

ORDINANCE NO. _____ - 2025

AN ORDINANCE AMENDING THE LEXINGTON-FAYETTE URBAN COUNTY ZONING ORDINANCE TO DEFINE AND REGULATE ELECTRONIC DIGITAL BILLBOARDS IN THE B-3, B-4, I-1, I-2 AND CN ZONES. (URBAN COUNTY COUNCIL).

WHEREAS, the Lexington-Fayette Urban County Planning Commission considered at a meeting on November 21, 2024 a text amendment to the Lexington-Fayette Urban County Zoning Ordinance to define and regulate electronic digital billboards in the B-3, B-4, I-1, I-2 and CN zones. The Planning Commission did recommend DISAPPROVAL of the alternative text amendment by a vote of 8-3; and

WHEREAS, this Council disagrees with the recommendation of the Planning Commission; and

WHEREAS, the recommendation of the Planning Commission is attached hereto and incorporated by reference herein.

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

Section 1 – That Article 17-5 of the Lexington-Fayette Urban County Zoning Ordinance be and hereby is amended to create a new subsection (f) as follows:

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:

[...]

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

Section 2 – That Article 17-8(b) and (h) of the Lexington-Fayette Urban County Zoning Ordinance be and hereby are amended and Article 17-8(i) and (j) of the Lexington-Fayette Urban County Zoning Ordinance be and hereby are created, to read as follows:

All signs in all zones shall meet the following requirements:

[...]

(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.

[...]

(h) Every sign, including those for which a permit is not required, shall be maintained in good and safe structural condition at all times.

(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.

Section 3 – That Article 17-11(g)(6) of the Lexington-Fayette-Urban County Zoning Ordinance be and hereby is amended as to subsections (a), (b) and (c) and new subsections (d) and (e) be and hereby are created, to read as follows:

(g) *Corridor Business, Corridor Node, Warehouse/Wholesale, and Industrial Zones (B-3, CN, B-4, 1-1, 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.

[...]

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

(a) Location

- (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

- (i) Standard billboards shall be located at least five hundred (500) feet from 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.

(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.

Section 4 – That Article 17-12 of the Lexington-Fayette Urban County Zoning Ordinance be and hereby is amended to read as follows:

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

No billboard shall be permitted adjacent to interstate or limited-access highways except in conformance with 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.

Section 5 – That Article 17-18 of the Lexington-Fayette Urban County Zoning Ordinance be and hereby is amended as to subsections (h) and (q), to read as follows:

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.

[...]

(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.

Section 6 – That this ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL
PUBLISHED: