

AMENDMENTS – (Phase III)

Chapter 86 - LAND DEVELOPMENT REGULATIONS

The purpose of these amendments is to resolve any discrepancies that currently exist; update sections based on amendments to the State Code of Virginia; amend sections to provide clarification, and consistent application of regulations. **THESE REGULATIONS APPLY THROUGHOUT ALL OF LOUISA COUNTY**; and are proposed pursuant to Va. Code §§ 15.2-2285 and 15.2-2286.

ARTICLE I. GENERAL PROVISIONS

DIVISION 2. DEFINITIONS

Sec. 86-13. Definitions

Ambient lighting or illumination - the general illumination or light that is naturally present in an environment, providing overall brightness and visibility, as opposed to specific, focused light sources.

Candela - is the base unit of luminous intensity in the International System of Units.

~~Buffering or screening yard.~~ A yard or designated area with certain screening, like opaque fencing or landscaping materials, required between abutting zoning districts of differing use intensities or between adjoining land uses for decreasing the adverse impact of differing uses and districts.

Division, parcel. To divide a parent parcel into no more than two additional parts for the purpose of transfer of ownership or building development. Lots shall be divided from parent tracts, or the residue parcel that remains after a prior one-lot division, so long as such residue parcel has five or more acres and a or minimum of 4300 feet of existing state road frontage. For clarity, it is the specific intent of this provision to allow a maximum of three total lots, including the residual parcel, to be created from any parent parcel by division, if any. Divisions are not subject to the provisions set forth in the subdivision ordinance except for subsection 86-567 (11), private lanes. However, similar to the requirements of section 86-587, a lot created by division shall be required to include provisions for the dedication of right-of-way when the property is adjacent to a state road that is less than 50 feet in width; provided that, this requirement does not apply to a residual portion of the parent tract that is five or more acres and or has a minimum of 4300 feet of existing state road frontage.

Note – The “4” is stricken in the amendment language above; the “strike through” line goes right through the crossline of the “4.”

Foot candle – a measurement of light intensity.

Nit - a unit of measurement for the brightness of a display, specifically its luminance, and are equivalent to one candela per square meter (cd/m²).

Off-grid construction (residential) - the practice of building a home without connecting to public utilities. Off-grid homes are self-sufficient and generate their own power and water,

with no physical connection or relationship with any sort of utility service, and all the power it uses comes from an energy source that it generates and stores on its own. Off-grid construction shall be considered as conventionally constructed dwellings, in compliance with all requirements of the USBC.

Private lane. An access way for residential use ~~in divisions of serving~~ less than three lots only ~~or for agricultural use~~ which is within a 50-foot deeded right-of-way or easement and built to the design standards in [section 86-567\(11\)](#). Private lanes are restricted as to the hours of access by the public or by those who may use it and are maintained by the property owners association or by the lot or parcel owners who are afforded access to their lots or parcels by such private lanes.

Residue or residual parcel or lot. The remaining portion ~~of a parent parcel or tract after division or subdivision takes place.~~ Residue parcels are ~~five or more acres and or~~ have a minimum of **4300** feet of existing state road frontage. For ~~determining if the splitting of land is either a division or subdivision, a residue parcel shall not be counted as a lot in agricultural or~~ residential districts when the residue parcel is at least five acres ~~or has at least 4300~~ feet of existing state road frontage. ~~, and has a VDOT approved access.~~ Residue parcels in commercial and industrial districts shall not be counted as a lot for determining if the splitting of land is either a division or subdivision, regardless of the lot size, existing state road frontage, or existing access.

Note – The “4” is stricken in the amendment language above; the “strike through” line goes right through the crossline of the “4.”

Sign, electric message. ~~A sign on which the copy can be altered by electric, electro mechanical or electronic means.~~

Sign, electronic message -. ~~A sign or portion of a sign that is capable of displaying words, symbols, figures, or images that can be electronically changed by remote or automatic means.~~ ~~Electronic message signs permitted prior to the effective date of this ordinance (insert date) must comply with all lighting/illumination standards, contained in Article V.~~ Signs, within ~~twelve~~ months. ~~All other sign features, including zoning district location, size and height shall be considered legally non-conforming.~~

Subdivision. Splitting ~~any tract, parcel or lot of land into two or more parts, other than a division of a parent parcel or a family subdivision, for the purpose of transfer of ownership or building development.~~ ~~Subdivided lots shall generally be less than five acres and front on less than 400 feet of existing state road frontage, but subdivided lots shall front on a road that meet VDOT specifications.~~ Consistent with this definition, any new road constructed to serve more than two lots shall be constructed to VDOT standards for subdivision roads. The residue tract after subdividing is not counted as a lot for the purposes of this definition. Subdivided parcels may not be further subdivided or divided unless the remaining division rights are noted on a recorded plat or in conformance with existing ordinances.

Vegetative buffer. A vegetative buffer for screening purposes shall include a mix of trees and shrubs with varying heights and densities to provide maximum screening throughout the year, considering factors like evergreen vs. deciduous foliage. Wooden privacy fences and berms may be used to supplement existing and proposed plantings at the discretion of the zoning administrator; who may choose to forward the proposal to the planning commission for a recommendation. **The terms buffering or screening yard, or any variation of these terms, as used throughout the ordinance in conjunction with *vegetative buffers* shall include a yard or designated area with certain screening, like opaque fencing or landscaping materials, required between abutting zoning districts of differing use intensities or between adjoining land uses for decreasing the adverse impact of differing uses and districts.**

DRAFT

DIVISION 4. ADDITIONAL REQUIREMENTS

Sec. 86-114. - Short-term rental of a dwelling.

NOTE – To correct scrivener’s error of omission for the RD District and correct the effective date of the ordinance.

For only this section GAOD means all properties zoned residential limited (R-1); **and** residential general (R-2); **and resort development (RD)** located within the boundaries of a designated growth area as shown on the 2040 Comprehensive Plan. The following are requirements for use in R-1 GAOD; **and** R-2 GAOD; **and the RD zoning districts:**

- (1) Owners of dwellings used for short-term rental shall provide contact information for the owner and/or any authorized property manager to Louisa County and the dwelling's subdivision governing body, if one exists.
- (2) The owner shall provide the current Louisa County Code chapters relative to noise (51) and solid waste (62) as well as the definitions for special occasion facilities and gatherings as part of short-term rental contracts.
- (3) Owner must notify tenants that events, rentals, special occasion facilities and related uses are prohibited, except with valid conditional use permit according to Louisa County Code.
- (4) Owner must comply with all Virginia Department of Health regulations.
- (5) The dwelling must comply with all applicable state building code and safety regulations.
- (6) Owners unable to meet all of the above requirements shall be prohibited from operating a short-term rental of a dwelling without obtaining a conditional use permit from Louisa County Board of Supervisors.
- (7) A violation under this section shall be enforced as provided in [section 86-11](#) and [section 86-11.1](#).
- (8) The effective date of this Code shall be January 1, ~~2024~~**2025**.

DIVISION 6. ZONING DISTRICTS AND LAND USES

NOTE – To remove additional setback requirements in the agricultural districts for structures taller than 50 feet.

Sec. 86-142. - Yard regulations.

In the agricultural (A-1) district, the yard regulations shall be:

(3) ~~Any other permitted structure that exceeds 50 feet in height shall be no closer than 40 feet from any side or rear property line.~~

Sec. 86-159. - Yard regulations.

In the agricultural (A-2) district, the yard regulations shall be:

(3) ~~Accessory structures shall be no closer than ten feet to any side or rear property line. Any other permitted structure that exceeds 50 feet in height shall be no closer than 25 feet from any side or rear property line.~~

Sec. 86-344. - Yard regulations. (GAOD)

In the agricultural (A-1) district, the yard regulations shall be:

(3) ~~Any other permitted structure that exceeds 50 feet in height shall be no closer than 50 feet from any side or rear property line.~~

Sec. 86-364. - Yard regulations. (GAOD)

In the agricultural (A-2) district, the yard regulations shall be:

(3) ~~Any other permitted structure that exceeds 50 feet in height shall be no closer than 50 feet from any side or rear property line.~~

NOTE – For consistency throughout the ordinances, including language where the minimum road frontage requirements can be found. Currently included in Sec. 86-174. - Frontage; minimum lot width for the R-1 zoning district.

Sec. 86-198. - Frontage; minimum lot width.

In the residential general district (R-2), the minimum lot width at the building setback line shall be 125 feet; for two-family dwellings it shall be 175 feet.

The minimum road frontage shall be as provided in Section 86-118 of this chapter.

Sec. 86-381. - Frontage; minimum lot width.

In the residential limited district (R-1) within the growth area overlay district, the minimum lot width at the building setback lines shall be 150 feet.

The minimum road frontage shall be as provided in Section 86-118 of this chapter.

Sec. 86-397. - Frontage; minimum lot width.

In the residential general district (R-2) within the growth area overlay district, the minimum lot width at the building setback line shall be 125 feet; for two-family or multifamily dwellings it shall be 175 feet. Minimum lot width for attached two-family dwellings and townhouses where separate lots are assigned shall be 20 feet for interior units and 30 feet for end units.

The minimum road frontage shall be as provided in Section 86-118 of this chapter.

ARTICLE III. SUBDIVISION

DIVISION 3. PLAT REQUIREMENTS AND STANDARDS

NOTE - Language has been amended to provide plan review by licensed engineers or surveyors; provisions added that require the private road disclosure language be included on all subdivisions plats; that will indicate the roads are private until such time as they have been accepted into the State secondary road system. Plats will also be required to include a note that an entrance permit must be obtained from VDOT for access to each lot on the subdivision plat. Performance agreements will be required; along with review of security posted every 24 months.

Sec. 86-567. - Streets and alleys.

All streets in the proposed subdivision shall be designed and constructed in accordance with the following minimum requirements by the subdivider at no cost to the locality. All street names shall be approved by the agent or agent's representative. The developer shall be responsible for all costs associated with the manufacturing and installation of signs for said streets, roads or lanes (public or private).

(4) *Construction requirements.* All construction of streets, private roads or streets must comply with the requirements and specifications of the state department of transportation for subdivision streets, which may be found on file at the office of the resident engineer of the county department of highways. This includes all new internal subdivision streets for agricultural; residential; commercial; industrial; resort developments; or planned unit developments.

a. All review for road plans and profiles; and inspections during road construction shall be conducted by ~~a third party review firm chosen by the county, or on the county's contracted list of engineering firms~~**an engineer or surveyor licensed in the State of Virginia**.

d. All costs associated with the ~~third-party~~ plan review; inspections; and road certification will be the responsibility of the developer.

e. Upon the completion of construction, as-built plans will be required from the developer's engineer as part of the final certification ~~by the third-party engineer~~.

g. Prior to approval of any subdivision plats where a new internal subdivision street is proposed for acceptance into the state road system, **a performance agreement and** interim road maintenance agreement shall be provided for approval by the county attorney and must be recorded with the final subdivision plat. The **performance agreement and** interim road maintenance agreement must identify the responsible party for construction and continuing maintenance of the road improvements; and include the language found in subsections **86-567(10)g. and h.** The **performance agreement and** interim road maintenance agreement shall remain in effect until the roads have been accepted by the Virginia Department of Transportation/Commonwealth Transportation Board.

h. Prior to approval of any subdivision plats where a new internal subdivision street is proposed to remain private after approval of a private road waiver by the planning commission, **a performance agreement and** road maintenance agreement shall be provided for approval by the county attorney and must be recorded with the final subdivision plat. The **performance agreement and** road maintenance agreement must identify the responsible party for construction

and continuing maintenance of the road improvements; and include the language found in subsections [86-567](#)(10)g. and h.

i. Dedication of rights-of-way for streets, alleys or other public use as shown on an approved and recorded subdivision plat; and the County's obligation to install or maintain any such facility, shall be as provided for in State Code Section 15.2-2265.

Nothing in this section shall obligate the locality to install or maintain such facilities unless otherwise agreed to by the locality.

(11) *Private lanes.* Lots accessed by roads in subdivisions of less than three lots can be accessed by private lanes which do not meet VDOT subdivision street standards and are approved by the agent. Lots in subdivisions of less than three lots must have the minimum frontage requirements on a deeded access way or easement which is owned by the property owners association or developer or by the lot or parcel owners who are afforded access to their lots or parcels by such private lanes of such subdivision. **A maximum of two (2) separate private lanes shall be permitted in a subdivision.** All plats describing lots served by private lanes shall include language found in [section 86-587](#) (10) g.1-3. Subdivision roads serving less than three lots shall be approved by the zoning administrator and shall meet the following minimum standards:

(Road Minimum Standards chart intentionally excluded.)

Sec. 86-576. - Security.

Before any subdivision plat will be finally approved by the agent, the subdivider shall, in lieu of construction, furnish security to be approved by the governing body and county attorney, in an amount calculated by the agent to secure the required improvements in a workmanlike manner, and in accordance with specifications and construction schedules established or approved by the appropriate engineer, which security shall be payable to and held by the governing body. Such security may be posted in the form of a surety bond, letter of credit or cash escrow.

Letters of credit will only be accepted from financial institutions approved to do business in the commonwealth.

In order to ensure that sufficient security is maintained throughout project construction and completion; the security/guarantee shall renew every twenty-four (24) months for the duration of the project. **The guarantee shall increase or decrease by an amount equal to the most recent quarterly Construction Cost Index published by Engineering News-Record. (from Greene County Ordinance)** This ensures that the estimated costs escalate as the Construction Cost Index escalates so that the security amount reflects the most current cost to perform the improvements.

In the case of default, the county shall follow the last policy adopted by the Board of Supervisors for liquidation of any security/guarantee held by the County. In no event, however, shall the county be bound to supplement the performance guarantee funds with other county funds in order to complete the improvements.

****For Information Purposes Only****

This was the only code language found in other localities researched that used a document to determine the increase or decrease in the surety amount.

Other localities used a defined percentage increase; or required the developer's engineer to provide an updated cost estimate based on the current construction costs.

Link to Engineering News-Record – Requires Paid Subscription

https://www.enr.com/?_gl=1*yw9txh*_ga*NTQ0NzAwNzI2LjE3NDEyNzI2NDQ.*_ga_CH7QLSK31E*MTc0MTI3MjY0NC4xLjEuMTc0MTI3MjY2Ny4zNy4wLjA

DRAFT

DIVISION 5. PLAT APPROVAL

Sec. 86-614. - Final plats.

(15) All plats, contracts of sale and deeds for a lot in a subdivision with a new internal subdivision street shall contain the following language which clearly discloses to a potential purchaser the following minimum information:

1. Until such time as all new internal streets shown on this plat have been accepted into the State secondary road system, the lots are served by a privately maintained road and will not be maintained by the state or county. Any costs necessary to bring the road to a condition qualifying it for acceptance as part of the secondary system of state highways shall be sustained from resources other than those administered by the state department of transportation and the county or any other public agency.
2. School bus service is not provided by the county along private roads, lanes or streets;
3. United States postal service is not provided along private roads, lanes or streets;
4. The expense and responsibility for maintaining the roads within the development will be paid for and borne by the lot owners and/or developer, as the case may be; and
5. It shall be the responsibility of the developer for the initial construction and subsequent maintenance, if any, of the roads, the responsibility of the buyer, and the ownership of the roads. If the roads are maintained by a property owners association or other legal entity, the disclosure must clearly inform the buyer.

(16) All plats must contain a note stating, “Entrance locations to each lot shown on this subdivision plat; require approval by the Virginia Department of Transportation (VDOT) at the time the entrance permit is applied for through VDOT.”



ARTICLE IV. – SUPPLEMENTARY REGULATIONS

DIVISION 4. - LAKE ANNA SHORELINE USE AND DESIGN STANDARDS

NOTE - Language has been added that clarifies that dry hydrants and restroom facilities will only be required in common areas if required by the Department of Fire/EMS and Virginia Department of Health, respectively. If these facilities are required, the location will be coordinated with Dominion Energy.

Sec. 86-655. - Statement of intent; policy guidance.

(Only the third paragraph included for amendment purposes)

The standards set forth in this division are mandatory unless a waiver is granted. Applications that meet all of the ordinance standards will be reviewed administratively by staff. Applications should include site plans that meet the criteria included in the "Lake Anna Shoreline Site Plan Requirements Checklist," to include an approval statement by Dominion Energy for proposed development on Dominion Energy's shoreland or shoreline. Where criteria is not clearly illustrated on a site plan, a survey shall be required to demonstrate compliance with the ordinance, or in order to process special exception requests. If a waiver is requested, then the application will be reviewed by staff (per section 86-22- 119 of this chapter). If a waiver is denied, applicants may resubmit a revised waiver at any time or appeal staff's decision to the board of supervisors.

Sec. 86-656. - Use and design standards

(b) Safe Navigation

(7) *Common areas.*

- a. Common area ramps shall be constructed of reinforced concrete with a minimum thickness of six inches and shall be a minimum distance of 75 feet from designated swimming areas.
- b. **If determined to be necessary or required by the Department of Fire/EMS during site plan review, common areas are may be required to have a dry hydrant in a location to be determined on the site plan in coordination with Community Development; Department of Fire/EMS; and Dominion Energy.**
- c. Common area boat ramps shall be placed or positioned to minimize wave interference from boats passing nearby through high concentration navigation choke points as determined by the county during site plan review (i.e., cove entrances, narrow channels, sharp bends, bridges, etc.).

(c) Neighbor policies

(4) Common areas.

- a. **If determined to be necessary or required by the Virginia Department of Health, restroom facilities are may be required in areas with structures for persons or watercraft for common areas with 25 or more lots. and shall be placed in a location to be determined on the site plan in coordination with Community Development; the**

Virginia Department of Health; and Dominion Energy. Restrooms are not allowed within the Dominion Energy easement without their approval.

- b. All structures in a common area shall maintain a 100-foot side setback from residential and agricultural zoning districts (not part of the subdivision), and a 50-foot side setback from resort development, commercial, and industrial zoning districts.
- c. 25-foot vegetative buffer between the common area and adjoining property owners (not part of the subdivision) shall be required. Buffers shall consist of evergreen vegetation but may also include deciduous species. County staff may grant a special exception to this requirement on a case-by-case basis.

DRAFT

DIVISION 5. TELECOMMUNICATIONS REGULATIONS

NOTE - Recommended language from the current telecommunications consultant for review of applications submitted; and clarifies that generators may be located on site; but only operated during power outages or testing.

Sec. 86-671. - Mitigation and replacements.

(c) Applicants for modifications to existing antenna colocations or new antenna colocations must provide a Structural Analysis (SA) which demonstrates that the existing tower has the structural integrity to support the proposed antenna loads as well as the existing/remaining antenna loads and appurtenances, as outlined in the current version of “ANSI/TIA-222 Structural Standard for Antenna Supporting Structures and Antennas”. The Structural Analysis shall comply with the following criteria:

1. The SA Report shall be sealed and signed by a Professional Engineer (PE), licensed in the Commonwealth of Virginia.
2. Any “Assumptions” or “Standard Conditions” asserted by the PE relative to the maintenance or physical condition of the tower or structure shall be resolved, validated, or confirmed in writing. ANSI/TIA-222 recommends inspections of self-support towers once every five (5) years. Applicants shall provide a copy of the TIA-222 Inspection Report to resolve or validate assumptions pertaining to the maintenance or physical condition of a tower or antenna support structure.
3. Any Assumptions or Standards Conditions asserted by the PE relative to the accuracy of the information or data provided to the PE which is utilized in completing the SA shall be resolved, validated, or confirmed to be correct.

(d) Applicants for modifications to existing antenna colocations or new antenna colocations must provide a Structural Mount Analysis (MA) which demonstrates that the antenna mount has the structural integrity to support the proposed antenna loads as outlined in the current version of “ANSI/TIA-222 Structural Standard for Antenna Supporting Structures and Antennas”.

The Structural Analysis shall comply with the following criteria:

1. The MA Report shall be sealed and signed by a Professional Engineer (PE), licensed in the Commonwealth of Virginia.
2. Any “Assumptions” or “Standard Conditions” asserted by the PE relative to the maintenance or physical condition of the antenna mount shall be resolved, validated, or confirmed in writing to be correct.
3. New antenna mounts or modifications to existing antenna mounts will require a Post Modification Inspection (PMI) or Post Installation Inspection (PII) to certify that the modifications or installations were completed as specified in the engineering drawings and plans.
4. The PMI or PII report must be sealed and signed by a PE, licensed in the Commonwealth of Virginia and a copy of the report provided to the County prior to close out of the Permit.

(e) Applicants for structural upgrades or modifications to existing towers or antenna support structures shall provide a PMI as outlined in ANSI/TIA-222 Structural Standard for Antenna Supporting Structures and Antennas, to certify that the modifications were completed as specified in the engineering drawings and plans. The PMI shall comply with the following criteria:

- 1. The PMI or PII report must be sealed and signed by a PE, licensed in the Commonwealth of Virginia**
- 2. A copy of the report provided to the County prior to closing out the Permit.**

Sec. 86-674. - Development standards for freestanding antenna support structures greater than one hundred feet in height.

(i) *Sounds.* No unusual sound emissions such as alarms, bells, buzzers, or the like are permitted. Generators shall not be ~~stored or~~ operated at WCFs except during power outages **or during testing.**

DRAFT

ARTICLE V. SIGNS

NOTE - Language has been added to strengthen the current language as it pertains illuminated signs; and new provisions for electronic message signs. Several options have been provided for consideration; and new definitions have also been proposed.

Sec. 86-683. - General provisions.

(a) *Prohibited signs.* The following types of signs are prohibited in all zoning districts:

- (1) Flashing signs; which include any illuminated sign on which the artificial light or lights are not constant in intensity and color at all times shall be prohibited. This prohibition shall not apply to signs giving public service information such as time, date, temperature, weather or similar information. ~~; or message board, when such sign does not constitute a public safety or traffic hazard. (i.e. electric message sign for schools, churches, etc.)~~
- (5) ~~Any sign or illumination that causes any direct glare into or upon any building other than the building to which the sign may be related.~~
- ~~(6)~~~~(5)~~ Any sign that violates any provision of any law of the state relative to outdoor advertising.
- ~~(7)~~~~(6)~~ Political signs posted on county property.
- ~~(8)~~~~(7)~~ Signs that violate state or federal laws, whether or not identified in this ordinance as being permitted.
- (8) **Signs determined by officials to create safety hazard.** A sign whose characteristics, including but not limited to its construction, design, or location, are determined by a fire official, the building official, or a law enforcement officer, to create a safety hazard.

(c) *Location; Illumination.* No sign shall be located or illuminated in such a manner as to cause a traffic hazard. Where a permit is required, the permit shall not be issued until the location and illumination, if any, of the sign are approved by the zoning administrator. ~~All lighting must comply with dark sky lighting standards.~~

- (1) **Signs may be illuminated, either internally or externally, as permitted by this ordinance, provided that the illumination is fully shielded and directed at the sign and not in a manner as to cause a traffic hazard.**
- (2) **All lighting must comply with dark sky lighting standards.**
- (3) **No light from any illuminated sign shall cause direct glare on any adjoining piece of property, right-of-way, or building other than the building to which the sign applies.**

For Review Purposes Only - Summary Chart for Proposed Electronic Message Sign Options

Review Process for Electronic Message Signs	Zoning Districts Permitted	Maximum Level of Sign Brightness After Sunset	Cut-Off Time
Special Exception Permit (Board Only)	All Zoning Districts	400 NITS	11 p.m. to Sunrise
Administrative Review by Zoning Administrator or Designee with Option to send to BOS for SEP, if staff determines that the proposed sign requires additional review and consideration.	C-1 & GAOD C-2 & GAOD IND & GAOD I-1 & GAOD I-2 & GAOD RD PUD	300 NITS	10 p.m. to Sunrise

***The following items may not be increased through the waiver process in Sec. 86-689.**
Waivers - Maximum Sign Size (32 sq. ft.), Height (8' from normal ground level), Number of Signs per Parcel (1 per lot or parcel)

Option #1

(1) **Signs, Electronic Message** are allowed in all agricultural, commercial, industrial, resort development, and planned unit development districts with a special exception permit. In reviewing the application, the board of supervisors may consider the following factors as well as other appropriate land use considerations:

- (1) Proportion of the sign face to be used for the electronic message.
- (2) Use of colors in the electronic message.
- (3) Relationship to nearby residences.
- (4) Distance to other electronic message boards.
- (5) Speed limit of roadway and road classification.
- (6) General character of area.
- (7) Landscaping incorporated into sign package.

A. The following standards are required unless otherwise approved by the board of supervisors through the special exception permit:

- (1) General requirements
 - a. Electronic message signs may not exceed thirty-two (32) square feet in overall size and the electronic display may not be more than 50% of this area; and eight (8) feet in height from normal ground level.
 - b. Building and electrical permits and inspections are required.
 - c. Sign cannot be located in a manner which could cause confusion with or from traffic signals.
 - d. Messages must be static; no animation, videos, flashing, or scrolling text is permitted.
 - e. Only one (1) electronic message sign is allowed per parcel.
- (2) Display
 - a. Messages cannot change more than once every minute.
 - b. Transitions between messages can only be a black screen or an immediate transition; no flashing, fading, or scrolling text is permitted.

- c. **In the event of a malfunction, the display must be changed to a dark screen.**
- d. **If the sign is two-sided, both sides must display the same message.**

(3) Brightness controls

- a. **All electronic message signs shall be equipped with a photocell, sensor or other device that automatically dims the sign based on ambient light and limits the brightness to a maximum of ~~400~~ NITS, or that can be adjusted to comply with the maximum NIT level.**
- b. **Lighting cannot shine directly toward any dwelling.**
- c. **Electronic message signs shall be turned off between ~~11:00 p.m. and sunrise.~~**
- d. **Prior to sign permit approval, the applicant must provide certification showing compliance with brightness controls.**

Sec. 86-689. - Waivers.

Notwithstanding the other regulations of this chapter, a waiver may be approved by staff (per section 86-119 of this chapter) to the regulations of this article that are specific to the number of allowed signs, the maximum sign area, and the sign height. In no circumstances shall a waiver increase the number, size, or height of a sign(s) by more than 100 percent of the ordinance standard. A waiver may only be granted if it can be demonstrated that the proposed standards, with conditions, better ensure that the intent of this ordinance, as specified in section 86-682 ~~86-246~~, will be met. Requests for a waiver to this article shall accompany a master plan of the entire development showing all proposed business signs. **Standards for electronic message signs are not subject to increase through the waiver process.**

Option #2

(l) ***Signs, Electronic Message*** are allowed in all commercial, industrial, resort development and planned unit development districts. In reviewing the application, the Zoning Administrator or Designee may consider the following factors as well as other appropriate land use considerations; and may request the applicant submit additional information responsive to these items:

- (1) Proportion of the sign face to be used for the electronic message.
- (2) Use of colors in the electronic message.
- (3) Relationship to nearby residences.
- (4) Distance to other electronic message boards.
- (5) Speed limit of roadway and road classification.
- (6) General character of area.
- (7) Landscaping incorporated into sign package.

A. The following standards are required:

- (1) General requirements
 - a. Electronic message signs may not exceed thirty-two (32) square feet in overall size and the electronic display may not be more than 50% of this area; and eight (8) feet in height from normal ground level.
 - b. Building and electrical permits and inspections are required.
 - c. Sign cannot be located in a manner which could cause confusion with or from traffic signals.
 - d. Messages must be static; no animation, videos, flashing, or scrolling text is permitted.
 - e. Only one (1) electronic message sign is allowed per parcel.
- (2) Display
 - a. Messages cannot change more than once every minute.
 - b. Transitions between messages can only be a black screen or an immediate transition; no flashing, fading, or scrolling text is permitted.

- c. **In the event of a malfunction, the display must be changed to a dark screen.**
- d. **If the sign is two-sided, both sides must display the same message.**

(3) Brightness controls

- a. **All electronic message signs shall be equipped with a photocell, sensor or other device that automatically dims the sign based on ambient light and limits the brightness to a maximum of **300 NITS**, or that can be adjusted to comply with the maximum NIT level.**
- b. **Lighting cannot shine directly toward any dwelling.**
- c. **Electronic message signs shall be turned off between **sunset and sunrise**.**
- d. **Prior to sign permit approval, the applicant must provide certification showing compliance with brightness controls.**

Sec. 86-689. - Waivers.

Notwithstanding the other regulations of this chapter, a waiver may be approved by staff (per section 86-119 of this chapter) to the regulations of this article that are specific to the number of allowed signs, the maximum sign area, and the sign height. In no circumstances shall a waiver increase the number, size, or height of a sign(s) by more than 100 percent of the ordinance standard. A waiver may only be granted if it can be demonstrated that the proposed standards, with conditions, better ensure that the intent of this ordinance, as specified in section 86-682 ~~86-246~~, will be met. Requests for a waiver to this article shall accompany a master plan of the entire development showing all proposed business signs. **Standards for electronic message signs are not subject to increase through the waiver process.**