

**Town of Bluefield
Town Council
Minutes
July 14, 2020**

The Bluefield, Virginia Town Council held a regularly scheduled Town Council Meeting on Tuesday, July 14, 2020 at 7:30 p.m. in the Council Chambers of the Town Hall located at 112 Huffard Drive, Bluefield, Virginia.

PRESENT

Don Harris, Mayor
Anglis Trigg Jr., Vice-Mayor
Chuck Presley, Councilmember
Ron Holt, Councilmember

ALSO PRESENT

Mike Watson, Town Manager
Trenton Crewe, Town Attorney
Kim Hernandez, Town Clerk
Billie Roberts, Comm. Dev. Coordinator
Rachel Looney, Administrative Asst.
Kris Williams, Zoning Administrator
Danny Evans, Fire Chief
4 Members of Public

ABSENT

Jarrod Bailey, Councilmember
Jimmy Jones, Councilmember
Shane Gunter, Police Chief

CALL TO ORDER

Mayor Harris called the meeting to order at 7:31 p.m.

INVOCATION AND PLEDGE

Steve Branch led the Invocation. Mayor Harris led the Pledge of Allegiance.

APPROVAL OF AGENDA

Councilmember Holt made a motion to approve the agenda. Vice-Mayor Trigg seconded the motion. The motion passed unanimously by voice vote.

Vice-Mayor Trigg:	Yes
Councilmember Presley:	Yes
Mayor Harris:	No Vote Permitted
Councilmember Bailey:	Absent
Councilmember Holt:	Yes
Councilmember Jones:	Absent

ROLL CALL VOTE

Vice-Mayor Trigg: Yes
Councilmember Presley: Yes
Mayor Harris: No Vote Permitted
Councilmember Bailey: Absent
Councilmember Holt: Yes
Councilmember Jones: Absent

The motion passed unanimously by Roll Call Vote.

CITIZEN COMMENTS

David Wohlford asked if the Fincastle roof had been sent out for bids.

Mr. Watson stated yes.

TOWN MANAGER'S REPORT

Resolution-Fincastle Sole Source, ROLL CALL VOTE

Mr. Watson read: A RESOLUTION TO AUTHORIZE THE TOWN OF BLUEFIELD, VIRGINIA TO PURCHASE CERTAIN GOODS AND/OR SERVICES THROUGH THE SOLE SOURCE PROCUREMENT PROCESS FOR FINCASTLE GOLF COURSE MAJOR RENOVATION PROJECT FIN-0001. He stated that this project was funded through a grant from the Hugh Shott Foundation and the type of improvements were specific and included bunker renovations, re-contouring and expansion of the greens, etc. He stated that there was only one person within 200 miles who was certified and specialized in these improvements. He stated that notice would be posted on the door including this information and the awarded contractor.

Mr. Holt made a motion to approve the Resolution-Fincastle Sole Source. Mr. Presley seconded the motion.

ROLL CALL VOTE

Vice-Mayor Trigg: Yes
Councilmember Presley: Yes
Mayor Harris: No Vote Permitted
Councilmember Bailey: Absent
Councilmember Holt: Yes
Councilmember Jones: Absent

The motion passed unanimously by Roll Call Vote.

Speed Bump – Luther and Penn Discussion

Mr. Watson stated a councilmember had talked to him concerning speed bumps on Luther and Penn.

Mr. Presley stated that he had a group of parents especially on Franklin who were asking for them to be put up or a 4 way stop sign. He stated that he had 17 to sign a petition for this and he had been there and saw it for himself.

Mr. Watson stated that they have been requested before after Bluefield, WV installed theirs. He stated that there was a lot more that went into it and a 4 way stop sign increased accidents by those running the stop sign. He stated that speed bumps were usually installed in parking lots and costs \$600-\$1,000 and speed humps made you come to almost a complete stop, were all the way across the road and cost \$1,200-\$1,800. He stated that this would open it up for everyone to come in requesting them. He stated that the Police Department had added this on to their route to watch but it was up to council what they would like to do.

Mayor Harris stated that on Jefferson Street in Bluefield, WV there was one every 200 yards.

Mr. Holt stated that with only 17 signatures that it was not serious and he would like to wait and find out from Chief what the Officers have encountered there.

Mr. Presley stated that he would talk to Chief.

Mr. Trigg suggested getting their license plate number.

Mr. Presley stated that he would take this information back to them.

Mayor Harris stated this was local traffic.

Mr. Presley stated that they were worried about the kids.

COUNCIL COMMENTS

Mr. Trigg had none.

Mr. Presley gave a shout out to the Police and Fire Department and talked about how nice the flag looked at the Fire Station. He stated concerning the Hospital that PCH was communicating and he would give updates on his Councilman Facebook page. He stated that there was still life there and that the ER would continue to be there.

Mr. Holt had none.

Mayor Harris had none.

ATTORNEY'S REPORT

Mayor Harris asked Mr. Watson to introduce the new attorney.

Mr. Watson stated this was Trent Crewe and he and his firm had a lot of experience.

Mr. Crewe thanked everyone and stated that he and Paul Cassell would be rotating in and out. He stated that they were excited to be of service and encouraged them to send emails with any questions.

EXECUTIVE SESSION

Mayor Harris asked that the minutes reflect Danny Evans, Fire Chief would be joining them in Executive Session. He asked Mrs. Hernandez to read the Executive Session.

MOTION FOR CLOSED MEETING

It is hereby moved that the Council of the Town of Bluefield, Virginia enter into a closed meeting pursuant to Section 2.2-3711 (A) (1, 29) of the Code of Virginia as amended, The specific purpose for this motion is to discuss the following matter(s):

Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body

Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body with such closed meeting being confined to the following subjects: regarding the discussion and consideration of concerns regarding the performance of a specific public officer and the discussion of the fire contract.

Councilmember Holt made a motion to enter into Executive Session as described above. Councilmember Presley seconded the motion. The motion passed unanimously by voice vote.

Vice-Mayor Trigg:	Yes
Councilmember Presley:	Yes
Mayor Harris:	No Vote Permitted
Councilmember Bailey:	Absent
Councilmember Holt:	Yes
Councilmember Jones:	Absent

Councilmember Holt made a motion to enter back into regular session. Councilmember Presley seconded the motion. The motion passed unanimously by voice vote.

Vice-Mayor Trigg:	Yes
Councilmember Presley:	Yes
Mayor Harris:	No Vote Permitted
Councilmember Bailey:	Absent
Councilmember Holt:	Yes
Councilmember Jones:	Absent

CERTIFICATION OF EXECUTIVE SESSION

WHEREAS, the Town Council of Bluefield, Virginia convened a closed meeting on July 14, 2020, pursuant to a duly adopted motion, attached hereto, and such closed meeting was convened in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Town Council of Bluefield, Virginia returned to its open meeting held on July 14, 2020.

NOW, THEREFORE, THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA HEREBY CERTIFIES that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the closed meeting held on July 14, 2020, to which this certification applies and (ii) only such public business matters as were identified in the motion convening such closed meeting were heard, discussed, or considered by the Council of the Town of Bluefield, Virginia in such closed meeting.

ROLL CALL VOTE

Vice-Mayor Trigg:	Yes
Councilmember Presley:	Yes
Mayor Harris:	No Vote Permitted
Councilmember Bailey:	Absent
Councilmember Holt:	Yes
Councilmember Jones:	Absent

The motion passed unanimously by Roll Call Vote.

ADJOURN

Councilmember Holt made a motion to adjourn the meeting at 8:28 p.m. Councilmember Presley seconded the motion. The motion passed unanimously by voice vote.

Vice-Mayor Trigg:	Yes
Councilmember Presley:	Yes
Mayor Harris:	No Vote Permitted
Councilmember Bailey:	Absent
Councilmember Holt:	Yes
Councilmember Jones:	Absent

Don Harris, Mayor

Kim Hernandez, Town Clerk

ARTICLE IX. SIGNS

Sec. 74-1151. Purpose and intent.

The purpose of this article is to regulate the size, location, height, and construction of all signs placed for public observance and to protect property values. To these ends, this article is intended to promote signs that are intended to:

- (1) Protect the health, safety, and welfare of the public.
- (2) Safeguard the public use and nature of the streets and sidewalks.
- (3) Protect and enhance the visual environment of the town.
- (4) Permit reasonable legibility and effectiveness of signs and to prevent their over concentration, improper placement and excessive height, bulk, density, and area.
- (5) Promote the safety of persons and property by requiring that signs not create a hazard due to collapse, fire, decay, or abandonment.
- (6) Ensure that signs do not obstruct firefighting efforts, and do not create traffic hazards by confusing or distracting motorists or by impairing drivers' ability to see pedestrians, obstacles, vehicles, or to read traffic signs.
- (7) Provide for reasonable advertising of business and civic products and services.
- (8) Be compatible with the landscape and architecture of surrounding buildings.
- (9) Be legible and appropriate to the activity to which they pertain.
- (10) Be constructed and maintained in a structurally sound and attractive condition.

Sec. 74-1152. Definitions.

In the event a term is not defined herein this article, then see Section 74-4 of this chapter for definitions relative to signs.

Sec. 74-1153. Zoning permit required; location; removal.

Except as provided in this article, no sign shall be erected, used, altered, or reconstructed within the corporate limits of the town until a zoning permit has been issued by the zoning administrator. All signs are considered accessory uses and accessory structures. Unless specifically exempted or permitted, all signs shall be located on the same lot with the principal use to which they pertain.

Unless specifically exempted or permitted under this article, the zoning administrator may cause the removal of a sign which is erected, altered, or reconstructed without a zoning permit.

Sec. 74-1154. Construction and maintenance standards.

- (a) Any sign displayed in the town shall comply with:

- (1) All applicable provisions of this article.
 - (2) All applicable provisions of the Virginia Uniform Statewide Building Code and the National Electrical Code.
 - (3) All applicable state, federal, and local regulations.
- (b) If any two (2) or more sections of the above-referenced regulations are in conflict, then the provision that provides the most restrictive standard shall apply.
- (c) All signs and **their** components shall be maintained in good repair and in a safe, clean, and attractive condition.
- (d) **No person shall erect or construct a sign on another's property without permission.**

Sec. 74-1155. Removal or repair of signs.

- (a) The zoning administrator shall have the authority to cause the removal of any sign or sign structure that does not conform to the applicable provisions of this article.
- (b) The zoning administrator shall have the authority to cause the removal of any sign that, due to neglect or damage, poses a danger to the health, safety, and welfare of the public.
- (c) The zoning administrator shall have the authority to require the repair of any sign which has been damaged or has deteriorated to the point that it has become a public nuisance.
- (d) The zoning administrator shall have the authority to cause the removal of any sign, or removable portions thereof, which are obsolete.
- (e) In the event the owner of the premises where a sign is located fails to remove or repair a sign within ten (10) days of a request from the zoning administrator, then the town may remove such sign and charge the owner of the premises the costs of such removal.

Sec. 74-1156. Exempt signs.

Except as otherwise provided in this article, the following signs shall be excluded from the regulations of this article:

- (1) Signs identifying addresses of premises not exceeding four (4) square feet in area.
- (2) Commemorative plaques and historical markers erected by a governmental body or other organization permitted by the zoning administrator.
- (3) Signs identifying handicapped parking or fire lanes.
- (4) Private directional, security, warning, and/or driveway signs not exceeding three (3) square feet in area and three (3) feet in height.
- (5) Public signs, including traffic, utility, parking, directional, identification, event, and other signs displayed for governmental purposes.
- (6) Displays of a patriotic, religious, civic, or political character on private property.
- (7) Signs not visible beyond the boundaries of the lot or parcel upon which they are located.

- (8) Signs connected to private yard sales, not exceeding five (5) in number per yard sale, provided that such signs shall not be attached in any way to utility poles, meter posts, or trees within any public right-of-way. No person shall display any notice upon any building, wall, fence, or other property of another person without permission. The maximum time limit for display of such signs is seven (7) consecutive days. If, after reasonable notice, such signs are not so removed, then the zoning administrator may cause them to be removed and the person or organization who caused the sign to be erected may be charged for such removal. No sign connected to a private yard sale shall be exempted without a valid yard sale permit.
- (9) Signs connected to the sale of real estate not exceeding five (5) square feet in area for single-family residential districts or ten (10) square feet in area for other zoning districts. One (1) real estate sign shall be permitted per property.
- (10) Signs on the inside of windows on private property.
- (11) Memorial signs on private property not exceeding three (3) square feet in area.
- (12) Signs displayed during November 1 through December 31 for the purpose of selling holiday vegetation and accessory items.
- (13) Flags of the Commonwealth of Virginia, United States of America, or any other state or nation flown for noncommercial purposes.
- (14) Flags displaying purely ornamental and noncommercial information, such as graphic depictions of flowers, nature scenes, animals, and the like.
- (15) Signs displayed on a truck, bus, or other vehicle while such vehicle is in use so long as such signs do not constitute a hazard as determined by the zoning administrator.
- (16) Freestanding signs or signs attached to fences at approximately eye level, warning the public against hunting, fishing, trespassing, dangerous animals, swimming, or the like.

Sec. 74-1157. Prohibited signs.

Except as otherwise provided in this article, the following signs are prohibited:

- (1) Billboards and off-premises signs in areas zoned as residential. Additionally, all billboards and off-premises signs in permitted areas shall be erected no less than five hundred (500) feet apart from one another and no such signs shall be erected within one thousand five hundred (1,500) feet of any church, cemetery, school, historical site, or area zoned as a residential district. Billboards and off-premises signs shall be no larger than three hundred (300) square feet and may be double-faced.
- (2) Simulated traffic signs, any sign which may be confused with or obstruct the view of any authorized traffic sign or signal, a sign which imitates or approximates an official highway sign, or any sign which obscures a sign displayed by public authority for the purpose of giving traffic instruction or direction or other public information.
- (3) Glaring signs, flashing signs, or signs with light sources of such brightness as to constitute a hazard as determined by the zoning administrator.

- (4) Signs erected upon the roof of a structure in any zoning district that constitute a safety hazard as determined by the zoning administrator.
- (5) Any sign, except an official public notice, which is nailed, tacked, posted, or in any other manner attached to any tree, other natural vegetation, rock, utility pole, or structure supporting wire, cable, pipe, or to public property of any type.
- (6) Any sign that obstructs the vision of motorists or pedestrians at any intersection of any public right-of-way, obstructs the vision of motorists entering a public right-of-way from private property, or blocks any window, door, fire escape, or stairway.
- (7) Signs erected in or over a public right-of-way or public property.
- (8) Signs advertising activities or products that are illegal.
- (9) Signs which violate any provision of federal, state, town, or county regulations.
- (10) Large floating or stationary balloons that constitute a hazard as determined by the zoning administrator.
- (11) Signs attached, painted, or mounted to inoperative motor vehicles or inoperative trailers.
- (12) A-frames and portable roadside signs.

Sec. 74-1158. Nonconforming signs.

Any sign which was lawfully in existence at the time of the effective date of the ordinance from which this article is derived which does not conform to the provisions of this article shall be deemed a nonconforming sign. No nonconforming sign shall be enlarged, extended, structurally reconstructed, or altered in any manner, except that such sign may be changed so long as the new sign face is equal to or reduced in size and a zoning permit is obtained.

Sec. 74-1159. Sign permit process.

- (a) Applicability. A zoning permit shall be required for every sign erected in the town except for those signs specifically excluded or exempted under this article.
- (b) Filing of application; permit fees. Applications for zoning permits for a sign shall be filed by the applicant or his agent with the zoning administrator, shall contain information required in this section and shall be accompanied by a fee as established from time to time by the town council. More than one (1) sign may be included on one (1) application provided that all such signs are applied for at the same time.
- (c) Information required. All applications for zoning permits for a sign shall contain or have the following information attached thereto in written or graphic form:
 - (1) Name, address, and telephone number of the sign erector, sign owner, and owner of the property where the sign is to be located. A copy of the sign erector's license, if applicable, shall be provided with the application if not already on file with the zoning administrator.
 - (2) Position of the sign in relation to adjacent lot lines, buildings, sidewalks, streets, and intersections including measurements of distance in relation to these items.

- (3) Type of sign and general description of structural design and materials to be used.
 - (4) Purpose of the proposed sign.
 - (5) Drawings of the proposed sign which shall contain specifications, where applicable, indicating the height, perimeter and area dimensions, means of support, method of illumination, colors, and any other significant aspect of the proposed sign.
 - (6) Size and placement of all existing signs to remain on the property.
 - (7) Any other information requested by the zoning administrator in order to carry out the purpose and intent of this article.
- (d) Conformance with district standards. All applications for a zoning permit for a sign must be in accordance with the sign standards and regulations approved for a particular zoning district.
 - (e) Compliance with special use permit. All applications for a zoning permit for a sign for property upon which a permitted special or conditional use is located must be in accordance with the applicable permit. In the alternative, the applicant may apply for an amended permit.
 - (f) Final inspection. A final inspection shall be completed by the zoning administrator after installation of an approved sign. Any discrepancies between the approved sign and the sign as constructed shall be identified and may result in the correction of the discrepancies, halt of construction, or the removal of the sign at the expense of the applicant.
 - (g) Authority to revoke permit or approval. The zoning administrator may revoke a zoning permit or approval for a sign if it is found that there has been concealment or misrepresentation of material facts in either the application or construction plans.
 - (h) Appeals. Any decision made by the zoning administrator in interpreting or enforcing this article may be appealed to the board of zoning appeals within thirty (30) days of such decision.

Sec. 74-1160. Sign measurement rules.

Sign area shall be calculated as follows:

- (1) The area of an attached sign where the sign consists of words, numerals, or symbols painted on or affixed to a wall or awning shall be the perimeter enclosing the extreme limits of each character and/or symbol.
- (2) The area of a suspended, attached, or projecting sign, where the letters, numerals, or symbols are on a sign surface which is hung or affixed to a structure, shall be the total area of the hung or affixed surfaces.
- (3) The area of a freestanding sign shall be the total area of all surfaces, excluding poles, visible from the public right-of-way or other point from which the sign is intended to be viewed. Only one (1) display face shall be measured in computing the total sign area where the sign faces are arranged to be viewed one at a time.
- (4) The area of a V-shaped sign shall be the area of all surfaces legible from the public right-of-way or other point from which the sign is intended to be viewed. Only one (1) face shall be measured if the angle of the sign is forty-five (45) degrees or less.

- (5) The zoning administrator shall determine the area of any sign not specifically provided for in this section, according to the principles contained in this section.
- (6) The area of signs shall include the area enclosing the face of the sign, including all frames or other components not otherwise used for support.

Sec. 74-1161. General sign standards.

- (a) The height of a sign shall be measured from the average elevation at the ground level base of the sign.
- (b) The setback shall be measured from the property boundary to the closest point of the sign.
- (c) No sign shall have more than **two (2)** sign faces.

Sec. 74-1162. Illumination of signs.

- (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 onto any adjoining piece of property or any adjoining public right-of-way.**
 - (4) In the case of indirect lighting, the source shall be so shielded that it illuminates only the face of the sign.
- (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.

Sec. 74-1163. Required sign clearance and placement.

- (a) Awning signs. Awning signs shall be securely attached to a building, must be at least eight (8) feet above the sidewalk, project within one (1) foot of the vertical placement of curbs, and in no way pose a risk of being damaged by a motor vehicle in a public right-of-way.
- (b) Attached signs. An attached sign shall not extend above the roof line of the **building or structure** to which it is attached.
- (c) Directional signs. A directional sign shall be located adjacent to curb cuts, at least three (3) feet from the public right-of-way, with no more than one (1) sign per one-way curb cut and two (2) directional signs per two-way curb cut.
- (d) Projecting and suspended signs. Such signs may project from a building wall a maximum of eighteen (18) inches.
- (e) Freestanding signs. Such signs shall be located a minimum distance of ten (10) feet from the edge of any **public right-of-way if the public right-of-way** is fifty (50) feet or more in width.

Where the public right-of-way is less than fifty (50) feet in width, **then** such minimum distance shall be determined by the zoning administrator. **Freestanding signs shall have a maximum height of eight (8) feet.** Freestanding signs shall be located within a landscaped area which includes vegetative materials such as shrubs, trees, or flowering plants.

Sec. 74-1164. Development standards for specific types of signs.

All new signs and all existing signs which are replaced, **reconstructed**, or changed structurally or in content shall comply with the following development standards:

- (1) Ground-mounted or pylon sign development standards. Development standards for ground-mounted or pylon signs shall be as follows:
 - a. Road frontage requirements. Ground-mounted signs shall be permitted only on zoning lots with one hundred (100) feet or more of road frontage.
 - b. Clearance. Where a ground-mounted or pylon sign is located within twenty-five (25) feet of a street, **alley**, or commercial entrance intersection, a minimum of nine (9) feet clearance from the ground to the bottom of the sign shall be provided.
 - c. Height. The maximum height of a ground-mounted or pylon sign shall be twenty (20) feet. Higher signs shall require special permission from the zoning administrator.
- (2) Projecting sign development standards. Development standards for projecting signs shall be as follows:
 - a. Frontage requirements shall be eighteen (18) feet of ground level frontage.
 - b. Angle of projection shall be ninety (90) degrees.
 - c. Limit on projection shall be eighteen (18) inches.
 - d. No sign shall project over a public right-of-way.
 - e. Minimum clearance shall be nine (9) feet.
 - f. Maximum height shall be fourteen (14) feet, the bottom sill of any second story window or the lowest point of the roof, whichever is lowest.
- (3) Wall sign development standards. Development standards for wall signs shall be as follows:
 - a. No wall sign shall cover, **cross**, or otherwise hide columns, **belt courses**, or other decorative architectural features of the building whenever possible.
 - b. The maximum height of wall signs shall be twenty (20) feet, to the height of the bottom sill of any second story window or the lowest point of the roof, whichever is lowest.
 - c. Limit on projection shall be twelve (12) inches.
- (4) Awning, canopy and marquee sign development standards. Development standards for awning, **canopy**, and marquee signs shall be as follows:
 - a. The location shall be parallel to the face and not projecting above or below the face of the awning, **canopy**, or marquee.

- b. Limit on projection shall be to within one (1) foot of the vertical placement of curbs but shall not interfere or obstruct either pedestrian or vehicular traffic.
- (5) Electronic, LED reader board, flashing, animated or illuminated signs. Development standards for Electronic, LED reader board, flashing, **animated**, or illuminated signs shall be as follows:
 - a. The cyclical period of on-off phases of illumination or animation shall be greater than four (4) seconds.
 - b. The animated area shall be less than twenty-five (25) square feet of area.
 - c. Only one double-faced sign shall be allowed per establishment.
 - d. All electronic, LED reader board, flashing, **animated**, or illuminated sign permit requests shall be approved by the zoning administrator.

Sec. 74-1165. Agricultural and residential zoning district permitted signs.

- (a) General regulations. General regulations for agricultural and residential zoning district permitted signs shall be as follows:
 - (1) Minimum setback shall be ten (10) feet from all public rights-of-way.
 - (2) Signs may be illuminated by white light at the discretion of the zoning administrator.
- (b) Permitted uses. Signs in agricultural and residential zoning districts shall be allowed for permitted uses as follows:
 - (1) Residential developments: Permanent subdivision or development identification signs indicating only the name and/or address of the premises. Such sign shall be ground-mounted and the maximum sign area shall be forty (40) square feet in area.
 - (2) Institutional signs and bulletin boards: **One (1)** per use, not to exceed twenty-five (25) square feet in area or six (6) feet in height.
 - (3) Professional offices, nursing homes and bed and breakfast homes: One (1) sign not to exceed sixteen (16) square feet per principal structure.
- (c) Signs for accessory uses. Signs in agricultural and residential zoning districts shall be allowed for accessory uses as follows:
 - (1) Accessory management or rental offices: **One (1)** sign up to eight (8) square feet in area and four (4) feet in height.
 - (2) Other accessory uses: One (1) sign up to six (6) square feet in area and four (4) feet in height.

Sec. 74-1166. Business and industrial zoning district permitted signs.

- (a) General regulations. General regulations for signs in business and industrial districts shall be as follows:
 - (1) Any sign erected within one hundred (100) feet of any residential zoning district shall be nonilluminated and limited to twenty-five (25) square feet in area.

- (2) Minimum setback of ground-mounted signs shall be five (5) feet from any public right-of-way, service drive, or entrance.
- (b) Signs for individual businesses. A single business located on one (1) zoning lot or a single business located on separate road frontages in business and industrial districts may erect signs as follows:
- (1) No business shall have more than two (2) identification signs without approval of the zoning administrator.
 - (2) Maximum size of signs:
 - a. Wall or marquee sign: One (1) square foot per linear foot of building frontage on which the sign is to be attached, up to a maximum of sixty (60) square feet.
 - b. Ground-mounted or monument-style signs: One (1) square foot per four (4) linear feet of lot frontage on which the sign is to be located, up to a maximum size of sixty (60) square feet and a maximum height of twenty (20) feet.
 - c. Awning or canopy sign: One (1) square foot per linear foot of the awning or canopy, up to ten (10) square feet.
 - d. Projecting sign: One (1) square foot per linear foot of building frontage on which the sign is to be attached, up to fifteen (15) square feet.
- (c) Signs for a single zoning lot having two (2) or more businesses. Multiple businesses located on a single zoning lot in business and industrial districts may erect signs as follows:
- (1) Maximum number of signs per zoning lot: Either one (1) projecting sign or one (1) ground-mounted sign on a street frontage.
 - (2) Maximum number of signs per business: One (1) except for a corner unit, where one (1) sign per street frontage is permitted.
 - (3) Maximum size of signs: Same as for individual businesses.
 - (4) Directory sign: One (1) up to sixty (60) square feet in area and twenty (20) feet in height. A ground-mounted directory sign precludes the use of any other ground-mounted sign on that same street frontage.
 - (5) Wall sign: One (1) per establishment having an individual outside entrance, located above entrances of individual establishments and harmonious with other wall signs as to color and lettering. The size shall be limited to one (1) square foot per linear foot of building frontage for the establishment, up to a maximum of sixty (60) square feet.

Sec. 74-1167. Signs for shopping, office and industrial centers.

- (a) Generally. Commercial, office, or industrial uses located within a shopping, office, or industrial center shall be authorized to erect signs based on the following:
- (1) Signs for individual establishments within such centers or parks shall be the same as for individual or multiple businesses, as appropriate.
 - (2) Center identification sign shall consist of one (1) ground-mounted or monument-style sign per street frontage, with an area of one (1) square foot per four (4) linear feet of lot

frontage on which the sign is to be erected, up to a maximum of sixty (60) square feet. The center identification sign shall display only the name and address of the center and establishments located therein. No other ground-mounted signs shall be permitted on that same road frontage within the center. Within an SC-1 district, due to its unique nature of development and multiple uses that can occur within the district, a departure from the provisions of this subsection may be made without destroying the intent of such provisions. Requests for any exception hereunder must be approved by the zoning administrator, and the basis for such exception shall be documented in writing.

Sec. 74-1168. Signs for automobile service stations and gasoline stations.

In addition to all applicable regulations of this article, signs utilized by automobile service stations and gasoline stations shall 1) be authorized to include changeable fuel price signs indicating the current price of fuel dispensed on the premises and 2) be permitted a sign area upon pumps to identify the product dispensed.

Sec. 74-1169. Signs for which no zoning permit is required.

Signs erected upon private property for a period of time no greater than sixty (60) days in one (1) calendar year that do not exceed a total area of twenty-four (24) square feet and five (5) feet in total height shall not require the issuance of a zoning permit.

Sec. 74-1170. Expiration and extension of sign permit.

A zoning permit for a sign shall expire and become null and void if the approved sign is not completely erected within a period of six (6) months from the date the permit was originally issued. The zoning administrator may grant one (1) extension for a period of six (6) months. Extensions may be granted only when the proposed sign is in compliance with all applicable regulations.

Sec. 74-1171. Special sign permits for designated commercial properties.

The following provisions of this section shall apply to signs located within a B-2, B-3, or SC-1 zoning district that are located within two thousand five hundred (2,500) feet of the center of the median strip of the four (4) lane primary highway known as U.S. Route 460 from the West Virginia state line to the interchange with State Route 720 and shall be located no less than one hundred (100) feet from the nearest residential zoning district.

- (1) A special sign permit application; signage plan. A signage plan shall be submitted as part of any application for a special sign permit as authorized by this section. The signage plan shall be of sufficient detail to allow the zoning administrator 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, materials of all signs proposed, and scaled color copies of design/layout plans. In evaluating the special sign permit application, the zoning administrator shall consider the appropriateness of the proposed signage plan in relation to the character of the proposed development, and the surrounding area.

- (2) Issuance of special sign permit; conditions. Upon review and approval of the zoning administrator, a special sign permit may be issued to allow variances of the requirements of this article. One of the following conditions must be applicable:
- a. When the topography of the land would preclude visibility of permitted ground or wall signs from automobiles on nearby streets or highways serving the use as long as the sign is in general scale with the use and does not adversely affect adjacent or nearby property.
 - b. When the location and/or size of nearby buildings and/or structures would preclude visibility of permitted ground or wall signs from automobiles on nearby streets or highways serving the use as long as the sign is in general scale with the use and does not adversely affect adjacent or nearby property.
 - c. When the business can establish through longstanding prior practices that their business uses a standard size or shape for a distinct or trademark sign.
- (3) Issuance not guaranteed. Despite meeting the conditions in this section, the issuance of a special sign permit from the zoning administrator is not guaranteed.

Sec. 74-1172. General exceptions.

The zoning administrator may authorize exceptions to the requirements described in this article so long as such exceptions and any conditions associated therewith, are approved in writing by the town manager. The basis for such exceptions shall be documented in writing.

Sec. 74-1173. Severability.

If any section, provision, or portion of this article is held to be invalid by a court of competent jurisdiction, then that decision shall in no way affect the remaining sections, provisions, or portions of this article. The invalid section, provision, or portion thereof shall be severable.

Secs. 74-1174 – 74-1194. Reserved.