

Pearisburg Town Council met in Regular Session jointly with Planning Commission on August 9, 2016 at 7:30 p.m. at the Town Hall. Present for the meeting was Town Council Members Mayor Dickerson, Williams (Planning Commission), Munsey, Journell, Harrell, Clark and Eaton; Planning Members Collins, Robertson and Moye; Town Attorney Hartley; Town Manager Vittum; Town Clerk Harless; Town Engineer Tawney; Building Official Wilson; and Police Chief Martin. Also present were citizens Pippa Chapman, Beth Murray, Kevin Belcher (Giles County) and Zach Guynn, Virginian Leader.

Munsey made a motion that the minutes of the Regular July 12, 2016 meeting be approved. Clark seconded the motion. Voting yes: Mayor Dickerson; Council Members Williams, Munsey, Journell, Harrell, Clark and Eaton. The motion carried by a vote of 7 to 0.

Collins called the Planning Commission to order. Mayor Dickerson opened the Public Hearing on the Conditional Use Application submitted by Pippa Chapman. Vittum stated that the applicant desires to open a Hiker Hostel and Camping area on 5 acres of land in town limits. He stated that the hearing had been properly advertised and adjoining property owners were notified. Chapman addressed Council and stated that she is looking forward to getting started. Mayor Dickerson closed the Public Hearing. He asked if Council had any comments. Clark asked about what kind of fees would be assessed. Chapman stated that there would be fees to rent trailers, tent spots, hammock, laundry area and shuttle service fees. Eaton stated that she appreciated Chapman wanting to promote the Appalachian Trail. Munsey stated that Planning Commission has the conditions set on the application and asked if Chapman was agreeable to them. Chapman was provided a copy of the conditions and stated that they would not be a problem.

Mayor Dickerson opened the Public Hearing on the proposed Sign Ordinance. Vittum explained that due to a court case the Town cannot use content based requirements. He stated that the draft is based on what Virginia Local Government Attorneys suggested as well as other localities. Robertson asked if temporary signs for paving or tree trimming placed in the right-of-way were illegal. Wilson replied yes. Clark stated that Council had talked about this before with signs being placed on the right-of-way. Vittum stated that temporary signs in the right-of-way were prohibited and the town has the option to charge them or pick up the sign. Robertson stated that yard sale signs need to be addressed. Mayor Dickerson closed the Public Hearing. Council recessed at this time in order for Planning Commission to meet and make recommendations.

Williams made a motion to approve the Planning Commission recommendation that Town Council issue a Conditional Use Permit to Dr. Pippa Chapman to construct and operate a Hiker Hostel and Yoga Studio as outlined in the application submitted June 16, 2016, subject to the following Conditions:

1. Maximum of twelve (12) outdoor campsites;
2. Maximum of five (5) campers on any site and sixty (60) total.;
3. Development of men's and women's restrooms with two (2) toilets each;
4. Connection of restrooms to public water and sewer;
5. Minimum setback of camp sites of thirty (30) feet from property lines;
6. All camp sites within 500 feet of restrooms;
7. Submittal of letter from Health Department stating compliance with all rules and regulations;
8. Maximum length of stay of five (5) days;
9. Maintenance of existing tree buffer around the developed parts of the property.

Munsey seconded the motion. Voting yes: Mayor Dickerson; Council Members Williams, Munsey, Journell, Harrell, Clark and Eaton. The motion carried by a vote of 7 to 0.

Eaton made a motion that Council approve the Planning Commission recommendation that Council adopt Sign Ordinance 2016-04. Clark seconded the motion. Voting yes: Mayor Dickerson; Council Members Williams, Munsey, Journell, Harrell, Clark and Eaton. The motion carried by a vote of 7 to 0.

ADOPTED: August 9, 2016

ORDINANCE NO: 2016 - 04

AN ORDINANCE REPEALING CHAPTER 24 ZONING, OF THE CODE OF THE TOWN OF PEARISBURG, VIRGINIA, 1996, SECTION 24-706-00 SIGNS FOR THE PURPOSE OF SIGNS

BE IT ORDAINED by the Town Council or the Town of Pearisburg, Virginia _____ of the elected members concurring that:

SECTION 1. Chapter 24 – Section 24-706-00 is deleted in its entirety.

SECTION 2. A new Chapter 24 – Section 24-706-00 is adopted as shown below.

24-706-00 - SIGNS

24-706-01 – Findings, purpose and intent; Interpretation.

24-706-01-01- Signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. The purpose of this article is to regulate the size, color, illumination, movement, materials, location, height and condition of all signs placed on private property for exterior observation, thus ensuring the protection of property values, the character of the various neighborhoods, the creation of a convenient, attractive and harmonious community, protection against destruction of or encroachment upon historic areas, and the safety and welfare of pedestrians and wheeled traffic, while providing convenience to citizens and encouraging economic development. This article allows adequate communication through signage while encouraging aesthetic quality in the design, location, size and purpose of all signs. This article shall be interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision of this article is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this article which can be given effect without the invalid provision.

24-706-01-02 Signs not expressly permitted as being allowed by right or by special use permit under this article, by specific requirements in another portion of this chapter, or otherwise expressly allowed by the Pearisburg Town Council or Board of Zoning Appeals are forbidden.

24-706-01-03 A sign placed on land or on a building for the purpose of identification, protection or directing persons to a use conducted therein shall be deemed to be an integral but accessory and subordinate part of the principal use of land or building. Therefore, the intent of this article is to establish limitations on signs in order to ensure they are appropriate to the land, building or use to which they are appurtenant and are adequate for their intended purpose while balancing the individual and community interests identified in subsection 24-706-01-01(01) of this section.

24-706-01-04 These regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, landscape and architecture of surrounding buildings, are legible and appropriate to the activity to which they pertain, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.

24-706-01-05 These regulations distinguish between portions of the Town designed for primarily vehicular access and portions of the Town designed for primarily pedestrian access.

24-706-01-06 These regulations do not regulate every form and instance of visual speech that may be displayed anywhere within the jurisdictional limits of the Town. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.

24-706-01-07 These regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.

24-706-02 - Definitions.

24-706-02-01 *A-Frame sign* means a two-faced sign with supports that are connected at the top and separated at the base, forming an "A" shape not more than four feet high. These are also referred to as "sandwich board" signs. They are included in the term "portable sign."

24-706-02-02 *Advertising* means any words, symbol, color or design used to call attention to a commercial product, service, or activity.

24-706-00-03 *Animated sign* means a sign or part of a sign that is designed to rotate, move or appear to rotate or move. Such a sign is sometimes referred to as a "moving sign" or "electronic copy sign".

24-706-02-04 *Awning sign* means a sign placed directly on the surface of an awning.

24-706-02-05 *Banner* means a temporary sign of flexible material designed to be installed with attachments at each of four corners or be affixed to a framework or flat surface.

24-706-02-06 *Building frontage* means the length of the main wall of a building which physically encloses usable interior space and which is the architecturally designed wall that contains the main entrance for use by the general public. Said frontage shall be measured at a height of ten (10) feet above grade.

24-706-02-07 *Business sign* means a sign which directs attention to a product, service or commercial activity available on the premises.

24-706-02-08 *Canopy sign* means a sign attached to a canopy.

24-706-02-09 *Chalk-board sign* means a single-faced, framed slate or chalk-board that can be written on with chalk or similar markers.

24-706-02-10 *Changeable copy sign* means a sign or part of a sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or surface of the sign.

24-706-02-11 *Comprehensive sign plan* means a plan for the signage of a property that includes multiple tenants or owners with shared parking or other facilities.

24-706-02-12 *Feather sign.* A lightweight, portable sign mounted along one edge on a single, vertical, flexible pole the physical structure of which at may resemble a sail, bow, or teardrop.

24-706-02-13 *Flag* means a piece of cloth or similar material, typically oblong or square, attachable by one edge to a pole or rope and used as a symbol or decoration; this includes pennants.

24-706-02-14 *Flashing sign* means a sign that includes lights that flash, blink, or turn on and off intermittently.

24-706-02-15 *Freestanding sign* means any non-portable sign supported by a fence, retaining wall, or by upright structural members or braces on or in the ground and not attached to a building.

24-706-02-16 *Ground mounted sign* means a sign that is supported by structures or supports in or upon the ground and independent of any support from any building or wall.

24-706-02-17 *Height*, means the maximum vertical distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of:

- (1) Existing grade prior to construction; or
- (2) The newly established grade after construction, exclusive of any filling, berming, mounding or excavating primarily for the purpose of mounting or elevating the sign.

24-706-02-18 *Illegal sign* means any sign erected without a required permit or which otherwise does not comply with any provisions of this article.

24-706-02-19 *Illuminated sign* means a sign that is backlit, internally lighted, or indirectly lighted, but does not include a neon sign.

24-706-02-20 *Marquee* means a permanent structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.

24-706-02-21 *Marquee sign* means a sign attached to and made a part of a marquee or any similar projections from a building, with changeable, fixed or both types of lettering in use.

24-706-02-22 *Minor sign* means a wall or freestanding sign not exceeding one (1) square foot in area, not exceeding four feet in height, and not illuminated.

24-706-02-23 *Monument sign* means a sign affixed to a structure built on grade in which the sign and the structure are an integral part of one another; not a pole sign.

24-706-02-24 *Neon sign* means a sign containing exposed tubes filled with light-emitting gas.

24-706-02-25 *Nonconforming sign. Any sign which was lawfully erected in compliance with applicable regulations of the Town and maintained prior to the effective date of this ordinance and which fails to conform to current standards and restrictions of this ordinance.*

24-706-02-26 *Off-premises sign* means a sign that directs attention to a business, product, service or activity conducted, sold or offered at a location other than the premises on which the sign is erected.

24-706-02-27 *Pole sign* means a sign that is mounted on one (1) or more freestanding poles.

24-706-02-28 *Portable sign* means any temporary sign not affixed to a building, structure, vehicle or the ground. It does not include a flag or banner.

24-706-02-29 *Projecting sign* means any sign, other than a wall, awning or marquee sign, affixed to a building and supported only by the wall on which it is mounted.

24-706-02-30 *Public area* means any public place, public right-of-way, any parking area or right-of-way open to use by the general public, or any navigable body of water.

24-706-02-31 *Roof sign* means a sign erected or constructed, in whole or in part, upon or above the highest point of a building with a flat roof, or the lowest portion of a roof for any building with a pitched roof.

24-706-02-32 *Shopping Center* means a grouping of retail business and service uses on a single development site with common parking facilities.

24-706-02-33 *Sign*. Any object, device, display, or structure, or part thereof, visible from a public place, a public right-of-way, any parking area or right-of-way open to use by the general public, or any navigable body of water which is designed and used to attract attention to an institution, organization, business, product, service, event, or location by any means involving words, letters, figures, designs, symbols, fixtures, logos, colors, illumination, or projected images. The term "sign" also does not include the display of merchandise for sale on the site of the display.

24-706-02-34 *Sign face* means the portion of a sign structure bearing the message.

24-706-02-35 *Sign structure* means any structure bearing a sign face.

24-706-02-36 *Temporary sign* means a sign constructed of cloth, canvas, vinyl, paper, plywood, fabric, or other lightweight material not well suited to provide a durable substrate or, if made of some other material, is neither permanently installed in the ground nor permanently affixed to a building or structure which is permanently installed in the ground.

24-706-02-37 *Vehicle or trailer sign* means any sign attached to or displayed on a vehicle, if the vehicle or trailer is used for the primary purpose of advertising a business establishment, product, service or activity. Any such vehicle or trailer shall, without limitation, be considered to be used for the primary purpose of advertising if it fails to display current license plates, inspection sticker, or municipal decal, if the vehicle is inoperable, if evidence of paid-to-date local taxes cannot be made available, or if the sign alters the standard design of such vehicle or trailer.

24-706-02-38 *Wall Sign* means any sign attached to a wall or painted on or against a flat vertical surface of a structure.

24-706-02-39 *Window sign* means any sign visible outside the window and attached to or within 18 inches in front of or behind the surface of a window or door.

24-706-03 - Permit required.

24-706-03-01 *In general.* A sign permit is required prior to the display and erection of any sign except as provided in section 24-706-04 of this Article.

24-706-03-02 *Application for permit.*

24-706-03-02-A An application for a sign permit shall be filed with the Town on forms furnished by the Town. The applicant shall provide sufficient information to determine if the proposed sign is permitted under this ordinance and other applicable laws, regulations, and ordinances. An application for a temporary sign shall state the dates intended for the erection and removal of the sign.

24-706-03-02-B The Town Code Enforcement Officer or designee shall promptly process the sign permit application and approve the application, reject the application, or notify the applicant of deficiencies in the application within 20 business days after receipt. Any application that complies with all provisions of this ordinance, the building code, and other applicable laws, regulations, and ordinances shall be approved.

24-706-03-02-C If the application is rejected, the Town shall provide a list of the reasons for the rejection in writing. An application shall be rejected for non-compliance with the terms of the zoning ordinance, building code, or other applicable law, regulation, or ordinance.

24-706-03-03 *Permit fee.* A nonrefundable fee as set forth in section 22-32-14 shall accompany all sign permit applications.

24-706-03-04 *Duration and revocation of permit.* If a sign is not installed within six months following the issuance of a sign permit (or within 30 days in the case of a temporary sign permit), the permit shall be void. The permit for a temporary sign shall state its duration, not to exceed 30 days unless another time is provided in the zoning ordinance. The Town may revoke a sign permit under any of the following circumstances:

24-706-03-04-A The Town determines that information in the application was materially false or misleading;

24-706-03-04-B The sign as installed does not conform to the sign permit application; or

24-706-03-04-C The sign violates the zoning ordinance, building code, or other applicable law, regulation, or ordinance.

24-706-03-05 *Overlay district regulations.* All signs in the B-1 Business Zone require approval of the Planning Commission except when a sign permit is not required as provided in 24-706-04.

24-706-03-06 *Special Exceptions.* Comprehensive sign plans may be approved as part of the approved plan in Planned Unit Development (PUD) districts. Comprehensive sign plans may be approved as part of the Permit requirements in Residential Districts for uses allowed by Conditional Use Permits. The comprehensive sign plan shall establish the time, manner, and placement of signs, frequency of message changes, the materials, the hours of lighting, the height of signs, the total number of square feet of sign surface, and the number of signs to be placed on a site. Height of signs shall not be modified above the height permitted in the Zoning Ordinance.

24-706-04 - Permit not required.

A sign permit is not required for:

24-706-04-01 Signs erected by a governmental body or required by law.

24-706-04-02 Flags up to 16 square feet in size not containing any commercial advertising; provided, that no freestanding pole shall be erected in the public right-of-way nor be within five (5) feet of a service drive, travel lane or adjoining street.

24-706-04-03 The changing of messages on marquees and the repair of an existing permitted sign, except that repair of a nonconforming sign must comply with 24-706-09-05.

24-706-04-04 Temporary signs as follows:

24-706-04-04-A One (1) sign, no more than twelve (12) square feet in area, located on property where a building permit is active.

- 24-706-04-04-B** On any property for sale or rent, not more than one sign with a total area of up to twelve (12) square feet and a maximum height of six (6) feet when the sign abuts a road with a speed limit of 25 miles per hour or less, and when the sign abuts a road with a speed limit greater than 25 miles per hour not more than one sign with a total area of up to thirty-two (32) square feet and a maximum height of eight (8) feet.
- 24-706-04-04-C** Official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of his official or directed duties; provided, that all such signs shall be removed no more than ten (10) days after their purpose has been accomplished.
- 24-706-04-04-D** On residential property, one or more temporary signs with a total area of no more than twelve (12) square feet.
- 24-706-04-04-E** On residential property, window signs, provided that the total extent of window signs do not obstruct more than 25% of the total area of all windows on each building façade.
- 24-706-04-04-F** Banners, not to exceed 24 sq ft erected no more than fifteen (15) days prior to the advertised event and removed no more than five (5) days after the advertised event.
- 24-706-04-05** Not more than two minor signs per parcel. Additional minor signs are permitted in certain districts with a permit.
- 24-706-04-06** A-frame signs more than fifty (50) feet from the nearest public right of way.
- 24-706-04-07** Pavement markings. Any sign applied directly and entirely to and flush with an asphalt, concrete, or similar paved surface.
- 24-706-04-08** permanent window signs, provided that the aggregate area of all window signs on each window or door does not exceed twenty-five percent (25%) of the total area of the window or door.

24-706-05 – Prohibited signs

In addition to signs prohibited elsewhere in this Code or by applicable state or federal law, the following signs are prohibited:

24-706-05-01 General prohibitions.

24-706-05-01-A Signs that violate any law of the Commonwealth relating to outdoor advertising.

24-706-05-01-B Signs attached to natural vegetation.

24-706-05-01-C Signs simulating, or which are likely to be confused with, a traffic control sign or any other sign displayed by a public authority. Any such sign is subject to immediate removal and disposal by an authorized town official as a nuisance.

24-706-05-01-D Vehicle or trailer signs.

24-706-05-01-E Freestanding signs more than 25 feet in height.

24-706-05-01-F Signs hanging from supports, except against the face of a building.

24-706-05-01-G Any sign displayed without complying with all applicable regulations of this chapter.

24-706-05-02 Prohibitions based on materials.

24-706-05-02-A Signs painted directly on a building, except where expressly permitted by this chapter.

24-706-05-02-B Animated signs. This subsection does not apply to flags expressly permitted under this article or the changing of the message content no more often than once every seven seconds.

24-706-05-02-C Flashing signs or other signs displaying flashing, scrolling or intermittent lights or lights of changing degrees of intensity, except where such signs are expressly permitted within this article.

24-706-05-02-D Signs consisting of illuminated tubing or strings of lights outlining property lines or open sales areas, rooflines, doors, windows or wall edges of any building, except for temporary decorations not to exceed three months per year.

24-706-05-02-E Signs that emit smoke, flame, scent, mist, aerosol, liquid, or gas.

24-706-05-02-F Signs that emit sound.

24-706-05-02-G Any electronic sign that is generated by a series of moving images, such as an LED, digital display, or other video technology, whether displayed on a building, vehicle, or mobile unit.

24-706-05-02-H Strings of flags visible from, and within 50 feet of, any public right-of-way.

24-706-05-02-I Pole signs less than 6 feet in height.

24-706-05-03 Prohibitions based on location.

24-706-05-03-A Off-premises signs, unless specifically permitted by this chapter.

24-706-05-03-B Signs erected on public land other than those approved by an authorized Town official in writing, required by law without such approval, or permitted under Virginia Code § 24.2-310 E. Any sign not so authorized is subject to immediate removal and disposal by any authorized official. Removal of the sign under this provision does not preclude prosecution of the person responsible for the sign.

24-706-05-03-C Signs on the roof surface or extending above the roofline of a building or its parapet wall.

24-706-05-03-D Neon signs, except in windows.

24-706-05-03-E A sign that obstructs free or clear vision, or otherwise causes a safety hazard for vehicular, bicycle, or pedestrian traffic due to its location.

24-706-05-03-F Window signs whose aggregate area on a window or door exceed twenty-five percent (25%) of the total area of the window or door.

24-706-06 - Measurements of sign area and height.

24-706-06-01 Supports, uprights or structure on which any sign is supported shall not be included in determining the sign area unless such supports, uprights or structure are designed in such a way as to form an integral background of the display; except, however, when a sign is placed on a fence, wall, planter, or other similar structure that is designed to serve a separate purpose other than to support the sign, the entire area of such structure shall not be computed. In such cases, the sign area shall be computed in accordance with the preceding provisions.

24-706-06-02 In instances where there are multiple tenants or users on a property or in a building, allowable sign area for all parties shall not exceed the maximum sign area computed as if there were a single tenant or user.

24-706-06-03 *Sign area.*

24-706-06-03-01 Sign area is calculated under the following principles:

24-706-06-03-01-A With signs that are regular polygons or circles, the area can be calculated by the mathematical formula for that polygon or circle. With signs that are not regular polygons or circles, the sign area is calculated using all that area within a maximum of three abutting or overlapping rectangles that enclose the sign face.

24-706-06-03-01-B The permitted area of a double-faced sign shall be considered to be the area on one side only. If one face contains a larger sign area than the other, the larger face shall be used in calculating the sign area. A double-faced sign must have an internal angle between its two faces of no more than 45 degrees.

24-706-06-03-01-C For projecting signs with a thickness of four inches or more, the sign area also includes the area of the visible sides of the sign, calculated as a rectangle enclosing each entire side view.

24-706-06-03-02 The supports, uprights or structure on which any sign is supported shall not be included in determining the sign area unless such supports, uprights or structure area are designed in such a manner as to form an integral background of the display.

24-706-06-04 *Maximum height.* The maximum height for any sign shall be 25 feet unless otherwise specified within this chapter.

24-706-07 - Maintenance and removal.

24-706-07-01 All signs shall be constructed and mounted in compliance with the Virginia Uniform Statewide Building Code.

24-706-07-02 All signs and components thereof shall be maintained in good repair and in a safe, neat and clean condition.

24-706-07-03 The building official may cause to have removed or repaired immediately without written notice any sign which, in his opinion, has become insecure, in danger of falling, or otherwise unsafe, and, as such, presents an immediate threat to the safety of the public. If such action is necessary to render a sign safe, the cost of such emergency removal or repair shall be at the expense of the owner or lessee thereof as provided in Chapter 22 of this Code.

24-706-07-04 The owner of any advertising sign, other than a permitted off-premises sign, located on commercial property where the use or business has ceased operating shall, within 60 days of the cessation of use or business operation, replace the sign face with a blank face until such time as a use or business has resumed operating on the property.

24-706-07-05 *Sign condition, safety hazard, nuisance abatement, and abandonment.*

24-706-07-05-A Any sign which becomes a safety hazard or which is not kept in a reasonably good state of repair shall be put in a safe and good state of repair within 30 days of a written notice to the owner and permit holder.

24-706-07-05-B Any sign which constitutes a nuisance may be abated by the Town under the requirements of Virginia Code §§ 15.2-900, 15.2-906, and/or 15.2-1115.

24-706-08 – General requirements.

24-706-08-01 *Placement.* Except as otherwise permitted, all freestanding signs shall be set back from any street right-of-way at least half the height of the sign.

24-706-08-02 *Illumination.* All permitted signs may be backlit, internally lighted, or indirectly lighted, unless such lighting is specifically prohibited in this article.

24-706-08-02-A In the case of indirect lighting, the source shall be so shielded that it illuminates only the face of the sign. However, shingle signs shall be indirectly illuminated or have shielded direct lighting, unless otherwise prohibited within this chapter. Indirect lighting shall consist of full cut-off or directionally shielded lighting fixtures that are aimed and controlled so that the directed light shall be substantially confined to the sign to minimize glare, sky glow, and light trespass. The beam width shall not be wider than that needed to light the sign.

24-706-08-02-B Internal illumination shall be limited to the illumination standards for parking lot lighting as defined by the Illuminating Engineering Society of North America (IESNA) . No sign shall be permitted to have an illumination spread of more than .05-foot candle at the lot line, shine into on-coming traffic, affect highway safety, or shine

directly into a residential dwelling unit. In no event shall the illumination of any sign resulting from any internal or external artificial light source exceed 100 lumens. All lighting fixtures used to illuminate a sign shall be full-cutoff, as defined by IESNA, and shall have fully shielded or recessed luminaires with horizontal-mount flat lenses that prevent upward light scatter and protect the dark night sky.

24-706-08-03 Landscaping. All non-temporary ground-mounted or monument signs shall be installed with a minimum surround of three (3) feet of regularly maintained floral and shrubbery landscaping in every direction.

24-706-09 - Nonconforming signs.

24-706-09-01 Signs lawfully existing on the effective date of this ordinance or prior ordinances, which do not conform to the provisions of this ordinance, and signs which are accessory to a nonconforming use shall be deemed to be nonconforming signs and may remain except as qualified below. The burden of establishing nonconforming status of signs and of the physical characteristics/location of such signs shall be that of the owner of the property. Upon notice from the code enforcement officer, a property owner shall submit verification that sign(s) were lawfully existing at time of erection. Failure to provide such verification shall be cause for order to remove sign(s) or bring sign(s) into compliance with the current ordinance.

24-706-09-02 No nonconforming sign shall be enlarged nor shall any feature of a nonconforming sign, such as illumination, be increased.

24-706-09-03 Nothing in this section shall be deemed to prevent keeping in good repair a nonconforming sign. Nonconforming signs shall not be extended or structurally reconstructed or altered in any manner, except a sign face may be changed so long as the new face is equal to or reduced in height and/or sign area.

24-706-09-04 No nonconforming sign shall be moved for any distance on the same lot or to any other lot unless such change in location will make the sign conform in all respects to the provisions of this article.

24-706-09-05 A nonconforming sign that is destroyed or damaged by any casualty to an extent not exceeding fifty (50) percent of its area may be restored within two (2) years after such destruction or damage but shall not be enlarged in any manner. If such sign is so destroyed or damaged to an extent exceeding fifty (50) percent, it shall not be reconstructed but may be replaced with a sign that is in full accordance with the provisions of this article.

24-706-09-06 A nonconforming sign which is changed to becoming conforming or is replaced by a conforming sign shall no longer be deemed nonconforming, and thereafter such sign shall be in accordance with the provisions of this article.

24-706-09-07 A nonconforming sign structure shall be subject to the removal provisions of section 24-708-00. In addition, a nonconforming sign structure shall be removed if the use to which it is accessory has not been in operation for a period of two years or more. Such structure sign shall be removed by the owner or lessee of the property. If the owner or lessee fails to remove the sign structure, the code enforcement officer or designee shall give the owner fifteen (15) days' written notice to remove it. Upon failure to comply with this notice,

the code enforcement officer or designee may enter the property upon which the sign is located and remove any such sign or may initiate such action as may be necessary to gain compliance with this provision. The cost of such removal shall be chargeable to the owner of the property.

24-706-10 – Non-commercial signs.

24-706-10-01 *Substitution.* Wherever this Article permits a sign with commercial content, non-commercial content is also permitted subject to the same requirements of size, color, illumination, movement, materials, location, height and construction.

24-706-10-02 *Off-site Signs for Noncommercial Use of Limited Duration.* With a permit, a noncommercial organization may erect up to two off-premises temporary signs on properties in commercial and industrial zoning districts with the consent of the persons in charge of such properties. Each sign shall be no more than 16 square feet in area and 8 feet in height. The area of the sign counts against the maximum temporary sign area permitted on that lot. No more than one off-premises temporary sign may be displayed per lot. Display of such signs shall be limited to 30 days at a time. Each organization shall be limited to the display of such signs no more than 4 times within any calendar year.

24-706-11 – Shopping Centers.

24-706-11-01 Individual establishments within a shopping center shall each be allowed one façade identification sign which does not exceed ten percent of the area of the wall frontage dedicated to that establishment and not extend over more than eighty-five percent of the horizontal width of the building front.

24-706-11-02 In addition to a façade identification sign, individual establishments within a shopping center shall each be allowed one projecting sign which does not exceed ten percent of the area of the structure frontage dedicated to that establishment.

24-706-11-03 Shopping centers shall be allowed one freestanding identification sign per road frontage, each limited to no more than 150 square feet in size and thirty feet in height.

24-706-11-04 Out parcels platted as part of the shopping center shall be allowed one façade identification sign per establishment and one freestanding sign per road frontage with no sign greater than sixty square feet.

24-706-11-05 Directional signs shall not be counted as signs for the purpose of calculating the total number of signs in place.

24-706-12 – Residential district signs.

24-706-12-01 Except as otherwise prohibited in this Article, the following signs are permitted as accessory to residential uses in residential districts. Moving signs and electronic message signs are prohibited on residential properties in all residential districts.

TYPE	Flags	Temporary	Permanent
Size (each/total)	16 s.f.	12 s.f./12 s.f.	3 s.f./3 s.f.
Maximum Allowed	3 poles / 2 flags each	Refer to Section 24-706-04-04	Refer to Section 24-706-04-04
Illumination	As required by law	None	Indirect
Setback	Height of flagpole	None	None
Maximum Height	25 ft.	4 ft.	4 ft.
Location	Flag pole \leq 8" diameter	Freestanding, portable, wall, or window	Wall or window sign or affixed to mailbox
Duration	Unlimited	90 days	Unlimited

24-706-12-02 Except as provided otherwise in this Article, the following signs are permitted as accessory to non-residential uses in residential districts. Moving signs are prohibited as accessory uses for non-residential uses in all residential districts.

TYPE	Flags	Temporary signs	Changeable Message signs	All permanent signs including changing message
Size (each/total)	35 s.f.	32 s.f.	24 s.f.	32 s.f.
Maximum Allowed	3 poles / 2 flags each	Refer to Section 24-706-04-04	Refer to Section 24-706-04-04	Refer to Section 24-706-04-04
Illumination	As required by law	None	Internal/Indirect	Internal/Indirect
Setback	Height of flagpole	None	None	None
Maximum Height	35 ft	4 ft	8 ft	8 ft
Location	Flag pole \leq 8 in. diameter	Freestanding, portable, wall or window	None	Wall, free standing or window sign or affixed to mailbox
Duration	Unlimited	90 days	Unlimited	unlimited

24-706-13 – Commercial and Industrial district signs (except shopping centers) (M-1, B-1, B-2, B-3, R-8).

24-706-13-01 *Generally.* Except as provided otherwise in this Article, the following signs are permitted as accessory uses in commercial and industrial districts. In addition, up to one minor sign per business is permitted as a wall sign.

24-706-13-02 *Window signs.* Window signs are permitted up to 25% of the area of a window and count toward the maximum square footage of wall signs. Window signs are permitted only on the first floor of a building unless the business advertised is only on the floor where the window sign is displayed.

24-706-13-03 *Off-Site Signs for Commercial Use of Limited Duration.* Up to three off-site signs, each not to exceed 6 square feet and 7 feet in height, shall be permitted for a commercial use lasting for 3 or fewer days on property zoned business. No more than one permitted temporary sign shall be displayed per lot. Display of signs shall be limited to 48 hours prior to commencement, and 48 hours after cessation, of the use or activity advertised.

24-706-13-04 Where more than one business activity is located within a single structure on an individual lot and pedestrian access is shared such that the structure has a single entrance and/or exit, maximum copy area is to be divided and distributed by the owner or manager among several business activities within the building. This regulation shall be applicable in districts B-1 and B-2 only.

24-706-13-05 Where more than one business activity is located within a single structure and where each such business has separate entrance and/or exit to the outside rather than a common, shared pedestrian access, each such business shall be treated as if it were on a separate lot for the purposes of Section 706 only. This regulation shall be applicable in districts B-1 and B-2 only.

24-706-13-06 Where a lot or structure fronts two different road, the maximum allowable copy area for signage shall be doubled. The additional signage, however, is tied to the second road frontage and shall be used only on the second road frontage. This provision shall apply to both double frontage (through) lots and corner lots.

24-706-13-07 Each non-residential establishment, except for planned developments, home occupations, and shopping centers, regulated separately in this section, shall be allowed a total of one façade sign attached to a wall or building unit containing the establishment. Such signs shall be limited to not more than 10% of the area of the structure fronting or facing a road or highway, or two hundred square feet, whichever is less.

24-706-13-08 Each establishment or, in the case of multiple occupancy buildings which are not shopping centers, each building, is allowed one projecting sign which meets the following standards:

- A. Each projecting sign shall not exceed ten percent of the area of the wall fronting or facing a public street or highway, or forty square feet in area, whichever is less.
- B. All projecting signs shall be mounted such that the bottom of the sign is at least eight feet above grade.

24-706-13-09 Canopy or awning signs shall be allowed in addition to the one façade sign or one projecting sign.

24-706-13-10 Mural art painted building walls, reflecting the nature of the area, are exempted from the above restrictions if they do not contain words. Specifically permitted, by example, are renderings of

wildlife, shore scenes, historic town scenes or similar which shall be done in relatively accurate detail and color schemes.

24-706-13-11 Design standards for freestanding signs on properties used for non-residential purposes.

24-706-13-11-01 All freestanding signs, except for home occupation signs, shall be monument-type signs, double-post signs, or single-post signs, and shall comply with the following standards:

24-706-13-11-02 Signs incorporated into a free-standing wall or completely solid structure which is set upon footings shall be entitled to a thirty percent larger face area than otherwise provided for in this Article provided the following conditions are met:

24-706-13-11-02-A The width of the base of the sign shall be equal to or greater than the width of the sign face.

24-706-13-11-02-B The height of the base of the sign shall be less than or equal to the height of the sign face unless architectural pillars are used.

24-706-13-11-02-C The total height of the sign, including the base, shall be less than the width of the base.

24-706-13-11-02-D The sign shall be masonry, wood, high density urethane (HDU), composite panel or other suitable materials.

24-706-13-11-02-E Shrubs, flowers, or other landscaping materials which do not obscure the sign face shall be incorporated into the sign installation area.

24-706-13-11-03 Double-post signs.

24-706-13-11-03-A Total sign structure height shall not exceed 16 feet.

24-706-13-11-03-B Sign shall be wood, HDU, composite panel or other suitable materials.

24-706-13-11-04 Single-post signs.

24-706-13-11-04-A Total sign height shall not exceed 16 feet.

24-706-13-11-04-B Sign structure shall be a single, vertical mounting pole and shall be made of wood, HDU, composite panel or other suitable materials.

24-706-13-11-04-C Sign face shall not be attached directly to the vertical mounting pole and shall utilize a mounting arm attached perpendicular to the vertical mounting pole.

24-706-14 thru 24-706-20 Reserved.

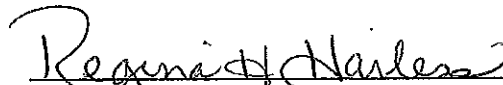
SECTION 3. This ordinance shall take effect and be enforce immediately upon its adoption.

This 9th day of August, 2016.

APPROVED:

ATTEST:


Mayor Robert L. Dickerson


Regina H. Harless, Town Clerk

Council and Planning Commission reviewed a plat submitted by the Giles County IDA to re-divide property at tax map number 25-35D, 25-35H and 25-37. Munsey made a motion to approve the Planning Commission recommendation that Council grant Final Plat approval for plat showing re-division for the Industrial Development Authority of Giles County dated March 22, 2016, subject to all proper signatures being affixed to the document. Williams seconded the motion. Voting yes: Mayor Dickerson; Council Members Williams, Munsey, Journell, Harrell, Clark and Eaton. The motion carried by a vote of 7 to 0.

Harrell reported on the Public Safety Committee. She stated that volunteers are still training in the Fire Department. Clark asked about the Fire Department report. Vittum explained the department did not provide staff completed information. Harrell suggested Stump compile the data and give to staff to complete the report. This item will be discussed at next committee meeting. The Police Department has their newest vehicle in service and will be transferring the old one to the Building Official. There were no recommendations.

Journell reported on the Property and Recreation Committee. Council discussed placing a rock with a Red Devil plaque near the gazebo. Tawney stated that the rock had been donated. Hope Harrell was assisting the Red Devils with getting a plaque ordered at a cost under the original quoted amount of \$1,000. The rock and plaque would be placed on the front lawn of the Community Center next to the gazebo. Eaton asked if it would interfere with festival activities. Tawney stated that Public Works will put the rock in the proposed location for Council to look at before making it a permanent structure. Munsey made a motion that the rock with a plaque for the Red Devils be placed on the front lawn of the Community Center. Journell seconded the motion. Voting yes: Mayor Dickerson; Council Members Williams, Munsey, Journell, Harrell, Clark and Eaton. The motion carried by a vote of 7 to 0.

Clark asked about the situation with the Woodrum Manor mural. She understood the problem with the mural was due to drainage. Wilson stated that water damage to the roof membrane was causing water to run down the wall and eroding it. He stated that he was not sure how much of the mural would be repaired. He only has authority to have roof repaired.

Wilson reported that he had developed a time line of when issues would be addressed on the Hoilman house owned by Mitch Thompson on Tazewell Street.

Eaton asked who had met with the VA Tech Community Design Assistance group. Munsey stated that Martin had met with them and they will make a recommendation to Council. Munsey asked if the pool company had come. Wilson stated that Martin was getting suggestions from another pool company as well. The pool company asked if anyone was certified and how they could get the training for \$350. Tawney stated that staff was looking at Cross Construction from Peterstown.

Council discussed 7-Day Market. Eaton had some safety concerns about the current fencing around the area where the building once set. Munsey asked about slats that were interwoven. Eaton thought a guard rail around whole property was a possibility. Clark thought we would fence the whole property. Hartley stated that the County is getting ready to sell the property and Tanmay LLC is on the list. There is no need for us to do it on our own. The lawsuit may be filed on September 6th. Vittum provided Hartley with a list of other delinquent properties. Clark asked about the time frame of what took place the first part of September. Hartley stated that the County is trying to get some interested buyers by listing multiple properties. The desire is to get enough money to pay off the taxes. Hartley guessed the minimum bid would be set around \$40,000. He stated that the Town could look at purchasing the lot.

Council discussed what items to keep on the Community Center improvement list. Eaton agrees with the lighting, floor covering, front lawn electrical system but she is not real clear on the commercial kitchen. Wilson stated that in order to have a commercial kitchen the outside space would be separate and would need a separate sink, refrigerator, stove, microwave and counter. The cafeteria currently seats about 80. The town does have a commercial dishwasher. Clark asked about the terrible noise the sink makes. Wilson stated that they make an appliance to fix that problem. Harrell stated that she was not in favor of doing a commercial kitchen.

Journell was also not in favor. She would like to fix up one of the rooms with air conditioning and make it really nice. Eaton asked if it could be insulated and do a wall unit. Wilson stated it was possible but could be costly to do an interior unit. Munsey thought it would be a good idea to get hot water to the bathrooms. Wilson stated that this would be based on changing the water heater in the kitchen and health department requirements. Wilson asked if Council could prioritize the items for him to get good numbers to work with and bring back to Council. Munsey would like to see the water heaters; cafeteria, restroom and main floor lighting; and library room flooring and A/C. Council agreed with the list.

Eaton reported on the Finance Committee. The delinquent tax properties eligible for sale were discussed. Staff will be sending a letter to each owner advising them of potential legal action to be taken.

The Committee made a recommendation that Council amend FY17 Budget by adopting Budget Amendment 2017-01 to account for \$5,000 in funds from Giles County earmarked for Recreation Pool Improvements. Voting yes: Mayor Dickerson; Council Members Williams, Munsey, Journell, Harrell, Clark and Eaton. The recommendation carried by a vote of 7 to 0.

BUDGET AMENDMENT FY 2016-2017-01

REVENUE		Current Budget	New Amount	Difference
EXPENDITURES		Current Budget	New Amount	Difference
102600.9110	County Assistance/Pool	0.00	5,000.00	5,000.00
TOTAL \$				5,000.00
		Revenue	Expenditures	Difference
Current		\$ 4,372,070.00	\$ 4,341,142.00	\$ 30,928.00
Amended		\$ -	\$ 5,000.00	(\$5,000.00)
Total		\$ 4,372,070.00	\$ 4,346,142.00	\$ 25,928.00

For Council Action on July 9, 2016

The Committee made a recommendation that Council approve publication of Delinquent Real Estate and Personal Property Taxes for 2015 in the Virginian Leader on August 31, 2016. Voting yes: Mayor Dickerson; Council Members Williams, Munsey, Journell, Harrell, Clark and Eaton. The recommendation carried by a vote of 7 to 0.

The Committee made a recommendation that Council approve an expenditure of \$350 for Giles County – Town of Pearisburg Marketing Project. Voting yes: Mayor Dickerson; Council Members Williams, Munsey, Journell, Harrell, Clark and Eaton. The motion carried by a vote of 7 to 0.

Munsey Reported on the Public Works Committee. The water loss for June was 29.73%. The new F150 and F350 trucks are in service. He stated that Tawney is working with AEP about getting the decorative pole lights back on in the downtown area. Eaton asked if repairs to the road would be done when the work was complete on Mountain Lake Avenue. Tawney stated that he gave the gas company contact information for pavers. Vittum and Tawney will speak to the contractor. Hartley stated that under the franchise agreement with the gas company they are obligated under the franchise to repave and restore to existing condition. Tawney will find out their plans.

Munsey reported on the PSA. He stated that letters have been sent to Abingdon on how long they can run the well. Tawney stated that it could only be run according to the contract and that any change has to come through the town and be approved in writing. Hartley agreed. Williams stated that the PSA needs to understand that it should come through the town first that is why we have problems now.

Vittum reported on the Planning Consultant. A lunch meeting with the Merchants is scheduled for August 15th to discuss the Scarecrow Festival and dinner in the street. He stated that Dinger had talked about having a Harry Potter Dinner. Plans are in the works for a Cast Iron Cooking class in October. Clark asked about Art on the Lawn and if a dinner was still being planned on Wenonah Avenue. Clark asked if this was the first time closing Wenonah for Art on the Lawn. Vittum answered it was the second time. Vittum will get more detailed information, he has not been involved in that portion of the planning. He stated that the only complaint from last year was from Edgar Williams on closing the street.

Harrell made a motion to appoint Lawanda Robertson to serve on the Library Advisory Board to fill an unexpired term ending June 30, 2017. Munsey seconded the motion. Voting yes: Mayor Dickerson; Council Members Williams, Munsey, Journell, Harrell, Clark and Eaton. The motion carried by a vote of 7 to 0.

Vittum reported on the VML/VACo Committee meeting that Tawney attended in his place. They negotiate rates for public authorities and follow rate cases from APCo to the State Corporation Commission. The committee is recommending adoption of a July 2016 to June 2020 contract that will come before Council in next few months. The assessment will come sometime in 2016 for payment on July 2017. He stated that no action is required tonight.

Clark made a motion that Council approve a Parade Permit Application from the Pearisburg Community Market to hold the market on Wenonah Avenue in front of Courthouse and close that portion of the street to join Art on the Lawn. Harrell seconded the motion. Voting yes: Mayor Dickerson; Council Members Williams, Munsey, Journell, Harrell, Clark and Eaton. The motion carried by a vote of 7 to 0.

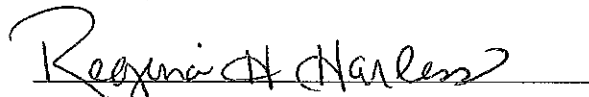
There being no further business the meeting was adjourned.

ATTEST:



Mayor Robert L. Dickerson

APPROVED:



Regina H. Harless, Town Clerk