

## ARTICLE 2: DEFINITIONS

### Section 2.1 Definitions

For the purpose of these regulations, the following terms, phrases, words and their derivations shall have the meaning given herein. Words used in the present tense include the future, the singular number includes the plural and the plural is the singular. The word “shall” is mandatory and the word “may” is permissive. The words “used for” shall include “arranged for”, “designed for”, “intended for”, “maintained for”, “constructed for”, or “occupied for”. The word “person” shall mean natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business trust or the manager, lease, agent, servant, officer or employee of any of them. The word “land” shall include water surface and land under water.

### Section 2.2 Terms Defined

Abandonment or Abandoned <sup>17, 21</sup>	The relinquishment of property or cessation of the use of the property by the owner or lessee without any intention of transferring rights to the property to another owner or resuming the nonconforming use of the property for a period of one year.
Accessory Agricultural Dwelling Unit <sup>26, 32</sup>	An accessory dwelling unit that is incidental and subordinate to the principal dwelling unit, which is located on the same lot as the principal building, and is limited to use by a person (and family) who performs agricultural work on the property or acts as a caretaker for the property.
Accessory Dwelling Unit <sup>32</sup>	A secondary dwelling unit that has a separate kitchen, bathroom, and sleeping area, and may be attached to the principal dwelling unit or detached and situated on the same lot as the principal dwelling unit. An accessory dwelling unit is part of the same property as the main home and cannot be bought or sold separately unless subdivided in accordance with the Subdivision Regulations and the Zoning Ordinance. The owner of the accessory dwelling unit is the owner of the principal dwelling unit. The property owner or immediate family member must occupy either the principal dwelling unit or the accessory dwelling unit. An accessory dwelling unit shall meet the definition of an accessory agricultural dwelling unit or an in-law suite as provided in Section 8.15 of this Ordinance.
Accessory Equipment <sup>22</sup>	Any equipment serving or being used in conjunction with a Wireless Telecommunications Facility. This equipment includes, but is not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or other structures.
Accessory Use	A structure or use which is customarily incidental and subordinate to the principal building or use which is located on the same lot as the principal building. Accessory structures include garages, tool sheds, storage buildings, swimming pools or other similar structures. An accessory structure having any part of a wall in common with a dwelling is considered part of the main building and must meet those setbacks.

Battlefield <sup>32</sup>	There are Federally recognized battlefields in Jefferson County as determined by the Civil War Sites Advisory Commission. For the purpose of this Ordinance, green space includes battlefield core areas.
Bed and Breakfast <sup>23</sup>	A single-family dwelling where lodging is offered for compensation, having no more than seven (7) bedrooms for this purpose, and meeting the requirements for such a use in Article 8 of this Ordinance.
Bicycle Parking Space <sup>27</sup>	A volume of space that can accommodate locked storage of one (1) bicycle at a bicycle rack, i.e. a fixture to which one or more bicycles can be securely locked.
<u>Billboard</u>	<u>A structure on which is portrayed information which directs attention to a business commodity, service or entertainment not necessarily related to the other uses permitted on the premises upon which the structure is located. (See Sign, Outdoor Advertising)</u>
Blue Ridge Line <sup>11</sup>	The common surveyed boundary between Jefferson County, West Virginia and Loudoun County, Virginia.
Board <sup>17, 21</sup>	The Jefferson County Board of Zoning Appeals.
Boarding or Rooming House <sup>24</sup>	A building other than a Hotel, Motel, Bed and Breakfast, Residential Care Home, Group Residential Home, Group Residential Facility, or Country Inn where lodging is provided for compensation for more than 6 unrelated persons. Meals may or may not be served but are not provided to outside guests. There is one common kitchen facility.
Brewer	Any person manufacturing craft beer from malt and hops by infusion, boiling, and fermentation for sale at wholesale to any licensed distributor.
Brewpub	An establishment owned by a resident brewer in which craft beer is manufactured and sold on premises in accordance with WV State Code licensing requirements. A brewpub may include the incidental sale of food.
Broadcast Tower <sup>22</sup>	A structure situated on a lot that is intended for transmitting television or AM/FM radio signals.
Buffer <sup>5</sup>	An area on a property defined by a distance from the property line or other specifically designed line such as flood plain, wetland limit or stream bank. Said area is intended to absorb, lessen or neutralize the impacts of one land use from another. The nature of the buffer will depend on the impact(s) being neutralized.
Building	Any structure which is permanently affixed to the land and has one or more floors and a roof. The term building shall include manufactured homes.
Building Line	The line established by law beyond which a building shall not extend as determined by front, side and rear yards, herein.

Sign	Any object, device display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images.
Sign, Animated	A sign with action or motion, flashing lights, or color change requiring electrical energy, electronic, or manufactured sources of supply, but not including wind actuated elements such as flags, banners, or pennants.
<u>Sign, Billboard</u>	<u>A structure on which is portrayed information which directs attention to a business commodity, service, or entertainment not necessarily related to the other uses permitted on the premises upon which the structure is located. (See Sign, Outdoor Advertising)</u>
Sign, <u>Attached</u> Business	A sign <u>attached to a building/structure</u> which directs attention to a business or profession or to a commodity, service, or entertainment sold or offered upon the premises where the sign is located.
<u>Sign, Electronic</u>	<u>A sign utilizing lights that change to form a static sign message or graphic wherein the sequence of messages and rate of change is electronically programmed.</u>
Sign, Freestanding <u>Business</u>	A sign supported by a permanent structure, other than a building, that is affixed to the earth and placed on the same parcel of land on which the business <u>commodity, or service, or entertainment</u> advertised by the sign is located.
<u>Sign, Inflatable</u>	<u>Any display capable of being expanded by air or other gas and used on a temporary or permanent basis to advertise a product or event.</u>
<u>Sign, Pylon</u>	<u>A sign which advertises more than one land use on the premises where the sign is located.</u>
Sign, Vehicle <sup>23</sup>	A sign or advertising device which is painted, mounted, affixed or otherwise attached to a vehicle or trailer, which is used for the purpose of providing advertisements of products and services or directing people to a business or service or other activity on or off the premises or public right-of-way where such vehicle sign is located. This does not include identification signs on vehicles which are moved regularly and used in the normal, day-to-day operation of the business.
Sign, <u>Off-Premises</u> <u>Outdoor Advertising</u>	A sign structure which directs attention to a business, commodity, service, or entertainment not necessarily conducted, sold, or offered upon the premises where such sign is located. <u>This term shall include billboards.</u>
Soil Value	A relative numeric value assigned to soil groups based on the group's potential for agricultural production.

## **Section 6.2 Variances<sup>32</sup>**

The Board of Zoning Appeals shall consider requests for variances from the terms of the Ordinance.<sup>23</sup>

- A. The Board shall approve a variance request if the Board finds that a variance:
  - 1. Will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents;
  - 2. Arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance;
  - 3. Would eliminate an unnecessary hardship and permit a reasonable use of the land; and
  - 4. Will allow the intent of the Zoning and Land Development Ordinance to be observed and substantial justice done.<sup>17, 21</sup>
- B. The owner or authorized representative of the owner of the property which is the subject of a variance request shall complete and sign forms provided for this purpose by the Board, and shall pay the associated fees. The variance request shall be filed with the Board in the Office of Planning and Zoning.
- C. Notification for a variance must be conducted according to the requirements of Section 6.1B.
- D. A public hearing must be conducted according to the requirements of Section 6.1C and such hearing may be continued according to the requirements of Section 6.1D.

## **Section 6.3 Conditional Use Permit<sup>32</sup>**

The Board of Zoning Appeals shall have the authority over the issuance or denial of a conditional use permit for uses listed as “Conditional Uses (CU)” in each zoning district. The Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed conditional use permit.<sup>2, 32</sup>

- A. The Board shall consider each Conditional Use Permit request that is filed in accordance with this Ordinance and the procedural requirements of the Board of Zoning Appeals. The Board may require reasonable conditions or special requirements which allows for the proper integration of the proposed uses into the community and are directly related to and incidental to the proposed conditional use permit. The following General Standards shall be considered in approving or denying the CUP:
  - 1. The proposed use is compatible with the goals of the adopted Comprehensive Plan.
  - 2. The proposed use is compatible in intensity and scale with the existing and potential land uses on the adjoining and confronting properties, and poses no threat to public health, safety and welfare.
  - 3. The proposed site development shall be such that the use will not hinder nor discourage the appropriate development and use of adjacent land and buildings.
  - 4. Neighborhood character and surrounding property values shall be safeguarded by requiring implementation of the landscaping buffer requirements found in Appendix B and Section 4.11 of this Ordinance.
  - 5. Commercial and Industrial Uses shall be in conformance with Section 8.9 of this Ordinance.
  - 6. For properties in the Rural zoning district, roadway adequacy shall be assessed by the Comprehensive Plan’s Highway Road Classification Map. If a rural parcel is not shown as commercial on the Future Land Use Guide or does not front on a Principal Arterial,

Minor Arterial, or Major Collector road (as identified in the Comprehensive Plan), the applicant shall submit trip generation data, including Average Daily and Peak Hour trips, for the BZA to review in conjunction with the Highway Problem Areas Map when determining roadway adequacy for the proposed use.

~~6.7.~~Any signs associated with the proposed Conditional Use shall be reviewed by the Board per Section 10.6.

- B. The owner or authorized representative of the owner of the property for which the Conditional Use Permit is being requested shall complete and sign forms provided for this purpose by the Board, and shall pay the associated fees. The Conditional Use Permit request shall be filed with the Board at the Office of Planning and Zoning.
- C. Staff will notify the adjacent and confronting property owners of the date, time, and location of the Public Hearing by registered mail. Notification for a Conditional Use Permit must be conducted according to the requirements of Section 6.1B.
- D. A public hearing must be conducted according to the requirements of Section 6.1C and such hearing may be continued according to the requirements of Section 6.1D.
- E. If there are no negative public comments received by the Board, the Board shall issue the Conditional Use Permit but may require reasonable conditions.

#### **Section 6.4 Seasonal Uses<sup>5, 7, 32</sup>**

Seasonal uses must be approved by the Board of Zoning Appeals pursuant to a public hearing according to the requirements of Section 6.1C. Newspaper notification requirements of Section 6.1B apply. Seasonal uses cannot be approved for longer than one year at a time.<sup>17, 21, 23</sup>

#### **Section 6.5 Special Exception ~~Permit~~Uses<sup>26, 32</sup>**

- A. Special Exception uses listed in this section may be approved by the Board of Zoning Appeals ~~following~~subject to a public hearing ~~in accordance with the following:-~~
  - ~~1. The public hearing is subject to the notification requirements of Section 6.1B.~~
  - ~~2.~~The public hearing shall be conducted according to the requirements of Section 6.1C.
  - ~~3.~~Such hearing may be continued according to the requirements of Section 6.1D.
  - ~~3.4.~~The public hearing is subject to the notification requirements of Section 6.1B.
- B. The following ~~signs~~uses may be approved as a Special Exception:
  - ~~1. Off-Premises Signs per Section 10.5A~~Outdoor advertising signs including billboards.
  - ~~2. Billboard Signs per Section 10.5B~~
  - ~~3. Electronic Signs per Section 10.5C~~

The Board of Zoning Appeals shall determine if such a sign conforms to existing State law and does not have a negative effect on the neighborhood or intent of this Ordinance.<sup>17, 21</sup>

## ARTICLE 10: PROVISIONS FOR SIGNS

### Section 10.1 Purpose of Sign Provisions

The purpose of this section is to regulate all exterior signs and interior signs placed for exterior observance so as to protect property values and the character of the County. Any sign placed on land or on a building for the purposes of identification or for advertising a use conducted therein or thereon shall be deemed to be accessory and incidental to such land, building or use.

~~It is intended that the placement of a particular sign will be appropriate to the land, building, or use to which they are appurtenant and be adequate, but not excessive, for the intended purpose of identification or advertisement. It is also intended that in areas proposed for new development, that signs placed will be harmonious in color, form and proportions to its surroundings.~~

### Section 10.2 General Provisions

~~It is intended that the placement of a particular sign will be appropriate to the land, building, or use to which they are appurtenant and be adequate, but not excessive, for the intended purpose of identification or advertisement. It is also intended that in areas proposed for new development, that signs placed will be harmonious in color, form and proportions to its surroundings.~~

~~A.~~ No sign shall be erected, hung, or placed in any district except as provided in this Ordinance.

~~A.B.~~ No sign erected before the enactment of this Ordinance shall be structurally altered or moved except in accordance with this Ordinance.

~~B.C.~~ ~~No zoning permit shall be required for the repainting or repairing of a sign.~~

~~C.D.~~ No signs, other than subdivision signs approved by the Planning Commission, shall be located in the right-of-way of any road or on any slope or drainage easement for such road, ~~or within any stormwater, drainage, or utility easement.~~<sup>2, 17, 21, 23</sup>

~~D.E.~~ No sign shall be permitted which ~~is an imitation of~~ or which resembles an official traffic control device, railroad sign or signal, or which hides from view or interferes with the effectiveness of an official traffic control device or any railroad sign, signal, or traffic sight lines. ~~Illuminated signs shall be so constructed as to avoid glare or reflection of any portion of an adjacent highway or residential building.~~

~~E.F.~~ No sign which implies the need or requirement of stopping or this existence of danger shall be displayed.

~~F.G.~~ No sign shall be placed on rocks, trees, or on poles maintained by public utilities.

~~G.H.~~ No sign shall be permitted which becomes unsafe or endangers the safety of the building, premises, or persons and unless maintained in a good general condition.

~~H.I.~~ No sign shall be permitted which contains statements, words or pictures of an obscene, indecent, or immoral character.

~~J.~~ ~~Illuminated signs shall be so constructed as to avoid glare or reflection of on any portion of an adjacent highway or residential building.~~

~~K. No a~~ Animated signs, as defined by Section 2.2, are ~~prohibited~~ allowed.

~~L.~~ Inflatable signs, as defined by Section 2.2, are prohibited. Residential, seasonal lawn decorations are exempt from this provision.

~~M.~~ Vehicle signs, as defined by Section 2.2, are prohibited per Section 4.4J.

### Section 10.3 ~~Signs~~ Permitted ~~Signs~~ Without Zoning ~~Certificate~~ ~~Permit~~

#### A. Repainting or repairing of a sign.

~~A.B.~~ Signs posted upon property relating to private parking or warning the public against trespassing or against dangers of animals.

~~B.C. Municipal, County, State and Federal signs, including necessary traffic signs.~~

~~C.D. Historical markers, monuments, or signs erected by a public authority.~~

~~D.E.~~ Plates on residential structures or premises giving the name or address of the occupant, mailboxes, papertubes, and ~~similar uses~~ signs customarily associated with residential uses.

~~E.F.~~ A sign indicating advertising the name and/or premises or accessory use of a home for an approved home occupation or cottage industry professional purpose, not exceeding the maximum size for such a sign as permitted in Article 4A of this Ordinance.

G. A sign not exceeding 25 square feet and no more than 6 feet in height on a farm, advertising farm activities and/or products primarily grown on the premises.

~~F.H. Municipal, County, State and Federal signs, including necessary traffic signs.~~

~~G.I. Historical markers, monuments, or signs erected by a public authority.~~

~~H.J.~~ Directional or informational signs of a public or quasi-public nature, such as those containing the meeting date of a community or civic club, or the advertising of a public event.

#### K. Temporary Signage

The temporary sign must be located on the property for which the advertisement is related. One temporary sign is permitted per street frontage. Temporary signs shall not be located within a public right-of-way. All temporary signs shall be removed 30 days after the event.

1. A sign not exceeding 20 square feet and no more than 6 feet in height that advertises:

a) ~~A temporary r~~Real estate information, sign designating the zoning classification of the parcel, not exceeding 20 square feet and being located on the subject property for sale or lease.

b) ~~Services rendered by a contractor and/or professional person.~~

c) A short-term or limited-time sale.

2. A sign not exceeding 100 square feet that announces an upcoming subdivision or commercial site. Sign shall not interfere with traffic visibility.

3. A sign that advertises a Seasonal Use approved by the Board of Zoning Appeals.

~~4.~~ Election signs are permitted if erected no more than 90 days before the election and removed within 15 days of announced results. Signs shall not interfere with traffic visibility.

~~I. Building contractors', subdivision and/or professional person' temporary signs on buildings or land under construction but not to exceed 100 square feet.~~

~~J. Election signs, provided that unsuccessful candidate shall remove signs within 15 days after a primary or special election. All signs shall be removed within 15 days after the general election. Signs shall not interfere with traffic visibility.~~

~~K. All temporary signs shall be removed 30 days after the event, unless otherwise specified in Article 10.~~

## Section 10.4 Signs Requiring a Zoning ~~Certificate~~ Permit

Business and outdoor advertising signs in all zoning districts shall require a Zoning Certificate before placement on any property or building.<sup>2</sup> Sign types are defined in Section 2.2.

- A. ~~Business and outdoor advertising signs in all zoning districts shall require a Zoning Certificate before placement on any property or building.<sup>3</sup>~~

### B. Attached Business Signs

Signs attached to a building related to the subject land use are permitted, provided:

1. ~~Any exterior sign or signs pertaining to the use conducted on the premises, and which is either integral with or attached to the principal building, shall have a sum. The total area of the sign shall be~~ no more than two square feet for each foot in length of the frontage of the building.
2. ~~Attached business signs shall not. No sign shall be attached to the side of the building that faces an adjoining residence. All signs placed on a property whose use is permitted through the approval of a Conditional Use Permit are subject to Section 10.4E.<sup>32</sup>~~
3. ~~In addition to the provisions herein, electronic signs shall conform to the criteria outlined in Section 10.7.~~

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### C. Freestanding Business Signs

Freestanding business signs related to the subject land use are permitted, provided: Individual business or industrial establishments may erect a freestanding business sign, provided

1. ~~†The lot frontage is at least 40 feet.~~
2. ~~The One freestanding sign per street frontage is permitted. The total area for any sign or signs on one supporting structure shall not exceed 100300 square feet and the maximum total height of the sign structure shall not exceed 35 feet.~~
3. ~~Freestanding business signs shall be located in such a manner that no part of the supporting structure is less than 25 feet from the street right-of-way, and that no part of the sign is closer than five feet to the right-of-way. The total area for any sign or signs on one supporting structure shall not exceed 300 square feet and the total height of the sign structure shall not exceed 35 feet. Businesses or industries having a frontage on more than one street may have an additional freestanding sign for each street frontage, provided that the total area for all freestanding signs does not exceed 600 square feet.~~
4. ~~Freestanding business signs. Where the lot adjoins a residence and a freestanding sign is on the side of the business lot adjoining the residential lot, the sign shall not face an adjacent the adjoining residence. Signs whose use is permitted through the approval of a Conditional Use Permit are subject to Section 10.4E.~~
5. ~~Properties which consist of Structures which have more than one land use shall be required to use a pylon sign. One pylon sign is permitted on each street frontage.<sup>8, 32</sup>~~
6. ~~In addition to the provisions herein, electronic signs shall conform to the criteria outlined in Section 10.7~~

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- ~~B-D. All outdoor advertising signs shall be spaced in such a manner that in an Industrial District there shall be a minimum of 200 feet between signs, and in the Rural District, where permitted, such signs shall be located in such a manner that there shall be 1,000 feet between signs. This shall be subject to Section 10.4E.~~

- ~~C-E. All signs accessory to a land use subject to the approval of a Conditional Use Permit shall be proposed within the Conditional Use Permit application and assessed by the Board of~~



~~Zoning Appeals at the required Public Hearing. Such signs shall be maintained at least 1,000 feet between signs. Consideration of the placement of such signs with less than 1,000 foot intervals shall be determined by the Commercial or Residential Uses adjacent to the subject site. Commercial uses adjacent to the subject site may allow spacing intervals of 300 feet. Any variance from this standard shall require consideration and approval by the Board of Zoning Appeals.~~<sup>2, 17, 21, 22, 23</sup>

~~D.F. No outdoor advertising sign shall be placed closer than 300 feet to an intersection on a dual or proposed dual highway or within 100 feet of any other intersection; provided, however, that such signs may be affixed to or located adjacent to a building at such intersections in such a manner as not to materially cause any greater obstruction of vision than caused by the building itself. No business sign shall be so located to obstruct the vision of traffic using entrance ways, driveways, or any public road intersection.~~

~~E.G. All outdoor advertising, excluding billboards subject to Section 10.4H, shall comply with front yard setback provisions in the districts in which they are permitted.~~

#### ~~F. Billboards~~

- ~~1. No billboard shall be closer to any public highway right of way than 300 feet.~~
- ~~2. Placement of a billboard must be in a location that is within 800 feet of an existing business.~~
- ~~3. There shall be a minimum of 1000 feet between billboards.~~
- ~~4. A billboard shall be no closer than 500 feet from a church, school, or cemetery.~~

### **Section 10.5 Signs Requiring a Special Exception Permit~~Zoning Certificate~~<sup>2</sup>**

~~All Zoning Certificate applications for signs may be approved by the Zoning Administrator if in conformance with the regulations.~~<sup>17, 21, 23</sup>

The following signs shall require processing a Special Exception Permit before the Board of Zoning Appeals pursuant to Section 6.5. Any deviation from the provisions of this section shall require consideration and approval by the Board as part of the Special Exception application.

#### A. Off-Premises Signs

Signs approved by the Board shall adhere to the following:

1. Off-Premises Signs shall not exceed 60 square feet and shall be no more than 25 feet in height.
2. When located in the commercial/industrial zoning districts, there shall be ~~All outdoor advertising signs shall be spaced in such a manner that in an Industrial District there shall be a minimum of 300 feet between signs.~~
- ~~3. When located in the , and in the Rural/residential zoning Ddistricts, where permitted, such signs shall be located in such a manner that there shall be 1,000 feet between signs. This shall be subject to Section 10.4E.~~
4. Off-Premises Signs ~~All outdoor advertising, excluding billboards subject to Section 10.4H, shall comply with front yard setback provisions in the districts in which they are permitted.~~
5. Off-Premises Signs shall not be located ~~No outdoor advertising sign shall be placed closer than 300 feet to an intersection on a dual or proposed dual highway or within 100 feet of any other intersection; provided, however, that such signs may be affixed to or located adjacent to a building at such intersections in such a manner as not to materially cause any greater obstruction of vision than caused by the building itself. No business sign shall be so located to obstruct the vision of traffic using entrance ways, driveways, or any public road intersection.~~

6. In addition to the provisions herein, electronic signs shall also conform to the criteria outlined in Section 10.7.

#### B. Billboard Signs

Signs approved by the Board shall adhere to the following:

1. No billboard sign face shall exceed a total of 300 square feet in surface area including trim, nor shall it contain more than one message per sign face.
2. No billboard sign shall exceed 35 feet in height.
3. No billboard shall be closer to any public highway right-of-way than 300 feet.
- ~~4.~~ Placement of a billboard must be in a location that is within 800 feet of an existing business.
- ~~5.~~ There shall be a minimum of 1000 feet between billboards.
6. A billboard shall be no closer than 500 feet from a church, school, or cemetery.
- ~~7.~~ In addition to the provisions herein, electronic signs shall conform to the criteria outlined in Section 10.7.

#### C. Electronic Signs

Electronic Signs located in the Rural, Residential Growth, and Village zoning districts shall require a Special Exception Permit unless included as part of a Conditional Use Permit application per Section 10.6. Electronic Signs shall conform to the criteria outlined in Section 10.7.

### Section 10.6 Conditional Use Permit (CUP) Signs

All signs accessory to a land use subject to the approval of a Conditional Use Permit shall be proposed within the Conditional Use Permit application and assessed by the Board of Zoning Appeals at the required Public Hearing. Such signs shall be maintained at least 1,000 feet between signs. Consideration of the placement of such signs with less than 1,000 foot intervals shall be determined by the Commercial or Residential Uses adjacent to the subject site. Commercial uses adjacent to the subject site may allow spacing intervals of 300 feet. Any variance from this standard shall require consideration and approval by the Board of Zoning Appeals. <sup>2, 17, 21, 23, 32</sup>

Signs associated with a Conditional Use Permit application shall be assessed by the Board of Zoning Appeals as part of the CUP process per Section 6.3. Any deviation from the provisions of this section shall require consideration and approval by the Board as part of the CUP application. Signs approved by the Board shall adhere to the following:

- A. There shall be a minimum of 300 feet between signs when located in the commercial/industrial zoning districts.
- B. There shall be a minimum of 1,000 feet between signs when located in the rural/residential zoning districts; however, a minimum of 300 feet between signs may be permitted provided the adjacent land use is a commercial/industrial land use.
- C. Signs shall comply with the front yard setback provisions in the districts in which they are permitted.
- D. In addition to the provisions herein, electronic signs accessory to a CUP application shall conform to the criteria outlined in Section 10.7.

## **Section 10.7 Electronic Signs**

Electronic Signs are permitted in any commercial and/or industrial district. Electronic Signs located in the Rural, Residential Growth, and Village zoning districts shall process as a Special Exception before the Board of Zoning Appeals per Section 6.5. Any electronic sign accessory to a Conditional Use Permit application shall comply with Section 10.6 and the criteria outlined in this section. When permitted, Electronic Signs shall conform to the following criteria:

- A. The message or image shall be static, displayed for a minimum of 15 seconds and shall not be animated by scrolling, flashing, or other similar non-static displays.
- B. The message or image change shall occur simultaneously for the entire electronic sign face without any special effects. The time to complete the change from one message to the next is a maximum of one second.
- C. Electronic signs shall contain a default mechanism that will cause the sign to revert immediately to a black screen if a malfunction occurs.
- D. An electronic sign may not be animated, play video or audio messages, or blink in any manner.
- E. Electronic signs shall not exceed a maximum illumination of 7,000 nits during daylight hours and a maximum of 600 nits for the time period between ½ hour before sunset and ½ hour after sunrise as measured from the sign's face at maximum brightness.
  - 1. The applicant shall provide written certification from the sign manufacturer that the light intensity has been factory preset not to exceed the levels specified above, and the intensity level is protected from end-user manipulation by password protected software or other appropriate methods.
  - 2. The change from 7,000 nits to 600 nit shall be controlled by an automatic dimmer control system.
- F. There shall be only one electronic sign on each parcel of land. Off-premises electronic signs shall be subject to Section 10.5A.
  - 1. Community announcements, emergency alerts, weather, and time related messages are generally permitted and shall not be considered an off-premises sign.
- G. Electronic Signs shall not be located within 300 feet of a traffic light.
- H. Electronic signs shall not be located within 200 feet of the property line of a parcel with a residential structure. This setback does not apply to mixed-use buildings or residential structures located on the same parcel as a commercial development.
- I. Electronic signs proposed to locate adjacent to a lot in the Rural, Residential Growth, or Village zoning districts, or adjacent to residential structures in any zoning district, shall be oriented perpendicular to residential frontages. Electronic signs shall not be parallel to any residential structures in any zoning district.
- J. Electronic signs adjacent to lots in the Rural, Residential Growth, and Village zoning districts shall automatically shut-off by 10:00 p.m. and shall not turn on until 6:00 a.m.
- K. Electronic signs shall be FCC certified as required by Federal Law. A valid copy of the FCC Manufacturers Testing Certificate shall be submitted to the Office of Planning and Zoning as part of the Zoning Certificate application.