



REGULAR PLANNING COMMISSION MEETING

Council Chambers

111 Maiden Lane, Lexington, SC

June 17, 2026

AGENDA

7:30AM BREAKFAST – ELI MACK

8:00AM OPENING STATEMENT

INVOCATION

PLEDGE OF ALLEGIANCE

CALL TO ORDER

DELETIONS ON AGENDA

APPROVAL OF MINUTES

1. Regular Planning Commission Meeting May 20, 2026

NEW BUSINESS ITEMS

1. Sign Ordinance Workshop – Stakeholder Feedback & Discussion

ADJOURNMENT

If you wish to speak at the meeting, please be sure to sign up in advance.

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TOWN OF LEXINGTON
REGULAR PLANNING COMMISSION MEETING
May 20, 2026

The Planning Commission met on May 20, 2026, at 8:00 a.m. in the Council Chambers at Town Hall, 111 Maiden Lane, Lexington, South Carolina. The meeting was attended by Chairman Frank Berry, Vice Chairman Jarrett Harrelson, Commissioners Jamie Fite, Roscoe Caughman, Joe Robertson, and Betsy McCall. Vice Chair Harrelson, Commissioner Sammy Hendrix, and JT Stephenson were absent. A quorum was met.

Others in attendance were Planning and Building Director Jessica Lybrand, Transportation Director Randy Edwards, and Digital Media Coordinator Michael Tolbert.

There were no (0) citizens present, and none from the news media.

CALL TO ORDER, INVOCATION & PLEDGE: Chairman Berry called the meeting to order and welcomed those in attendance, noting the meeting was available for public viewing on the Town of Lexington YouTube channel. He reminded speakers to sign up for agenda items before the meeting and to indicate their residency status. Planning Commission members introduced themselves, Commissioner Fite offered the invocation, and all joined in the Pledge of Allegiance.

DELETIONS TO AGENDA: None

APPROVAL OF MINUTES:

Commissioner Robertson made a motion to approve the minutes as submitted for the April 22, 2026, Planning work session and the regular Planning Commission meeting. Commissioner Fite seconded the approval. The motion carried unanimously. 6 in favor/ 0 opposed/ 3 absent

NEW BUSINESS ITEMS:

- 1. Annexation of Lexington County Tax Map #005496-01-031 Located at 186 Zenker Rd-** Ms. Lybrand summarized that Allen H. Gates, Joey H. Gates, Norma J. Taylor, Marty R. Gates, Gary W. Gates, and Bruce M. Gates own approximately 72 acres on Zenker Road and have petitioned for annexation of the property. She noted that nearby Town properties are zoned Industrial and Protected Residential, and that Zenker Road is classified as a Local Road.

Ms. Lybrand stated that the Future Land Use Map identifies the property as Employment/Light Industrial. The Comprehensive Land Use Plan describes the area as a node intended to accommodate a mix of industrial, office, maker-space, flex-tenant, and storage uses designed to support employment-generating development. Such areas are characterized by business activity occurring primarily within buildings, while allowing for limited outdoor storage, loading, and manufacturing activities.

Mr. Robin Jones, applicant, stated that the property has been on the market for approximately eight years. He explained that efforts have been made to attract industrial users, but no tenant

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has been secured in over a year. Mr. Jones stated that the family would like the flexibility to sell the property to a residential developer, noting there has been residential interest in the site. He further stated that several family members are aging and experiencing health issues, and would like to see a resolution regarding the property's future development. Mr. Jones requested annexation of the property with residential development potential rather than industrial zoning.

Chair Berry clarified that the Planning Commission's role is to make a recommendation regarding annexation and zoning and does not determine water and sewer availability. Mr. Jones acknowledged the clarification.

Chair Berry noted that the Planning Commission had invested significant time developing the Comprehensive Plan and that the plan is scheduled for its five-year review next year. He emphasized the importance of thoughtful long-term planning.

Commissioner Amick stated that he would prefer to evaluate a specific development proposal rather than consider a rezoning without a site plan. He referenced concerns previously raised by residents of Brookstone regarding train noise and questioned whether similar compatibility issues could arise. Commissioner Amick asked whether a site plan had been submitted. Staff noted that previous proposals had been denied due to use concerns rather than residential density.

Ms. Lybrand clarified that prior denials were based on the proposed industrial use and not density considerations.

Commissioner Amick suggested that a Planned Unit Development (PUD) could be explored, noting that buffering requirements for lighting and noise could significantly impact the developable area. Mr. Jones responded that neighboring property owners had previously been approached regarding the purchase of the property, but had expressed no interest.

Commissioner Robertson agreed with Commissioner Amick and stated that a residential development surrounded by industrial uses would likely be better addressed through a PUD or similar mixed-use approach.

Commissioner Amick inquired about the timeline should the application be denied. Ms. Lybrand explained that the recommendation would be forwarded to the Town Council, which would make the final decision. She stated that if denied at first reading by the Council, the matter would conclude. If approved to continue, two additional readings and a public hearing would be required.

Commissioner Amick asked whether withdrawing the application and returning with a site-specific proposal would alter the timeline. Ms. Lybrand stated that it would not. Mr. Jones indicated that repeated efforts to market the property had resulted in development fatigue, making it unlikely that a developer would submit a detailed plan at this stage. Ms. Lybrand added that a PUD application requires a development plan and supporting documentation and would undergo the same review process.

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Commissioner McCall made a motion to recommend denial of the annexation and rezoning request to the Town Council. Commissioner Fite seconded the motion.

5 in favor/ 1 opposed (Amick)/ 3 absent. Motion carries.

- 2. American Leadership Academy Gym & Sports Complex Expansion, located at 105 & 109 Innovation Place** – Mr. David Powlen, representing American Leadership Academy, introduced the application and stated that Mr. Eric Dillon was serving as the traffic engineer for the project.

Chair Berry expressed concerns regarding traffic impacts based on the school's previous expansion. He noted that approvals had been granted for separate phases, but both schools were ultimately occupied, creating significant traffic issues. Chair Berry emphasized that traffic mitigation measures must be in place before occupancy of any new buildings.

Mr. Powlen stated that the applicant has been working closely with Town Staff, SCDOT, and the Office of School Facilities. He explained that final approvals would not be issued until traffic mitigation requirements are satisfied. He added that some right-of-way matters remain under review and that SCDOT concurrence would not be granted until all traffic improvements are adequately designed.

Commissioner Fite stated that while plans may appear sufficient on paper, the Planning Commission wants assurance that traffic improvements will be physically completed and operational before occupancy. Mr. Powlen confirmed that traffic improvements would be required before occupancy.

Chair Berry reiterated that traffic backups extending toward Interstate 20 would not be acceptable. He acknowledged that school openings often experience operational challenges during the first few weeks but stressed that prior issues should not be repeated.

Commissioner McCall noted that previous representations regarding phased occupancy differed from what ultimately occurred and stated that the Commission wanted assurance that traffic concerns would be addressed before expansion.

Mr. Powlen stated that both Town Staff and State agencies have clearly communicated that traffic improvements must be completed first. He explained that the project will significantly increase on-site vehicle stacking and that additional screening requirements will be reviewed by the Appearance Board.

Commissioner Robertson stated that the initial school opening created substantial challenges for both the Town and State agencies and expressed a desire to avoid a recurrence.

Mr. Eric Dillon, Traffic Engineer, explained that traffic studies were conducted while school was in session and were scoped in coordination with SCDOT, Town Staff, and the Office of School Facilities. He noted that the SCDOT review remains pending.

Commissioner Robertson requested consideration of measures near the QT and GlassMaster area to discourage vehicles from blocking driveways during school traffic periods. He also

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inquired about the analysis of the internal roundabout and whether additional exit lane capacity could improve traffic flow.

Transportation Director Edwards provided additional background, noting that the original traffic studies were completed prior to the opening of the lower school. He acknowledged that the opening of ALA created significant traffic and operational challenges. Through collaboration between the Town, ALA, and the Office of School Facilities, lessons were learned regarding the review and approval of large charter schools.

Director Edwards stated that while SCDOT has not completed its review due to staffing limitations, discussions have occurred regarding traffic mitigation measures. He explained that proposed improvements include signal efficiency enhancements and lane configuration changes on Industrial Drive near Whataburger. He also noted that the Town has long-term plans for additional roadway improvements in the area.

Director Edwards stated that substantial vehicle stacking is being added to the site and that if those improvements prove insufficient, operational adjustments by the school would be necessary. He emphasized that backups onto South Lake Drive would not be acceptable.

Commissioner McCall asked whether the nearby railroad crossing could create a bottleneck. Director Edwards stated that any future improvements related to the railroad crossing would involve SCDOT and the railroad and are not directly related to this application.

Commissioner Fite asked whether traffic improvements at Highway 6 and Industrial Drive would be completed before occupancy. Director Edwards confirmed they would be required before occupancy.

Commissioner Fite inquired about the project timeline. Mr. Powlen stated that construction is expected to begin soon, with anticipated occupancy in Fall 2027.

Commissioner Robertson made a motion to approve the site plan, subject to the traffic mitigation measures discussed, coordination with SCDOT, and exploration of "Do Not Block" signage or markings near impacted driveways. Commissioner Amick seconded the motion.

Chair Berry asked whether the Planning Commission would have the opportunity to review any future site plan modifications. Ms. Lybrand stated that the Commission could require such a review. Commissioner Robertson amended his motion to require that any substantial site plan changes be brought back before the Planning Commission. Commissioner Amick accepted the amendment.

All in favor. Motion carried unanimously. 6 in favor/ 0 opposed/ 3 absent

- 3. Amendment to Approved Traffic Mitigation Plan at Preserves at Cherokee Trail** - Mr. Jeff Edelman, representing The Preserves at Cherokee Trail subdivision, addressed the Commission regarding modifications to previously approved traffic mitigation measures. Ms. Lybrand explained that the subdivision, consisting of 62 residential lots, received approval in August 2024. As part of the approved plans, token right-turn lanes were proposed

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at the development entrances along Cherokee Trail. Following the review, SCDOT denied the proposed improvements and requested alternative traffic mitigation measures.

After discussions between the applicant, Town Staff, and SCDOT, it was determined that construction of a northbound right-turn lane at the intersection of Old Cherokee Road and Cherokee Trail would satisfy the project's traffic mitigation requirements.

Mr. Ettleman stated that while the Town had no concerns with the originally proposed right turn lanes, SCDOT requested a revised approach. He noted that the proposed intersection improvement would provide a broader benefit to the traveling public, despite being located away from the subdivision entrances.

Commissioner Robertson thanked the applicant for working cooperatively with the Town and SCDOT and stated that the right-turn lane would provide a meaningful traffic benefit to the area.

Commissioner Robertson made a motion to approve the revised traffic mitigation plan. Commissioner Fite seconded the motion. 6 in favor/0 opposed/ 3 absent

Director Lybrand reminded Commissioners of upcoming training opportunities and referenced information previously distributed by email. She also noted that the next Planning Commission meeting will include a discussion regarding signage regulations.

ADJOURNMENT:

Chairman Berry noted without objection that the meeting adjourned at 8:53 am

Respectfully Submitted,

Laura Hinson
Municipal Clerk

APPROVED:

Chairman Frank Berry

FOIA COMPLIANCE – Public notification of this meeting was published, posted, and mailed in compliance with the Freedom of Information Act and the Town of Lexington requirement.



TO: Planning Commission

FROM: Jessica Lybrand, Director of Planning and Building

SUBJECT: Sign Ordinance Workshop – Stakeholder Feedback & Discussion

DATE: June 17, 2026

BACKGROUND: On March 30, 2026, the Town of Lexington conducted stakeholder meetings regarding potential updates to the Town’s Sign Ordinance. Attached is a memorandum prepared by the Town’s third-party consultant, Rebecca Vance, summarizing stakeholder feedback and identifying areas for further discussion. Ms. Vance will help facilitate discussion on these items during today’s workshop.

ACTION REQUESTED: Discussion & Feedback

To: Town of Lexington Planning Commission
From: Rebecca Vance, AICP, ICMA-CM, Town Planning Consultant
Date: June 4, 2026
Subject: Summary of Public Input – Town of Lexington Sign Ordinance Update

Introduction

On March 30, 2026, the Town of Lexington conducted stakeholder meetings regarding potential updates to the Town’s Sign Ordinance. Meetings were held with business owners, sign contractors, citizens, and Town boards and commissions. Interactive presentation boards were utilized to gather feedback on existing sign regulations, concerns, and potential ordinance changes. 4 citizens participated in the stakeholder meetings.

In addition to the meetings, a digital survey was distributed to Town boards and commissions, sign contractors who had pulled a sign permit within the previous two years, in-town residents with an email address associated with their Town utility account and placed on the Town’s website. Ten individuals completed the survey.

This memorandum summarizes the major themes, comments, and survey responses received through the public engagement process and provides an overview of potential ordinance amendments for consideration by the Planning Commission.

The public engagement process generated thoughtful discussion regarding signage throughout the Town. While turnout from the public could have been stronger, it is important to recognize that residents often do not participate in these types of meetings when they are generally satisfied with existing conditions.

Overall, participants indicated that Lexington’s signage is clean, professional, and generally appropriate in quantity. Several sign contractors participated and provided detailed technical feedback. Contractors generally indicated that the ordinance is working well overall and has helped maintain the Town’s appearance, but that targeted updates and clarifications are needed to address specific situations, newer sign technologies, and evolving business needs.

Public Input

Recurring themes included maintaining Lexington’s attractive appearance, improving flexibility for modern signage, supporting business visibility, avoiding excessive visual clutter, and improving clarity and consistency within the ordinance.

1. General Impressions of Signage in Lexington

Participants generally praised Lexington’s signage as clean, professional, and aesthetically consistent. Positive comments focused on attractive monument signs, coordinated shopping center signage, and overall visual quality.

Concerns primarily related to inconsistent interpretation of regulations, limitations on newer sign technologies, and restrictions that some businesses felt limited visibility. Participants also recommended simplifying portions of the permitting process.

Suggested ordinance updates included:

- Clarifying wall sign calculations;
- Revisiting window sign regulations;
- Allowing additional flexibility for electronic messaging signs; and
- Updating shopping center sign calculations.

2. Window Signs

Participants were divided regarding whether full-window graphics and coverings should be classified as signs. Many participants viewed professionally designed window graphics as attractive branding features that improve storefront appearance and activate vacant spaces.

Others expressed concerns regarding excessive window coverage, visual clutter, and inconsistent application of standards. Although the content of signage cannot be legally regulated, there was discussion about the difference between signs advertising businesses and signs advertising items for sale.

Potential ordinance amendments identified through the discussion included:

- Establishing clearer definitions for window signage;
- Creating maximum window coverage standards;
- Distinguishing between decorative graphics and advertising; and
- Encouraging professionally designed storefront graphics.

3. Safety Concerns Related to Window Signs

Most participants indicated that the sample window signs shown did not create significant safety concerns. Concerns that were raised primarily related to visibility at intersections and aesthetics rather than traffic safety.

Participants generally supported maintaining visibility standards while avoiding overregulation of storefront windows.

4. Commercial Center Signage

Most participants supported basing shopping center signage allowances on the size and scale of the development, tenant count, or tenant frontage rather than solely on road frontage.

Participants indicated that larger shopping centers often require additional signage flexibility to ensure tenant visibility. Sign contractors also recommended revisiting sign area calculations for

modern commercial developments, especially those with larger tenants and those with façade articulation on the front of the buildings.

Potential ordinance amendments include:

- Reevaluating sign calculations for commercial centers;
- Considering tenant frontage and shopping center size in sign allocations; and
- Providing flexibility for larger multi-tenant developments.

5. Electronic and Lit Signs

A substantial majority of participants supported allowing illuminated signs when designed appropriately. Participants favored professionally integrated lighting, halo-lit signs, and tasteful architectural lighting.

Concerns focused on excessive brightness, flashing displays, and poorly maintained signage.

Participants generally supported modernizing the ordinance to reflect current lighting technologies while maintaining appearance standards.

6. Digital and Electronic Messaging Signs

Most participants supported allowing electronic messaging signs in some capacity with reasonable operational standards. Comments generally supported allowing digital signs for businesses, schools, churches, and community institutions while restricting flashing or animated displays.

Potential ordinance amendments include:

- Allowing limited digital messaging signs;
- Establishing brightness and dimming standards;
- Restricting animation and transition effects; and
- Establishing minimum message hold times.

Survey Participant Overview

Ten individuals completed the digital survey, including residents, business owners, and stakeholders involved in signage and development activities.

1. Overall Signage Conditions

- A majority of respondents indicated Lexington currently has “the right amount of signs.”
- A smaller number indicated the Town has “too many signs.”
- Very few respondents indicated the Town has “too few signs.”

2. Window Signage

Survey responses were evenly divided regarding whether certain window graphics should be classified as signs.

This reflects the broader public discussion that modern window graphics serve both decorative and advertising purposes and may require clearer ordinance language.

Safety Concerns

A majority of respondents indicated that the example window signs shown did not present a significant safety concern.

3. Temporary Signs

Most respondents supported temporary sign durations ranging from:

- 15 days; to
- 30 days.

A smaller number supported:

- 45 days;
- Duration-based allowances tied to events or promotions; or
- Flexible removal standards once promotions end.

4. Shopping Center Signage

Most responses supported basing signage allowances on:

- Shopping center size;
- Tenant frontage; or
- Overall scale of development.

5. Illuminated Signs

A majority of respondents supported allowing illuminated signs.

6. Electronic Messaging Signs

A majority of respondents supported allowing electronic or digital messaging signs with appropriate standards and limitations.

Conclusions and Recommendations

Based on the public engagement process, there appears to be broad support for maintaining Lexington's overall high-quality sign standards while making targeted amendments to modernize specific portions of the ordinance and provide additional flexibility and clarity.

The feedback received does not indicate a desire for major deregulation, significant expansion of signage throughout the Town or a wholesale rewriting of the existing sign standards. Rather, the public generally supports maintaining Lexington's existing standards while refining portions of the ordinance to:

- Improve flexibility;
- Reflect contemporary signage practices and technologies;
- Support business visibility;
- Clarify ordinance language and administration; and
- Maintain the Town's aesthetic character.

Overall, the stakeholder input suggests that the ordinance is functioning well but would benefit from targeted amendments related to window signage, electronic messaging signs, illuminated signage, shopping center signage calculations, and administrative clarity.

The public engagement process demonstrated support for a balanced approach that protects community appearance while accommodating evolving business and signage needs.

CHAPTER 159 SIGNS

AUTHORITY AND JURISDICTION

§ 159.01.00 AUTHORITY.

Pursuant to the authority conferred by the 1994 "South Carolina Local Government Comprehensive Planning Enabling Act," S.C. Code §§ 6-29-310 through 6-29-1200, the Town of Lexington does ordain and enact into law the following chapter and sections.

(Ord. 99-014, § 2 (§ 1-1.0), passed 4-5-99)

§ 159.01.02 PURPOSE.

The purposes of this chapter are to:

- (A) Enhance the health, safety, economy, visual communication and environment of the community;
- (B) Promote traffic safety by providing that signs not distract or confuse motorists nor impair the ability of the motorists to see pedestrians, other vehicles, obstacles or traffic signs;
- (C) Promote the safety of persons and property by providing that signs do not create a hazard due to collapse, fire, collision, decay or abandonment;
- (D) Promote the efficient transfer of general public and commercial information through the use of signs;
- (E) Safeguard the public health and comfort;
- (F) Prevent the visual overcrowding of land, streets and highways;
- (G) Prevent adverse community appearance; and
- (H) Protect the character of the area.

(Ord. 99-014, § 2 (§ 1-2.0), passed 4-5-99)

§ 159.01.03 JURISDICTION.

This chapter shall apply to all land within the incorporated limits of the Town of Lexington.

(Ord. 99-014, § 2 (§ 1-3.0), passed 4-5-99)

§ 159.01.04 TITLE.

This chapter shall be known and may be cited as the "Sign Ordinance of the Town of Lexington."

(Ord. 99-014, § 2 (§ 1-4.0), passed 4-5-99)

§ 159.01.05 SUBSTITUTION CLAUSE.

Subject to the landowner's consent, a noncommercial message of any type may be substituted for any duly permitted or allowed commercial message or any duly permitted or allowed noncommercial message; provided, that the sign structure or mounting device is legal without consideration of message content. Such substitution of message may be made without any additional approval or permitting. This provision prevails over any more specific provision to the contrary within this chapter. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over another noncommercial message. This provision does not create a right to increase the total amount of signage on a parcel, nor does it affect the requirement that a sign structure or mounting device be properly permitted according to all other provisions of this chapter and Code of Ordinances.

(Ord. 2006-59, § 1, passed 11-6-06)

DEFINITIONS

§ 159.02.01 WORDS TO HAVE CUSTOMARY MEANINGS.

Except as specifically defined herein, the words and phrases used in this chapter shall have their customary meanings, as defined in a standard dictionary.

(Ord. 99-014, § 2 (§ 2-1.0), passed 4-5-99)

§ 159.02.02 INTERPRETATION OF CERTAIN WORDS AND PHRASES.

- (A) Tense. The present tense includes the future tense.
- (B) Number. The singular number includes the plural number and the plural number includes the singular number.
- (C) Person. The word "person" includes a firm, association, partnership, trust, company, corporation or any other entity usually defined in legal usage as a person.
- (D) Shall and may. The word "shall" is mandatory, the word "may" is permissive.
- (E) Lot. The word "lot" includes the words "plat or parcel."
- (F) On the premises. The phrase "on the premises" as applied to signs shall be interpreted to mean "on the same lot."

(Ord. 99-014, § 2 (§ 2-2.0), passed 4-5-99)

§ 159.02.03 DEFINITIONS.

"Advertising sign" means any sign, pictorial or otherwise, regardless of size or shape, which directs attention to a business, commodity, attraction, profession, service or entertainment conducted, sold, offered, manufactured, existing or provided at a location other than on the premises where the sign is located or to which it is affixed. Such signs are sometimes called "off-premise signs," "non-point-of-sale signs," and include, but are not limited to those signs commonly referred to as outdoor advertising signs, billboards or poster boards.

"Animated sign" means any sign of which all or any part thereof visibly moves in any fashion whatsoever; and any sign which contains or uses for illumination any light, lights, lighting device or devices which changes color,

flash, alternate, blink, fluctuate, scintillate, show movement, motion, whirl, or change the appearance of said or any part thereof automatically. This includes moving message boards.

"Banner/pennant" means any sign applied to or constructed of paper, plastic or fabric of any kind with or without frame, and with or without design or lettering, used to decorate or attract attention to a location, object, institution, product service or business. Flags of nations, states or political subdivisions, shall not be considered banners.

"Billboard" means a sign identifying/advertising and/or directing the public to a business or merchandise or service or institution or residential area or entertainment which is located, sold, rented, leased, produced, manufactured and/or furnished at a place other than the real property on which said sign is located. Such signs are also known as off-premises or outdoor advertising display signs, non-point-of-sale signs, or freestanding signs. Enforcement of provisions related to billboards, including, but not limited to, amortization and treatment of nonconformity, is pursuant to appropriate provisions of Chapter 159 of the Town of Lexington Code of Ordinances.

"Business signs" means any sign, pictorial or otherwise, regardless of size or shape, which directs attention to a business, commodity, attraction, profession, service or entertainment conducted, sold, offered, manufactured, existing or provided on the premises where the sign is located or to which it is affixed. Such signs are sometimes called "on-premises signs" or "point-of-sale signs."

"Changeable copy sign" means a sign on which a message copy is changed manually through the utilization of attachable letters, numbers, symbols, and other similar characters or changeable pictorial panels. Poster panels and printed boards are not considered changeable copy signs.

"Commercial centers" include strip malls and indoor and outdoor shopping malls; these generally may be described as areas where multiple businesses are attached to one another in a row or rows and generally share entranceways, parking, and landscaping, as well as possible other amenities.

"Copy extension" means part of the copy of an advertising sign which extends beyond the edge or border of the sign, sometimes called a "cut-out" or "drop-out."

"Directory sign" means any sign listing only the names, uses or locations of more than one business, activity, firm, professional office or tenant within a building, group of buildings or commercial center.

"Display area" means that area of a sign including the entire area within a regular geometric shape (square, rectangle, triangle, circle or semicircle) or combination of regular geometric shapes enclosing all of the elements of informational or representational matter displayed, including blank masking or any surface shape intended to convey ideas, information or meaning. Frames or structural members not bearing informational or representational matter shall not be included in calculating the display area. For double-faced signs that are parallel and supported by the same structure, the display areas of the sign equals one-half ($\frac{1}{2}$) of the total display area of both faces. The display area of other multiple-faced signs equals the total display area of all faces.

"Flashing lights" means any sign used for identification, direction, advertising, or promotional purposes, that includes lighting fixtures which flash, blink, cut on and off intermittently, and which is used as an exterior sign; or any sign that contains an intermittent or sequential flashing light source or flashing illumination or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source.

"Freestanding sign" means a sign which is permanently secured on the ground and which is not attached to, supported by, or erected on a building or other structure having a principal function other than support of such signs. Temporary signs may not be transformed into permanent signs. No open space shall be allowed between the display area and the base of the sign unless it is landscaped. The landscaping must be approved by the Director of Parks, Street and Sanitation.

"Individual business" means a single retail, commercial or office business or activity on a separate zone lot not sharing parking areas and vehicular entrances and exits with another activity.

"Information sign" means any sign containing no message, copy, announcement or decoration other than instructions, or directions to the public. Such signs include, but are not limited to, identifying the following: rest rooms, public telephones, walkways, entrance and exit drives, freight entrances and traffic directions.

"Interstate" means any interstate highway that is part of the U.S. interstate highway system (ex., I-20, I-26), and shall not refer to U.S. highways such as U.S. 1 or U.S. 378, or another thoroughfare.

"Marquee sign" means any sign erected, stenciled, engraved on, attached to, or suspended from a marquee. A marquee is defined as any hood, awning or roof-like structure of permanent construction, without pillars or posts, which is supported from a wall of a building and projected beyond the building wall and is generally designed and constructed to provide protection against the weather.

"Moving message board" means an automated electrical sign which uses a pattern of lights to form various words which move or change throughout the civil day and which may also be animated.

"Permanent sign" means any sign intended to be erected or displayed for a period of time, generally more than thirty (30) days.

"Portable sign" means any sign which is not permanently fixed to the ground, a structure, frame, building or other surface; such signs include, but are not limited to, the following: trailer signs, sandwich board signs, sidewalk or curb signs, and inflatable signs. A portable sign cannot be changed into a permanent sign.

"Product sign" means any sign which directs attention to products sold, offered or dispensed on the premises where the sign is located.

"Projecting sign" means any sign which is erected on a building wall or structure and extends beyond the building wall more than twelve inches (12").

"Roof line" means the intersection of the roof a building or structure and the perimeter wall of that building or structure.

"Sign" means any device which informs or attracts the attention of persons not on the premises on which the sign is located.

"Temporary sign" means any sign intended to be erected or displayed for a limited period of time, usually less than thirty (30) days.

"Wall sign" means any sign attached to the exterior wall of a building or structure, which does not extend beyond the building wall more than twelve inches (12").

"Windblown sign" means any banner, pennant, flag, spinner, streamer or other sign designed to be moved by the wind.

(Ord. 99-014, § 2 (§ 2-3.0), passed 4-5-99; Ord. 2002-44, § 2, passed 10-7-02; Ord. 2004-27, § 1, passed 11-1-04; Ord. 2004-31, § 1, passed 11-1-04; Ord. 2019-32, § 1, passed 7-8-19; Ord. No. 2023-8, § 1, passed 4-3-23)

GENERAL PROVISIONS

§ 159.03.01 REGULATIONS REGARDED AS A MINIMUM.

The provisions of these regulations, in their interpretation and application, shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals and general welfare. Whenever the requirements of these regulations differ from the requirements of any other lawfully adopted rules, regulations or ordinances, the more restrictive, or that imposing the higher standards, shall govern.

(Ord. 99-014, § 2 (§ 3-1.0), passed 4-5-99)

§ 159.03.02 EXEMPT SIGNS.

The following signs shall be exempt from the application of this chapter:

- (A) One wall sign per business or tenant space placed next to the customer entrance and not exceeding two (2) square feet.
- (B) Hiring signs as long as the total area does not exceed six (6) square feet and is posted for not more than thirty (30) days;
- (C) Legal notices, identification, informational or directional signs erected as required by governmental bodies;
- (D) Integral decorations or architectural features of buildings except letters, trademarks, moving parts, moving lights, or any prohibited signs under §§ 159.04.01 through 159.04.20;
- (E) Signs not exceeding four (4) square feet in area directing and guiding traffic on private property, but bearing no commercial matter;
- (F) Wall identification signs and commemorative plaques not more than four (4) square feet in area, memorial cornerstones or tablets providing information on building erection or commemorating a person or event;
- (G) Flags in compliance with § 159.05.06;
- (H) Banners erected or authorized by the Town of Lexington;
- (I) Temporary governmental signs such as zoning, traffic, etc.;
- (J) Civic club, religious, public and eleemosynary signs not exceeding six (6) square feet whether on or off the premises, provided these signs are not located in the public right-of-way;
- (K) One sign not exceeding six (6) square feet each of craftsman, artisans, house painters, contractors or subcontractors during the period that such persons are performing repair, remodeling, repainting or improvement work on the premises on which such signs are erected;
- (L) Political campaign signs announcing candidates seeking public office or relating to any election or public referendum. Such signs shall be confined to placement on private property. Such signs shall be removed within seven (7) days after the election or referendum has been decided.
- (M) Weekend Directional Signs (WEDS) that convey directions to a specific in-Town place or event, provided that the signs meet the following conditions:
 - (1) WEDS shall be allowed from 6:00 p.m. on Friday until 11:59 p.m. on Sunday. It is the owner's responsibility to remove all WEDS prior to 11:59 p.m. on Sunday.
 - (2) Each WEDS shall be legibly marked with the owner's name and written in weatherproof ink or paint on at least one face of the WEDS.
 - (3) WEDS shall not exceed four (4) square feet of sign area and three (3) feet in height. WEDS may be double-faced.
 - (4) WEDS must be stand-alone signs and shall not be affixed to any object. WEDS must be firmly secured in the ground so that they will not be blown into traffic.
 - (5) WEDS shall be made of plastic, metal, laminated cardboard or some other durable or waterproof material. WEDS shall not be made of paper and shall not violate the Article on Prohibited Signs. WEDS shall contain only direction information. Advertising information is not allowed.

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- (6) WEDS shall not be placed more than two (2) miles from the specified property. WEDS shall not be closer than one foot (1') from the road right-of-way. WEDS shall only be placed where the direction changes.

(Ord. 99-014, § 2 (§ 3-2.0), passed 4-5-99; Am. Ord. 2000-32, § 1, passed 9-5-00; Ord. 2001-34, passed 12-3-01; Ord. No. 2022-25, § 1, passed 8-15-22)

§ 159.03.03 CONSTRUCTION STANDARDS.

- (A) Compliance with building codes. All signs shall be designed and constructed to comply with the provisions of the Town of Lexington building code for use of materials, loads and stresses.
- (B) Wiring of electric signs. All electric signs with internal wiring or lighting equipment, and all external lighting equipment used to direct light on signs, shall be installed in accordance with the National Electric Code and have permanently installed underground electrical service. Such equipment shall be UL approved and shall be installed by a UL approved contractor.
- (C) Clearance from high voltage power lines. All signs shall maintain horizontal and vertical clearance from all overhead electrical conductors in accordance with the Town of Lexington's electric code, provided that no sign shall be installed closer than ten feet (10') horizontally or vertically from any conductor or public utility guy wire.
- (D) Wind speed. All signs shall be designed to withstand a wind of ninety-five (95) miles per hour.

(Ord. 99-014, § 2 (§ 3-3.0), passed 4-5-99; Ord. 2001-33, passed 12-3-01)

§ 159.03.04 UNSAFE OR HAZARDOUS SIGNS.

No sign shall be erected or allowed to remain erected that is structurally unsafe, hazardous or, in the opinion of the Building Inspector, constitutes a danger to the public safety. If, in the opinion of the Building Inspector, any sign should become insecure or in danger of falling or otherwise unsafe, the owner thereof or the person maintaining the sign shall, upon notice from the Building Inspector, immediately remove the sign or secure it in a manner to be approved by the Building Inspector in conformity with the provisions of these regulations and the applicable building codes or the Building Inspector shall have such sign removed at the expense of the owner.

(Ord. 99-014, § 2 (§ 3-4.0), passed 4-5-99)

§ 159.03.05 MAINTENANCE.

To insure that signs are maintained in a safe and aesthetic manner, the following maintenance requirements shall apply to all signs:

- (A) No sign shall be allowed to have more than twenty percent (20%) of its display area covered with disfigured, chipped, cracked, ripped or peeling paint or poster paper for a period of more than thirty (30) successive days.
- (B) No sign shall be allowed to remain with a bent or broken display area, broken supports, loose appendages or struts, or stand more than fifteen (15) degrees away from the perpendicular for a period of more than thirty (30) successive days.
- (C) No sign shall be allowed to have weeds, trees, vines or other wild vegetation growing upon it for a period of more than thirty (30) successive days.

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- (D) No indirect or internally illuminated sign shall be allowed to have only partial illumination for a period of more than thirty (30) successive days.

(Ord. 99-014, § 2 (§ 3-5.0), passed 4-5-99)

§ 159.03.06 VISIBILITY.

- (A) The area within five feet (5') of a freestanding sign shall be kept clear of all debris. Weeds and grass shall be no higher than twelve inches (12"). The area around a sign shall be properly maintained clear of brush, trees and other obstacles so as to make signs readily visible.
- (B) At least one sign on each individual business premises or commercial center shall bear the street address of the business or center.

(Ord. 99-014, § 2 (§ 3-6.0), passed 4-5-99)

§ 159.03.07 FINISH OF REVERSE SIDES.

Reverse sides of signs shall be properly finished with no exposed electrical wires or protrusions and shall be of one color. The reverse sides of signs shall be maintained so that no more than twenty percent (20%) of the reverse side shall be covered with disfigured, chipped, cracked, ripped or peeling paint for more than thirty (30) successive days.

(Ord. 99-014, § 2 (§ 3-7.0), passed 4-5-99)

§ 159.03.08 SIGN ILLUMINATION.

Illuminated signs shall comply with the following requirements:

- (A) Sign illumination shall be placed so as not to cast rays of light directly into nearby residences, sleeping accommodations, or into the eyes of vehicle drivers.
- (B) Floodlights, gooseneck reflectors or other external sources of illumination shall be contained within a protective casing or shielded by landscaping.
- (C) Temporary signs as regulated in §§ 159.05.01 through 159.05.06 shall not be illuminated.

(Ord. 99-014, § 2 (§ 3-8.0), passed 4-5-99)

§ 159.03.09 VISIBILITY AT INTERSECTIONS.

- (A) Sight areas maintained. Except in the intense development district, no sign, or portion thereof, shall be placed within the sight areas of any intersection of public streets, private streets or driveways. In the intense development district no sign placed in the horizontal sight area may encroach upon the vertical sight area.
- (B) Sight area defined. The vertical dimension of a sight area is defined as the vertical space between thirty inches (30") and ten feet (10') in height above the nearest edge of the right-of-way of a public street or edge of a driveway. The horizontal dimensions of sight areas are defined as:
 - (1) At the intersection of two (2) streets, a triangle formed by the street rights-of-way and a straight line connecting them at points twenty-five feet (25') from the right-of-way intersection;

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- (2) At the intersection of a street and a driveway, a triangle formed by the street right-of-way, the driveway's edge, and a straight line connecting them at points fifteen feet (15') from the intersection of the right-of-way and the edge of the driveway;
 - (3) The sight triangle may have to be modified to meet the speed limit requirement. Each ten (10) miles per hour of speed limit requires one hundred feet (100') of visibility. For example, a thirty-five (35) miles per hour speed limit requires three hundred fifty feet (350') of visibility.
- (C) Variances. If the property is such that the required visibility cannot be achieved, a variance request will be made at no cost to the property owner/applicant.
- (Ord. 99-014 § 2 (§ 3-9.0), passed 4-5-99)

§ 159.03.10 CONTENT NEUTRALITY AS TO SIGN MESSAGE.

The Town of Lexington Code of Ordinances is to be considered content neutral. Notwithstanding anything in this article or Code to the contrary, no sign or sign structure shall be subject to any limitation based upon the content (viewpoint) of the message contained on such sign or displayed on such sign structure.

(Ord. 2007-26, § 1, passed 7-2-07)

PROHIBITED SIGNS

§ 159.04.01 SIGNS IMITATING TRAFFIC OR EMERGENCY SIGNALS.

No sign shall be permitted which imitates an official traffic sign or signal, or contains words or symbols displayed in a manner which might mislead or confuse drivers of vehicles, or which displays intermittent lights resembling the colors, size, shape or order of lights customarily used in traffic signals or on emergency vehicles or on law enforcement vehicles, except as part of a permitted private or public traffic control sign.

(Ord. 99-014, § 2 (§ 4-1.0), passed 4-5-99)

§ 159.04.02 SIGNS CONFUSING, DISTRACTING OR DIVERTING MOTORISTS.

No sign shall be permitted which in any manner may unduly confuse, distract or divert the attention of drivers of vehicles.

(Ord. 99-014, § 2 (§ 4-2.0), passed 4-5-99)

§ 159.04.03 OBSTRUCTING SIGNS.

No sign shall be permitted which interferes with free passage from or obstructs any fire escape, downspout, window, door, stairway, ladder or opening providing light or air or intended as a means of ingress or egress. No sign shall obstruct the view of roads from a pedestrian walkway.

(Ord. 99-014, § 2 (§ 4-3.0), passed 4-5-99)

§ 159.04.04 AUDIBLE SIGNS.

No sign shall be permitted which emits or utilizes in any manner any sound capable of being detected on a public road or adjoining property by a person of normal hearing.

(Ord. 99-014, § 2 (§ 4-4.0), passed 4-5-99)

§ 159.04.05 FLASHING SIGNS.

No sign shall be permitted which utilizes strobe-type lights, flashing or blinking lights, or any type of pulsating or moving light.

(Ord. 99-014, § 2 (§ 4-5.0), passed 4-5-99; Ord. 2002-44, § 2, 10-7-02)

§ 159.04.06 MOVING SIGNS.

No sign shall be permitted which moves or presents the illusion of movement in any manner, except windblown signs in accordance with the provisions of § 159.04.16 and mechanical signs in accordance with the provisions of § 159.07.13.

(Ord. 99-014, § 2 (§ 4-6.0), passed 4-5-99; Ord. 2012-11, § 1, passed 7-9-12)

§ 159.04.07 SIGNS ATTACHED TO OR PAINTED ON SELECTED FEATURES.

No sign shall be permitted which is attached to a utility pole or street sign, or is attached to or painted on tree trunks, rocks or other natural objects.

(Ord. 99-014, § 2 (§ 4-7.0), passed 4-5-99)

§ 159.04.08 PORTABLE SIGNS.

No portable sign shall be permitted, except in accordance with the provisions of § 159.05.05.

(Ord. 99-014, § 2 (§ 4-8.0), passed 4-5-99)

§ 159.04.09 DISCONTINUED USE SIGNS.

Signs which advertise a discontinued product, place, activity, person, institution or business shall be removed by the owner within thirty (30) days from the date of termination.

(Ord. 99-014, § 2 (§ 4-9.0), passed 4-5-99)

§ 159.04.10 HOME OCCUPATION SIGNS.

Home occupations are not permitted to display any sign pertaining to the commercial activity in the dwelling.

(Ord. 99-014, § 2 (§ 4-10.0), passed 4-5-99)

§ 159.04.11 NEON FILLED TUBES.

Exposed neon filled tubes or other tube having the appearance of exposed neon tubes are prohibited on signs or trim on the exterior of a business. Any material used to cover such tubes must not have the appearance of exposed neon filled tubes.

(Ord. 99-014, § 2 (§ 4-11.0), passed 4-5-99)

§ 159.04.12 ROOF SIGNS.

Roof signs and signs that project above the roofline are prohibited.

(Ord. 99-014, § 2 (§ 4-12.0), passed 4-5-99)

§ 159.04.13 PUBLIC RIGHT-OF-WAY.

Any sign placed on or in any public right-of-way is prohibited.

(Ord. 99-014, § 2 (§ 4-13.0), passed 4-5-99)

§ 159.04.14 VEHICLE SIGNS.

Signs on vehicles, either attached to or painted on vehicles, or any type which are conspicuously parked in close proximity to the right-of-way and are obviously parked in such a way as to advertise any business to the passing motorist or pedestrian are prohibited.

(Ord. 99-014, § 2 (§ 4-14.0), passed 4-5-99)

§ 159.04.15 FLUORESCENT SIGNS.

Signs containing fluorescent colored letters and/or background are prohibited.

(Ord. 99-014, § 2 (§ 4-15.0), passed 4-5-99)

§ 159.04.16 WINDBLOWN SIGNS.

All windblown signs are prohibited with the exception of banners permitted in § 159.05.05 and banners exempted in § 159.03.02(H).

(Ord. 99-014, § 2 (§ 4-16.0), passed 4-5-99)

§ 159.04.17 BENCH SIGNS.

Bench signs are prohibited.

(Ord. 99-014, § 2 (§ 4-17.0), passed 4-5-99)

§ 159.04.18 BALLOONS AND GAS FILLED FIGURES.

Balloons and gas filled figures used to draw attention to a business or event are prohibited. Exceptions:

- (A) Balloons used to announce a birth and displayed on the residential property.
- (B) Helium filled balloons to be sold or given to patrons at special events approved by Council or special sales events.
- (C) A temporary sign made of helium filled balloons used for special events. The sign cannot be used for more than three (3) days and a sign permit must be obtained.
- (D) Gas filled figures used as a display for similar items for sale by the establishment or for seasonal decorations. The figure must be located near the establishment's store front, cannot interfere with traffic, and not used as a sign on the road. The figure must be properly secured.

(Ord. 99-014, § 2 (§ 4-18.0), passed 4-5-99; Ord. 2003-15, § 1, passed 3-17-03)

§ 159.04.19 SEARCHLIGHTS.

Searchlights are prohibited.

(Ord. 99-014, § 2 (§ 4-19.0), passed 4-5-99)

§ 159.04.20 FLASHING AND PULSATING SIGNS.

Signs which contain a high intensity illuminating device causing it to blink, flash, pulsate, fluctuate or animate are prohibited.

(Ord. 99-014, § 2 (§ 4-20.0), passed 4-5-99; Ord. 2002-44, § 2, passed 10-7-02)

§ 159.04.21 ANIMATED SIGNS.

"Animated sign" means any sign of which all or any part thereof visibly moves in any fashion whatsoever; and any sign which contains or uses for illumination any light, lights, lighting device or devices which changes color, flash, alternate, blink, fluctuate, scintillate, show movement, motion, whirl, or change the appearance of said or any part thereof automatically. This includes moving message boards.

(Ord. 2002-44, § 2, passed 10-7-02)

§ 159.04.22 MOVING MESSAGE BOARDS.

Moving message boards are prohibited.

(Ord. 2002-44, § 2, passed 10-7-02; Ord. 2007-17, § 1, passed 5-7-07)

TEMPORARY SIGNS

§ 159.05.01 CONTRACTOR'S SIGNS.

One sign displaying the names of the builders, contractors, architects, engineers craftsmen, artisans, and similar information may be erected upon the premises of any work, construction, major repairs or improvements. The display area of such signs shall not exceed sixteen (16) square feet in the protected residential and restricted development districts and fifty (50) square feet in the intense development district. Such signs shall be removed within seven (7) days of the completion of the work. No permit is required for such signs.

(Ord. 99-014, § 2 (§ 5-1.0), passed 4-5-99)

§ 159.05.02 REAL ESTATE SIGNS.

Signs offering real estate for sale, rent or lease are permitted. The display area of such signs shall not exceed six (6) square feet for individual residential lots and thirty-two (32) square feet for residential property greater than ten (10) acres in size and for commercial and industrial property. Only one sign shall be permitted per individual lot and not more than one sign per road frontage for residential property greater than ten (10) acres, commercial or industrial sites. Such signs shall be removed within seven (7) days of the conveyance or lease of the property. No permit is required for such signs.

(Ord. 99-014, § 2 (§ 5-2.0), passed 4-5-99)

§ 159.05.03 GARAGE OR YARD SALE SIGNS.

On-site garage or yard sale signs are permitted, provided that the total display area shall not exceed six (6) square feet. Such signs may be erected twenty-four (24) hours before and shall be removed upon completion of the garage or yard sale. These signs are permitted no more than twice a year for any lot. No permit is required for such signs.

(Ord. 99-014, § 2 (§ 5-3.0), passed 4-5-99)

§ 159.05.04 TEMPORARY SUBDIVISION SIGNS.

Temporary signs announcing a land subdivision development may be erected on the premises of the land subdivision. Such signs shall not exceed thirty-two (32) square feet in area, shall be set back at least twenty (20) feet from all property lines external to the subdivision, and shall be spaced at least five hundred feet (500') apart. Such signs shall be removed within thirty (30) days from such time as seventy-five percent (75%) of the lots are conveyed. No permit is required for such signs.

(Ord. 99-014, § 2 (§ 5-4.0), passed 4-5-99)

§ 159.05.05 SPECIAL EVENTS SIGNS.

One portable sign or banner shall be permitted on private property in conjunction with special events in accordance with the following provisions:

- (A) For the opening or closing of a business, such signs are permitted for a period not to exceed thirty (30) days.
- (B) For a special sale, promotional event, or change of ownership or management, such signs are permitted for a period not to exceed twenty (20) days. Three (3) twenty-day periods are allowed per calendar year.

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- (C) For civic, public, charitable, educational or religious events, such signs are permitted for a period not to exceed twenty (20) days. Three (3) twenty-day periods are allowed per calendar year.
 - (D) The area of the portable sign shall not exceed thirty-two (32) square feet with the largest dimension being in the horizontal position. A black matte background with white nonreflective letters is acceptable. The sign must be on private property and positioned so that it will not cause a traffic sight problem.

(Ord. 99-014, § 2 (§ 5-5.0), passed 4-5-99)

§ 159.05.06 FLAGS.

No more than three (3) flags may be displayed in restricted and intense development districts under the following conditions:

- (A) No duplicate flags are allowed:
- (B) The pole from which such flags are flown shall not exceed either thirty-five feet (35') or fifty feet (50') in height, as determined by the zoning ordinance.
- (C) The maximum size of the flag flown from the flagpoles mentioned above shall not exceed six feet (6') by ten feet (10') for thirty-five-foot flag poles or eight feet (8') by twelve feet (12') for fifty-foot flag poles;
- (D) All flags shall be maintained and kept in good condition.
- (E) Except for corporate flags, the flags shall not contain any commercial material. Flags that contain commercial material are temporary signs subject to the regulation contained herein. The square footage will count toward the total allowed.
- (F) These conditions shall not apply to the noncommercial display of flags in residential districts or any war memorials on sites donated by any government.

(Ord. 99-014, § 2 (§ 5-6.0), passed 4-5-99; Am. Ord. 2000-32, § 2, passed 9-5-00)

SIGNS PERMITTED IN ALL ZONING DISTRICTS

§ 159.06.01 EXEMPT AND TEMPORARY SIGNS.

Signs exempt from these regulations as listed in § 159.03.02, shall be permitted in all zoning districts. Temporary signs, listed in §§ 159.05.01 through 159.05.06, shall be permitted in all zoning districts.

(Ord. 99-014, § 2 (§ 6-1.0), passed 4-5-99)

§ 159.06.02 RESIDENTIAL SUBDIVISION AND GROUP DEVELOPMENT SIGNS.

Permanent signs displaying no information other than the name of a residential subdivision, group housing development, or apartment complex shall be permitted. Mobile home park signs shall comply with the mobile home park ordinance. Such signs shall not exceed fifty (50) square feet in display area. No more than one sign shall be permitted along each street frontage. Such signs shall not exceed a height of four feet (4'), if located within a required setback or six feet (6') if located elsewhere. The height restriction does not apply to gate way structures to residential development exceeding ten (10) acres in total size. Such signs shall not be permitted within the

required sight area. Any sign dividing the entrance of a development into separate traffic lanes shall be a minimum of ten (10) feet from the right of way of the intersection road.

§ 159.06.03 PUBLIC AND INSTITUTIONAL SIGNS.

Signs relating to uses of a civic, charitable, fraternal, cultural, religious, educational, institutional or governmental nature shall be permitted as follows:

- (A) In IDD and RDD districts, as per business signs in §§ 159.07.01 through 159.07.11;
- (B) In PRD districts, signs shall not exceed fifty (50) square feet in display area. Such signs shall not exceed a height of four feet (4'), if located within a required setback, or six feet (6'), if located elsewhere.

(Ord. 99-014, § 2 (§ 6-3.0), passed 4-5-99)

BUSINESS SIGNS

§ 159.07.01 LOCATION.

Business signs shall be permitted in the restricted development and intense development districts. Setbacks shall be five feet (5') from all property lines in the IDD and ten feet (10') from all property lines in the RDD.

(Ord. 99-014, § 2 (§ 7-1.0), passed 4-5-99)

§ 159.07.02 INDIVIDUAL BUSINESSES.

- (A) Maximum display area. The total maximum display area for all signs for an individual business on a lot shall not exceed the following (in square feet):

Zoning District	Number of Road Frontages		
	1	2	3 or more
Restricted development district	100	150	200
Intense development district	150	225	300

- (B) Wall signs. No portion of a wall sign shall be permitted to project over the roofline or parapet of the building to which it is attached. The display area of a wall sign shall not exceed ten percent (10%) of the area of the wall of the first story of the building to which it is attached.
- (C) Freestanding signs A. The maximum display area for a freestanding sign is eighty-four (84) square feet if a changeable copy sign is included or sixty-four (64) square feet without changeable copy.
- (D) Maximum number of signs. Except as otherwise specifically stated in these regulations, no more than two (2) business signs, of any type shall be permitted for each street frontage on a lot on which an individual business is located.

Exceptions:

- (1) Each five hundred feet (500') of frontage or fraction thereof on the same road shall be counted as separate frontage.

- (2) Wall signs, consisting of pre-cast building identification letters, which are an integral part of the structure, shall not be counted against the total number of signs allowed. The sign shall be counted against the total square footage allowed.
 - (E) Freestanding signs B. Freestanding business signs shall not be more than ten feet (10') above the grade to which it is attached or the adjacent street level whichever is higher. A twenty percent (20%) increase to the maximum height may be allowed for copy extensions.
- (Ord. 99-014, § 2 (§ 7-2.0), passed 4-5-99; Am. Ord. 2003-40, § 1, passed 9-2-03)

§ 159.07.03 COMMERCIAL CENTERS.

Commercial centers are permitted the following number of freestanding signs to include a directory sign.

- (A) Freestanding signs. The freestanding/directory sign shall conform to the provisions of §§ 159.07.01 and 159.07.03 and shall not exceed the following display area requirements:

Zoning District	Maximum Number	Maximum Display Area	Maximum Length
RDD	1 per road frontage	100 sq. ft.	15'
IDD	1 per road frontage	150 sq. ft.	20'

Exception: A twenty percent (20%) increase in the maximum height may be allowed for copy extensions

- (B) Wall signs. In addition, each business within a commercial center may erect one wall, projecting or marquee sign. Such sign shall not exceed fifteen percent (15%) of the area of the wall of the first story of the building or business to which it is attached.
- (C) End caps. The end building within a shopping center, which has a face toward a street may have two (2) wall signs as long as the total allowed wall signage is not exceeded. One sign must be on the building face and the other on the side facing the street.

(Ord. 99-014, § 2 (§ 7-3.0), passed 4-5-99)

§ 159.07.04 SIGNS FOR ESTABLISHMENTS SELLING GASOLINE.

In addition to other signs allowed under §§ 159.07.01 through 159.07.11, establishments which sell gasoline may have the following signs:

- (A) Signs identifying gasoline prices and/or the location of self-service areas may be located at and secured to each pump island, provided that each sign does not exceed a surface area of nine (9) square feet per side. Exception: the surface area can be increased to eighteen (18) square feet on the street side pump island if no freestanding gas sign, as described in § 159.07.04(B), is utilized.
- (B) With the exception of a site located within a shopping center, one additional ground sign identifying gasoline prices and/or the location of self-service areas may be located at a place other than the pump island, provided that
 - (1) The sign is no longer than twelve feet (12');
 - (2) The sign is permanently affixed to the ground;
 - (3) The sign meets all other requirements of §§ 159.07.01 through 159.07.11.

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- (C) Each gasoline pump may display only the brand name or emblem of the gasoline, which shall not exceed the limits on the face of the pump.

(Ord. 99-014, § 2 (§ 7-4.0), passed 4-5-99; Ord. 2000-03, § 1, passed 1-4-2000)

§ 159.07.05 MARQUEE AND PROJECTING SIGNS.

- (A) Maximum height. No portion of a marquee or projecting sign shall be permitted to project over the roofline of the building to which it is attached
- (B) Minimum height. No portion of a marquee or projecting sign shall be permitted to be lower than twelve feet (12') above ground level.
- (C) Narrow front yards. Where front yards of less than five feet (5') in depth are provided, projecting sign may extend over a public right-of-way, but in no case shall they exceed the length of the projection of the marquee to which they are attached.

(Ord. 99-014, § 2 (§ 7-5.0), passed 4-5-99)

§ 159.07.06 WALL SIGNS.

No portion of a wall sign shall be permitted to project over the roofline or parapet of the building to which it is attached.

(Ord. 99-014, § 2 (§ 7-6.0), passed 4-5-99)

§ 159.07.07 CHANGEABLE COPY SIGNS.

Any business permitted to erect a sign may devote up to seventy-five percent (75%) of the erected sign area to one manual changeable copy sign or to one moving message board.

(Ord. 99-014, § 2 (§ 7-7.0), passed 4-5-99)

§ 159.07.08 AWNING SIGNS.

Signage on awnings shall be allowed with the following conditions:

- (A) Awning signage shall not be allowed in conjunction with any other form of attached signage on the building wall to which the awning is attached. Exception: site identification if less than six (6) square feet.
- (B) The maximum area of the sign shall not exceed ten percent (10%) of the square footage of the awning. The square footage of an awning is equivalent to the area of the awning, which is visible when viewing an awning as it is attached to a building wall.
- (C) The sign message shall not be duplicated on the building wall to which the awning is attached.

(Ord. 99-014, § 2 (§ 7-8.0), passed 4-5-99)

§ 159.07.09 PRODUCTS SIGNS.

Product signs shall be permitted as business signs, provided no such sign shall exceed sixteen (16) square feet in display area. The display area of product signs shall count toward the maximum display area of signs

allowable. Product signs are temporary signs and shall comply with the restriction in §§ 159.05.01 through 159.05.06.

(Ord. 99-014, § 2 (§ 7-9.0), passed 4-5-99)

§ 159.07.10 INFORMATION SIGNS.

Information signs shall be permitted on business lots provided that no such sign shall exceed six (6) square feet in display area. Information signs shall not count toward the maximum number of signs allowable or the maximum display area of signs allowable. Information signs are limited to four feet (4') in height.

(Ord. 99-014, § 2 (§ 7-10.0), passed 4-5-99)

§ 159.07.11 BUSINESS ALONG INTERSTATES.

Businesses along interstates shall be permitted to erect one freestanding sign in addition to those permitted by §§ 159.07.02 and 159.07.03. Such additional sign shall be oriented to the interstate and shall not exceed one hundred (100) square feet in display area. The height of such signs shall not exceed fifty feet (50') above the highest elevation of the interstate or interchange. Approval must also be obtained from the State of South Carolina.

(Ord. 99-014, § 2 (§ 7-11.0), passed 4-5-99)

§ 159.07.12 KIOSK SIGNS.

Kiosk signs are permitted if they meet the following conditions:

- (A) Only one sign is allowed per wall.
- (B) Each sign is limited to twelve (12) square feet.
- (C) Signs cannot project over the roof or project outward from the wall side.
- (D) Signs may be lit but must not flash, move or give the appearance of being neon signs.

(Ord. 2003-07 § 1, passed 2-3-03)

§ 159.07.13 MECHANICALLY MOVABLE SIGNS.

A monument sign may have a single portion of its face dedicated to the use of automated changeable copy. The portion of a sign dedicated to this type of signage may not exceed eighteen (18) square feet. Automation used to change copy must be completed by the use of a mechanical device that utilizes interchangeable panels with letters, numbers or common symbols to convey a message. The use of any type of lighting including, but not limited to, digital displays or displays using LED or LCD lighting to convey a message is prohibited. No photographs, depictions or animation of any kind may be used to convey a message. Any type of lighting within the automated changeable copy portion of the sign is prohibited except backlighting. No panel within an automated changeable copy portion of a sign can change more frequently than one time in a twelve-hour period.

(Ord. 2012-11, § 2, passed 7-9-12)

ADVERTISING SIGNS

§ 159.08.01 ADVERTISING SIGNS.

All Off-Premise Signs are prohibited except those authorized by Section 159.03.02(M). Existing Advertising Signs currently in the Town limits or those that are annexed into Town shall be allowed to continue as nonconforming signs. These nonconforming signs shall not be allowed to be enlarged, extended or converted to electronic billboards. Change of copy and regular/ordinary maintenance shall be allowed.

(Ord. 2019-32, § 2, passed 7-8-19)

Editor's note(s)—Ord. 2019-32, § 2, adopted July 8, 2019, repealed the former §§ 159.08.01—159.08.06, and enacted a new § 159.08.01 as set out herein. The former sections pertained to similar subject matter and derived from Ord. 99-014, § 2 (§§ 8-1.0—8-6.0), passed April 5, 1999.

NONCONFORMING SIGNS

§ 159.09.01 NON-CONFORMING SIGNS IN NEWLY ANNEXED AREAS.

Signs in newly annexed areas that become non-conforming upon annexation shall be removed, altered, or otherwise brought into conformity within ten years of the date of annexation into the Town.

(Ord. 99-014, § 2 (§ 9-1.0), passed 4-5-99; Ord. No. 2023-8, § 2, passed 4-3-23)

§ 159.09.02 GENERAL PROVISIONS.

- (A) Reconstruction. A nonconforming sign shall not be extended or enlarged except in accordance with §§ 159.09.01 through 159.09.05.
- (B) Extension or enlargement. A nonconforming sign shall not be extended or enlarged except in accordance with §§ 159.09.01 through 159.09.05.
- (C) Reconstruction after damage. A nonconforming sign shall not be rebuilt, altered or repaired except in conformity with these regulations after sustaining damage exceeding twenty percent (20%) of the replacement cost of the sign at the time of the damage.
- (D) Ordinary maintenance. Nothing in §§ 159.09.01 through 159.09.05 shall be deemed to prevent the ordinary maintenance and repair of a nonconforming sign or replacement of a broken part of a nonconforming sign.
- (E) Change of copy. No nonconforming sign may be altered by changing copy, other than readerboard signs. Nothing in §§ 159.09.01 through 159.09.05 shall be deemed to prevent the ordinary change of copy on an advertising sign or a business changeable copy sign. Changing the copy (face of the sign) does require a sign permit.
- (F) Abandonment of nonconforming signs. Whenever a nonconforming sign has been abandoned, or the use of the property has been discontinued for a continuous period of ninety (90) days, the nonconforming sign shall be removed.

(Ord. 99-014, § 2 (§ 9-2.0), passed 4-5-99)

§ 159.09.03 TEMPORARY SIGNS.

All temporary signs not meeting the requirements of this chapter must be removed or changed to comply within thirty (30) days of the date of the adoption of this chapter.

(Ord. 99-014, § 2 (§ 9-3.0), passed 4-5-99)

§ 159.09.04 CHANGE IN BUSINESS.

Whenever any nonconforming sign, or part thereof, is altered, replaced, converted or changed due to a change in business, attraction, service, ownership or management, the entire sign shall be brought into compliance with these regulations. Exception: commercial centers. Nothing in this section should be construed to require a shopping center sign to be brought into compliance because of changes in tenants in the ordinary course of business.

(Ord. 99-014, § 2 (§ 9-4.0), passed 4-5-99)

§ 159.09.05 SUBSTANTIAL REPAIRS, REMODELING, OR EXPANSION.

Whenever a business is repaired, altered, remodeled or expanded to an extent exceeding thirty-three percent (33%) of the current replacement cost of the building within any period of twelve (12) consecutive months, all signs, other than freestanding signs, shall be brought into compliance with these regulations.

(Ord. 99-014, § 2 (§ 9-5.0), passed 4-5-99)

§ 159.09.06 ILLEGAL SIGNS.

Signs, which were erected without a sign permit, are declared illegal and are not grandfathered under § 159.09.01. All illegal signs must be removed within thirty (30) days after the adoption of this chapter.

(Ord. 99-014, § 2 (§ 9-6.0), passed 4-5-99)

ADMINISTRATION

§ 159.10.01 ADMINISTRATION.

The Zoning Administrator, assisted by Public Safety, will be responsible for the enforcement of this chapter.

- (A) Town of Lexington permits. Except as otherwise specifically stated in this chapter, no sign shall be erected, placed, replaced or altered without the owner or agent of the owner having obtained a sign permit.
- (B) State of South Carolina permits. Businesses and advertising signs on federal highways require permits from the State of South Carolina. A copy of this permit must be furnished to the Town's Building Department before the sign can be erected.
- (C) Application for permit. All applications for sign permits shall be made to the Zoning Administrator or his designated representative. The following information shall be submitted with the application:
 - (1) Documentation of ownership of property on which the sign is to be erected or written authorization by the owner of the property;
 - (2) Name and address of the owner of the sign;
 - (3) Site plan showing the precise location of the sign in respect of property and right-of-way lines and any buildings or other improvements on the property;

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- (4) Exact size, nature and type of sign to be erected;
 - (5) Any other information, specifications or the like deemed necessary by the Building Official.
 - (D) Expiration of approval. If a building permit is not obtained within one year of the sign plans being approved, the approval will expire.
 - (E) Expiration of permit. Any permit issued for the erection of a sign shall become invalid unless the work authorized by it shall have been started within six (6) months of its issuance and completed within twelve (12) months of its issuance.

(Ord. 99-014, § 2 (§ 10-1.0), passed 4-5-99)

§ 159.10.02 FEES.

In order to defray some of the administrative costs associated with processing permit applications and inspecting signs, the following fees shall apply:

- (A) Regular fees. Calculated as prescribed by the building codes ordinance of the Town of Lexington.
- (B) Temporary sign. Twenty dollars (\$20.00) per sign per use period.
- (C) Reinspection fee. Twenty-five dollars (\$25.00).
- (D) Failure to obtain permit. If a sign is erected without a permit, and a permit is subsequently obtained, the fee for the permit and business license shall be doubled.

(Ord. 99-014, § 2 (§ 10-2.0), passed 4-5-99)

§ 159.10.03 IMPOUNDMENT OF SIGNS.

- (A) If any sign requiring a permit is erected without a permit, or if any sign is erected in violation of these regulations, the Town Administrator shall have the authority to give the owner thereof written notice of such violation. The notice shall include a brief statement of the particulars in which the violation is to be remedied. If the sign has been permitted, notice to the person receiving the permit shall be sufficient. If a sign has not been permitted, and the owner is not known, a highly visible sticker reading "VIOLATION" shall be attached to the sign for a period of ten (10) days. If the sign owner cannot be found, the duty to perform corrections or removal of the sign will be upon the property owner on whose property the sign is located.
- (B) If within ten (10) days the owner of the sign fails to contact the Zoning Administrator, bring the sign into conformance with these regulations, and obtain a sign permit, the Building Official shall have the authority to have the sign removed and impounded without further notice and the cost of removal shall constitute a lien against the property on which the sign is located. The Town shall not be liable for any damage to the sign or property as a result of such removal.
- (C) The Zoning Administrator shall have the authority to remove and impound, without notice to the owners thereof, any signs placed within any street right-of-way, signs attached to trees, rocks or other natural features, and signs attached to telephone and utility poles.

(Ord. 99-014, § 2 (§ 10-3.0), passed 4-5-99)

§ 159.10.04 VIOLATIONS AND PENALTIES.

- (A) Any person violating, by act or omission, any provision of this chapter shall be guilty of a misdemeanor and shall be punishable by a fine not exceeding five hundred dollars (\$500.00), thirty (30) days in jail, or both, at the discretion of the court.
- (B) Where such an act or omission is continued in violation of the provisions of this chapter after notice of such violation by the Zoning Administrator, each and every day during which such act or omission continues shall be deemed a separate violation.
- (C) The owner or tenant of any building, structure, premises, or part thereof, and any sign company, contractor, architect, surveyor, builder, engineer, agent or other person who commits, participates in, assists in or maintains such violations may each be found guilty of a separate offense and suffer the penalties herein provided.

(Ord. 99-014, § 2 (§ 10-4.0), passed 4-5-99)

§ 159.10.05 APPEALS.

Any person who feels the Zoning Administrator has erred in the interpretation or enforcement of these regulations may appeal such decision to the Zoning Board of Adjustment as provided in the zoning ordinance, Chapter 155.

(Ord. 99-014, § 2 (§ 10-5.0), passed 4-5-99)

§ 159.10.06 VARIANCES.

A variance may be granted from the provisions of these regulations by the Zoning Board of Adjustment as provided in the zoning ordinance, Chapter 155.

(Ord. 99-014, § 2 (§ 10-6.0), passed 4-5-99)

§ 159.10.07 AMENDMENTS.

This chapter may be amended by the Town Council of the Town of Lexington in accordance with the procedures established by the Code of Laws of 1976, of the South Carolina General Assembly.

(Ord. 99-014, § 2 (§ 10-7.0), passed 4-5-99)