



TOWN OF OCCOQUAN

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

PLANNING COMMISSION MEETING

May 23, 2023 | 6:30 p.m.

1. **Call to Order**
2. **Citizen Comments**
3. **Approval of Minutes**
 - a. April 25, 2023 Meeting Minutes
4. **Public Hearings**
 - a. Public Hearing on Zoning Text Amendment to Address the Use of Temporary Trailers for Real Estate Sales and Construction Uses Across All Zoning Districts
 - b. Public Hearing on Zoning Text Amendment to Address Granting the Zoning Administrator Authority to Make Modifications from the Zoning Ordinance with Respect to Physical Requirements
 - c. Public Hearing on Zoning Text Amendment to Remove § 157.335-157.339 and to Make Changes that Increase the Clarity of § 157.300-157.322 and that Streamline Administrative Permitting and Enforcement
5. **Action Items**
 - a. Request to Make a Recommendation to Town Council on Zoning Text Amendment Generally Relating to the Use of Temporary Trailers
 - b. Request to Make a Recommendation to Town Council on Zoning Text Amendment Granting the Zoning Administrator Authority to Make Modifications from the Zoning Ordinance
 - c. Request to Make a Recommendation to Town Council on Zoning Text Amendment Generally Relating to the Sign Ordinance
 - d. Request to Name Planning Commission Representative to the Mural Contest Award Committee
6. **Discussion Items**
 - a. Town Council Meeting Update
 - b. Berkley Riverwalk Planning Update
 - c. Planning Commission Priorities Update
7. **Work Session**
 - a. 2024 Strategic Planning Workshop Session
8. **Adjournment**

Eliot Perkins
Chair, Planning Commission

Portions of this meeting may be held in closed session pursuant to the Virginia Freedom of Information Act.



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

MEETING DATE: 2023-04-25
MEETING TIME: 6:30 PM

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

Town Staff: Matt Whitmoyer, Management Fellow; Adam Lynn, Town Manager

1. Call to Order

The Planning Commission meeting was called to order by Chairperson Perkins on 2023-04-25, at 6:31 p.m.

2. Citizen Comments

None.

3. Approval of Minutes a. March 28, 2023 Meeting Minutes

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

4. Action Items

a. Request to Consider Zoning Text Amendments on Temporary Sales Trailers and Set Public Hearing Date

Mr. Whitmoyer summarized the amendments as allowing Temporary trailers within 625 square feet in size as an office for the sale of properties. Commissioner Love asked if this was being driven by the Mill. Mr. Whitmoyer said this is correct as the current code doesn't allow such trailers. Chairperson Perkins asked if this would allow construction trailers as well. Commissioner Love asked if this would allow other mobile offices. Mr. Whitmoyer said it was currently for sales offices, but the Town Attorney could be directed to include other offices.

Commissioner Newell asked about solar panels, as Wegmans currently has a trailer with a huge solar panel on it. Mr. Whitmoyer said it would need to go through the ARB to allow solar in the Historic District.

Chairperson Perkins said the focus of today is to set a public hearing date.

Commissioner Love moved 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. Commissioner Newell seconded. The motion passed unanimously by voice vote.

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

Mr. Whitmoyer directed Commissioners to the draft ordinance as provided. He will refer questions to the Town Attorney to address. This ordinance allows for very narrow circumstances – only a 10% to 5% change – and allows the Zoning Administrator to approve with minor deviations. If the change violates Chesapeake Bay preservation act, then it will not be allowed. The intent is to reduce the burden on applicant and Town administration.

Commissioner Wood asked who the Zoning Administrator was. Mr. Whitmoyer said it is currently Sarah Fila and Bruce Reece Town Engineer of Legacy Engineering.

Commissioner Somma said he was favorable to this idea because he supports anything the Town can do to streamline the approvals process, and he thinks the Zoning Administrator has the best expertise to assess the property owner's request. He said the process outlined is very aligned to the process for making an appeal to the Board of Zoning Appeals, with one very important exception. The BZA holds a public hearing for their appeal. Commissioner Somma said his family has personally stood before the BZA and Town citizens who were not adjacent property owners were allowed to comment on the appeal in a transparent open forum. The term "undue hardship" is very subjective, and it appears to be a highly litigated term. So, he thinks it's important for this process to be as reasonably publicly transparent and open to discussion as possible.

Commissioner Somma said the second part is that he understands the appeals process as outlined, where the property-owner can appeal a rejection from the Zoning Administrator to the BZA and appeal the BZA's decision to the Circuit Court. However, this process as defined doesn't describe the reverse situation. Currently, if the BZA grants a variance that the Town Council disapproves of, the Town can pursue litigation against the BZA to dispute that ruling in court-- which the Town has done in the past.

Commissioner Somma said his questions are, first, how are these Zoning Administrator granted variances going to be made publicly transparent. How will the Town Council, Planning Commission, BZA, and general public be made aware of them. And secondly, what legal recourse does the Town have should the Town Council object to a variance granted by the Zoning Administrator. Commissioner Somma said that part of the rejection process he would like to see defined, if not here then somewhere, is that citizens need to know they have the right to request this variance from the Zoning Administrator. And if the Zoning Administrator rejects the variance, then the citizen needs to be informed that they can appeal to the BZA.

Mr. Whitmoyer requested Commissioner Somma send this feedback in an email to Town Staff and they will forward it to the Town Attorney.

Commissioner Somma moved to set a public hearing date of May 23, 2023, on the draft ordinance as presented. Commissioner Wood seconded. The motion passed unanimously by voice vote.

c. Request to Consider Zoning Text Amendments to Amend the Sign Ordinance and Set Public Hearing Date

Mr. Whitmoyer cited the Reed vs Town of Gilbert case, which prohibited ordinances for signs based on content as a violation of the 1st amendment. The Town revisited its own signage ordinances to make sure they are not arbitrary or infringe on citizen rights. Certain text was removed in 2015, but accidentally re-added in 2017; therefore, it needs to be removed again. Since the Code needs modification, they are using the opportunity to make additional revisions and make it clearer for implementation and for Town Businesses. The ARB will make recommendations for Town Council.

Commissioner Love noted we are coming up on a Federal Election year. The 2020 election had political signs in Town a year before and a year after. He asked if there is anything that addresses political signs or banners after so much time. Mr. Whitmoyer said there is a ban on commercial signs in yards and restrictions on temporary signs, but no restrictions on political messaging. He could make a recommendation to the Town Attorney to consider. Chairperson Perkins agreed it is not a partisan issue, but a timing issue. Commissioner Love said he was not taking sides, but he would like the Town Attorney to look at time limits at least in the Historic District. Commissioner Wood believes the County has restrictions and asked about changing the term "banner" to "temporary sign." Mr. Whitmoyer said this was to use consistent language.

Commissioner Love moved to set a public hearing date of May 23, 2023, on the draft ordinance as presented. Commissioner Somma seconded. The motion passed unanimously by voice vote.

5. Discussion Items

b. Route 123 and Commerce Mural

Chairperson Perkins said there had been discussion for some time to do a mural on the 123 and Commerce Street retaining wall. Hopefully the Town will receive a whole bunch of ideas from local artists. Mr. Whitmoyer said the contest starts next month and will run through the middle of June. An award committee will pick the finalists, the Town Council will make the final approval, the AARB will approve, and the Town will have it installed in late summer.

Commissioner Love asked if VDOT had already approved this. Mr. Whitmoyer said it was approved, but there was still a need to work out the details. Commissioner Love noted there was a proposal to raise taxes at the next Town Council meeting. He asked if the Town could afford \$5,000 for a mural. Mr. Whitmoyer said Inside NOVA made an error in the publication. The tax increase was .116. The money would be coming from SLRF.

a. Town Council Meeting Update

Chairperson Perkins went over the Tier Definitions. Examples of Tier 1 projects were a new parking facility, addressing stormwater, and completing the Riverwalk. Commissioner Love noted that accomplishing the entire Riverwalk project is Tier 1, which includes both sides of the river, but finishing the sections within the Town are not as complex. There was a discussion concerning what was needed to complete the Town's side of the Riverwalk and its complexity.

Chairperson Perkins gave an example of a Tier 2 program being the development of a business recruitment program. Commissioner Love asked if this was to bring businesses in. Chairperson Perkins said it was a question of how the Town can work with outside folks to get high-quality businesses in town and work with local businesses to bring new businesses in. When someone opens a new business, the Town can bring support to those owners.

c. Berkley Riverwalk Planning Update

Mr. Whitmoyer said the project was in the Vision Plan Draft phase of work and creating the bones of a final product. There will be a meeting next week with Town Staff and the Chair. Then a revision, and public meeting in the third week of June. Commissioner Love asked if the product will this include cost. Mr. Whitmoyer said it will include a cost estimate that will be refined after geologic study.

d. Planning Commission Priorities Update ■ North Woodbridge Town Center

- Alpine X
- Belmont Bay Expansion Project

No updates.

6. Work Session

a. 2024 Strategic Planning Workshop Final Session

Chairperson Perkins said the Strategic Plan needs details with general expectations for Staff and Town Council to work with. The Commission needs to be asking why we are making each recommendation. Mr. Whitmoyer said that from the last meeting, the PC whittled things down more. He then went over the three guiding lights, five themes, and reviewed the duties of the Planning Commission.

Commissioner Love said that, as the new guy with fresh eyes looking at this, the question is what we are trying to get to. A Trail Town is a subset, so what is the goal above that. A goal is to attract people to Occoquan. We don't have much influence over developing shopping and dining, but we do have control over attractions. What are the things that would attract people here. The Trail Town is a subset of that. Events attract people. What else will attract people? We are a historic town with connections Native American and Civil War history. Chairperson Perkins noted natural resources. Commissioner Love said that business development is a theme. Occoquan is a gateway to the county and trails. Business development and green town objectives are enablers. He recommended coming up with themes for the Town and focusing on themes, not enablers.

There was a discussion concerning Comprehensive Plan themes and priorities and how this working session should best address these.

Commissioner Love asked how a Trail Town would promote Occoquan. Chairperson Perkins said it would provide for visitors who want to kayak, paddleboard, and swim and who will patronize our businesses. This advertises our town. Need to build infrastructure and resources for people to recognize it and take advantage of it. Commissioner Hawkins said that Commissioner Love is saying the natural resources are key thing and that should be the focus. Chairperson Perkins said the Trail Town takes advantage of the Town's natural resources.

Mr. Whitmoyer recommended restructuring the strategic themes with sub-items. There was a discussion of reorganizing themes and of business development.

Commissioner Newell asked about item #1, which includes business development. He asked if we are talking about the Town overall or just the Historic District. Chairperson Perkins said the development plan improves the Town overall. Commissioner Wood said he likes to think about what could happen in Town organically with new residential buildings coming into Town. The possibility of not needing to travel out of Town for basic necessities. Maybe businesses will be attracted as more people live downtown. Chairperson Perkins said the Town needs to do something so that, as people who own properties know a business is leaving, the Town also knows. This way property owners can work with the Town to network businesses in. Commercial real estate folks can help us.

Commissioner Love said he thinks this means Economic Development, and that Business Development is a subset of that. From a government perspective, we do Economic Development. Such as developing the relationship with Occoquan Merchant's Guild and how to set the conditions for businesses to come into Town. Commissioner Wood asked about being agnostic about the kinds of businesses or attracting specific kinds. Commissioner Love said there were natural restrictions for businesses like restaurants, which need specific facilities. Chairperson Perkins said the Town can't pick winners and losers, but communities can promote certain businesses. Mr. Whitmoyer said the goal is to find ways to incentivize businesses to come to Town. Commissioner Hawkins said Julie Little is working hard on this.

Chairperson Perkins asked about Occoquan as a Green Town and why it matters. Chairperson Somma said Occoquan is a Harbor Day Town, a bird sanctuary, and a clean environment is a matter of public health. Commissioner Newell said it goes with the Town's character. Chairperson Perkins said the river is an economic driver. Chairperson Perkins said that Green Town is vague and asked about the sub-headers for this theme. Commissioner Love objected to the word "Green" being used and preferred to refer to being an ecologically friendly town. Mr. Whitmoyer asked if the alternative would be promoting ecological and public health. Commissioner Wood said we could add an action item for LEAD certifications. Chairperson Perkins brought up the notion of community character. Commissioner Newell said this was about a distinct community character.

There was a discussion about mobility, connectivity, and accessibility.

Chairperson Perkins said to change the first bullet point to Maximize Natural Resources. He said before the next meeting Commissioners will put action items under these bullet points. Mr. Whitmoyer asked to have these by May 17th in time for the next meeting.

6. Adjournment

The meeting was adjourned at 8:18 p.m.

Minutes Prepared by Ryan Somma, Planning Commission Secretary



TOWN OF OCCOQUAN PLANNING COMMISSION

Agenda Communication

4. Public Hearings	Meeting Date: May 23, 2023
4A: Public Hearing on Zoning Text Amendment to Address the Use of Temporary Trailers for Real Estate Sales and Construction Uses Across All Zoning Districts	

Attachments: a. Resolution R-2023-08 to Refer ZTA
b. Draft Ordinance

Submitted by: Matt Whitmoyer
Management Fellow

Explanation and Summary:

This is a public hearing on a zoning text amendment to address the use of temporary trailers for real estate sales and construction uses across all zoning districts. The referring resolution and draft ordinance are attached.

The proposed ordinance would amend the Town Code to add a temporary trailer definition to § 157.008 and to add a section numbered § 157.014 to address the use of temporary trailers for real estate sales and construction uses.

Should the Planning Commission choose to close the public hearing, the Commission will make a recommendation to the Town Council later in the meeting agenda. The Town Council has scheduled a public hearing on the draft ordinance on Tuesday, June 6, 2023, at 7:00 pm.

Background

Currently, the Town Code does not allow temporary trailers of any type in any zoning district. 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. During the April 25, 2023, meeting, the Planning Commission set a public hearing date and directed the Town Attorney to create a draft ordinance applying to all zoning districts based off their recommendations and staff's recommendations, including allowing temporary trailers for construction uses in addition to sales.

Staff Recommendation: Unless public comment provides a reason not to, close the hearing.

Proposed/Suggested Motion:

"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
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 18th 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 ADD A DEFINITION TO TOWN CODE § 157.008 AND A SECTION NUMBERED § 157.014 TO ADDRESS THE USE OF TEMPORARY TRAILERS FOR REAL ESTATE SALES AND CONSTRUCTION USES

WHEREAS, the Town Council initiated a zoning text amendment to amend the Town Code to address the use of temporary sales trailers for purposes of real estate sales within the Old and Historic Occoquan district by Resolution R-2023-08; 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 advertised and held public hearings on the proposed amendment to the Town zoning ordinance; and

WHEREAS, after receiving the recommendation of the Planning Commission, the Town Council desires to amend the Town Code to allow for the use of temporary trailers for real estate sales and construction uses, 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 ___ day of _____, 2023:

1. That the Town Council hereby amends Town Code § 157.008 as follows:

§ 157.008 DEFINITIONS.

Add the following definitions in their alphabetical location:

TEMPORARY TRAILER. Any trailer or portable manufactured unit, designed for human occupation and not meeting the definition of manufactured home, and not meant for permanent occupancy, used as a temporary office for the sale or lease of on-site housing and/or commercial units and/or for use as offices for construction actively taking place on the property.

2. That the Town Council hereby adopts Town Code § 157.014 as follows:

§ 157.014 TEMPORARY TRAILER FOR SALES AND CONSTRUCTION OFFICE DURING CONSTRUCTION.

(A) The Zoning Administrator shall issue a zoning permit for a temporary trailer to be used for sales and/or construction purposes (i) during construction of a residential or mixed-use development, or (ii) during construction, renovation, or reconstruction of a primary permanent structure for commercial or residential uses, if the following criteria are met:

(1) For a trailer permitted under subsection (A)(i) above, there is an approved, valid final site plan or subdivision plat that remains under bond, for the site on which the temporary trailer will be located; and

(2) For a trailer permitted under subsection (A) (ii) above, there is a valid building permit in place; and

(3) The applicant has submitted a sketch of the site identifying the location of the temporary trailer, and construction plans. This sketch need not be sealed by an engineer but must show scale, north arrow, distance from the trailer to the nearest property lines, the location of at least two parking spaces, the hours of operation, and the location, type, and wattage of any temporary site lighting for the temporary trailer; and

(4) The temporary trailer shall be subject to the minimum setbacks of the zoning district in which it is located; and

(5) The temporary trailer shall be located within the boundary of the project in which lots or units are to be sold or rented; and

(6) No sleeping accommodations shall be provided within the temporary trailer; and

(7) The temporary trailer shall be securely attached and underpinned. Foundations for the office shall be screened from public view; and

(8) Outdoor lighting meeting the standards set forth in §§ 157.285 through 157.288 of this chapter, shall be provided for hours of operation after sunset or before sunrise; and

(9) Each temporary trailer shall not exceed one story in height and 625 square feet of floor area; and

(10) Sanitary facilities are connected to public water and sewer or have been approved by the health department. A copy of the health department approval must be submitted with the application; and

(16) All temporary trailers located in the Old and Historic Occoquan District shall be exempted from the certificate of appropriateness requirement as set forth in §§ 157.175 through 157.182 of this chapter; and

(17) Prior to issuance of any permit, the applicant shall execute a guarantee of removal after termination of the permit and the Zoning Administrator shall require a reasonable bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement acceptable to the Town Attorney, to ensure that measures could be taken by the town at the applicant's expense should they fail, after proper notice, to remove the temporary trailer from the location or fail to take such other action to meet the aforementioned conditions. If the town takes such action upon such failure by the applicant, the locality may collect from the applicant for the difference should the amount of the reasonable cost of such action exceed the amount of the security held, if any. Within 60 days of the completion of the requirements of the permit conditions, such bond, cash escrow, letter of credit, or other legal arrangement, or the unexpended or unobligated portion thereof, shall be refunded to the applicant or terminated.

(B) The permit for a temporary trailer shall be for no more than 180 days, subject to a single renewal for up to 180 days, but in no circumstances may a single project have a temporary trailer for more than 360 days in any 24-month period. Upon the sale or rental of all marketed units on the property, the permit for the temporary trailer expires immediately. The Zoning Administrator may terminate the permit after giving 10 days' notice of a violation of this section if the violation remains uncorrected upon expiration of the notice period. The holder of the permit may appeal the termination of the permit within 10 days to the Board of Zoning Appeals.

(C) Applicants shall apply for the permit with forms provided by the Zoning Administrator and pay the applicable fee as set by Town Council in the fee schedule. The Zoning Administrator shall grant or deny the permit within 30 days of application. If the Zoning Administrator grants the permit, the applicant shall keep and display the permit on the exterior of the temporary trailer until the trailer is removed from the site.

3. That this ordinance is effective upon passage.

BY ORDER OF THE TOWN COUNCIL

Meeting Date:
Town Council Meeting
Ord No. O-2023-XX

RE: An Ordinance to Add a Definition to Town Code § 157.008 and a Section Numbered § 157.014 to Address the Use of Temporary Trailers for Real Estate Sales and Construction Uses

MOTION:
SECOND:
ACTION:

Votes:
Ayes:
Nays:
Absent from Vote:
Absent from Meeting:

CERTIFIED COPY _____
Town Clerk

DRAFT



TOWN OF OCCOQUAN PLANNING COMMISSION

Agenda Communication

4. Public Hearings	Meeting Date: May 23, 2023
4B: Public Hearing on Zoning Text Amendment to Address Granting the Zoning Administrator Authority to Make Modifications from the Zoning Ordinance with Respect to Physical Requirements	

Attachments: a. Resolution R-2023-09 to Refer ZTA
b. Draft Ordinance

Submitted by: Matt Whitmoyer
Management Fellow

Explanation and Summary:

This is a public hearing on a zoning text amendment to grant the Zoning Administrator the authority to make modifications from the zoning ordinance. The referring resolution and draft ordinance are attached.

The proposed ordinance would amend the Town Code to add a section numbered § 157.228 that grants the Zoning Administrator the authority and stipulates the process and criteria for making modifications to regulations such as height, size, and setbacks.

Should the Planning Commission choose to close the public hearing, the Commission will make a recommendation to the Town Council later in the meeting agenda. The Town Council has scheduled a public hearing on the draft ordinance on Tuesday, June 6, 2023, at 7:00 pm.

Background

Currently, the Town Code does not allow the Zoning Administrator to make modifications to any physical requirements on a parcel. 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. During the April 25, 2023, meeting, the Planning Commission set a public hearing date and made recommendations to the Town Attorney on the draft ordinance.

Staff Recommendation: Unless public comment provides a reason not to, close the hearing.

Proposed/Suggested Motion:

“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
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 18th 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, 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 advertised and held public hearings on the proposed amendment to the Town zoning ordinance; 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 ___ day of _____, 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%

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

DRAFT



TOWN OF OCCOQUAN PLANNING COMMISSION

Agenda Communication

4. Public Hearings	Meeting Date: May 23, 2023
4C: Public Hearing on Zoning Text Amendment to Remove § 157.335-157.339 and to Make Changes that Increase the Clarity of § 157.300-157.322 and that Streamline Administrative Permitting and Enforcement	

Attachments: a. Resolution R-2023-10 to Refer ZTA
b. Draft Ordinance

Submitted by: Matt Whitmoyer
Management Fellow

Explanation and Summary:

This is a public hearing on a zoning text amendment to repeal a conflicting and redundant section of code and make changes to the existing code that streamline administrative permitting and enforcement. The referring resolution and draft ordinance are attached.

The proposed ordinance would amend the Town Code to remove §§ 157.335-157.339 and to make changes to §§ 157.300-157.322 in order to meet 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; and
5. Create an administrative process for the permitting of sign structures.

Should the Planning Commission choose to close the public hearing, the Commission will make a recommendation to the Town Council later in the meeting agenda. The Town Council has scheduled a public hearing on the draft ordinance on Tuesday, June 6, 2023, at 7:00 pm.

Background

During the April 18, 2023, meeting, the Town Council referred a zoning text amendment to the Planning Commission to amend the sign ordinance. During the April 25, 2023, meeting, the Planning Commission set a public hearing date, made recommendations to the Town Attorney on the draft ordinance, and asked staff to share the finalized draft ordinance with the Architectural Review Board for its recommendations to Town Council.

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: Unless public comment provides a reason not to, close the hearing.

Proposed/Suggested Motion:

"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
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 18th 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 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, the Town Council initiated a zoning text amendment to remove § 157.335-157.339 and amend § 157.300-157.322 of the Town Code relating to signage by Resolution R-2023-10; 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 advertised and held public hearings on the proposed amendment to the Town zoning ordinance; and

WHEREAS, after receiving public input and the recommendation of the Planning Commission, the Town Council desires to remove § 157.335-157.339 and amend § 157.300-157.322 so to increase clarity and streamline administrative permitting and enforcement, 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 ____ day of _____, 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, including the sign structure, 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, projecting, 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.

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 required to support the sign~~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. Duration of installation as per the tables in §§ 157.320 through 157.322.

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 and sign structure 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 320 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.

(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.

(H) Exemption from Certificate of Appropriateness. Except as listed below, all signs and sign structures regulated under this chapter are exempt from the certificate of appropriateness process as provided in §§ 157.177 through 157.182:

(1) Any sign structures with a height greater than 15 feet; and/or

(2) Any sign structure whose component parts individually have a width greater than 5 inches.

§ 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.

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(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~~ 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) ~~BSuch~~ 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.

~~(C)~~(D) Box signs 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

Type	Permanent-Box, Freestanding, Monument, Pole, Projecting, and Wall	Temporary	Flags	Minor	Waterfront	<u>Marquee</u> ***
Duration	Unlimited	20 days	Unlimited	Unlimited	Unlimited	Unlimited
Illumination	Indirect	None	As required by law	None	Indirect	Backlit, internally or indirectly
Location	Wall, bracket, window-sign, freestanding or affixed to mailbox	See § 157.303(D)	See § 157.303(B)	Wall, bracket, window, freestanding, or affixed to mailbox	Wall, bracket, window, 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
<p>Table notes:</p> <p>* Maximum number is a combination of signs and flags. There shall be no more than four signs and/or flags on any one one property <u>business per parcel</u> at a given time.</p> <p>** Commercial signs are not permitted as yard signs in business districts.</p> <p>*** SUP required prior to install.</p>						

~~§ 157.322 HISTORIC DISTRICT SIGNS.~~

~~(A) In the Old and Historic Ocoquan 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 Ocoquan District shall be subject to review and approval by the Architectural Review Board. All applications for permits for signs outside the Old and Historic Ocoquan 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: _____, 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



TOWN OF OCCOQUAN PLANNING COMMISSION

Agenda Communication

5. Action Items	Meeting Date: May 23, 2023
5A: Request to Make a Recommendation to Town Council on Zoning Text Amendment Generally Relating to the Use of Temporary Trailers	

Attachments: a. Draft Ordinance

Submitted by: Matt Whitmoyer
Management Fellow

Explanation and Summary:

This is a request to make recommendations on a zoning text amendment to address the use of temporary trailers for real estate sales and construction uses across all zoning districts. The draft ordinance is attached.

The proposed ordinance would amend the Town Code to add a temporary trailer definition to § 157.008 and to add a section numbered § 157.014 to address the use of temporary trailers for real estate sales and construction uses.

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

Cost and Financing: N/A

Account Number: N/A

Proposed/Suggested Motion:

"I move to recommend approval of the attached draft ordinances as presented."

OR

"I move to recommend approval of the attached draft ordinances with the following changes:_____."

OR

"I move to recommend disapproval of the attached draft ordinances because _____."

OR

Other action the Planning Commission deems appropriate.

ORDINANCE # O-2023-XX

AN ORDINANCE TO ADD A DEFINITION TO TOWN CODE § 157.008 AND A SECTION NUMBERED § 157.014 TO ADDRESS THE USE OF TEMPORARY TRAILERS FOR REAL ESTATE SALES AND CONSTRUCTION USES

WHEREAS, the Town Council initiated a zoning text amendment to amend the Town Code to address the use of temporary sales trailers for purposes of real estate sales within the Old and Historic Occoquan district by Resolution R-2023-08; 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 advertised and held public hearings on the proposed amendment to the Town zoning ordinance; and

WHEREAS, after receiving the recommendation of the Planning Commission, the Town Council desires to amend the Town Code to allow for the use of temporary trailers for real estate sales and construction uses, 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 ___ day of _____, 2023:

1. That the Town Council hereby amends Town Code § 157.008 as follows:

§ 157.008 DEFINITIONS.

Add the following definitions in their alphabetical location:

TEMPORARY TRAILER. Any trailer or portable manufactured unit, designed for human occupation and not meeting the definition of manufactured home, and not meant for permanent occupancy, used as a temporary office for the sale or lease of on-site housing and/or commercial units and/or for use as offices for construction actively taking place on the property.

2. That the Town Council hereby adopts Town Code § 157.014 as follows:

§ 157.014 TEMPORARY TRAILER FOR SALES AND CONSTRUCTION OFFICE DURING CONSTRUCTION.

(A) The Zoning Administrator shall issue a zoning permit for a temporary trailer to be used for sales and/or construction purposes (i) during construction of a residential or mixed-use development, or (ii) during construction, renovation, or reconstruction of a primary permanent structure for commercial or residential uses, if the following criteria are met:

(1) For a trailer permitted under subsection (A)(i) above, there is an approved, valid final site plan or subdivision plat that remains under bond, for the site on which the temporary trailer will be located; and

(2) For a trailer permitted under subsection (A) (ii) above, there is a valid building permit in place; and

(3) The applicant has submitted a sketch of the site identifying the location of the temporary trailer, and construction plans. This sketch need not be sealed by an engineer but must show scale, north arrow, distance from the trailer to the nearest property lines, the location of at least two parking spaces, the hours of operation, and the location, type, and wattage of any temporary site lighting for the temporary trailer; and

(4) The temporary trailer shall be subject to the minimum setbacks of the zoning district in which it is located; and

(5) The temporary trailer shall be located within the boundary of the project in which lots or units are to be sold or rented; and

(6) No sleeping accommodations shall be provided within the temporary trailer; and

(7) The temporary trailer shall be securely attached and underpinned. Foundations for the office shall be screened from public view; and

(8) Outdoor lighting meeting the standards set forth in §§ 157.285 through 157.288 of this chapter, shall be provided for hours of operation after sunset or before sunrise; and

(9) Each temporary trailer shall not exceed one story in height and 625 square feet of floor area; and

(10) Sanitary facilities are connected to public water and sewer or have been approved by the health department. A copy of the health department approval must be submitted with the application; and

(16) All temporary trailers located in the Old and Historic Occoquan District shall be exempted from the certificate of appropriateness requirement as set forth in §§ 157.175 through 157.182 of this chapter; and

(17) Prior to issuance of any permit, the applicant shall execute a guarantee of removal after termination of the permit and the Zoning Administrator shall require a reasonable bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement acceptable to the Town Attorney, to ensure that measures could be taken by the town at the applicant's expense should they fail, after proper notice, to remove the temporary trailer from the location or fail to take such other action to meet the aforementioned conditions. If the town takes such action upon such failure by the applicant, the locality may collect from the applicant for the difference should the amount of the reasonable cost of such action exceed the amount of the security held, if any. Within 60 days of the completion of the requirements of the permit conditions, such bond, cash escrow, letter of credit, or other legal arrangement, or the unexpended or unobligated portion thereof, shall be refunded to the applicant or terminated.

(B) The permit for a temporary trailer shall be for no more than 180 days, subject to a single renewal for up to 180 days, but in no circumstances may a single project have a temporary trailer for more than 360 days in any 24-month period. Upon the sale or rental of all marketed units on the property, the permit for the temporary trailer expires immediately. The Zoning Administrator may terminate the permit after giving 10 days' notice of a violation of this section if the violation remains uncorrected upon expiration of the notice period. The holder of the permit may appeal the termination of the permit within 10 days to the Board of Zoning Appeals.

(C) Applicants shall apply for the permit with forms provided by the Zoning Administrator and pay the applicable fee as set by Town Council in the fee schedule. The Zoning Administrator shall grant or deny the permit within 30 days of application. If the Zoning Administrator grants the permit, the applicant shall keep and display the permit on the exterior of the temporary trailer until the trailer is removed from the site.

3. That this ordinance is effective upon passage.

BY ORDER OF THE TOWN COUNCIL

Meeting Date:
Town Council Meeting
Ord No. O-2023-XX

RE: An Ordinance to Add a Definition to Town Code § 157.008 and a Section Numbered § 157.014 to Address the Use of Temporary Trailers for Real Estate Sales and Construction Uses

MOTION:
SECOND:
ACTION:

Votes:
Ayes:
Nays:
Absent from Vote:
Absent from Meeting:

CERTIFIED COPY _____
Town Clerk

DRAFT



TOWN OF OCCOQUAN PLANNING COMMISSION

Agenda Communication

5. Action Items	Meeting Date: May 23, 2023
5B: Request to Make a Recommendation to Town Council on Zoning Text Amendment Granting the Zoning Administrator Authority to Make Modifications from the Zoning Ordinance	

Attachments: a. Draft Ordinance

Submitted by: Matt Whitmoyer
Management Fellow

Explanation and Summary:

This is a request to make recommendations on a zoning text amendment to grant the Zoning Administrator the authority to make modifications from the zoning ordinance. The draft ordinance is attached.

The proposed ordinance would amend the Town Code to add a section numbered § 157.228 that grants the Zoning Administrator the authority and stipulates the process and criteria for making modifications to regulations such as height, size, and setbacks.

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

Cost and Financing: N/A

Account Number: N/A

Proposed/Suggested Motion:

"I move to recommend approval of the attached draft ordinances as presented."

OR

"I move to recommend approval of the attached draft ordinances with the following changes:_____."

OR

"I move to recommend disapproval of the attached draft ordinances because _____."

OR

Other action the Planning Commission deems appropriate.

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, 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 advertised and held public hearings on the proposed amendment to the Town zoning ordinance; 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 ___ day of _____, 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%

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

DRAFT



TOWN OF OCCOQUAN PLANNING COMMISSION

Agenda Communication

5. Action Items	Meeting Date: May 23, 2023
5C: Request to Make a Recommendation to Town Council on Zoning Text Amendment Generally Relating to the Sign Ordinance	

Attachments: a. Draft Ordinance

Submitted by: Matt Whitmoyer
Management Fellow

Explanation and Summary:

This is a request to make recommendations on a zoning text amendment to repeal a conflicting and redundant section of code and make changes to the existing code that streamline administrative permitting and enforcement. The draft ordinance is attached.

The proposed ordinance would amend the Town Code to remove §§ 157.335-157.339 and to make changes to §§ 157.300-157.322 in order to meet 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; and
5. Create an administrative process for the permitting of sign structures.

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

Cost and Financing: N/A

Account Number: N/A

Proposed/Suggested Motion:

"I move to recommend approval of the attached draft ordinances as presented."

OR

"I move to recommend approval of the attached draft ordinances with the following changes:_____."

OR

"I move to recommend disapproval of the attached draft ordinances because _____."

OR

Other action the Planning Commission deems appropriate.

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 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, the Town Council initiated a zoning text amendment to remove § 157.335-157.339 and amend § 157.300-157.322 of the Town Code relating to signage by Resolution R-2023-10; 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 advertised and held public hearings on the proposed amendment to the Town zoning ordinance; and

WHEREAS, after receiving public input and the recommendation of the Planning Commission, the Town Council desires to remove § 157.335-157.339 and amend § 157.300-157.322 so to increase clarity and streamline administrative permitting and enforcement, 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 ____ day of _____, 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, including the sign structure, 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, projecting, 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.

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 required to support the sign~~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. Duration of installation as per the tables in §§ 157.320 through 157.322.

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 and sign structure 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 320 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.

(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.

(H) Exemption from Certificate of Appropriateness. Except as listed below, all signs and sign structures regulated under this chapter are exempt from the certificate of appropriateness process as provided in §§ 157.177 through 157.182:

(1) Any sign structures with a height greater than 15 feet; and/or

(2) Any sign structure whose component parts individually have a width greater than 5 inches.

§ 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.

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(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~~ 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) ~~BSuch~~ 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.

~~(C)~~(D) Box signs 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

Type	Permanent-Box, Freestanding, Monument, Pole, Projecting, and Wall	Temporary	Flags	Minor	Waterfront	<u>Marquee</u> ***
Duration	Unlimited	20 days	Unlimited	Unlimited	Unlimited	Unlimited
Illumination	Indirect	None	As required by law	None	Indirect	Backlit, internally or indirectly
Location	Wall, bracket, window-sign, freestanding or affixed to mailbox	See § 157.303(D)	See § 157.303(B)	Wall, bracket, window, freestanding, or affixed to mailbox	Wall, bracket, window, 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
<p>Table notes:</p> <p>* Maximum number is a combination of signs and flags. There shall be no more than four signs and/or flags on any one one property business per parcel at a given time.</p> <p>** Commercial signs are not permitted as yard signs in business districts.</p> <p>*** SUP required prior to install.</p>						

~~§ 157.322 HISTORIC DISTRICT SIGNS.~~

~~(A) In the Old and Historic Ocoquan 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 Ocoquan District shall be subject to review and approval by the Architectural Review Board. All applications for permits for signs outside the Old and Historic Ocoquan 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: _____, 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



TOWN OF OCCOQUAN PLANNING COMMISSION

Agenda Communication

5. Action Items	Meeting Date: May 23, 2023
5D: Request to Name Planning Commission Representative to the Mural Contest Award Committee	

Attachments: a. Contest Overview and Guidelines

Submitted by: Matt Whitmoyer
Management Fellow

Explanation and Summary:

This is a request to name a representative from the Planning Commission for the Rt. 123 and Commerce Street Mural Contest Award Committee.

Staff is currently working to transform the retaining wall owned by the Virginia Department of Transportation (VDOT) at the town gateway on Gordon Blvd. (Rt. 123) and Commerce Street into a significant piece of public art that will welcome residents and visitors. The goal is to create public art that will enhance the Town's gateway, recognize the Town's historic past, and incorporate the Occoquan River. As such, Town Council has approved staff to run a contest to solicit designs and install from a local artist(s). Attached is the overview document shared with contestants that outlines the review criteria and process.

In late June, an award committee will review the submissions and make a recommendation to Town Council. The Committee will consist of one member of town staff, one member of the ARB, one member of the Planning Commission, one representative from the Occoquan Business Partners, and one representative from the Workhouse Arts Center. Town Council will have final approval of the Committee's recommendations.

The named representative must be available to review proposals and meet with the Committee to make a recommendation to Town Council. This would be a commitment of approximately 5-10 hours over two weeks in June and July 2023.

Staff Recommendation: Recommend naming a representative.

Cost and Financing: N/A

Account Number: N/A

Proposed/Suggested Motion:

"I move to name _____ as the Planning Commission's representative to the Rt. 123 and Commerce Street Mural Contest Award Committee for a term starting June 1, 2023 and ending upon the Committee's final recommendation to Town Council or until replaced by the Planning Commission."

OR

Other action the Planning Commission deems appropriate.



Route 123 and Commerce Street Mural Design Contest Overview and Guidelines

This contest was put together to provide a space for local artists to share their talents and use them to beautify the main entryway into the Town of Occoquan. The goal is to bring more visitors into the area and create a town entrance that reflects the history and natural beauty of Occoquan. One finalist will be selected from the submissions received and funded by the Town to create their proposed design.

Project Details:

Project

Occoquan is currently working to transform a retaining wall at Gordon Blvd (Rt. 123) and Commerce Street owned by the Virginia Department of Transportation (VDOT) into a significant piece of public art that will welcome residents and visitors alike into the town, serving as a defining feature of the Occoquan landscape.

Specifications

The maximum dimensions of the proposed mural should be no more than approximately 14 ft by 40 ft. The mural should be located on the wall immediately behind the ADA ramp as pictured below.



Cost

The Town of Occoquan will provide the awarded muralist a \$5,000 award to design, prepare, and install the mural.

Application Process:

Applicants can submit their personal information, proposed design (no more than 40x40 inches, if printed), 5-10 examples of past work, and all other relevant information via the proposal form found at: www.occoquanva.gov/public-art.

All proposals will be reviewed by a committee composed of town staff, representatives of the Town's Planning Commission and Architectural Review Board, a representative from the Workhouse Art Center, and a representative from the Occoquan Business Partners. The committee's recommendations will be submitted to the Town Council for review and determination. The Town Council, at their sole discretion, may select the awardee from the committee's recommendations or the Town Council may elect to refuse to make an award.

Please follow the guidelines and criteria as described on page 3 as you submit your application. Incomplete or late applications or applications that do not follow the instructions and guidelines will be automatically deemed ineligible for review and award.

To ask questions or to arrange a tour of the site, please contact Matt Whitmoyer at mwhitmoyer@occoquanva.gov or call (703) 491-1918.

Submission Deadline:

The deadline for entry is June 16 at 5:00pm.

For any submissions outside the form, please email Matt Whitmoyer at mwhitmoyer@occoquanva.gov.

Timeline:

Application Period: May 1 – June 16

Review by Mural Committee: June 19 - June 30

Selection of Winner: July

Review by AARB and VDOT: July/August

Installation: August/September

Reveal Ceremony: Fall Arts and Craft Show 2023

Contest Guidelines and Award Process

General Guidelines:

These guidelines provide an overview of how to participate in the Town of Occoquan Mural Contest. The guidelines are designed to ensure that the awarded mural enhances the community's appearance, without causing any negative impact on public safety or welfare.

Proposals that fail to meet these guidelines will be eliminated from the competition. If the award committee or Town Council determines that none of the submissions adequately meet these guidelines, an award may not be given. The Town Council reserves the absolute right to terminate this contest and make no award at any time.

Mural Guidelines

- Must be original artwork of the person(s) named on the entry form
- When possible, encourage public engagement
- No political content, it cannot be placed on public property
- Must represent a positive, pro-Occoquan message
- Happy, uplifting, inspiring and colorful in nature
- No advertisements, logos or copyrighted images
- Universal appeal – accepted and loved
- Follow the spirit of the Town's Architectural Review Board guidelines, found at: www.occoquanva.gov/architectural-review-board/
 - Neon, fluorescent, or reflective type colors are discouraged
- Keep the piece relevant to the Town of Occoquan's values, culture and people
- Some theme ideas: natural beauty of the area, Occoquan's history

Artist Guidelines

- Artist must have the capacity to paint/install the designs themselves
- Artist must have the experience in this process or understand the right steps of scaling a small drawing to the mural space

For some examples of murals that the Town finds as inspiration, see the appendix.

Evaluation Criteria:

In deciding on the winner of the contest, the Town will use the below criteria:

1. The aesthetic beauty of the mural design
2. The proposed design's fidelity to the general guidelines
3. The qualifications and experience of the applicant
4. The practicality of installing the design at the project location

Awarded Mural Details:

Ownership and Maintenance

The retaining wall is owned by VDOT, but the completed public art piece would be owned and maintained by the Town of Occoquan via an agreement with the agency.

Costs and Artist Responsibilities

All work and costs involved in the creation and install of the public art piece, including materials, supplies, and labor, will be the responsibility of the successful applicant. The successful applicant will be awarded \$5,000 by the Town to defray those costs.

The artist is to make sure that all paint and supplies are properly disposed of – paint or other materials are not to be left at the mural site between working sessions.

If traveling from out of the area, housing and transportation are the artist's expense.

Artists may recruit the help of other artists to complete the mural.

Any other conditions or stipulations will be agreed to in a Memorandum of Understanding (MOU) between the successful applicant and the Town.

Install Procedures

The mural surface must be prepared to assure that the mural will have a long life. This may include pressure washing and/or wall surface base painting. The successful applicant will collaborate with Town staff on what prep work and finishing work needs to be done to ensure a quality finished mural. The artist will be responsible for ensuring the completion of the prep work and finishing work.

Murals must be completed within the specified timeframe.

Anticipated Alterations to Proposed Design

Since the mural will be on a state-owned property, the chosen mural design will need to receive the proper approval and permitting from the Virginia Department of Transportation (VDOT) and the Virginia Art and Architectural Review Board (AARB). Due to these regulatory requirements, the chosen mural design may need to be altered and the successful applicant must be willing to work with the Town of Occoquan to revise the design as needed. Town staff appreciates the successful applicant's flexibility in realizing their design.

Appendix: Mural Examples

Town Message



History Inspired



Nature Inspired

