



# TOWN OF OCCOQUAN

Town Hall, 314 Mill Street, Occoquan, VA 22125  
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## PLANNING COMMISSION MEETING

April 25, 2023 | 6:30 p.m.

1. **Call to Order**
2. **Citizen Comments**
3. **Approval of Minutes**
  - a. March 28, 2023 Meeting Minutes
4. **Action Items**
  - a. Request to Consider Zoning Text Amendments on Temporary Sales Trailers and Set Public Hearing Date
  - b. Request to Consider Zoning Text Amendments on Granting the Zoning Administrator Authority to Make Modifications from the Zoning Code and Set Public Hearing Date
  - c. Request to Consider Zoning Text Amendments to Amend the Sign Ordinance and Set Public Hearing Date
5. **Discussion Items**
  - a. Town Council Meeting Update
  - b. Route 123 and Commerce Mural
  - c. Berkley Riverwalk Planning Update
  - d. Planning Commission Priorities Update
    - North Woodbridge Town Center
    - Alpine X
    - Belmont Bay Expansion Project
6. **Work Session**
  - a. 2024 Strategic Planning Workshop Final Session
7. **Adjournment**

Eliot Perkins  
Chair, Planning Commission



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

**MEETING DATE: 2023-03-28**  
**MEETING TIME: 6:30 PM**

**Present:** Chairperson Eliot Perkins, Commissioners Darryl Hawkins, Ann Kisling, Robert Love, Ralph Newell (Remote), Ryan Somma, Don Wood

**Town Staff:** Philip Auville, Town Clerk; Adam Lynn, Town Manager

**1. Call to Order**

The Planning Commission meeting was called to order by Chairman Perkins on 2023-03-28, at 6:30 p.m.

**2. Citizen Comments**

None.

**3. Trailers for Developers**

Chairperson Perkins motioned to add a new item to the agenda concerning allowing developers in town to set up temporary trailers. The motion passed unanimously by voice vote. Chairperson Perkins said this was concerning the Mill at Occoquan and directed staff to add language to the Town code to allow developers to have trailers.

**4. Discussion Items**

**a. New Member Robert Love Introduction**

Chairperson Perkins introduced Robert Love and welcomed him to the commission. Commissioner Love introduced himself. He has 10 years as a senior executive in the federal government, served in the Marine Corps, and has lived in Gaslight landing for three years. Chairperson Perkins said that Commissioner Love joined Town Council during a vacancy. He has helped with the process for dredging the Occoquan River and he will benefit commission with his experience in project planning.

**5. Election of Officers**

**a. Nominations and the Election of Officers for Calendar Year 2023**

Chairperson Perkins described the duties of the Chairperson, Vice Chairperson, and Secretary

- **Chairperson**

Commissioner Kisling nominated Eliot Perkins.

- **Vice-Chairperson**

Commissioner Newell self-nominated.

- **Secretary**

Chairperson Perkins nominated Ryan Somma.

Chairperson Perkins motioned to close the nomination process. There was unanimous consent.

The rollcall votes were as follows:

Eliot Perkins for Chairperson:

Yays: Newell, Somma, Love, Hawkins, Kisling, Wood, Perkins

Nays: None

Ralph Newell for Vice-Chairperson:

Yays: Newell, Somma, Love, Hawkins, Perkins, Kisling, Wood

Nays: None

Ryan Somma for Secretary:

Yays: Newell, Somma, Love, Hawkins, Perkins, Kisling, Wood

Nays: None

## **6. Approval of Minutes**

### **a. February 28, 2023 Meeting Minutes**

Commissioner Kisling motioned to approve the minutes. Commissioner Wood seconded. The motion passed unanimously by voice vote.

## **7. Discussion Items**

### **a. Town Council Meeting Update**

Chairperson Perkins said the Town Council's primary focus is on the budget, which is unique this year because of the SLRF dollars.

### **b. Planning Commission Priorities Update**

- **Alpine X**

Chairperson Perkins had another lunch with Alpine X. The project is on hold due to the economy. Construction prices are elevated right now.

- **North Woodbridge Town Center**

Chairperson Perkins expects to have representative meet with the Planning Commission in the near future.

- **Belmont Bay Expansion Project**

Chairperson Perkins said it was not yet the right time to act on this now.

## **8. Work Session**

### **a. 2024 Strategic Planning Workshop 2nd Session**

Chairperson Perkins said the Town Council was working with a Strategic Framework Tiers draft. Tier One includes complex projects that will take more time. For example, the Riverwalk phase I on the Town's side, and phase II on the opposite side of the river. Tier Two includes smaller projects, such as promoting the Town as a Trail Junction, establishing connections with regional partners, improving Town Gateways (ARPA funding for new signs, landscaping, and beautification), and energy sustainability. Tier Three includes Town parking, roof improvements, upgrading the Millhouse Museum, and plumbing upgrades.

Mr. Auville presented the Strategic Planning Follow Up power point presentation. Explaining this is to review plan, edit, and add to the list the Commission has been working on. He reviewed the three guiding lights: goals, rules, and reality. Chairperson Perkins said the objective is to define specific things, not general things for the Town to pursue. Mr. Auville went over the Planning Commission FY2024 goals. Concerning the objective of pursuing and persuading specific kinds of businesses to establish in Town and extend business hours, Commissioner Love asked if it is within the Town's authority to influence businesses. Chairperson Perkins said the keyword is influence. That Occoquan events influence businesses. The Town does not have authority to dictate business hours, but can have events that will create situations where businesses will want to be open. Mr. Auville brought up the subject of environmental stewardship in the Comprehensive Plan. Chairperson Perkins said the goal of promoting Occoquan as a green town needs specifics. Mr. Auville brought up the subject of business partnerships. Chairperson Perkins said the goal is to establish relationships early for upcoming projects. The Town can have regional events where multiple representatives can support and increase funding.

Chairperson Perkins brought up publishing a Community Plan to address streetscaping, social corners, and town viewsheds. Adding flowers on gaslights and murals to town benches is included in beautification. Chairperson Perkins recommended prioritizing the Town as a trail junction. He said that David Kahley of Progress Fund has spent 15 years creating a Town Assessment tool that Occoquan can use to create a report for staff and Town Council. A second priority is the Town entrances, beautification, and addresses overall what we want our town to look like. The third priority is the Business Development piece. The fourth priority is mobility to outside amenities like Alpine X and North Woodbridge Town Center.

Commissioner Wood said he liked all of these ideas. Concerning Occoquan as a river town and green town, he asked if we knew how safe the river is and if it is safe to eat fish and swim in it. The water quality program would set a baseline for how safe the river is. Chairperson Perkins said the water quality program will start in April with money from the 2023 budget. Mr. Auville said the program will be mentioned in Town Newsletter and Town website. Commissioner Love asked how this differs from Fairfax testing. Chairperson Perkins said there are differences in water quality at different locations and Fairfax is not evaluating swimability. Commissioner Love recommended leveraging Fairfax's existing testing as well.

Commissioner Somma said that it was previously brought up that VDOT will allow using space under the 123 Bridge for a mural. Mr. Lynn said the AARB would need to review and approve proposed murals. The Town would need to maintain it. Chairperson Perkins said the artwork should come from

local artists. Commissioner Wood said the artwork should focus on Historic Occoquan. Commissioner Kisling said different Towns have statues themed to their Town character. She asked if our Town has a theme or identity. Commissioner Somma said Occoquan could have millstones similar to how Norfolk has mermaids. Chairperson Perkins suggested ospreys and eagles, which are native to the Town.

Commissioner Love asked why the Town should attract hikers and cyclists as these individuals are passing through Town. Chairperson Perkins said Occoquan is unique in Virginia for having a juncture of water, cycling, and--in the future--hiking. The idea is to provide amenities for travelers to stay. Alpine X will provide places to stay. This takes advantage of Town's existing resources.

Commissioner Newell said the Town needs to define what it means to be a green town. Chairperson Perkins said there is a reality aspect to this, as the LED streetlamps did not work in our tests. So, the interim choice will be to use less gas. Commissioner Newell said if part of the marketing message for Occoquan is that it's a green town, then that needs to become part of the Town's DNA. Commissioner Love asked if being a green town adds value.

Chairperson Perkins summarized the session's discussion before closing the meeting.

## **6. Adjournment**

The meeting was adjourned at 7:30 p.m.

*Minutes Prepared by Ryan Somma, Planning Commission Secretary*



# TOWN OF OCCOQUAN PLANNING COMMISSION

## Agenda Communication

<b>4. Action Items</b>	<b>Meeting Date:</b> April 25, 2023
<b>4A:</b> Request to Consider Zoning Text Amendments on Temporary Sales Trailers and Set Public Hearing Date	

**Attachments:** a. Resolution R-2023-08

**Submitted by:** Matt Whitmoyer  
Management Fellow

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### **Explanation and Summary:**

During the April 18, 2023, meeting, the Town Council referred a zoning text amendment to the Planning Commission to address the use of temporary sales trailers for real estate sales in the Old and Historic Occoquan District.

This is a request for the Planning Commission to review the attached resolution, make any recommendations on a draft ordinance, and set a public hearing date for public comment prior to Commission action on the draft ordinance.

### **Background**

Currently, the Town Code does not allow temporary sales trailers for any type of sales in any zoning district. The proposed amendments would narrowly permit such sales trailers on a temporary basis on parcels actively under development within the Old and Historic Occoquan District. Permanent trailers and temporary trailers outside the Old and Historic Occoquan District would not be permitted.

**Staff Recommendation:** Recommend the Planning Commission consider the resolution and set a date for a public hearing.

**Cost and Financing:** N/A

**Account Number:** N/A

### **Proposed/Suggested Motion:**

"I move to direct the Town Attorney to create a draft ordinance based upon the Commission's recommendations and to set a public hearing date of May 23, 2023, on the draft ordinance as prepared by the Town Attorney."

OR

Other action the Commission deems appropriate.

**TOWN OF OCCOQUAN, VIRGINIA  
RESOLUTION**

**RESOLUTION TO REFER ZONING TEXT AMENDMENT TO PLANNING  
COMMISSION TO AMEND TOWN CODE GENERALLY RELATING TO ADDRESS  
THE USE OF TEMPORARY SALES TRAILERS FOR PURPOSES OF REAL ESTATE  
SALES WITHIN THE OLD AND HISTORIC OCCOQUAN DISTRICT**

**WHEREAS**, the Town Council finds that public necessity, convenience, general welfare, and good zoning practice requires amending the Town zoning ordinance to address the use of temporary sales trailers for purposes of real estate sales within the Old and Historic Occoquan District; and

**WHEREAS**, by authority granted in §§ 15.2-1427 (D), 15.2-2285 (B), and 15.2-2286(A)(7) of the Code of Virginia, the Town Council may amend, supplement, or change the Town’s zoning regulations, and

**WHEREAS**, pursuant to § 15.2-2286(A)(7)(i), amendments to the zoning ordinance may be initiated by resolution of the Town Council, and

**WHEREAS**, pursuant to § 15.2-2285 (B), no zoning ordinance shall be amended or reenacted unless the Planning Commission has had an opportunity to make recommendations on it; and

**WHEREAS**, pursuant to §§ 15.2-2204 and 15.2-2285 (C), before approving and adopting any zoning ordinance or amendment thereof, the governing body shall hold at least one public hearing thereon; and

**WHEREAS**, the Town Council wishes to revise the existing Zoning Ordinance to serve the health, safety and general welfare of the public and accomplish the objectives of Virginia Code § 15.2-2200, and wishes to give reasonable consideration to the following purposes: (i) to provide for adequate light, air, convenience of access, and safety from fire, flood, impounding structure failure, crime and other dangers; (ii) to reduce or prevent congestion in the public streets; (iii) to facilitate the creation of a convenient, attractive and harmonious community; (iv) to facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, playgrounds, recreational facilities, and other public requirements; (v) to protect against destruction of or encroachment upon historic areas and working waterfront development areas; (vi) to protect against overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, impounding structure failure, panic or other dangers; (vii) to encourage economic development activities that provide desirable employment and enlarge the tax base; (viii) to provide for the preservation of lands of significance for the protection of the natural environment; (ix) to promote the creation and preservation of affordable housing suitable for

meeting the current and future needs of the locality as well as a reasonable proportion of the current and future needs of the planning district within which the locality is situated; and (x) to provide reasonable modifications in accordance with the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131 et seq.) or state and federal fair housing laws, as applicable.

**NOW, THEREFORE, BE IT RESOLVED** that the Occoquan Town Council does hereby initiate R-2023-08 to address the use of temporary sales trailers for purposes of real estate sales within the Old and Historic Occoquan District; and

**BE IT FURTHER RESOLVED** that the Occoquan Town Council does hereby refer the forthcoming draft amendment to the zoning ordinance from town staff to the Planning Commission for its recommendations.

**Adopted by the Town Council of the Town of Occoquan, Virginia this 18<sup>th</sup> day of April, 2023.**

**MOTION:**

**DATE: April 18, 2023  
Town Council Meeting**

**SECOND:**

**Votes**

**Ayes:**

**Nays:**

**Absent from Vote:**

**Absent from Meeting:**

**BY ORDER OF THE TOWN COUNCIL**

**Attested:**

\_\_\_\_\_  
**Earnest W. Porta, Jr., Mayor**

\_\_\_\_\_  
**Philip Auville, Town Clerk**



# TOWN OF OCCOQUAN PLANNING COMMISSION

## Agenda Communication

<b>4. Action Items</b>	<b>Meeting Date:</b> April 25, 2023
<b>4B:</b> Request to Consider Zoning Text Amendments on Granting the Zoning Administrator Authority to Make Modifications from the Zoning Code and Set Public Hearing Date	

**Attachments:**

- a. Resolution R-2023-09
- b. Draft Ordinance

**Submitted by:** Matt Whitmoyer  
Management Fellow

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### Explanation and Summary:

During the April 18, 2023, meeting, the Town Council referred a zoning text amendment to the Planning Commission to address granting the zoning administrator the authority to make modifications from the zoning ordinance with respect to physical requirements.

This is a request for the Planning Commission to review the attached resolution and draft ordinance and to set a public hearing date for public comment prior to Commission action on the draft ordinance.

### Background

Currently, the Town Code does not allow the Zoning Administrator to make modifications to any physical requirements on a lot or parcel. The proposed amendments would give the Zoning Administrator the authority to grant minor modifications to requirements such as height, size, and setbacks when certain criteria are met. For example, the Zoning Administrator could, when giving proper notice and a written decision, grant a modification to a homeowner to allow the encroachment of their house into the standard setback, when staying within the setback would've caused an undue hardship to the homeowner.

**Staff Recommendation:** Recommend the Planning Commission consider the draft ordinance and set a date for a public hearing.

**Cost and Financing:** N/A

**Account Number:** N/A

### Proposed/Suggested Motion:

"I move to set a public hearing date of May 23, 2023, on the draft ordinance as presented."

OR

Other action the Commission deems appropriate.

**TOWN OF OCCOQUAN, VIRGINIA  
RESOLUTION**

**RESOLUTION TO REFER ZONING TEXT AMENDMENT TO PLANNING  
COMMISSION TO ADD A SECTION NUMBERED §157.228, ADMINISTRATIVE  
MODIFICATIONS**

**WHEREAS**, the Town Council finds that public necessity, convenience, general welfare, and good zoning practice requires amending the Town zoning ordinance to provide for the zoning administrator to grant modifications in accordance with the fourth paragraph of Virginia Code § 15.2-2286 (A)(4); and

**WHEREAS**, pursuant to § 15.2-2286 (A)(4) of the Code of Virginia, a governing body may authorize the zoning administrator, via ordinance, to grant a modification from any provision contained in the zoning ordinance with respect to physical requirements on a lot or parcel; and

**WHEREAS**, by authority granted in §§ 15.2-1427 (D), 15.2-2285 (B), and 15.2-2286(A)(7) of the Code of Virginia, the Town Council may amend, supplement, or change the Town’s zoning regulations, and

**WHEREAS**, pursuant to § 15.2-2286(A)(7)(i), amendments to the zoning ordinance may be initiated by resolution of the Town Council, and

**WHEREAS**, pursuant to § 15.2-2285 (B), no zoning ordinance shall be amended or reenacted unless the Planning Commission has had an opportunity to make recommendations on it; and

**WHEREAS**, pursuant to §§ 15.2-2204 and 15.2-2285 (C), before approving and adopting any zoning ordinance or amendment thereof, the governing body shall hold at least one public hearing thereon; and

**WHEREAS**, the Town Council wishes to revise the existing Zoning Ordinance to serve the health, safety and general welfare of the public and accomplish the objectives of Virginia Code § 15.2-2200, and wishes to give reasonable consideration to the following purposes: (i) to provide for adequate light, air, convenience of access, and safety from fire, flood, impounding structure failure, crime and other dangers; (ii) to reduce or prevent congestion in the public streets; (iii) to facilitate the creation of a convenient, attractive and harmonious community; (iv) to facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, playgrounds, recreational facilities, and other public requirements; (v) to protect against destruction of or encroachment upon historic areas and working waterfront development areas; (vi) to protect against overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, impounding structure failure, panic or other dangers; (vii) to encourage economic

development activities that provide desirable employment and enlarge the tax base; (viii) to provide for the preservation of lands of significance for the protection of the natural environment; (ix) to promote the creation and preservation of affordable housing suitable for meeting the current and future needs of the locality as well as a reasonable proportion of the current and future needs of the planning district within which the locality is situated; and (x) to provide reasonable modifications in accordance with the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131 et seq.) or state and federal fair housing laws, as applicable.

**NOW, THEREFORE, BE IT RESOLVED** that the Occoquan Town Council does hereby initiate R-2023-09 to provide for the zoning administrator to grant modifications in accordance with the fourth paragraph of Virginia Code § 15.2-2286 (A)(4); and

**BE IT FURTHER RESOLVED** that the Occoquan Town Council does hereby refer the forthcoming draft amendment to the zoning ordinance from town staff to the Planning Commission for its recommendations.

**Adopted by the Town Council of the Town of Occoquan, Virginia this 18<sup>th</sup> day of April, 2023.**

**MOTION:**

**DATE: April 18, 2023  
Town Council Meeting**

**SECOND:**

**Votes**

**Ayes:**

**Nays:**

**Absent from Vote:**

**Absent from Meeting:**

**BY ORDER OF THE TOWN COUNCIL**

**Attested:**

\_\_\_\_\_  
**Earnest W. Porta, Jr., Mayor**

\_\_\_\_\_  
**Philip Auville, Town Clerk**

**ORDINANCE # O-2023-XX**

**AN ORDINANCE TO AMEND THE ZONING CODE BY ADDING A SECTION NUMBERED § 157.228 TO THE TOWN CODE TO GRANT THE ZONING ADMINISTRATOR THE AUTHORITY TO MAKE MODIFICATIONS FROM THE ZONING ORDINANCE**

**WHEREAS**, the Town Council initiated a zoning text amendment to grant the Zoning Administrator the authority to make modifications to the zoning ordinance by Resolution R-2023-09; and

**WHEREAS**, after receiving public input and the recommendation of the Planning Commission, the Town Council desires to amend the zoning ordinance to grant the Zoning Administrator the authority to make modifications, under certain conditions, from the zoning ordinance with respect to physical requirements, in order to accomplish the objectives of Virginia Code § 15.2-2200 and serve the public health, safety and welfare.

**NOW, THEREFORE BE IT ORDAINED** by the Council for the Town of Occoquan, Virginia meeting in regular session this 6th day of June, 2023:

1. That the Town Council hereby adds Town Code § 157.228 to read as follows:

**§ 157.228 ADMINISTRATIVE MODIFICATIONS.**

(A) Purpose and applicability. Pursuant to the authority granted within Code of Virginia § 15.2-2286A(4), the Zoning Administrator is hereby authorized to grant a modification of any zoning regulation relating to physical requirements on a lot or parcel of land, including, but not limited to, size, height, location or features of, or related to, any building, structure, or improvements.

(B) Application, Public Notice and Appeals.

(1) The affected party shall apply to the Zoning Administrator for a modification on a standard form of application created by the Zoning Administrator.

(2) Prior to the granting of a modification, the zoning administrator shall give all adjoining property owners written notice of the request for modification, and an opportunity to respond to the request within 21 days of the date of the notice. Notice shall be sent by first class mail and an affidavit of such mailing shall be kept in the file.

(3) The Zoning Administrator shall make a decision on the application for modification with the concurrence of the Town Attorney and issue a written decision

with a copy provided to the applicant and any adjoining landowner who responded in writing to the notice sent pursuant to this paragraph.

(4) The decision of the Zoning Administrator shall constitute a decision within the purview of Code of Virginia § 15.2-2311, and may be appealed to the Board of Zoning Appeals as provided by that section. Decisions of the Board of Zoning Appeals may be appealed to the Circuit Court as provided by § 15.2-2314.

(C) Review Criteria - Administrative Modification. The Zoning Administrator shall determine whether the application meets the following standards:

(1) The strict application of the requirement would produce undue hardship;

(2) Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;

(3) The authorization of the modification will not be of substantial detriment to adjacent property and the character of the planned development will not be changed by the granting of the modification; and

(4) The modification to the regulation does not exceed 10% for residential districts and 5% in commercial, industrial, and planned development districts.

3. That this ordinance is effective upon passage.

**BY ORDER OF THE TOWN COUNCIL**

**Meeting Date: June 6, 2023**  
**Town Council Meeting**  
**Ord No. O-2023-XX**

**RE: An Ordinance to Amend the Zoning Code by Adding a Section Numbered § 157.228 to the Town Code to Grant the Zoning Administrator the Authority to Make Modifications from the Zoning Ordinance with Respect to Physical Requirements Under Certain Criteria**

**MOTION:**  
**SECOND:**  
**ACTION:**

**Votes:**  
**Ayes:**  
**Nays:**

**Absent from Vote:**  
**Absent from Meeting:**

**CERTIFIED COPY** \_\_\_\_\_  
**Town Clerk**



# TOWN OF OCCOQUAN PLANNING COMMISSION

## Agenda Communication

<b>4. Action Items</b>	<b>Meeting Date:</b> April 25, 2023
<b>4C:</b> Request to Consider Zoning Text Amendments to Amend the Sign Ordinance and Set Public Hearing Date	

**Attachments:** a. Resolution R-2023-10  
b. Draft Ordinance

**Submitted by:** Matt Whitmoyer  
Management Fellow

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### Explanation and Summary:

During the April 18, 2023, meeting, the Town Council referred a zoning text amendment to the Planning Commission to amend the sign ordinance.

The objective of the amendments is to improve the clarity of the code for the benefit of both town staff and the town businesses and residents who must adhere to them.

The amendments to the Town's signage regulations would repeal a conflicting and redundant section of code and make changes to the existing code that fulfill the following goals:

1. Remove conflicting and erroneous sections of the signage regulations
2. Clarify the definitions and number limits of permanent signage
3. Consistently distinguish between temporary signs and banners
4. Clearly define the basis on which to apply the sign regulations
5. Create an administrative process for the permitting of sign structures

This is a request for the Planning Commission to review the attached resolution and draft ordinance and to set a public hearing date for public comment prior to Commission action on the draft ordinance.

### Background

Currently, §§157.300 - §157.339 of the Town Code detail the provisions that regulate signage in the Town of Occoquan. In 2016, in light of the Reed vs. Town of Gilbert case, the Town revised the sign ordinance and repealed §§157.335 - §157.339. However, due to a possible clerical error, the repealed sections were erroneously readopted into the Town Code in 2017 and in subsequent zoning text amendments. The sections now contain redundant and conflicting information.

The signage regulations of the Town Code have had two previous substantive revisions in the past decade, in 2016 and 2020. The 2016 amendments transferred the administration of the sign permitting process from the Architectural Review Board to town staff and amended various sections of the code to ensure its content neutrality in regulating signage.

**Staff Recommendation:** Recommend the Planning Commission consider the draft ordinance and set a date for a public hearing.

**Cost and Financing:** N/A  
**Account Number:** N/A

**Proposed/Suggested Motion:**

"I move to set a public hearing date of May 23, 2023, on the draft ordinance as presented."

OR

Other action the Commission deems appropriate.

**TOWN OF OCCOQUAN, VIRGINIA  
RESOLUTION**

**RESOLUTION TO REFER ZONING TEXT AMENDMENT TO PLANNING  
COMMISSION TO REMOVE § 157.335-157.339 AND AMEND § 157.300-157.322 OF THE  
TOWN CODE RELATING TO SIGNAGE**

**WHEREAS**, Occoquan Town Code §§157.300 - §157.339 detail the general provisions for signage in the Town of Occoquan; and

**WHEREAS**, the Town Council wishes to amend said provisions by,

- (A) Removing conflicting and erroneous sections of the signage regulations,
- (B) Clarifying the definitions and number limits of permanent signage,
- (C) Consistently distinguishing between temporary signs and banners,
- (D) Clearly defining the basis on which to apply the sign regulations,
- (E) Creating an administrative process for the permitting of sign structures; and

**WHEREAS**, the Town Council finds that public necessity, convenience, general welfare, and good zoning practice requires amending the Town zoning regulations governing signage for the reasons articulated above; and

**WHEREAS**, by authority granted in §§ 15.2-1427 (D), 15.2-2285 (B), and 15.2-2286(A)(7) of the Code of Virginia, the Town Council may amend, supplement, or change the Town's zoning regulations, and

**WHEREAS**, pursuant to § 15.2-2286(A)(7)(i), amendments to the zoning ordinance may be initiated by resolution of the Town Council, and

**WHEREAS**, pursuant to § 15.2-2285 (B), no zoning ordinance shall be amended or reenacted unless the Planning Commission has had an opportunity to make recommendations on it; and

**WHEREAS**, pursuant to §§ 15.2-2204 and 15.2-2285 (C), before approving and adopting any zoning ordinance or amendment thereof, the governing body shall hold at least one public hearing thereon; and

**WHEREAS**, the Town Council wishes to revise the existing Zoning Ordinance to serve the health, safety and general welfare of the public and accomplish the objectives of Virginia Code § 15.2-2200, and wishes to give reasonable consideration to the following purposes: (i) to provide for adequate light, air, convenience of access, and safety from fire, flood, impounding structure failure, crime and other dangers; (ii) to reduce or prevent congestion in the public streets; (iii) to facilitate the creation of a convenient, attractive and harmonious community; (iv) to facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, playgrounds, recreational facilities, and other public requirements; (v) to protect against

destruction of or encroachment upon historic areas and working waterfront development areas; (vi) to protect against overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, impounding structure failure, panic or other dangers; (vii) to encourage economic development activities that provide desirable employment and enlarge the tax base; (viii) to provide for the preservation of lands of significance for the protection of the natural environment; (ix) to promote the creation and preservation of affordable housing suitable for meeting the current and future needs of the locality as well as a reasonable proportion of the current and future needs of the planning district within which the locality is situated; and (x) to provide reasonable modifications in accordance with the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131 et seq.) or state and federal fair housing laws, as applicable.

**NOW, THEREFORE, BE IT RESOLVED** that the Occoquan Town Council does hereby initiate R-2023-10 to remove § 157.335-157.339 and amend § 157.300-157.322 of the Town Code relating to signage; and

**BE IT FURTHER RESOLVED** that the Occoquan Town Council does hereby refer the forthcoming draft amendment to the zoning ordinance from town staff to the Planning Commission for its recommendations.

**Adopted by the Town Council of the Town of Occoquan, Virginia this 18<sup>th</sup> day of April, 2023.**

**MOTION:**

**DATE: April 18, 2023  
Town Council Meeting**

**SECOND:**

**Votes**

**Ayes:**

**Nays:**

**Absent from Vote:**

**Absent from Meeting:**

**BY ORDER OF THE TOWN COUNCIL**

**Attested:**

\_\_\_\_\_  
**Earnest W. Porta, Jr., Mayor**

\_\_\_\_\_  
**Philip Auville, Town Clerk**

**ORDINANCE # 0-2023-XX**

**AN ORDINANCE TO REMOVE § 157.335-157.339 AND AMEND § 157.300-157.322 OF THE TOWN CODE RELATING TO SIGNAGE**

**WHEREAS**, the Occoquan Town Council finds that public necessity, convenience, general welfare, and good zoning practice requires amending the Town’s sign ordinance provisions contained in § 157.300 – § 157.339 of the Town Code, and

**WHEREAS**, by authority granted in §15.2-2286(A)(7) of the Code of Virginia, the Town Council may in such cases amend, supplement, or change the zoning regulations, and

**WHEREAS**, the Town Planning Commission and Town Council have held public hearings on the draft sign ordinance and have considered the views of the public;

**NOW, THEREFORE BE IT ORDAINED** by the Council for the Town of Occoquan, Virginia meeting in regular session this 6th day of June, 2023:

1. That the Occoquan Town Council hereby amends § 157.300 – § 157.339 of the Occoquan Town Code as follows:

***SIGNS; GENERAL PROVISIONS***

**§ 157.300 FINDINGS, PURPOSE, AND INTENT; INTERPRETATION.**

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

(B) Signs not expressly permitted as being allowed by right or by special use permit under this subchapter, by specific requirements in another portion of this chapter, or otherwise expressly allowed by the Town Council are forbidden.

(C) A sign placed on land or on a building for the purpose of identification, protection, or directing persons to a use conducted therein shall be deemed to be an integral but accessory and subordinate part of the principal use of land or building. Therefore, the intent of this subchapter is to establish limitations on signs in order to ensure they are appropriate to the land, building, or use to which they are appurtenant and

are adequate for their intended purpose while balancing the individual and community interests identified in division (A) above.

(D) These regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, landscape and architecture of surrounding buildings, are legible and appropriate to the activity to which they pertain, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.

(E) These regulations distinguish between portions of the town designed for primarily vehicular access and portions of the town designed for primarily pedestrian access.

(F) These regulations do not regulate every form and instance of visual speech that may be displayed anywhere within the jurisdictional limits of the town. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.

(G) These regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.

(1998 Code, § 66-360) (Ord. passed 9-5-2017; Ord. 2020-06, passed 11-4-2020)

**Statutory reference:**

*Outdoor advertising in sight of public highways, see VA Code §§ 33.2-1200 et seq.*

**§ 157.301 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**A-FRAME SIGN.** A two-faced chalkboard sign with supports that are connected at the top and separated at the base, forming an "A" shape. These are also referred to as **SANDWICH BOARD SIGNS**. They are included in the term **PORTABLE SIGN**.

**ABANDONED SIGN.** Any sign associated with a building, structure, or business, where the building or occupation permit or business license has expired and where the sign may be considered abandoned in accordance with the law of the Commonwealth of Virginia.

**ADVERTISING.** Any words, symbol, color, or design used to call attention to a commercial product, service, or activity.

**ANIMATED SIGN.** A sign or part of a sign that is designed to rotate, move, or appear to rotate or move.

**AWNING SIGN.** A sign placed directly on the surface of an awning.

**BANNER.** A temporary sign of flexible material designed to be installed with attachments at each of four corners.

**BOX SIGN.** A sign contained in a box, transparent on one side, which is not more than four and a half square feet in area and not more than one foot deep.

**BUSINESS SIGN.** A sign which directs attention to a product, service, or commercial activity available on the premises.

**CANOPY SIGN.** A sign attached to a canopy.

**CHANGEABLE COPY SIGN.** A sign or part of a sign that is designed so that characters, letters, or illustrations can be changed or rearranged without altering the face or surface of the sign.

**COMMERCIAL SIGN.** A sign that advertises a business, product, service, or other commercial activity.

**COMPREHENSIVE SIGN PLAN.** A plan for the signage of a property that includes multiple tenants or owners with shared parking or other facilities, with special use permit (SUP) from Town Council.

**FEATHER SIGN.** A lightweight, portable sign mounted along one edge on a single, vertical, flexible pole. The physical structure may resemble a sail, bow, or teardrop.

**FLAG.** A piece of cloth or similar material, typically oblong or square, attachable by one edge to a pole or rope, and used as a symbol or decoration; this includes **PENNANTS**.

**FLASHING SIGN.** A sign that includes lights that flash, blink, or turn on and off intermittently.

**FREESTANDING SIGN.** A non-portable sign that is supported by structures or supports in or upon the ground and independent of any support from any building or wall.

**HEIGHT.** The maximum vertical distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of: existing grade immediately prior to construction of the sign; or the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating primarily for the purpose of mounting or elevating the sign.

**ILLEGAL SIGN.** Any sign erected without a required permit or which otherwise does not comply with any provisions of this subchapter.

**ILLUMINATED SIGN.** A sign that is backlit, internally lighted, or indirectly lighted, but does not include a neon sign.

**INFLATABLE SIGN.** Any sign which uses compressed or forced gas to provide support.

**MARQUEE.** A permanent structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.

**MARQUEE SIGN.** A sign attached to and made a part of a marquee or any similar projections from a building, with changeable, fixed, or both types of lettering in use.

**MINOR SIGN.** A wall or freestanding sign, as per the tables in §§ 157.320 through 157.322 and not illuminated.

**MONUMENT SIGN.** A sign affixed to a structure built on grade in which the sign and the structure are an integral part of one another; not a pole sign.

**NEON SIGN.** A sign containing exposed tubes filled with light-emitting gas.

**NON-RESIDENTIAL USE PROPERTY.** A property that at the time is being used for some purpose other than a residence, regardless of the zoning district in which the property is located.

**NONCONFORMING SIGN.** Any sign which was lawfully erected in compliance with applicable regulations of the town and maintained prior to the effective date of this chapter and which fails to conform to current standards and restrictions of this chapter.

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**OFF-PREMISES SIGN.** A sign that directs attention to a business, product, service, or activity conducted, sold, or offered at a location other than the premises on which the sign is erected.

**POLE SIGN.** A sign that is mounted on one or more freestanding poles.

**PORTABLE SIGN.** Any temporary sign not affixed to a building, structure, vehicle, or the ground. It does not include a flag or banner.

**PROJECTING SIGN.** Any sign, other than a wall, awning, or marquee sign, affixed to a building and supported only by the wall or a bracket on which it is mounted.

**PUBLIC AREA.** Any public place, public right-of-way, any parking area, or right-of-way open to use by the general public, or any navigable body of water.

**RESIDENTIAL-USE PROPERTY.** A property that at the time is being used as a residence, regardless of the zoning district in which the property is located.

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

**SIGN.** Any device (writing, letter work or numeral, pictorial presentation, illustration or decoration, emblem, device, symbol or trademark, flag, banner or pennant or any other device, figure, or character) visible to and designed to communicate information to persons in a public area. However, the term **SIGN** does not include architectural features, except those that identify products or services or advertise a business use. The term **SIGN** also does not include the display of merchandise for sale on the site of the display.

**SIGN FACE.** The portion of a sign structure bearing the message.

**SIGN STRUCTURE.** Any structure bearing a sign face.

**TEMPORARY SIGN.** A sign constructed of cloth, canvas, vinyl, paper, fabric, or other lightweight material not well suited to provide a durable substrate or, if made of some other material, is neither permanently installed in the ground nor permanently affixed to a building or structure which is permanently installed in the ground.

**VEHICLE or TRAILER SIGN.** Any sign attached to or displayed on a vehicle, if the vehicle or trailer is used for the primary purpose of advertising a business establishment, product, service, or activity. Any such vehicle or trailer shall, without limitation, be considered to be used for the primary purpose of advertising if it fails to display current license plates, inspection sticker, or municipal decal, if the vehicle is inoperable, if evidence of paid-to-date local taxes cannot be made available, or if the sign alters the standard design of such vehicle or trailer.

**WALL SIGN.** Any sign attached to a wall or painted on or against a flat vertical surface of a structure.

**WATERFRONT SIGN.** A sign facing the river on riverfront property.

**WINDOW SIGN.** Any sign visible outside the window and attached to or within 18 inches in front of or behind the surface of a window or door.

**YARD SIGN.** A temporary sign that is not attached to a structure or improvement. (1998 Code, § 66-361) (Ord. passed 9-5-2017; Ord. 2020-06, passed 11-4-2020)

### **§ 157.302 SIGNS REQUIRING A PERMIT.**

(A) *Permit required.* A sign permit is required prior to the display and erection of any sign except as provided in § 157.303.

(B) *Application for permit.*

(1) An application for a sign permit shall be filed with the town on forms furnished by the town. The applicant shall provide sufficient information to determine if the proposed sign is permitted under this chapter and other applicable laws, regulations, and ordinances. An application for a temporary sign shall state the dates intended for the erection and removal of the sign.

(2) The Town Zoning Administrator or designee shall promptly process the sign permit application and approve the application, deny the application, or notify the applicant of deficiencies in the application within 20 business days after receipt. Any application that complies with all provisions of this chapter, the Building Code, and other applicable laws, regulations, and ordinances shall be approved.

(3) If the application is denied, the town shall provide a list of the reasons for the denial in writing. An application shall be denied for noncompliance with the terms of this chapter, the Building Code, or other applicable law, regulation, or ordinance.

(C) *Nonrefundable fee.* A nonrefundable fee as set forth in the uncodified fee schedule adopted by the Town Council shall accompany all sign permit applications, unless waived at the discretion of the Town Manager.

(D) *Permit void after one year.* If a sign is not installed within one year following the issuance of a sign permit (or within 20 days in the case of a temporary sign permit), the permit shall be void. The permit for a temporary sign shall state its duration, not to exceed 20 days unless another time is provided in this chapter. The town may revoke a sign permit under any of the following circumstances:

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

(E) *Signs in Old and Historic Occoquan Overlay District.* All signs in the Old and Historic Occoquan Overlay District (HOD) require compliance with Architectural Review Board (ARB) guidelines except when a sign permit is not required as provided in § 157.303.

(F) *Comprehensive sign plans approval by Town Council.* The Town Council shall approve comprehensive sign plans in the B-1 District. The comprehensive sign plan shall establish the time, manner, and placement of signs, frequency of message changes, the materials, the hours of lighting, the height of signs, the total number of square feet of sign surface, and the number of signs to be placed on a site. Height of signs shall not be modified above the height permitted in this chapter. (1998 Code, § 66-362) (Ord. passed 9-5-2017; Ord. 2020-06, passed 11-4-2020) Penalty, see § 10.99

(G) *Basis of permitting and enforcement:* All signage regulations contained in this chapter shall be applied on the following basis for each use, unless otherwise specified within this chapter:

(1) For non-residential use properties, each business per parcel will be considered individually as the basis of each use, including when calculating the maximum number of signage;

(2) For residential use properties, each tenant or homeowner per parcel will be considered individually as the basis of each use, including when calculating the maximum number of signage.

### **§ 157.303 SIGNS NOT REQUIRING A PERMIT.**

A sign permit is not required for the following:

- (A) Signs erected by a governmental body or required by law;
- (B) Flags up to 16 square feet in size ~~not containing any advertising~~, subject to limitations on their number contained elsewhere in this chapter; provided, that no freestanding pole shall be erected in the public right-of-way nor be within five feet of a service drive, travel lane, or adjoining street;
- (C) The changing of messages on marquees and the repair of an existing permitted sign, except that repair of a nonconforming sign must comply with § 157.308(E);
- (D) Temporary signs as follows:
  - (1) For non-residential use property one sign, no more than 16 square feet in area, located on property where a building permit is active;

(2) On residential-use property, one or more temporary signs with a total area of no more than eight square feet, and which are removed within 90 days after being erected. Once removed, temporary signs may not be erected again for 30 days; and

(3) On residential-use property, window signs, provided that the total extent of window signs do not obstruct more than 25% of the total area of all windows on each building façade.

(4) On any property for sale or rent, not more than one sign with a total area of up to 16 square feet and a maximum height of six feet when the sign abuts a road with a speed limit of 25 mph or less, and when the sign abuts a road with a speed limit greater than 25 mph not more than one sign with a total area of up to 32 square feet and a maximum height of eight feet;

(5) On any property official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of his or her official or directed duties; provided, that all such signs shall be removed no more than ten days after their purpose has been accomplished;

(E) Not more than four minor signs ~~per parcel~~, consistent with the tables in §§ 157.320 through 157.322. Additional minor signs are permitted in certain districts with a permit;

(F) A-frame signs not ~~inobstructing~~ the public right-of-way, consistent with the tables in §§ 157.320 through 157.322;

(G) ~~A-permanent w~~Window signs, provided that the aggregate area of all window signs on each window or door does not exceed 25% of the total area of the window or door; and

(H) Box signs, consistent with the tables in §§ 157.320 through 157.322.

(I) 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 provided such lights are white, off-white, or a color commonly considered white. Lights other than white are permitted only from October 15 through February 15.

(1998 Code, § 66-363) (Ord. passed 9-5-2017; Ord. 2020-06, passed 11-4-2020)

### § 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) 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. (1998 Code, § 66-364) (Ord. passed 9-5-2017; Ord. 2020-06, passed 11-4-2020; Ord. O-2021-07, passed 12-7-2021) Penalty, see § 10.99

### **§ 157.305 MEASUREMENTS OF SIGN AREA AND HEIGHT.**

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

(B) *Sign area.*

(1) Sign area is calculated under the following principles.

(a) With signs that are regular polygons or circles, the area can be calculated by the mathematical formula for that polygon or circle. With signs that are not regular polygons or circles, the sign area is calculated using all that area within a maximum of three abutting or overlapping rectangles that enclose the sign face.

(b) The permitted area of a double-faced sign shall be considered to be the area on one side only. If one face contains a larger sign area than the other, the larger face shall be used in calculating the sign area. A double-faced sign must have an internal angle between its two faces of no more than 45 degrees.

(c) For projecting signs with a thickness of four inches or more, the sign area also includes the area of the visible sides of the sign, calculated as a rectangle enclosing each entire side view.

(2) The maximum height for any sign shall be 15 feet unless otherwise specified within this chapter.

(3) Maximum sign area is 16 square feet unless otherwise specified within this chapter. (1998 Code, § 66-365) (Ord. passed 9-5-2017; Ord. 2020-06, passed 11-4-2020) Penalty, see § 10.99

### **§ 157.306 MAINTENANCE AND REMOVAL.**

(A) All signs shall be constructed and mounted in compliance with the State Uniform Statewide Building Code, 13 VAC 5-63.

(B) All signs and components thereof shall be maintained in good repair and in a safe, neat, and clean condition.

(C) The Building Official may take action under the State Maintenance Code, after such notice as is provided by law, to address any sign which, in his or her opinion, has become insecure, in danger of falling, or otherwise unsafe, and, as such, presents an immediate threat to the safety of the public. If such action is necessary to render a sign safe, the cost of such emergency removal or repair shall be at the expense of the owner or lessee thereof as provided in Chapters 92 and 150 of this code.

(D) Where the use or business has ceased operating, the owner of the sign or property owner shall remove the sign within 60 days of the cessation of use or business operation, or remove/replace the sign face with a blank face until such time as a new use or business has resumed operating on the property.

(E) Any sign which becomes a safety hazard or which is not kept in a reasonably good state of repair shall be put in a safe and good state of repair within 30 days of a written notice to the owner and permit holder. Any sign which constitutes a nuisance may be abated by the town under the requirements of VA Code §§ 15.2-900, 15.2-906, and/or 15.2-1115.

(1998 Code, § 66-366) (Ord. passed 9-5-2017; Ord. 2020-06, passed 11-4-2020) Penalty, see § 10.99

### **§ 157.307 GENERAL REQUIREMENTS.**

(A) *Placement.* Except as otherwise permitted, all freestanding, projecting, marquee and similar signs shall leave a vertical clearance over any sidewalk of at least seven feet and shall not overhang any vehicular right-of-way.

(B) *Illumination.* All permitted signs may be indirectly lighted, unless such lighting is specifically prohibited in this subchapter. Box signs may be internally lighted.

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

(2) Internal illumination shall be limited to the illumination standards for outdoor lighting in § 157.287. No sign shall be permitted to have an illumination spread of more than five-hundredths foot-candle at the lot line, shine into oncoming traffic, affect highway safety, or shine directly into a residential dwelling unit. In no event shall the illumination of any sign resulting from any internal or external artificial light source exceed 100 lumens. All lighting fixtures used to illuminate a sign shall be full-cutoff, as defined by the Illuminating Engineering Society of North America (IESNA), and shall have fully shielded or recessed luminaires with horizontal-mount flat lenses that prevent upward light scatter and protect the dark night sky.

(3) All illumination for signs shall comply with provisions of §§ 157.285 through 157.288.

(C) *Waterfront signs.* See chart in §§ 157.320 through 157.322.

(D) *Banners/Temporary signs.* In the Old and Historic Occoquan District, ~~bannertemporary sign~~ colors shall be consistent with the ARB guidelines.

(1) ~~A banner~~ *Temporary signs* shall not contain more than four colors.

(2) ~~Such~~ *banners* shall be attached to an existing principal structure (with a clearance of at least 12 inches from the edge of the store or building) or sign pole. They must not obscure architectural features of the building (such as windows, railings, or ornamentation) and shall not exceed 16 square feet in total area. They may be hung in a horizontal or vertical manner and shall be attached at all four corners in a taut manner.

(3) ~~Banner~~ *Temporary sign* permits shall be for 20 consecutive days and no more than twice in one calendar year per ~~sign per property~~ *business per parcel*.

(4) ~~Banners~~ *Temporary signs* installed and used for special events and festivals sponsored by the town may be erected without a permit and shall be removed within two days after the event.

(E) *Flags.* In the Old and Historic Occoquan District, flags shall be attached to an existing principal structure or pole. They must not obscure architectural features of the building (such as windows, railings, or ornamentation).

(1998 Code, § 66-367) (Ord. passed 9-5-2017; Ord. 2020-06, passed 11-4-2020) Penalty, see § 10.99

## § 157.308 NONCONFORMING SIGNS.

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

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

(C) (1) Nothing in this section shall be deemed to prevent keeping in good repair a nonconforming sign.

(2) Nonconforming signs shall not be extended or structurally reconstructed or altered in any manner, except a sign face may be changed so long as the new face is equal to or reduced in height and/or sign area.

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

(E) (1) A nonconforming sign that is destroyed or damaged by any casualty to an extent not exceeding 50% of its area may be restored within two years after such destruction or damage but shall not be enlarged in any manner.

(2) If such sign is so destroyed or damaged to an extent exceeding 50%, it shall not be reconstructed but may be replaced with a sign that is in full accordance with the provisions of this subchapter.

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

(G) A nonconforming sign structure shall be subject to the provisions of § 157.212. In addition, a nonconforming sign structure shall be removed if the use to which it is accessory has not been in operation for a period of two years or more. Such sign structure shall be removed by the owner or lessee of the property. If the owner or lessee fails to remove the sign structure, the Zoning Administrator or designee shall give the owner 15 days' written notice to remove it. Upon failure to comply with this

notice, the Zoning Administrator or designee may enter the property upon which the sign is located and remove any such sign or may initiate such action as may be necessary to gain compliance with this provision. The cost of such removal shall be chargeable to the owner of the property.  
 (1998 Code, § 66-368) (Ord. passed 9-5-2017; Ord. 2020-06, passed 11-4-2020) Penalty, see § 10.99

**§ 157.309 NONCOMMERCIAL SIGNS.**

Wherever this subchapter permits a sign with commercial content, noncommercial content is also permitted subject to the same requirements of size, color, illumination, movement, materials, location, height, and construction.  
 (1998 Code, § 66-369) (Ord. passed 9-5-2017; Ord. 2020-06, passed 11-4-2020) Penalty, see § 10.99

***SIGN REGULATIONS BY USE AND DISTRICT***

**§ 157.320 RESIDENTIAL DISTRICT SIGNS (R-1, R-2, R-3, R-4).**

(A) Except as otherwise prohibited in this subchapter, Table 1 below includes signs that are permitted as accessory to residential uses in residential districts. Animated signs and electronic message signs are prohibited on residential properties in all residential districts.

(B) Except as provided otherwise in this subchapter, Table 2 below includes signs that are permitted as accessory to nonresidential uses in residential districts. Animated signs are prohibited as accessory uses for nonresidential uses in all residential districts.

***Table 1: Residential District Residential Use Property Signs***

<i>Type</i>	<i>Flags</i>	<i>Temporary</i>	<i>Permanent-Box, Freestanding, Monument, Pole, Projecting, and Wall</i>	<i>Minor</i>	<i>Waterfront</i>
Duration	Unlimited	90 days	Unlimited	Unlimited	Unlimited
Illumination	As required by law	None	Indirect	None	Indirect
Location	See § 157.303(B)	See § 157.303 (D)	Wall, window, freestanding, or affixed to mailbox	Wall, window, freestanding, or affixed to mailbox	Wall, window, freestanding, or affixed to mailbox
Max. height	15 ft	6 ft	6 ft	6 ft	6 ft

**Table 1: Residential District Residential Use Property Signs**

<i>Type</i>	<i>Flags</i>	<i>Temporary</i>	<i>Permanent-Box, Freestanding, Monument, Pole, Projecting, and Wall</i>	<i>Minor</i>	<i>Waterfront</i>
Setback	See § 157.303(B)	None	None	None	None
Size (each/total)	16 sf/no limit	16 sf/no limit	3 sf/3 sf	1 sf/4 sf	16 sf

**Table 2: Residential District Non-residential Use Property Signs**

<i>Type</i>	<i>Flags</i>	<i>Temporary</i>	<i>Variable Message Signs</i>	<i>Permanent Box, Freestanding, Monument, Pole, Projecting, and Wall</i>	<i>Minor</i>	<i>Monument</i>	<i>Waterfront</i>
Duration	Unlimited	20 Days	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited
Illumination	As required by law	None	Indirect	Indirect	None	Indirect	Indirect
Materials	See flag definition	See § 157.303(D)	-	-	-	-	-
Max. height	15 ft	6 ft	6 ft	6 ft	6 ft	6 ft	6 ft
Setback	See § 157.303(B)	None	None	None	None	None	None
Size (each/total)	16 sf/no limit	8 sf/8 sf	16 sf/16 sf	16 sf/16 sf	1 sf/4 sf	16 sf	16 sf

**§ 157.321 BUSINESS DISTRICT SIGNS (B-1).**

(A) (1) Except as prohibited in this subchapter, Table 3 below includes signs that are permitted in business districts.

~~(2) In addition, up to one minor sign per business is permitted as a wall sign.~~

(B) Window signs are permitted up to 25% of the area of a window and count toward the maximum square footage of wall signs. Window signs are permitted only on the first floor of a building unless the business advertised is only on the floor where the window sign is displayed.

(C) Commercial signs are not permitted as yard signs in business districts.

~~(D)~~ Box signs used to display menus do not count towards the maximum number of signs and flags as outlined in Table 3.

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**Table 3: Business District Property (All Uses) Signs**

<b>Type</b>	<b>Permanent-Box, Freestanding, Monument, Pole, Projecting, and Wall</b>	<b>Temporary</b>	<b>Flags</b>	<b>Minor</b>	<b>Waterfront</b>	<b>Marquee</b>
Duration	Unlimited	20 days	Unlimited	Unlimited	Unlimited	Unlimited
Illumination	Indirect	None	As required by law	None	Indirect	Backlit, internally or indirectly
Location	Wall, <u>bracket</u> , <del>window-sign</del> , freestanding or affixed to mailbox	See § 157.303(D)	See § 157.303(B)	Wall, <u>bracket</u> , <del>window</del> , freestanding, or affixed to mailbox	Wall, <u>bracket</u> , <del>window</del> , freestanding, or affixed to mailbox	SUP req.
Maximum number	4 (with no flags)*	Unlimited*	4 (with no signs)*	4 signs total without a permit; up to 2 additional with a permit	Unlimited up to maximum size	1
Maximum height	6 ft	6 ft	15 ft	6 ft	Height of building	Height of building
Setback	None	See § 157.303(D)	See § 157.303(B)	None	None	None
Size (Each)	16 sf (except box signs, which are limited to 4.5 sf by definition)	16 sf total for commercial use property; 8 sf total for residential use property	16 sf	1 sf total	Total: 2 sf/linear foot of building riverfront width, divided into as many signs as occupant wishes	SUP req.

**Table 3: Business District Property (All Uses) Signs**

<i>Type</i>	<i>Permanent-Box, Freestanding, Monument, Pole, Projecting, and Wall</i>	<i>Temporary</i>	<i>Flags</i>	<i>Minor</i>	<i>Waterfront</i>	<i>Marquee</i>
SUP req.	No	No	No	No	No	Yes
Table notes: * Maximum number is a combination of signs and flags. There shall be no more than four signs and/or flags on any <del>one one property</del> <u>business per parcel</u> at a given time. ** Commercial signs are not permitted as yard signs in business districts.						

**§ 157.322 HISTORIC DISTRICT SIGNS.**

(A) In the Old and Historic Occoquan District, a certificate of appropriateness is required before erection or alteration of any structure.

(B) Repair of an existing sign, or replacement of an existing sign with like materials and colors, does not require a certificate of appropriateness.  
(1998 Code, § 66-393) (Ord. passed 9-5-2017; Ord. 2020-06, passed 11-4-2020) Penalty, see § 10.99

## ***SIGNS; ADMINISTRATION***

### **§ 157.335 SIGN PERMIT PROCEDURES.**

~~(A) *Applicability.* A sign permit shall be required for all signs erected after December 12, 1995, except for those signs specifically excluded from the sign permit requirements as provided in § 157.307.~~

~~(B) *Filing of application; fees.* Applications for sign permits shall be filed on a form provided by the town by the applicant or his or her agent. Applications for permits for signs in the Old and Historic Oecoquan District shall be subject to review and approval by the Architectural Review Board. All applications for permits for signs outside the Old and Historic Oecoquan District shall be subject to the review and approval of the Zoning Administrator, and shall contain information required in division (C) below, and shall be accompanied by a fee, as established from time to time by resolution of the Town Council.~~

~~(C) *Information required.* All applications for sign permits shall contain or have attached thereto the following information in either written or graphic form:~~

~~(1) Name, address, and telephone number of the sign erector and the sign owner;~~

~~(2) Positions of the sign in relation to adjacent lot lines, buildings, sidewalks, streets, and intersections;~~

~~(3) Type of sign and general description of structural design and construction materials to be used; and~~

~~(4) Drawings of the proposed sign, which shall contain specifications indicating the height, perimeter, and area dimensions, means of support, method of illumination, colors, and other significant aspects of the proposed sign.~~

~~(D) *Inspections.* A final inspection shall be completed after installation of approved signs. Any discrepancies between the approved sign and the sign as constructed shall be identified and may result in the halt of construction or sign removal, if so ordered by the town.~~

~~(E) *Revocations.* The town may revoke a permit or approval if it is found that there has been concealment or misrepresentation of material facts in either the application or plans. (1998 Code, § 66-401) (Ord. passed 9-5-2017; Ord. 2020-06, passed 11-4-2020) Penalty, see § 10.99~~

#### ~~§ 157.336 TEMPORARY SIGN PERMIT PROCEDURES.~~

~~(A) All applications for signs requiring the issuance of a temporary sign permit, as established in § 157.302, shall contain all information requested by the town prior to the issuance of such permit. The approved permit shall include the expiration date of the temporary permit. The applicant may request extensions of the permit for good cause. Temporary signs remaining after the expiration of the permit shall be removed by the applicant or property owner. If the applicant or property owner fails to do so, after a reasonable attempt to notify the property owner, the town may enter upon the property upon which the sign is located and remove the sign, with the cost of such removal chargeable to the owner of the property.~~

~~(B) All applications for banners, as established in § 157.302, shall contain all information requested by the town prior to the issuance of such permit. The approved permit shall include the expiration date of the temporary permit. The applicant may request extensions of the permit for good cause. Banners remaining after the expiration of the permit shall be removed by the applicant or property owner. If the applicant or property owner fails to do so, after a reasonable attempt to notify the property owner, the town may enter upon the property upon which the banner is located and remove the banner, with the cost of such removal chargeable to the owner of the property. (1998 Code, § 66-402) (Ord. passed 9-5-2017; Ord. 2020-06, passed 11-4-2020) Penalty, see § 10.99~~

#### ~~§ 157.337 EXPIRATION OF SIGN PERMITS; SIGNS NOT CONSTRUCTED.~~

~~(A) A sign permit shall expire and become null and void if the approved sign is not erected within a period of 12 months from the date the permit was originally issued. The town may grant one extension of the sign permit for a period of six months, but in no case shall a permit be valid for more than a total of 18 months. Extensions may be granted only when the proposed sign is in compliance with all current applicable regulations.~~

~~(B) A sign permit shall expire and become null and void if the sign is deemed to be an abandoned sign in accordance with the Town Code. Upon the sign being deemed abandoned the sign shall be removed by the owner of the property on which the sign is located, if notified by the town to do so. If the town has made a reasonable attempt to notify the property owner, the town may enter upon the property upon which the sign is located and remove the sign, with the cost of such removal chargeable to the owner of the property. (1998 Code, § 66-403) (Ord. passed 9-5-2017; Ord. 2020-06, passed 11-4-2020)~~

**~~§ 157.338 VARIANCES TO SIGN REGULATIONS NOT PERMITTED.~~**

~~(There is no text for this section.)~~

~~(1998 Code, § 66-404) (Ord. passed 9-5-2017; Ord. 2020-06, passed 11-4-2020)~~

**~~§ 157.339 REMOVAL OF SIGNS.~~**

~~(A) *Illegal signs.* The town may remove or order the removal of any illegal sign at the expense of the property owner.~~

~~(B) *Structurally unsafe signs.* Whenever in the opinion of the Zoning Administrator or building official, board a sign becomes structurally unsafe or endangers the safety of a building or premises, or endangers the public safety, or is in need of maintenance, the Zoning Administrator shall order that such sign be made safe, repaired, or removed. Such order shall be complied with within five days of receipt of the order by the person owning or using the sign or the owner of the building or premises on which such unsafe sign is affixed or erected.~~

~~(1998 Code, § 66-405) (Ord. passed 9-5-2017; Ord. 2020-06, passed 11-4-2020) Penalty, see § 10.99~~

2. That this ordinance is effective upon passage.

**BY ORDER OF THE TOWN COUNCIL**

**Meeting Date: June 6, 2023  
Town Council Meeting  
Ord No. O-2023-XX**

**RE: An Ordinance to Remove § 157.335-157.339 and Amend § 157.300-157.322 of the Town Code Relating to Signage**

**MOTION:  
SECOND:  
ACTION:**

**Votes:**

**Ayes:**

**Nays:**

**Absent from Vote:**

**Absent from Meeting:**

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

**Town Clerk**