



Town of Christiansburg Planning Commission Monday, July 17, 2017 Agenda

Planning Commission

Chairperson
Craig Moore

Vice-Chairperson
Jennifer D. Sowers

Non-Voting Secretary/
Planning Director
Andrew Warren

Other Members
Matthew J. Beasley
Harry Collins
Mark Curtis
David Franusich
Catherine Garner
Hil Johnson
Jeananne Knies
Ann Sandbrook

Interim Town Manager
Randy Wingfield

Town Attorney
Guynn &
Waddell, P.C.

**Planning
Commission's
Next Meeting:**
Monday, July 31, 2017
at 7:00 p.m.

REGULAR MEETING

Planning Commission will meet in the Christiansburg Town Hall located at 100 E. Main Street on **Monday, July 17, 2017 at 7:00 PM** for the purpose of allowing the full Commission to review the following:

PLEDGE OF ALLEGIANCE

- 1) Public comments – 5 minute limit per citizen
- 2) Approval of Planning Commission Minutes for July 5, 2017 meeting
- 3) Public Hearing to receive public comments concerning a proposed sign ordinance amending Chapter 42 – Zoning of the Town Code for the purpose of regulating the time, place, and manner of displaying signs in the Town of Christiansburg.
- 4) Discussion/Action for a rezoning request by the Montgomery County Economic Development Authority, agent for Cox Family Farms LLC, for an approximately 77.72 acre property, Tax Map No. 558-A 24, located north of Jones Street, S.E. and west of the intersection of Parkway Drive, S.E. and Technology Drive, S.E. The request is to rezone the property from the A Agricultural District to the I-2 General Industrial District.
- 5) Discussion/Action for a Conditional Use Permit request by Jeff Holland of Network Building + Consulting, LLC (representing Shentel), agent for Schaeffer Memorial Baptist Church, for a monopole-style communications tower at 570 High Street, N.E. in the R-3 Multi-Family Residential District.

The applicant proposes to remove the existing 70-foot, 4-inch tall wooden pole and replace it with a 110-foot tall steel pole. The applicant is requesting Town Council grant waivers for the allowable height of monopoles in a residential district and minimum setbacks from all property lines of no less than the height of the tower.

- 6) Other Business

For a description of the preceding items or to view the Town's Zoning Map, Zoning Ordinance, and Future Land Use Map, please contact the Planning Department in the Christiansburg Town Hall, 100 East Main Street during normal office hours of 8:00 a.m. - 5:00 p.m. Monday through Friday. Written comments may be sent to the address below; please allow adequate mailing time. For any further assistance, please contact Andrew Warren, Planning Director at (540) 382-6120 ext. 1130 or awarren@christiansburg.org.

**Christiansburg Planning Commission
Minutes of July 5, 2017**

Present: David Franusich
Catherine Garner
Hil Johnson
Jeananne Kries
Craig Moore, Chairperson
Jennifer D. Sowers, Vice-Chairperson
Andrew Warren, Secretary Non-Voting

Absent: Matt Beasley
Harry Collins
Mark Curtis
Ann Sandbrook

Staff/Visitors: Will Drake, staff
Jared Crews, staff
Brian Hamilton, Montgomery County Economic Development Authority
Max Wiegard, Gentry Locke (representing Shentel)
Ashley Jones, New River Barbell and Fitness
Louise Kirkner, 280 Jones Street, S.E.
Mr. Whitlock, 530 High Street, N.E.
Mr. Palmer, 545 High Street, N.E.
Anne Carter, 492 Reading Road, S.E.

Chairperson Moore called the meeting to order at 7:01 p.m. in the Christiansburg Town Hall at 100 E. Main Street, Christiansburg, Virginia.

Public Comment

Chairperson Moore opened the floor for public comment. With no comments, Chairperson Moore closed the floor for public comment.

Approval of Planning Commission Minutes for May 30, 2017 Meeting

Chairperson Moore introduced the discussion. Vice-Chairperson Sowers made a motion to approve the May 30, 2017 Planning Commission meeting minutes. Commissioner Garner seconded the motion, which passed 5-0. Commissioner Franusich abstained, as he was not present for the previous meeting.

Public Hearing for a rezoning request by the Montgomery County Economic Development Authority, agent for Cox Family Farms LLC, for an approximately 77.72 acre property, Tax Map No. 558-A 24, located north of Jones Street, S.E. and west of the intersection of Parkway Drive, S.E. and Technology Drive, S.E. The request is to rezone the property from the A Agricultural District to the I-2 General Industrial District.

Chairperson Moore opened the public hearing. Commissioner Garner recused herself from the public hearing and subsequent discussion. Brian Hamilton, Montgomery County Economic Development Authority (EDA), stated the EDA was the contract purchaser of the property and intended to expand Falling Branch Corporate Park to the subject property, along with adjacent property located in Montgomery County. Mr. Hamilton stated the property will allow the EDA to offer larger lots for development, which will make them more attractive to business and noted the combined area of the county and town property totals 124 acres.

Mr. Hamilton stated the project will develop in phases and noted Parkway Drive, S.E. will be extended in increments, as each development pad is constructed. Mr. Warren stated the Town of Christiansburg has a planned project to extend Parkway Drive, S.E. to South Franklin Street, but noted the project is currently unfunded. Mr. Hamilton stated the first development pad would consist of 36.1 acres and noted the portion of the subject property south of the Parkway Drive, S.E. extension would remain an undeveloped buffer.

Louise Kirkner, 280 Jones Street, S.E., stated she wants to protect her air rights and noted she does not want her beautiful view blocked. Ms. Kirkner asked what would be built on the property.

With no further comment, Chairperson Moore closed the public hearing

Public Hearing for a Conditional Use Permit request by Jeff Holland of Network Building + Consulting, LLC (representing Shentel), agent for Schaeffer Memorial Baptist Church, for a monopole-style communications tower at 570 High Street, N.E. in the R-3 Multi-Family Residential District.

Chairperson Moore opened the public hearing. Max Wiegard, Gentry Locke, stated Shentel is attempting to replace the tower as part of a network-wide 4G LTE technology upgrade to its facilities. Mr. Wiegard stated the tower replacement is necessary in order to upgrade service and noted the 70-foot existing tower was constructed in 1999 when there was no requirement for a conditional use permit. Mr. Wiegard stated the existing pole cannot support the new equipment and Shentel is proposing to replace the existing tower with a steel tower. Mr. Wiegard stated the new tower will be engineered to fall within a 70-foot radius in the case of a structural failure and noted the new tower would be 108 feet tall, with a 2-foot lightning rod on top, totaling 110 feet in total height.

Public Hearing for a Conditional Use Permit request by Jeff Holland of Network Building + Consulting, LLC (representing Shentel), agent for Schaeffer Memorial Baptist Church, for a monopole-style communications tower at 570 High Street, N.E. in the R-3 Multi-Family Residential District – (continued).

Mr. Wiegard stated Shentel is requesting a waiver to the 75-foot height limitation for monopoles in a residential district. Mr. Wiegard stated Shentel is also requesting a waiver for the requirement of setbacks of no less than the height of the tower from all property lines and noted the increased height is needed for coverage improvements. Mr. Wiegard stated the tower is 40 feet 9 inches from the rear property line. Mr. Wiegard stated the usage of the monopole will remain wireless communication and noted the new tower will provide Shentel users with improved call performance, expanded coverage, and improved data speed.

Mr. Wiegard stated Shentel held a community meeting with citizens and noted citizens were sent a letter after the meeting to address concerns raised regarding impacts on property values and potential health effects. Mr. Wiegard presented maps of existing coverage and improved coverage to be provided by the new tower, along with photo simulations of the proposed tower.

Mr. Wiegard stated the new tower will be in close proximity to historic resources and noted the tower was restricted to a maximum height of 110 feet with flush-mounted antennas.

Mr. Wiegard stated the tower has a designed fall radius of 70 feet and noted the community center on the subject property will be outside the fall radius. Mr. Wiegard stated there is approximately 40 feet 9 inches between the tower and the rear property line and 84 feet 3 inches between the tower and the front property line and noted there are currently no residences within either the 70-foot fall radius or 110-foot tower radius. Mr. Wiegard stated there is the possibility of residences being built within those areas on the adjoining properties to the north, but noted this is unlikely due to the steep slope of those properties.

Mr. Whitlock, 530 High Street, N.E., stated the current tower was put in place without the knowledge of any community members and noted upgrades have taken place over the past several months without inspections. Mr. Whitlock expressed a desire for further inspections to take place with the new tower and noted his concern regarding the tower falling onto adjoining property.

Mr. Palmer, 545 High Street, N.E., expressed concern with the environmental effects of the new tower. Mr. Palmer stated he had conducted research and found inconclusive evidence regarding the negative effects of monopoles. He requested community members be provided a written statement if there should there be any negative health consequences due to the tower. Mr. Palmer also stated there had been a lack of oversight in relation to the tower.

With no further comment, Chairperson Moore closed the public hearing.

Public Hearing for a Conditional Use Permit request by Ashley Jones, New River Barbell and Fitness, agent for Kevin Carter, for a private recreational facility (gym) at 492 Reading Road, S.E., Unit C in the I-2 General Industrial District.

Chairperson Moore opened the public hearing. Ashley Jones, New River Barbell and Fitness, stated the gym is open from 6:00 or 7:00 a.m. to 4:30 or 6:30 p.m. and noted the gym is typically occupied by no more than ten persons at a time. Ms. Jones stated the gym is 1,500 square feet and has parking and restroom facilities.

Anne Carter, 492 Reading Road, S.E., stated Ms. Jones' business is the least impactful of any business to occupy her property since she acquired it in 1982 and noted the gym is clean, orderly, and contained.

With no further comment, Chairperson Moore closed the public hearing.

Discussion on a rezoning request by the Montgomery County Economic Development Authority, agent for Cox Family Farms LLC, for an approximately 77.72 acre property, Tax Map No. 558-A 24, located north of Jones Street, S.E. and west of the intersection of Parkway Drive, S.E. and Technology Drive, S.E. The request is to rezone the property from the A Agricultural District to the I-2 General Industrial District.-

Chairperson Moore introduced the discussion. Commissioner Franusich asked what Cox Family Farms, LLC plans to do with the property. Mr. Hamilton stated the two parcels under contract by Montgomery County would serve as an expansion of the Falling Branch Corporate Park and the two remaining parcels would be retained and sold by Cox Family Farms, LLC.

Ms. Kirkman expressed concern about the extension of Parkway Drive, S.E. and inquired where it would connect. Mr. Warren stated the full road extension project is in a preliminary stage and explained the project is currently not funded by VDOT.

Mr. Hamilton stated the current termination point of Parkway Drive, S.E. would be extended westward and terminate at the first new development pad. Mr. Hamilton stated the second phase of the project would extend Parkway Drive, S.E. to the end of the property. Mr. Hamilton noted the Montgomery County EDA generally uses VDOT economic development access funds for this type of project. Mr. Hamilton stated the development could not occur without the extension of Parkway Drive, S.E. Chairperson Moore stated VDOT will often not fund HB2 or Smart Scale projects without a plan in place. Mr. Warren stated the planned extension of Parkway Drive, S.E. is not currently designed to connect with Jones Street, S.E. and noted additional information from the Smart Scale application would be provided in the next Planning Commission agenda packet.

Discussion on a rezoning request by the Montgomery County Economic Development Authority, agent for Cox Family Farms LLC, for an approximately 77.72 acre property, Tax Map No. 558-A 24, located north of Jones Street, S.E. and west of the intersection of Parkway Drive, S.E. and Technology Drive, S.E. The request is to rezone the property from the A Agricultural District to the I-2 General Industrial District - (continued).

Commissioner Knies asked what the future land use designation was for the property. Mr. Warren stated the property is designated as Mixed Use Industrial with buffer and noted the use of the property as a corporate park would be consistent with the future land use designation. Mr. Hamilton stated there was a 70 foot slope along the southern border of the property and noted the slope, along with the area south of Parkway Drive, S.E., would be preserved as an approximately 400 foot wide buffer.

Chairperson Moore explained approximately 400 feet of greenspace would be left from the southern property line to the development to function as a buffer. Chairperson Moore stated the next Planning Commission meeting would take place on Monday, July 17, 2017 and noted there would be further discussion and a possible vote on a recommendation to Town Council regarding the rezoning.

Discussion on a Conditional Use Permit request by Jeff Holland of Network Building + Consulting, LLC (representing Shentel), agent for Schaeffer Memorial Baptist Church, for a monopole-style communications tower at 570 High Street, N.E. in the R-3 Multi-Family Residential District.

Chairperson Moore introduced the discussion. Chairperson Moore inquired about the collapsing mechanism of the new tower. Mr. Wiegard stated an explanation of the tower's design was included with the informational packet provided to the Planning Commission and noted the top 70 feet of the tower was designed to collapse on itself.

Commissioner Johnson questioned whether the tower would reach the road in the event of a collapse. Mr. Wiegard stated the fall radius would not reach High Street, N.E. or any dwellings, but could reach parcels behind the tower. Mr. Wiegard noted the residences on these parcels are located towards the front of the property, due to the steep slope along the rear.

Commissioner Knies questioned whether it was possible for the tower to be engineered to break within a shorter radius so as not to fall on the parcels behind the tower. Mr. Wiegard stated this may be possible but noted the price of the tower would likely increase. Mr. Wiegard stated the 70-foot fall radius would serve as a worst case scenario.

Discussion on Conditional Use Permit request by Jeff Holland of Network Building + Consulting, LLC (representing Shentel), agent for Schaeffer Memorial Baptist Church, for a monopole-style communications tower at 570 High Street, N.E. in the R-3 Multi-Family Residential District – (continued).

Chairperson Moore stated prevailing winds in the area usually run from the northwest going southeast. Mr. Wiegard stated the tower is designed to withstand 90 mile per hour wind speeds. Chairperson Moore stated the winds would not generally be blowing towards the parcels within the tower's fall zone. Chairperson Moore requested additional information regarding risk analysis of the wind conditions.

Commissioner Franusich asked the applicant about concerns related to radiation from the tower. Mr. Wiegard stated community members were provided information regarding radiation in a letter dated April 21, 2017. Mr. Wiegard stated the materials were provided from the FCC and the American Cancer Society and noted personal communication service devices and facilities put out radiation at a range of 0.002 to 2 percent of what is permitted under international guidelines. Mr. Wiegard stated a person would have to stand directly against the tower for a prolonged amount of time to be exposed to a dangerous level of radiation. Mr. Wiegard stated the radiation is non-ionizing, unlike gamma or x-rays, and noted the Telecommunications Act of 1996 bars decisions on monopoles based solely on environmental effects.

Mr. Wiegard stated the goal of the project is to replace a 17 year-old wooden pole with a tower engineered to be safer and more predictable.

A community member from the audience stated the community had no say in the construction of the original pole and would prefer there be no tower at all. Chairperson Moore asked whether the existing pole could be replaced in-kind or maintained without approval from Town Council. Mr. Warren stated the pole could be maintained but any significant change would trigger the need for a conditional use permit. Mr. Warren stated the existing tower was issued a building permit in 1999 and noted a conditional use permit was not required at the time it was constructed.

Chairperson Moore stated the next Planning Commission meeting would take place on Monday, July 17, 2017 and there would be further discussion and a possible vote on a recommendation to Town Council regarding the request.

Discussion on a Conditional Use Permit request by Ashley Jones, New River Barbell and Fitness, agent for Kevin Carter, for a private recreational facility (gym) at 492 Reading Road, S.E., Unit C in the I-2 General Industrial District.

Commissioner Franusich asked whether Ms. Jones was currently operating at 492 Reading Road, S.E. Ms. Jones stated the gym was used for exercise but was not currently operating.

Discussion on a Conditional Use Permit request by Ashley Jones, New River Barbell and Fitness, agent for Kevin Carter, for a private recreational facility (gym) at 492 Reading Road, S.E., Unit C in the I-2 General Industrial District – (continued).

Chairperson Moore read the proposed conditions:

- 1) There shall be no excessive noise between 10:00 p.m. and 7:00 a.m.
- 2) This permit shall be subject to inspections and approval of the facilities and equipment by the Fire Marshall and Building Official, The Town of Christiansburg requires that the applicant shall use and maintain the facilities and equipment in accordance with the equipment manufacturer's guidelines.
- 3) This permit shall be subject to review by the Planning Commission in one year.

Commissioner Johnson asked whether there was a previous business at this location. Commissioner Franusich stated the property is generally used for industrial purposes.

Commissioner Kries and Chairperson Moore questioned whether all exercising would take place indoors. Ms. Jones stated there are currently no plans for outdoor programming.

Commissioner Johnson questioned whether the floor was designed to withstand the impact of dropped weights. Ms. Jones stated they installed rubber mats on top of the concrete floor. Commissioner Moore noted the property is located in the I-2 General Industrial District and noise likely already exists.

Commissioner Johnson questioned what the maximum occupancy would be. Ms. Jones stated the maximum occupancy would be 15 but noted there will generally be no more than 8 to 10 occupants at once.

Mr. Warren stated the conditional use permit was being sought in order to ensure the compatibility of these facilities in the I-2 district. Commissioner Franusich noted there was a similar facility in the I-2 district nearby. Mr. Warren stated the I-2 district was modified to allow for private recreational facilities with a conditional use permit two years ago.

Commissioner Franusich made a motion to recommend Town Council approve the conditional use permit with the three conditions. Vice-Chairperson Sowers seconded the motion, which passed 6-0.

Other business.

Chairperson Moore introduced the discussion. Mr. Warren introduced Jared Crews as the new Planner I for the Town of Christiansburg.

There being no more business, Chairperson Moore adjourned the meeting at 8:09 p.m.

Craig Moore, Chairperson

Andrew Warren, Secretary Non-Voting



ESTABLISHED
NOVEMBER 10, 1792

INCORPORATED
JANUARY 7, 1833

MAYOR
D. MICHAEL BARBER

COUNCIL MEMBERS
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HARRY COLLINS
R. CORD HALL
STEVE HUPPERT
HENRY SHOWALTER
BRADFORD J. "BRAD" STIPES

INTERIM TOWN MANAGER
RANDY WINGFIELD

ASSISTANT TO THE TOWN
MANAGER
ADAM CARPENETTI

DIRECTOR OF
FINANCE/TOWN TREASURER
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CPA, CFE, CGFM

CHIEF OF POLICE
MARK SISSON

CLERK OF COUNCIL
MICHELE M. STIPES

TOWN ATTORNEY
GUYNN & WADDELL, P.C.

Town of Christiansburg, Virginia 24073

100 East Main Street ~ Telephone 540-382-6128 ~ Fax 540-382-7338

Memorandum

Date: July 14, 2017

To: Planning Commission

From: Will Drake, Planner II

Thru: Andrew Warren, Planning Director

Re: Public Hearing for Sign Ordinance Amendment

The Planning Commission will hold a public hearing on the proposed sign ordinance amending Chapter 42, "Zoning" of the Christiansburg Town Code on Monday, July 17 at 7 p.m. Please find attached a draft of the signage ordinance. The new ordinance seeks to accomplish a number of goals including: (1) compliance with the Supreme Court ruling [Reed v. Town of Gilbert, Arizona (decided June 18, 2015)] requiring signage regulations to be content neutral; (2) move sign regulations from a stand-alone chapter to the Zoning Ordinance; (3) address the allowable timeframes for temporary signs; (4) streamline the overall format by removing outdated and duplicative definitions and sections; and (5) adjust allowable signage in business districts.

The draft is a combination of the Local Government Attorneys of Virginia (LGA) model ordinance and the Town's existing sign ordinance. The model ordinance was written by the LGA to assist localities in navigating the trickier issues in revising a sign ordinance to be "content neutral." Staff and Theresa Fontana, Town Attorney, began work on the draft ordinance in the spring of 2016 and subsequent drafts have been reviewed by the Planning Commission's Development Subcommittee during multiple meetings over the past year. The following list provides a summary of the changes made to the sign ordinance.

1. Content Neutrality

- The definitions and references to specific types of temporary signs have been removed. For example, the definition of political signs has been taken out and political signs will be regulated in the same manner as all other temporary signs.

2. Placement within Zoning Ordinance

- The sign ordinance will be situated within Chapter 42, “Zoning” of the Christiansburg Town Code. The current sign ordinance is located within Chapter 4, “Advertising”. Moving the sign regulations into the Zoning Ordinance provides increased clarity of intent, as the sign regulations are based on the underlying zoning districts. Further, the Zoning Ordinance provides a clear process for appeal and variance.

3. Timeframes for Temporary Signs

- The timeframe for displaying a temporary sign will be 90 days in a calendar year, as opposed to the 30-day permits currently issued. A permit will not be required for limited amounts of temporary signage.
- The proposed ordinance introduces a definition for ‘portable sign’ to allow for the use of sandwich board and real estate signs without being subject to length of display limitations.

4. Definition Consolidation and Clarity of Administration

- Electronic gas price signs in the B-2 District are exempt from the current requirement for a conditional use permit as electronic message signs.
- Definitions and references have been consolidated to make intent more clear and to allow for increased allocation flexibility. For example, the definition of a marquee sign includes canopy and awning signs and one does not preclude the other, which is the case in many instances of the current code.
- Additional language has been added to make the measurement of the area of a sign more precise.
- The non-conforming section is now consistent with the general non-conforming section of the Zoning Ordinance.
- General Advertising signs are now defined as off-premise signs.
- Outdated language has been removed and the permitted signage chart has been updated for ease of use.
- A comprehensive sign plan by conditional use permit has been introduced. The process is intended to provide reasonable and flexible signage options for appropriate commercial development that may not fit the standard sign regulations.

5. Permitted Signage Revisions

- The setback for temporary signs has been reduced from 10 feet to 5 feet.
- The permitted area of a ground sign in the B-3 District has been increased from 50 sq. ft. to 75 sq. ft.
- If a property is permitted additional ground signs, additional ground signs no longer have to meet the building setback line if the signs have at least 150 feet of linear separation.
- Two businesses may now obtain a combined area sign, whereas the current ordinance requires at least three businesses to qualify for a combined area sign. In the B-3 District, the allowable area of a combined area sign has been increased from 150 sq. ft. to 200 sq. ft. Also, a second combined area sign is permitted in the B-3 District if the property has enough frontage to qualify for a second ground sign. Under the current code, only one combined area sign is allowed, regardless of the frontage.
- In the B-3 District, an Interstate Exit Ground Sign type has been introduced to allow for one ground sign if located within a 1,000 foot radius from the center of the interchange at I-81 Exit 114 and Exit 118C. The permitted area of the sign is 150 sq. ft. and it may be up to 75 ft. tall.

- Roof signs are no longer a permitted sign. The conditional use permit process would be an available course of action to permit a roof sign.

As a reminder, The Planning Commission Public Hearing will be held Monday, July 17, 2017 at 7 p.m. and a recommendation by the Planning Commission to Town Council is scheduled for the July 31, 2017 meeting. Please contact staff with any comments and questions in your preparation for Monday's meeting.

List of attachments

1. Draft Sign Ordinance - dated July 7, 2017
2. Interstate Overlay Map
3. Article, "The State of Sign Codes after Reed V. Town of Gilbert"

AN ORDINANCE AMENDING CHAPTER 42 – ZONING, BY ADOPTING ARTICLE XXIV. – SIGNS, FOR THE PURPOSE OF REGULATING THE TIME, PLACE, AND MANNER FOR DISPLAYING SIGNS IN THE TOWN OF CHRISTIANSBURG; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation; and

WHEREAS, the Town Council determines that it is in the best interest of the Town and its citizenry to amend its zoning ordinance to regulate the time, place, and manner for displaying signs in the Town of Christiansburg for the purpose of protecting property values; protecting motorists and pedestrians from the hazards of distracting signage; protect the character of the Town and its neighborhoods; while allowing for adequate communication through signs; and

WHEREAS, notice of public hearings concerning the proposed changes were advertised pursuant to Virginia Code § 15.2-2204 and the public hearings were held on _____ and _____; public comments having been considered by the Planning Commission and Town Council;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Christiansburg that Chapter 42 – Zoning, Article XXIV is hereby adopted and enacted, regulating the time, place, and manner of displaying signs within the Town of Christiansburg as follows:

Chapter 42 – ZONING

* * *

ARTICLE XXIV. - SIGNS

Sec. 42-700. - Findings, purpose, and intent; interpretation.

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

- (b) Signs not expressly permitted as being allowed by right or by conditional use permit under this article, by specific reference in another provision of this chapter or the town's code, or otherwise expressly allowed by law, the Virginia Constitution, or the Constitution of the United States, are forbidden.
- (c) A sign placed on land or on a building for the purpose of identification, protection, or directing persons to a use conducted therein shall be deemed to be an integral but accessory and subordinate part of the principal use of land or building. Therefore, the intent of this article is to establish limitations on signs in order to ensure they are appropriate to the land, the building, or the use to which they are appurtenant, and are adequate for their intended purpose while balancing the individual and community interests identified in subsection (a) of this section.
- (d) These regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant and the landscape and architecture of surrounding buildings, are legible and appropriate to the activity to which they pertain, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.
- (e) These regulations distinguish between portions of the town designed for primarily vehicular access and portions of the town designed for primarily pedestrian access.
- (f) These regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.

Sec. 42-701. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animated sign means a sign or part of a sign that is designed to rotate, move or appear to rotate or move. Such a sign is sometimes referred to as a "moving sign."

Banner means a temporary sign of flexible material designed to be installed with attachments at each of four corners. Banner signs also include feather-type signs.

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

Combined area sign means a sign used by more than one (1) tenant or property owner located on the same property on which the sign is erected or on a contiguous property that shares a common drive.

Comprehensive sign plan means a plan approved as a conditional use for the signage of a property or properties that in most instances includes multiple tenants or owners with shared parking or other facilities.

Directional sign means a sign which provides onsite directional information for the convenience of the public.

Flag means a piece of cloth or similar material, typically oblong or square, attached by one edge to a pole or rope and used as a national, state, local, or other symbol or decoration.

Flashing sign means a sign that includes lights that flash, blink, or turn on and off intermittently.

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

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

Height means the maximum vertical distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the existing grade at the time of the installation of the sign, exclusive of any filling, berthing, mounding or excavating primarily for the purpose of mounting or elevating the sign.

Home Occupation sign means a sign directing attention to a home occupation on the premises upon which the sign is located.

Illegal sign means any sign erected without a required permit or which otherwise does not comply with any provisions of this article.

Illuminated sign means a sign that is backlit, internally lighted, or indirectly lighted.

Marquee means a structure generally designed and constructed to provide protection against the weather projecting from and supported by the building and extending beyond the building wall, building line, or street line. It includes an attached awning or canopy or a freestanding covering structure such as a gas station, drive-thru, or carwash canopy.

Marquee sign means a sign attached to and made a part of a marquee from a building, with changeable, fixed, or both types of lettering in use.

Minor sign means a permanent wall or freestanding sign not exceeding two square feet in area, not exceeding four feet in height, and not illuminated.

Neon sign means a sign containing exposed tubes filled with light-emitting gas.

Nonconforming sign. Any sign which was lawfully erected in compliance with applicable regulations of the town and maintained prior to the effective date of this article which fails to conform to standards and restrictions set forth herein.

Off-premises sign means a sign that directs attention to a location other than the premises on which the sign is erected.

On-premises sign means a sign that is an accessory use to the primary use of the property.

Portable sign means any sign that may be displayed more than ninety (90) days in a twelve (12) month period that is typically a rigid material such as metal or wood, and not permanently affixed to a building, structure, vehicle, or the ground. It includes, but is not limited to, A-frame signs (or sandwich boards), wall signs that are removed periodically, and removable ground mounted signs.

Projecting sign means any sign, other than a wall or marquee (including awning or canopy) sign, affixed to a building and supported only by the wall on which it is mounted.

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

Sign means any object, device, display, or structure, or part thereof, visible to the public from a public right-of-way which is designed and used to attract attention by means involving words, letters, figures, designs, symbols, fixtures, logos, colors, illumination, or projected images. The term "sign" does not include flags as defined herein.

Sign face means the portion of a sign structure bearing the words or images designed to attract attention.

Sign structure means any structure bearing a sign face.

Temporary sign means a sign neither permanently installed in the ground nor permanently affixed to a building or structure that is displayed no more than ninety (90) days in a twelve (12) month period. Examples include paper or corrugated plastic yard signs and banners.

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

Wall means an entire outside wall of a structure, including wall faces, parapets, fascia, windows, and doors, of one complete elevation.

Wall Sign means any sign attached to a wall or painted on or against a flat vertical surface of a structure. A marquee (including an awning or canopy) and projecting sign shall be counted as a wall sign for the wall of the structure for which it is attached, unless otherwise provided herein.

Sec. 42-703. - Permit required.

(a) *In general.* A sign permit is required prior to the display and erection of any sign except as provided in section 42-704 of this article.

(b) *Application for permit.*

- (1) An application for a sign permit shall be filed with the town's planning department on forms furnished by the department. The applicant shall provide sufficient information to determine if the proposed sign is permitted under this article or other applicable law, regulation, or ordinance.
- (2) The zoning administrator or designee shall promptly process the sign permit application and approve the application, reject the application, or notify the applicant of deficiencies in the application within ten (10) business days after receipt. Any application that complies with all provisions of this zoning ordinance, the building code, and other applicable laws, regulations, and ordinances shall be approved.
- (3) If the application is rejected, the town shall provide the reason(s) for the rejection in writing. An application shall be rejected for non-compliance with the terms of this article, building code, or other applicable law, regulation, or ordinance.

(c) *Permit fee.* A nonrefundable fee as set forth in the fee schedule adopted by the town council shall be paid upon submittal of the sign permit application for permanent signs.

(d) *Duration and revocation of permit.* If a sign is not installed within six (6) months following the issuance of a sign permit, the permit shall be void. The town may revoke a sign permit under any of the following circumstances:

- (1) The town determines that information in the application was materially false or misleading;
- (2) The sign as installed does not conform to the sign permit application; or
- (3) The sign violates this article, the building code, or other applicable law, regulation, or ordinance.

(e) *Comprehensive sign plans.* Comprehensive sign plans may be approved by conditional use permit in the MU-1, MU-2, B-1, B-2, B-3, I-1, and I-2 districts. The comprehensive sign plan shall establish the time, manner, and placement of signs, frequency of display changes, construction materials, the hours of lighting, height of signs, the total number of square feet of sign surface, and the number of signs to be placed on a site.

Sec. 42-704 Permit not required

A sign permit is not required for:

- (a) Signs owned or erected by a governmental body or required by law. Such signs are exempt from the regulations of this article.
- (b) Flags.
- (c) The changing of messages on marquees, changeable copy, and the repair of an existing permitted sign, except that repair of a nonconforming sign must comply with § 42-708.
- (d) One or more temporary signs per tax map parcel with a total area not exceeding twelve (12) square feet in size in the A, R1-A, R-1, R-2, R-3, and MU-1 zoning districts and twenty (20) square feet in size in the B-1, B-2, B-3, MU-2, I-1, and I-2 zoning districts removed within ninety (90) days after being erected.
- (e) Not more than two (2) minor signs per parcel.
- (f) One or more portable signs per tax map parcel not exceeding twelve (12) square feet in size in the A, R1-A, R-1, R-2, R-3, and MU-1 zoning districts and twenty (20) square feet in size in the B-1, B-2, B-3, MU-2, I-1, and I-2 zoning districts.
- (g) Signs on the inside of store windows, except those signs specified as "Prohibited Signs" in this article.

Sec. 42-705. - Prohibited signs

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

- (a) General prohibitions:
 - (1) Signs that violate any law of the Commonwealth of Virginia relating to outdoor advertising.
 - (2) Signs attached to natural vegetation.
 - (3) Signs simulating, or which are likely to be confused with, a traffic control sign or any other sign displayed by a public authority. Any such sign is subject to immediate removal and disposal by an authorized city official as a nuisance.
 - (4) Vehicle or trailer signs as defined herein.
 - (5) Any sign displayed without complying with all applicable regulations of this chapter.
- (b) Prohibitions based on materials:
 - (1) Animated signs. This subsection does not apply to flags expressly permitted under this article or the changing of the message content no more often than once every four (4) seconds.

(2) Flashing signs or other signs displaying flashing, scrolling or intermittent lights or lights of changing degrees of intensity, except where such signs are expressly permitted within this article.

(3) Signs that emit smoke, flame, scent, mist, aerosol, liquid, or gas.

(4) Signs that emit sound.

(5) Any electronic sign except as expressly permitted herein.

(c) Prohibitions based on location:

(1) Off-premises signs unless specifically permitted by this chapter.

(2) Signs erected on public land or within the public right-of-way unless approved by an authorized town official in writing. Any sign not so authorized is subject to immediate removal and disposal by any authorized official. Removal of the sign under this provision does not preclude prosecution of the person responsible for the sign.

(3) Roof signs unless approved as part of a comprehensive sign plan by conditional use permit.

(4) Any sign located in the vision triangle formed by any two (2) intersecting streets, as regulated by the provisions of Section 30-14.

(5) At or near any curve in a street in such a manner as to obstruct the clear vision of traffic from any one point on such curve to any other point on such curve or to any other point not more than 400 feet apart, as measured between each point from the nearest edge of the pavement.

(6) Side and rear wall signs facing and within 100 feet of a residential district.

Sec. 42-706. – Measurement/calculation of sign area.

(a) Supports, uprights, or structure on which any sign is supported shall not be included in determining the sign area unless such supports, uprights or structure are designed in such a way as to form an integral background of the display. When a sign is placed on a fence, wall, planter, or other similar structure that is designed to serve a separate purpose other than to support the sign, the entire area of such structure shall not be computed. In such cases, the sign area shall be computed in accordance with other provisions of this section.

(b) Allowable wall sign area.

(1) The area of the wall is calculated by multiplying the width by height of the wall. The height shall be measured by calculating the vertical distance from grade to the top of the wall of a flat roof, or to the eave line of a gable, hip, or gambrel roof.

- (2) In cases where the height of the building cannot be determined the average height shall be twelve (12) feet per story.
- (3) In instances where there are multiple tenants or users in a building, the measurement of wall area shall be determined for each individual establishment.

(c) Sign area.

- (1) Sign area is calculated under the following principles:
 - a. With signs that are regular polygons or circles the area can be calculated by the mathematical formula for that polygon or circle. With signs that are not regular polygons or circles, the sign area is calculated using all that area within a maximum of three abutting or overlapping rectangles that enclose the sign face.
 - b. The support for the sign face, whether it is columns, a pylon, or a building, or part thereof, shall not be included in the sign area.
 - c. The area of a cylindrical or spherical sign shall be computed by multiplying one-half of the circumference by the height of the sign.
 - d. For a marquee sign, only the area of the message shall be used in sign area computation.
 - e. The permitted area of a double-faced sign shall be considered to be the area on one side only. If one face contains a larger sign area than the other, the larger face shall be used in calculating the sign area. A double-faced sign must have an internal angle between its two faces of no more than 45 degrees.
 - f. For projecting signs with a thickness of four inches or more, the sign area also includes the area of the visible sides of the sign, calculated as a rectangle enclosing each entire side view.
 - g. A combined area sign may have up to four faces, joined at the corners at 90 degree or less angles with no face exceeding the area normally allocated a single ground/freestanding sign face.

Sec. 42-707. - Maintenance and removal.

- (a) All signs shall be constructed and mounted in compliance with the Virginia Uniform Statewide Building Code.
- (b) All signs and components thereof shall be maintained in good repair and in a safe, neat, and clean condition. Signs showing visible signs of wear, fading, chipped paint, rotting or rusting

structure, or non-working components, must be repaired or be subject to code enforcement as a nuisance.

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

(d) The owner of any commercial sign advertising a use or business that has ceased operating shall, within 60 days of the cessation of use or business operation, replace the sign face with a blank face until such time as a use or business has resumed operating on the property.

(e) Nuisance abatement.

(1) Any sign requiring maintenance or removal shall be repaired or removed within thirty (30) days of a written notice to the owner and/or permit holder.

(2) Any sign which constitutes a nuisance may be abated by the town under the applicable provisions of the town code or Virginia Code §§ 15.2-900, 15.2-906, and/or 15.2-1115.

Sec. 42-708. - Nonconforming signs.

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

(b) No nonconforming sign shall be enlarged nor shall any feature of a nonconforming sign, such as illumination, be increased.

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

(d) No nonconforming sign shall be moved for any distance on the same lot or to any other lot unless such change in location will make the sign conform in all respects to the provisions of this article.

(e) A nonconforming sign that is destroyed or damaged by any casualty shall be subject to Section 42-475.

(f) A nonconforming sign which is changed to becoming conforming or is replaced by a conforming sign shall no longer be deemed nonconforming, and thereafter such sign shall be in accordance with the provisions of this article.

(g) A nonconforming sign structure shall be subject to the removal provisions of Section 42-707.

(h) A nonconforming sign structure shall be removed if the use to which it is accessory has not been in operation for a period of two years or more. Such sign shall be removed by the owner or lessee of the property. If the owner or lessee fails to remove the sign structure, the zoning administrator or designee shall give the owner fifteen (15) days written notice to remove it. Upon failure to comply with this notice, the zoning administrator or designee may enter the property upon which the sign is located and remove any such sign or may initiate such action as may be necessary to gain compliance with this provision. The cost of such removal shall be chargeable to the owner of the property.

Sec. 42-709. – Electronic messaging permitted as changeable copy sign.

(a) Electronic messaging signage (including the primary message and any and all secondary messages, backgrounds, etc.) is required to remain static for at least four (4) seconds and may not flash or change intensity by pulsing or pulsating.

(b) Electronic messaging signs shall require conditional use permit approval within historic districts as designated by the Virginia Landmarks Register or within the B-2, Central Business zoning district. Within the B-2 zoning district, this shall not apply to electronic monochromatic, static numerals for uses such as but not limited to a gas price display or time and temperature information.

Sec. 42-710. – General requirements.

(a) *Placement.*

- a. Except as otherwise permitted, permanent freestanding signs shall be set back a minimum of ten (10) feet from any public right-of-way and a minimum of three (3) feet from all other property lines.
- b. Second and all additional permanent ground/freestanding signs on any premises must either: (1) have a separation of 150 linear feet from any other permanent ground/freestanding sign; or (2) meet the front yard setback requirements of the zoning district in which the premises is located.
- c. Except as otherwise permitted, freestanding temporary and portable signs shall be set back a minimum of five (5) feet from any public right-of-way and a minimum of three (3) feet from all other property lines.

d. Home occupation signs in residential districts, if permitted, shall be wall-mounted in close proximity to the front door.

(b) Illumination. All permitted signs may be backlit, internally lighted, or indirectly lighted, unless such lighting is specifically prohibited in this article.

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

(2) The illumination from any sign resulting in any internal or external artificial light source that adversely affects surrounding properties, causes offensive glare, or creates a traffic hazard shall be prohibited. Furthermore, no sign shall be permitted to affect highway safety or shine directly into a residential dwelling unit.

(c) The following tables set forth the sign type, number, sign area, and maximum sign height allowed in each zoning district. In lieu of the following, a comprehensive sign plan may be submitted for a tax map parcel subject to approval by conditional use permit.

<u>Zoning District</u>	<u>Sign Type</u>	<u>Maximum Number of Signs Permitted</u>	<u>Maximum Area</u>	<u>Max. Height</u>
<u>Agricultural/Residential Districts(A, R1-A, R-1, R-2, R-3, R-MS)</u>	<u>Ground/Freestanding (on-premises)</u>	<u>One (1) sign as an accessory use to a permitted use.</u>	<u>32 sq. ft.</u>	<u>15 ft.</u>
	<u>Changeable copy (on-premises)</u>	<u>One (1) sign as part or whole of one (1) ground/freestanding sign or wall sign (not exceeding allowed wall signage).</u>	<u>18 sq. ft.</u>	<u>15 ft.</u>
	<u>Wall</u>	<u>Not limited except side and rear wall signs facing and within 100 feet of a</u>	<u>5% of wall area to a maximum of 50 sq. ft.</u>	<u>May not project above roof line.</u>

		<u>residential use are prohibited.</u>		
	<u>Combined (on-premises)</u>	<u>Not Permitted</u>	<u>Not Permitted</u>	<u>Not Permitted</u>
	<u>Portable</u>	<u>Not limited</u>	<u>12 sq. ft.</u>	<u>6 ft.</u>
	<u>Minor</u>	<u>Two</u>	<u>2 sq. ft.</u>	<u>4 ft.</u>
	<u>Temporary</u>	<u>Not limited</u>	<u>12 sq. ft.</u>	<u>6 ft.</u>

<u>Zoning District</u>	<u>Sign Type</u>	<u>Maximum Number of Signs Permitted</u>	<u>Maximum Area</u>	<u>Max. Height</u>
<u>MU-1, Mixed Use: Residential/Limited Business</u>	<u>Ground/Freestanding (on-premises)</u>	<u>One (1) sign with less than 200' of frontage.</u> <u>One (1) sign per 200' of additional frontage.</u>	<u>50 sq. ft.</u>	<u>20 ft.</u>
	<u>Changeable copy (on-premises)</u>	<u>One (1) sign as part or whole of one (1) ground/freestanding sign or wall sign (not exceeding allowed wall signage).</u>	<u>18 sq. ft.</u>	<u>20 ft.</u> <u>Wall sign may not project above roof line.</u>
	<u>Wall</u>	<u>Not limited.</u>	<u>10% of wall area to a maximum of 200 sq. ft.</u>	<u>May not project above roof line.</u>
	<u>Combined (on-premises)</u>	<u>One, if there is no other ground/freestanding sign</u>	<u>100 sq. ft.</u>	<u>20 ft.</u>

	<u>Portable</u>	<u>Not limited</u>	<u>12 sq. ft.</u>	<u>6 ft.</u>
	<u>Minor</u>	<u>Two</u>	<u>2 sq. ft.</u>	<u>6 ft.</u>
	<u>Directional (on-premises)</u>	<u>Two (2) signs per entrance or exit</u>	<u>6 sq. ft.</u>	<u>7 ft.</u>
	<u>Temporary</u>	<u>Not limited.</u>	<u>50 sq. ft.</u>	<u>20 ft.</u>

<u>Zoning District</u>	<u>Sign Type</u>	<u>Maximum Number of Signs Permitted</u>	<u>Maximum Area</u>	<u>Max. Height</u>
	<u>Ground/Freestanding (on-premises)</u>	<u>One (1) sign with less than 200' of frontage.</u> <u>One (1) sign per 200' of additional frontage.</u>	<u>50 sq. ft.</u>	<u>20 ft.</u>
	<u>Changeable copy (on-premises)</u>	<u>One (1) sign as part or whole of one (1) permitted ground/freestanding sign or a wall sign (not exceeding allowed wall signage).</u>	<u>18 sq. ft.</u>	<u>20 ft.</u>
MU-2, Mixed Use: Residential/Limited Business/Limited Industrial	<u>Wall</u>	<u>Not limited except side and rear wall signs facing and within 100 feet of a residential use are prohibited.</u>	<u>10% of wall area to a maximum of 200 sq. ft.</u>	<u>May not project above roof line.</u>
	<u>Combined (on-premises)</u>	<u>One, if there is no other ground/freestanding sign</u>	<u>100 sq. ft.</u>	<u>20 ft.</u>
	<u>Portable</u>	<u>Not limited</u>	<u>20 sq. ft.</u>	<u>8 ft.</u>
	<u>Minor</u>	<u>Two</u>	<u>4 sq. ft.</u>	<u>6 ft.</u>

	<u>Directional (on-premises)</u>	<u>Two (2) signs per entrance or exit</u>	<u>6 sq. ft.</u>	<u>7 ft.</u>
	<u>Temporary</u>	<u>Not limited</u>	<u>100 sq. ft.</u> <u>Max. 50 sq. ft. per sign</u>	<u>20 ft.</u> <u>(freestanding)</u> <u>Wall sign may not project above roof line.</u>

<u>Zoning District</u>	<u>Sign Type</u>	<u>Maximum Number of Signs Permitted</u>	<u>Maximum Area</u>	<u>Max. Height</u>
<u>B-1, Limited Business</u>	<u>Ground/Freestanding (on-premises)</u>	<u>One (1) sign with less than 200' of frontage.</u> <u>One (1) sign per 200' of additional frontage.</u>	<u>50 sq. ft.</u>	<u>35 ft.</u>
	<u>Changeable copy (on-premises)</u>	<u>One (1) sign as part or whole of one (1) permitted ground/freestanding sign or wall sign (not exceeding allowed wall signage).</u>	<u>18 sq. ft.</u>	<u>35 ft.</u> <u>Wall sign may not project above roof line.</u>
	<u>Marquee (on-premises)</u>	<u>One per side.</u>	<u>Length of marquee times one foot, to a maximum of 200 sq. ft.</u>	<u>May not project above marquee or below 8 ft.</u>
	<u>Combined (on-premises)</u>	<u>One, if there is no other ground/freestanding sign</u>	<u>150 sq. ft. (100 sq. ft. if only 2 businesses)</u>	<u>35 ft.</u>

	<u>Portable</u>	<u>Not limited</u>	<u>20 sq. ft.</u>	<u>8 ft.</u>
	<u>Minor</u>	<u>2</u>	<u>4 sq. ft.</u>	<u>6 ft.</u>
	<u>Wall</u>	<u>Not limited</u>	<u>10% of wall area to a maximum of 200 sq. ft.</u>	<u>May not project above roof line.</u>
	<u>Directional (on-premises)</u>	<u>Two (2) signs per entrance or exit</u>	<u>6 sq. ft.</u>	<u>7 ft.</u>
	<u>Temporary</u>	<u>Not limited</u>	<u>100 sq. ft.</u> <u>Max. 50 sq. ft. per sign</u>	<u>20 ft.</u> <u>(freestanding)</u> <u>Wall sign may not project above roof line.</u>

<u>Zoning District</u>	<u>Sign Type</u>	<u>Maximum Number of Signs Permitted</u>	<u>Maximum Area</u>	<u>Max. Height</u>
<u>B-2, Central Business</u>	<u>Ground/Freestanding (on-premises/off-premises)</u>	<u>One (1) sign with less than 200' of frontage.</u> <u>One (1) sign per 200' of additional frontage.</u>	<u>50 sq. ft.</u>	<u>35 ft.</u>
	<u>Wall</u>	<u>Not limited.</u>	<u>10% of wall area to a maximum of 200 sq. ft.</u>	<u>May not project above roof line.</u>
	<u>Changeable copy (on-premises)</u>	<u>One (1) sign as part or whole of one (1) ground/freestanding sign or wall sign (not exceeding allowed</u>	<u>18 sq. ft.</u>	<u>35 ft.</u> <u>Wall sign may not project above roof</u>

	<u>wall signage).</u>		<u>line.</u>
<u>Marquee (on-premises)</u>	<u>One (1) per side.</u>	<u>Length of marquee times one foot, up to a maximum of 200 sq. ft.</u>	<u>May not project above marquee or below 8 ft.</u>
<u>Combined (on-premises)</u>	<u>One, if there is no other ground/freestanding sign</u>	<u>150 sq. ft. (100 sq. ft. if only 2 businesses)</u>	<u>35 ft.</u>
<u>Portable</u>	<u>Not limited</u>	<u>20 sq. ft.</u>	<u>8 ft.</u>
<u>Minor</u>	<u>2</u>	<u>4 sq. ft.</u>	<u>6 ft.</u>
<u>Directional (on-premises)</u>	<u>Two (2) signs per entrance or exit</u>	<u>6 sq. ft.</u>	<u>7 ft.</u>
<u>Temporary</u>	<u>Not limited</u>	<u>100 sq. ft. Max. 50 sq. ft. per sign</u>	<u>20 ft. (freestanding) Wall sign may not project above roof line.</u>

<u>Zoning District</u>	<u>Sign Type</u>	<u>Maximum Number of Signs Permitted</u>	<u>Maximum Area</u>	<u>Max. Height</u>
<u>B-3, General Business</u>	<u>Ground/Freestanding (on-premises/off-premises)</u>	<u>One (1) sign with less than 200' of frontage.</u> <u>One (1) sign per 200' of additional frontage.</u>	<u>75 sq. ft.</u>	<u>35 ft.</u>

<u>Changeable copy (on-premises)</u>	<u>One (1) sign as part or whole of a ground/freestanding sign or wall sign (not exceeding allowed wall signage).</u>	<u>32 sq. ft.</u>	<u>35 ft. (freestanding)</u> <u>Wall sign may not project above roof line.</u>
<u>Marquee (on-premises)</u>	<u>One (1) per side.</u>	<u>Length of marquee times 1 foot, up to a maximum of 200 sq. ft.</u>	<u>May not project above marquee or below 8 ft.</u>
<u>Wall</u>	<u>Not limited</u>	<u>10% of wall area to a maximum of 200 sq. ft.</u>	<u>May not project above roof line.</u>
<u>Combined (on-premises)</u>	<u>One, if there is no other ground/freestanding sign</u> <u>Max. of one (1) additional combined area sign as replacement for one (1) additional ground/freestanding sign as permitted.</u>	<u>200 sq. ft. (150 sq. ft. if only 2 businesses)</u>	<u>35 ft.</u>
<u>Interstate Exit Ground Sign</u>	<u>Max of one (1) ground/freestanding sign located within a 1000 foot radius from the center of the interchange at I-81 Exit 114 and Exit 118C.</u>	<u>150 sq. ft.</u>	<u>75 ft.</u>

	<u>Portable</u>	<u>Not limited</u>	<u>20 sq. ft.</u>	<u>8 ft.</u>
	<u>Minor</u>	<u>2</u>	<u>4 sq. ft.</u>	<u>6 ft.</u>
	<u>Directional (on-premises)</u>	<u>Two (2) signs per entrance or exit</u>	<u>6 sq. ft.</u>	<u>7 ft.</u>
	<u>Temporary</u>	<u>Not limited</u>	<u>100 sq. ft.</u> <u>Max. 50 sq. ft. per sign for a freestanding/ground sign</u>	<u>35 ft.</u> <u>(freestanding)</u> <u>Wall sign may not project above roof line.</u>

<u>Zoning District</u>	<u>Sign Type</u>	<u>Maximum Number of Signs Permitted</u>	<u>Maximum Area</u>	<u>Max. Height</u>
<u>I-1, Limited Industrial</u>	<u>Ground/Freestanding (on-premises or off-premises)</u>	<u>One (1)</u>	<u>50 sq. ft.</u>	<u>15 ft.</u>
	<u>Changeable copy (on-premises)</u>	<u>One (1) sign as part or whole of one (1) permitted ground/freestanding sign or wall sign (not exceeding allowed wall signage)</u>	<u>32 sq. ft.</u>	<u>15 ft.</u> <u>Wall sign may not project above roof line.</u>
	<u>Wall</u>	<u>Not limited</u>	<u>10% of wall area up to a maximum of 200 sq. ft.</u>	<u>May not project above roof line.</u>
	<u>Combined (on-</u>	<u>One, if there is no other</u>	<u>150 sq. ft.</u>	<u>15 ft.</u>

	<u>premises)</u>	<u>ground/freestanding sign</u>	<u>(100 sq. ft. if only 2 businesses)</u>	
	<u>Marquee (on-premises)</u>	<u>One per side.</u>	<u>Length of marquee times 1 foot, up to a maximum of 200 sq. ft.</u>	<u>May not project above marquee or below 8 ft.</u>
	<u>Portable</u>	<u>Not limited</u>	<u>20 sq. ft.</u>	<u>8 ft.</u>
	<u>Minor</u>	<u>2</u>	<u>4 sq. ft.</u>	<u>6 ft.</u>
	<u>Directional (on-premises)</u>	<u>Two (2) signs per entrance or exit</u>	<u>6 sq. ft.</u>	<u>7 ft.</u>
	<u>Temporary</u>	<u>Not limited</u>	<u>100 sq. ft. Max. 50 sq. ft. per ground/freestanding sign</u>	<u>15 ft. (freestanding) Wall sign may not project above roof line.</u>

<u>Zoning District</u>	<u>Sign Type</u>	<u>Maximum Number of Signs Permitted</u>	<u>Maximum Area</u>	<u>Max. Height</u>
<u>I-2, General Industrial</u>	<u>Ground/Freestanding (on-premises or off-premises)</u>	<u>One (1) sign with less than 200' of frontage. One (1) sign per 200' of additional frontage.</u>	<u>50 sq. ft.</u>	<u>35 ft.</u>
	<u>Changeable copy (on-premises)</u>	<u>One (1) sign as part or whole of one (1) permitted ground/freestanding sign or wall sign (not</u>	<u>32 sq. ft.</u>	<u>35 ft.</u>

	<u>exceeding allowed wall signage).</u>		
<u>Marquee (on-premises)</u>	<u>One per side.</u>	<u>Length of marquee times 1 foot, up to a maximum of 200 sq. ft.</u>	<u>May not project above marquee or below 8 ft.</u>
<u>Wall</u>	<u>Not limited</u>	<u>10% of wall area up to a maximum of 200 sq. ft.</u>	<u>May not project above roof line.</u>
<u>Combined (on-premises)</u>	<u>One, if there is no other ground/freestanding sign</u>	<u>150 sq. ft. (100 sq. ft. if only 2 businesses)</u>	<u>35 ft.</u>
<u>Portable</u>	<u>Not limited</u>	<u>20 sq. ft.</u>	<u>8 ft.</u>
<u>Minor</u>	<u>2</u>	<u>4 sq. ft.</u>	<u>6 ft.</u>
<u>Directional (on-premises)</u>	<u>Two (2) signs per entrance or exit</u>	<u>6 sq. ft.</u>	<u>7 ft.</u>
<u>Temporary</u>	<u>Not limited</u>	<u>100 sq. ft. Max. 50 sq. ft. per ground/free standing sign</u>	<u>20 ft. (freestanding) Wall sign may not project above roof line.</u>

This ordinance shall become effective upon adoption. If any part of this ordinance is deemed unlawful by a court of competent jurisdiction all remaining parts shall be deemed valid.

Upon a call for an aye and nay vote on the foregoing ordinance at a regular meeting of the Council of the Town of Christiansburg, Virginia held _____, the members of the Council of the Town of Christiansburg, Virginia, present throughout all deliberations on the foregoing and voting or abstaining, stood as indicated opposite their names as follows:

	Aye	Nay	Abstain	Absent
Mayor D. Michael Barber*				
Samuel M. Bishop				
Harry Collins				
Cord Hall				
Steve Huppert				
Henry Showalter				
Bradford J. Stipes				

*Votes only in the event of a tie vote by Council.

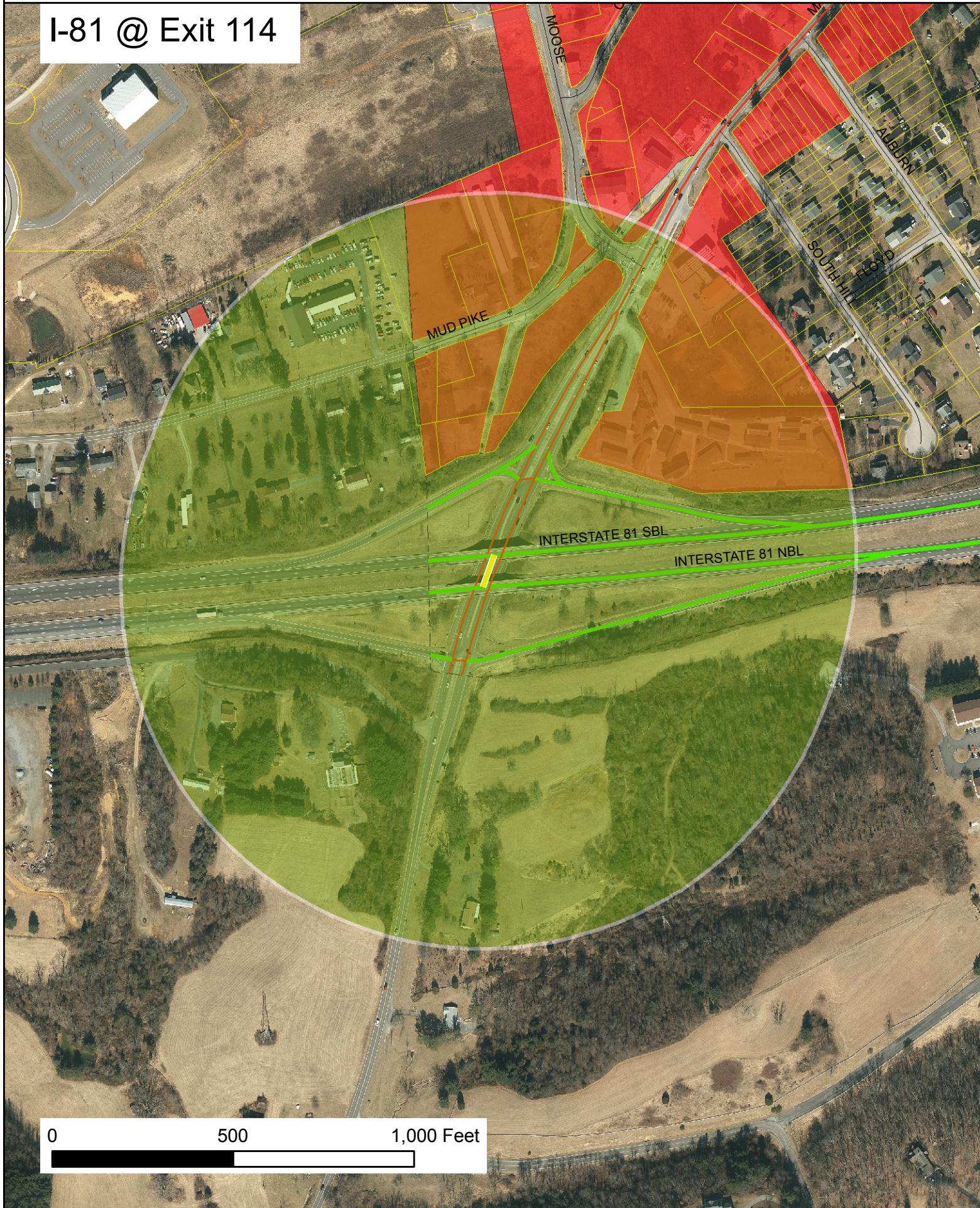
SEAL:

Michele M. Stipes, Town Clerk

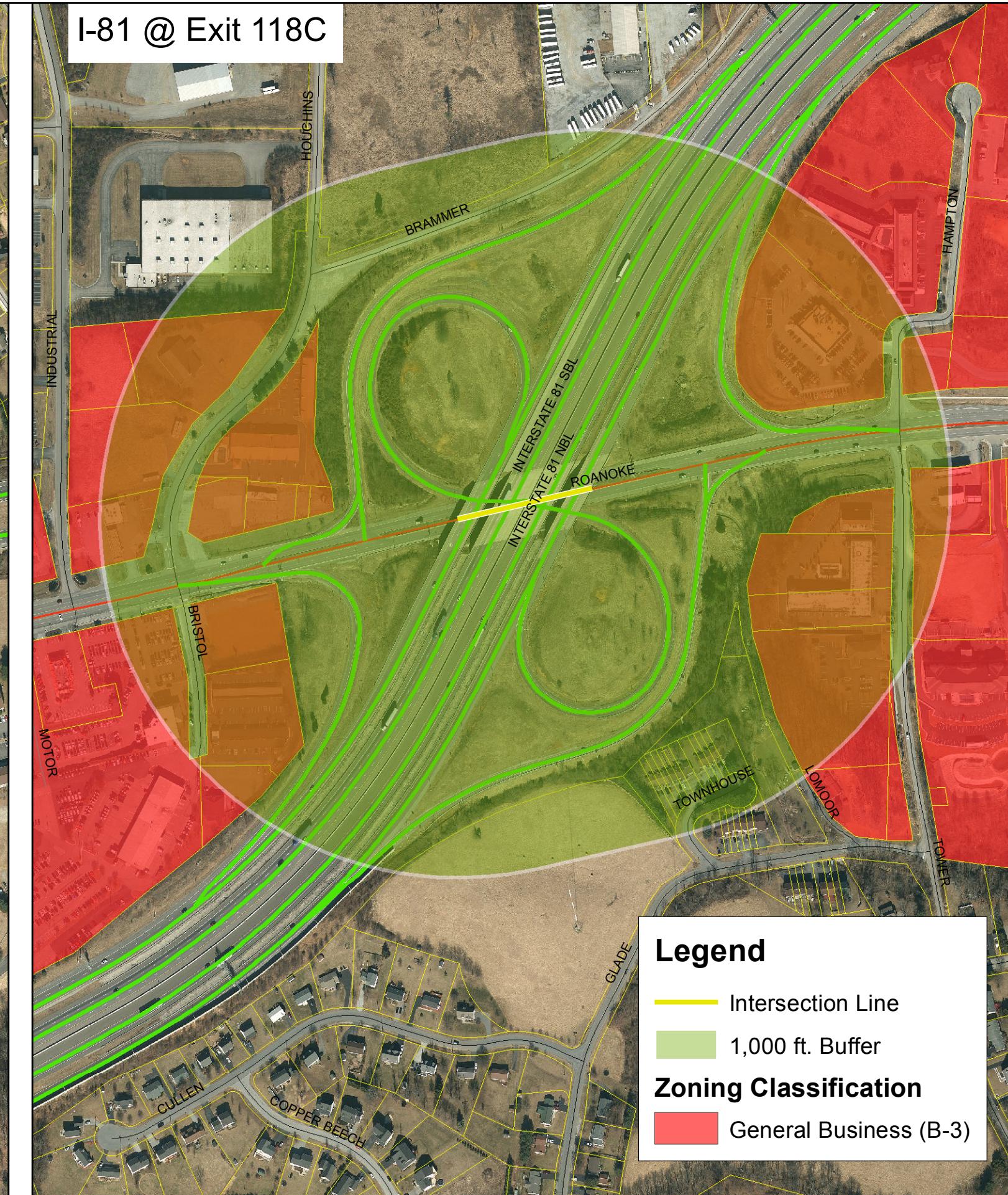
D. Michael Barber, Mayor

Proposed Interstate I-81 Ground Sign Area

I-81 @ Exit 114



I-81 @ Exit 118C



Legend

Intersection Line

1,000 ft. Buffer

Zoning Classification

General Business (B-3)

SIGNAGE FOUNDATION 2016 ANALYSIS

THE STATE OF SIGN CODES AFTER *REED V. TOWN OF GILBERT*

Professor Alan Weinstein holds a joint faculty appointment at Cleveland State University's Cleveland-Marshall College of Law and Maxine Goodman Levin College of Urban Affairs and also serves as Director of the Colleges' Law & Public Policy Program. Professor Weinstein is a nationally-recognized expert on planning law who lectures frequently at planning and law conferences and has over eighty publications, including books, book-chapters, treatise revisions and law journal articles.



signage foundation, inc.

THE REED CASE

THE U.S. SUPREME

COURT'S JUNE 2015 DECISION

In *Reed v. Town of Gilbert* was, undoubtedly, the most definitive and far-reaching statement that the Court has ever made regarding day-to-day regulation of signs. But the *Reed* case, while very clear about the rules that must be applied to the regulation of temporary non-commercial signs, provided only scant guidance about how courts should treat sign regulations that apply to commercial business signs or that differentiate between on-site and off-site signs. In the nine months since the *Reed* ruling, lower court decisions have begun to provide additional guidance on these questions while some questions remain unanswered.

CONTENT-BASED REGULATION OF SIGNS IS UNCONSTITUTIONAL

The rules that Justice Thomas announced in *Reed* are straight-forward for non-commercial signs: a regulation that "on its face" requires consideration of the content of a sign is "content-based" and will be subjected to strict scrutiny.

Further, a regulation that is facially content-neutral could still be considered content-based if its purpose is related to the message on a sign. For example, a code provision that allowed more lawn signs for election season would be facially content-neutral but might be challenged as being justified by or have a purpose related to allowing "election campaign" messages.

A sign regulation is content-based and subject to "strict scrutiny" even if the government (i.e. local officials) did not intend to restrict speech or to favor some category of speech for benign reasons. Justice Thomas wrote: "In other words, an innocuous justification cannot transform a facially content-

based law into one that is content-neutral."

Justice Thomas specified that a content-based sign regulation (including a regulation that is facially content-neutral but justified in relation to content) is presumed to be unconstitutional and will be invalidated unless government can prove that the regulation is narrowly tailored to serve a compelling governmental interest. This is known as the "strict scrutiny" test, and few, if any, regulations survive strict scrutiny. We don't know what, if any, content-based regulations might survive strict scrutiny.

NEARLY EVERY SIGN CODE IS AFFECTED BY REED

Justice Thomas's opinion calls into question almost every sign code in this country:

Temporary Signs: Few, if any, codes have no content-based provisions under the rules announced in *Reed*. For example, almost all codes contain content-based exemptions from permit requirements (real estate signs, political and/or election signs, "holiday displays," etc.), and almost all codes also categorize temporary signs by content, and then regulate them differently. For example, a "real estate" sign can be bigger and remain longer than a "garage sale" sign. *Reed* failed to provide an answer to how we provide for the public's desire for more signage during election campaigns in a wholly content-neutral manner.

Permanent Signs: Many sign codes also have content-based provisions for permanent signs. Because the *Reed* rules consider "speaker-based" provisions to be content-based, differing treatment of signs for "educational uses" vs. "institutional uses" vs. "religious institutions" would be subject to strict scrutiny. The strict scrutiny test could also apply for differing treatment of signs for "gas stations" vs. "banks" vs. "movie theaters."

"TIME, PLACE OR MANNER" REGULATIONS ARE CONTENT-NEUTRAL, SUBJECT TO INTERMEDIATE SCRUTINY

Reed does not, however, cast doubt on the content-neutral "time, place or manner" regulations that are the mainstay of almost all sign codes, provided they are not justified by or have a purpose related to the message on the sign.

Justice Thomas acknowledged that point, noting that the code at issue in *Reed* "regulates many aspects of signs that have nothing to do with a sign's message: size, building materials, lighting, moving parts and portability."

Justice Alito's concurring opinion, joined by Justices Kennedy and Sotomayor, went further. While disclaiming he was providing "anything like a comprehensive list," Justice Alito noted "some rules that would not be content-based." These included rules regulating the size and

location of signs, including distinguishing between building and free-standing signs; "distinguishing between lighted and unlighted signs;" "distinguishing between signs with fixed messages and electronic signs with messages that change;" distinguishing "between the placement of signs on private and public property" and "between the placement of signs on commercial and residential property;" and rules "restricting the total number of signs allowed per mile of roadway."

But Justice Alito also approved of two rules that seem at odds with Justice Thomas's "on its face" language. Alito claimed that rules "distinguishing between on-premises and off-premises signs" and rules "imposing time restrictions on signs advertising a one-time event" would be content-neutral. But rules regarding "signs advertising a one-time event" clearly are facially content-based, as Justice Kagan noted in her opinion concurring in the judgment, and the same claim could be made regarding the on-site vs. off-site distinction.

Keep in mind, however, that even content-neutral "time, place or manner" sign regulations are subject to intermediate judicial scrutiny rather than the deferential "rational basis" scrutiny applied to regulations that do not implicate constitutional rights such as freedom of expression or religion. Intermediate scrutiny requires that government demonstrate that a sign regulation is narrowly tailored to serve a substantial government interest and leave "ample alternative avenues of communication." Because intermediate scrutiny requires only a "substantial," rather than a "compelling," government interest, courts are more likely to find that aesthetics and traffic safety meet that standard. That said, courts have struck down a number of content-neutral sign code provisions because the regulations were not "narrowly tailored" to achieve their claimed aesthetic or safety goals.

BEYOND REED

As noted previously, the Supreme Court ruling of *Reed v. Town of Gilbert* provided scant guidance about how courts should treat sign regulations that apply to commercial business signs or that differentiate between on-site and off-site signs. These issues are now being addressed in the lower federal courts, clarifying how these types of signs might be content-based and subject to strict scrutiny.

Commercial signs: To date, the federal courts have ruled unanimously that *Reed* should not be applied to regulations that affect commercial signs. The following quote from *Lamar Cent. Outdoor, LLC v. City of Los Angeles*, 2016 WL 911406, (Cal. Ct. App. Mar. 10, 2016) is typical: "*Reed* is of no help to plaintiff either..., it does not purport to eliminate the distinction between commercial and noncommercial speech. It does not

WHAT NOW?

involve commercial speech, and does not even mention *Central Hudson*." The *Central Hudson* reference is to the 1980 Supreme Court ruling establishing that regulation of commercial speech should be subject to a form of intermediate scrutiny rather than strict scrutiny.

On-site vs. off-site signs: Treatment of the on-site vs. off-site distinction remains uncertain. Most courts that have addressed the issue have cited Justice Aliota's concurrence as the basis for dismissing the idea that *Reed* should apply to the on-site vs. off-site distinction. But one federal district court has vigorously disagreed. In *Thomas v. Schroer*, 2015 WL 5231911 (W.D. Tenn. Sept. 8, 2015), the judge noted: "Not only is the concurrence not binding precedent, but the concurrence fails to provide any analytical background as to why an on-premise exemption would be content-neutral. The concurrence's unsupported conclusions ring hollow in light of the majority opinion's clear instruction that 'a speech regulation targeted at specific subject matter is content-based even if it does not discriminate among viewpoints within that subject matter,' citing *Reed*. Clearly, this issue remains unresolved.

Content-based exemptions: Sign regulations that contain content-based exemptions have not fared well under *Reed*. *Central Radio Co. Inc. v. City of Norfolk*, Va., 811 F.3d 625 (4th Cir. 2016), is a good example. There, in a challenge first decided before *Reed*, the Court of Appeals had concluded that a sign regulation exempting flags, emblems and works of art was content-neutral and, applying intermediate scrutiny, held that the regulation was a constitutional exercise of the city's regulatory authority. But when the challenge was renewed after *Reed*, the Court of Appeals reversed its decision and agreed with the plaintiffs that, under *Reed*, the regulation was a content-based restriction that cannot withstand strict scrutiny. Similarly, in *Marin v. Town of Southeast*, 2015 WL 5732061 (S.D.N.Y. Sept. 30, 2015), a federal district court ruled that a regulation that exempted certain signs, but not political signs, from restrictions placed on temporary signage, was a content-based restriction that did not withstand strict scrutiny.

Content-neutral prohibitions: In contrast, courts that have ruled on challenges to content-neutral "time, place or manner" regulations after *Reed* have had little difficulty upholding the regulations. For example, in *Peterson v. Vill. of Downers Grove*, 2015 WL 8780560 (N.D. Ill. Dec. 14, 2015), the court upheld a content-neutral ban on all painted wall signs, and in *Vosse v. The City of New York*, 2015 WL 7280226 (S.D.N.Y. Nov. 18, 2015), the court upheld a content-neutral prohibition on signs extending more than 40 feet above curb level as a reasonable "time, place or manner" restriction on speech.

HOW CAN CITIES RESPOND TO THESE RULINGS?

Some cities are enacting moratoria on sign regulation while they try to figure that out. A court would likely view with disfavor a total moratorium on issuing any sign permits (or, worse yet, displaying any new signs) as an unconstitutional prior restraint on speech. In contrast, a moratorium of short duration – certainly no more than 30 days – targeted at permits issued under code provisions that are questionable after *Reed* is far more likely to be upheld. Cities are also well-advised to suspend enforcement of code provisions – particularly regulation of temporary signs – that are questionable after *Reed*. Obviously, however, all sign code structural provisions directly related to public safety should continue to be enforced.

As we all know, drafting a fair and effective sign code that balances a community's interests is no easy task. Trying to do that during a short moratorium is even harder, but it is certainly not impossible.

TIPS FOR COMPLYING WITH REED

Until the courts provide more guidance on the uncertainties surrounding the *Reed* ruling, arguably the best course of action is to err on the side of allowing for less restrictive, rather than more restrictive, sign regulations.

Remove from the sign code all references to the content of a sign other than the few examples directly related to public safety noted in Justice Thomas's opinion. Most of these content-based provisions likely will relate to temporary signs. Rather than referring to "real estate" or "political" or "garage sale" signs, your code should treat these all as "yard" signs or "residential district" signs. You then regulate their number, size, location, construction and amount of time they may be displayed, keeping in mind how your residents want to use such signs. You would use the same approach for temporary signs in business districts: replace references to "Grand Opening" or "Special Sale" signs with "temporary business sign" and regulate their number, size, location, construction and amount of time they may be displayed based on business needs for such signs.

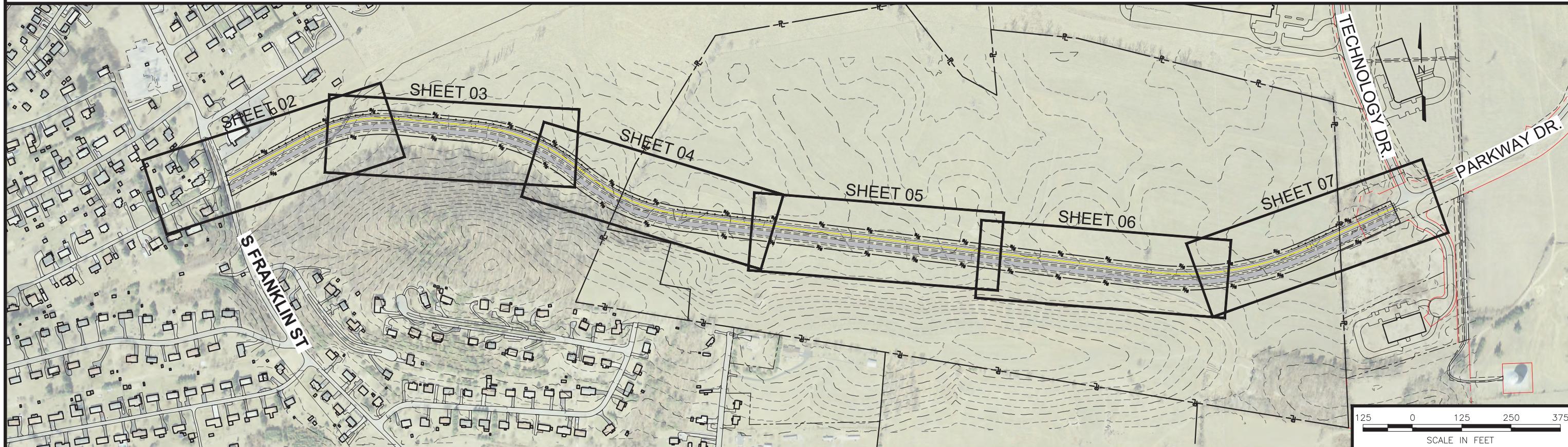
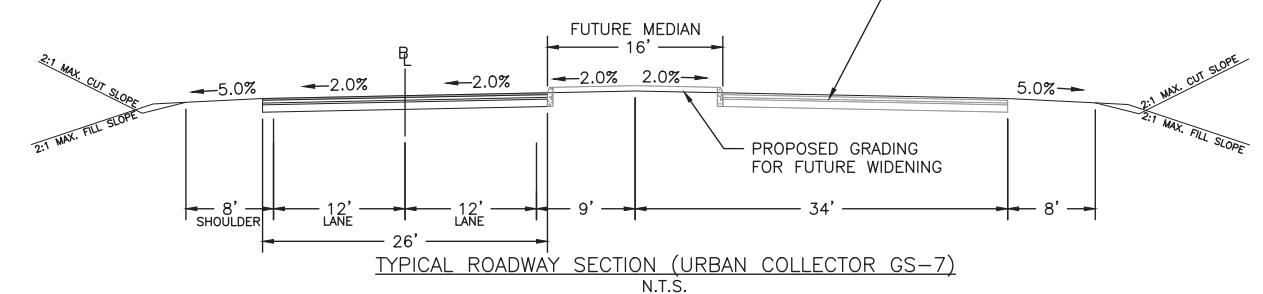
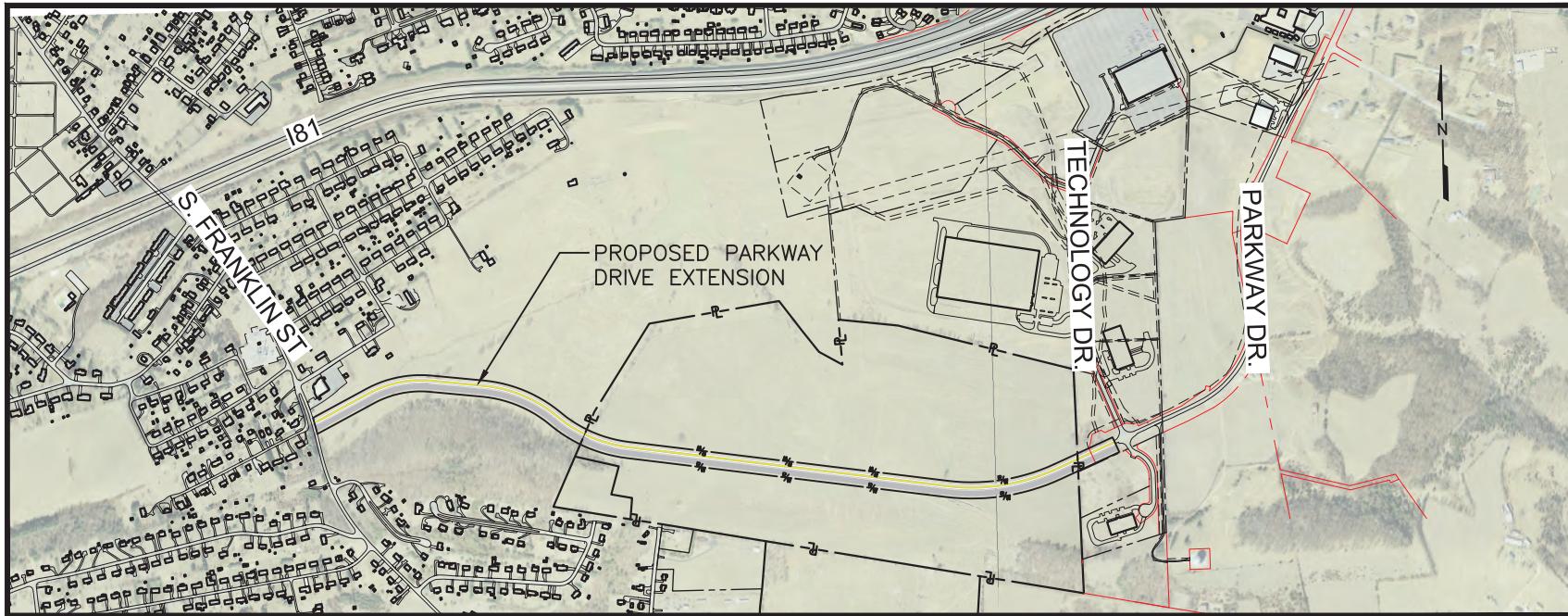
All the provisions in your code that refer to number, area, structure, location and lighting of permanent signs are content-neutral and unaffected by Reed. If your code has any content-based provisions for permanent signs, either by specifying content that must (or must not) be on a sign or because you distinguish among uses (e.g., "gas-station signs"), those provisions will be subject to strict scrutiny if challenged. None of these content-based provisions should be retained unless public safety would be so threatened by removal that the provision would survive strict scrutiny. Permanent signs should be regulated in a content-neutral manner with regulations distinguished not by type of use (because that would be "speaker-based") but by either zoning districts or "character" districts or by reference to street characteristics such as number of lanes or speed-limit. The International Sign Association has a number of resources that can help your community revise your sign code based on the latest research, sign industry expertise and sign-user perspectives.

If your sign code does not have a severability clause and a substitution clause they should be added. A severability clause provides that if any specific language or provision in the code is found to be unconstitutional, it is the intent of the city council that the rest of the code remain valid. For example: "If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word in this code is declared invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of the code." A substitution clause allows a non-commercial message to be displayed on any sign. While *Reed* did not discuss the commercial/non-commercial distinction, prior U.S. Supreme Court cases established that commercial speech should not be favored over non-commercial speech. A substitution clause thus can safeguard you against liability that could result from mistakenly doing just that by prohibiting the display of a non-commercial message or citing it as a code violation. For example: "Signs containing non-commercial speech are permitted anywhere that advertising or business signs are permitted, subject to the same regulations applicable to such signs."

PARKWAY DRIVE EXTENSION

CHRISTIANSBURG, VA

VICINITY MAP



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Professional Design Services
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100 Ardmore St.
Blacksburg, Va. 24060
540-552-5592

DATE : 23 SEP 16

DESIGNED: JMM

DRAWN : MDA

CHECKED :

QA / QC :

REV. #

COMMENTS

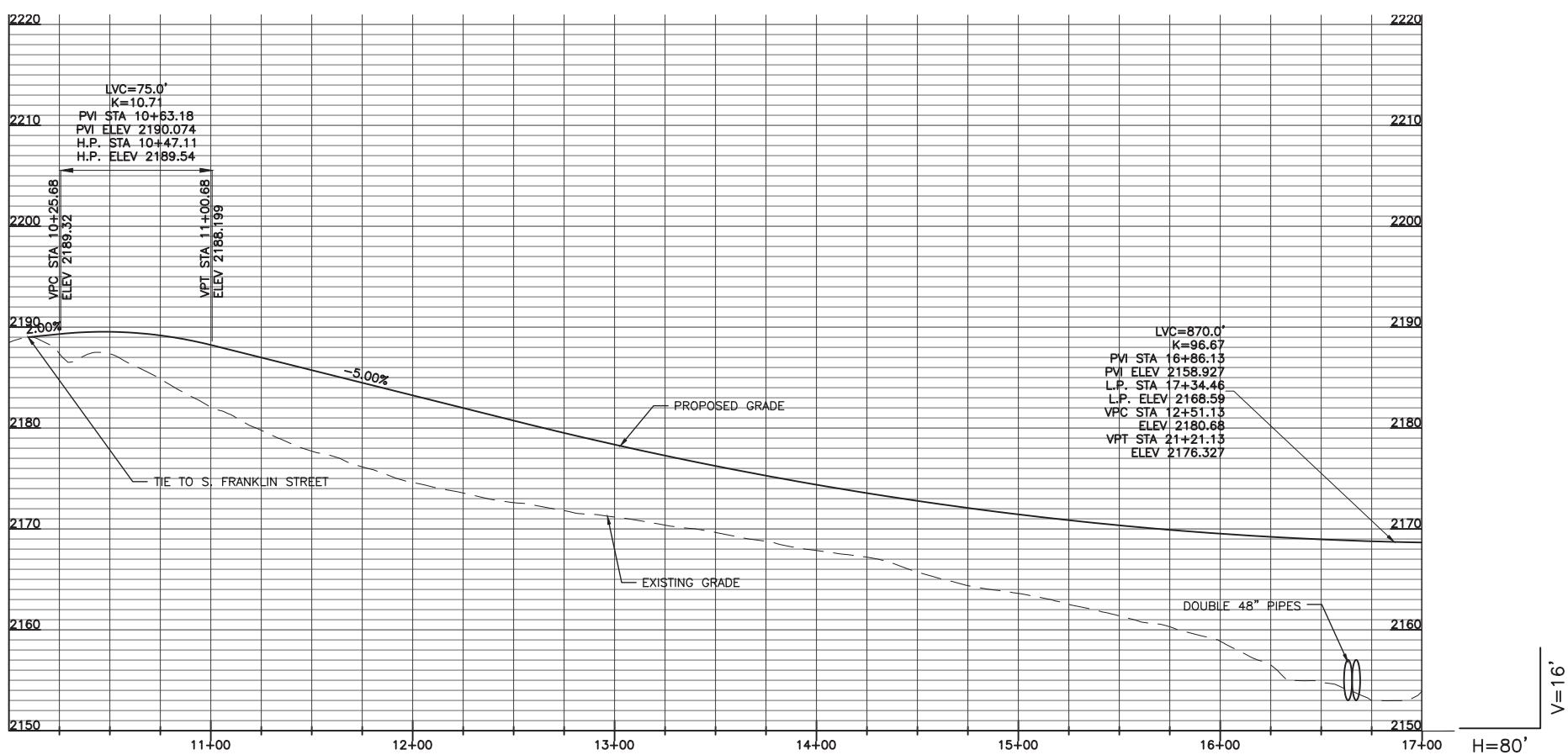
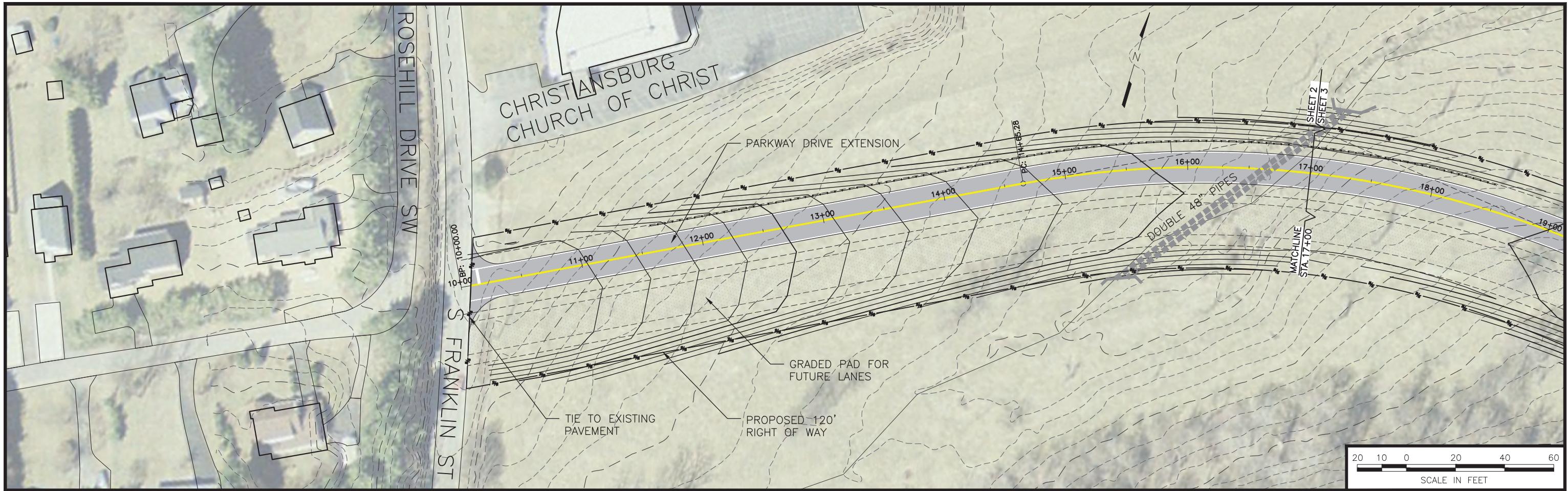
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PARKWAY DRIVE EXTENSION
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**LAYOUT SHEET
& TYPICAL SECTION**

DOCUMENT NO.
32362-001

1 SHEET
OF 7



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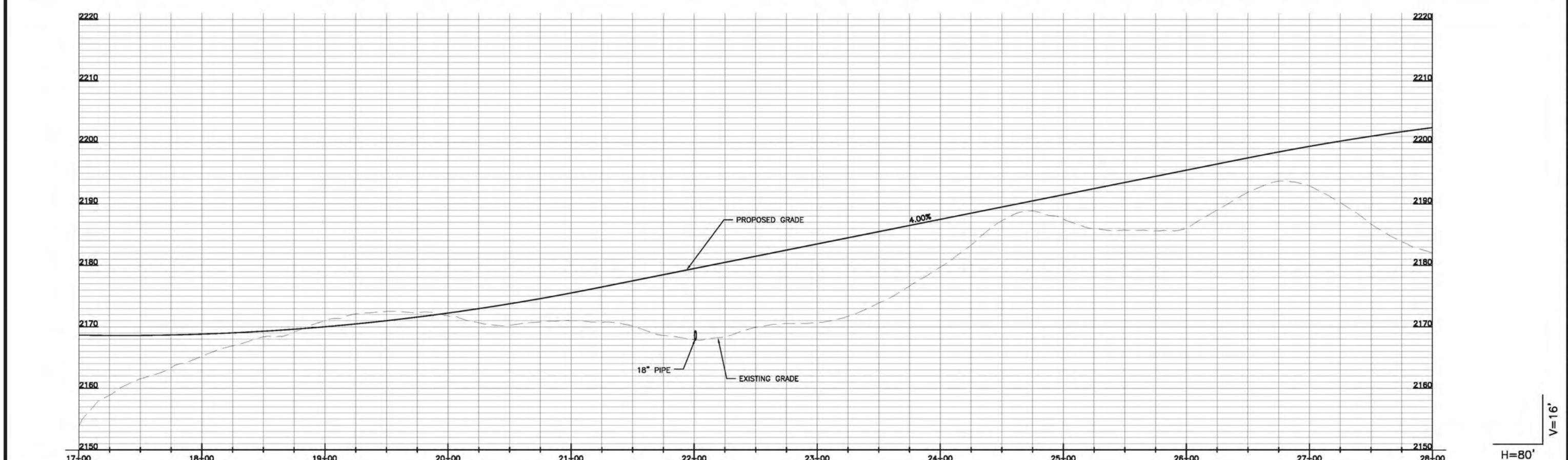
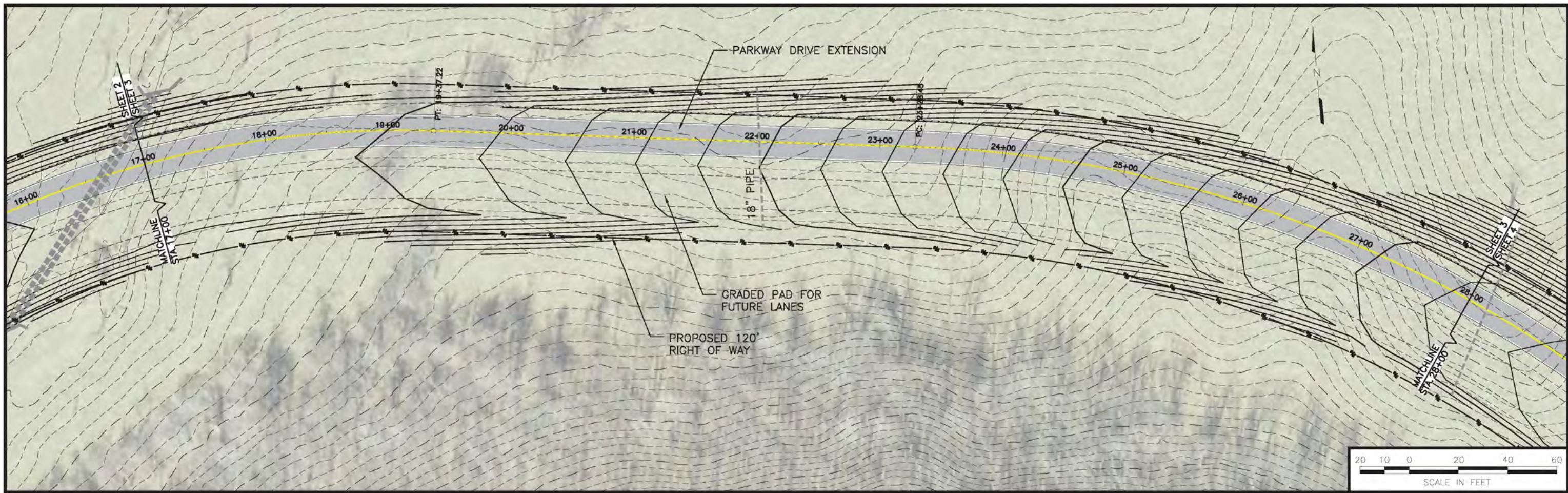
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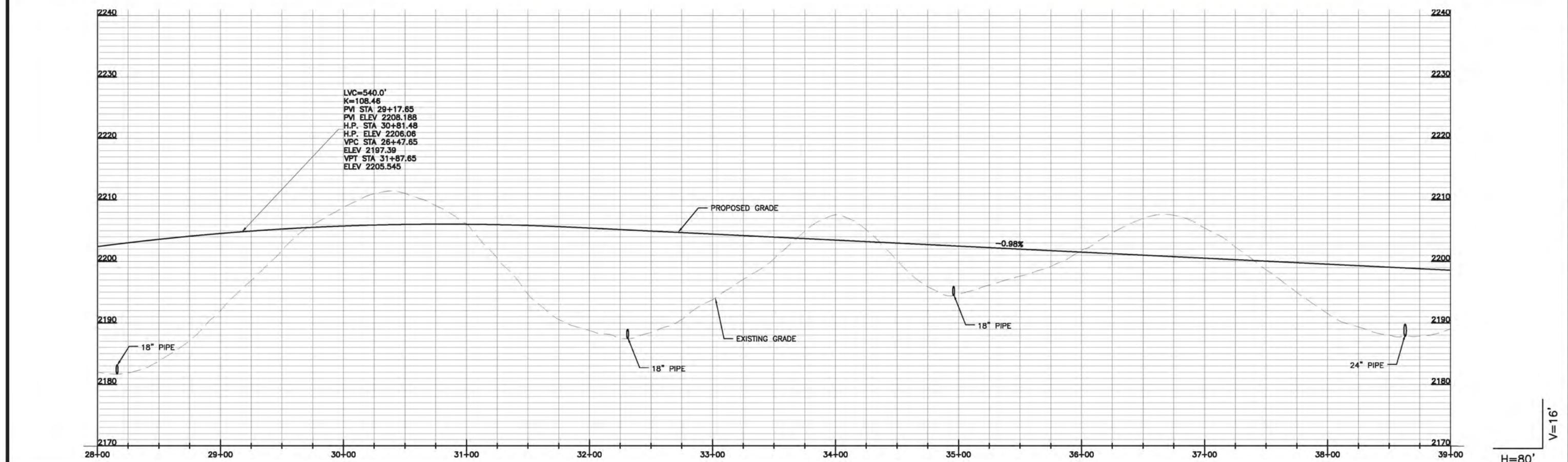
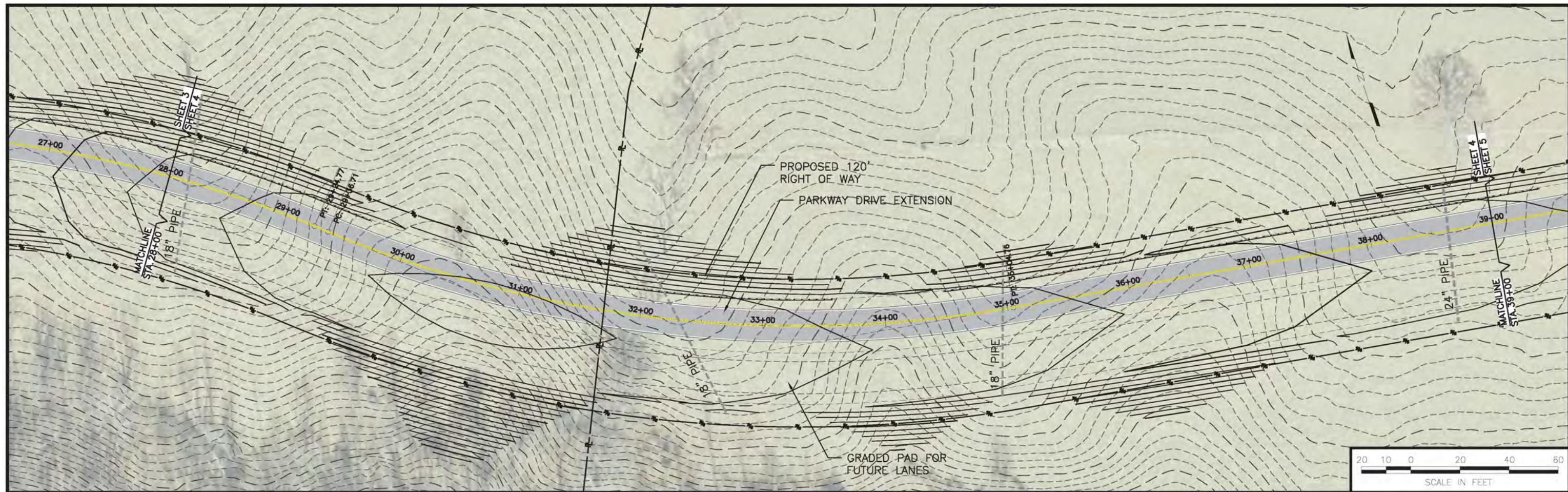
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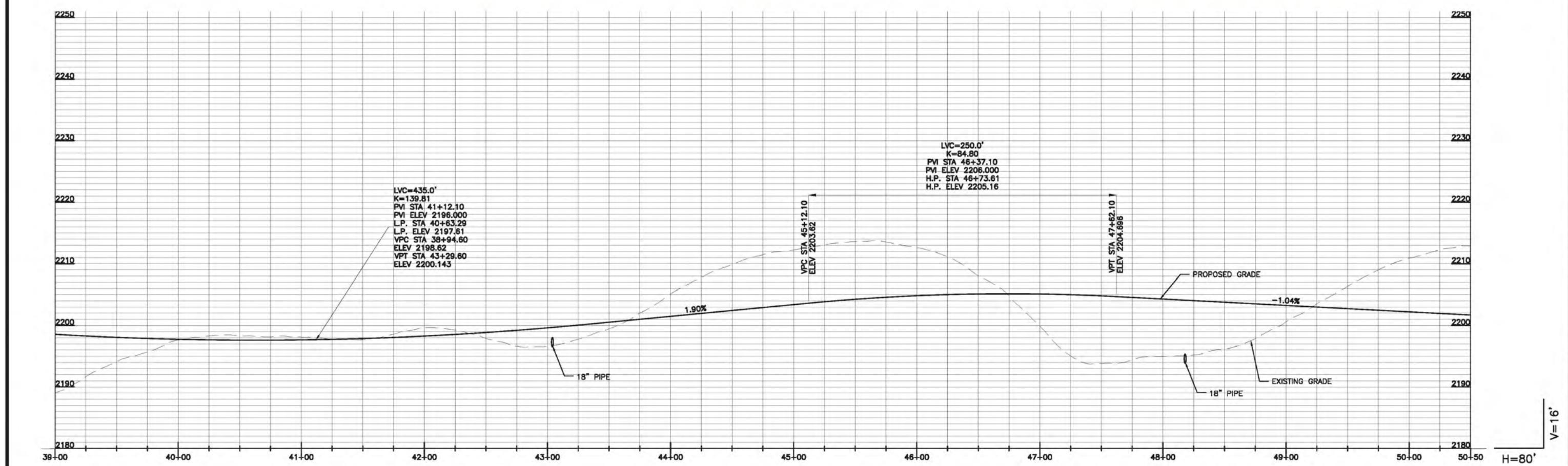
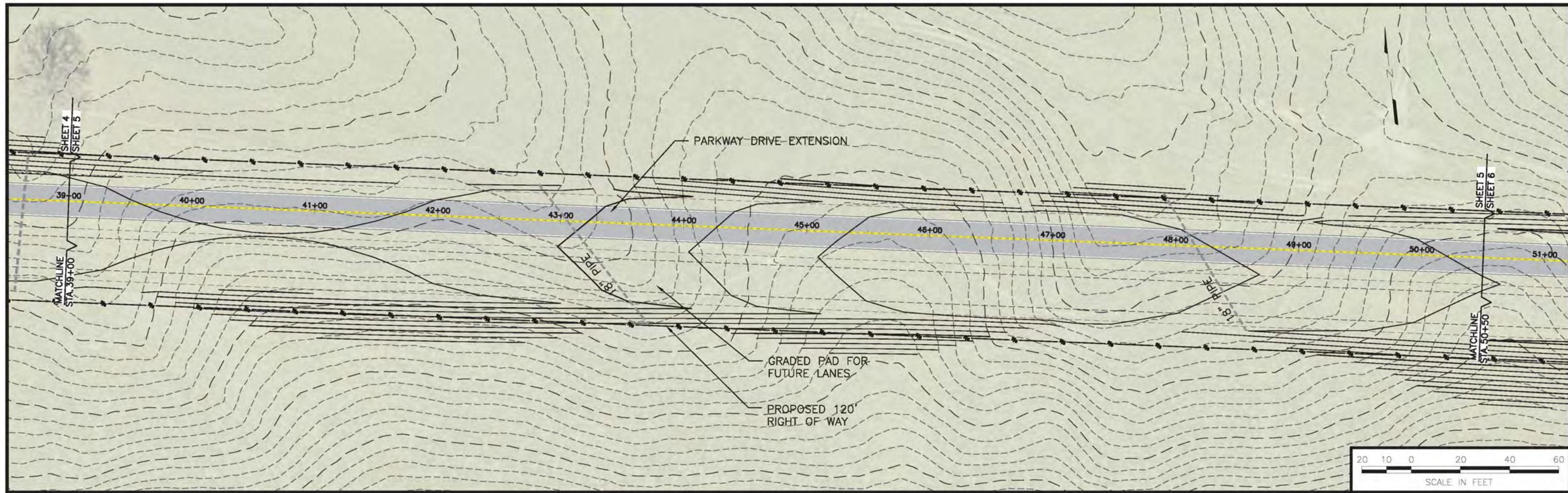
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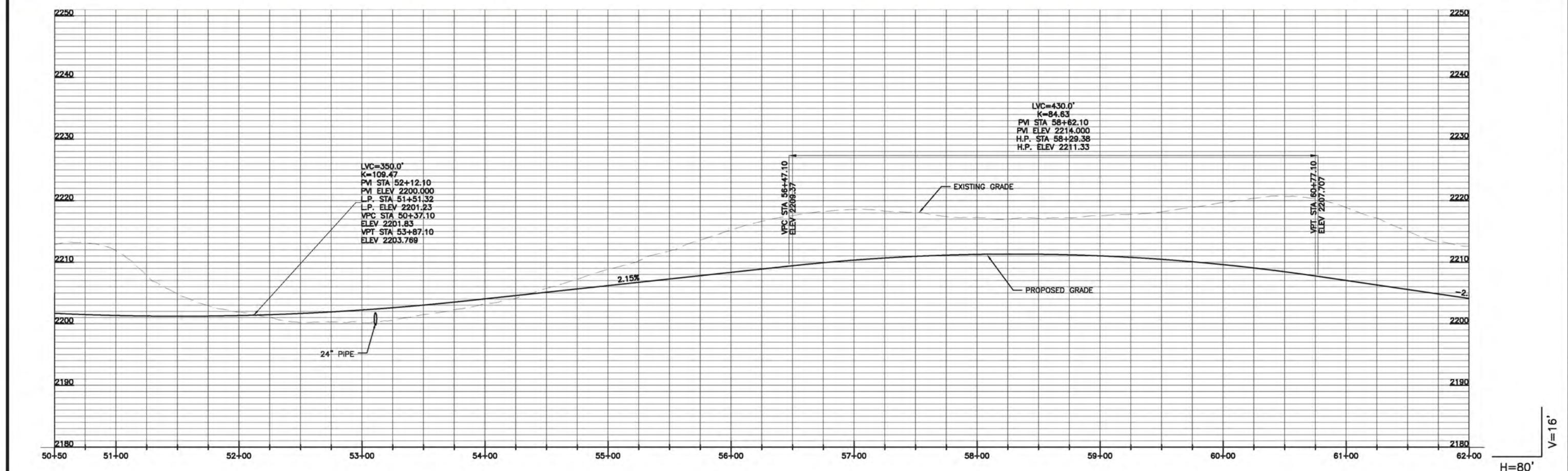
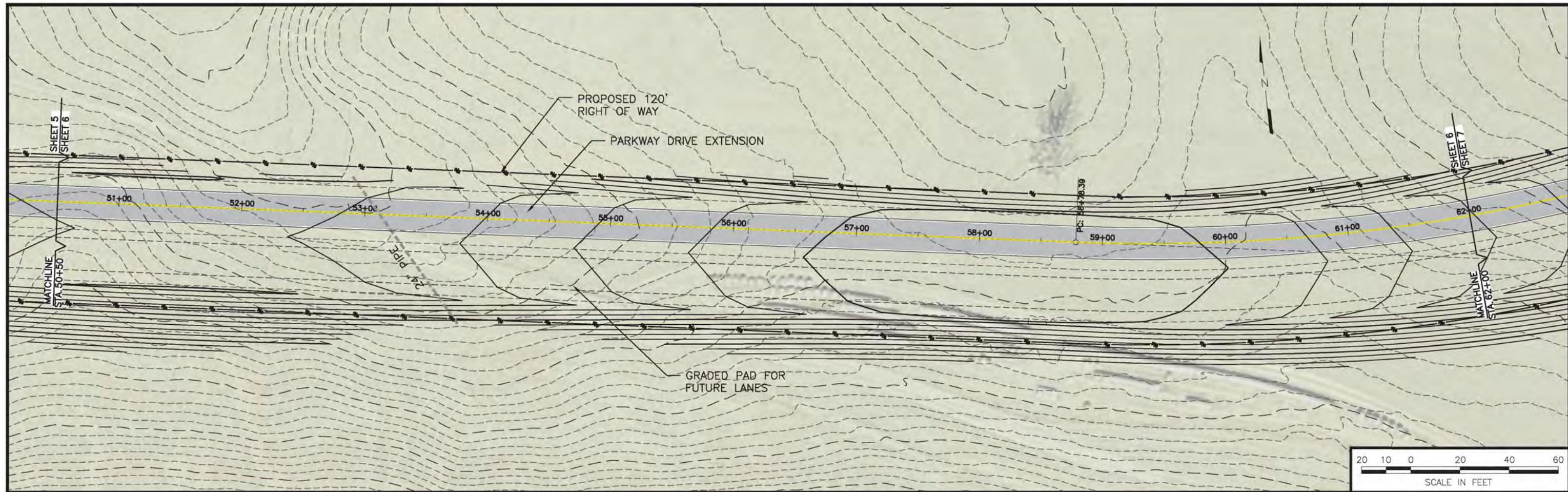
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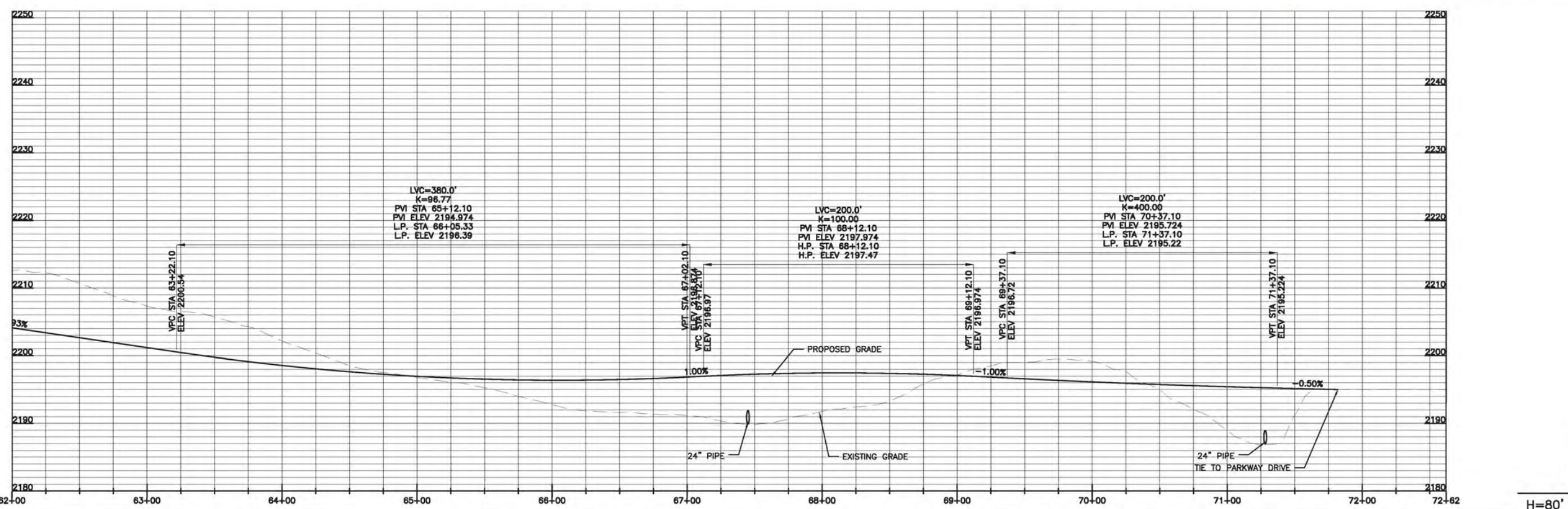
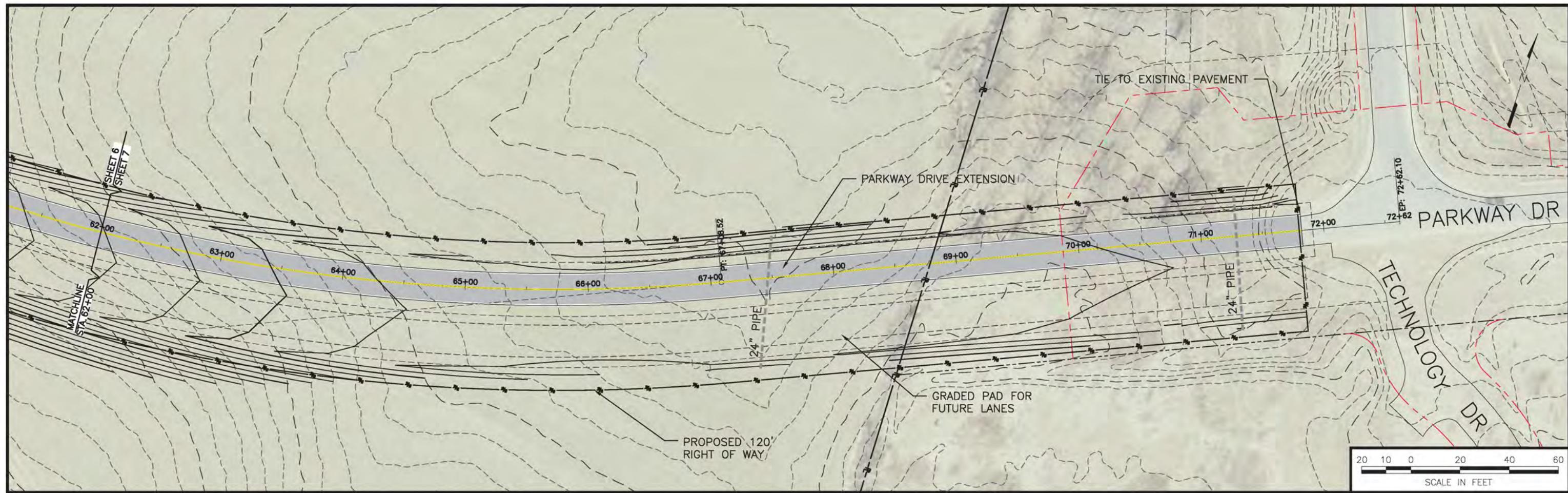
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DOCUMENT NO.
32362-007
7 SHEET
OF 7



July 12, 2017

Mr. Andrew Warren
Planning Director/Zoning Administrator
Town of Christiansburg
100 East Main Street
Christiansburg, Virginia 24073

Re: Conditional Use Permit Application for the Replacement of a Wireless Communications Monopole
Application #: CUP-2017-05
Planning Commission Public Hearing Date: Wednesday, July 5, 2017
Town Council Public Hearing Date: Tuesday, July 25, 2017
Location: 570 N. High Street, NE (the “Subject Property”)
Applicant: Shenandoah Personal Communications, LLC (“Shentel” or the “Applicant”)
Shentel Site ID/Name: 68803, South Radford/Christiansburg

Dear Mr. Warren:

As counsel for Shentel, I write to submit the enclosed supplemental information in support of the above-referenced application for a Conditional Use Permit (the “Application”). With the Application, Shentel submitted a letter dated May 15, 2017, from structural engineer Michael F. Plahovinsak, P.E. (the “Fall Zone Letter”). Mr. Plahovinsak designed the proposed steel monopole-style replacement wireless communications tower described in the Application (the “Replacement Tower”). In the Fall Zone Letter, Mr. Plahovinsak certified that, in the extremely unlikely event of a catastrophic structural failure resulting from an extreme wind storm, the Replacement Tower is designed to collapse on itself within a 70 foot radius of the base of the tower.

Following the public hearing before the Planning Commission held on Wednesday, July 5, 2017, members of the Planning Commission posed certain questions about certifications made by Mr. Plahovinsak in the Fall Zone Letter and the design of the Replacement Tower. Such questions related to Shentel’s requests for waivers from the maximum height limitation of 75 feet set forth in § 42-683 of the Town Code and the setback requirement for monopole towers set forth in Chapter 32 (Telecommunications) of the Christiansburg Zoning Ordinance. Additionally, certain members of the Planning Commission expressed concerns about the fall radius of 70 feet shown on Sheet R-1 (RADIUS MAP) of the site plan submitted with the Application (the “Initial Fall Radius”). Although no residential structures presently are located within the Initial Fall Radius, some Commissioners were concerned that the Initial Fall Radius extends into the adjacent

parcels located to the north of the Subject Property (the “Adjacent Parcels”) beyond the rear yard setback in the R-3 Multi-Family District of 20 feet for a principal structure (the “Rear Yard Setback”). Under the current zoning of the Adjacent Parcels, a portion of a principal structure could conceivably be located within the Initial Fall Radius at some point in the future. Therefore, the Commissioners asked Shentel whether it is possible to redesign the Replacement Tower so that the fall radius would not extend onto the Adjacent Parcels.

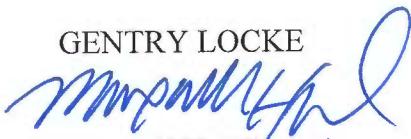
In response to the Commissioners’ questions and concerns, Shentel asked Mr. Plahovinsak alleviate the Commissioners’ concerns by redesigning the Replacement Tower to fall within a shorter radius from the base of the tower. I am pleased to report that Mr. Plahovinsak has redesigned the Replacement Tower to fall within a 50 foot radius of the base of the tower.

Enclosed is a copy of a letter dated July 6, 2017, in which Mr. Plahovinsak certifies that he has redesigned the Replacement tower to collapse on itself within a radius of 50 feet of the base of the Replacement Tower (the “Revised Fall Radius”), in the extremely unlikely event of a catastrophic structural failure resulting from an extreme wind storm. Although the Revised Fall Radius still extends onto the Adjacent Parcels, it does not extend beyond the applicable Rear Yard Setback into the portion of the Adjacent Parcels where a principal structure conceivably could be built at some point in the future. We hope that the enclosed information regarding the redesign of the proposed Replacement Tower addresses the concerns expressed by members of the Planning Commission following the July 5, 2017 public hearing. Should the planning commission need any additional information related to the redesign of the proposed Replacement Tower, please let us know.

Unfortunately, we have yet to obtain the information related to sustained wind speeds and wind directions at the Subject Property requested by the Commissioners following the July 5, 2017 public hearing. We will continue searching for such information and provide the Commissioners an update at the July 17, 2017 meeting of the Planning Commission.

Should you or any of the members of the Planning Commission have any questions regarding the enclosed letter or the Revised Fall Radius, I would be happy answer them at the upcoming Planning Commission meeting on July 17.

Very truly yours,

GENTRY LOCKE

Maxwell H. Wiegard

Enclosure

cc: Ms. Deborah Balser
Mr. Jeff Holland, NB+C
Ms. Kim Stephenson, NB+C

Michael F. Plahovinsak, P.E.

18301 State Route 161, Plain City, Ohio 43064
(614) 398-6250 • mike@mfpeng.com

July 6, 2017

Shentel

Re: Proposed 108-ft Monopole
Located in Montgomery Co., VA: Site #68803/RN208
South Radford / Christiansburg
MFP #23517-256 / TAPP TP-15225

I understand that there may be some concern on the part of local building officials regarding the potential for failure of the proposed communication monopole. Communication structures are designed in accordance with the Telecommunications Industry Association ANSI/TIA-222-G, "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures". This structure is to be fabricated by TransAmerican Power Products.

I will design this monopole to withstand a 3-second gusted wind speed of 90 mph (V_{asd}) in accordance with ANSI/TIA-222-G for Montgomery County. *The design will also conform to the requirements of the 2006-2015 International Building Code.*

This monopole will be intentionally designed to accommodate a theoretical fall radius. The upper 50' of the pole will be designed to meet the wind loads of the design, however, the lower portion of the pole will be designed with a minimum 10% extra capacity. Assuming the pole will be fabricated according to my design and well maintained, in the event of a failure due to extreme wind and a comparable appurtenance antenna loads (winds in excess of the design wind load), it would yield/buckle at the 58' elevation. The yielded section would result in a maximum 50' fall radius, but would most likely remain connected and hang from the standing section.

The structure will be designed with all of the applicable factors as required by the code. A properly designed, constructed and maintained pole has never collapsed; monopoles are safe structures with a long history of reliable operation.

I hope this review of the monopole design has given you a greater degree of comfort regarding the design capacity inherent in pole structures. If you have any additional questions please call me at 614-398-6250 or email mike@mfpeng.com.

Sincerely,

Michael F. Plahovinsak, P.E.
Professional Engineer

