TOWN OF ABINGDON
PLANNING COMMISSION
MONDAY, MAY 20, 2019 – 5:30 PM
ARTHUR CAMPBELL MEETING ROOM – MUNICIPAL BUILDING

A meeting of the Abingdon Planning Commission was held on Monday, May 20, 2019 at 5:30 pm in the Arthur Campbell Meeting Room.

A. Chairman Wayne Austin called the meeting to Order

B. Roll Call – Jason Boswell, Director of Planning

Members Present:

Mr. James Anderson
Dr. H. Ramsey White, Jr.
Mr. Al Bradley
Mr. James Morani
Mr. Wayne Austin

Comprising a quorum of the Commission

Members Absent:

Mr. Scott Wilson
Mr. Kenny Shuman

Administrative Staff Present:

Mr. Jason Boswell – Director of Planning
Mrs. Janice Dornon – Administrative Assistant
Mrs. Tonya Triplett – Community Relations Coordinator
Mr. Matt Bolick - Director of Public Services and Construction
Ms. Cindy Patterson – Vice-Mayor

C. APPROVAL OF MINUTES

Approval of Minutes: Regular Meeting, May 20, 2019

On motion of Mr. Bradley seconded by Mr. Anderson the minutes of April 22, 2019 were approved as submitted.

The roll call vote was as follows:

Mr. James Anderson	**Aye**
Dr. H. Ramsey White, Jr.	**Aye**
Mr. Al Bradley	**Aye**
Mr. James Morani	**Abstained**
Mr. Wayne Austin	**Abstained**

Minutes for April 22, 2019 were approved as presented.

D. PUBLIC COMMENTS

1. Joe Levine, P.O. Box 1836, Abingdon, VA.

Wished to discuss the COA for Pal's Restaurant. The historic district is important to the charm of the town. The commission worked with Beef O Brady so that they would blend in. Mr. Levine ask that Pals tone down their bright colors.

2. Nan Harmon – choose not to speak at this time.

E. PUBLIC HEARING

1. Public Hearing: Application to construct a three (3) bay truck garage and parking for small trucking company and truck repair. Would work well in M-1 zone as this is already served by tractor-trailer traffic: **James E. Cozart Residuary Trust, Owner; P.O. Box 613 Abingdon, VA, 24212. Property is located at 550 Lowry Drive, Abingdon, VA 24210. Tax Map No. (018-20-2).**

Mr. Austin opened the Public Hearing.

Mr. Boswell stated that the building of the metal 3 bay auto repair garage does comply with the requirements for a special use permit.

Mr. Michael Cozart, 15064 Quail Ridge Road, Abingdon, VA, represented the property located at 550 Lowry Drive.

They are wishing to build a 3 bay garage on an approximately one-acre lot. Building will be a warehouse style.

The traffic generated from this new business should not be significant. They anticipate a few tractor-trailer during the work, three or four on the weekends.

The mechanical work would be perform on the inside of the building and work would be done on the owners vehicles with an occasional repair for someone else.

Mr. Cozart would be leasing the building out to the trucking company. This facility will be able to house 10 tractor-trailers. Lowry Drive is a collector road and is capable of handling tractor-trailers.

Mr. Robert Goldsmith, People Inc., spoke of his concerns to the commission about the proximity of the property located at 550 Lowry Drive to the adjacent properties. He is concerned that the elderly people living in the apartment complex could be interrupted from their peace and enjoyment of their home from the added traffic and business.

Some questions Mr. Goldsmith had for the commission:

- Will this affect the entrance into Lowry Drive?
- What time of day would the mechanical work be performed; work will be performed inside of the building.
- Is there a plan to put in a buffer to control the noise and to separate the building from the residential area?
- Where on the property would the building be built?

Mr. Cozart explained to Mr. Goldsmith that when the building is completed that the concerns he has should not be an issue. The building will probably not be visible from the adjacent property. A screen, such as trees, would be placed around the property. A noise ordinance of 11:00 P.M to 7:00 A.M. would be enforced. The building would be approximately 4800 square foot in size.

Mr. Austin closed the public hearing.

Mr. Austin noted that his concern would be trucks sitting outside for long periods as they wait to be repaired.

On motion of Dr. White, Seconded by Mr. Anderson the Planning Commission members approve the Special Use Permit.

The roll call vote was as follows:

Mr. James Anderson Aye

Dr. H. Ramsey White, Jr.	**Aye**
Mr. Al Bradley	**Aye**
Mr. James Morani	**Aye**
Mr. Wayne Austin	**Aye**

The Public Hearing was approved for 550 Lowry Drive, Abingdon, VA 24210. It will now be heard at the next Town Council meeting on July 1, 2019.

F. CERTIFICATE OF APPROPRIATENESS

1. Application for Certificate of Appropriateness; Highlands Ski Haus, Inc. Sandra and Gary Clayton, P.O. Box 1944, Abingdon, VA 24212: Owner. Karen Raines, 440 Fairway Drive, Abingdon, VA 24211; Representative. COA to take down the existing vinyl awning and frame and replace with metal gray roof awning with wooden support poles over the entire front business side of the sidewalk and add on a covered front door offset going into the entrance of the building. **Located at 909 East Main Street, Abingdon, VA. Tax Map No. (106-5-6).**

Karen Raines represented the property located 909 East Main Street.

Highlands Ski Haus would like to replace the existing roof with a gray metal awning type roof, wood post, guttering with lighting underneath.

On motion of Dr. White, Seconded by Mr. Bradley Planning Commission members recommended that the COA be approved as presented.

The roll call vote was as follows:

Mr. James Anderson	**Aye**
Dr. H. Ramsey White, Jr.	**Aye**
Mr. Al Bradley	**Aye**
Mr. James Morani	**Aye**
Mr. Wayne Austin	**Aye**

The COA for was unanimously approved for 909 East Main Street.

2. Application for Certificate of Appropriateness; McDonald's 45-0206; Theresa J. Simmons/McDonald's USA, LLC: Owner. John Connelly/Kristin Lang, Britt, Peters & Associates, Inc. 101 Falls Park Dr. Suite 601, Greenville, SC 29601; Representative. COA remodel of existing McDonald's restaurant. **Located at 525 Cummings Street Abingdon, VA. Tax Map No. (020-12-6).**

Ms. Kristin Lang, Greenville, SC represented Britt, Peters & Associate, Inc., who are representing McDonald's and the property located at 525 Cummings Street.

McDonald is requesting a design that would update the brand for the interior and exterior to a more modern design using less color. With this design, they will be removing the existing sunroom. The new design will address ADA compliance to include the parking lot and will connect to the public sidewalk. Bathroom will be made ADA compliant.

An interior kiosk will be added so that customers can place their orders, and their food will be delivered to their table by a McDonald's associate.

The question was posed, is the McDonalds at Exit 17 different from the McDonalds at Exit 14, they are both in the Overlay District. Mr. Camron Bell, the zoning of these two properties does not have any distinction as far as the Entrance Corridor Overlay District is concerned.

After the COA was denied at the last planning commission meeting McDonalds reached out to the Planning Department for guidelines, since there were no clarifications listed in the guidelines as to what traditional architecture is, staff was unable to supply documentation to McDonalds to clarify what the board is expecting from the renovation as to what traditional architectural is. Decision by the board should be kept consistent.

The Planning Commission suggested clarification of the ordinance and that an amendment may need to be written.

On motion of Mr. Anderson, Seconded by Mr. Morani the Planning Commission members recommended that the COA be approved as presented.

The roll call vote was as follows:

Mr. James Anderson	**Aye**
Dr. H. Ramsey White, Jr.	**Aye**
Mr. Al Bradley	**Aye**
Mr. James Morani	**Aye**
Mr. Wayne Austin	**Aye**

The COA for was unanimously approved.

3. Application for Certificate of Appropriateness; Thom Crosby, CroBar LLC, 1001 Konnarock Rd., Kingsport, TN 37664: Owner Steven K. Hutton and Associates, PC, 245 East New Street, Suite 201, Kingsport, TN 37660; Representative. Site Plan and Exterior of proposed Pals Sudden Service facility. **Located at The Meadows, Lot 10. Abingdon, VA.**

Mr. Boswell told the board that CroBar had sent in the site plan prior to this meeting and that the plan has been circulated to the Public Works Department and the Planning Department. The only two items that needed attention were the entrance and the signage which were addressed before the May 20th Planning Commission meeting.

Mr. Thom Crosby, CEO of Pals Sudden Service represented the property that will be located in the Meadows on Lot # 10.

Mr. Crosby told the board that he was aware of the design of the Pals building being an issue in the town of Abingdon; he then told them that the design was created by a protégé of Andy Warhol, Tony Barone, it was intended to be presented as a statement art piece.

Pals formed a focus group of 9 customers at the Exit 7 location and the majority of their customers did not like the new design, they preferred the original Pals building design. Mr. Crosby said that he answers about two-hundred complaints a month of people complaining about the color of the Pals in Johnson City, TN. The building in Johnson City is all brick, even the hotdog and hamburger.

Pals maintains the lots their buildings sit on, the far side of the public roadway from their building and they keep adjacent property cleared of trash, etc. When Pals locates into a community they offer free or discounted training to churches, schools and municipalities to their Business of Excellence Institute.

Mr. Crosby stated that since the Exit 17 Pals can be seen from Interstate 81 that it will draw business into Abingdon.

Steven Spangler told the board that the 2016 guidelines state that the building be built out of brick and there is no mention of any color restrictions.

Pals property meets the guidelines for the project and would be located on the road extension of Cook Street, which would not make this a part of the Overlay District. Mr. Bolick informed the board that most of the properties locating at the Meadow would have an address of Cook Street or Robertson Road.

The town of Abingdon already has murals located in town, which are considered artwork.

The added cost to produce an all brick Pals Sudden Service building like the one in Johnson City would be $250,000.

Mr. Austin said that Pals would bring in revenue to the town and that the only problem you would have with Pals is trying to get in to order, it is always busy. The corporation has an outstanding reputation and would make for a good corporate neighbor, but that he couldn't get past the hotdog and hamburger on the building and he was not in favor of the color of the building.

It was asked if the brick could be left a natural color and Mr. Crosby stated that would not meet Pals trademark. Nothing in the Overly District guidelines reference the use of color/s, how can a board regulate the use of color when it is not written in the ordinance?

On motion of Dr. White, Seconded by Mr. Anderson the Planning Commission members recommended that the COA be approved as presented.

The roll call vote was as follows:

Mr. James Anderson	**Aye**
Dr. H. Ramsey White, Jr.	**Aye**
Mr. Al Bradley	**Aye**
Mr. James Morani	**Aye**
Mr. Wayne Austin	**Nay**

The COA was approved for The Meadows, Lot # 10. Pals Sudden Service.

G. UPDATES FROM STAFF AND PLANNING COMMISSION MEMBERS

1. Comprehensive Plan Update

Mr. Boswell informed the commissioners that the first community meeting was held on May 7th, they had wished for a bigger turnout, but they received some good feedback. The next meeting will be in July and the venue will change.

EPR will be formulating a statement to be distributed to the board.

2. Zoning Ordinance Update

According to Mr. Boswell, the process is going at full swing. The committee will also be looking at updating the Entrance Corridor Overlay District Ordinances.

The Planning Commission made a motion for the Town Planner, Jason Boswell, to investigate the revision of the Entrance Corridor Overlay District guidelines-ordinances and to add in more detail.

On motion of Dr. White, Seconded by Mr. Bradley the Planning Commission members recommended that the Planning Director look into updating the Entrance Corridor Overlay District Ordinances.

The roll call vote was as follows:

Mr. James Anderson	**Aye**
Dr. H. Ramsey White, Jr.	**Aye**
Mr. Al Bradley	**Aye**
Mr. James Morani	**Aye**
Mr. Wayne Austin	**Aye**

The Planning Director is to look into updating the Entrance Corridor/Overlay District Ordinances.

H. ADJOURN

On motion of Mr. Bradley, Seconded by Mr. Anderson recommending the meeting be adjourned with no further business to address.

The roll call vote was as follows:

Mr. James Anderson	**Aye**
Dr. H. Ramsey White, Jr.	**Aye**
Mr. Al Bradley	**Aye**
Mr. James Morani	**Aye**
Mr. Wayne Austin	**Aye**

Adjourn Time: 6:40 P.M.

_____ _____

Wayne Austin, Chairman James Morani, Secretary

Next regularly scheduled meeting will be June 24, 2019 at 5:30 pm in the Arthur Campbell Room, 1st floor of the Town Municipal Building.

Statewide building code addition

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21-1-2. *Exemption for certain existing signs.* Notwithstanding any contrary provision in this chapter, no nonconforming sign is required to be removed solely by the passage of time if to so require is otherwise prohibited by state or federal law. [Adopted 2 Oct. 1989; Effective 2 Nov. 1989]

21-1-3. *Purpose and intent.*

(a) The sign regulations are intended to define, permit, and control the use of signs which are legible from the public right-of-way. Town council has adopted these regulations in order to achieve all of the following community goals and objectives:

(1) Protect the health, safety, and welfare of the public.

(2) Equitably distribute the privilege of using the public environs to communicate private information.

(3) Safeguard the public use and nature of the streets and sidewalks.

(4) Protect and enhance the visual environment of the town.

(5) Discourage the diminishing of property values with the town.

(6) Minimize visual distractions to motorists using the public streets.

(7) Promote an aesthetically pleasing environment for the citizens of this town.

(8) Promote the economic growth of the town by creating a community image that is conducive to attracting new business and industrial development.

(9) Permit reasonable legibility and effectiveness of signs and to prevent their over-concentration, improper placement and excessive height, bulk, density, and area.

(10) Promote the safety of persons and property by requiring that signs not create a hazard due to collapse, fire, decay, or abandonment.

(11) Ensure that signs do not obstruct fire-fighting efforts, and do not create traffic hazards by confusing or distracting motorists or by impairing drivers' ability to see pedestrians, obstacles, or other vehicles or to read traffic signs.

(12) Provide for reasonable advertising of business and civic products and services, with recognition of the effects of signage on the character of the community.

(13) Control visual clutter, and encourage high professional standards in sign design and display.

(b) The town council finds that the regulations in this article advance the significant government interests identified herein, and are the minimum amount of regulation necessary to achieve those interests.

(Ord. of 6-4-07(2))

Section 21-2. - Standards.

(a) Any sign displayed in the Town of Abingdon, shall comply with:

(1) All provisions of this article;

(2) All applicable provisions of the Uniform Statewide Building Code and all amendments thereto; and

(3) All state and federal regulations pertaining to the display of signage.

(b) If any two or more sections of the above referenced regulations are in conflict, the provision that provides the most restrictive standard shall apply.

21-2-1. *Interpretation—Conflicting laws or regulations.* Where this article differs in any manner from the provisions of the Virginia Uniform Statewide Building Code, the Town Code or any other ordinance or regulation of the town, the ordinance, code or regulation imposing the greatest restriction upon the use of any sign shall control.

(Ord. of 6-4-07(2))

Section 21-3. - General.

21-3-1. *General.* Sign types and the computation of sign area shall be as depicted in the International Zoning Code, as amended.

21-3-2. *Conformance to codes.* Any sign hereafter erected shall conform to the provisions of this ordinance and the provisions of the International Building Code and of any other ordinance or regulation within this jurisdiction.

21-3-3. *Signs in rights-of-way.* No sign other than an official traffic sign or similar sign shall be erected within five feet of the lines of any street, or within any public way, unless specifically authorized by other ordinances or regulations of this jurisdiction or by specific authorization of the zoning administrator.

21-3-4. *Projections over public ways.* Signs projecting over public walkways shall be permitted to do so only subject to the projection and clearance limits either defined herein or, if not so defined, at a minimum height of eight feet (2,438 mm) from grade level to the bottom of the sign. Signs, architectural projections or sign structures projecting over vehicular access areas must conform to the minimum height clearance limitations imposed by the jurisdiction for such structures.

21-3-5. *Traffic visibility.* No sign or sign structure shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision, nor at any location where by its position, shape or color it may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal or device.

21-3-6. *Animation and changeable messages.* Animated and changeable signs are permitted in commercial and industrial zones only.

21-3-7. *Maintenance, repair and removal.* Every sign permitted by this ordinance shall be kept in good condition and repair and be legible. When any sign becomes insecure, in danger of falling or is otherwise deemed unsafe by the zoning administrator, or if any sign shall be unlawfully installed, erected or maintained in violation of any of the provisions of this ordinance, the owner thereof or the person or firm using same shall, upon written notice by the zoning administrator forthwith in the case of immediate danger, and in any case within not more than ten days, make such sign conform to the provisions of this ordinance, or shall remove it. If within ten days the order is not complied with, the zoning administrator shall be permitted to remove or cause such sign to be removed at the expense of the owner and/or the user of the sign.

21-3-8. *Obsolete sign copy.* Any sign copy that no longer advertises or identifies a use conducted on the property on which said sign is erected must have the sign copy covered or removed within 30 days after written notification from the zoning administrator; and upon failure to comply with such notice, the code official is hereby authorized to cause removal of such sign copy, and any expense incident thereto shall be paid by the owner of the building, structure or ground on which the sign is located.

21-3-9. *Nonconforming signs.* Any sign legally existing at the time of the passage of this ordinance that does not conform in use, location, height or size with the regulations of the zone in which such sign is located, shall be considered a legal nonconforming use or structure and shall be permitted to continue in such status until such time as it is either abandoned or removed by its owner, subject to the following limitations:

(1) Structural alterations, enlargement or re-erection are permissible only where such alterations will not increase the degree of nonconformity of the signs.

(2) Any legal nonconforming sign shall be removed or rebuilt without increasing the existing height or area if it is damaged, or removed if allowed to deteriorate to the extent that the cost of repair or restoration exceeds 50 percent of the replacement cost of the sign as determined by the zoning administrator.

(3) Signs that comply with either item (1) or (2) above need not be permitted.

21-3-10. *Maximum number of signs allowed.* Except where district regulations are more restrictive, any establishment may have no more than two signs per major street frontage and one additional sign for each additional street frontage unless stated otherwise. For purposes of calculation of the number of signs permitted per establishment, only one street frontage per establishment shall be designated as major street frontage. Signs, which are less than one square foot in area, or for which a permit is not required, shall not be counted in calculating the number of allowed signs.

21-3-11. *Height, nature of freestanding and projecting signs.*

a. No part of any freestanding or projecting sign shall be higher than 15 feet from grade with the exception of signs which has its base within a one-quarter mile radius of edge of pavement of the nearest traveling lane of Interstate Route 81, which signs shall be allowed up to ~~25~~ 100 feet in height. No part of a roof sign shall project more than 20 feet above the line of the roof to which it is attached.

b. Only two signs per parcel as designated on the town real property tax maps may be freestanding or projecting except as provided in section 21-3-10.

c. Shopping centers shall be permitted one freestanding sign per street frontage. A freestanding shopping center sign may display the shopping center name and a list of tenants. Individual shops and businesses in shopping centers may have wall signs only as provided for elsewhere in this article.

~~21-3-12. *Replacement or consolidation of existing signs.* When existing signs are replaced or consolidated, the maximum total sign surface area of the replacement or consolidated sign shall be:~~

~~a. Thirty percent less than the total sign surface area of the signs being replaced or consolidated, or~~

~~b. The area permitted by section 21-3-13, whichever is greater.~~

21-3-13. *Sign area calculations.* The following method shall be utilized in the calculation of sign area:

a. All sign surfaces and faces visible from a public right-of-way or place and used for display shall be included in the calculation of sign area.

b. Wall or roof signs:

1. The area of a wall or roof sign where the sign is painted or affixed by letters and numerals or symbols shall be the sum total of the area of the smallest connected rectangle ~~rectilinear geometric shape~~ enclosing such letters.~~painted or affixed letters, numbers or symbols.~~

2. The area of wall or roof signs where the sign surface is hung or affixed to the structure shall be the total area of the affixed or hung surfaces.

c. Freestanding, projecting or ground signs. The area of a freestanding, projecting or ground sign shall be the sum total of the areas of all surfaces visible from the public right-of-way or other area from which the sign is intended to be viewed.

21-3-14. *Obstructing doors, windows or fire escapes.*

a. No sign shall be erected, replaced or relocated so as to:

1. Prevent free ingress or egress from a required door, window or fire escape; or

2. Obstruct the light or ventilation required by the provisions of this ordinance or other town ordinances from any window.

b. No advertising or business sign of any kind shall be attached to a standpipe or fire escape.

(Ord. of 6-4-07(2))

Section 21-4. - Standards for marquees.

a. Construction of all marquees shall follow requirements set forth in the Virginia Uniform Statewide Building Code, as amended.

b. Signs attached to ~~on~~ marquees for establishments other than theatres shall not exceed 20 square feet on any side or front section of the marquee. ~~Such signs may extend above the top of the marquee provided that the vertical dimension of the structure, including both marquee and sign, shall not exceed three feet.~~ If such signs are illuminated, exposed light sources shall not be used.

c. Signs may be located under marquees subject to the following restrictions:

   1. There shall be only one sign for each store entrance.

   2. Such signs shall not exceed 12 inches in depth with not more than an additional three inches in depth to include the supports and hangers attaching the sign to the marquee.

   3. If such signs are illuminated, the illumination shall be by interior lighting only, subject to the interior lighting restrictions as set forth in this section.

d. Theatre marquees shall not exceed five feet in the vertical dimension. The restriction on square footage as set forth in this article shall not apply to theatre marquees. Such signs may extend above the top of the marquee provided that the vertical dimension of the structure, including both marquee and sign, shall not exceed five feet. A sign or signs may also be suspended below the marquee provided that a clearance of ten feet is maintained between the bottom of the sign and the sidewalk or floor.

(Ord. of 6-4-07(2))

Section 21-5. - Exempt signs.

21-5-1. *Exempt signs.* The following signs shall be exempt from the provisions of this chapter and do not require a permit. No sign shall be exempt from section 21-3-4.

a. Real estate signs not exceeding six square feet in area which advertise for sale or rental the land or building upon which such signs are located. Such signs shall not be illuminated and shall not be more than four feet in height. Such signs may be erected up to the property line.

b. Professional name plates not exceeding one square foot in area when placed upon the wall of the building.

c. Monumental inscriptions, memorial signs or tablets containing names of persons or buildings or dates of erection, and similar information, when cut into any masonry surface or when constructed of bronze or other noncombustible material.

d. Signs denoting the architect, engineer or contractor when placed at the construction site. Such signs shall not be illuminated and no such signs shall exceed an area of 32 square feet, nor shall they remain standing after construction has been completed.

e. Traffic, municipal, legal notice, directional or informational sign; railroad crossing signs, danger, safety, temporary or emergency signs and holiday decorations across a public right-of-way when authorized by the town manager, or his designee.

f. Temporary directional, political or informational signs not over six square feet in area provided that the activity which the sign promotes is one permitted under the use regulations applicable to the district where the sign is located. Signs for temporary events, sales or special promotions may be erected not more than one month before the event or activity and shall be removed within one week of its conclusion. In no case shall any such temporary sign be displayed for a

period longer than two months in any calendar year. There shall be no more than two such temporary signs per establishment at any time. Although no permit is required for temporary signs, the owner or lessee shall notify the administrator prior to displaying to give notice of the intent and period during which the sign will be displayed. The administrator will issue a dated certificate, indicating the time period for which the banner will be displayed. If said banner is not removed at the end of the allowed period, the administrator has the authority to cause removal of such sign.

g. Signs designating entrances, exits or conditions of use for parking lots. Such signs shall not exceed six square feet in area.

h. Subdivision or housing development signs. Such signs shall not exceed six feet in height, 25 square feet in area, and shall include only the name of the subdivision, housing development, multiple-family dwelling complex or townhouse development.

i. Signs showing the name and address of the resident, but not to include any commercial advertising and not more than one square foot in area.

j. Signs regulating on-premise traffic, parking or indicating other functional information such as lavatory facilities or telephone and signs denoting functions of other sections of a building such as "fabrication", or "office", when less than six square feet in area and bearing no commercial advertising.

k. Signs identifying the home occupation or office of the resident, of not more than one square foot in area, and attached to the wall of the building or other existing permanent structure.

l. "No Trespassing" signs of not more than one square foot in area.

m. Historic markers of area less than 15 square feet when approved by the board of architectural review.

n. Signs on the inside of store windows.

o. Signs not over 25 feet in area identifying municipal or governmental buildings and offices or buildings used for religious purposes, when erected upon the building or land upon which such building is located.

p. Flags flying from a flagpole, where no more than three flags are displayed at any one time, no individual flag exceeding 50 square feet in area.

q. Signs indicating the hours of operation for a business (other than a home occupation), where located in the window of a business and not in excess of two square feet.

r. Signs containing the words "private drive," not exceeding two square feet, limited to one sign per entrance drive.

s. Official notices or advertisements posted according to statutory notice or other advertising requirements imposed by law by any public, local or state official, or court officer or any trustees under deeds of trust or other similar instruments.

t. No more than two "entrance" or "exit" signs at each vehicular entrance to and exit from a parking lot, not to exceed two square feet each. Signs specifying parking restrictions, not to exceed three square feet each, may be affixed to a wall and located no less than 25 feet apart. The signs may be freestanding if no larger than two square feet, located on the perimeter of a parking lot no less than 25 feet apart, and at a height no greater than four feet.

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~~a. Official notices authorized by a court, public body or public safety official.~~

~~b. Directional, warning or information signs authorized by federal, state or municipal governments.~~

~~c. Memorial plaques, building identification signs and building cornerstones when cut or carved into a masonry surface or when made of noncombustible material and made an integral part of the building or structure.~~

d. ~~The flag of a government or noncommercial institution, and any other flag of a state or nation flown for noncommercial purposes; or flags displaying purely ornamental and noncommercial information, such as graphic depictions such as flowers and the like.~~

e. Signs attached to athletic field fences, for the purpose of fundraising. Such signs shall be attached with plastic ties, with excess plastic tie removed and shall be displayed only during the regular season of the individual sport.

f. ~~Religious symbols and seasonal decorations, both residential and commercial, within the appropriate public holiday season.~~

g. ~~Street address signs and combination nameplate and street address signs that contain no advertising copy and which do not exceed six square feet (0.56 m^2) in area.~~

h. Any sign with an area of one square foot or less.

i. Signs on the inside of store windows, except those signs specified as "Prohibited Signs" in this article.

j. ~~Signs displayed for the direction or convenience of the public, including signs which identify restrooms, location of public telephones, public entrances, freight entrances or the like provided such signs do not exceed a total surface area of three square feet per sign.~~

k. Gasoline price signs, provided the total area of all such signs is 12 square feet or less.

l. Signs displayed during the months of November and December for the purpose of selling holiday vegetation and accessory items.

m. Signs displayed on a truck, bus, or other vehicle while in use in the normal conduct of business. This section shall not be interpreted to permit the parking for display purposes a vehicle to which a sign is attached or the use of such a vehicle as a portable sign.

n. Menu/daily special signs, not exceeding four square feet in size, provided the sign is attached to a building facade.

o. Signage for ~~the period of~~ Town sanctioned events ~~the Virginia Highlands Festival~~ pertaining to events during that period~~, as approved by the town manager. Also signs for other town sponsored events as approved by the town manager.~~

p. Sandwich board signs provided they in no way obstruct vehicular travel, public parking and/or pedestrian movement along sidewalks.

q. Political campaign signs ~~or signs demonstrating the "freedom of speech"~~, provided such signs do not advertise a product or business.

(Ord. of 6-4-07(2))

Section 21-6. - District regulations.

The following regulation shall apply in the designated district, as appropriate, to permitted uses by right and special uses as may be permitted:

21-6-1. *AFOS Agricultural, forested and open space district.*

a. Home occupation and business signs of not more than 12 square feet located on the premises. No more than one sign per use.

b. Identification signs of not more than 12 square feet located on the premises. No more than one sign per use.

c. Directional signs.

d. Church bulletin board. Such signs shall not exceed six feet in height and 12 square feet in area, and shall be located on the premises. No more than one sign per use.

21-6-2. *R-1 Residential district.*

a. Public and semipublic identification signs of not more than 12 square feet located on the premises. No more than one sign per use.

b. Church bulletin board. Such signs shall not exceed six feet in height and 12 square feet in area, and shall be located on the premises. No more than one sign per use.

21-6-3. *R-2, R-3, and R-4 Residential districts.*

a. Public and semipublic identification signs of not more than 12 square feet located on the premises. No more than one sign per use.

b. Home occupation and business signs of not more than four square feet located on the premises.

c. Directional signs.

d. Church bulletin board. Such signs shall not exceed six feet in height and 12 square feet in area, and shall be located on the premises. No more than one sign per use.

21-6-4. *OI Office and institutional district.*

a. Public, semipublic and business identification signs of not more than 12 square feet located on the premises. No more than one sign per use.

b. Home occupation and business signs of not more than four square feet located on the premises. No more than one sign per use.

c. Directional signs.

d. Church bulletin board. Such signs shall not exceed six feet in height and 12 square feet in area, and shall be located on the premises. No more than one sign per use.

21-6-5. *B-1 Business district.*

a. The total area of all signs permitted for any business establishment shall not be greater than 30 square feet and shall be located on the premises.

b. Home occupation and business signs of not more than four square feet located on the premises. No more than one sign per use.

c. Directional signs.

21-6-6. *B-2, B-3, and M-1 districts.* The total area of all freestanding and projecting signs permitted for any business establishment shall not be greater than 60 square feet and shall be located on the premises. Other provisions of this ordinance to the contrary notwithstanding, planned commercial developments other than shopping centers which require a site plan under article 18 of this ordinance within the B-2 zoning district having a sign which has its base within a one-quarter mile radius of edge of pavement of the nearest traveling lane of Interstate Route 81 ~~and located within a one-quarter mile radius of Interstate~~ may be allowed up to 200 square feet of aggregate sign area; the sizes and locations of such signs to be specified within the site plan of such development and approved by the zoning administrator ~~and/or the town manager~~ prior to finalization of such site plan.

21-6-7. *OH Old and historic district.* No sign shall be erected until the style, location, materials and design thereof have been awarded a certificate of appropriateness by the board of architectural review. Notwithstanding the provisions of section 21-3-11 the board may approve the attachment or suspension of a sign from an existing freestanding or projecting sign or, in the case of a building on a site with more than one street frontage or more than one principal entrance, one additional freestanding or projecting sign per additional street frontage or principal entrance, if the board determines that such an arrangement is in keeping with the architectural character of the property.

(Ord. of 6-4-07(2); Ord. of 9-4-07(3))

Section 21-7. - Comprehensive signage plan.

(a) For a proposed development subject to site plan review, and for any development that is subject to architectural review under the zoning administrator or public body may waive or modify requirements of this division by approving a comprehensive signage plan for such development or project. Where a particular development is subject to site plan review and architectural review, the official or public body conducting the architectural review shall be the decision-maker upon a proposed comprehensive signage plan.

(b) ~~For the purposes of this section, the term "comprehensive signage plan" refers to a written plan detailing the type, quantity, size, shape, color, and location of all signs within the development that is the subject of the plan, where the number, characteristics and/or locations of one or more signs referenced within the plan do not comply with the requirements of this division.~~

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(c) The ~~official or public body~~ zoning administrator may approve a comprehensive signage plan, upon a determination that:

(1) There is good cause for deviating from a strict application of the requirements of this division; and

(2) The comprehensive signage plan, as proposed, will serve the public purposes and objectives of this division at least as well, or better, than the signage that would otherwise be permitted for the subject development.

(d) Applications for approval of a comprehensive signage plan shall be submitted in writing to the ~~director of neighborhood development services~~ zoning administrator and shall be accompanied by the required application fee, as set forth within the most recent zoning fee schedule approved by town council.

(e) Each application for approval of a comprehensive signage plan shall include the following information:

(1) A written narrative description of the overall plan, including, without limitation: a tally of the total number of signs included within the coverage of the plan, and a summary of how the applicant believes the comprehensive signage plan will serve the objectives set forth within section 21-1-3;

(2) A color illustration or photograph of each sign included within the plan. For signs with multiple faces, an illustration or photograph shall be provided for each face. For monument and pole signs, an illustration or photograph of proposed landscaping shall be provided;

(3) A written description of the type, size (dimensions), materials, and proposed location of each sign;

(4) A map or other written identification and description of all existing signs on the property comprising the proposed development;

(5) Color illustrations or photographs of signage existing on adjacent properties;

(6) A written description (and illustration or photograph) of proposed lighting (for illuminated signs).

(7) Appeals from decisions of a town official or public body reviewing a proposed comprehensive signage plan shall be taken in the same manner as provided within this chapter with respect to other decision(s) of that official or public body.

(Ord. of 6-4-07(2))

Section 21-8. - Prohibited signs.

21-8-1. The following signs are prohibited within the town unless otherwise stated in this article:

a. Any sign affixed to, hung, placed or painted on any other sign, fence, cliff, tree, public utility pole, radio or television or similar tower provided that this prohibition shall not affect official traffic, parking or informational signs placed on utility poles by the town government.

b. Any sign or banner within or across a public right-of-way, unless specifically approved by the town manager, or his designee.

c. Any sign attached to, rather than painted on, an awning which is not a marquee.

d. Any flashing or moving sign, except those officially erected for safety purposes.

e. Any sign which advertises any , business, product or service which is not conducted, produced or sold as a primary product under license on the premises where the sign is located. ~~Signs relating to the activities of the previous occupant may remain in place for not more than 60 days from the date of vacancy.~~ When a business is vacated, the sign for such terminated business shall be removed within 60 days.

f. Any sign which the town manager or their designee determines to imitate an official traffic sign or signal or conflict with traffic safety needs due to its location, coloring, movement, shape or illumination.

g. Reserved.

h. Portable signs.

i. ~~Any sign, except an official public notice, which is nailed, tacked, posted, or in any other manner attached to any utility pole, or structure supporting wire, cable, or pipe; or to public property of any description.~~

j. Signs advertising activities or products that are illegal under federal, state, town, or county law.

k. Any electrical sign that does not display the UL, ETL, CSA, or ULC label.

l. Any sign that due to its size, illumination, location or height obstructs the vision of motorists or pedestrians at any intersection, or similarly obstructs the vision of motorists entering a public right-of-way from private property.

m. ~~A sign which obstructs any window or door opening used as a means of egress, or which prevents free passage from one part of a roof to any other part thereof, and a sign which interferes with an opening required for ventilation.~~

n. A sign in a public right of way except as provided in section 21-11 of this article. Any sign existing or having been allowed in a public right-of-way may be ordered removed by the Zoning Aadministrator upon 30 days' notice if the use of that right of way is changed to require the signs' removal, or if the public right of way is to be used for any public purposes inconsistent with the existence of the sign.

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o. A sign or illumination that causes any glare into or upon any building or land other than the building and land to which the sign is accessory or due to illumination presents a hazard to pedestrian and/or vehicular traffic on any public and/or private right-of-way.

p. A sign that violates any provision of any federal or state law relative to outdoor advertising.

q. Signs with moving components.

r. Pennants, streamers, except as provided in section 21-9(g).

s. Large floating or stationary balloons.

t. Signs attached, painted, or mounted to unlicensed and inoperative or generally stationary vehicles.

u. Any sign representing or depicting specified sexual activities or specified anatomical areas or sexually oriented goods. Any sign containing obscene text or pictures as defined by the Virginia Code.

v. Off-premises signs. No off-premises signs are permitted in the Town of Abingdon, except location signs which may be located off-premises.

w. Billboards, except those existing at the adoption of this ordinance (June 4, 2007). Repair of existing billboards is allowed, however, replacement is not.

x. Signs placed in the right-of-way of any street.

(Ord. of 6-4-07(2))

Section 21-9. - Temporary signs.

(a) Temporary signs are permitted provided they meet the standards of this section. The area of any temporary sign maintained per this section shall not count for the allowable permanent sign area for any lot or structure.

(b) ~~A "temporary sign" is a sign that is not permanently mounted to a building or into the ground. Signs attached by rope, string, chain, tape, paste, and similar mechanisms; signs not rigidly attached to a supporting structure; signs made of paper, cardboard, cloth, and similar materials; and signs that are pushed, hammered or similarly put into the ground are considered temporary signs.~~

~~Examples of temporary signs include, but are not limited to, garage or yard sale signs, political campaign signs, real estate signs, construction signs, menu/daily special signs.~~

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(c) Each temporary sign shall be maintained in good, safe condition, securely affixed to a building or the ground.

(d) Temporary sign area per lot shall not exceed 32 square feet.

(e) Any temporary sign pertaining to an event can be posted 14 days prior to an event but must be removed within ten days after the event. For example, garage or yard sale signs, political campaign signs, and real estate signs are subject to this provision. For all other temporary signs, a maximum posting period of 14 consecutive calendar days is permitted, up to five times per calendar year. Such signs shall not be attached in any way to utility poles, meter posts, or trees within any public street right-of-way. No person shall put up any notice upon any building, wall, fence or other property of another person without having first obtained the consent of the owner of such property.

(f) A temporary sign shall not be illuminated.

(g) Pennants and streamers, without advertising, may be displayed simultaneously with temporary grand opening signs, but at no other time.

(1) Each sign is 32 square feet or less in area;

(2) Each sign is on-premises and attached to the structure or a permanent sign;

(3) Such signs are displayed no more than 14 consecutive days.

(Ord. of 6-4-07(2))

~~Section 21-10. - Signs for which permit not required.~~

~~21-10-1. No permit shall be required for the following signs, if they are installed in compliance with the provisions of this article. Signs approved in accordance with article 18, site plan review, shall be in compliance with the site plan as approved by the planning commission. All of the following signs may be erected in any of the town zoning districts:~~

~~a. Real estate signs not exceeding six square feet in area which advertise for sale or rental the land or building upon which such signs are located. Such signs shall not be illuminated and shall not be more than four feet in height. Such signs may be erected up to the property line.~~

~~b. Professional name plates not exceeding one square foot in area when placed upon the wall of the building.~~

c. Monumental inscriptions, memorial signs or tablets containing names of persons or buildings or dates of erection, and similar information, when cut into any masonry surface or when constructed of bronze or other noncombustible material.

d. Signs denoting the architect, engineer or contractor when placed at the construction site. Such signs shall not be illuminated and no such signs shall exceed an area of 32 square feet, nor shall they remain standing after construction has been completed.

e. Traffic, municipal, legal notice, directional or informational sign; railroad crossing signs, danger, safety, temporary or emergency signs and holiday decorations across a public right-of-way when authorized by the town manager, or his designee.

f. Temporary directional, political or informational signs not over six square feet in area provided that the activity which the sign promotes is one permitted under the use regulations applicable to the district where the sign is located. Signs for temporary events, sales or special promotions may be erected not more than one month before the event or activity and shall be removed within one week of its conclusion. In no case shall any such temporary sign be displayed for a period longer than two months in any calendar year. There shall be no more than two such temporary signs per establishment at any time. Although no permit is required for temporary signs, the owner or lessee shall notify the administrator prior to displaying to give notice of the intent and period during which the sign will be displayed. The administrator will issue a dated certificate, indicating the time period for which the banner will be displayed. If said banner is not removed at the end of the allowed period, the administrator has the authority to cause removal of such sign.

g. Signs designating entrances, exits or conditions of use for parking lots. Such signs shall not exceed six square feet in area.

h. Subdivision or housing development signs. Such signs shall not exceed six feet in height, 25 square feet in area, and shall include only the name of the subdivision, housing development, multiple-family dwelling complex or townhouse development.

i. Signs showing the name and address of the resident, but not to include any commercial advertising and not more than one square foot in area.

j. Signs regulating on-premise traffic, parking or indicating other functional information such as lavatory facilities or telephone and signs denoting functions of other sections of a building such as "fabrication", or "office", when less than six square feet in area and bearing no commercial advertising.

k. Signs identifying the home occupation or office of the resident, of not more than one square foot in area, and attached to the wall of the building or other existing permanent structure.

l. "No Trespassing" signs of not more than one square foot in area.

m. Historic markers of area less than 15 square feet when approved by the board of architectural review.

n. Signs on the inside of store windows.

o. Signs not over 25 feet in area identifying municipal or governmental buildings and offices or buildings used for religious purposes, when erected upon the building or land upon which such building is located.

p. Flags flying from a flagpole, where no more than three flags are displayed at any one time, no individual flag exceeding 50 square feet in area.

q. Signs indicating the hours of operation for a business (other than a home occupation), where located in the window of a business and not in excess of two square feet.

r. Signs containing the words "private drive," not exceeding two square feet, limited to one sign per entrance drive.

~~s. Official notices or advertisements posted according to statutory notice or other advertising requirements imposed by law by any public, local or state official, or court officer or any trustees under deeds of trust or other similar instruments.~~

~~t. No more than two "entrance" or "exit" signs at each vehicular entrance to and exit from a parking lot, not to exceed two square feet each. Signs specifying parking restrictions, not to exceed three square feet each, may be affixed to a wall and located no less than 25 feet apart. The signs may be freestanding if no larger than two square feet, located on the perimeter of a parking lot no less than 25 feet apart, and at a height no greater than four feet.~~

(Ord. of 6-4-07(2))

Section 21-11. - Signs placed by public authority.

The town manager or their ~~his~~ designee may place or cause to be placed signs in the public right-of-way and in or upon any public property.

(Ord. of 6-4-07(2))

Section 21-12. - Public liability insurance.

(a) A person shall not erect, install, alter, modify, reface, re-hang or replace over public property any sign for which a permit is required under the provisions of this article until the sign owner presents satisfactory evidence that a public liability insurance policy with a minimum of $300,000.00 single limit coverage is in force during the term of this permit.

(b) Such insurance policy shall protect and save the jurisdiction members from any and all claims or demands for damages by reason of any negligence of the sign hanger, contractor or agents, or by any reason of defects in the construction or damages resulting from the collapse, failure or combustion of the parts thereof.

(c) The obligation herein specified shall remain in force and effect during the life of every sign and shall not be cancelled by the principal or surety until after a 30-day notice to the zoning administrator, after which time the sign must be immediately removed.

(Ord. of 6-4-07(2))

Section 21-13. - Building code compliance.

The structural components of a sign (including, without limitation, lighting fixtures) shall be constructed, installed and maintained in accordance with the requirements of the Virginia Uniform Statewide Building Code.

(Ord. of 6-4-07(2))

Section 21-14. - Illumination.

21-14-1. All applicants for a sign permit or Entrance Corridor Overlay Certificate of Appropriateness must present a lighting plan for the proposed signage.

(a) Signs may be illuminated either through the use of backlighting or direct lighting provided the following standards are met:

(1) Information on any illumination proposed as part of a sign must be provided by the applicant on the sign permit application.

(2) No light from any illuminated sign shall cause direct glare into or upon any building other than the building to which the sign is related.

(3) No light from any illuminated sign shall cause direct glare on to any adjoining piece of property, or any adjoining right-of-way.

(b) Any sign containing electrical components shall conform to current UL, ETL, CSA, or ULC standards and display a label from one of these recognized testing labs.

(c) Animated/electronic signs of red/opaque/amber or intermittent colored shall be allowed, one, double-sided, 15 sq. ft. sign, per establishment, upon proper permitting, as long as the animation does not flash, scroll or any other movement which is deemed dangerous to traffic. Such signs may be illuminated during business hours only.

(d) Signs may fade animation or copy a minimum of every 15 seconds or an amount greater if determined necessary by the Zoning Administrator ~~needed~~.

(e) The intensity of light allowed of all animated/electronic signs will be ~~85 percent by day and~~ 50 percent less at night.

(f) Such animated signs are only allowed in B-2 and M-1 districts, within the Entrance Corridor Overlay District, as defined by this ordinance.

(g) The town manager, upon finding that an animated or electronic sign is negatively effecting the health, safety and welfare of the public, may cause the removal of such sign, or prevent the installation thereof.

(Ord. of 6-4-07(2))

Section 21-15. - Uniform sign regulations for all zoning districts.

(a) Historic site signs, up to a maximum of one for each site, structure, or landmark registered with the Virginia Landmarks Register or the National Historic Register are permitted in all zoning districts. The maximum size sign permitted is 12 square feet, with a maximum height of nine feet.

(b) Historic district signs, containing information relating to the historic, architectural, cultural, or archeological significance of the district. The maximum size sign permitted is 12 square feet, with a maximum height of nine feet. The sign plan for historic district signs must be submitted with the rezoning application for the historic district.

(c) Location sign: Such signs may be freestanding and may be located within the public right-of-way, provided written permission is obtained from the administrator. Only one location sign per establishment is permitted.

(d) Neighborhood identification signs, meeting the requirements of this subsection, may be located in any zoning district.

(1) A neighborhood identification sign shall be a monument style sign with a permanent base, not to exceed four feet from the grade in height.

(2) The maximum sign area shall be eight square feet.

(3) The sign shall not be illuminated.

(4) A neighborhood identification sign shall be located in the public right-of-way, or where insufficient right-of-way exists, within five feet of the right-of-way. A neighborhood identification sign may be located within a median if approved by the director of public works or his designee.

(5) A maximum of four neighborhood identification signs is permitted for any single neighborhood planning area, as designated by the Zoning Administrator ~~department of planning~~.

(6) ~~Every application for a neighborhood identification sign shall be referred to the board of architectural review.~~

(7) In areas of public recreation such as public parks, a governmental entity may erect up to three freestanding monument signs with a combined area of 60 square feet. No individual sign shall exceed 35 square feet.

(Ord. of 6-4-07(2))

Section 21-16. - Permitted special uses.

A signage plan shall be submitted as part of any application for a special use permit as authorized elsewhere in this ordinance. The signage plan shall be of sufficient detail to allow the zoning administrator, town manager and town council to judge the compatibility of the proposed signage with the character of the special use and the surrounding neighborhood. At a minimum, all signage plans shall provide information on the general size, location, style, color, and materials of all signs proposed. In evaluating the special use permit application, the Zoning Administrator ~~commission and council~~ shall consider the appropriateness of the proposed signage plan in relation to the character of the proposed development, and the surrounding area.

(Ord. of 6-4-07(2); Ord. of 9-4-07(3))

Section 21-17. - Banners over the public right-of-way.

(a) Banners may be displayed over a right-of-way or within the median of a right-of-way for two consecutive weeks provided approval is granted by Town Manager ~~town council~~. Town Manager~~Town council~~ may attach conditions in the display of these banners.

(1) In determining whether to grant or deny the request to display a banner, the council shall be guided by the following standard: the event or cause for which the banner is to be displayed shall be of a town-wide, public nature. In this regard, the council finds that the town does not, and has not, designated the air space over the public streets or the medians of public rights-of-way as a public forum or a limited public forum, and it is reasonable to restrict messages there to those of a town-wide, public nature.

(b) Banners shall meet the following criteria:

(1) Banners over a right-of-way shall not exceed 120 square feet in area and shall have a minimum street clearance of 17 feet over grade.

(2) The person granted permission to display a banner over the public right-of-way or in a public median shall reimburse the town for town's reasonable and customary cost for town's erection and removal of the banner and shall deposit with the town an amount equal to that cost prior to the erection of the banner. The town manager shall determine the cost to erect and remove the banner, using the cost of labor, materials, and equipment. Only town forces shall erect and remove banners.

(3) Banners shall have reinforced eyelets in each corner and a continuous reinforced border around the perimeter of the banner.

(4) Air vents shall be provided in each banner to allow air to pass through the banner.

(Ord. of 6-4-07(2))

~~Section 21-18. - Identification signs at entrances to town.~~

~~Freestanding group identification signs announcing the names of churches, social organizations, and the time and place of meetings of civic clubs shall be permitted at the major entrances of Abingdon. Additionally, freestanding identification signs announcing the name of the Town of Abingdon, or governmental purpose, may also be permitted at the major entrances of the town. Such freestanding monument signs shall not exceed 20 feet in height or 50 square feet in area. Any such sign shall require a sign permit. Groupings of signs along the major entrance routes to the town shall be designed as an integrated unit, where possible, and shall be landscaped. These signs may be located within a public right-of-way provided approval is granted by the administrator and the director of public works.~~

(Ord. of 6-4-07(2))

Section 21-19. - Procedures.

21-19-1. *Application and permit.*

(a) No person shall erect, install, alter, modify, reface, re-hang or replace any sign within the town, without obtaining a permit pursuant to this article, a business license from the town and provided that a permit shall not be required for the performance of regular maintenance.

(b) An application for such a permit shall specify the type of sign to be constructed and the zoning district in which this sign is to be located and shall be accompanied with plans including a sketch of the property indicating the lot frontage. The application shall also indicate the square footage and location of all existing signs on the property, and the area, size, structure, design, location, lighting, and materials for the sign. Also, the application shall contain photographs and sizes of all existing signs on the building or parcel and the written consent of the owner or lessee of the land or building upon which the sign is to be erected.

(c) Applications for sign permits shall be submitted to the administrator, and shall be accompanied by the required application fee, as set forth within the most recent zoning fee schedule approved by town council.

(1) For new construction within any of the town's Old and Historic and Entrance Corridor districts, such permit shall take the form of a certificate of appropriateness issued by the board of architectural review or the zoning administrator and/or town manager, respectively.

(2) Within all other districts, the required permit shall be issued by the zoning administrator. No permit shall be issued by the zoning administrator except upon a determination that a proposed sign is in conformity with the requirements of this article and, where applicable, in conformity with the requirements of an approved site plan for the property upon which the sign is to be placed. Appeals from decisions of the administrator shall be taken to the town's board of zoning appeals.

(d) A nonrefundable sign permit fee is due and payable with the filing of a sign permit application. More than one sign on one building or group of buildings located on the same parcel of land may be included on one application provided that all such signs be applied for at one time.

(e) After the issuance of an approved sign permit, the applicant may install and display any such sign or signs approved. Once installed, the administrator may inspect the sign(s) for conformance with the approved sign permit and this ordinance.

(f) Any sign permit issued shall be null and void if any sign for which the permit was issued is not installed in accordance with the permit within six months of the date the permit was approved.

(g) A sign permit shall become null and void if the use to which it pertains is not commenced within six months after the date the sign permit is issued. Upon written request and for good cause shown, the zoning administrator may grant one six-month extension.

The zoning administrator shall revoke a sign permit if the sign does not comply with applicable regulations of this article.

21-19-2. *Fee.* A fee of $1.00 per square foot of sign area shall accompany each application for sign permit and shall be payable to the town treasurer.

21-19-3. *Maintenance.* The owner of any sign shall be required to keep such sign properly maintained at all times in accordance with the following standards:

a. All materials used in the sign shall be kept in good condition, free of holes, rotting, peeling paint and other forms of decay.

b. If the sign is illuminated, all lighting shall be maintained in working order and meet the standards set forth in the Virginia Uniform Statewide Building Code, as amended.

21-19-4. *Removal of signs.* Any sign that is hereafter unlawfully installed or maintained, presents a hazard to the public and any nonconforming sign (other than billboards) associated with premises that

have been vacant for two years or more, shall be taken down and removed by the owner, owner's agent or other person having the beneficial use of the premises upon which such sign is found, within 30 days after written notification to do so from the zoning administrator. Upon failure to comply with such notice within the time specified, the zoning administrator may cause the removal of such sign; thereafter, any expenses incident to such removal shall be paid by the owner, owner's agent or other person having the beneficial use of the premises from which the sign was removed.

(a) The zoning administrator shall have the authority to order the removal, without compensation, of any sign or sign structure that due to neglect or damage poses a clear danger to the health, safety and welfare of the public.

(b) In lieu of removal, the zoning administrator may require the immediate repair of any sign or sign structure which has been damaged or which has deteriorated so as to become a public hazard.

(Ord. of 6-4-07(2); Ord. of 9-4-07(3))

Section 21-20. - Definitions.

The following words and terms shall, for the purposes of this chapter and as used elsewhere in this code, have the meanings shown herein.

ABANDONED SIGN. A sign structure that has ceased to be used, and the owner intends no longer to have used, for the display of sign copy, or as otherwise defined by state law.

ANIMATED SIGN. A sign employing actual motion or the illusion of motion. Animated signs, which are differentiated from changeable signs as defined and regulated by this code, include the following types:

Electrically activated. Animated signs producing the illusion of movement by means of electronic, electrical or electro-mechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:

1. *Flashing.* Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination. For the purposes of this ordinance, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds four seconds.
2. *Patterned illusionary movement.* Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

Environmentally activated. Animated signs or devices motivated by wind, thermal changes or other natural environmental input. Includes spinners, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.

Mechanically activated. Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.

ARCHITECTURAL PROJECTION. Any projection that is not intended for occupancy and that extends beyond the face of an exterior wall of a building, but that does not include signs as defined herein. See also "Awning"; "Backlit awning"; and "Canopy, attached and freestanding."

AWNING. An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable, including such structures that are internally illuminated by fluorescent or other light sources.

AWNING SIGN. A sign displayed on or attached flat against the surface or surfaces of an awning. See also "Wall or fascia sign."

BACKLIT AWNING. An awning with a translucent covering material and a source of illumination contained within its framework.

BANNER. A flexible substrate on which copy or graphics may be displayed.

BANNER SIGN. A sign utilizing a banner as its display surface.

BILLBOARD. An off-premises sign or sign structure with display space available for lease and designed so that the copy or poster on the sign can be changed frequently.

BUILDING ELEVATION. The entire side of a building, from ground level to the roofline, as viewed perpendicular to the walls on that side of the building.

CANOPY (attached). A multisided overhead structure or architectural projection supported by attachments to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points. The surface(s) and/or soffit of an attached canopy may be illuminated by means of internal or external sources of light. See also "Marquee."

CANOPY (free-standing). A multisided overhead structure supported by columns, but not enclosed by walls. The surface(s) and or soffit of a free-standing canopy may be illuminated by means of internal or external sources of light.

CANOPY SIGN. A sign affixed to the visible surface(s) of an attached or free-standing canopy.

CHANGEABLE SIGN. A sign with the capability of content change by means of manual or remote input, including signs which are:

Electrically activated. Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display. See also "Electronic message sign or center."

Manually activated. Changeable sign whose message copy or content can be changed manually.

COMBINATION SIGN. A sign that is supported partly by a pole and partly by a building structure.

COMPREHENSIVE SINAGE PLAN. A written plan detailing the type, quantity, size, shape, color, and location of all signs within the development that is the subject of the plan, where the number, characteristics and/or locations of one or more signs referenced within the plan do not comply with the requirements of this division.

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COPY. Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, excluding numerals identifying a street address only.

DEVELOPMENT COMPLEX SIGN. A free-standing sign identifying a multiple-occupancy development, such as a shopping center or planned industrial park, which is controlled by a single owner or landlord.

DIRECTIONAL SIGN. Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.

DOUBLE-FACED SIGN. A sign with two faces, back to back.

ELECTRIC SIGN. Any sign activated or illuminated by means of electrical energy.

ELECTRONIC MESSAGE SIGN or *CENTER.* An electrically activated changeable sign whose variable message capability can be electronically programmed.

EXTERIOR SIGN. Any sign placed outside a building.

FASCIA SIGN. See "Wall or fascia sign."

FLASHING SIGN. See "Animated sign, electrically activated."

FREE-STANDING SIGN. A sign principally supported by a structure affixed to the ground, and not supported by a building, including signs supported by one or more columns, poles or braces placed in or upon the ground. For visual reference.

FRONTAGE (building). The length of an exterior building wall or structure of a single premise orientated to the public way or other properties that it faces.

FRONTAGE (property). The length of the property line(s) of any single premise along either a public way or other properties on which it borders.

GROUND SIGN. See "Free-standing sign."

ILLUMINATED SIGN. A sign characterized by the use of artificial light, either projecting through its surface(s) (internally illuminated); or reflecting off its surface(s) (externally illuminated).

INTERIOR SIGN. Any sign placed within a building, but not including "window signs" as defined by this ordinance. Interior signs, with the exception of window signs as defined, are not regulated by this chapter.

MANSARD. An inclined decorative roof-like projection that is attached to an exterior building facade.

MARQUEE. See "Canopy (attached)."

MARQUEE SIGN. See "Canopy sign."

MENU BOARD. A free-standing sign orientated to the drive-through lane for a restaurant that advertises the menu items available from the drive-through window, and which has no more than 20 percent of the total area for such a sign utilized for business identification.

MULTIPLE-FACED SIGN. A sign containing three or more faces.

OFF-PREMISE SIGN. See "Outdoor advertising sign."

ON-PREMISE SIGN. A sign erected, maintained or used in the outdoor environment for the purpose of the display of messages appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

OUTDOOR ADVERTISING SIGN. A permanent sign erected, maintained or used in the outdoor environment for the purpose of the display of commercial or noncommercial messages not appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

PARAPET. The extension of a building facade above the line of the structural roof.

POLE SIGN. See "Free-standing sign."

POLITICAL SIGN. A temporary sign intended to advance a political statement, cause or candidate for office. A legally permitted outdoor advertising sign shall not be considered to be a political sign.

PORTABLE SIGN. Any sign not permanently attached to the ground or to a building or building surface.

PROJECTING SIGN. A sign other than a wall sign that is attached to or projects more than 15 inches (457 mm) from a building face or wall or from a structure whose primary purpose is other than the support of a sign.

REAL ESTATE SIGN. A temporary sign advertising the sale, lease or rental of the property or premises upon which it is located.

REVOLVING SIGN. A sign that revolves 360 degrees about an axis. See also "Animated sign, mechanically activated."

ROOF LINE. The top edge of a peaked roof or, in the case of an extended facade or parapet, the uppermost point of said facade or parapet.

ROOF SIGN. A sign mounted on, and supported by, the main roof portion of a building, or above the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such a building. Signs mounted on mansard facades, pent eaves and architectural projections such as canopies or marquees shall not be considered to be roof signs. For a visual reference, and a comparison of differences between roof and fascia signs.

SIGN. Any device visible from a public place that displays either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. Noncommercial flags or any flags displayed from flagpoles or staffs will not be considered to be signs.

SIGN AREA. The area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise the sign face. The area of any double-sided or shaped sign shall be the area of the largest single face only. The area of a sphere shall be computed as the area of a circle. The area of all other multiple-sided signs shall be computed as 50 percent of the sum of the area of all faces of the sign.

SIGN COPY. Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, exclusive of numerals identifying a street address only.

SIGN FACE. The surface upon, against or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border.

1. In the case of panel or cabinet type signs, the sign face shall include the entire area of the sign panel, cabinet or face substrate upon which the sign copy is displayed or illustrated, but not open space between separate panels or cabinets.
2. In the case of sign structures with routed areas of sign copy, the sign face shall include the entire area of the surface that is routed, except where interrupted by a reveal, border, or a contrasting surface or color.
3. In the case of signs painted on a building, or individual letters or graphic elements affixed to a building or structure, the sign face shall comprise the sum of the geometric figures or combination of regular geometric figures drawn closest to the edge of the letters or separate graphic elements comprising the sign copy, but not the open space between separate groupings of sign copy on the same building or structure.
4. In the case of sign copy enclosed within a painted or illuminated border, or displayed on a background contrasting in color with the color of the building or structure, the sign face shall comprise the area within the contrasting background, or within the painted or illuminated border.

SIGN STRUCTURE. Any structure supporting a sign.

TEMPORARY SIGN. A sign intended to display either commercial or noncommercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground, are considered temporary signs. A "temporary sign" is a sign that is not permanently mounted to a building or into the ground. Signs attached by rope, string, chain, tape, paste, and similar mechanisms; signs not rigidly attached to a supporting structure; signs made of paper, cardboard, cloth, and similar materials; and signs that are pushed, hammered or similarly put into the ground are considered temporary signs.

Examples of temporary signs include, but are not limited to, garage or yard sale signs, political campaign signs, real estate signs, construction signs, menu/daily special signs.

Commented [AS7]: Definitions are slightly different

UNDER CANOPY SIGN or *UNDER MARQUEE SIGN.* A sign attached to the underside of a canopy or marquee.

Code of Virginia
Title 15.2. Counties, Cities and Towns
Chapter 22. Planning, Subdivision of Land and Zoning

§ 15.2-2306. Preservation of historical sites and architectural areas

A. 1. Any locality may adopt an ordinance setting forth the historic landmarks within the locality as established by the Virginia Board of Historic Resources, and any other buildings or structures within the locality having an important historic, architectural, archaeological or cultural interest, any historic areas within the locality as defined by § 15.2-2201, and areas of unique architectural value located within designated conservation, rehabilitation or redevelopment districts, amending the existing zoning ordinance and delineating one or more historic districts, adjacent to such landmarks, buildings and structures, or encompassing such areas, or encompassing parcels of land contiguous to arterial streets or highways (as designated pursuant to Title 33.2, including § 33.2-319 of that title) found by the governing body to be significant routes of tourist access to the locality or to designated historic landmarks, buildings, structures or districts therein or in a contiguous locality. A governing body may provide in the ordinance that the applicant must submit documentation that any development in an area of the locality of known historical or archaeological significance will preserve or accommodate the historical or archaeological resources. An amendment of the zoning ordinance and the establishment of a district or districts shall be in accordance with the provisions of Article 7 (§ 15.2-2280 et seq.) of this chapter. The governing body may provide for a review board to administer the ordinance and may provide compensation to the board. The ordinance may include a provision that no building or structure, including signs, shall be erected, reconstructed, altered or restored within any such district unless approved by the review board or, on appeal, by the governing body of the locality as being architecturally compatible with the historic landmarks, buildings or structures therein.

2. Subject to the provisions of subdivision 3 of this subsection the governing body may provide in the ordinance that no historic landmark, building or structure within any district shall be razed, demolished or moved until the razing, demolition or moving thereof is approved by the review board, or, on appeal, by the governing body after consultation with the review board.

3. The governing body shall provide by ordinance for appeals to the circuit court for such locality from any final decision of the governing body pursuant to subdivisions 1 and 2 of this subsection and shall specify therein the parties entitled to appeal the decisions, which parties shall have the right to appeal to the circuit court for review by filing a petition at law, setting forth the alleged illegality of the action of the governing body, provided the petition is filed within thirty days after the final decision is rendered by the governing body. The filing of the petition shall stay the decision of the governing body pending the outcome of the appeal to the court, except that the filing of the petition shall not stay the decision of the governing body if the decision denies the right to raze or demolish a historic landmark, building or structure. The court may reverse or modify the decision of the governing body, in whole or in part, if it finds upon review that the decision of the governing body is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion, or it may affirm the decision of the governing body.

In addition to the right of appeal hereinabove set forth, the owner of a historic landmark, building or structure, the razing or demolition of which is subject to the provisions of subdivision 2 of this subsection, shall, as a matter of right, be entitled to raze or demolish such landmark,

building or structure provided that: (i) he has applied to the governing body for such right, (ii) the owner has for the period of time set forth in the same schedule hereinafter contained and at a price reasonably related to its fair market value, made a bona fide offer to sell the landmark, building or structure, and the land pertaining thereto, to the locality or to any person, firm, corporation, government or agency thereof, or political subdivision or agency thereof, which gives reasonable assurance that it is willing to preserve and restore the landmark, building or structure and the land pertaining thereto, and (iii) no bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such landmark, building or structure, and the land pertaining thereto, prior to the expiration of the applicable time period set forth in the time schedule hereinafter contained. Any appeal which may be taken to the court from the decision of the governing body, whether instituted by the owner or by any other proper party, notwithstanding the provisions heretofore stated relating to a stay of the decision appealed from shall not affect the right of the owner to make the bona fide offer to sell referred to above. No offer to sell shall be made more than one year after a final decision by the governing body, but thereafter the owner may renew his request to the governing body to approve the razing or demolition of the historic landmark, building or structure. The time schedule for offers to sell shall be as follows: three months when the offering price is less than $25,000; four months when the offering price is $25,000 or more but less than $40,000; five months when the offering price is $40,000 or more but less than $55,000; six months when the offering price is $55,000 or more but less than $75,000; seven months when the offering price is $75,000 or more but less than $90,000; and twelve months when the offering price is $90,000 or more.

4. The governing body is authorized to acquire in any legal manner any historic area, landmark, building or structure, land pertaining thereto, or any estate or interest therein which, in the opinion of the governing body should be acquired, preserved and maintained for the use, observation, education, pleasure and welfare of the people; provide for their renovation, preservation, maintenance, management and control as places of historic interest by a department of the locality or by a board, commission or agency specially established by ordinance for the purpose; charge or authorize the charging of compensation for the use thereof or admission thereto; lease, subject to such regulations as may be established by ordinance, any such area, property, lands or estate or interest therein so acquired upon the condition that the historic character of the area, landmark, building, structure or land shall be preserved and maintained; or to enter into contracts with any person, firm or corporation for the management, preservation, maintenance or operation of any such area, landmark, building, structure, land pertaining thereto or interest therein so acquired as a place of historic interest; however, the locality shall not use the right of condemnation under this subsection unless the historic value of such area, landmark, building, structure, land pertaining thereto, or estate or interest therein is about to be destroyed.

The authority to enter into contracts with any person, firm or corporation as stated above may include the creation, by ordinance, of a resident curator program such that private entities through lease or other contract may be engaged to manage, preserve, maintain, or operate, including the option to reside in, any such historic area, property, lands, or estate owned or leased by the locality. Any leases or contracts entered into under this provision shall require that all maintenance and improvement be conducted in accordance with established treatment standards for historic landmarks, areas, buildings, and structures. For purposes of this section, leases or contracts that preserve historic landmarks, buildings, structures, or areas are deemed to be consistent with the purposes of use, observation, education, pleasure, and welfare of the

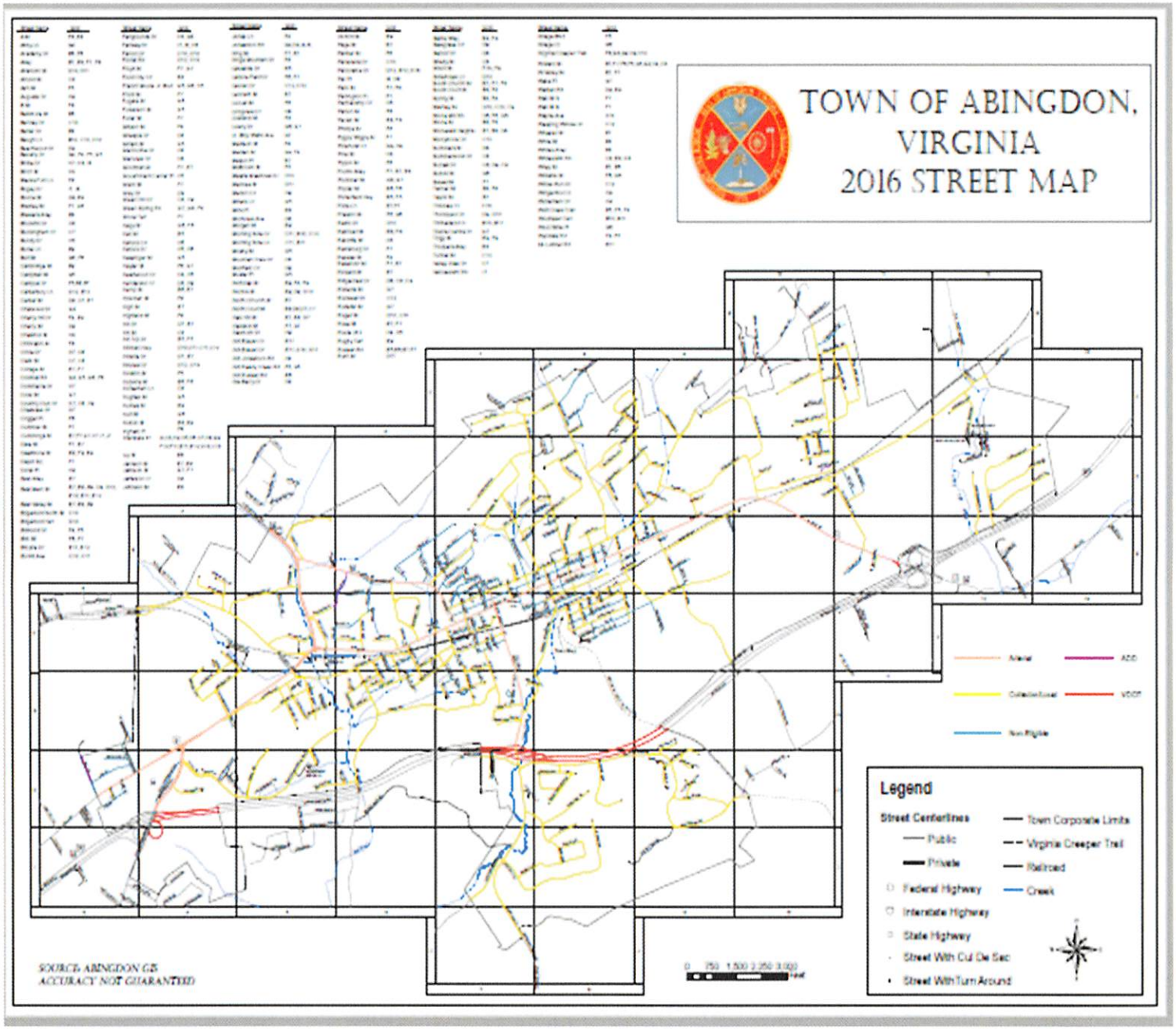
people as stated above so long as the lease or contract provides for reasonable public access consistent with the property's nature and use. The Department of Historic Resources shall provide technical assistance to local governments, at their request, to assist in developing resident curator programs.

B. Notwithstanding any contrary provision of law, general or special, in the City of Portsmouth no approval of any governmental agency or review board shall be required for the construction of a ramp to serve the handicapped at any structure designated pursuant to the provisions of this section.

C. Any locality that establishes or expands a local historic district pursuant to this section shall identify and inventory all landmarks, buildings, or structures in the areas being considered for inclusion within the proposed district. Prior to adoption of an ordinance establishing or expanding a local historic district, the locality shall (i) provide for public input from the community and affected property owners in accordance with § 15.2-2204;(ii) establish written criteria to be used to determine which properties should be included within a local historic district; and (iii) review the inventory and the criteria to determine which properties in the areas being considered for inclusion within the proposed district meet the criteria to be included in a local historic district. Local historic district boundaries may be adjusted to exclude properties along the perimeter that do not meet the criteria. The locality shall include only the geographical areas in a local historic district where a majority of the properties meet the criteria established by the locality in accordance with this section. However, parcels of land contiguous to arterial streets or highways found by the governing body to be significant routes of tourist access to the locality or to designated historic landmarks, buildings, structures, or districts therein, or in a contiguous locality may be included in a local historic district notwithstanding the provisions of this subsection.

1973, c. 270, § 15.1-503.2; 1974, c. 90; 1975, cc. 98, 574, 575, 641; 1977, c. 473; 1987, c. 563; 1988, c. 700; 1989, c. 174; 1993, c. 770; 1996, c. 424;1997, cc. 587, 676;2009, c. 290;2011, c. 237;2012, c. 790.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.


TOWN OF ABINGDON,
VIRGINIA
2016 STREET MAP
Legend
Street Centerlines
Public
Private
Federal Highway
Interstate Highway
State Highway
Street With Cul De Sac
Street With Turn Around
Town Corporate Limits
Virginia Creeper Trail
Railroad
Creek
SOURCE: ABINGDON GIS
ACCURACY NOT GUARANTEED

Jason Boswell

From: Cameron Bell <cbell@pennstuart.com>
Sent: Thursday, June 6, 2019 12:10 PM
To: Matthew Bolick; Jason Boswell
Subject: [External]FW: Entrance Corridor Issues- ATTORNEY-CLIENT PROTECTED DOCUMENT

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

FYI.

From: Cameron Bell
Sent: Thursday, June 06, 2019 12:10 PM
To: Wayne Craig <wcraig@abingdon-va.gov>; 'Cindy Patterson' <cpatterson@abingdon-va.gov>; Donna Quetsch <dquetsch@abingdon-va.gov>; 'Derek Webb' <dwebb@abingdon-va.gov>; 'Al Bradley' <abradley@abingdon-va.gov>
Cc: 'James Morani' <jmorani@abingdon-va.gov>
Subject: Entrance Corridor Issues- ATTORNEY-CLIENT PROTECTED DOCUMENT

I spoke today at length with the County Attorney for Albemarle County about entrance corridor issues.

Albemarle has been dealing with this issue for over a year. The County Attorney and his staff have undertaken extensive legal research and analysis, including input from the lawyers at the Southern Environmental Law Center in Charlottesville.

Their conclusion after this research is that the power to enact entrance corridor boundaries is a Dillon Rule issue. As a result, under Section 15.2-2306, only those roads that are both 1) arterial and 2) a significant route of tourist access to the locality or to designated historic landmarks may be included in an entrance corridor district.

He stated that the County has not sought a separate legal opinion from the Attorney General because the County believes that his department's research on the issue is correct.

Although the issue has been brought before the Albemarle Board of Supervisors several times, they have not yet amended the ordinance. Instead, as a practical matter the planning department does not apply the entrance corridor requirements to applications in areas that do not meet both statutory criteria, even if those roads are technically still mentioned in the ordinance.

The County planning department has requested that VDOT review some county roads to see if VDOT would reclassify any of the roads from "collector roads" to "arterial roads." However, VDOT is hesitant because 1) the roads probably do not meet VDOT's arterial road criteria and in addition, when roads are designated as arterial, that designation carries with it additional VDOT upkeep and other requirements that VDOT does not seem willing to take on. The County attorney also stated that the VDOT evaluation process is very lengthy. He did not seem to think that VDOT would reclassify any of the roads, but said that he would update me.

Let me know if you have any questions.

Thanks
Cam

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Section 18-9. - Historic district entrance corridor overlay district.

18-9-1. *Intent.* In accordance with the Town of Abingdon Virginia Comprehensive Plan adopted in December 2000, the Abingdon Historic District Entrance Corridor Overlay District is hereby created. The purpose of this district is: to achieve a balanced land use pattern that retains Abingdon's small town character while accommodating quality growth in a planned manner; insure that future business and employment centers do not adversely affect or overburden the public facilities, environment or existing town character of Abingdon; to protect and enhance Abingdon's attractiveness; protect Abingdon's scenic, historic, architectural and cultural resources; support and stimulate development which is appropriate and complimentary to the numerous properties of historic, architectural and cultural significance throughout the town; protect and enhance the architectural and scenic character of significant access routes to the town's historic areas, promote orderly and attractive development along these significant access routes and ensure that development within this district is compatible with these resources through architectural control of development.

Section 18-9-2. Area created, boundaries. In order to execute the intent of this article, there is hereby created an entrance corridor overlay district:

(a) The boundaries of the entrance corridor overlay district shall be the boundaries of the office and business zoning districts and limited industrial districts (B-l, B-2, B-3, M-l and O&I), as they are found on the following streets of the town:

East Main Street, from historic district to corporate limits.

West Main Street, from historic district to corporate limits.

Cummings Street, from Interstate 81 to historic district.

~~Whites Mill Road, from historic District to corporate limits.~~

Russell Road [full length].

~~Valley Street and Waldon Road, from historic district to East c/l.~~

Jonesboro Road, from W. Main to corporate limits.

Porterfield Highway, from Main Street to north corporate limits.

~~Green Springs Road, from historic district to Cummings Street.~~

~~Pecan Street, from historic district to railroad.~~

~~Hillman Highway, from Main to Old Eleven Drive.~~

~~Baugh Lane [full length].~~

~~Wyndale Road [full length].~~

~~Trigg Street, from Main to Railroad.~~

~~Deadmore Street, from Main to A Street.~~

~~Thompson Drive [full length].~~

~~Court Street, from Valley Street to Interstate Route I-81.~~

18-9-3. *Permitted uses.* A building and/or land shall be used for the following purposes:

(a) Unless otherwise specified herein, uses which are permitted in the underlying districts shall be permitted in the EC district.

18-9-4. *Special uses.* A building and/or land may be used for the purposes, subject to the issuance of a special use permit, as authorized in section 17-3.

(a) Uses permitted with a special use permit in the underlying districts, shall be permitted with a special use permit in the EC district.

(b) When otherwise permitted in the underlying district, any newly constructed building intended to be occupied with greater than 50,000 square feet of floor area devoted to retail use shall require a special use permit in the EC district. (Amd. of 7-7-03)

18-9-5. *Area and bulk regulations.* Uses, buildings and structures shall be subject to regulations for lot area, lot width, street frontage, setback, height, yards, parking and signs applicable in the underlying districts in which they are located.

18-9-6. ***Certificate of appropriateness required to erect, construct, reconstruct, alter, restore, move or demolish a building.***

a. Certificates of appropriateness. No building or structure within the Historic District Entrance Corridor Overlay District may be demolished or moved in whole or in part, nor may any architectural features of said building or structure which are subject to public view from any public street, right-of-way or place be altered in any way that affects the external appearance of the building or structure without (i) prior approval of an

application to the Planning Commission ("Commission") hereinafter created, and (ii) the Commission's issuance of a certificate of appropriateness. Neither shall any building or structure hereafter be erected, constructed, reconstructed, altered, restored, moved or demolished within the Historic District Entrance Corridor Overlay District without the same prior approval and issuance of a certificate of appropriateness.

b. Routine maintenance and minor action exclusion. Upon written application, the zoning administrator of the Town of Abingdon (the "administrator") may determine that certain minor actions involving buildings and structures within the Historic District Entrance Corridor Overlay District will have no permanent effect on the character of the district, and, by written waivers issued to the parties wishing to take the minor actions, exempt them from review by the Commission. Such minor actions shall be limited to those listed in the design review guidelines described in section 18-9-11 below under the topic heading "routine maintenance and repair of buildings and other minor actions". Each application for waiver must be on the form provided by the office of the administrator and documented by appropriate samples of the materials and colors to be used in taking the minor actions. With respect to each waiver issued hereunder, the administrator shall see to it through the town's inspection department that the work performed and materials employed comply with the terms of the particular waiver. Provided, however:

(i) If the administrator is uncertain about his authority to grant a waiver or if the administrator and the applicant cannot agree on changes in any application for waiver, the application shall be referred to the Commission at its next regularly scheduled meeting for a decision on the question, which decision shall be final;

(ii) If the administrator denies an application for a waiver, the applicant may appeal the administrator's decision to the Commission, in which case the Commission's decision shall be final; and

(iii) If a waiver is issued and the work is commenced but in the opinion of the administrator the work does not qualify for a waiver the administrator shall order that the work be stopped until the applicant secures a certificate of appropriateness pursuant to section 18-9-6 (a). In any such case the applicant may appeal to the Commission, whose decision on the question shall be final.

The administrator shall provide the Commission with a copy of each application for a waiver at the Commission's regularly scheduled meeting next following the date the application was received.

c. Work undertaken without authorization. In addition to the sanctions provided in article 24, section 24-2 of this ordinance and any other remedy available at law or in equity, the administrator shall issue a stop work order if any work subject to this section is started without authorization by either the Commission or the administrator, as provided above.

Any such stop work order shall (i) remain in effect until the party proposing to do the work secures appropriate authorization; and, (ii) be subject to the right of such party to appeal the action of the administrator to the Commission.

d. No building permit shall be issued involving construction or exterior modifications to a building until a certificate of appropriateness or waiver has been issued in accordance with section 18-9-6 for improvements subject to such building permit.

e. No site plan shall be approved until a certificate of appropriateness or waiver has been issued in accordance with section 18-9-6 for all buildings and improvements shown thereon.

f. No changes shall be made to the exterior color or colors of a building or sign until a certificate of appropriateness or waiver has been issued in accordance with section 18-9-6 for such color changes.

18-9-7. *Administration.* The planning commission shall be responsible for the issuance of certificates of appropriateness as required by this article. Application for a certificate of appropriateness shall be filed with the zoning administrator. Materials submitted shall include a preliminary site plan, landscaping plan, elevations of all buildings, facades visible from public streets, samples of proposed building materials, lighting plan and details and scale drawings of proposed signage to include materials, colors and proposed lighting. Architectural and landscaping plans should include elevations and renderings that depict colors, materials and designs. The planning commission shall review the application and, if approved, shall issue a certificate of appropriateness, with or without conditions, together with any modifications deemed necessary to ensure compliance with this section. Failure of the planning commission to act within 60 days from the date of application shall constitute approval of the application.

In making its determinations, the planning commission may consider any architectural feature which influences appearance, such as, but not limited to motif and style, color, texture and materials, configuration, orientation, mass, shape, height and location of buildings, location and configuration of parking areas, landscaping and buffering. The zoning administrator and/or the town manager or their designees shall approve signs.

In case of a building or use for which a special use permit is required, issuance of a certificate of appropriateness by the planning commission shall be required as set forth in this article. Such certificate of appropriateness shall be advisory to the town council, and shall be construed to be a part of the planning commission's recommendation to the council on the special use permit. The town council may attach such conditions or modify the certificate of appropriateness, as it deems necessary in conjunction with its action on the special use permit.

Section 18-9-8 **Matters to be considered in acting on the appropriateness of the erection, construction, reconstruction, alteration, restoration, moving or demolition of a building or structure.**

Section 18-9-9. *Role of design review guidelines. In reviewing each project the Planning Commission must follow the suggestions and requirements of the design review guidelines, as such document now exists and may hereafter be revised and amended by the Commission. Provided, by either a four-to-one or unanimous vote the Commission may elect to disregard any guideline it considers unimportant or inappropriate to a particular project.*

18-9-10. Review of design review guidelines. The Commission shall periodically review the design review guidelines in the context of the experience gained since the last review of that kind and make all such revisions that seem, in their judgment, to be necessary or advisable.

18-9-11. Matters the Commission shall and shall not consider. The Commission shall not consider interior arrangement of the building or structure or features not subject to view from a public street, right of way or place. In addition to those specified in the design review guidelines, the Commission shall consider the following matters in passing on the appropriateness of a particular project:

(a) *Landscaping.*

(1) Landscaping shall be used to soften the visual impact of development and enhance the appearance of the area.

(2) Landscaping shall be sufficient to soften the visual effects of parking lots, reduce the effective visual mass of large buildings, and provide screening between the development, the street and surrounding lots.

(3) Landscape buffers, shall be provided adjacent to public streets of sufficient size to permit street trees and plantings to be installed to reduce the visibility into parking lots.

(4) Landscaping shall be compatible with landscaping on adjacent properties.

(5) Landscaping shall be of a high quality and designed in a professional manner.

(b) *Signage.* In addition to the limitations on the numbers and sizes of signs imposed under article 21 of this ordinance are the following:

(1) Each parcel shall have an overall sign plan which reflects a consistent style and specifies the size(s), and color scheme for proposed signage.

(2) Materials used in signs and their support structures should reflect the building served by the sign.

(3) Sign colors should be harmonious with the building which they serve.

(c) Architecture and General Building Characteristics: The following recommendations are provided for architectural styles and general building characteristics:

(1) Materials, colors and general style of buildings within a development should be coordinated.

(2) Heating and air conditioning units, ventilation units, and mechanical equipment shall be screened from view from public streets.

(3) Loading docks, trash containers, mechanical equipment and any sites for storage facilities shall be screened from view from public streets.

(4) The effective visual mass of large buildings should be reduced by variations in roof line, building angles, dimension, relief, color, architectural detailing and landscaping.

(d) Design guidelines.

(1) New buildings or exterior alterations to existing structures should include one or a combination of the following materials/methods of construction:

(2) Wood frame, (or fiber cement board), with brick, stone, or concrete foundations; brick construction or brick facing; finished concrete block; roof materials of standing seam metal, asphalt shingle, and rubber membrane/parapet for flat roof forms.

(3) Windows should be used to provide interest and surface variations on building elevations. Blank building walls are discouraged for most commercial applications.

(4) The design of gas station canopies, building canopies and other accessory structures should be compatible with the scale, color, materials, and detail of the buildings they serve.

(5) Site walls and retaining walls should be comprised of brick, or concrete; brick facing on a concrete or concrete masonry unit wall. The use of segmental/modular concrete block is discouraged. Site walls should be considered as part of site terracing in increments; site walls out of proportion with building foundations or the human figure are discouraged.

(6) Roof forms may be single gable, cross gable, gambrel, hip, parapet, or flat forms. Mansard roof forms are not recommended on modern-styled buildings.

(7) Site materials shall be limited to local stone, asphalt, concrete, and exposed aggregate concrete.

(8) Façade colors preferably shall be of low reflectance white, earth tone, muted, subtle, or neutral colors. Building trim may feature brighter colors as an accent

material. The use of high-intensity, metallic, fluorescent, day glow, or neon colors are discouraged.

(9) Trademark buildings and related features including signs shall be modified to meet these design standards.

(10) Routine maintenance and repair of buildings and other minor actions. The following minor actions involving buildings and structures within the Historic District Entrance Corridor Overlay District, which will have no permanent effect on the character of the district, shall by written waiver be exempt from review by the Commission.

(a) Repainting in a paint scheme that duplicates the existing paint colors or the colors defined in the Design Guidelines found under (d) (8).

(b) Replacement of windows that duplicate the existing windows.

(c) Relocation of heating and cooling systems on the property provided they be screened per the Design Guidelines.

(d) Addition or deletion of awnings, temporary canopies, window air conditioners or similar appurtenances.

(e) Exterior alterations or additions to existing structures not visible from a public street, right of way or determined by the administrator to have no permanent effect on the character of the district.

(f) Replacement of roof using materials that replicate existing materials.

(e) *Site planning.* In addition to the requirements of section 18-2 et seq., the following standards are required in the entrance corridor overlay district:

(1) Parking lot layouts shall respond to the topographic characteristics of the site.

(2) the number of access points to parking lots from a street will be minimized and shall relate to other existing curb cuts whenever possible.

(3) Parking lots will be interconnected on adjacent parcels whenever possible.

(4) Small, landscaped and interconnected parking lots, rather than large, central parking lots shall be encouraged.

(5) Parking lots shall not dominate the image of a site.

(6) Where sidewalks exist adjacent to individual project sites pedestrian access from the sidewalk into individual project sites as well as within sites and between sites shall be provided.

(7) The planning commission is permitted to reduce the parking space requirement when the interests of the town are better served.

(f) *Lighting.*

(1) Lighting should be in keeping with the design of the complex.

(2) Lighting should be of uniform style for each project site.

(3) Lighting should be contained within the site and designed to limit spillover to streets and adjacent properties and to minimize the amount of light that is directed to the sky.

(4) Light poles shall not exceed 24 feet in height.

(g) *Temporary, mobile and modular structures.* No temporary, mobile or modular structure may be placed or used in this zoning district, with the exception that temporary structures may be placed upon property within this district by contractors for their use during development and construction upon property within this district.

18-9-12. *Appeals.* Appeals may be taken from any action or decision of the zoning administrator and planning commission granting or refusing to grant a certificate of appropriateness, pursuant to the provisions of this article. Appeals shall be taken to the town council within 30 days of the action taken by the planning commission appeal shall be made by letter addressed to the town manager noting the particular action being appealed. Any owner or other party aggrieved by the decision of the town council shall have the right to appeal to the Circuit Court of Washington County within 30 days of the action taken by the town council.

Design guidelines.

(a) New buildings or exterior alterations to existing structures should include one or a combination of the following materials/methods of construction:

(1) wood frame, (or fiber cement board), with brick, stone, or concrete foundations; brick construction or brick facing; finished concrete block; roof materials of standing seam metal, asphalt shingle, and rubber membrane/parapet for flat roof forms.

(2) Windows should be used to provide interest and surface variations on building elevations. Blank building walls are discouraged for most commercial applications.

(3) The design of gas station canopies, building canopies and other accessory structures should be compatible with the scale, color, materials, and detail of the buildings they serve.

(b) Site walls and retaining walls should be comprised of brick, or concrete; brick facing on a concrete or concrete masonry unit wall. The use of segmental/modular concrete block is discouraged. Site walls should be considered as part of site terracing in increments; site walls out of proportion with building foundations or the human figure are discouraged.

(c) Roof forms may be single gable, cross gable, gambrel, hip, parapet, or flat forms. Mansard roof forms are not recommended on modern-styled buildings.

(d) Site materials shall be limited to local stone, asphalt, concrete, and exposed aggregate concrete.

(e) Façade colors preferably shall be of low reflectance white, earth tone, muted, subtle, or neutral colors. Building trim may feature brighter colors as an accent material. The use of high-intensity, metallic, fluorescent, day glow, or neon colors are discouraged.

(6) Trademark buildings and related features including signs shall be modified to meet these design standards.