

RESOLUTION NO. 478-2024

A RESOLUTION INITIATING A ZONING ORDINANCE TEXT AMENDMENT TO AMEND ARTICLE 17 AND ALLOW FOR ELECTRONIC DIGITAL BILLBOARDS.

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BE IT RESOLVED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That a Zoning Ordinance text amendment to amend Article 17 to allow for electronic digital billboards, as described in the proposed attached text, be and hereby is initiated for Planning Commission consideration and recommendation.

Section 2 – That the draft proposed text amendment to the Zoning Ordinance is attached hereto and incorporated herein as an exhibit to this resolution.

Section 3 – That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: September 26, 2024



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MAYOR

ATTEST:



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CLERK OF URBAN COUNTY COUNCIL

## 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.

- (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

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

(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/m<sup>2</sup>.
- (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.

**(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)**