

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on January 9, 2012, in the Warren County Government Center’s Board Meeting Room. Mayor Darr led Council and those attending in the Pledge of Allegiance to the flag and a Moment of Silence. The roll was called at 7:00 p.m.

PRESENT: Mayor Timothy W. Darr
Vice Mayor Chris W. Holloway
Councilman Thomas E. Conkey
Councilman Carson C. Lauder, Jr.
Councilman N. Shae Parker
Councilman Thomas H. Sayre
Councilman Hollis L. Tharpe
Town Manager Steven M. Burke, P.E.
Town Attorney Douglas W. Napier
Clerk of Council Jennifer E. Berry, CMC

(The above listed members represent the full body of Council as authorized in the Town Charter.)

Vice Mayor Holloway moved, seconded by Councilman Parker, that Council approve the Regular Council Meeting minutes of December 12, 2011.

Vote: Yes – Conkey, Holloway, Lauder, Parker, Tharpe and Sayre
No – N/A
Abstain – N/A
Absent – N/A
(Mayor Darr did not vote as there was no tie to require his vote)

RECEIPT OF PETITIONS OR CORRESPONDENCE FROM THE PUBLIC

David Means, of the Urban Forestry Advisory Commission (UFAC), thanked the Town Council for his UFAC appointment and the opportunity to serve the Committee.

REPORT OF THE MAYOR, COUNCIL & STAFF

Mr. Burke:

- Reported that currently 6th Street has a water break they were addressing;
- Noted that Washington Avenue had a 12” water main break last week and there was a 10’ section replaced;
- Stated that the crews also had a failed sewer lateral Saturday night at Pizza Hut; he extended his appreciation to the crews for their efforts;
- Announced that the Town would be closed on Monday for Martin Luther King, Jr. Day and noted the adjusted refuse collection schedule;
- Noted that \$785.01 was the total utility amount for Toys for Tots;
- Explained that the Town would be presenting weekly updates for the community under the Town Manager’s website portion; and
- Asked residents to note where areas of improvement and concern are within the Town, noting his contact information, sburke@frontroyalva.com or they were encouraged to phone the Town Hall.

Kim Gilkey-Breeden, Director of Finance, noted that:

- Council had received their mid-year projections and expenditures in their packet;
- The Real Estate and Personal Property Taxes were well above the projections;
- The Finance Department continues to process disconnects according to the weather and current temperatures each day;
- Reminded Council that the taxes can be paid online, with the goal for online utility payments as March 1st for the citizenry; and
- Noted that they were beginning the FY13 budget process.

Martha Shickle, Executive Director of the Northern Shenandoah Regional Commission (NSVRC), stated that the Commission had continued to sell properties within the Neighborhood Stabilization Project. She noted that they had created a survey for the capital facilities request, with a report due by the spring. Ms. Shickle stated that they continued to hold their January meetings, including the Route 340 Project, a training workshop for service volunteers, a transportation demand management, a hazard mitigation meeting and a Regional Commission Meeting. She thanked Councilman Lauder for his attendance and encouraged other members to attend when possible.

Councilman Lauder noted that a recent news agency reported that in the Shenandoah Valley there were over 900 homeless Veterans. Ms. Shickle noted that perhaps the number of 900 was quite high, adding that homeless people were difficult to track and definitions for homeless may vary from one organization to another.

Doug Stanley, Warren County Administrator, presented the following report to Council:

2011 Building Permits – The County had a total of 57 new home starts in 2011. Of that number, 7 were located inside Town limits. As a comparison, in 2010 we had a total of 51 new home starts. The 57 starts represent an annual growth rate in housing stock of .35% and making 2011 the first year with an increase in new home starts over the previous year since 2004. The growth rate is well below our 2-3% maximum outlined in the Warren County Comprehensive Plan and is well below the 1.58% average experienced since 2000. The total growth rate in new home starts since 2001 is 17.42%.

Warren County Power Plant Project – The State Corporation Commission is expected to rule on Dominion’s application for the Warren County Power Plant project within the next 30-60 days. This represents the final hurdle in the approval process for the project.

15th Street Middle School – Removal of ceiling grid and tiles began on November 4th and has been completed. The projected completion date for the project is the summer of 2012.

Eastham Trail/Phase I – The Contractor, Pettit Paving, has substantially completed the project. We are waiting on final

installation of benches, bike racks and interpretive signage to complete the project.

Rockland Road – Perry Engineering continues to make good progress on the Rockland Road relocation project. Signals have been installed for the new intersection on Route 340/522 and they will be working on the connection to existing Route 658 in the next month. The project is expected to be completed May 2012.

RSW Regional Jail – Plans are still underway to bid the project this winter. The Jail Authority is going through the process of pre-qualifying potential contractors who wish to bid the project. We are still awaiting word from the Town on the concept of rainwater recycling. I believe that the Town was waiting on its new attorney to come on board to review the matter. We look forward to hearing back from you.

Memorandums of Understanding (MOUs) – We are still waiting on required signatures for the Leach Run to complete the document. The EDA Funding Formula MOU will be discussed at the January 19th Liaison meeting.

Deed of Transfer – McKay Spring Property – County Attorney’s Office is waiting on the final deed from the Town to complete the exchange of property to begin marketing the property.

Board Room A/V System – We have a proposal to upgrade the equipment in the Board Room to add a HDD/DVD burner/recording device. This will allow a complete upgrade to digital recording of board meetings. Based on feedback from Town staff, we are having the vendor revise the quote. We are hoping to have the equipment installed in the next several months.

175th Anniversary – The Planning Committee held its final ceremony for the County’s 175th Anniversary on December 9, 2011 when a time capsule was buried at the Warren County Courthouse. We would like to thank the Town of Front Royal for its sponsorship of the Anniversary year.

Mayor Darr asked about Phase 2 of the Eastham Trail. Mr. Stanley explained that Phase 2 would tie into Skyline Vista Drive by going under the railroad trestle. He noted that a third phase would cross Route 340 and tie into the Shenandoah National Park, if the funding was secured for that portion of the trail.

In response to Councilman Sayre’s questions, Mr. Stanley stated that there were grants that may be available to assist with the trail program, including possible VDOT funding.

Councilman Conkey thanked Mr. Stanley for the gravel installed along the path at the river.

Councilman Sayre asked Mr. Burke about the water breaks in the community. Mr. Burke stated they were not having a significantly high number during the winter this year. Mr. Sayre thanked Mr. Burke for informing Council on the water breaks.

Councilman Sayre stated that there was a large amount of salt placed on the roads recently during a very small snow event. Mr. Burke stated that with the small snowfall the Town experienced in the prior week, the Town did have to apply enough salt to ensure the roads were adequately taken care of. Councilman Conkey stated that the salt application was at the accurate level for the amount and type of snow fall that the Town received. He expressed support in Mr. Burke's decisions.

Councilman Sayre noted that should the Town participate in the Main Street designation, it would take a significant contribution and commitment from Council. He stated that he would like the community to become a designated community.

Councilman Sayre gave a decision regarding a demur to Town Attorney Napier, who was asked to read the matter. Mr. Napier explained that it was, in essence, to dismiss a complaint on the grounds that the complaint does not state adequate grounds. He read the text noted here:

As to defendant Sayre, there is no statement or statements made by him about the plaintiffs. He, defendant Sayre, stated he wanted the matter raised by Mr. Robinett. In his memorandum of April 8th, we investigate; the wording of his request investigation "related to the solar project, the Request for Proposal (RFP) and communications regarding the RFP between elected officials and appointed officials including Staff. These words are not false statements of fact about the plaintiffs, as to other grounds of the demur, the court is not addressing them because no defamatory statements have been alleged.

Councilman Sayre inquired as to whether it stated that his inquiry had nothing to do with the plaintiffs. Mr. Napier stated that was correct, adding that no false statements were made.

Councilman Lauder noted that earlier in the day the Town had a two-hour school delay, though the school flashing signs were not brought in sync to have the signs operating effectively. Mr. Lauder stated that the signs that control traffic needed to work at the appropriate time.

Mayor Darr thanked David Lupton and the Toys for Tots and the workers at the distribution center for their annual efforts and his work towards reducing the site's utility costs.

Mayor Darr stated that he was pleased to attend the Salvation Army Luncheon and glad to hear that they met their annual goal for the season. He advised the citizens that 85% of the funds collected during the campaign, go right back into our community. Mayor Darr thanked the many Town employees and their families who rang the bell for three full days to assist in the collection of funds for those in need.

Mayor Darr asked if there were any proposals for additions or deletions to the agenda.

CONSENT AGENDA:

- A. COUNCIL APPROVAL: Resolution Establishing Parking Restrictions in the Parking Area Near the Gazebo
- B. COUNCIL APPROVAL: Resolution for Shenandoah National Park Funding
- C. COUNCIL APPROVAL: Acceptance of Virginia Tourism Corporation Grants
- D. COUNCIL APPROVAL: Acceptance of VA Appalachian Trail Conservancy Grant
- E. COUNCIL APPROVAL: Liaison Committee Meeting Items:
 - 1) “Local Government Day” Coordination
 - 2) Railroad Spur
 - 3) Provision of School Crossing Guard by Warren County Sheriff
 - 4) Business Forum Participation
 - 5) Front Royal/Warren County Appalachian Trail Community Event
 - 6) Tourism Zoning
 - 7) Existing Business Assistance – Reduced Fees for Site Enhancements
 - 8) Future Middle School Site Evaluation

Vice Mayor Holloway moved, seconded by Councilman Conkey, that Council approve the Consent Agenda as presented.

Vote: Yes – Conkey, Holloway, Lauder, Parker, Tharpe and Sayre
No – N/A
Abstain – N/A
Absent – N/A
(Mayor Darr did not vote as there was no tie to require his vote)
(By Roll Call)

RESOLUTION: Gazebo Parking Restrictions
GAZEBO PARKING LOT MODIFICATION

WHEREAS, the Town has identified continued problems with individuals congregating in the parking area near the gazebo that has resulted in significant littering and possible damage to the caboose, and;

WHEREAS, in order to prevent future damage, Town staff proposes to restripe the parking spaces with green stripes to identify parking spaces that are restricted between the hours of 10:00 p.m. and 6:00 a.m., and;

WHEREAS, Parking Restriction Signs may be covered by the Front Royal Police Department during events in this area, and;

NOW THEREFORE BE IT RESOLVED, that the Mayor and Town Council hereby authorize Town Staff to proceed with establishing parking restrictions in the parking area near the Gazebo as proposed.

RESOLUTION: Shenandoah National Park Funding
SHENANDOAH NATIONAL PARK FUNDING

WHEREAS, following the failure of the “Super Committee” to resolve Federal budget issues, the Budget Control Act of 2011 establishes a process of sequestration to begin January 2013 that will lead to mandatory cuts in discretionary spending, which will reduce funding to national parks by 9%;

WHEREAS, a significant reduction in Federal funding to national parks will result in significant impact to funding for the Shenandoah National Park;

WHEREAS, reduction and service provided to and at the Shenandoah National Park can jeopardize tourism to Front Royal and the Shenandoah Valley;

NOW THEREFORE BE IT RESOLVED, that the Mayor and Town Council hereby adopt this Resolution that would notify government representatives at both the Federal and State level of the impact of reduction of funding to national parks.

PUBLIC HEARING: To Authorize the Conveyance of a Quitclaim Deed of Certain Water and Sewer Easements in Shadows Drive and Hospitality Drive

Mayor Darr opened the public hearing. As no one came forward to speak, the public hearing was closed.

Vice Mayor Holloway moved, seconded by Councilman Tharpe, that Council approve a Resolution that authorizes the conveyance of a Quitclaim Deed of certain water and sanitary sewer easements in Shadows Drive and Hospitality Drive to the Virginia Department of Transportation (VDOT) in return for remain-in-place permits for the same.

Vote: Yes – Conkey, Holloway, Lauder, Parker, Sayre and Tharpe
No – N/A
Abstain – N/A
Absent – N/A
(Mayor Darr did not vote as there was no tie to require his vote)
(BY ROLL CALL)

PUBLIC HEARING: An Ordinance to Repeal Town Code Chapter 114 and Amend and Re-enact Town Code Chapter 72 to Regulate Special Events (1st Reading)

Mayor Darr opened the public hearing. As no one came forward to speak, the public hearing was closed.

Vice Mayor Holloway moved, seconded by Councilman Tharpe, that Council affirm on its first reading an ordinance to repeal Front Royal Town Code Chapter 114 (Parades & Processions) and amend and re-enact Front Royal Town Code Chapter 72 to regulate Special Events (formerly Entertainment Festivals).

Vote: Yes – Conkey, Holloway, Lauder, Parker, Sayre and Tharpe
No – N/A
Abstain – N/A
Absent – N/A
(Mayor Darr did not vote as there was no tie to require his vote)
(BY ROLL CALL)

PUBLIC HEARING: An Ordinance to Amend and Re-enact Town Code Chapter 167 to Regulate Weapons (1st Reading)

Mayor Darr opened the public hearing. As no one came forward to speak, the public hearing was closed.

Vice Mayor Holloway moved, seconded by Councilman Tharpe, that Council affirm on its first reading an ordinance to amend and re-enact Front Royal Town Code Chapter 167 to regulate weapons within the Town.

Councilman Sayre noted that he spoke with a Police Lieutenant and regarding archery and children that chose to shoot BB guns. He opined that it would be unfortunate to lose the small town flavor due to said ordinance. He stated that it was his hope that children would not be charged with misdemeanors using such items.

Mr. Burke explained that the State had amended their code and the Town was responding to the pneumatic weapons change. He reminded Mr. Sayre that it was specific to pneumatic weapons, including BB guns. Mr. Burke added that if there was some form of containment and under the supervision of an adult, then children can still discharge the BB guns in town.

Vote: Yes – Conkey, Holloway, Lauder, Parker, Sayre and Tharpe
No – N/A
Abstain – N/A
Absent – N/A
(Mayor Darr did not vote as there was no tie to require his vote)
(BY ROLL CALL)

COUNCIL APPROVAL: Ordinance Amendment to Town Code Section 175-106 re: Modifications to Sign (2nd Reading)

Vice Mayor Holloway moved, seconded by Councilman Tharpe, that Council adopt on its second and final reading amendments to Town Code Section 175-106, Signs, as presented.

Councilman Conkey stated that the Planning Commission, the Town Staff, the Town Attorney and the Town Manager worked hard to develop the new ordinance in response to citizen’s questions relating to signs. He thanked them all, adding that it was an appropriate ordinance for the Town as written.

Vote: Yes – Conkey, Holloway, Lauder, Parker, Sayre and Tharpe
No – N/A
Abstain – N/A
Absent – N/A
(Mayor Darr did not vote as there was no tie to require his vote)
(BY ROLL CALL)

⌘ ORDINANCE: SIGN ORDINANCE MODIFICATIONS ⌘
An Ordinance to amend the sign regulations found in Chapter 175, Section 106, of the Municipal Town Code

WHEREAS, the sign regulations of the Town of Front Royal Zoning Ordinance are found in Chapter 175, Section 106, of the Municipal Town Code; and

WHEREAS, during discussion held on March 14, 2011, Town Council expressed concerns that “open” flags were needed to promote tourism in the Town, and were needed by downtown merchants; and

WHEREAS, on March 14, 2011, Town Council referred Section 175-106 to the Planning Commission for review, specifically related to the prohibition of flags as portable signs; and

WHEREAS, Town Staff and the Front Royal Planning Commission began reviewing Section 175-106 in August of 2012, and over a period of several work sessions, and meetings with downtown merchants, developed a draft amendment to modify the sign regulations to be less restrictive towards the use of flags as signs, including an exemption from the zoning permit process for “open” flag signs, subject to certain design standards and a Right-of-way Utilization Permit if located within the Town right-of-way; and

WHEREAS, during the review process, and in consideration of input received from interested citizens, Town Staff and the Planning Commission identified other areas of the sign ordinance where modifications were believed to be appropriate, including a similar exemption towards sandwich board signs; an allowance for traditional flag signs other than “open” flag signs, subject to certain design standards and a zoning permit; the restriction of untraditional flag signs and banner signs as permanent signage; less stringent time stipulations for temporary signs; an allowance for larger center identification signs; a reduction of the minimum vertical clearance for projecting signs; and other minor changes; and

WHEREAS, on November 16, 2011, the Planning Commission held a public hearing on the proposed modifications, followed by an approved motion to recommend approval of the draft amendment to Town Council; and

WHEREAS, Town Council reviewed the proposed amendments during a work session on December 5, 2011; and

NOW THEREFORE, BE IT ENACTED by the Town Council of the Town of Front Royal, Virginia, that Chapter 175, Section 106, of the Municipal Town Code is hereby amended as follows:

TOWN OF FRONT ROYAL MUNICIPAL CODE,
Chapter 175, ZONING Section 175-106 SIGNS

A. General Provisions:

1. Purpose and Intent: The purpose of this section is to regulate the size, location, height and construction of all signs placed for public observance; to protect the public health, safety, convenience and general welfare; to facilitate the creation of a convenient, attractive and harmonious community; to protect property values; and to further the urban design and economic development objective of the town plan. To these ends, these regulations are intended to promote signs that are:

- a. Compatible with the landscape/streetscape and architecture of surrounding buildings, including historic sites and structure;
- b. Legible and appropriate to the activity to which they pertain;
- c. Not distracting to motorists; and
- d. Constructed and maintained in a structurally sound and attractive condition.

2. Applicability: These sign regulations shall apply to all signs erected within the Town of Front Royal following the effective date of this ordinance.

3. Sign Permit Required: Except as provided herein, no sign shall be erected, installed, used, altered, relocated, replaced or reconstructed until a sign permit has been issued (and a certificate of appropriateness or building permit, if applicable). For the purpose of this Ordinance, all signs are considered accessory uses and accessory structures. Unless specifically qualified, all signs shall be located on the same lot with the principal use to which they pertain.

4. Special Definitions: For the purposes of these sign regulations, unless the context otherwise requires, the following terms shall have the meanings established below:

ANIMATED SIGN - A sign or part of a sign that moves or appears to move, including, but not limited to propellers, discs, digital screens, projections and flashing lights, but specifically excluding the hands of a clock, clocks, digital displays of only the time, date and temperature, weather vanes, and flags.

ARTISTIC MURAL - A work of art (as a painting) applied to and made integral with a building wall that is prepared by a skilled artist and shows imaginative skill in arrangement or execution.

AWNING SIGN - A sign placed, painted or printed directly on the surface of an awning.

BANNER – A temporary sign applied to cloth, paper, balloons or fabric of any kind. Governmental flags or symbolic flags of religious, charitable, public or nonprofit organizations shall not be considered banners.

BILLBOARD SIGN - See "off-premise sign."

CANOPY SIGN - A sign attached or otherwise affixed to a canopy.

CHANGE OF USE - Any change from one business activity to another, except a name change for a specific established business activity.

CHANGEABLE COPY SIGN - 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.

DIRECTIONAL SIGN - An on-premises sign designed to guide vehicular and/or pedestrian traffic by using such words as "Entrance," "Exit," "Parking," "One Way" or similar directional instruction, but not including any advertising message.

DIRECTORY SIGN - A sign on which the names and locations of occupants or the use of a building or group of buildings is given.

FLASHING SIGN - A sign used for identification, direction, advertising or promotion that includes lights which flash, blink or turn on and off intermittently.

FLAG – Any fabric, cloth, canvas or any non-rigid lightweight material that can be easily folded or rolled and attached to or designed to be flown from a flagpole or similar device and containing distinctive colors, patterns or symbols.

FLAG SIGN, A flag used as a sign.

FLAG SIGN, TRADITIONAL – A flag sign, excluding a sign on a “feather flag”, that does not exceed fifteen (15) square feet in area, and no one side exceeding a length of five feet (5’).

FLAG SIGN, NON-TRADITIONAL – A flag sign other than a traditional flag sign. A “feather flag” is an example of a non-traditional flag sign.

FREESTANDING SIGN - See "ground-mounted sign."

GROUND-MOUNTED SIGN - A sign which is supported by structures or supports in or upon the ground and independent of any support from any building.

IDENTIFICATION SIGN - A sign which displays only the address and name or crest, insignia or trademark, occupation or profession of an occupant or the name of any building on the premises.

ILLUMINATED SIGN - A sign illuminated in any manner by an artificial light source, whether internally or externally lit, including neon.

INSTITUTIONAL BULLETIN BOARD SIGN - A sign containing a surface upon which is displayed the name of a religious institution, school, library, community center or similar institutional or community service use and the announcement of its service.

MARQUEE - 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.

MARQUEE SIGN - A sign attached to and made part of a marquee or any other similar projection from a building.

MONUMENT SIGN - A sign affixed to and made an integral part of a structure built on-grade that does not involve the use of poles as its major sign support and is less than eight (8) feet in height.

OFF-PREMISES SIGN - A sign which directs attention to a business, commodity, service or establishment conducted, sold or offered at a location other than the premises on which the sign is erected.

PORTABLE SIGN - Any sign, except an exempt sign, that is not permanently affixed to the ground or another structure and is capable of being moved by mechanical or non-mechanical means.

PROJECTING SIGN - Any sign, other than a wall, awning or marquee sign, which is affixed to on a building wall perpendicularly, typically by use of brackets.

ROOF SIGN - 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.

SANDWICH BOARD SIGN – A two-sided, self supporting sign attached at the top with the two sides separated by approximately 45 degrees.

SIGN - Any device employing letters, words, symbols, etc., used or intended to attract the attention of the public from streets, sidewalks or other outside public rights-of-ways. For the purposes of this Article, the term "sign" shall include all structural members.

SIGN AREA - The surface area encompassed within any regular geometric figure (square, rectangle, circle, triangle, etc.) which would enclose all parts of the sign, excluding structural supports.

TEMPORARY SIGN - A sign or advertising display designed or intended to be displayed for a short period of time. Unless otherwise specified within this section, a temporary sign may only be used two (2) times within a 12-month period, and for a total time of ninety (90) days or fewer during the same 12-month period of time.

WALL SIGN - A sign attached to a wall, or painted on or against a flat vertical surface of a structure, which displays only one (1) advertising surface.

WINDOW SIGN - All signs attached to or applied directly onto the internal or external surface, or set back less than one (1) foot from the interior surface, of any window in view of the general public from outside the structure.

5. Prohibited Signs: The following signs are expressly prohibited unless specifically stated otherwise

- a. Billboards and Off-premise signs.
 - b. Portable Signs, except sandwich board signs, as defined above, but including signs displayed on a stationary vehicle.
 - c. Changeable Copy Signs, except for approved institutional bulletin boards and gas station fuel price signs as permitted by this ordinance, and where such signs are incorporated as an element within another permanent sign, provided that the changeable copy area does not exceed twenty (20) square feet or fifty percent (50%) of the total sign area, whichever is less.
 - d. Simulated Traffic Signs or any sign which may be confused with or obstruct the view of any authorized traffic sign or signal.
 - e. Animated Signs, including but not limited to propellers and discs. This prohibition shall not apply to the hands of a clock, a weather vane or flags.
 - f. Flashing Signs, except for time and temperature signs.
 - g. Glaring Signs or signs with light sources of such brightness as to constitute a hazard, as determined by the Zoning Administrator.
 - h. Strings of lights outlining property lines, sales areas or any portion of a structure, unless part of an approved sign or sign structure. This prohibition shall not apply to seasonal decorations.
 - i. Roof Signs.
 - j. Signs affixed to a tree, other natural vegetation, rocks, public utility poles or public signs.
 - k. Signs that obstruct the visibility of intersections or block any window, door, fire escape, stairway or any opening intended for light, air or access to any building.
 - l. Signs erected in or over a public right-of-way or on public land, except as allowed in the Historic Overlay District, or as specifically approved by the Town Council.
 - m. Home Occupation Signs, except an address or identification sign as provided in Section 175-106A(6)(a) below.
 - n. Non-traditional Flag Signs, except when used as a temporary sign, as regulated by this Chapter.
6. Exempt Signs: Sign permits shall not be required for the following signs; however, all other applicable regulations of this ordinance shall apply.
- a. Address or Identification sign. Signs indicating the address and/or names of occupants of premises, not exceeding two (2) square feet in area.

- b. Changing the message content of an approved directory, institutional bulletin board, theater marquee or changeable copy element of an approved sign.
- c. Commemorative plaques and historical markers erected by a recognized historical agency or governmental body.
- d. Flags, emblems and insignia of any governmental agency or religious, charitable, public or nonprofit organization; provided, however, that no single flag shall exceed fifty (50) square feet in area and no single lot shall display more than three (3) such flags. If the total area of such flags exceeds seventy-two (72) square feet, the excess area shall be included in the sign area calculations for the lot.
- e. Traditional Flag Signs, provided that the following conditions are met:
 - (i) Only one (1) exempt traditional flag sign per parcel shall be allowed.
 - (ii) Each exempt traditional flag sign shall be a maximum of fifteen (15) square feet in area.
 - (iii) Words or letters used on an exempt traditional flag sign shall only communicate the language "Open" or "Open for Business", and within the Historic Overlay District may also identify a non-profit organization or town government.
 - (iv) Compliance with Section 175-106B.3 when located within the public right-of-way on property within the Historic Overlay District.
 - (v) Shall be located within fifty (50) feet from the building entrance.
- f. Handicapped Parking Space Sign.
- g. Directional Signs, not exceeding three (3) square feet in area and located on private property. Such signs exceeding 2 1/2 feet in height shall be located no closer than 10 feet from the curb line of abutting streets.
- h. Security and Warning signs. Signs posted on private property warning the public against trespassing or similar messages, provided that any such sign does not exceed 1.5 square feet in area.
- i. Private Drive Signs, one (1) per drive entrance, not exceeding two (2) square feet in area, with the message content limited to the words "Private Drive" and the address of any residences utilizing the private roadway.
- j. Public Signs, including traffic, utility, parking, directional, identification, public event and festival signs approved by the Town Council and other signs displayed for governmental purposes.
- k. Seasonal and temporary displays of patriotic, religious or civic character on private property, not advertising a product or service.
- l. Signs not visible beyond the boundaries of the lot or parcel upon which they are located or from any public right-of-way.

m. Temporary political campaign signs on private property not to exceed eight (8) square feet in area and six (6) feet in height. Such signs shall be removed within five (5) days after the election.

n. Sandwich Board Signs, subject to the requirements of Section 175-106A.9.e.

o. Temporary private yard sale signs, not exceeding three (3) in number per yard sale and not placed in a public right-of-way.

p. Temporary real estate signs, located on the premises, not exceeding five (5) square feet in area for single-family residential districts or eight (8) square feet in area for other zoning districts. No real estate sign shall exceed a height of six (6) feet. One (1) real estate sign shall be permitted per property, except for corner lots, which may have two (2) such signs. Temporary real estate signs shall be removed within seven (7) days of the settlement or lease of the property.

q. Temporary window signs shall cover no more than fifty percent (50%) of the window area and shall not be displayed above the first floor. Such signs shall not remain in place for more than eight (8) weeks.

r. Vehicle safety inspection signs not exceeding ten (10) square feet in area. Such signs may be either a wall sign or attached to an existing authorized ground-mounted sign structure [one (1) per business] not to exceed the height of the ground mounted sign.

7. Signs Requiring Temporary Sign Permit: The following signs shall require the issuance of a temporary sign permit by the Zoning Administrator prior to their erection. The permit shall cite the length of time any such sign may be displayed. If, after the expiration of the temporary sign permit, such signs are not removed, the town may remove them and charge the costs of removal to the enterprise or proprietor responsible.

a. Special Sales Events Signs, exceeding a 14-day display period, announcing such events and grand openings, new management and going-out-of-business sales. Such signs, shall be attached to an existing principal structure or sign pole, shall not exceed twenty (20) square feet in area.

b. Temporary and Seasonal Produce, Fireworks and Tree Stand Signs. The total area of all such signs shall not exceed twenty (20) square feet, nor shall any sign exceed six (6) feet in height.

c. Construction Signs not to exceed one (1) per street frontage, limited to a maximum height of eight (8) feet. The total area of all such signs shall not exceed twelve (12) square feet. Such signs shall be removed within fourteen (14) days following completion of construction.

d. Temporary Residential Subdivision and Model Home Identification Signs. One (1) sign may be erected for not more than two (2) years at each principal entrance to

the development. Such signs shall not exceed eight (8) feet in height or sixteen (16) square feet in area. In addition, one (1) model home sign of not more than four (4) square feet may be maintained at each model home.

e. Temporary Signs on vacant lots announcing an upcoming event (such as "Coming Soon"). Such signs shall not exceed twenty (20) square feet in size and may be displayed on a given property for one (1) period, not to exceed ninety (90) days, within a twelve-month period.

8. General Sign Standards:

a. Determination of Sign Height and Setback. The height of a sign shall be measured from the average elevation of the street to which the sign is oriented. The setback shall be measured from the property boundary to the closest point of the sign.

b. Number of Sign Faces. No sign shall have more than two (2) sign faces.

c. Determination of Sign Area. The area of signs shall include the area enclosing the face of the sign, including all frames or other components not otherwise used for support.

d. Area of Signs with Two (2) Sign Faces. The area of a sign with two (2) sign faces shall be computed according to the following:

[1] Sign faces separated by an interior angle of forty-five degrees (45 degrees) or greater, both sign faces shall be included.

[2] Sign faces separated by an interior angle of less than forty-five degrees (45 degrees), one (1) sign face shall be included; provided, however, that the area of the largest sign face shall be used when two (2) faces are unequal in area.

9. Development Standards for Permitted Sign Type: All new signs and all existing signs which are replaced, reconstructed, extended or changed structurally shall comply with the following development standards:

a. Ground mounted sign: Development Standards.

[1] Road Frontage Requirements: Ground mounted signs up to the maximum allowable size shall be permitted on lots with 100 feet or more of lot width. Where a lot has less than 100 feet of lot width, a ground mounted sign shall not exceed thirty-two (32) square feet in size.

[2] Minimum Clearance: Where a ground mounted sign is located within twenty-five (25) feet of an intersecting developed street, or Town- maintained alley, a minimum ten (10) foot clearance from the ground to the bottom of the sign shall be provided. For a monument sign, the placement of the sign shall conform with the requirements of Section 175-101.

[3] Maximum Height: Twenty (20) feet or the height of the principal structure, whichever is less; provided, however, that the maximum height of any ground-mounted sign serving two (2) or more business uses within 1,000 feet of the right-of-way for Interstate 66 shall be twenty-five (25) feet.

b. Projecting Sign: Development Standards.

[1] Frontage Requirements: Eighteen (18) feet of ground level frontage.

[2] Angle of Projection: Ninety (90) degrees.

[3] Limit on Projection: Six (6) feet.

[4] Projection over Right-Of-Way. No sign outside the Historic Overlay District shall project over the public right-of-way, unless specifically approved by the Town Council.

[5] Minimum Clearance: Seven (7) feet vertical clearance, measured from the established grade directly below the sign to the closest point of the sign.

[6] Maximum Height: Fourteen (14) feet or the lowest point of the roof, whichever is lowest.

c. Wall Sign - Development Standards:

[1] Placement, Generally: No wall sign shall cover, cross or otherwise hide columns, belt courses or other decorative architectural features of the building, including balconies.

[2] Maximum Height of Wall Signs: Twenty (20) feet or the lowest point of the roof, whichever is less; provide, however, that the maximum height of any wall sign for a business structure located within 1,000 feet of the right-of-way for Interstate 66 shall be fifty-five (55) feet.

[3] Limit on Projection: Twelve (12) inches.

[4] Permanent Window Signs: Additional Restrictions. Permanent window signs shall be limited in area to twenty-five percent (25%) of the window area or twenty-five (25) square feet, whichever is less, and shall be included in the sign area calculations.

d. Awning, Canopy and Marquee Signs: Development Standards.

[1] Location: Parallel to the face and not projecting above or below the face of the awning, canopy or marquee.

[2] Limit on Projection: To within one (1) foot of the vertical placement of curbs, but shall in no way interfere or obstruct either pedestrian or vehicular traffic. No such sign outside the Historic Overlay District shall project over the public right-of-way, except as approved by the Town Council.

e. Sandwich Board Signs: Development Standards.

[1] Location: Shall be located within fifty (50) feet from the building entrance on the same property, and may not be located within the public-right-of-way unless a Right-of-Way Utilization Permit is granted by the Town.

[2] Duration of use: The signs may only be displayed during business.

[3] Number: Only one (1) sandwich board sign shall be permitted per business.

[4] Appearance: Spray painted lettering on plain plywood, or similar materials, is not permitted.

f. Traditional Flag Signs: Development Standards.

[1] Location: Shall only be located on private property, except where a Right-of-Way Utilization Permit is granted by the Town.

[2] Maximum Height: Twenty (20) feet.

[3] Visibility at Intersections: Compliance with Section 175-101.

[4] Frontage Requirements: Eighteen (18) feet of ground level frontage.

[5] Projection: If a projecting sign, compliance with Section 175-106A.9.b.

10. Construction and Maintenance Standards:

a. Building Code Compliance. All signs shall be constructed in compliance with the Virginia Uniform Statewide Building Code. All illuminated signs shall comply with the National Electrical Code.

b. Condition of Signs. All signs and components shall be maintained in good repair and in a safe, clean and attractive condition.

c. Repair or Removal of Nuisance Signs. Any sign which is declared to be an immediate or imminent hazard to life or property may be caused to be immediately removed or repaired. All costs associated with the removal or repair shall be charged to the owner of the premises or to the owner of the sign.

d. Removal of Obsolete Signs. Any sign which is obsolete because of discontinuation of the advertised activity or any other reason which would cause the sign to be obsolete shall be removed within thirty (30) days.

11. Nonconforming Signs:

a. Nonconforming Sign, generally: Any sign which was lawfully in existence at the time of the effective date of this Ordinance which does not conform to the provisions herein, and any sign which is accessory to a nonconforming use, shall be deemed a nonconforming sign and may remain except as qualified in Section 175-106A.11.b., herein. No non-conforming sign shall be enlarged, extended or structurally reconstructed in any manner, unless it is in conformance with these sign regulations. However, a nonstructural sign face may be changed on a one-time basis to a new sign face. Any subsequent change to the sign face shall require that the sign conform to the requirements of this section. Should a sign owner possess other nonconforming sign(s) of or totaling an equivalent size on the property, the owner may elect to permanently remove such sign(s) in exchange for sign face change to

another nonconforming sign. In such case, removal shall be made within 14 days of permit approval, and the new sign face change shall not count against the one-time change allowed in this section.

b. Removal of Nonconforming Signs: Nonconforming signs may remain, provided that they are kept in good repair, except for the following:

[1] Damage or Destruction of Nonconforming Sign: A nonconforming sign which is destroyed or damaged to the extent exceeding fifty percent (50%) of its appraised value shall not be altered, replaced or reinstalled unless it is in conformance with these sign regulations. If the damage or destruction is fifty percent (50%) or less of the appraised value, the sign may be restored within two (2) years of the destruction but shall not be enlarged in any manner. The present day replacement cost of an identical new sign, as determined by a sign contractor or manufacturer, shall be considered the appraised value.

[2] Damage or Destruction of Use: A non-conforming sign shall be removed if the structure or use to which it is accessory is destroyed or demolished to the extent exceeding fifty percent (50%) of the principal structure's appraised value.

B. Signs Permitted by Zoning Districts:

1. Agricultural and Residential Zoning Districts; Permitted Signs:

a. General Regulations:

[1] Minimum Setback: Ten (10) feet from all public rights-of-way unless further restricted by provisions of this section.

[2] Illumination of Signs in Residential Districts: The following signs may be illuminated, by white light only: institutional bulletin boards and residential development identification signs.

b. Signs for Permitted Uses:

[1] Single-Family and Two-Family Dwellings: None, except for those signs exempt from permit requirements.

[2] Residential Developments: Permanent subdivision or development identification signs indicating only the name and/or address of the premises. The identification sign shall be a ground mounted or monument sign, and the maximum sign area shall be determined as follows:

[a] Development of (20) units or less: One (1) ground mounted sign, not to exceed sixteen (16) square feet in area or eight (8) feet in height, at each major street entrance.

[b] Development of (21) units or more: one (1) ground-mounted sign at each major street entrance not to exceed twenty-four (24) square feet in area or eight (8) feet in height.

[c] Where signs are incorporated as part of a monumental entrance structure, such as a gateway, archway or freestanding entry columns, the lettering or signage incorporated therein may be physically divided and still considered as one (1) entrance sign. The total of all lettering or signage shall not exceed the maximum allowed in this Section.

[3] General Farming Activities: Two (2) ground mounted farm signs per property up to eight (8) feet in height, with a combined area not to exceed twenty-four (24) square feet.

[4] Institutional Signs and Bulletin Boards: One (1) ground-mounted or wall sign per use, not to exceed twenty-four (24) square feet in area and eight (8) feet in height for ground-mounted signs or ten (10) feet in height for wall-mounted signs. The Town Council may, by special permit, approve an increase in size to thirty-two (32) square feet. In addition to the signs otherwise allowed by this section, any educational institution located on not less than fifty (50) contiguous acres and with road frontage on not fewer than four (4) public streets may have up to four (4) ground-mounted identification signs, facing outwards from the grounds of the institution, each not to exceed seventy-five (75) square feet in area and eight (8) feet in height. Two (2) of such signs may have a second face, on the side facing into the institution.

[5] Professional Office, Nursing Homes and Bed & Breakfast Homes: One (1) sign not to exceed twenty-four (24) square feet per principal structure and eight (8) feet in height.

[6] Medical and Professional Centers: Facilities located within a center of at least two (2) acres in size and including five (5) or more functions or offices planned as an integrated development shall be authorized to erect signs based on the following:

[a] Signs for Individual Establishments or Functions Within Center: Same as for multiple businesses, as outlined in Section 175-106B.2.c.

[b] Center Identification Sign: One (1) ground mounted or monument style sign per street frontage with an area of one (1) square foot per four (4) linear feet of lot frontage on which the sign is to be erected, up to a maximum of sixty (60) square feet. The center identification sign shall display only the name and address of the center, and establishments located therein. No other ground mounted signs shall be permitted on that same road frontage within the center.

c. Signs for Accessory Uses:

[1] Accessory Management or Rental Offices: One (1) sign up to four (4) feet in area and four (4) feet in height.

[2] Other Accessory Uses: one (1) sign up to four (4) square feet in area and four (4) feet in height.

2. Business and Industrial Zoning Districts: Permitted Signs.

a. Signs in Business and Industrial Districts: General Regulations:

[1] Development and Construction Standards: All signs shall comply with the development, construction and maintenance standards of Sections 175-106A.9. and 175-106A.10.

[2] Signs Facing Residential Areas: Any sign erected within one hundred (100) feet of either the principal structure of an existing residential use or the boundary of a residential zoning district shall be non-illuminated and limited to thirty-two (32) square feet in area.

[3] Minimum setback of ground Mounted and Monument Signs: Five (5) feet from any public right- of-way, service drive or entrance.

b. Signs for Individual Businesses: A single business located on one (1) lot or separate businesses located on separate road frontages may erect signs as follows:

[1] Maximum Number of Signs Per Business: Five (5); however, only through lots as defined in Section 175-3 shall be permitted to have more than one (1) ground-mounted sign, with only one (1) sign erected on each street frontage. For structures with a gross floor area of 50,000 square feet or more permitted by Special Permit, additional unlimited wall signs may be permitted, within the maximum area permitted by Section 175-106B.2.b[3], as part of a coordinated design package, reviewed in conjunction with the Special Permit. Such structures previously granted a Special Permit may apply for additional signage by amendment to the Special Permit.

[2] Types of Signs Permitted: Wall, ground mounted, monument style, projecting, window, awning, canopy, marquee, permitted temporary, sandwich board and traditional flag.

[3] Maximum Size of Signs:

[a] Wall or Marquee Sign: One (1) square foot per linear foot of building width on which the sign is to be attached, up to a maximum of sixty (60) square feet of signage on any building elevation which fronts on a public street or parking area; provided, however, that the maximum size of any wall sign for a business located within 1,000 feet of the right-of-way of Interstate 66 shall be 120 square feet. In addition to the basic 60 square feet sign area, structures permitted by Special Permit with a gross floor area of 50,000 square feet or more, may be permitted to increase the total wall sign area, calculated as described herein, not to exceed 120 square feet of additional area, for a maximum total of 180 square feet. Such additional sign area shall be permitted only as part of a coordinated design package reviewed in conjunction with the Special Permit application. Such structures previously granted a Special Permit for increased building area may apply for additional sign area by amendment to the Special Permit. Artistic murals containing

business or product advertising may be approved for a size exceeding sixty (60) square feet by special permit, pursuant to Section 175-136, when located outside the Historic Overlay District or by the Board of Architectural Review, pursuant to Section 175-88, when located within the Historic Overlay District.

[b] Ground Mounted or Monument Signs: On lots with 100 feet or more of lot width, one (1) square foot per three (3) linear feet of lot width on the side where the sign is to be located, up to a maximum size of sixty (60) square feet and a maximum height of twenty (20) feet. Lots with less than 100 feet of lot width shall conform to the maximum size in Section 175-106(A)(9)(a)(1)175-106A.9.a[1]. On shared signs permitted pursuant to Section 175-106B.2.h, a maximum size of sixty (60) square feet per sign and a maximum height of twenty-five (25) feet for the sign structure including all sign faces.

[c] Awning or Canopy Sign: One (1) square foot per linear foot of the awning or canopy, up to ten (10) square feet.

[d] Projecting Sign: One (1) square foot per linear foot of building width on which the sign is to be attached, up to sixteen (16) square feet.

[e] Traditional Flag Sign: Maximum of fifteen (15) square feet, and no one side exceeding a length of five (5) feet.

[f] Sandwich Board Sign: 2' wide and 4' high

c. Signs for a Single Lot Having Two or More Businesses: Multiple businesses located on a single lot may erect signs as follows:

[1] Maximum Number of Signs Per Lot: A lot shall be permitted to have erected either one (1) projecting sign and one (1) ground mounted sign on a street frontage, but not both.

[2] Maximum Number of Signs Per Business With An Individual Outside Entrance: Two (2), except that one (1) additional sign for a corner unit facing a street or parking lot is permitted. For structures with a gross floor area of 50,000 square feet or more permitted by Special Permit, additional unlimited wall signs may be permitted within the maximum area permitted by Section 175-106B.2.b[3][a], as part of a coordinated package, reviewed in conjunction with the Special Permit. Such structures previously granted a Special Permit may apply for an unlimited number of signs by amendment to the Special Permit.

[3] Types of Signs Permitted: Wall, ground mounted, monument style, projecting, awning, canopy, window, marquee, traditional flag or permitted temporary.

[4] Maximum Size of Signs: Same as for individual businesses [Section 175-106B.2.b.] or multiple businesses located on a single lot [Section 175-106(B)(2)(c)(2)].

[5] Directory Sign: One (1) up to sixty (60) square feet in area and twenty (20) feet in height. A ground mounted directory sign precludes the use of any other ground mounted sign on that same street frontage.

[6] Wall Signs For Individual Businesses Sharing A Common Entrance: One (1) wall sign, not to exceed twelve (12) square feet, is permitted for each business tenant.

[7] Tenant Spaces Under Canopied Walkway: Where tenant spaces are recessed under a canopied walkway, one additional double-faced projecting sign [not to exceed six (6) square feet] located under the canopy adjacent to the main entry of the individual tenant may be permitted.

d. Signs for Commercial, Office and Industrial Centers: Commercial, office or industrial uses located within a center or park of at least two (2) acres in size and including five (5) or more establishments planned as an integrate development shall be authorized to erect signs based on the following:

[1] Signs for Individual Establishments Within Center: the same as for individual or multiple businesses, as appropriate [Section 175-106B.2.b. or (c), respectively].

[2] Center Identification Sign: One (1) ground mounted or monument style sign per street frontage, with an area of one (1) square foot per four (4) linear feet of lot frontage on which the sign is to be erected, up to a maximum of sixty (60) square feet. Upon request by the owner or owners of the center or park, and with submission of a master plan showing all proposed signage within the center or park, the Planning Commission may approve, or approve with conditions, an increase to the maximum size for a Center Identification Sign up to a maximum area of 150 square feet, and an increase to the maximum number of Center Identification Signs up to a total of two (2), provided that the total square feet of the two (2) signs does not exceed 150. In review of such a request, the Planning Commission will consider the sign(s) appearance, impact(s) to adjacent properties, proximity to other ground-mounted signs, visibility from adjacent roads, and the overall size of the development. The center identification sign shall display only the name and address of the center and establishments located therein. No other ground-mounted signs, other than exempt signs, shall be permitted on that same road frontage within the center or park.

e. Signs For Gasoline Stations: Automobile service and gasoline stations shall comply with all applicable sign regulations within this section; provided, however, that the following additional regulations shall apply:

[1] Changeable Fuel Price Signs: Ground mounted or monument style signs shall be authorized to include changeable fuel price signs indicating the current price of fuel dispensed on the premises. If the fuel price sign is freestanding, it shall be erected as an integral part of the ground mounted sign and shall not be included in the sign area calculations, except for any portion of the price sign that exceeds fifty percent (50%) of the total sign areas.

[2] Gas Pump Signs: Each gas pump shall be permitted a total of one (1) square foot of sign area to identify the product dispensed.

[3] Canopy Signs: A canopy covering gas pumps shall be permitted additional logo signage located on the canopy, not to exceed a total of twenty-four (24) square feet. Such signs shall be included in the maximum number of signs allowed.

f. Signs For Theaters: Theaters are authorized to erect one (1) of the permitted wall or marquee signs with a changeable copy board displaying the name(s) and time(s) of the current motion picture or theatrical production.

g. Signs For Other Uses Within Business and Industrial Employment Districts: In cases where neither the regulations within subsections 175-106B.1. or 175-106B.2. specifically address a sign for a permissible use within a business or employment district, the Zoning Administrator shall make a written interpretation of the section, which shall be kept on file and used as a guide for future determinations.

h. Shared signs for businesses located within 1,000 feet of the right-of-way of Interstate 66: Any two (2) adjacent businesses located within 1,000 feet of the right-of-way of Interstate 66 and which share a common highway entrance shall be authorized to erect one (1) sign structure containing a separate sign for each business which may be erected on the property of either business or partially on each property; provided that such sign structure and the signs thereon comply with the provisions of this section with regard to height and maximum size for each sign on the structure.

3. Signs in the Historic Overlay District:

a. Certificate of Appropriateness Required: Signs within the Historic Overlay District require the approval of a Certificate of Appropriateness by the Board of Architectural Review prior to the issuance of a sign permit by the Zoning Administrator.

b. Area, Height and Location of Signs: The area, height and location standards for the underlying zoning district shall be applicable to signs erected in the Historic Overlay District.

c. Sign Requirements May Be Waived: The Zoning Administrator may authorize the waiver of the sign requirements for setback, spacing, number, frontage, height, area and type of signs within the Historic Overlay District if the Board of Architectural Review approves a specific sign proposal consistent with the character of the building to which it relates and other surrounding properties. In no case, however, may a sign exceed a maximum of sixty (60) square feet.

d. Additional Review Criteria: Any sign erected within the Historic Overlay District shall also satisfy all applicable standards and guidelines adopted by the Board of Architectural Review.

e. Signs within the Public Right-of-Way: A sign may be placed within, or project into, the public right-of-way inside of the Historic Overlay District, but only if a Right-of-way Utilization Permit is issued by the Town.

C. Administration:

1. Sign Permit Procedures:

a. Applicability: A sign permit shall be required for each sign erected after the effective date of this Article, except for those signs which are specifically excluded from the sign permit requirements as provided in Section 175-106A.6.

b. Filing of Application; Fees: Applications for sign permits shall be filed by the applicant or his agent with the Zoning Administrator, shall contain information required herein and shall be accompanied by a fee, as established from time to time by resolution of the Town Council.

c. Information Required: All applications for sign permits shall contain or have attached thereto the following information in either written or graphic form:

[1] Name, address and telephone number of the sign erector and the sign owner.

[2] Position of the sign in relation to adjacent lot lines, buildings, sidewalks, streets and intersections.

[3] Type of sign and general description of structural design and construction of materials to be used.

[4] Purpose of the proposed sign.

[5] Drawings of the proposed sign which shall contain specifications indicating the height, perimeter and area dimensions, means of support, method of illumination, colors and any other significant aspect of the proposed sign.

[6] Size and placement of all existing signs to remain on the property.

[7] Any other information requested by the Zoning Administrator in order to carry out the purpose and intent of these regulations.

d. Recording of Sign Permit: The Zoning Administrator shall maintain a record of all sign permits issued. All sign permits shall be numbered in the order of their issuance.

e. Inspections: A final inspection shall be completed after installation of approved signs. Any discrepancies between the approved sign and the sign as constructed shall be identified and may result in the halt of construction or sign removal, if so ordered by the Zoning Administrator.

f. Revocations: The Zoning Administrator may revoke a permit or approval if it is found that there has been concealment or misrepresentation of material facts in either the application or plans.

g. Appeals: Any decision made by the Zoning Administrator while interpreting or enforcing these sign regulations may be appealed to the Board of Zoning Appeals.

2. Temporary Sign Permit Procedures: All signs requiring the issuance of a temporary sign permit, as established in Section 175-106(A)(7), shall submit all information requested by the Zoning Administrator prior to the issuance of such permit. The approved permit shall include the expiration date of the temporary permit. The applicant may request extensions of said permit for good cause. Temporary signs remaining after the expiration of the permit shall be considered in violation of this chapter and shall be immediately removed.

3. Expiration of Sign Permits; Signs Not Constructed: A sign permit shall expire and become null and void if the approved sign is not completely erected within a period of twelve (12) months from the date the permit was originally issued. The Zoning Administrator may grant one (1) extension of the sign permit for a period of six (6) months, but in no case shall a permit be valid for more than a total of eighteen (18) months. Extensions may be granted only when the proposed sign is in compliance with all current applicable regulations.

4. Variances to Certain Sign Regulations Not Permitted. Unless specifically authorized herein, no variance to the standards established for regulating the size of signs shall be authorized.

COUNCIL APPROVAL: Ordinance Amendment to Town Code Section 175-3 and 175-47.A re: Adding Definition of “Public Events and Public Property and Allowing Public Events in Downtown Business District (2nd Reading)

Vice Mayor Holloway moved, seconded by Councilman Tharpe, that Council adopt on its second and final reading an ordinance amendment to Code Section 175-3, “Definitions” and 175-47.A, “Uses Permitted by Right” that would add definitions of Public Events and Public Property, as well as allow public events, as defined as a use that is permitted “by right” in the Downtown Business District (C-2).

Councilman Sayre asked for the definition of by-right, adding that perhaps it would prevent some from having festivals. Mr. Napier noted that they would not need prior permission if they were considered by-right. Mr. Burke stated that the current matter before Council notes that should there be an event that might otherwise require additional permitting through the Zoning Office, this special events ordinance would allow the item to become a by-right use if it is on public property.

Vote: Yes – Conkey, Holloway, Lauder, Parker, Sayre and Tharpe
No – N/A
Abstain – N/A
Absent – N/A
(Mayor Darr did not vote as there was no tie to require his vote)

(BY ROLL CALL)

↻ **ORDINANCE: SPECIAL EVENTS** ↻

An Ordinance to Repeal Town Code Chapter 114 and to Amend and Re-Enact Front Royal Town Code Chapter 72 to Regulate Special Events

WHEREAS, the Town oversees the public Right-of-Way, and;

WHEREAS, the Town has met with citizens to discuss the issues associated with the closure of Right-of-Way for festivals and events, and;

WHEREAS, said closure results in disruption to commerce, tourism, and transportation, and;

WHEREAS, the Town Council has received requests and comments, and considered the issues associated with closure of the Right-of-Way for festivals, parades, processions and events, and determined that it is in the best interests of the Town to establish further regulation for said closure.

NOW THEREFORE, BE IT ENACTED by the Town Council of the Town of Front Royal, Virginia that Chapter 114 of the Front Royal Town Code is repealed and Chapter 72 of the Front Royal Town Code is hereby amended and re-enacted as follows:

**Chapter 72
SPECIAL EVENTS**

72-1 Purpose of Chapter

- A. The Town Council enacts this Chapter for the purpose of regulating the time, place and manner of special events and demonstrations within the Town and to accommodate competing demands for the public use of streets, sidewalks and public places. Regulation is necessary to preserve the public peace and safety, to permit free expression on issues of public concern, to protect persons and property, to maintain acceptable conditions of traffic flow upon the streets and sidewalks and to prevent, control or eliminate any illegal, injurious or dangerous effects of this lawful activity.

- B. The Town Council does not enact this Chapter, or seek through its enforcement, to deny or abridge any person's rights of assembly and free speech or the opportunity for communication of thought and discussion of public questions in public places.

72-2 Special Events; Permit Required

- A. Events for which permit required. No person or entity shall conduct any of the following special events or activities unless a permit has been granted by the Town:

1. Any gathering of individuals or groups comprising of fifty (50) or more persons for the purpose of listening to or participating in entertainment and/or commemorative festivals or parades with or without music and with or without the use of microphones and amplifiers conducted in open spaces not within an enclosed structure.
 2. Any planned gathering that results in the closing of any part of any public street or sidewalk to accommodate persons attending the gathering.
 3. Parades, processions, marathons, bicycle races and other events utilizing the sidewalks or vehicular travel portion of Town streets.
 4. Motion picture, video or broadcast television productions, other than news media, involving the staging of vehicles, equipment, props or personnel on public property, including buildings, streets and sidewalks, or requiring the use of Town equipment or services.
- B. Application contents and fee. An application for any permit required by this Chapter shall be made to the Town Manager or the Manager's designee. The application shall be submitted not less than thirty (30) days nor more than six (6) months prior to the date of the proposed activity. An application for a major event (one involving the closure of more than three (3) blocks or which will last more than two (2) days) shall be filed not less than sixty (60) days nor more than six (6) months before the first date of the proposed activity. The application shall contain the following information, utilizing a form provided by the Town Manager:
1. Description of the proposed activity;
 2. Date, time and location/route of proposed activity and the anticipated number of participants and spectators;
 3. Provisions for sanitation facilities, crowd, noise, parking, and traffic control, ADA compliance, parking and loudspeaker placement. Plans for control shall meet all state and local requirements, ordinances, and regulations;
 4. Food and beverages to be sold or distributed. Plans for sale or distribution shall meet all state and local requirements, ordinances, and regulations;
 5. The designation of an individual or individuals who shall be responsible for ensuring compliance with the provisions of this Chapter and the conditions of the permit;
 6. Proposed equipment, vehicles, staging, bleachers, shelters, lighting and electricity requirements;
 7. If revenue is anticipated to be generated by the activity, the individuals or entity that will benefit therefrom, and a list of anticipated vendors;

8. If animals such as horses are to be included in the event, provision of waste collection shall be provided by the event coordinator;
9. If pets are to be excluded from the event and how this shall be communicated to attendees;
10. Placement of temporary signage stating proposed closure of road; and
11. Such additional information or assurances as the Town Manager may require.

C. Application submission and processing requirements.

1. A completed application shall be processed and either granted or denied within a reasonable time of receipt, but not more than thirty (30) days from the receipt of any application requiring sixty (60) days' advance filing or fifteen (15) days from the receipt of any application requiring thirty (30) days' advance filing. Such decision shall be in writing, setting forth the conditions of the permit, if granted, or the reasons for denial. The decision shall be provided to the applicant at the address stated in the application.
2. If an application is submitted after the filing deadline set forth in Subchapter B, the Town Manager or the Manager's designee may waive the requirements of Subchapters A and B upon a demonstration by the applicant, in writing, that circumstances giving rise to the proposed event did not reasonably allow the applicant to apply for a permit within the time prescribed.

D. Permit approval process.

1. The permit shall be granted by the Town Manager if the following conditions are met:
 - a. Any proposed use of public property, right-of-way, or facilities will have a public benefit and not unreasonably interfere with the normal use of the property, right-of-way or facility by the Town or the general public;
 - b. The proposed activity does not present a safety or health risk to participants, spectators or the public, or an environmental hazard;
 - c. The proposed activity is compatible with the surrounding area or neighborhood, in consideration of anticipated noise, traffic, crowd capacity and other identifiable factors;
 - d. Should the proposed activity include music or entertainment, provision of such entertainment shall not exceed twelve hours in any twenty-four hour period from the first gathering of participants.

- e. Race events shall be responsible to provide traffic cones along affected routes to keep participants within coned boundaries, place race marshals at the start/finish and at every intersection along the coned route.
- f. The applicant has provided proof of liability insurance underwritten by insurers acceptable to the Town, indemnifying the Town against any perils, suits, claims and losses which may arise in connection with the proposed activity. Such coverage shall be in amounts consistent with a standard schedule approved by the Town Manager, based upon risks associated with each type of event, in consideration of anticipated attendance. The Certificate of Liability Insurance to cover the event shall name the Town as an "Additional Insured";
- g. The proposed activity conforms to the Town's Zoning Ordinance;
- h. Should the proposed activity take place within the Historic Downtown area, the following restrictions shall be met:

[1] Events with less than 750 attendees shall be restricted to the Gazebo area and Parking Lot;

[2] Events with less than 3,000 attendees shall be restricted to the Gazebo area and Parking Lot, Chester Street, and Laura Virginia Hale, and a partial closure of Main Street from Chester Street to Blue Ridge Avenue after 5:00 pm;

[3] Events with 3,000 or more attendees can request closure of Main Street from Royal Avenue to Blue Ridge Avenue;

[4] Partial closure of Main Street, prior to 5:00 pm, shall be permitted once per month;

[5] Full closure of Main Street, prior to 5:00 pm, shall be permitted four times per calendar year; and

[6] The Town Manager shall determine the number of attendees based on the information provided by the applicant, but shall not be limited to that information when the estimate provided by the applicant is determined to be unrealistic.

- 2. Town or County sponsored events shall have priority in use of any downtown public property or Right-of-Way. For events not sponsored by the Town or County, applicants who have held a quality event in the previous year and remain in good standing with the Town shall have priority for the same time and location the following year. All other applications are processed in order of receipt.
- 3. Prior to the final denial of any application, the applicant shall be apprised of the reason therefore and shall be able to appeal to the Town Council.

E. Permit requirements. The Town Manager or the Manager's designee may impose, as conditions to granting a permit, such further requirements and restrictions as will reasonably protect the public health, safety, welfare, peace and order. Such conditions may include, but are not limited to the following:

1. The payment of a reasonable fee for the use of Town utilities in connection with the proposed activity. Fees shall be as follows:

<u>Service</u>	<u>Fee</u>
Electric Service	\$25.00 per day
Water Service	Current metered rate

2. The applicant can request the use of Town equipment and personnel at an event. Provision of these services by the Town are unplanned expenses, and an event coordinator should consider reimbursing the Town for such efforts. Expenses are typically as follows:

<u>Service</u>	<u>Fee</u>
Police Service (less than 750 attendees)	\$50.00 per hour
Police Service (750 to 2,999 attendees)	\$125.00 per hour
Police Service (3,000 or more attendees)	\$250.00 per hour
Solid Waste Service (less than 750 attendees)	\$40.00 per hour
Solid Waste Service (750 to 2,999 attendees)	\$75.00 per hour
Solid Waste Service (3,000 or more attendees)	\$120.00 per hour

3. The provision of adequate crowd, parking, and traffic control, security, emergency services and fire protection, food handling, waste and refuse disposal, and noise restrictions.
4. By acceptance of the issuance of this permit, the applicant provides the Town Manager, the Manager's designee, and/or duly constituted law enforcement officers full access to the event for the purpose of determine compliance with the provisions of this Chapter.
5. Event Coordinators shall make every effort to promote the following and communicate to all organizers, vendors, entertainers, or participants other than attendees the following suggested actions:
 - a. Event organizer, vendor, entertainer, and participant parking should be in locations other than the Peyton Street Parking Lot. The Event Coordinators shall seek permission from off-site property owners for participant parking.

- b. Participants in events associated with road closures shall confine exhibits, equipment, and supplies to road area only. Blocking of sidewalks is prohibited.
- c. Event Coordinators shall provide first right of refusal for one space adjacent to each merchant's business up to six (6) weeks in advance of the event. Event Coordinators are encouraged to provide reduced rates for this space.
- d. Event Coordinators shall place vendor booths on alternating sides of the road or shall alternate sides of the road each year for successive events.
- e. Pedestrian access paths shall be provided to the sidewalk at a rate of one ten (10') foot space every forty (40) feet of vendor booths. All sidewalk access points shall be free from vendor booths.

F. Exceptions for special event activities – This Chapter shall not apply to:

- 1. Gatherings on residentially-zoned property for the celebration of birthdays, anniversaries, or family reunions;
- 2. Sporting events on any publicly-owned property; or
- 3. Gatherings or events on Warren County or school-owned property with the permission of the County or School Board.
- 4. Gatherings or events on Randolph Macon Academy or school-owned property

G. The Town Manager, or the Manager's designee, shall be authorized to revoke or suspend any permit previously granted:

- 1. For violation of any provisions of this Chapter or of any condition of the permit;
- 2. For any material misrepresentation, intentional or otherwise, made in connection with the application;
- 3. When weather conditions render the subject activity unsafe; and
- 4. When otherwise required in the interest of public health, safety and welfare or environmental considerations. In the event a permit is revoked or suspended, the permittee shall immediately discontinue, or cause to be discontinued, the activity for which the permit was granted, but shall thereafter be entitled to a hearing concerning the revocation or suspension decision as provided by Subchapter D.3.

H. Any permit granted under the provisions of this Chapter shall remain in effect for the duration of the proposed activity.

I. The granting of any permit required by this Chapter shall not eliminate any requirement for any business license, any other permit(s) which may be prescribed by any other federal, state or local statutes, ordinances, rules or regulations, or compliance with any other applicable federal, state or local statutes, ordinances, rules or regulations.

- J. Vendors associated with special events permitted through this Chapter shall not be subject to Town business license requirements.
- K. The Town Manager may designate one (1) or more officers or employees of the Town to administer the provisions of this Chapter.
- L. Any person who shall violate any provision of this Chapter shall be guilty of a Class 3 misdemeanor.

72-3 Permit Processing Fee

A nonrefundable processing fee, as follows, shall be submitted with the completed application for a special event:

- A. All special event permits shall be processed at no cost.

COUNCIL APPROVAL: FY11-12 Pavement Management Program

Vice Mayor Holloway moved, seconded by Councilman Parker, that Council authorize staff to proceed with the FY11-12 Pavement Management Program as presented.

Mr. Burke noted that based upon the Town’s assessment, the areas are grouped, the utilities are improved upon, and finally the sites are paved. He added that the area for Council approval is a portion of the overall plan adopted by the Town

The areas include:

<u>Street Paving</u>	<u>Begin</u>	<u>End</u>	<u>Cost Estimate</u>
East 17 th Street	N Royal Ave	Edgemont Ave	\$60,000
East 18 th Street	N Royal Ave	Edgemont Ave	\$50,000
East 19 th Street	E 18 th St	Edgemont Ave	\$55,000
Edgemont Ave	E 13 th St	E 17 th St	\$50,000
Belmont Ave	E 17 th St	E 19 th St	<u>\$35,000</u>
TOTAL			\$250,000.00

<u>Street</u>	<u>Concrete Installation Work</u>	<u>Cost Estimate</u>
East 17 th Street	1,300 LF Curb & Gutter; 2090 SF Driveway Aprons; 24 LF Concrete Wall	\$53,000
East 18 th Street	1,000 LF Curb & Gutter; 1,444 SF Driveway Aprons	\$34,000
North Royal Avenue	1,444 LF Curb & Gutter; 931 SF Driveway Aprons	<u>\$41,000</u>
TOTAL		\$128,000.00

Vote: Yes – Conkey, Holloway, Lauder, Parker, Sayre and Tharpe
 No – N/A
 Abstain – N/A
 Absent – N/A
 (Mayor Darr did not vote as there was no tie to require his vote)
 (BY ROLL CALL)

COUNCIL APPROVAL: Resolution Regarding Department Reorganization

Vice Mayor Holloway moved, seconded by Councilman Tharpe, that Council approve a Resolution to reorganize the Departments of Environmental Services, Public Works, Energy Services and Human Resources.

Vote: Yes – Conkey, Holloway, Lauder, Parker, Sayre and Tharpe
No – N/A
Abstain – N/A
Absent – N/A
(Mayor Darr did not vote as there was no tie to require his vote)

**⌘ RESOLUTION: Shenandoah National Park Funding ⌘
Department Consolidation & Reclassification of Various Positions**

Whereas, it is the recommendation of the Town Manager to consolidate of the Department of Public Works into the Department of Environmental Services and to reclassify the following positions to improve the efficiency and service delivery to our citizens by the following Departments:

Department of Human Resources:

- Human Resource Specialist (PG 24) to Risk Manager (PG 24)

Department of Environmental Services:

- Director of Public Works (PG 30) to General Services Mgr. (PG 24)
- Construction Manager (PG 24) to Infrastructure Manager (PG 24)
- Admin. Assistant (PG 15) to Sr. Administrative Assistant (PG 19)
- Sr. Maintenance Worker (PG 12) to Sr. Equipment Operator (PG 15)

Department of Energy Services:

- Manager (PG 24) to Operations Manager (PG 24)
- Line Technician A (PG 19) to Line Supervisor (PG 21)
- Meter Service Technician (PG 19) to Asst. Operations Mgr. (PG 23)
- Meter Service Tech. Trainee (PG 16) to Meter Service Tech. (PG 19)

NOW THEREFORE BE IT RESOLVED, that the Mayor and Town Council hereby approve Staff’s recommendation.

COUNCIL APPROVAL: Removal of Tree at 702 Commerce Avenue

Councilman Tharpe moved, seconded by Vice Mayor Holloway, that Council approve the trimming of (1) of two trees located at 702 Commerce Avenue, contingent upon the business owner paying for its trimming, if necessary. He further moved, that should the trimming of the first tree not result in the desired visual improvement, that upon Staff’s discretion, either the first tree be removed and/or the second tree also be trimmed and/or removed.

Mr. Burke noted that Staff continues to desire to work with UFAC. He stated that Staff has received additional comments from UFAC noting that perhaps instead of removal, the tree be trimmed instead. Mr. Burke explained that should the second tree need to be removed, Staff would proceed with the trimming and then perhaps removal, if warranted.

Vote: Yes – Conkey, Holloway, Lauder, Parker, Sayre and Tharpe
No – N/A
Abstain – N/A

Absent – N/A

(Mayor Darr did not vote as there was no tie to require his vote)

CLOSED MEETING: Expansion of Existing Industry and Property Acquisition

Vice Mayor Holloway moved, seconded by Councilman Sayre, that Council convene and go into a Closed Meeting 1) for the purpose of discussion concerning the expansion of an existing industry where no previous announcement has been made of the industry’s interest in expanding its facilities in the community, pursuant to Section 2.2-3711(A)(5) of the Code of Virginia; and, 2) for the purpose of discussion or consideration of the acquisition of real property for a public purpose, or the disposition of publicly held real property, where discussion in an Open Meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711.(A)(3) of the Code of Virginia.

Vote: Yes – Conkey, Holloway, Lauder, Parker, Sayre and Tharpe

No – N/A

Abstain – N/A

Absent – N/A

(Mayor Darr did not vote as there was no tie to require his vote)

Vice Mayor Holloway moved, seconded by Councilman Tharpe, that Council certify that to the best of each Council member’s knowledge as recognized by each Council member’s affirmative vote, that only such public business matters lawfully exempted from Open Meeting requirements under the Virginia Freedom of Information Act as were identified in the motion by which the Closed Meeting was convened; were heard, discussed or considered during the Closed Meeting by Council; and that the vote of each individual member of Council be taken by roll call and recorded and included in the minutes of the meeting of Town Council.

Vote: Yes – Conkey, Darr, Holloway, Lauder, Parker, Sayre and Tharpe

No – N/A

Abstain – N/A

Absent – N/A

(By Roll Call)

There being no further business, the Mayor declared the meeting adjourned at 8:32 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council