

ORDINANCE NO. \_\_\_\_\_ - 2023

AN ORDINANCE AMENDING ARTICLE 8-19(d) AND ARTICLES 17-11(I)(2) AND 17-18 OF THE ZONING ORDINANCE TO ALLOW ADDITIONAL ELECTRONIC MESSAGE DISPLAY SIGNAGE INCLUDING VIDEO DISPLAYS (DYNAMIC CONTENT) IN ASSOCIATION WITH A CIVIC CENTER IN THE LEXINGTON CENTER BUSINESS (B-2B) ZONE. (LEXINGTON CENTER CORPORATION).

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WHEREAS, the applicant, Lexington Center Corporation, has initiated a text amendment to Article 8-19(d) and Articles 17-11(i)(2) and 17-18 of the Zoning Ordinance to allow additional electronic message display signage including video displays (dynamic content) in association with a civic center in the Lexington Center Business (B-2B) zone; and

WHEREAS, the Planning Commission has reviewed and considered a text amendment to Article 8-19(d) and Articles 17-11(i)(2) and 17-18 of the Zoning Ordinance to allow additional electronic message display signage including video displays (dynamic content) in association with a civic center in the Lexington Center Business (B-2B) zone, and the Planning Commission did recommend APPROVAL of the staff alternative text by a vote of 8-0; and

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

WHEREAS, the recommendation form 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 8-19(d)(13) of the Zoning Ordinance be and hereby is created to read as follows:

**Article 8-19. Lexington Center Business (B-2B) Zone.**

(d) *Conditional Uses.* (Permitted only with Board of Adjustment approval.)

13. Sign with Dynamic Content, provided such use conforms to the requirements of Article 17-11(i)(2)(c).

Section 2 – That Article 17-11(i)(2) of the Zoning Ordinance be and hereby is amended to read as follows:

(2) In addition to the other signs permitted in this zone, five (5) wall-mounted electronic message display system signs shall be permitted in conjunction with civic centers which contain exhibition halls having a minimum of 85,000 square feet of total floor space and an arena for athletic, artistic and cultural events having a minimum permanent seating capacity

of 15,000 persons. Such signs may be mounted on the wall of the civic center or any connected or adjoining structure under common ownership with the civic center. Such wall-mounted signs shall be permitted and regulated as follows:

- (a) Two (2) electronic message display system signs, not exceeding two hundred (200) square feet each, shall be permitted. Such signs may not be erected on the same exterior façade or wall unless separated by at least two-hundred fifty (250) feet.
- (b) Two (2) electronic message display system signs, not exceeding fifty (50) square feet each, shall be permitted. Such signs may not be erected on the same exterior façade or wall unless separated by at least two-hundred fifty (250) feet.
- (c) One (1) sign, not exceeding eight hundred (800) square feet, shall be permitted, which may be either:
  - i. an electronic message display system sign, or
  - ii. a sign with dynamic content, if permitted as a conditional use under Article 8-19(d).
- (d) Use of electronic message display systems shall be permitted only if the sign complies with the following requirements:
  - i. Image and Duration of Message:
    - a. There shall be no moving or scrolling messages, special effects, or animations. Static or fixed images or content shall remain static or fixed 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.
    - b. Notwithstanding the foregoing, use of video display method shall only be permitted following issuance of a special event permit by the local government.
  - ii. Location:
    - a. The sign shall not interfere with, imitate, or resemble an official traffic sign, signal, or traffic control device.
    - b. The sign shall not be located directly adjacent to, or directly across public right-of-way or a private road, from a residential zone.
  - iii. Luminance:
    - a. The sign shall be equipped with an automatic dimmer control or other mechanism that automatically controls the sign's luminance. 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 County.
    - b. The sign shall not display content or be illuminated after 11 p.m. local time, Sunday through Thursday, after 12 a.m. (midnight) local time on Friday or Saturday, nor before 7 a.m., any day, except that the sign may display content or be illuminated when the civic center exhibition halls or arena are open in connection with an event.

Section 3 – That Article 17-18 of the Zoning Ordinance is hereby amended and renumbered to read as follows:

**Article 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) *Dynamic Content*: Moving or changing imagery such as video, animations and special effects. Dynamic content shall be displayed for no less than eight (8) seconds in duration. Signs with dynamic content may utilize video display method only following issuance of a special event permit by the local government.
- (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.
- (r) *Free-standing Sign*: Attached to the ground by columns, poles, braces, or other means and not attached to any building.
- (s) *Government Sign*: Temporary or permanent, erected by government employees or officers in the performance of their professional/elected duties.
- (t) *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.
- (u) *Historic Marker*: A sign or emblem which commemorates or identifies an event, past ownership of property, or age of a building.
- (v) *Illegal Sign*: Does not meet the requirements of this zoning ordinance and has not been identified as a legal, nonconforming sign.
- (w) *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.
- (x) *Incidental Sign*: Not exceeding two (2) square feet in area.
- (y) *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.
- (z) *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.
  - (aa) *Luminance*: The light that is emitted by or reflected from a surface, measured in nits.
  - (bb) *Marquee Sign*: Used in conjunction with a theatre, is attached to the building, and projects from the building.
  - (cc) *Menu Board*: Free-standing signs placed at properties where there is a drive-thru lane, walk-up window or drive-up curbside.
  - (dd) *Menu Box*: A wall-mounted sign, primarily designed for the display of menu items and prices in conjunction with a restaurant.
  - (ee) *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

- windload 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.
- (ff) *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.
  - (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>.
  - (hh) *Nonconforming Sign*: Legally erected but does not comply with the current regulations for the zone in which it is located.
  - (ii) *Non-illuminated Sign*: Does not emit or reflect artificial light from any source.
  - (jj) *Projecting Sign*: Attached to a building, extends more than 24 inches.
  - (kk) *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.
  - (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.
  - (nn) *Sign Clearance*: The vertical distance between the lowest point of any sign and the grade at the base of the sign.
  - (oo) *Sign Copy*: Any word, figure, number, symbol, or emblem affixed to a sign.
  - (pp) *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.
  - (qq) *Sign Surface*: That part of the sign on which the message is displayed.
  - (rr) *Square Foot*: A unit of area equal to one foot by one foot square.
  - (ss) *Street Frontage*: Property line that lies adjacent to street right-of-way.
  - (tt) *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.
  - (uu) *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.
  - (vv) *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.
  - (ww) *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.
  - (xx) *Video Display Method*: A method of display on a sign characterized by real-time full-motion imagery of at least television quality.
  - (yy) *Vehicle Signage*: Signage painted directly on a vehicle or attached magnetically.
  - (zz) *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.

- (aaa) *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 4 – That this Ordinance shall become effective upon the date of its passage.

PASSED URBAN COUNTY COUNCIL:

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MAYOR

ATTEST:

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CLERK OF URBAN COUNTY COUNCIL

PUBLISHED:

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