

Article I General Provisions

§ 164-3. Definitions and word usage.

For the purpose of this chapter, certain words and phrases used herein are defined as follows:

ILLUMINATED ELECTRONIC DISPLAY

An audio and video message display used primarily at drive through facilities, service stations and other similar auto-themed establishments.

SIGN, VARIABLE ELECTRONIC MESSAGE (VEMS)

An illuminated variable message sign that utilizes computer generated text or some other electronic means of changing its message and display.

Article XVII Signs

§ 164-119. General Regulations.

- D. No sign shall be erected which utilizes rotating, blinking, flashing or fluttering illumination or illumination which varies in color or intensity. ~~or which creates the appearance or illusion of writing or printing, except for signs showing only the date, time and temperature by means of sequentially operated luminaries.~~
- E. **Variable Electronic Message Signs (VEMS) are allowed as permitted under 164-121.**

§ 164-121. On-premises business signs.

- A. Business signs pertaining to a use on the premises are permitted as an accessory use in the Business Zone, except the Central Business Zone, and in the I-R Restricted Industrial Zone, provided that they meet the following provisions:
- (5) Any sign or signs for property adjacent to any divided street or highway shall be permitted as follows.
- (a) Applications for signs which do not exceed 64 square feet in total area and which do not exceed ~~20~~ **12.5** feet in height shall be approved by the Zoning Administrator. Applications for signs up to and including ~~250~~ **125** square feet and/or up to and including ~~40~~ **20** feet in height shall be approved by the Commission. In determining whether or not to approve an application, the Zoning Administrator or the Commission shall take into consideration the

following factors: traffic and pedestrian safety; the size, configuration elevation and location of the property; existing signs on the property and neighboring properties; aesthetics; and any other factors relating to the location, size, design, composition and specific character of the proposed sign deemed appropriate by the Zoning Administrator or the Commission. No sign shall be approved if the Zoning Administrator or the Commission find that it would not achieve a maximum of compatibility, safety, efficiency and attractiveness.

(b) One (1) Variable Electronic Message Sign (VEMS) will be permitted per approved development site, provided it meets the following provisions:

- (1) Animated, flashing, blinking, reflecting; revolving, full motion or any other similar message or transitional movement is prohibited;**
- (2) Only text messages shall be displayed, and the message shall not change more than once every 30 seconds;**
- (3) Advertisements for off-premises businesses or services are prohibited;**
- (4) A VEMS may only be used as part of a wall or monument sign;**
- (5) A VEMS must have automatic dimming capability that adjusts brightness to ambient light at all times, not to exceed 5000 candelas/square meter during daylight hours and 500 candelas/square meter between dusk and dawn;**
- (6) The VEMS shall present a maximum of 3 colors and shall display a dark screen in the event of a sign malfunction;**
- (7) The VEMS shall not exceed 32 square feet, which area will be counted toward the maximum sign allowance; and,**
- (8) The VEMS shall be subordinate to the business name portion of the sign (the VEMS may not be the predominant feature).**

(c) On properties used exclusively for, or including, drive-through restaurants, service stations, and other similar establishments serving motorists, one (1) VEMS (as permitted under b. above) and one (1) Illuminated Electronic Display will be permitted per establishment, provided that:

- (1) The Illuminated Electronic Display does not exceed eight inches (8") in height or two feet (2') in width or extend more than five feet (5') above the ground; and,**

(2) Audio speakers shall not be audible beyond the property boundary.

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C. Signs located in the Planned Regional Shopping Center Zone shall be permitted, provided that they meet the following provisions:

(1) One freestanding identification sign shall be permitted per state highway providing vehicular access to parking areas. Said freestanding sign shall not exceed ~~50~~ **25** feet total height and shall not exceed ~~250~~ **125** square feet in area.

(2) Freestanding identification sign may include a VEMS, provided that:

- (a) Animated, flashing, blinking, reflecting, revolving, full motion or any other similar message or transitional movement is prohibited;**
- (b) Only text messages shall be displayed, and the message shall not change more than once every 30 seconds;**
- (c) Advertisements for off-premises businesses or services are prohibited;**
- (d) The VEMS may only be used as part of a wall or monument sign;**
- (e) VEMS must have automatic dimming capability that adjusts brightness to ambient light at all times, not to exceed 5000 candelas/square meter during daylight hours and 500 candelas/square meter between dusk and dawn;**
- (f) The VEMS shall present a maximum of 3 colors and shall display a dark screen in the event of a sign malfunction;**
- (g) The VEMS shall not exceed 32 square feet, which area will be counted toward the maximum sign allowance; and**
- (h) The VEMS shall be subordinate to the business name portion of the sign (the VEMS may not be the predominant feature).**

(3) On properties including drive-through restaurants, service stations, and other similar establishments serving motorists, one (1) Illuminated Electronic Display will be permitted per establishment, provided that:

- (a) The illuminated electronic display does not exceed eight inches (8") in height or two feet (2') in width or extend more than five feet (5') above the ground; and**
- (b) Audio speakers shall not be audible beyond the property boundary.**

- ~~(2)~~(4) One flat wall sign shall be permitted at each major pedestrian entrance into department stores over 30,000 square feet in leasable area. Said wall signs shall not exceed 150 square feet and shall not extend above the roofline.
- ~~(3)~~(5) One flat wall sign shall be permitted at each major pedestrian entrance of the mall. Said wall sign shall not exceed 150 square feet and shall not extend above the roofline.
- ~~(4)~~(6) One flat wall sign shall be permitted for each exterior wall of stores over 60,000 square feet in leasable area. Said wall signs shall not exceed 200 square feet and shall not extend above the roofline.
- ~~(5)~~(7) Signs for separate standing buildings or stores not included in the mall structure shall meet the provisions established for the Business Zone in Subsection A.
- ~~(6)~~(8) Any sign or signs other than those provided herein shall be permitted only after application and approval by the Planning Commission

F. Business signs pertaining to a use on the premises are permitted as an accessory use in the N-C Neighborhood Commercial Zone, provided that they have been approved as part of an integrated sign program approved by the Commission and meet the following provisions:

- (4) Additionally, one freestanding monument-style sign located at the entrance road right-of-way shall be permitted. Said freestanding monument-style sign shall not exceed 12.5 feet in total height and a maximum area of 64 square feet per face.
- (5) **Said freestanding identification sign may include a VEMS, provided:**
 - (a) **Animated, flashing, blinking, reflecting, revolving, full motion or any other similar message or transitional movement is prohibited;**
 - (b) **Only text messages shall be displayed, and the message shall not change more than once every 30 seconds;**
 - (c) **Advertisements for off-premises businesses or services are prohibited;**
 - (d) **The VEM may only be used as part of a wall or monument sign;**
 - (e) **A VEMS must have automatic dimming capability that adjusts brightness to ambient light at all times, not to exceed 5000**

candelas/square meter during daylight hours and 500 candelas/square meter between dusk and dawn;

- (f) The VEMS shall present a maximum of 3 colors and shall display a dark screen in the event of a sign malfunction;**
 - (g) The VEMS shall not exceed 32 square feet, which area will be counted toward the maximum sign allowance;**
 - (h) The VEMS shall be subordinate to the business name portion of the sign (the VEMS may not be the predominant feature); and,**
 - (i) The VEMS shall display one text message between 10 pm and 6 am.**
- (6) On properties used exclusively for, or including, drive-through restaurants, service stations, and other similar establishments serving motorists, one (1) Illuminated Electronic Display will be permitted per establishment, provided that:**
- (a) The Illuminated Electronic Display does not exceed eight inches (8") in height or two feet (2') in width or extend more than five feet (5') above the ground; and**
 - (b) Audio speakers shall not be audible beyond the property boundary.**
- ~~(5)~~**(7)** Where the lot adjoins any residential zone, a sign within 50 feet shall be attached flat against the front of the building, and no freestanding sign shall face any residential zone.
- ~~(6)~~**(8)** Any sign or signs other than those provided herein shall be permitted only after application to and approval by the Commission. This provision shall authorize the Commission to increase the square footage limitations of any sign not to exceed 125 square feet.
- ~~(7)~~**(9)** In determining whether or not to approve an application, the Commission shall take into consideration the following factors: traffic and pedestrian safety; the size, configuration elevation and location of the property; existing signs on the property and neighboring properties; aesthetics; and any other factors relating to the locations, size, design, composition and specific character of the proposed sign deemed appropriate by the Commission. No sign shall be approved if the Commission finds that it would not achieve a maximum of compatibility, safety, efficiency and attractiveness.