



TOWN OF OCCOQUAN

Town Hall, 314 Mill Street, Occoquan, VA 22125
www.occoquanva.gov | info@occoquanva.gov | (703) 491-1918

PLANNING COMMISSION MEETING

November 16, 2021 | 6:30 p.m.

1. **Call to Order**
2. **Citizen Comments**
3. **Approval of Minutes**
 - a. October 27, 2021 Meeting Minutes
4. **Public Hearings**
 - a. Public Hearing on the Comprehensive Plan Update
 - b. Public Hearing on Proposed Amendments to Occoquan Zoning Ordinance Regarding Residential Use By Right in One Story Buildings Fronting Commerce and Ellicott Streets in the B-1 Zoning District
 - c. Public Hearing on Proposed Amendments to Occoquan Zoning Ordinance Regarding Land Development Process
 - d. Public Hearing on Proposed Amendments to Occoquan Zoning Ordinance Regarding Illuminated Signs
5. **Action Items**
 - a. Request to Make Recommendation to Town Council on Comprehensive Plan Update
 - b. Request to Make Recommendation to Town Council on Amendments to Town Code § 157.121 to Permit Residential Use By-Right in One Story Buildings Fronting Commerce and Ellicott Streets in the B-1 Zoning District
 - c. Request to Make Recommendation to Town Council on Amendments Relating to Land Development Process
 - d. Request to Make Recommendation to Town Council on Amendments to Town Code § 157.304 (B)(12) Regarding Illuminated Signs
6. **Discussion Items**
 - a. Community Plan Addendum Status Update
 - b. Planning Commission Priorities Update
 - Strategic Relationship Building
 - Alpine X
 - North Woodbridge Town Center
 - Belmont Bay Build Out Project
7. **Adjournment**



**TOWN OF OCCOQUAN
PLANNING COMMISSION**
Town Hall - 314 Mill Street, Occoquan, VA 22125

MEETING DATE: 2021-10-27
MEETING TIME: 6:30 PM

Present: Chairperson Eliot Perkins, Commissioners Darryl Hawkins, Ralph Newell, Ryan Somma

Absent: Commissioner Ann Kisling

Town Staff: Kirstyn Jovanovich, Town Manager; Bruce Reese, Town Engineer (remote), Martin Crim, Town Attorney (remote)

1. Call to Order

The Planning Commission meeting was called to order by Chairman Perkins on 2020-10-27, at 6:30 p.m.

2. Citizen Comments

There were no comments.

3. Approval of Minutes

a. September 29, 2021 Meeting Minutes

Commissioner Somma motioned to approve the minutes. Commissioner Hawkins seconded. The motion passed unanimously by voice vote.

4. Action Items

a. Request to Consider Zoning Text Amendments to Town Code § 157.304 (B)(12) Regarding Illuminated Signs and to Set Public Hearing Date

Mr. Reese explained this is a correction to an oversight of the original Town Code. It was not intended that signs could not be lit, but that signs could not be lit internally. Mr. Crim said this is a matter of clarifying definitions and accomplishing what the original intent was. Chairperson Perkins said this vote is to set a public hearing and asked for concerns from the Commissioners. There were no questions or concerns.

Commissioner Somma moved to set a public hearing date of November 16, 2021 on the draft ordinance. Commissioner Newell seconded. The motion passed unanimously by voice vote.

b. Request to Consider Zoning Text Amendments to Town Code § 157.121 to Permit Residential Use By-Right in One Story Buildings Fronting Commerce and Ellicott Streets in the B-1 Zoning District and to Set Public Hearing Date

Mr. Reese stated that the intent of the 2017 Town Code update was to maintain a healthy business district by preventing residences on the first floor adjacent to the primary sidewalk and/or street. Currently, the Town Code only allows residential in the B1 through a special use permit and only in the situation where commercial is on the floor adjacent to the primary sidewalk and/or street, thus allowing commercial use or mixed-use within the B1. This proposed amendment to the Town Code would allow one-story structures fronting Commerce and Ellicott Streets in the B1 to be either by-right commercial or residential use. Currently, staff has identified four one-story structures fronting Commerce and Ellicott Streets that would qualify for by-right residential use with this proposed amendment.

Commissioner Newell asked if the four existing residences are grandfathered in. Mr. Crim said that, with this amendment, they would become by-right uses. Ms. Jovanovich further stated that all existing residential uses in the B1 at the time of the Town Code update in 2017 became non-conforming uses and could continue in that use until which time a commercial use is introduced to the property after which, the property could no longer be residential-only use.

Commissioner Newell moved to set a public hearing date of November 16, 2021, on the draft ordinance. Commissioner Somma seconded. The motion passed unanimously by voice vote.

c. Request to Set Public Hearing Date for Zoning Text Amendments Relating to Land Development Process

Mr. Reese explained the goal of these amendments is to (1) clarify site plan requirements, (2) update the parameters of when a site plan is required and, (3) make the review and approval process administrative. Mr. Reese clarified that plans that require a special use permit would still be considered by the Planning Commission and Town Council.

Mr. Crim said the proposed amendments reduce the current requirements for site plans when there are very minor disturbances. The Planning Commission and Town Council are involved with policy decisions and approving site plans is not a policy decision.

Commissioner Somma moved to set a public hearing date of November 16, 2021, on the draft ordinance. Commissioner Newell seconded. The motion passed unanimously by voice vote.

d. Request to Set Public Hearing Date for Comprehensive Plan Update

Ms. Jovanovich said she made additional revisions and provided a revised copy of the Draft Comprehensive Plan Update to the Commission. Specifically, she adjusted the Main Street America references throughout the document. Chairperson Perkins said the Mainstreet Program is incredibly valuable, but someone other than the Town needs to run the program. The new language in the Comprehensive Plan describes the program, the positives, and keeps it under consideration if someone comes forward to seek the designation for the Town. Ms. Jovanovich said she removed references to the Town seeking the designation and revised the statements to encourage cooperation with entities that should seek the designation on behalf of the Town in the future. She took out a reference in Chapter

Three in the Vision statement and requested guidance on replacement language. Chairperson Perkins suggested referencing the Community Plan document currently under development.

Ms. Jovanovich stated that page 39 will be updated to seek organizations or individuals to operate the program. Chairperson Perkins said this keeps Mainstreet America as an option should we find someone to take it up.

Commissioner Somma moved to set a public hearing date of November 16, 2021, on the Comprehensive Plan Update. Commissioner Newell seconded. The motion passed unanimously by voice vote.

5. Adjournment

The meeting was adjourned at 7:00 p.m.

Minutes Prepared by Ryan Somma, Planning Commission Secretary



**TOWN OF OCCOQUAN
PLANNING COMMISSION**
Agenda Communication

4. Public Hearings	Meeting Date: November 16, 2021
4A: Public Hearing on the Comprehensive Plan	

Attachments: a. [Draft Comprehensive Plan Update](#)
b. Public Hearing Notice

Submitted by: Kirstyn Jovanovich
Town Manager

Explanation and Summary:

This is a public hearing on the update to the Town of Occoquan Vision 2026 Comprehensive Plan. A review of the Comprehensive Plan is required every five years. The Planning Commission has drafted and reviewed the proposed updates, which are included in the draft document.

This is a public hearing on the 2021 Update to the Occoquan 2016-2026 Comprehensive Plan. This is an opportunity for the public to provide comments on the proposed updates.

Should the Planning Commission choose to close the public hearing, the Planning Commission will take action to make a recommendation to the Town Council later on the meeting agenda. The Town Council has scheduled a public hearing on the 2021 Update to the Comprehensive Plan on Tuesday, December 7, 2021 at 7:00 p.m.

Staff Recommendation: Unless public comment provides a reason not to do so, staff recommends closing the public hearing.

Proposed/Suggested Motion(s):

“I move to close the public hearing.”

OR

“I move to continue the public hearing to MEETING DATE.”

OR

Other action the Planning Commission deems appropriate.

**TOWN OF OCCOQUAN, VIRGINIA
PLANNING COMMISSION**

**NOTICE OF PUBLIC HEARING ON THE TOWN'S
COMPREHENSIVE PLAN UPDATE**

AT TOWN HALL - 314 MILL STREET

November 16, 2021 - 6:30 PM

Notice is hereby given that the Occoquan Town Planning Commission will conduct a Public Hearing on the following item:

Recommendation to the Town Council regarding adoption of the 2021 Update to the Occoquan Comprehensive Plan "Vision 2026." This plan provides a vision for how Occoquan should grow and change in the future, maintain public facilities and programs in response to growth, and successfully manage new development and redevelopment actions. The Vision 2026 document was originally adopted in 2016. The 2021 Update fulfills the obligation of the Planning Commission to review the Comprehensive Plan at least once every five years. It updates factual data such as population figures and traffic counts, notes changes in Town zoning, addresses Town improvements such as the kayak ramp and the Tanyard Hill parcel, notes the proposed change to the Flood Insurance Rate Map, and provides an action plan.

The Draft 2021 Update to the Occoquan Comprehensive Plan is available for review in Town Hall, 314 Mill Street, Occoquan, Virginia 22125, and online at www.occoquanva.gov/comprehensive-plan.

This hearing is being held at the Occoquan Town Hall, located at 314 Mill Street, Occoquan, Virginia 22125. The location of this public hearing is believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facility should contact the Town Clerk at the above address or by telephone at (703) 491-1918. Persons needing interpreter services for the hearing impaired and/or vision impaired should notify the Town Clerk no later than one week prior to the hearing.

The Planning Commission of the Town of Occoquan, Virginia

Instruction to Publisher:

Run This Notice Twice

November 4, 2021

November 11, 2021



TOWN OF OCCOQUAN PLANNING COMMISSION Agenda Communication

4. Public Hearings	Meeting Date: November 16, 2021
4B: Public Hearing on Proposed Amendments to Occoquan Zoning Ordinance Regarding Residential Use By Right in One Story Buildings Fronting Commerce and Ellicott Streets in the B-1 Zoning District	

Attachments:

- a. Proposed Ordinance
- b. Public Hearing Notice
- c. R-2021-15

Submitted by: Bruce Reese
Town Engineer

Explanation and Summary:

This is a public hearing on proposed amendments to the Town Code regarding residential use by right in one-story buildings fronting Commerce and Ellicott Streets in the B-1 Zoning District. This is an opportunity for the public to provide comments on the proposed amendments.

Should the Planning Commission choose to close the public hearing, the Planning Commission will take action to make a recommendation to the Town Council later on the meeting agenda. The Town Council has scheduled a public hearing on the proposed ordinance on Tuesday, December 7, 2021 at 7:00 p.m.

Background

During their October 5, 2021 meeting, the Town Council referred a zoning text amendment to the Planning Commission regarding Town Code § 157.121 to permit residential use by-right in one story buildings fronting Commerce and Ellicott Streets in the B-1 zoning district. The proposed draft ordinance is attached.

In September 2017, the Town Code was updated to only allow residential use in the B-1 zoning district by special exception permit approved by the Town Council. This change was made to preserve sufficient real estate for a thriving commercial district by preventing conversion of commercial properties to residential use and encourage mixed uses within the district. The Town Code further specifies that general residential uses in the B-1 may not occupy the floor of the building that is adjacent to the primary street and/or sidewalk.

This zoning text amendment request is in response to concerns expressed by some property owners who own properties outside of the central business corridor, but within

the B1, that are one-story structures. As one-story dwellings, the properties are not situated for mixed-use and would not be eligible for a special use permit for residential use since the residential use would be adjacent to the primary street and/or sidewalk.

This zoning text amendment would allow for one-story properties fronting Commerce Street and Ellicott Street only to be used as residential, commercial, or mixed-use properties by-right. All other properties located within the B-1 would still require a special use permit for residential use regardless of structure type.

At this time, four properties located on Ellicott and Commerce Streets are single story properties.

Staff Recommendation: Unless public comment provides a reason not to, staff recommends closing the public hearing.

Proposed/Suggested Motion(s):

“I move to close the public hearing.”

OR

“I move to continue the public hearing to MEETING DATE.”

OR

Other action the Planning Commission deems appropriate.

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

TOWN OF OCCOQUAN, VIRGINIA
PLANNING COMMISSION

NOTICE OF PUBLIC HEARINGS TO CONSIDER
PROPOSED AMENDMENTS TO OCCOQUAN ZONING ORDINANCE:

LAND DISTURBANCE, SITE PLAN, AND SUBDIVISION PLAN
REQUIREMENTS AND APPROVAL,

ILLUMINATED SIGNS; AND

RESIDENTIAL USE BY-RIGHT IN ONE STORY BUILDINGS FRONTING
COMMERCE AND ELLICOTT STREETS IN THE B-1 ZONING DISTRICT

AT TOWN HALL - 314 MILL STREET

November 16, 2021 – 6:30 p.m.

Notice is hereby given pursuant to § 15.2-2204 of the Code of Virginia, as amended, that the Planning Commission of the Town of Occoquan, Virginia, a Municipal Corporation of the Commonwealth of Virginia, will hold three public hearings to consider proposed amendments to the Occoquan Town Code.

The first public hearing will be for extensive changes to the land disturbance, site plan, and subdivision plan requirements, amending numerous sections of Chapters 155 and 156 of the Town Code, adding a section numbered 155.006, and repealing sections 155.042 and 155.063. These changes will eliminate the requirement for site plans for land disturbances under 2,500 square feet, create a site sketch requirement for land disturbances between 625 and 2,500 square feet and for land disturbances of less than 2,500 square feet on lots with existing dwellings in R-1 and R-2 zones, provide for submission of plans electronically, and transfer approval authority from the Town Council to an agent appointed by the Town Council.

The second public hearing will be for an amendment to § 157.304 of the Town Code, which currently prohibits illuminated signs except for box signs. The revised ordinance will prohibit internally lighted signs, except for mar-quees and box signs.

The third public hearing will be for an amendment to § 157.121 of the Town Code, which currently allows residential uses in the B-1 district only above the first story. The revised ordinance will permit detached single-family dwellings in the B-1 district in one-story buildings that front Commerce Street or Ellicott Street.

The proposed amendments are available for review in the Occoquan Town Hall at 314 Mill Street, Occoquan, Virginia 22125 and online at www.occoquanva.gov.

The hearing is being held on November 16, 2021, at 6:30 p.m. at the Occoquan Town Hall, 314 Mill Street, Occoquan, Virginia 22125. The location of this public hearing is believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facility should contact the Town Clerk at the above address or by telephone at (703) 491-1918. Persons needing interpreter services for the hearing impaired and/or vision impaired must notify the Town Clerk no later than one week prior to the hearing.

The Planning Commission of the Town of Occoquan, Virginia

11/04 & 11/11/21

**TOWN OF OCCOQUAN, VIRGINIA
RESOLUTION**

**RESOLUTION TO REFER ZONING TEXT AMENDMENT TO PLANNING
COMMISSION RELATING TO FIRST FLOOR RESIDENTIAL USES IN B-1
ZONING DISTRICT**

WHEREAS, Virginia Code § 15.2-2285 (B) requires that any amendment to a zoning ordinance be referred to the local planning commission for its recommendations before it is adopted; and

WHEREAS, Virginia Code § 15.2-2286 (A) (7) provides that a zoning ordinance amendment can be initiated by a resolution of the governing body; and

WHEREAS, the Town Council of the Town of Occoquan, as governing body of the Town, wishes to initiate a zoning ordinance amendment regarding the use of one-story buildings in the B-1 zoning district for residential purposes; and

WHEREAS, Currently, the Town’s zoning ordinance forbids the use of one-story buildings in the B-1 zoning district for residential purposes.

NOW, THEREFORE, BE IT RESOLVED that the attached draft zoning text amendment is referred to the Town Planning Commission for its review and recommendations.

Adopted by the Town Council of the Town of Occoquan, Virginia this 5th Day of October 2021.

MOTION: Vice Mayor Loges

**DATE: October 5, 2021
Town Council Meeting**

SECOND: Councilmember Fithian

Votes

Ayes: Vice Mayor Loges; Councilmembers Bienia, Fithian, Perkins

Nays: None

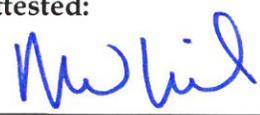
Absent from Vote: Councilmember Holloway

Absent from Meeting: Councilmember Holloway

BY ORDER OF THE TOWN COUNCIL



Ernest W. Porta, Jr., Mayor

Attested:


Michele White, Town Clerk



TOWN OF OCCOQUAN PLANNING COMMISSION Agenda Communication

4. Public Hearings	Meeting Date: November 16, 2021
4C: Public Hearing on Proposed Amendments to Occoquan Zoning Ordinance Regarding Land Development Process	

- Attachments:**
- a. Proposed Ordinance
 - b. Public Hearing Notice
 - c. R-2021-11

Submitted by: Bruce Reese
Town Engineer

Explanation and Summary:

This is a public hearing on proposed amendments to the Town Code regarding the land development process. This is an opportunity for the public to provide comments on the proposed amendments.

Should the Planning Commission choose to close the public hearing, the Planning Commission will take action to make a recommendation to the Town Council later on the meeting agenda. The Town Council has scheduled a public hearing on the proposed ordinance on Tuesday, December 7, 2021 at 7:00 p.m.

Background

During their September 7, 2021 meeting, the Town Council referred a zoning text amendment relating to the land development process to the Planning Commission for review and recommendation. The Planning Commission reviewed the proposed ordinance during their September 29, 2021 meeting and set the public hearing date for November 16, 2021 during their October 27, 2021 meeting. The proposed draft Ordinance is attached.

Currently, the Town's ordinances require Town Council approval of site plans and subdivision plats and puts the responsibility for review of compliance with the Town Code on the Planning Commission. In addition, the current Town ordinances require a site plan for any use or development within the R-1, R-2 and B-1 zoning district, which requires an engineer-signed plan even for minor changes to existing buildings and uses. As legally, such approval is a ministerial act as opposed to being a discretionary or policy-level decision, Staff is recommending changes to these Chapters to make the site plan and subdivision processes administrative.

These proposed changes will assist in streamlining the site plan and subdivision processes for residents and property owners and relieve the administrative and cost burden on residents and property owners for minor changes to their property.

Review and approval of special use permits will remain with the Planning Commission and Town Council.

Staff Recommendation: Unless public comment provides a reason not to do so, staff recommends closing the public hearing.

Proposed/Suggested Motion(s):

“I move to close the public hearing.”

OR

“I move to continue the public hearing to MEETING DATE.”

OR

Other action the Planning Commission deems appropriate.

ORDINANCE # O-2021-_____

AN ORDINANCE TO AMEND §§ 155.003, 155.025, 155.040, 155.041, 155.043, 155.044, 155.045, 155.046, 155.061, 155.062, 156.001, 156.003, 156.015, 156.030, 156.032, 156.049, 156.066, 156.068, 156.084, AND 156.085 OF THE TOWN CODE TO ADD A SECTION NUMBERED 155.006, AND TO REPEAL SECTIONS 155.042 AND 155.063, GENERALLY RELATING TO LAND DISTURBANCE, SITE PLAN, AND SUBDIVISION PLAT REQUIREMENTS AND APPROVAL

WHEREAS, Current Town Code requires a site plan for any use or development in the B-1 District, regardless of impact, which presents an unnecessary administrative burden on property owners, and

WHEREAS, Current Town Code requires Council approval for all site plans, even though review of site plans is, by state law, a ministerial act and largely non-discretionary;

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 §§ 155.003, 155.025, 155.040, 155.041, 155.043, 155.044, 155.045, 155.046, 155.061, 155.062, 156.001, 156.003, 156.015, 156.030, 156.032, 156.049, 156.066, 156.068, 156.084, and 156.085 as follows:

CHAPTER 155. SITE PLAN

§ 155.003 DEVELOPMENT OF LAND USE REQUIRING SITE PLAN.

Except as provided in Section 155.006, A a site plan is required and shall be submitted for approval of:

(A) Any use or development in the B-1 District; Any development that involves the provision of public improvements, such as curbs, parking, water, sewer and stormwater facilities;

(B) Any land use or development in the R-2 District, in any residential planned community division, or the R-1 District; Any improvements involving land disturbance over 625 square feet in area;

(C) Churches, schools, hospitals, and nursing homes; Any additions to existing multifamily, commercial or industrial buildings and uses in excess of 10% of the sum of all gross horizontal areas under a roof or roofs, measured from the exterior faces of walls or from the center-line of party walls, excluding elevator and stair bulkheads, multi-story atriums and similar volumetric construction, not involving floor space;

~~(D) Any exterior addition or change in any existing residential use or development when changing the residential use to commercial, industrial, or institutional use; Any addition to a Place of Assembly as defined in Town Code § 157.008; and~~

~~(E) Any land use or development for which a special use permit (except signs) is required.; except single trailers, and signs.~~

§ 155.025 NUMBER AND SIZE OF SHEETS; NUMBER OF COPIES.

(A) A site plan may be prepared in one or more sheets to show clearly the information required by this Chapter 155 and to facilitate review and approval of the plan. If prepared in more than one sheet, match lines shall clearly indicate where the several sheets join.

(B) The sheets to be used shall be 24 inches by 36 inches, or any multiple thereof.

~~(C) The applicant shall submit a full set of the site plan in a computer file format acceptable to the Town along with two clearly legible blue or black line copies (four administrative, plus Planning Commission members) of a site plan, prepared in accordance with the requirements of this chapter 155, are required to be submitted for approval, as provided in this chapter.~~

§ 155.040 SUBMISSION OF SITE PLAN.

~~The required number of copies of the site plan, preliminary or final, shall be filed with the Town Engineer or designee. ~~Planning Commission~~ The filing of the plan, signed by the applicant or his or her agent, shall constitute the application for approval. The plan shall be accompanied by a receipt from the Town Treasurer evidencing the payment of all site plan fees, as prescribed by the Town Council for the examination and approval of site plans.~~

**~~§ 155.041 RESPONSIBILITY OF THE PLANNING COMMISSION
GENERALLY~~REVIEW OF SITE PLAN.**

~~The Town Engineer, assisted by other staff, applicable state agencies, and applicable public authorities, shall review each site plan application for compliance with state code, the Town Comprehensive Plan, and Town ordinances and for consistency with development standards that promote and protect public health, safety, and welfare. Where Town ordinances do not explicitly provide a standard for development, the Town Engineer shall be guided by the applicable provisions of the Prince William County Design and Construction Standards Manual as in effect on the date of the application. The Town Engineer is responsible for forwarding the site plan to state agencies or other public authorities as necessary and for compliance with the time limitations for review under Virginia law. The Planning Commission is responsible for checking the site plan for general completeness and compliance with the adopted plans or such administrative requirements as may be established prior to routing copies to reviewing agencies or officials. It shall see that all examination and review of the site plan are completed by the approving authorities. The Planning Commission shall recommend approval or disapproval of the site plan to the Town Council, in accordance with reviewing authorities' recommendations. It shall then return to the applicant two copies of the site plan, together with modifications, noting~~

any changes that will be required. Such return to the applicant shall be made not later than 45 days from the date of submission, except under abnormal circumstances.

§ 155.043 PERIOD OF VALIDITY OF APPROVED SITE PLAN.

An approved preliminary site plan shall become null and void if the final site plan is not submitted to the ~~Planning Commission~~ Town Engineer within six months from the date of approval of the preliminary plan. An approved final site plan shall be valid for a period of five years from the date of approval thereof. A site plan shall be deemed final once it has been reviewed and approved by the ~~Council~~ Town Engineer if the only requirement remaining to be satisfied in order to obtain a building permit is the posting of any bonds and escrows. Construction or development may begin upon approval by ~~Council~~ the Town Engineer of the final site plan, upon payment of site plan fees and acquisition of construction permits. The ~~Planning Commission~~ Town Engineer may grant a single one-time, six-month extension, upon written request of the applicant, made at least 30 days before the expiration of the approved site plan.

§ 155.044 MINOR ADJUSTMENTS OF APPROVED SITE PLAN; EFFECT OF DEVIATIONS FROM APPROVED SITE PLAN.

After a site plan has been approved by the ~~Town Council~~ Town Engineer, minor adjustments of the site plan, which comply with the spirit of this section and other provisions of this ~~subchapter~~ Chapter 155, with the intent of the approving bodies in their approval of site plans, and with the general purpose of the master plan for development of the area, may be approved by the ~~Planning Commission~~ Town Engineer, with concurrence of the reviewing authorities concerned. ~~Deviation from an approved site plan without the written approval of the Planning Commission shall void the plan, and the Planning Commission shall require the applicant to submit a new site plan for consideration. Any such minor adjustment must be in writing signed by the Town Engineer to be effective. No such minor adjustment shall be granted that has the effect of a zoning variance.~~

§ 155.045 MAJOR REVISIONS OF APPROVED SITE PLAN; WAIVER OF REQUIREMENTS OF SUBCHAPTER CHAPTER 155.

Application for approval of any major revision of an approved site plan may be made in the same manner as for approval of an original site plan; and any requirement of ~~this subchapter~~ Chapter 155 may be waived by the ~~Town Council~~ Town Engineer in specific cases where such requirement is found to be unreasonable in terms of burden on the developer in relation to the public benefit and where such waiver will not be adverse to the purposes of ~~this subchapter~~ Chapter 155. Any such waiver shall be made in writing supported by an analysis of the private burden and public benefit involved and the substitute, if any, proposed in place of the waived requirement. No such waiver shall be granted that has the effect of a zoning variance.

§ 155.046 EXTENSION OF SITE PLAN APPROVALS TO ADDRESS HOUSING CRISIS.

(A) Any valid final site plan outstanding as of January 1, 2009, shall remain valid until July 1,

~~2014, or such later date provided for by the terms of the town's approval, local ordinance, resolution, or regulation, or for a longer period as agreed to by the Town Council by express action and recorded roll call vote. Any other plan or permit associated with such site plan extended by this section shall likewise be extended for the same time period.~~

~~(B)~~ The extension of site plan validity provided under state law to address the housing crisis ~~in division (A) above~~ shall not be effective unless any performance bonds and agreements or other financial guarantees of completion of public improvements in or associated with the proposed development are continued in force.

§ 155.061 ~~CONSTRUCTION REQUIREMENTS~~ INSPECTION OF IMPROVEMENTS.

~~The construction standards for off site improvements and on site improvements, required by this chapter, shall conform to the design and construction standards of the town. The Planning Commission or its agents shall approve the plans and specifications for all required improvements, and The Town Engineer and applicable state or local agencies shall inspect the installation of such improvements shown on the approved final site plan to assure conformity to the plan. Such inspection and approval of the improvements is required for bond release.~~

§ 155.062 AGREEMENT AS TO CONSTRUCTION.

Prior to approval of the final site plan, the applicant shall execute an agreement to construct such required improvements as are located within public rights-of-way or easements or such as are connected to any public facility, and shall file a performance bond with surety acceptable to the town in the amount of the estimated costs of the required improvements, ~~as determined by the Planning Commission.~~

CHAPTER 156. SUBDIVISIONS

§ 156.001 DEFINITIONS.

[The following definition is modified as shown; the remainder of the section is unchanged by this ordinance]

AGENT. The representative of the ~~Planning Commission~~ Town who has been appointed to serve the ~~Commission~~ Town Council in the processing, reviewing, and approving of preliminary subdivision plats.

§ 156.003 EXCEPTION.

(A) Where the subdivider can show that a provision of these standards would cause unnecessary hardship if strictly adhered to, and where, because of topographical or other conditions peculiar to the site, and where, in the opinion of the agent, an exception may be made without destroying the intent of such provisions, the agent, ~~with approval of the Council,~~ may authorize an exception.

(B) (1) Any exception to be authorized shall be stated, in writing, by the agent, with the reasoning upon which the exception is justified, and shall be noted on the plat.

(2) No exception to this Chapter 156 may be granted if it is opposed, in writing, by ~~the highway engineer or health official~~ Virginia Department of Transportation or the Virginia Department of Health.

§ 156.015 APPOINTED.

The agent appointed by the Town Council is delegated the responsibility and authority to oversee administration of this Chapter 156 and shall have the responsibility of approving or denying ~~the preliminary~~ plats.

§ 156.030 PLATTING REQUIRED.

Any owner or developer of any tract of land situated within the town who subdivides a parcel of land shall prepare a plat of such subdivision, in accordance with the provisions of this Chapter 156, and shall record the plat in the office of the Clerk of the Court. No such subdivision plat shall be recorded unless it has been ~~submitted to~~ approved by the agent, ~~approved, and certified by the Planning Commission~~ in accordance with the regulations set forth in this Chapter 156.

§ 156.032 APPEALS.

If a final plat of a subdivision is denied by ~~Planning Commission~~ the agent, the subdivider may appeal the decision of the ~~Planning Commission~~ agent to the Circuit Court of the county. If a preliminary plat has been denied by the agent, the subdivider may appeal the decision of the agent to the Planning Commission.

§ 156.049 CHANGES.

No change, erasure, or revision shall be made on any subdivision plat intended for recording, nor on accompanying data sheets, after the written approval of the ~~Planning Commission~~ agent on the plat or sheets, unless written authorization for such change has been granted by the agent ~~Planning Commission.~~

§ 156.066 SUITABLE LAND.

The ~~Planning Commission~~ agent may not approve the subdivision of land if it has been determined that, from adequate investigations conducted by all public agencies concerned and in the best interest of the public, the site is not suitable for the platting and development purposes being proposed. The ~~Planning Commission~~ agent may require the subdivider to furnish topographic maps, floodplain profile elevation information, or other relevant information.

§ 156.068 IMPROVEMENTS.

(A) *Cost of required improvements.* All required improvements shall be installed by the subdivider at his or her cost. Specifications that have been established either by the State Department of Transportation (VDOT) for streets or town regulations, ordinances, and codes

shall be followed. The subdivider's bond shall not be released until all construction has been completed and approved by the Town Engineer or appropriate official. All improvements shall be in accordance with the requirements of this section.

(B) *Construction of public streets.* All public streets in the proposed subdivision shall be designed and constructed in accordance with the standards set by VDOT for acceptance into the state secondary road system, and at no cost to the town.

(1) *Alignment and layout.*

(a) The arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas and proposed streets, as shown on the approved site plan. The street arrangement must cause no unnecessary hardship to owners of adjoining property when seeking convenient access to their property.

(b) Where, in the opinion of the agent, it is desirable to provide for street access to adjoining properties, the right-of-way of the proposed streets shall be extended to the boundary line of such properties.

(c) Half streets along the boundary of land proposed for subdivision shall not be permitted; ~~unless approved by Town Council.~~

(d) Wherever possible, streets shall intersect at right angles. In all hillside areas, streets running with contours shall be required to meet the intersecting streets at angles of not less than 60 degrees unless approved by the agent upon recommendation of the highway engineer.

(2) *Alleys in new subdivisions.* Use of alleys in new subdivisions is not permitted.

(3) *Private streets.*

(a) Private streets shall not be allowed in any new subdivisions; except that townhouse, multifamily, and apartment projects may have access to a publicly maintained road via a private street, provided that it meets the appropriate design standards as approved by the ~~Planning Commission of the town regulations~~ Town Engineer. In no case shall there be reserve strips.

(b) Private streets shall be platted such that all lot owners are assured perpetual right of access to a publicly maintained street. The final plat shall note each private street as "privately owned and privately maintained by the lot owner(s)". The final plat shall also provide an adequate easement for ingress, egress, maintenance of utilities, and public agencies, including police and fire departments.

(c) Private streets shall be constructed of minimum pavement design of six-inch 21A subgrade and two-inch SM-2A asphalt surface, or other such road section approved by the Town Engineer. Dead-end streets or cul-de-sacs shall be terminated with a turnaround approved by the Town Engineer.

(4) *Names.*

(a) Proposed streets that are obviously in alignment with other existing and named streets shall bear the names of the duplicate existing street names, regardless of the use of the suffixes "street", "avenue", "boulevard", "road", "driveway", "place", "lane", or "court".

(b) Street names shall be indicated on the preliminary and final plats and shall be approved by the Council.

(c) Names of existing streets shall not be changed, except by approval of the Town Council.

(d) Street names shall be approved by County GIS for full use in the 9-1-1 system.

(5) *Identification signs.* Street identification signs shall be readable from either side, of a design

approved by the Town Council, and installed at all intersections by the subdivider.

(C) *Monuments.*

(1) *Installation.* All monuments shall be installed by the subdivider and shall meet the minimum specifications described in this division (C). Upon completion of subdivision streets, sewers, and other improvements, the subdivider shall make certain that all required monuments are clearly visible for inspection and use. Such monuments shall be inspected and approved before an occupancy permit is issued by the Building Official.

(2) *Location.* All lot corners shall be marked with iron pipe not less than three-fourths inch in diameter and 18 inches long, and driven so as to be flush with the finished grade.

(D) *Water facilities.* Public water service shall be extended by the subdivider to all lots within a subdivision, in accordance with the approved site plan.

(E) *Sewerage facilities.* Public sewerage facilities shall be extended by the subdivider to all lots within a subdivision, and septic tanks will not be permitted. The subdivider shall provide each lot with a satisfactory and sanitary means of sewage collection and disposal in accordance with the approved site plan.

(F) *Storm drainage facilities.* The subdivider shall provide all necessary information needed to determine what drainage improvements are necessary to develop such property. The subdivider shall install the approved storm drainage facilities in accordance with the approved site plan.

(G) *Fire protection.* Fire hydrants shall be required in a subdivision at locations approved by the agent, provided adequate public water is available. The location and design of the fire hydrants shall meet the American Insurance Association's specifications and be in accordance with the approved site plan.

(H) *Easements.* The ~~Planning Commission~~ agent may require the subdivider to provide easements through adjoining property. The width of easement provided for drainage, water, sewer, power lines, and other utilities in the subdivision shall be determined by the ~~Planning Commission~~ agent.

(I) *Plans and specifications.* Six blue or black line prints of the plans and specifications, for all required physical improvements to be installed, shall be prepared by an engineer or land surveyor and shall be submitted with the final plat to the agent for approval within 30 days. If approved, one copy, bearing certification of such approval, shall be returned to the subdivider. If denied, all papers, except for one copy, shall be returned to the subdivider, with written reason(s) for denial.

(J) *Bonding.*

(1) *Performance bond.*

(a) The subdivider shall furnish a cash bond or equivalent, a surety bond of a surety company, or a certified check, payable to the town, in an amount equal to the total cost of the public improvements determined by the ~~Council~~ agent using the most recent county unit price list. Such bond or check shall guarantee that the improvements will be installed within a

reasonable length of time in a manner acceptable to the ~~Council~~ agent. The bond or check shall accompany the final plat. When construction has been completed, approved, and accepted on sections of the required improvements, the ~~Council~~ agent may release the bond submitted for the amount of the entire required improvements or a portion thereof leaving an amount adequate to cover the entire cost of the improvements yet to be constructed, approved, and accepted.

(b) Occupancy permits shall not be issued until all proposed public and private improvements on a site plan are completed; however, the Zoning Administrator shall have the authority, in his or her discretion and in appropriate cases, to accept a completion bond in a satisfactory amount to ensure completion of public or private improvements in lieu of actual completion where the Zoning Administrator finds that a completion bond adequately protects future owners.

(2) *Maintenance bond.* The subdivider shall be required to file a maintenance bond with the town in an amount considered adequate and in a form satisfactory to the town, in order to assure the satisfactory condition of the required landscape improvements, for a period of one year after the date of their acceptance. ~~by the Town Council.~~

(3) *Phased development.* If development is projected over a period of years, the ~~Planning Commission~~ agent may authorize submission of final plats by section or phase of development, subject to requirements or guarantees for improvements in future sections or phases of development essential for the protection of any approved section of development.

(4) *Absence of bond.* In the absence of a performance bond or check, no final plat shall be approved or recorded until the required improvements have been installed and approved by the agent or his or her authorized representative.

(5) *Final as-built drawings.* Final as-built drawings, showing all subsurface utility conditions, shall be provided prior to release of the performance bond. Three certified reproducible copy shall be provided to the agent, with accompanying letter certifying accuracy, submitted in sufficient time to permit review prior to release of performance bond.

(K) *Sidewalks.* Sidewalks shall be constructed in all subdivisions in accordance with the specifications of VDOT.

(L) *Curb and gutter.* Where deemed necessary by ~~the agent the Planning Commission~~, curbs and gutters shall be installed in accordance with the standards and specifications of the Town Engineer and VDOT.

§ 156.084 APPROVAL OF FINAL PLAT.

The completed plat shall be submitted to the ~~Planning Commission~~ agent for approval. The plat shall not be approved until the subdivider has complied with the general requirements and minimum standards of design in accordance with this Chapter 156 and has made satisfactory arrangements for performance bond, cash, or cash bond to cover the cost of necessary improvements, in lieu of construction, to the satisfaction of the town. Upon the approval by the

~~Planning Commission~~agent, the plat will be signed by the ~~Planning Commission~~ or its agent, marked “approved”, and returned to the subdivider, who will cause the plat to be recorded in the Clerk’s office of the Circuit Court of the county. No plat shall be recorded until approval has been made. If the plat submission is denied, the ~~Planning Commission~~ agent will return the plat to the subdivider, indicating corrections to be made by the subdivider.

§ 156.085 EXTENSION OF SUBDIVISION PLAT APPROVALS TO ADDRESS HOUSING CRISIS.

~~Provisions for extension of zoning approvals shall be in conformance with VA Code § 15.2-2209.1.~~ The extension of subdivision plat validity provided under state law to address the housing crisis shall not be effective unless any performance bonds and agreements or other financial guarantees of completion of public improvements in or associated with the proposed development are continued in force.

2. That the Town Council hereby adds a new section numbered 155.006 to the Town Code as follows:

§ 155.006 SITE SKETCH IN LIEU OF SITE PLAN REQUIREMENT.

The following types of development shall not require submission or approval of a site plan, but shall require approval of a site sketch showing the location of all site improvements or alterations, a scale, a north arrow, the site address(es), the name of the preparer, and the date of preparation. The site sketch shall comply with the substantive requirements of this Chapter 155. The Town Engineer will review a submitted site sketch and either issue an approval of it or return it with the reasons for its rejection within 60 days. Prior to commencing the development permitted under the approved site sketch, the property owner shall post a copy of the approval document in a prominent place on the property, visible to the public from the public right-of-way adjacent to the property. The approval document must remain posted in such location until completion of the development.

(A) Land disturbance over 625 square feet in area but less than 2,500 square feet in area.

(B) Land use or development on a single lot in the R-1 or R-2 district where (i) the lot contains an existing dwelling unit that is not being removed in connection with the land disturbance and (ii) less than 2,500 square feet of land will be disturbed.

3. That Sections 155.042 and 155.063 of the Town Code are repealed.

4. That this ordinance is effective _____.

MOTION:

SECOND:

Date: _____

Regular Meeting

Ord. No. _____

RE:

ACTION:

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

CERTIFIED COPY _____

Town Clerk

TOWN OF OCCOQUAN, VIRGINIA
PLANNING COMMISSION

NOTICE OF PUBLIC HEARINGS TO CONSIDER
PROPOSED AMENDMENTS TO OCCOQUAN ZONING ORDINANCE:

LAND DISTURBANCE, SITE PLAN, AND SUBDIVISION PLAN
REQUIREMENTS AND APPROVAL,

ILLUMINATED SIGNS; AND

RESIDENTIAL USE BY-RIGHT IN ONE STORY BUILDINGS FRONTING
COMMERCE AND ELLICOTT STREETS IN THE B-1 ZONING DISTRICT

AT TOWN HALL - 314 MILL STREET

November 16, 2021 – 6:30 p.m.

Notice is hereby given pursuant to § 15.2-2204 of the Code of Virginia, as amended, that the Planning Commission of the Town of Occoquan, Virginia, a Municipal Corporation of the Commonwealth of Virginia, will hold three public hearings to consider proposed amendments to the Occoquan Town Code.

The first public hearing will be for extensive changes to the land disturbance, site plan, and subdivision plan requirements, amending numerous sections of Chapters 155 and 156 of the Town Code, adding a section numbered 155.006, and repealing sections 155.042 and 155.063. These changes will eliminate the requirement for site plans for land disturbances under 2,500 square feet, create a site sketch requirement for land disturbances between 625 and 2,500 square feet and for land disturbances of less than 2,500 square feet on lots with existing dwellings in R-1 and R-2 zones, provide for submission of plans electronically, and transfer approval authority from the Town Council to an agent appointed by the Town Council.

The second public hearing will be for an amendment to § 157.304 of the Town Code, which currently prohibits illuminated signs except for box signs. The revised ordinance will prohibit internally lighted signs, except for mar-quees and box signs.

The third public hearing will be for an amendment to § 157.121 of the Town Code, which currently allows residential uses in the B-1 district only above the first story. The revised ordinance will permit detached single-family dwellings in the B-1 district in one-story buildings that front Commerce Street or Ellicott Street.

The proposed amendments are available for review in the Occoquan Town Hall at 314 Mill Street, Occoquan, Virginia 22125 and online at www.occoquanva.gov.

The hearing is being held on November 16, 2021, at 6:30 p.m. at the Occoquan Town Hall, 314 Mill Street, Occoquan, Virginia 22125. The location of this public hearing is believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facility should contact the Town Clerk at the above address or by telephone at (703) 491-1918. Persons needing interpreter services for the hearing impaired and/or vision impaired must notify the Town Clerk no later than one week prior to the hearing.

The Planning Commission of the Town of Occoquan, Virginia

11/04 & 11/11/21

**TOWN OF OCCOQUAN, VIRGINIA
RESOLUTION**

**RESOLUTION TO REFER SUBDIVISION AND SITE PLAN AMENDMENTS TO
PLANNING COMMISSION, RELATING TO LAND DEVELOPMENT PROCESS**

WHEREAS, Virginia Code § 15.2-2204 (A) requires that any ordinance adopted under Chapter 22 of Title 15.2, Code of Virginia, be reviewed by the locality’s planning commission prior to its recommendation to adopt any change to such an ordinance; and

WHEREAS, Subdivision, site plan, and zoning ordinances are all adopted under the authority conferred to localities by Chapter 22 of Title 15.2, Code of Virginia; and

WHEREAS, the Town’s ordinances currently require Town Council approval of site plans and subdivision plats, even though legally such approval is a ministerial act, as opposed to being a discretionary or policy-level decision; and

WHEREAS, the current Town ordinances require a site plan for any use or development within the R-1, R-2, and B-1 zoning districts, which requires an engineer-signed plan even for minor changes to existing buildings and uses; and

WHEREAS, the Town Council of the Town of Occoquan, as governing body of the Town, wishes to initiate an ordinance amendment regarding land development processes that will (1) change the final decision-making authority from the Town Council to the Town Engineer for site plans and to the Subdivision Agent for subdivision plats, (2) limit the types of developments that require a full site plan as opposed to a less formal sketch plan, and (3) make related changes.

NOW, THEREFORE, BE IT RESOLVED that the attached draft ordinance amendment is referred to the Town Planning Commission for its review and recommendations.

Adopted by the Town Council of the Town of Occoquan, Virginia this 7th Day of September 2021.

MOTION: Councilmember Holloway

**DATE: September 7, 2021
Town Council Meeting**

SECOND: Councilmember Fithian

Votes

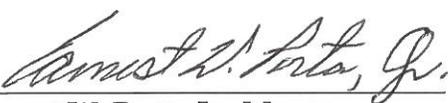
Ayes: Vice Mayor Loges; Councilmembers Bienia, Fithian, Holloway, Perkins

Nays: None

Absent from Vote: None

Absent from Meeting: None

BY ORDER OF THE TOWN COUNCIL



Earnest W. Porta, Jr., Mayor

Attested:


Michele White, Town Clerk



TOWN OF OCCOQUAN PLANNING COMMISSION Agenda Communication

4. Public Hearings	Meeting Date: November 16, 2021
4D: Public Hearing on Proposed Amendments to Occoquan Zoning Ordinance Regarding Illuminated Signs	

Attachments:

- a. Proposed Ordinance
- b. Public Hearing Notice
- c. R-2021-14

Submitted by: Bruce Reese
Town Engineer

Explanation and Summary:

This is a public hearing on proposed amendments to the Town Code regarding illuminated signs. This is an opportunity for the public to provide comments on the proposed amendments.

Should the Planning Commission choose to close the public hearing, the Planning Commission will take action to make a recommendation to the Town Council later on the meeting agenda. The Town Council has scheduled a public hearing on the proposed ordinance on Tuesday, December 7, 2021 at 7:00 p.m.

Background

During their October 5, 2021 meeting, the Town Council referred a zoning text amendment to the Planning Commission to Town Code § 157.304 (B) (12) regarding illuminated signs. During their October 27, 2021 meeting, the Planning Commission reviewed the ordinance and set a public hearing date of November 16, 2021. The proposed draft Ordinance is attached.

Staff is recommending this zoning text amendment in order to clarify the allowance of indirect lighting for signage, while continuing to prohibit internally lighted signage, with some exceptions.

Staff previously confirmed with the Architectural Review Board that the intent was to allow indirect lighting for signage.

Staff Recommendation: Unless public comment provides a reason not to do so, staff recommends closing the public hearing.

Proposed/Suggested Motion(s):

“I move to close the public hearing.”

OR

“I move to continue the public hearing to MEETING DATE.”

OR

Other action the Planning Commission deems appropriate.

ORDINANCE # O-2021-XX

**AN ORDINANCE TO AMEND TOWN CODE § 157.304 (B)(12)
REGARDING ILLUMINATED SIGNS**

WHEREAS, the Town Zoning Code contains various provisions governing indirect lighting of signs and permitting backlit signs; and

WHEREAS, Town Code § 157.304 (B)(12) prohibits illuminated signs, except for box signs; and

WHEREAS, the definition of “illuminated sign” currently reads “A sign that is backlit, internally lighted, or indirectly lighted, but does not include a neon sign”; and

WHEREAS, the Town Planning Commission and Town Council wish to eliminate the inconsistency in the Town Zoning Ordinance by eliminating the prohibition of illuminated signs and replacing it with a prohibition on internally lighted signs except for box signs (which may be internally lighted under Town Code § 157.307 (B)) and marquees (which may be internally lighted under Town Code § 157.321 (table)).

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 § 157.304 (B)(12) as follows:

§ 157.304 PROHIBITED SIGNS.

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

(A) General prohibitions. General prohibitions include:

- (1) Signs that violate any law of the state 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 town official as a nuisance;
- (4) Vehicle or trailer signs;

- (5) Freestanding signs more than 15 feet in height;
- (6) Vending machines within the Old and Historic Occoquan District that are outside of a wholly enclosed structure; and
- (7) Any sign displayed without complying with all applicable regulations of this chapter.

(B) Prohibitions based on materials. Prohibitions based on materials include:

- (1) Signs painted directly on a building, driveway, or road, except where expressly permitted by this chapter;
- (2) Animated signs;
- (3) Flashing signs;
- (4) Non-white colored signs consisting of illuminated tubing or strings of lights outlining property lines or open sales areas, rooflines, doors, windows, or wall edges of any building, except during the period October 15 through February 15;
- (5) Signs that emit smoke, flame, scent, mist, aerosol, liquid, or gas;
- (6) Signs that emit sound;
- (7) Any electronic sign that is generated by a series of moving images, such as a TV, digital display, or other video technology, whether displayed on a building, vehicle, or mobile unit;
- (8) Strings of flags (two or more connected together) visible from, and within 50 feet of, any public right-of-way;
- (9) Pole signs less than six feet in height;
- (10) Feather signs;
- (11) Inflatable signs;
- (12) ~~Illuminated~~ Internally lighted signs, except for marquees and box signs; and
- (13) Neon signs.

(C) Prohibitions based on location. Prohibitions based on location include:

- (1) Off-premises signs;
- (2) Signs erected on public land other than those approved by an authorized town official in writing, required by law without such approval, or permitted under VA Code § 24.2-310 E. 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) Signs on the roof surface or extending above the roofline of a building or its parapet wall;
- (4) Any sign which obstructs visibility for motorists or pedestrians at an intersection;
- (5) Window signs whose aggregate area on a window or door exceed 25% of the total area of the window or door; and
- (6) Commercial signs are not permitted as yard signs in business districts.

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 Amend Town Code § 157.304 (B)(12) Regarding Illuminated Signs

MOTION:
SECOND:
ACTION:

Votes:
Ayes:
Nays:

Absent from Vote:
Absent from Meeting:

CERTIFIED COPY _____

Town Clerk

TOWN OF OCCOQUAN, VIRGINIA
PLANNING COMMISSION

NOTICE OF PUBLIC HEARINGS TO CONSIDER
PROPOSED AMENDMENTS TO OCCOQUAN ZONING ORDINANCE:

LAND DISTURBANCE, SITE PLAN, AND SUBDIVISION PLAN
REQUIREMENTS AND APPROVAL,

ILLUMINATED SIGNS; AND

RESIDENTIAL USE BY-RIGHT IN ONE STORY BUILDINGS FRONTING
COMMERCE AND ELLICOTT STREETS IN THE B-1 ZONING DISTRICT

AT TOWN HALL - 314 MILL STREET

November 16, 2021 – 6:30 p.m.

Notice is hereby given pursuant to § 15.2-2204 of the Code of Virginia, as amended, that the Planning Commission of the Town of Occoquan, Virginia, a Municipal Corporation of the Commonwealth of Virginia, will hold three public hearings to consider proposed amendments to the Occoquan Town Code.

The first public hearing will be for extensive changes to the land disturbance, site plan, and subdivision plan requirements, amending numerous sections of Chapters 155 and 156 of the Town Code, adding a section numbered 155.006, and repealing sections 155.042 and 155.063. These changes will eliminate the requirement for site plans for land disturbances under 2,500 square feet, create a site sketch requirement for land disturbances between 625 and 2,500 square feet and for land disturbances of less than 2,500 square feet on lots with existing dwellings in R-1 and R-2 zones, provide for submission of plans electronically, and transfer approval authority from the Town Council to an agent appointed by the Town Council.

The second public hearing will be for an amendment to § 157.304 of the Town Code, which currently prohibits illuminated signs except for box signs. The revised ordinance will prohibit internally lighted signs, except for mar-quees and box signs.

The third public hearing will be for an amendment to § 157.121 of the Town Code, which currently allows residential uses in the B-1 district only above the first story. The revised ordinance will permit detached single-family dwellings in the B-1 district in one-story buildings that front Commerce Street or Ellicott Street.

The proposed amendments are available for review in the Occoquan Town Hall at 314 Mill Street, Occoquan, Virginia 22125 and online at www.occoquanva.gov.

The hearing is being held on November 16, 2021, at 6:30 p.m. at the Occoquan Town Hall, 314 Mill Street, Occoquan, Virginia 22125. The location of this public hearing is believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facility should contact the Town Clerk at the above address or by telephone at (703) 491-1918. Persons needing interpreter services for the hearing impaired and/or vision impaired must notify the Town Clerk no later than one week prior to the hearing.

The Planning Commission of the Town of Occoquan, Virginia

11/04 & 11/11/21

**TOWN OF OCCOQUAN, VIRGINIA
RESOLUTION**

**RESOLUTION TO REFER ZONING TEXT AMENDMENT TO PLANNING
COMMISSION RELATING TO ILLUMINATED SIGNS**

WHEREAS, Virginia Code § 15.2-2285 (B) requires that any amendment to a zoning ordinance be referred to the local planning commission for its recommendations before it is adopted; and

WHEREAS, Virginia Code § 15.2-2286 (A) (7) provides that a zoning ordinance amendment can be initiated by a resolution of the governing body; and

WHEREAS, the Town Council of the Town of Occoquan, as governing body of the Town, wishes to initiate a zoning ordinance amendment amending and clarifying the rules for illuminated signs.

NOW, THEREFORE, BE IT RESOLVED that the attached draft zoning text amendment is referred to the Town Planning Commission for its review and recommendations.

Adopted by the Town Council of the Town of Occoquan, Virginia this 5th Day of October 2021.

MOTION: Councilmember Bienia

**DATE: October 5, 2021
Town Council Meeting**

SECOND: Vice Mayor Loges

Votes

Ayes: Vice Mayor Loges; Councilmembers Bienia, Fithian, Perkins

Nays: None

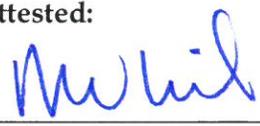
Absent from Vote: Councilmember Holloway

Absent from Meeting: Councilmember Holloway

BY ORDER OF THE TOWN COUNCIL



Ernest W. Porta, Jr., Mayor

Attested:


Michele White, Town Clerk



**TOWN OF OCCOQUAN
PLANNING COMMISSION**
Agenda Communication

5. Action Items	Meeting Date: November 16, 2021
5A: Request to Make Recommendation to Town Council on Comprehensive Plan Update	

Attachments: a. [Draft Comprehensive Plan Update](#)

Submitted by: Kirstyn Jovanovich
Town Manager

Explanation and Summary:

This is a request to make a recommendation to Town Council on the update to the Town of Occoquan Vision 2026 Comprehensive Plan. A review of the Comprehensive Plan is required every five years. The Planning Commission has drafted and reviewed the proposed updates, which are included in the draft document. The public hearing will be held by the Planning Commission on November 16, 2021, prior to consideration of this action item.

The Town Council has scheduled a public hearing on the 2021 Update to the Comprehensive Plan on Tuesday, December 7, 2021 at 7:00 p.m.

Staff Recommendation: Recommend recommendation of approval to the Town Council of the 2021 Update to the Vision 2026 Comprehensive Plan as presented.

Proposed/Suggested Motion(s):

“I move to recommend approval of the 2021 Update to the Vision 2026 Comprehensive Plan as presented.”

OR

“I move to recommend approval of the 2021 Update to the Vision 2026 Comprehensive Plan with the following changes:_____.”

OR

“I move to recommend disapproval of the 2021 Update to the Vision 2026 Comprehensive Plan because _____.”

OR

Other action the Planning Commission deems appropriate.



TOWN OF OCCOQUAN
PLANNING COMMISSION
Agenda Communication

5. Action Items	Meeting Date: November 16, 2021
5B: Request to Make Recommendation to Town Council on Amendments to Town Code § 157.121 to Permit Residential Use By-Right in One Story Buildings Fronting Commerce and Ellicott Streets in the B-1 Zoning District	

Attachments: a. Proposed Ordinance

Submitted by: Bruce Reese
Town Engineer

Explanation and Summary:

This is a request to make a recommendation to the Town Council on the proposed ordinance relating to residential use by right in one-story buildings fronting Commerce and Ellicott Streets in the B-1 Zoning District. The public hearing will be held by the Planning Commission on November 16, 2021, prior to consideration of this action item.

The Town Council has scheduled a public hearing on the proposed ordinance on Tuesday, December 7, 2021 at 7:00 p.m.

Background

During their October 5, 2021 meeting, the Town Council referred a zoning text amendment to the Planning Commission regarding Town Code § 157.121 to permit residential use by-right in one story buildings fronting Commerce and Ellicott Streets in the B-1 zoning district. The proposed draft ordinance is attached.

In September 2017, the Town Code was updated to only allow residential use in the B-1 zoning district by special exception permit approved by the Town Council. This change was made to preserve sufficient real estate for a thriving commercial district by preventing conversion of commercial properties to residential use and encourage mixed uses within the district. The Town Code further specifies that general residential uses in the B-1 may not occupy the floor of the building that is adjacent to the primary street and/or sidewalk.

This zoning text amendment request is in response to concerns expressed by some property owners who own properties outside of the central business corridor, but within the B1, that are one-story structures. As one-story dwellings, the properties are not situated for mixed-use and would not be eligible for a special use permit for residential use since the residential use would be adjacent to the primary street and/or sidewalk.

This zoning text amendment would allow for one-story properties fronting Commerce Street and Ellicott Street only to be used as residential, commercial, or mixed-use properties by-right. All other properties located within the B-1 would still require a special use permit for residential use regardless of structure type.

At this time, four properties located on Ellicott and Commerce Streets are single story properties.

Staff Recommendation: Recommend recommendation of approval of the ordinance as presented to the Town Council.

Proposed/Suggested Motion(s):

“I move to recommend approval of the attached ordinance as presented.”

OR

“I move to recommend approval of the attached ordinance with the following changes:_____.”

OR

“I move to recommend disapproval of the attached ordinance because _____.”

OR

Other action the Planning Commission deems appropriate.

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



TOWN OF OCCOQUAN PLANNING COMMISSION Agenda Communication

5. Action Items	Meeting Date: November 16, 2021
5C: Request to make Recommendation to Town Council on Amendments Relating to Land Development Process	

Attachments: a. Proposed Ordinance

Submitted by: Bruce Reese
Town Engineer

Explanation and Summary:

This is a request to make a recommendation to the Town Council on the proposed ordinance relating to the land development process. The public hearing will be held by the Planning Commission on November 16, 2021, prior to consideration of this action item.

The Town Council has scheduled a public hearing on the proposed ordinance on Tuesday, December 7, 2021 at 7:00 p.m.

Background

During their September 7, 2021 meeting, the Town Council referred a zoning text amendment relating to the land development process to the Planning Commission for review and recommendation. The Planning Commission reviewed the proposed ordinance during their September 29, 2021 meeting and will hold its public hearing on November 16, 2021. The proposed draft Ordinance is attached.

Currently, the Town's ordinances require Town Council approval of site plans and subdivision plats and puts the responsibility for review of compliance with the Town Code on the Planning Commission. In addition, the current Town ordinances require a site plan for any use or development within the R-1, R-2 and B-1 zoning district, which requires an engineer-signed plan even for minor changes to existing buildings and uses. As legally, such approval is a ministerial act as opposed to being a discretionary or policy-level decision, Staff is recommending changes to these Chapters to make the site plan and subdivision processes administrative.

These proposed changes will assist in streamlining the site plan and subdivision processes for residents and property owners and relieve the administrative and cost burden on residents and property owners for minor changes to their property.

Review and approval of special use permits will remain with the Planning Commission and Town Council.

Staff Recommendation: Recommend recommendation of approval of the ordinance as presented to the Town Council.

Proposed/Suggested Motion(s):

“I move to recommend approval of the attached ordinance as presented.”

OR

“I move to recommend approval of the attached ordinance with the following changes:_____.”

OR

“I move to recommend disapproval of the attached ordinance because _____.”

OR

Other action the Planning Commission deems appropriate.

ORDINANCE # O-2021-_____

**AN ORDINANCE TO AMEND §§ 155.003, 155.025, 155.040, 155.041, 155.043, 155.044, 155.045, 155.046, 155.061, 155.062, 156.001, 156.003, 156.015, 156.030, 156.032, 156.049, 156.066, 156.068, 156.084, AND 156.085 OF THE TOWN CODE
TO ADD A SECTION NUMBERED 155.006,
AND TO REPEAL SECTIONS 155.042 AND 155.063,
GENERALLY RELATING TO LAND DISTURBANCE, SITE PLAN, AND
SUBDIVISION PLAT REQUIREMENTS AND APPROVAL**

WHEREAS, Current Town Code requires a site plan for any use or development in the B-1 District, regardless of impact, which presents an unnecessary administrative burden on property owners, and

WHEREAS, Current Town Code requires Council approval for all site plans, even though review of site plans is, by state law, a ministerial act and largely non-discretionary;

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 §§ 155.003, 155.025, 155.040, 155.041, 155.043, 155.044, 155.045, 155.046, 155.061, 155.062, 156.001, 156.003, 156.015, 156.030, 156.032, 156.049, 156.066, 156.068, 156.084, and 156.085 as follows:

CHAPTER 155. SITE PLAN

§ 155.003 DEVELOPMENT OF LAND USE REQUIRING SITE PLAN.

Except as provided in Section 155.006, A a site plan is required and shall be submitted for approval of:

(A) Any use or development in the B-1 District; Any development that involves the provision of public improvements, such as curbs, parking, water, sewer and stormwater facilities;

(B) Any land use or development in the R-2 District, in any residential planned community division, or the R-1 District; Any improvements involving land disturbance over 625 square feet in area;

(C) Churches, schools, hospitals, and nursing homes; Any additions to existing multifamily, commercial or industrial buildings and uses in excess of 10% of the sum of all gross horizontal areas under a roof or roofs, measured from the exterior faces of walls or from the center-line of party walls, excluding elevator and stair bulkheads, multi-story atriums and similar volumetric construction, not involving floor space;

~~(D) Any exterior addition or change in any existing residential use or development when changing the residential use to commercial, industrial, or institutional use; Any addition to a Place of Assembly as defined in Town Code § 157.008; and~~

~~(E) Any land use or development for which a special use permit (except signs) is required.; except single trailers, and signs.~~

§ 155.025 NUMBER AND SIZE OF SHEETS; NUMBER OF COPIES.

(A) A site plan may be prepared in one or more sheets to show clearly the information required by this Chapter 155 and to facilitate review and approval of the plan. If prepared in more than one sheet, match lines shall clearly indicate where the several sheets join.

(B) The sheets to be used shall be 24 inches by 36 inches, or any multiple thereof.

~~(C) The applicant shall submit a full set of the site plan in a computer file format acceptable to the Town along with two clearly legible blue or black line copies (four administrative, plus Planning Commission members) of a site plan, prepared in accordance with the requirements of this chapter 155, are required to be submitted for approval, as provided in this chapter.~~

§ 155.040 SUBMISSION OF SITE PLAN.

~~The required number of copies of the site plan, preliminary or final, shall be filed with the Town Engineer or designee.~~Planning Commission~~ The filing of the plan, signed by the applicant or his or her agent, shall constitute the application for approval. The plan shall be accompanied by a receipt from the Town Treasurer evidencing the payment of all site plan fees, as prescribed by the Town Council for the examination and approval of site plans.~~

**~~§ 155.041 RESPONSIBILITY OF THE PLANNING COMMISSION
GENERALLY~~REVIEW OF SITE PLAN.**

~~The Town Engineer, assisted by other staff, applicable state agencies, and applicable public authorities, shall review each site plan application for compliance with state code, the Town Comprehensive Plan, and Town ordinances and for consistency with development standards that promote and protect public health, safety, and welfare. Where Town ordinances do not explicitly provide a standard for development, the Town Engineer shall be guided by the applicable provisions of the Prince William County Design and Construction Standards Manual as in effect on the date of the application. The Town Engineer is responsible for forwarding the site plan to state agencies or other public authorities as necessary and for compliance with the time limitations for review under Virginia law. The Planning Commission is responsible for checking the site plan for general completeness and compliance with the adopted plans or such administrative requirements as may be established prior to routing copies to reviewing agencies or officials. It shall see that all examination and review of the site plan are completed by the approving authorities. The Planning Commission shall recommend approval or disapproval of the site plan to the Town Council, in accordance with reviewing authorities' recommendations. It shall then return to the applicant two copies of the site plan, together with modifications, noting~~

any changes that will be required. Such return to the applicant shall be made not later than 45 days from the date of submission, except under abnormal circumstances.

§ 155.043 PERIOD OF VALIDITY OF APPROVED SITE PLAN.

An approved preliminary site plan shall become null and void if the final site plan is not submitted to the ~~Planning Commission~~ Town Engineer within six months from the date of approval of the preliminary plan. An approved final site plan shall be valid for a period of five years from the date of approval thereof. A site plan shall be deemed final once it has been reviewed and approved by the ~~Council~~ Town Engineer if the only requirement remaining to be satisfied in order to obtain a building permit is the posting of any bonds and escrows. Construction or development may begin upon approval by ~~Council~~ the Town Engineer of the final site plan, upon payment of site plan fees and acquisition of construction permits. The ~~Planning Commission~~ Town Engineer may grant a single one-time, six-month extension, upon written request of the applicant, made at least 30 days before the expiration of the approved site plan.

§ 155.044 MINOR ADJUSTMENTS OF APPROVED SITE PLAN; EFFECT OF DEVIATIONS FROM APPROVED SITE PLAN.

After a site plan has been approved by the ~~Town Council~~ Town Engineer, minor adjustments of the site plan, which comply with the spirit of this section and other provisions of this ~~subchapter~~ Chapter 155, with the intent of the approving bodies in their approval of site plans, and with the general purpose of the master plan for development of the area, may be approved by the ~~Planning Commission~~ Town Engineer, with concurrence of the reviewing authorities concerned. ~~Deviation from an approved site plan without the written approval of the Planning Commission shall void the plan, and the Planning Commission shall require the applicant to submit a new site plan for consideration. Any such minor adjustment must be in writing signed by the Town Engineer to be effective. No such minor adjustment shall be granted that has the effect of a zoning variance.~~

§ 155.045 MAJOR REVISIONS OF APPROVED SITE PLAN; WAIVER OF REQUIREMENTS OF SUBCHAPTER CHAPTER 155.

Application for approval of any major revision of an approved site plan may be made in the same manner as for approval of an original site plan; and any requirement of ~~this subchapter~~ Chapter 155 may be waived by the ~~Town Council~~ Town Engineer in specific cases where such requirement is found to be unreasonable in terms of burden on the developer in relation to the public benefit and where such waiver will not be adverse to the purposes of ~~this subchapter~~ Chapter 155. Any such waiver shall be made in writing supported by an analysis of the private burden and public benefit involved and the substitute, if any, proposed in place of the waived requirement. No such waiver shall be granted that has the effect of a zoning variance.

§ 155.046 EXTENSION OF SITE PLAN APPROVALS TO ADDRESS HOUSING CRISIS.

(A) Any valid final site plan outstanding as of January 1, 2009, shall remain valid until July 1,

~~2014, or such later date provided for by the terms of the town's approval, local ordinance, resolution, or regulation, or for a longer period as agreed to by the Town Council by express action and recorded roll call vote. Any other plan or permit associated with such site plan extended by this section shall likewise be extended for the same time period.~~

~~(B)~~ The extension of site plan validity provided under state law to address the housing crisis ~~in division (A) above~~ shall not be effective unless any performance bonds and agreements or other financial guarantees of completion of public improvements in or associated with the proposed development are continued in force.

§ 155.061 ~~CONSTRUCTION REQUIREMENTS~~ INSPECTION OF IMPROVEMENTS.

~~The construction standards for off site improvements and on site improvements, required by this chapter, shall conform to the design and construction standards of the town. The Planning Commission or its agents shall approve the plans and specifications for all required improvements, and The Town Engineer and applicable state or local agencies shall inspect the installation of such improvements shown on the approved final site plan to assure conformity to the plan. Such inspection and approval of the improvements is required for bond release.~~

§ 155.062 AGREEMENT AS TO CONSTRUCTION.

Prior to approval of the final site plan, the applicant shall execute an agreement to construct such required improvements as are located within public rights-of-way or easements or such as are connected to any public facility, and shall file a performance bond with surety acceptable to the town in the amount of the estimated costs of the required improvements, ~~as determined by the Planning Commission.~~

CHAPTER 156. SUBDIVISIONS

§ 156.001 DEFINITIONS.

[The following definition is modified as shown; the remainder of the section is unchanged by this ordinance]

AGENT. The representative of the ~~Planning Commission~~ Town who has been appointed to serve the ~~Commission~~ Town Council in the processing, reviewing, and approving of preliminary subdivision plats.

§ 156.003 EXCEPTION.

(A) Where the subdivider can show that a provision of these standards would cause unnecessary hardship if strictly adhered to, and where, because of topographical or other conditions peculiar to the site, and where, in the opinion of the agent, an exception may be made without destroying the intent of such provisions, the agent, ~~with approval of the Council,~~ may authorize an exception.

(B) (1) Any exception to be authorized shall be stated, in writing, by the agent, with the reasoning upon which the exception is justified, and shall be noted on the plat.

(2) No exception to this Chapter 156 may be granted if it is opposed, in writing, by ~~the highway engineer or health official~~ Virginia Department of Transportation or the Virginia Department of Health.

§ 156.015 APPOINTED.

The agent appointed by the Town Council is delegated the responsibility and authority to oversee administration of this Chapter 156 and shall have the responsibility of approving or denying ~~the preliminary~~ plats.

§ 156.030 PLATTING REQUIRED.

Any owner or developer of any tract of land situated within the town who subdivides a parcel of land shall prepare a plat of such subdivision, in accordance with the provisions of this Chapter 156, and shall record the plat in the office of the Clerk of the Court. No such subdivision plat shall be recorded unless it has been ~~submitted to~~ approved by the agent, ~~approved, and certified by the Planning Commission~~ in accordance with the regulations set forth in this Chapter 156.

§ 156.032 APPEALS.

If a final plat of a subdivision is denied by ~~Planning Commission~~ the agent, the subdivider may appeal the decision of the ~~Planning Commission~~ agent to the Circuit Court of the county. If a preliminary plat has been denied by the agent, the subdivider may appeal the decision of the agent to the Planning Commission.

§ 156.049 CHANGES.

No change, erasure, or revision shall be made on any subdivision plat intended for recording, nor on accompanying data sheets, after the written approval of the ~~Planning Commission~~ agent on the plat or sheets, unless written authorization for such change has been granted by the agent ~~Planning Commission.~~

§ 156.066 SUITABLE LAND.

The ~~Planning Commission~~ agent may not approve the subdivision of land if it has been determined that, from adequate investigations conducted by all public agencies concerned and in the best interest of the public, the site is not suitable for the platting and development purposes being proposed. The ~~Planning Commission~~ agent may require the subdivider to furnish topographic maps, floodplain profile elevation information, or other relevant information.

§ 156.068 IMPROVEMENTS.

(A) *Cost of required improvements.* All required improvements shall be installed by the subdivider at his or her cost. Specifications that have been established either by the State Department of Transportation (VDOT) for streets or town regulations, ordinances, and codes

shall be followed. The subdivider's bond shall not be released until all construction has been completed and approved by the Town Engineer or appropriate official. All improvements shall be in accordance with the requirements of this section.

(B) *Construction of public streets.* All public streets in the proposed subdivision shall be designed and constructed in accordance with the standards set by VDOT for acceptance into the state secondary road system, and at no cost to the town.

(1) *Alignment and layout.*

(a) The arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas and proposed streets, as shown on the approved site plan. The street arrangement must cause no unnecessary hardship to owners of adjoining property when seeking convenient access to their property.

(b) Where, in the opinion of the agent, it is desirable to provide for street access to adjoining properties, the right-of-way of the proposed streets shall be extended to the boundary line of such properties.

(c) Half streets along the boundary of land proposed for subdivision shall not be permitted; ~~unless approved by Town Council.~~

(d) Wherever possible, streets shall intersect at right angles. In all hillside areas, streets running with contours shall be required to meet the intersecting streets at angles of not less than 60 degrees unless approved by the agent upon recommendation of the highway engineer.

(2) *Alleys in new subdivisions.* Use of alleys in new subdivisions is not permitted.

(3) *Private streets.*

(a) Private streets shall not be allowed in any new subdivisions; except that townhouse, multifamily, and apartment projects may have access to a publicly maintained road via a private street, provided that it meets the appropriate design standards as approved by the ~~Planning Commission of the town regulations~~ Town Engineer. In no case shall there be reserve strips.

(b) Private streets shall be platted such that all lot owners are assured perpetual right of access to a publicly maintained street. The final plat shall note each private street as "privately owned and privately maintained by the lot owner(s)". The final plat shall also provide an adequate easement for ingress, egress, maintenance of utilities, and public agencies, including police and fire departments.

(c) Private streets shall be constructed of minimum pavement design of six-inch 21A subgrade and two-inch SM-2A asphalt surface, or other such road section approved by the Town Engineer. Dead-end streets or cul-de-sacs shall be terminated with a turnaround approved by the Town Engineer.

(4) *Names.*

(a) Proposed streets that are obviously in alignment with other existing and named streets shall bear the names of the duplicate existing street names, regardless of the use of the suffixes "street", "avenue", "boulevard", "road", "driveway", "place", "lane", or "court".

(b) Street names shall be indicated on the preliminary and final plats and shall be approved by the Council.

(c) Names of existing streets shall not be changed, except by approval of the Town Council.

(d) Street names shall be approved by County GIS for full use in the 9-1-1 system.

(5) *Identification signs.* Street identification signs shall be readable from either side, of a design

approved by the Town Council, and installed at all intersections by the subdivider.

(C) *Monuments.*

(1) *Installation.* All monuments shall be installed by the subdivider and shall meet the minimum specifications described in this division (C). Upon completion of subdivision streets, sewers, and other improvements, the subdivider shall make certain that all required monuments are clearly visible for inspection and use. Such monuments shall be inspected and approved before an occupancy permit is issued by the Building Official.

(2) *Location.* All lot corners shall be marked with iron pipe not less than three-fourths inch in diameter and 18 inches long, and driven so as to be flush with the finished grade.

(D) *Water facilities.* Public water service shall be extended by the subdivider to all lots within a subdivision, in accordance with the approved site plan.

(E) *Sewerage facilities.* Public sewerage facilities shall be extended by the subdivider to all lots within a subdivision, and septic tanks will not be permitted. The subdivider shall provide each lot with a satisfactory and sanitary means of sewage collection and disposal in accordance with the approved site plan.

(F) *Storm drainage facilities.* The subdivider shall provide all necessary information needed to determine what drainage improvements are necessary to develop such property. The subdivider shall install the approved storm drainage facilities in accordance with the approved site plan.

(G) *Fire protection.* Fire hydrants shall be required in a subdivision at locations approved by the agent, provided adequate public water is available. The location and design of the fire hydrants shall meet the American Insurance Association's specifications and be in accordance with the approved site plan.

(H) *Easements.* The ~~Planning Commission~~ agent may require the subdivider to provide easements through adjoining property. The width of easement provided for drainage, water, sewer, power lines, and other utilities in the subdivision shall be determined by the ~~Planning Commission~~ agent.

(I) *Plans and specifications.* Six blue or black line prints of the plans and specifications, for all required physical improvements to be installed, shall be prepared by an engineer or land surveyor and shall be submitted with the final plat to the agent for approval within 30 days. If approved, one copy, bearing certification of such approval, shall be returned to the subdivider. If denied, all papers, except for one copy, shall be returned to the subdivider, with written reason(s) for denial.

(J) *Bonding.*

(1) *Performance bond.*

(a) The subdivider shall furnish a cash bond or equivalent, a surety bond of a surety company, or a certified check, payable to the town, in an amount equal to the total cost of the public improvements determined by the ~~Council~~ agent using the most recent county unit price list. Such bond or check shall guarantee that the improvements will be installed within a

reasonable length of time in a manner acceptable to the ~~Council~~ agent. The bond or check shall accompany the final plat. When construction has been completed, approved, and accepted on sections of the required improvements, the ~~Council~~ agent may release the bond submitted for the amount of the entire required improvements or a portion thereof leaving an amount adequate to cover the entire cost of the improvements yet to be constructed, approved, and accepted.

(b) Occupancy permits shall not be issued until all proposed public and private improvements on a site plan are completed; however, the Zoning Administrator shall have the authority, in his or her discretion and in appropriate cases, to accept a completion bond in a satisfactory amount to ensure completion of public or private improvements in lieu of actual completion where the Zoning Administrator finds that a completion bond adequately protects future owners.

(2) *Maintenance bond.* The subdivider shall be required to file a maintenance bond with the town in an amount considered adequate and in a form satisfactory to the town, in order to assure the satisfactory condition of the required landscape improvements, for a period of one year after the date of their acceptance. ~~by the Town Council.~~

(3) *Phased development.* If development is projected over a period of years, the ~~Planning Commission~~ agent may authorize submission of final plats by section or phase of development, subject to requirements or guarantees for improvements in future sections or phases of development essential for the protection of any approved section of development.

(4) *Absence of bond.* In the absence of a performance bond or check, no final plat shall be approved or recorded until the required improvements have been installed and approved by the agent or his or her authorized representative.

(5) *Final as-built drawings.* Final as-built drawings, showing all subsurface utility conditions, shall be provided prior to release of the performance bond. Three certified reproducible copy shall be provided to the agent, with accompanying letter certifying accuracy, submitted in sufficient time to permit review prior to release of performance bond.

(K) *Sidewalks.* Sidewalks shall be constructed in all subdivisions in accordance with the specifications of VDOT.

(L) *Curb and gutter.* Where deemed necessary by ~~the agent the Planning Commission~~, curbs and gutters shall be installed in accordance with the standards and specifications of the Town Engineer and VDOT.

§ 156.084 APPROVAL OF FINAL PLAT.

The completed plat shall be submitted to the ~~Planning Commission~~ agent for approval. The plat shall not be approved until the subdivider has complied with the general requirements and minimum standards of design in accordance with this Chapter 156 and has made satisfactory arrangements for performance bond, cash, or cash bond to cover the cost of necessary improvements, in lieu of construction, to the satisfaction of the town. Upon the approval by the

~~Planning Commission~~agent, the plat will be signed by the ~~Planning Commission~~ or its agent, marked “approved”, and returned to the subdivider, who will cause the plat to be recorded in the Clerk’s office of the Circuit Court of the county. No plat shall be recorded until approval has been made. If the plat submission is denied, the ~~Planning Commission~~ agent will return the plat to the subdivider, indicating corrections to be made by the subdivider.

§ 156.085 EXTENSION OF SUBDIVISION PLAT APPROVALS TO ADDRESS HOUSING CRISIS.

~~Provisions for extension of zoning approvals shall be in conformance with VA Code § 15.2-2209.1.~~ The extension of subdivision plat validity provided under state law to address the housing crisis shall not be effective unless any performance bonds and agreements or other financial guarantees of completion of public improvements in or associated with the proposed development are continued in force.

2. That the Town Council hereby adds a new section numbered 155.006 to the Town Code as follows:

§ 155.006 SITE SKETCH IN LIEU OF SITE PLAN REQUIREMENT.

The following types of development shall not require submission or approval of a site plan, but shall require approval of a site sketch showing the location of all site improvements or alterations, a scale, a north arrow, the site address(es), the name of the preparer, and the date of preparation. The site sketch shall comply with the substantive requirements of this Chapter 155. The Town Engineer will review a submitted site sketch and either issue an approval of it or return it with the reasons for its rejection within 60 days. Prior to commencing the development permitted under the approved site sketch, the property owner shall post a copy of the approval document in a prominent place on the property, visible to the public from the public right-of-way adjacent to the property. The approval document must remain posted in such location until completion of the development.

(A) Land disturbance over 625 square feet in area but less than 2,500 square feet in area.

(B) Land use or development on a single lot in the R-1 or R-2 district where (i) the lot contains an existing dwelling unit that is not being removed in connection with the land disturbance and (ii) less than 2,500 square feet of land will be disturbed.

3. That Sections 155.042 and 155.063 of the Town Code are repealed.

4. That this ordinance is effective _____.

MOTION:

SECOND:

Date: _____

Regular Meeting

Ord. No. _____

RE:

ACTION:

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

CERTIFIED COPY _____

Town Clerk



TOWN OF OCCOQUAN
PLANNING COMMISSION
Agenda Communication

5. Action Items	Meeting Date: November 16, 2021
5D: Request to Make Recommendation to Town Council on Amendments to Town Code § 157.304 (B)(12) Regarding Illuminated Signs	

Attachments: a. Proposed Ordinance

Submitted by: Bruce Reese
Town Engineer

Explanation and Summary:

This is a request to make a recommendation to Town Council regarding amendments to the Town Code regarding illuminated signs. The public hearing will be held by the Planning Commission on November 16, 2021, prior to consideration of this action item.

The Town Council has scheduled its public hearing on the proposed ordinance on Tuesday, December 7, 2021 at 7:00 p.m.

Background

During their October 5, 2021 meeting, the Town Council referred a zoning text amendment to the Planning Commission to Town Code § 157.304 (B) (12) regarding illuminated signs. During their October 27, 2021 meeting, the Planning Commission reviewed the ordinance and will hold its public hearing on November 16, 2021. The proposed draft Ordinance is attached.

Staff is recommending this zoning text amendment in order to clarify the allowance of indirect lighting for signage, while continuing to prohibit internally lighted signage, with some exceptions.

Staff previously confirmed with the Architectural Review Board that the intent was to allow indirect lighting for signage.

Staff Recommendation: Recommend recommendation of approval of the ordinance as presented to the Town Council.

Proposed/Suggested Motion(s):

“I move to recommend approval of the attached ordinance as presented.”

OR

“I move to recommend approval of the attached ordinance with the following changes:_____.”

OR

“I move to recommend disapproval of the attached ordinance because _____.”

OR

Other action the Planning Commission deems appropriate.

ORDINANCE # O-2021-XX

**AN ORDINANCE TO AMEND TOWN CODE § 157.304 (B)(12)
REGARDING ILLUMINATED SIGNS**

WHEREAS, the Town Zoning Code contains various provisions governing indirect lighting of signs and permitting backlit signs; and

WHEREAS, Town Code § 157.304 (B)(12) prohibits illuminated signs, except for box signs; and

WHEREAS, the definition of “illuminated sign” currently reads “A sign that is backlit, internally lighted, or indirectly lighted, but does not include a neon sign”; and

WHEREAS, the Town Planning Commission and Town Council wish to eliminate the inconsistency in the Town Zoning Ordinance by eliminating the prohibition of illuminated signs and replacing it with a prohibition on internally lighted signs except for box signs (which may be internally lighted under Town Code § 157.307 (B)) and marquees (which may be internally lighted under Town Code § 157.321 (table)).

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 § 157.304 (B)(12) as follows:

§ 157.304 PROHIBITED SIGNS.

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

(A) General prohibitions. General prohibitions include:

- (1) Signs that violate any law of the state 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 town official as a nuisance;
- (4) Vehicle or trailer signs;

- (5) Freestanding signs more than 15 feet in height;
- (6) Vending machines within the Old and Historic Occoquan District that are outside of a wholly enclosed structure; and
- (7) Any sign displayed without complying with all applicable regulations of this chapter.

(B) Prohibitions based on materials. Prohibitions based on materials include:

- (1) Signs painted directly on a building, driveway, or road, except where expressly permitted by this chapter;
- (2) Animated signs;
- (3) Flashing signs;
- (4) Non-white colored signs consisting of illuminated tubing or strings of lights outlining property lines or open sales areas, rooflines, doors, windows, or wall edges of any building, except during the period October 15 through February 15;
- (5) Signs that emit smoke, flame, scent, mist, aerosol, liquid, or gas;
- (6) Signs that emit sound;
- (7) Any electronic sign that is generated by a series of moving images, such as a TV, digital display, or other video technology, whether displayed on a building, vehicle, or mobile unit;
- (8) Strings of flags (two or more connected together) visible from, and within 50 feet of, any public right-of-way;
- (9) Pole signs less than six feet in height;
- (10) Feather signs;
- (11) Inflatable signs;
- (12) ~~Illuminated~~ Internally lighted signs, except for marquees and box signs; and
- (13) Neon signs.

(C) Prohibitions based on location. Prohibitions based on location include:

- (1) Off-premises signs;
- (2) Signs erected on public land other than those approved by an authorized town official in writing, required by law without such approval, or permitted under VA Code § 24.2-310 E. 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) Signs on the roof surface or extending above the roofline of a building or its parapet wall;
- (4) Any sign which obstructs visibility for motorists or pedestrians at an intersection;
- (5) Window signs whose aggregate area on a window or door exceed 25% of the total area of the window or door; and
- (6) Commercial signs are not permitted as yard signs in business districts.

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 Amend Town Code § 157.304 (B)(12) Regarding Illuminated Signs

MOTION:
SECOND:
ACTION:

Votes:
Ayes:
Nays:

Absent from Vote:
Absent from Meeting:

CERTIFIED COPY _____

Town Clerk