

11-906. Sign Regulations Provisions Purpose. The regulations set forth herein are established in order to promote and protect public health, safety, comfort, prosperity, welfare, and in order to accomplish the following specific purposes: to enhance the economy, business, and industry of Lexington by promoting the reasonable, orderly, and effective use and display of signs; to enhance the physical appearance of the city; to protect the general public from damage and injury which might be caused by the faulty and uncontrolled construction and use of signs within the city; to protect the public use of streets and highways by reducing sign or advertising distractions that may increase traffic accidents; to project the physical and mental well being of the general public by recognizing and encouraging a sense of aesthetic appreciation for the visual environment; and to preserve the value of private property by assuring the compatibility of signs with surrounding land uses.

11-907. Regulations and Standards.

A. Business Identification Signs

1. Shall be allowed in B-1, B-2, B-3, B-P, B-M, H-M, M-1, and M-2 zones.
2. Only one sign per business shall be allowed. The sign shall be no greater than 50 square feet in area per side and shall have no more than three (3) sides. In B-1 and B-2 districts, double signs are allowed. The top sign shall be no greater than 50 sq. ft. and the lower sign shall be no greater than 40 square feet in area. The lower sign may be used for on-premises advertising, community service, or a message board. The bottom sign must be a minimum of 10 feet above the ground/pavement elevation.
3. Business identification signs must be located a minimum of 10 feet from the edge of any highway, street, or road, and a minimum of three (3) feet from the edge of any sidewalk. In no case shall a sign be located on the public right-of-way. The sign shall in no way extend out over the right-of-way. The location must not interfere with traffic or pedestrian vision or safety.
4. Lots fronting on two or more streets are allowed the permitted signage for each street frontage. Signage cannot be accumulated and used on one street in excess of that allowed for lots with only one street frontage.
5. Ground signs are allowed, however, their location must meet a 10 foot setback and the height must not exceed five (5) feet above the ground elevation.

B. Attached Business Signs

1. Shall be allowed in B-1, B-2, B-3, B-P, H-M, M-1, and M-2 zones.
2. Each business may have multiple attached business signs per building face. The total signage shall be no greater in area than 25% of the face of the wall on which it is located.
3. An awning or canopy with the business name or related information is defined to be an attached business sign. All such awnings or canopies shall be structurally sound and approved by the Building Inspector. The lowest portion shall not be less than 8 ft. above the ground.

C. Off Premise Signs

1. Non-profit organizations may erect off-premises directional signs, provided they do not exceed size (6) square feet in area, and further provided the sign is not located in the public right-of-way and does not interfere with traffic or pedestrian vision or safety.
2. Off-Premises Sign (Billboard) Overlay District

This Sign District shall overlay the underlying zoning district and shall be composed of an area running parallel to and 300 feet from the right-of-way of Highway 412 and Highway 22 in B-1, B-2, B-3, B-4, B-P, B-M, H-M, M-1 and M-2 districts within the corporate limits. Within this area the following shall apply.

- (a) Billboards shall be defined as off-premises signs.
- (b) Billboards signs shall be no greater than 382 square feet in area per side and shall have no more than two (2) sides.
- (c) The stacking or doubling of advertising sign on the same structures shall not be permitted.
- (d) The maximum height of billboards shall not be greater than 50 feet. The bottom of the sign must be a minimum of 10 ft. above the ground/pavement elevation.
- (e) Billboard signs shall be placed a minimum of 2,000 linear feet from any other billboard on the same side of the highway or shall not be within a 1000 feet radius of another off-premises sign.
- (f) Billboard signs must be located a minimum of ten (10) feet from the right-of-way of any highway, street, or road and a minimum of five (5) feet from the edge of any sidewalk. In no case shall a sign be located on the public right-of-way or interfere with traffic or pedestrian vision or safety.

(g) Changeable Commercial Message Signs which are considered to be classified as billboards are restricted as follows:

- (1) The message display time shall remain static for a minimum of eight (8) seconds with a maximum change time of two (2) seconds;
- (2) Video, continuous scrolling messages and animation are prohibited;
- (3) The minimum spacing of such changeable commercial message signs which exceeds 30 square feet with a digital display on major arterial roads is two thousand (2,000 ft.) linear feet on the same side of the highway or shall not be within a one thousand (1,000) feet radius of another changeable commercial message sign.

D. Mall Grouping Signs

1. Shopping Centers. A sign designating a shopping center and its tenants shall have a maximum area of eighty (80) sq. ft. plus ten (10) sq. ft. for each tenant over two, not to exceed one hundred-fifty (150) sq. ft. Signs designating individual businesses are not allowed, except attached business signs, however, businesses without an external entrance are allowed one (1) business identification sign.
2. Office Centers. A sign designating an office center and its tenants shall have a maximum area of sixty (60) sq. ft.
3. Mall grouping signs must be located a minimum of 10 ft. from the edge of any highway, street, or road and a minimum of 3 ft. from the edge of any sidewalk. In no case shall a sign be located on the public right-of-way. The sign shall in no way extend out over the right-of-way.
4. Any mixture of offices and retail establishments shall be interpreted as a shopping center if there is a majority of retail establishments and shall be interpreted as an office center if there is a majority of offices and/or professional uses.

E. Residential Signs

1. Apartment complexes, nonconforming uses, churches, and schools in residential districts may have a single identification sign not to exceed twenty-five (25) sq. ft. Lots fronting on two or more streets are allowed the permitted signage for each street frontage. Signage cannot be accumulated and used on one street in excess of that allowed for lots with

only one street frontage.

2. Name plates are allowed in residential districts but must be limited to three (3) sq. ft.

F. Projecting Signs

Projecting signs shall not exceed twenty (20) sq. ft. in area and shall have a minimum of nine (9) ft. of clearance above the ground or sidewalk. A projecting sign must be structurally sound and approved by the Building Inspector.

G. Portable Signs

One portable sign will be allowed per location. These signs may not utilize flashing lights. All portable signs presently located within the corporate limits shall either have their flashing bulbs removed or be disconnected from their power source within one month of passage of this Ordinance. These signs shall be setback a minimum of 10 feet from all right-of-ways or property lines. These signs shall conform to the Section 11-208 of this Ordinance.

H. Real Estate Signs

1. Real estate signs are limited to one sign per road frontage, not to exceed twenty (20) sq. ft. in area in a residential zone or thirty-two (32) sq. ft. in a commercial or industrial zone. No real estate signs shall have a height greater than eight (8) ft.
2. In multi-unit developments, one additional sign per unit, not to exceed ten (10) sq. ft. in area is allowed.
3. Real estate signs are subject to the building setback requirements of the zoning in which they are located. A business with a nonconforming setback may appeal to the Board of Zoning Appeals for relief. In such cases, the Board of Zoning Appeals may waive the setback requirement if a suitable location is found which does not interfere with traffic or pedestrian vision or safety and complies with the overall safety and aesthetic intent of these regulations.
4. Real estate signs do not require a permit.

I. Construction, Lighting, and Maintenance Standards

1. General Regulations

- (a) All signs and their locations shall comply with the provisions of the City of Lexington Zoning Ordinance, the Standard Building Code, the National Electrical Code current edition, and additional standards hereinafter set forth.

- (b) Signs shall not be erected, constructed or maintained so as to obstruct any fire escape, required exitway, window or door opening used as a means of egress to prevent free passage from one part of a room to another part thereof or access thereto.
- (c) Signs shall not be attached in any form, shape or manner which will interfere with any opening required for ventilation, except that such a sign may be erected in front of and may cover transom windows when not in violation of the provisions of the Building or Fire Prevention Codes.
- (d) The height of the signs shall in no case exceed the height restrictions for buildings in that zoning district.
- (e) In no case shall existing supports, such as utility poles or traffic control sign supports, be utilized for any sign.
- (f) All signs shall maintain clearances from overhead electrical connectors as follows:
 - (1) Under six hundred (600) volt, insulated - 3 feet
 - (2) Under six hundred (600) volt, bare - 5 feet
 - (3) Six hundred one (601) volt to twenty-five hundred (2,500) volt - 5 feet
 - (4) Two thousand five hundred one (2,501) volt to nine thousand (9,000) volt - 6 feet
 - (5) Nine thousand one (9,001) volt to twenty-five thousand (25,000) volt - 9 feet
 - (6) Twenty-five thousand one (25,001) volt to seventy-five (75) KV - 10 feet
 - (7) Above seventy-five (75) KV - 12 feet
- (g) Signs shall not be suspended by chains or other devices that will allow the sign to swing, due to wind action. Signs shall be anchored to prevent any lateral movement that could cause wear on supporting members or connections.
- (h) Supports and braces shall be an integral part of the sign design. Angle irons, changes, or wires used for supports or braces shall be hidden from public view to the extent technically feasible.

- (i) Freestanding signs shall be self-supporting structures and be permanently attached to sufficient foundations.
- (j) Attached business signs must derive their principle and total support from the building to which they are attached.
- (k) All signs shall be constructed to withstand wind loads of 30 pounds per square foot on the largest face of the sign and structure.
- (l) In no case shall the existing ground elevation be built up in order to have a taller sign.

2. Electrical Standards

- (a) Electrical service to on-premise free-standing signs shall be concealed whenever possible.
- (b) Electrical signs shall be marked with input amperes at full load.
- (c) Each illuminated and/or electrical sign shall bear thereon a label or certification visible from the ground, from the Underwriter's Laboratories, Inc., or any other approved independent electrical inspection agency qualified to make such certification or have written approval from the local Electrical Inspector.
- (d) No artificial light, of whatever type or nature used in conjunction with or the lighting of any sign, shall be constructed as to direct or reflect any artificial light onto any structure or to constitute a hazard to the safe and efficient operation of vehicles upon a street or highway.
- (e) Flashing signs, flashing or moving lights on signs, and reflective pennants are prohibited, except that both signs that exhibit time, temperature, date or other similar information and search lights permitted by the Building Inspector as an attention getting device are permitted.
- (f) In no case shall electrical wiring, extension cords, or any other means of power be laid on the ground or parking areas.

3. Maintenance Standards

- (a) Every sign, including, but not limited to those signs for which permits are required, shall be maintained in a safe, presentable and good structural condition at all times, including replacement of defective parts (except when a weathered or natural surface is intended), repainting, cleaning and other acts required for the maintenance of such sign.

- (b) The ground area around any freestanding sign shall be kept free and clean of weeds, trash and other debris.

11-908. Prohibited Signs. The following types of signs are prohibited in all zoning districts in Lexington.

- A. Signs on public property, except for public signs in conjunction with city, state and federal government uses and temporary signs upon permission by the public authority having jurisdiction.
- B. Signs erected at the intersection of any streets or alleys in such a manner as to obstruct free and clear vision; or in any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic signs, signal or device, or which makes use of the words "STOP, LOOK, DRIVE-IN", "GO SLOW", "CAUTION", or similar wording or other symbols as to interfere with, mislead or confuse traffic. No signs shall be allowed between a height of two and one-half (2.5) ft. and ten (10) ft. of the front property line in order to prevent any obstruction of vision.
- C. Signs which blend with or can be confused with traffic signals.
- D. Signs which contain reflective materials which present a hazard or danger to traffic or the general public.
- E. Signs which are structurally unsound or which are rendered structurally sound by guy wires.
- F. Signs which display thereon or advertise any obscene, indecent or immoral matter.
- G. Signs which are intended to advertise customary incidental home occupations as proscribed in the uses permissible on appeal for residential districts.

11-909. Temporary Signs. No temporary sign shall be allowed except as set forth herein and which is affixed to a building, pole or other structure and located on the same property and allowed under the provisions of this Ordinance. Temporary signs are allowed in all zoned districts as specified below. A sign permit is required for all Temporary signs except for vehicle signs, construction signs, posters, and garage sale signs.

- A. Street Banners - It shall be unlawful for any person to have placed across or upon any public street, alley or place a banner, electrical or floral festoon, without first obtaining a permit. Such banner or electrical or floral festoon shall be in conjunction with an official, civic, or philanthropic, festival, or parade and shall be allowed for a period not to exceed thirty-five (35) days as determined by

the Building Inspector. Street banners shall be removed within seven (7) days after the event being advertised has occurred.

- B. Off-Building Advertising Banners - Shall be allowed, after obtaining a permit, for a period not to exceed fourteen (14) days per calendar quarter. They are subject to the building setback requirements of the zone in which they are located. They may be used only in Commercial and Industrial zones and may not exceed twenty-four (24) sq. ft. in total area. On-building banners do not require a permit, however, total signage on any face of a building must not exceed 25% of the total surface area.
- C. Posters - Shall only be authorized in conjunction with an official, civic, or philanthropic event and shall be allowed only thirty-five (35) days prior to and forty-eight (48) hours after the event.
- D. Vehicular Signs - Any vehicle carrying or having a sign painted on it shall be considered a sign regulated under this chapter. Such signs shall be prohibited unless displayed on a vehicle in operable condition carrying all current valid licenses, tags or plates as required by all governmental authorities. This may include valid dealer licenses, tags or plates.
- E. Construction - Construction signs shall be allowed in all districts during the actual period of construction and shall be limited in size to sixty-four (64) sq. ft. and a height of ten (10) ft. The sign announcement shall be limited to the project name, sponsor or funding agent, owner, general contractor and subcontractors, architect or engineer.
- F. Signs not exceeding five (5) sq. ft. in area noting garage sales provided it is an on-site sign. This sign shall be allowed to be erected no more than seven (7) days prior to and two (2) days after the event which it advertises.
- G. Political and campaign signs on behalf of candidates for public office or measures of election ballots provided that said sign conforms to the following regulations.
 - 1. Said signs may be erected no earlier than ninety (90) days prior to said election and shall be removed within fourteen (14) days following said election.
 - 2. No sign shall be located within or over the public right-of-way.
 - 3. The candidate or the candidate's organization must obtain a general sign permit covering all of the candidate's signs in Lexington. There will be no charge for this permit.
 - 4. Political signs in residential districts shall be limited to 16 sq. ft. in area and shall be limited to 32 sq. ft. in all other districts.

11-910. Exemptions. The following signs shall be allowed in all zoning districts of the City of Lexington provided that the sign conforms to the regulations of this Ordinance. A sign permit is not required to erect exempt signs described below.

- A. Signs not more than two (2) sq. ft. which identify street numbers, owner names, occupant name, and professional names, as allowed herein.
- B. Official National, State, or Municipal flags properly displayed.
- C. Signs, identifying merchandise, or manufacturer, offering sale if on a dispensing or vending machine, or on windows.
- D. Signs wholly within buildings or windows.
- E. Public signs which are signs erected by, or on the order of a public officer in the performance of his public duty, such as safety signs, danger signs, legal notices and such temporary, emergency or non-advertising signs as may be approved by the Building Inspector.
- F. Historical markers as required by local, State, or Federal authorities.
- G. Signs of a primary decorative nature, clearly, incidental and customary and commonly associated with any national, local or religious holiday.
- H. No trespassing or no dumping signs.
- I. Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed on bond or noncombustible material.
- J. Public signs, or signs specifically authorized for public purposes by any law, statute or Ordinance; which may be of any type, number, area, height above grade, location, illumination or animation, required by law, statute or Ordinance under which the signs are erected. Also exempted are signs on public property erected by order of the Mayor and Board of Aldermen, which shall be allowed subject to all appropriate sight, distance, and safety considerations being met, as determined by the Mayor and Board of Aldermen.
- K. Warning signs warning the public of the existence of danger, containing no advertising material, of a size as may be necessary to be removed upon the subsidence of danger.
- L. Private property directional signs such as "no parking", "exit", "parking", etc. not to exceed five (5) sq. ft.

11-911. Illegal, Nonconforming, and Unused Signs

A. Illegal Signs

1. Definition: An illegal sign is any sign erected or altered after the effective date of this Ordinance not complying with the provisions thereof unless said provision was expressly waived or granted a variance.
2. Disposition: Any illegal sign shall be removed from the premises upon which it is located within thirty (30) days from the effective date of this Ordinance or notice of violation and shall not remain on the premises or elsewhere in the City until a sign permit is issued.

B. Nonconforming Signs - With the exception of portable signs, any sign that has been erected, constructed or placed in its location and that is being used as of the effective date of this Ordinance, shall be conclusively presumed to have been so erected, constructed or placed and used in compliance with the codes and Ordinances of the City of Lexington pertaining to signs that were in effect immediately prior to such date.

1. Any sign that is nonconforming because it fails to comply with the provisions of this Ordinance may not be repaired, restored or reconstructed provided that such work alters structurally, extends, or enlarges, in whole or in part, unless such sign as so altered, extended or enlarged shall conform with the provisions of this Ordinance and a proper permit is obtained.
2. No owner, user, or other person shall alter any nonconforming sign (including alterations in the colors, letters, words, numbers, objects or symbols appearing thereon excluding message boards), unless such sign as so altered shall conform with the provisions of this Ordinance. The violation of any one or more of the following regulations shall constitute a forfeiture of the right to continue to use and maintain a nonconforming sign. Consequently, this sign will now be defined as an illegal sign.
 - (a) A nonconforming sign shall not be replaced with another nonconforming sign.
 - (b) A nonconforming sign shall not have any changes in the words, logo or symbols which are a part of a message unless the sign is a freestanding message board, non-portable.
 - (c) A nonconforming sign shall not be structurally altered so as to prolong the life of the sign, increased in size, or shape, or type, or design.

- (d) A nonconforming sign shall not be re-established after damage or destruction if the estimated expense of construction exceeds 50% of the value of the original structure.
 - (e) A nonconforming sign shall not be re-established after the activity or name of the business or ownership shall be changed requiring a change in the sign name or advertisement itself.
- 3. All signs which are nonconforming because of: the use of flashing, blinking, intermittent or exposed lighting (except neon); signs which constitute a traffic hazard, block or restrict the visibility of motorists or pedestrians; otherwise constitute an immediate hazard to the general health, safety and welfare of the public of the City, shall be brought into conformity within one hundred twenty (120) days of the effective date of this Ordinance. If such signs are not removed within the aforementioned one hundred twenty (120) day period, written notification of the obligation to remove such signs shall be furnished by the Building Inspector and delivered to the sign owner/user/property owner by certified mail and the owner/user/property owner shall thereafter be required to remove said sign from the premises within five (5) days of the receipt of notification from the Building Inspector. Failure to remove such signs within the time periods herein provided shall constitute a violation of this Ordinance.
- 4. Disposition: It shall be the duty of the sign owner/user and property owner to remove any nonconforming sign in accordance with the requirements of this Section.
- 5. A request for a variance or interpretation of this Ordinance, as it pertains to the non-conformity and which is filed within thirty (30) days of the effective date of this Ordinance shall stay further administrative actions pertaining to said sign until such time as the variance or request for interpretation is acted upon.

C. Unused (Abandoned) Signs

- 1. Definition: An unused or abandoned sign is a sign which meets any of the following criteria:
 - (a) A sign which identifies an establishment, goods or services which are no longer provided on the premises where the sign is located.
 - (b) A sign which identifies a time, event or purpose which has passed or no longer applies.
 - (c) This also applies to sign structures with or without a sign.

2. Disposition:

- (a) Any sign which is defined under paragraph 1(a) of this subsection and which condition exists for a period of one month and which sign is otherwise nonconforming shall be removed by the owner/user/property owner within five (5) days of the end of the one month (thirty [30] day) period.
- (b) Any sign which is defined under subparagraph 1(a) of this subsection which remains in such condition for a period of one month and which sign is otherwise conforming shall have its copy vacated within thirty (30) days from when the stated circumstances commenced. If the copy remains vacant for a period of six (6) months or more from the date the stated circumstances commenced, the sign structure shall be removed by the owner/user/property owner. Removal shall be within five (5) days following the expiration of the aforementioned six (6) month period.
- (c) Any sign defined under subparagraph 1(b) of subsection C shall be removed by the owner/user/property owner within three (3) days from the time the event or purpose has passed or no longer applies.
- (d) Removal:
 - (1) Any illegal, nonconforming or unused sign which is not removed from the premises by the owner/user/property owner within the time frames prescribed herein shall be considered a violation of the provisions of this Ordinance and shall be subject to the maximum penalties allowed by law. Each day such violation shall continue shall constitute a separate offense.
 - (2) Failure to Remove: A failure to remove any illegal, nonconforming or unused sign and subsequent failure by the Building Inspector to duly notify the owner/user/property owner of the provisions of this Section shall not be deemed to constitute a waiver of any violations of this Ordinance, nor shall such inaction be deemed to constitute a determination that any such sign is legal, in conformity with this Ordinance or to be given any special status. If, through administrative neglect or inaction, any owner/user/property owner is not notified of the requirements of this Ordinance within the time frames herein set forth, but is later so notified, said

owner/user/property owner shall take action to either correct the illegality, nonconformity or nonuse or shall cause the sign to be removed within twenty (20) days of such notification.

11-912. Appeals to the Board of Zoning Appeals.

A. Right to Appeal

1. Except for instances relating to signs located or proposed to be located on public property, which is within the jurisdiction of the City Board, any person who has been ordered by the Building Inspector for the removal of any sign, or any person whose application for a permit for a sign has been refused, may appeal to the Board of Zoning Appeals by serving written notice to the Building Inspector. Such appeals to the Board of Zoning Appeals shall be on forms provided by the Building Inspector and upon filing of a notice of appeal, the Building Inspector shall take no further action with regard to the sign involved until the final decision of the Board of Zoning Appeals has been rendered, unless the Building Inspector finds by reason of condition, location or nature of the sign involved presents an immediate and serious danger to the public, in which case he shall proceed immediately as provided herein.
2. Variances. The Board of Zoning Appeals may grant variances concerning the height and setback of signs, the period for removal of nonconforming signs, the maximum sign area, the maximum number of signs, the removal of prohibited signs, and such others as provided for herein only if the following determinations have been made:
 - (a) The appeal falls within the jurisdiction of the Board.
 - (b) That all parties directly in interest have been notified of the proceedings.
 - (c) That the granting of the appeal would not have the effect of applying sign standards from a less restrictive zone.
 - (d) That the property cannot be reasonably used in conformity with the provisions of this Ordinance.
 - (e) That the difficulty complained of is unique to the property in question and is not common to all properties similarly situated.

11-913. Permits. No sign shall be erected, altered, or relocated without a building permit acquired subject to the following:

- A The permit application shall contain the location of the sign structure, the name and address of the sign owner and sign erection, a drawing showing the design, location, materials and colors of the sign.
- B Required electrical permits shall be obtained prior to submission for a building permit.
- C Fees for permanent signs shall be in accordance with the normal rate schedule for the Standard Building Code as adopted with a minimum fee of \$15.00. Fees for temporary signs shall be the minimum permit fee.
- D A building permit for a sign shall become null and void if the sign has not been completed within six (6) months of the date of the permit or the sign varies in any respect from the approved design and location.
- E) Normal sign maintenance to prolong the life of the sign shall not require a permit.
- F) Permits issued to non-profit organizations will not be charged a fee.