated by any court of competent jurisdiction, the remaining words and/or sentences, provisions, or portions thereof shall not be affected and shall continue in full force and effect.

17-18 DEFINITIONS – The following definitions unique to this Article are listed below.

- (a) **A-Frame or Sandwich Board:** A free-standing, movable sign, not secured or attached to the ground or any building or structure, composed of a sign panel and supporting structure or one or more panels which form both the structure and sign face, and which is intended to be placed in a sidewalk or pedestrian way. A-frame signs shall not include trailer signs with or without wheels affixed.

- (b) **Abandoned Sign:** Signage that has been neglected and fallen into disrepair.
- (c) **Above-Canopy Sign:** A sign mounted to the top edge of the roof of a canopy, constructed of metal or similar rigid and solid materials, that projects vertically from the canopy to form the free-standing letters or graphics of the sign.
- (d) **Area of a Sign:** Shall be defined and computed as follows:
  - (1) **Free-Standing 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 or more sign faces shall have the area calculated by summing the area of the sign faces and dividing by two.
    - (c) Any sign that is considered 3-dimensional in shape shall have the area calculated by projecting the sign onto a vertical plane and summing the area of the sign face for all sides of the sign designed to attract attention or to communicate information that can be seen at any one time by a person from one vantage point.
    - (d) If the sign is composed of one or two individual cabinets, the area around and enclosing the perimeter of each cabinet or module shall be summed and totaled to determine the area. 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 such embellishments are clearly incidental to the sign itself.
    - (e) If the sign is composed of more than two sign cabinets, or modules, the area enclosing the entire perimeter of all cabinets and/or modules within a single contiguous geometric figure shall be the area of the sign. 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 such embellishments are clearly incidental to the sign itself.
  - (2) **Wall Signs:** 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.
- (e) **Attraction Board:** Copy is changed manually.
- (f) **Awning Sign:** Applied directly to the surface of an awning; defined as a shelter supported entirely on a wall and made of non-rigid material supported by a frame.
- (g) **Banner Sign:** Made of non-rigid material with no enclosing framework.
- (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.
- (i) **Building Frontage:** The horizontal, linear dimension of that side of a building which abuts a street, parking area, or other unenclosed circulation area open to the general public. Where more than one use occupies a building, the building frontage shall be the front width of the portion of the building occupied by that use.
- (j) **Bulletin Board:** Allows the manual change of copy and is used to notify the public of noncommercial events or occurrences such as religious services, political rallies, civic meetings, or similar events.

- (k) **Canopy Sign:** Applied directly to the surface of a canopy; defined as a permanently roofed shelter covering a sidewalk, driveway, or similar area. Canopies may be supported by a building, columns, poles, braces, or a combination of both.
- (l) **Construction Sign:** A temporary sign located on an active construction site.
- (m) **District Identification Sign:** Any type of sign or other graphic, located on public or private property, which establishes the identity of a unique and distinct community by way of its size, configuration, height, or location; and which has no direct commercial advertising value.
- (n) **Double-faced Sign:** Two (2) faces either set parallel or up to a 45 degree angle. Any two sign faces set at an angle greater than 45 degrees shall be considered two (2) separate signs.
- (o) **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.
- (p) **Flashing or Blinking:** Intermittent or sequential illumination for the purpose of attracting attention to the sign.
- (q) **Free-standing Sign:** Attached to the ground by columns, poles, braces, or other means and not attached to any building.
- (r) **Government Sign:** Temporary or permanent, erected by government employees or officers in the performance of their professional/elected duties.
- (s) **Height of a Sign:** The vertical distance measured from the highest point of the sign, including the frame and any embellishments and the established grade at the nearest adjacent street.
- (t) **Historic Marker:** A sign or emblem which commemorates or identifies an event, past ownership of property, or age of a building.
- (u) **Illegal Sign:** Does not meet the requirements of this zoning ordinance and has not been identified as a legal, nonconforming sign.
- (v) **Illuminated Sign:** Emits or reflects artificial light from any source.
- (1) Directly illuminated: Lighted by an unshielded light source (including neon tubing) which is visible as a part of the sign and where light travels directly from the source to the viewer's eye.
  - (2) Indirectly illuminated: Light source projects light onto the exterior of the sign surface or onto the building where the sign is located.
  - (3) Internally illuminated: Light source is within the sign, with a transparent or translucent background or cover which silhouettes letters or designs.
- (w) **Incidental Sign:** Not exceeding two (2) square feet in area.
- (x) **Landmark Sign:** Any type of sign or other graphic that helps create a unique location by way of its size, configuration, height, or location and exhibits distinctive stylistic features.

- (y) **Limited Duration Sign:** A non-permanent sign that is displayed on private property for more than 30 days, but not intended to be displayed for an indefinite period.
- (z) **Marquee Sign:** Used in conjunction with a theatre, is attached to the building, and projects from the building.
- (aa) **Menu Board:** Free-standing signs placed at properties where there is a drive-thru lane, walk-up window or drive-up curbside.
- (bb) **Menu Box:** A wall-mounted sign, primarily designed for the display of menu items and prices in conjunction with a restaurant.
- (cc) **Mobile Sign:** Affixed to a frame having wheels or capable of being moved. Mobile signs do not have a permanent foundation and cannot withstand the wind-load stress requirements of the adopted building code as they are designed to stand free from a building. The removal of wheels from such a sign or temporarily securing a sign of this type shall not prevent it from being classified as a mobile sign within this definition. This includes signage placed in a truck bed or on a trailer designed to be pulled behind a vehicle.
- (dd) **Monument Sign:** Attached to a permanent foundation or decorative base and not attached to or dependent for support from any building, pole, post, or similar upright.
- (ee) **Nonconforming Sign:** Legally erected but does not comply with the current regulations for the zone in which it is located.
- (ff) **Non-illuminated Sign:** Does not emit or reflect artificial light from any source.
- (gg) **Projecting Sign:** Attached to a building, extends more than 24 inches.
- (hh) **Roof Sign:** Projects above the cornice of a flat roof or the ridgeline of a gabled or hipped roof. In determining the top edge of the roof, calculation shall not include cupolas, pylons, chimneys, or other projections above the roofline.
- (ii) **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.
- (jj) **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.
- (kk) **Sign Clearance:** The vertical distance between the lowest point of any sign and the grade at the base of the sign.
- (ll) **Sign Copy:** Any word, figure, number, symbol, or emblem affixed to a sign.
- (mm) **Sign Setback:** The horizontal distance between any street right-of-way and a sign. The measurement shall be taken at the closest point between the right-of-way and any part of the sign.
- (nn) **Sign Surface:** That part of the sign on which the message is displayed.
- (oo) **Square Foot:** A unit of area equal to one foot by one foot square.

- (pp) **Street Frontage:** Property line that lies adjacent to street right-of-way.
- (qq) **Subdivision Entrance Sign:** A permanent free-standing or wall sign located at the primary entrance(s) to a residential subdivision or unified business development, as represented on a development plan. .
- (rr) **Temporary Sign:** Any sign 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.
- (ss) **Traffic Directional Sign:** A non-commercial sign of an instructional nature, such as "parking," "exit" or "entrance," displayed solely for the convenience of the public.
- (tt) **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.
- (uu) **Vehicle Signage:** Signage painted directly on a vehicle or attached magnetically.
- (vv) **Wall 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 six (6) feet in height; and provided the parapet extends on at least three 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.
- (ww) **Window Sign:** 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.

Section 2 - That Article 8-21(o)(4)(i) of the Lexington Fayette Urban County Government Code of Ordinances is hereby amended to read as follows:

8-21(o) Special Provisions:

- 4. Adaptive Reuse Projects may be permitted by the Planning Commission upon the approval of a final development plan, subject to the following requirements:
  - ...
    - i. Signage – Shall be as permitted under article 17-11(n) for an MU-2 zone.

Section 3 – That Article 8-24(o)(5) of the Lexington Fayette Urban County Government Code of Ordinances is hereby amended to read as follows:

8-24(o) Special Provisions:

- 4. Signage within the P-2 zone shall be specifically regulated under Article 17-11(l) of the Zoning Ordinance.

Section 4 – That Article 22B-6 of the Lexington Fayette Urban County Government Code of Ordinances is hereby amended to read as follows:

**ARTICLE 22 – Planned Unit Development (PUD) Zones**

**22B-6 DESIGN STANDARDS**

...  

<b>Signage</b>	As permitted in 17-11(n)
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Section 5 – That Appendix 24B-6(1) of the Lexington Fayette Urban County Government Code of Ordinances is hereby amended to read as follows:

**APPENDIX 24B – Agricultural Market (AM-1) Overlay Zone**

24B-6 PROHIBITED USES – The uses listed as prohibited in the zone classification underlying the Agricultural Market Overlay Zone, except as otherwise permitted herein. However, the following uses are prohibited in the AM-1 overlay zone, regardless of their regulation in the underlying zone classification:

- 1. Billboards, as defined in Article 17 herein.

Section 6 – That Article 28-3(h)(6) of the Lexington Fayette Urban County Government Code of Ordinances is hereby amended to read as follows:

**ARTICLE 28 – Mixed Use Zoning Categories**

28-3(h) Special Provisions:

...  
(6) Signage shall be as permitted and restricted under Article 17-11(e) for a P-1 zone.

Section 7 – That Article 28-4(h)(5) of the Lexington Fayette Urban County Government Code of Ordinances is hereby amended to read as follows:

**ARTICLE 28 – Mixed Use Zoning Categories**

28-4(h) Special Provisions:

...  
(4) Signage within the MU-2 zone shall be as permitted and restricted under Article 17-11(n) of the Zoning Ordinance.

Section 8 – That Article 28-5(5) of the Lexington Fayette Urban County Government Code of Ordinances is hereby amended to read as follows:

**ARTICLE 28 – Mixed Use Zoning Categories**

28-5(5) Special Provisions:

...  
(5) Signage within the MU-3 zone shall be as permitted and restricted under Article 17-11(n) of the Zoning Ordinance.

Section 9 – That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
Clerk of Urban County Council  
PUBLISHED: