

**ORDINANCE # O-2021-\_\_\_\_\_**

**AN ORDINANCE TO PERMIT RESIDENTIAL USE BY-RIGHT IN ONE STORY BUILDINGS FRONTING COMMERCE AND ELLICOTT STREETS IN THE B-1 ZONING DISTRICT**

**WHEREAS**, Town Code § 157.121 (B)(4) allows residential uses in the B-1 district only by special exception and only on floors above street/sidewalk level; and

**WHEREAS**, a small number of buildings in the B-1 district have one story and many of those were built for residential use or have been primarily used for residential purposes over their histories; and

**WHEREAS**, the intent of Council in requiring a special exception for residential use in the B-1 district was to preserve sufficient real estate for a thriving commercial district by preventing conversion of commercial properties to residential use; and

**WHEREAS**, the use of one story buildings for residential purposes away from the commercial heart of the Town does not pose the same risk of losing prime commercial locations as would be posed by residential use of taller buildings or buildings in the commercial heart of the Town.

**NOW, THEREFORE, BE IT ORDAINED** by the Council for the Town of Occoquan, Virginia meeting in \_\_\_\_\_ session this \_\_\_ day of \_\_\_\_\_, 2021:

1. That the Town Council hereby amends Town Code § 157.121 as follows:

**§ 157.121 USES PERMITTED.**

Structures to be maintained or erected, or land to be used, shall be restricted to one or more of the following uses.

(A) Uses permitted by right. Uses permitted by right are as follows:

- (1) Home appliance services;
- (2) Bakeries;
- (3) Banks;
- (4) Barbershops and beauty shops;
- (5) Bed and breakfasts;
- (6) Clubs and lodges;
- (7) Drugstores;
- (8) Festivals, town sponsored;
- (9) Hotels;
- (10) Laundry facilities;
- (11) Libraries;
- (12) Machinery sales and service;
- (13) Medical uses;

- (14) Office buildings;
- (15) Places of assembly with less than 25 seats, as an accessory to the principal use;
- (16) Plumbing and electrical supply stores (with storage under cover);
- (17) Public utilities, including poles, lines, distribution transformers, pipes, meters or other facilities necessary for the provision and maintenance of public utilities, including water and sewerage facilities;
- (18) Restaurants, eating places;
- (19) Retail food stores;
- (20) Retail stores;
- (21) Temporary seasonal display, subject to the following conditions: display must be accessory to the principal use of the property; and display may not be present for more than 45 days;
- (22) Waterfront business activities: wholesale and retail marine, such as boat docks, piers, small boat docks, yacht clubs and marine servicing facilities; dock and areas for receipt, storage, and transshipment of waterborne commerce; and recreational activities, primarily conducted on or about a waterfront. All such uses shall be contiguous to a waterfront; and
- (23) Detached single-family dwelling in a one-story building that fronts on Commerce Street or Ellicott Street.

- (B) Uses permitted by special exception permit approved by Town Council. Uses permitted by special exception permit approved by Town Council are as follows:
- (1) Auto services;
  - (2) Child care facilities;
  - (3) Funeral homes;
  - (4) General residential uses, subject to the following condition: residential uses may not occupy the floor of the building that is adjacent to the primary street and/or sidewalk;
  - (5) Lumber and building supply stores (with storage under cover);
  - (6) Places of assembly; and
  - (7) Wholesale businesses.

2. That this ordinance is effective upon passage.

PASSED AND ADOPTED by the Town Council of the Town of Occoquan on this \_\_\_\_ day of \_\_\_\_, 2021.

**BY ORDER OF THE TOWN COUNCIL**

**MEETING DATE:**  
**Town Council Meeting**  
**Ord. No. O-2021-XX**

**RE: An Ordinance to Permit Residential Use By-Right in One Story Buildings Fronting  
Commerce and Ellicott Streets in the B-1 Zoning District**

**MOTION:**

**SECOND:**

**ACTION:**

**Votes:**

**Ayes:**

**Nays:**

**Absent from Vote:**

**Absent from Meeting:**

**CERTIFIED COPY**\_\_\_\_\_

**Town Clerk**