



TOWN OF OCCOQUAN

Circa 1734 | Chartered 1804 | Incorporated 1874

314 Mill Street
PO BOX 195
Occoquan, VA 22125
(703) 491-1918
occoquanva.gov
info@occoquanva.gov

Occoquan Town Council

Town Council Meeting

June 6, 2023 | 7:00 p.m.

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Citizens' Time** - Members of the public may, for three minutes, present for the purpose of directing attention to or requesting action on matters not included on the prepared agenda. These matters shall be referred to the appropriate town official(s) for investigation and report. Citizens may address issues as they come up on the agenda if advance notice is given during 'Citizens' Time
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. **Consent Agenda**
 - a. May 16, 2023 Meeting Minutes
 - b. Request to Adopt Ordinance to Amend Section 35.041 Relating to Meal and Food Tax Rate
 - c. Request to Adopt Ordinance to Amend Section 31.028 Entitled Remote Participation
6. **Mayor's Report**
7. **Councilmember Reports**
8. **Boards and Commissions**
9. **Administrative Reports**
 - a. Administrative Report
 - b. Town Treasurer's Report
 - c. Town Attorney
10. **Regular Business**
 - a. Request to Adopt a Zoning Text Amendment Generally Relating to the Use of Temporary Trailers
 - b. Request to Adopt a Zoning Text Amendment Granting the Zoning Administrator Authority to Make Modifications from the Zoning Ordinance

Portions of this meeting may be held in closed session pursuant to the Virginia Freedom of Information Act.
A copy of this agenda with supporting documents is available online at www.occoquanva.gov.

- c. Request to Adopt a Zoning Text Amendment Generally Relating to the Sign Ordinance
- d. Request to Vacate Parking Easement at the Townes of Occoquan Mills

11. Discussion Items

- a. Options for Increasing Town Storage

12. Closed Session

13. Adjournment

Portions of this meeting may be held in closed session pursuant to the Virginia Freedom of Information Act.
A copy of this agenda with supporting documents is available online at www.occoquan.org.



TOWN OF OCCOQUAN

TOWN COUNCIL MEETING

Agenda Communication

4. Public Hearings	Meeting Date: June 6, 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. Draft Ordinance

Submitted by: Adam C. Linn
Town Manager

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 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.

Should the Town Council choose to close the public hearing, the Council will take action to adopt the draft ordinances later in the meeting agenda.

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. During the May 23, 2023, meeting, the Planning Commission recommended the draft ordinance to the Town Council.

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

TOWN COUNCIL MEETING

Agenda Communication

4. Public Hearings	Meeting Date: June 6, 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. Draft Ordinance

Submitted by: Adam C. Linn
Town Manager

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 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.

Should the Town Council choose to close the public hearing, the Council will take action to adopt the draft ordinances later in the meeting agenda.

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. During the May 23, 2023, meeting, the Planning Commission recommended the draft ordinance to the Town Council.

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

TOWN COUNCIL MEETING

Agenda Communication

4. Public Hearings	Meeting Date: June 6, 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. Draft Ordinance – Planning Commission
 - b. Draft Ordinance – Architectural Review Board

Submitted by: Adam C. Linn
Town Manager

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. Recommended versions of the draft ordinance from the Planning Commission and Architectural Review Board 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 Town Council choose to close the public hearing, the Council will take action to adopt the draft ordinances later in the meeting agenda.

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. During the May 23, 2023, meeting, the Planning Commission recommended the draft ordinance to the Town Council. During the May 23, 2023, meeting, the Architectural Review Board recommended the draft ordinance with revisions relating to A-frame signs to the 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, staff recommends closing the public 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 Town Council 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.

DRAFT

(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.

DRAFT

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 Oecoquan District shall be subject to review and approval by the Architectural Review Board. All applications for permits for signs outside the Old and Historic Oecoquan District shall be subject to the review and approval of the Zoning Administrator, and shall contain information required in division (C) below, and shall be accompanied by a fee, as established from time to time by resolution of the Town Council.~~

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

- ~~(1) Name, address, and telephone number of the sign erector and the sign owner;~~
- ~~(2) Positions of the sign in relation to adjacent lot lines, buildings, sidewalks, streets, and intersections;~~
- ~~(3) Type of sign and general description of structural design and construction materials to be used; and~~
- ~~(4) Drawings of the proposed sign, which shall contain specifications indicating the height, perimeter, and area dimensions, means of support, method of illumination, colors, and other significant aspects of the proposed sign.~~

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

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

~~§ 157.336 TEMPORARY SIGN PERMIT PROCEDURES.~~

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

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

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

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

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

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

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

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

~~§ 157.339 REMOVAL OF SIGNS.~~

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

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

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

- 2. That this ordinance is effective upon passage.

BY ORDER OF THE TOWN COUNCIL

Meeting Date: _____, 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

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) One A-frame signs not in 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.

2020 § 157.304 *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; and

(13)(14) A-frame signs made of plastic, vinyl, and/or non-durable materials.

DRAFT

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

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

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

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

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

§ 157.308 NONCONFORMING SIGNS.

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

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

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

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

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

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

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

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

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

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

§ 157.309 NONCOMMERCIAL SIGNS.

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

SIGN REGULATIONS BY USE AND DISTRICT

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

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

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

Table 1: Residential District Residential Use Property Signs

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

Table 1: Residential District Residential Use Property Signs

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

Table 2: Residential District Non-residential Use Property Signs

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

§ 157.321 BUSINESS DISTRICT SIGNS (B-1).

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

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

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

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

~~(D)~~ Box signs do not count towards the maximum number of signs and flags as outlined in Table

3.

DRAFT

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>*** <u>SUP required prior to install.</u></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 Oecoquan District shall be subject to review and approval by the Architectural Review Board. All applications for permits for signs outside the Old and Historic Oecoquan District shall be subject to the review and approval of the Zoning Administrator, and shall contain information required in division (C) below, and shall be accompanied by a fee, as established from time to time by resolution of the Town Council.~~

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

- ~~(1) Name, address, and telephone number of the sign erector and the sign owner;~~
- ~~(2) Positions of the sign in relation to adjacent lot lines, buildings, sidewalks, streets, and intersections;~~
- ~~(3) Type of sign and general description of structural design and construction materials to be used; and~~
- ~~(4) Drawings of the proposed sign, which shall contain specifications indicating the height, perimeter, and area dimensions, means of support, method of illumination, colors, and other significant aspects of the proposed sign.~~

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

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

~~§ 157.336 TEMPORARY SIGN PERMIT PROCEDURES.~~

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

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

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

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

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

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

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

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

~~§ 157.339 REMOVAL OF SIGNS.~~

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

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

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

2. That this ordinance is effective upon passage.

BY ORDER OF THE TOWN COUNCIL

Meeting Date: _____, 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, VIRGINIA
NOTICE OF PLANNING COMMISSION AND
TOWN COUNCIL PUBLIC HEARINGS**

May 23, 2023 – 6:30 PM & June 6, 2023 – 7:00 PM

Notice is hereby given pursuant to § 15.2-2204 of the Code of Virginia, as amended, that the Occoquan Planning Commission and Town Council will conduct Public Hearings on proposed amendments to the Occoquan Zoning Code. The proposed amendments are to accomplish the following:

1. Amend the Zoning Code to address the use of temporary trailers for real estate sales and construction uses across all zoning districts.
2. Amend the Zoning Code to address granting the Zoning Administrator authority to make modifications from the zoning ordinance with respect to physical requirements.
3. Amend the Sign Ordinance 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.

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

These hearings are being held on May 23, 2023 at 6:30 p.m. and June 6, 2023 at 7:00 p.m. at the Occoquan Town Hall, located at 314 Mill Street, Occoquan, Virginia 22125, by the Occoquan Town Planning Commission and Town Council, respectively. The location of these public hearings is believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facility should contact the Town Clerk by mail at PO Box 195, Occoquan, VA 22125, by email at info@occoquanva.gov, or by telephone at (703) 491-1918. Persons needing interpreter services for the hearing impaired and/or vision impaired should notify the Town Clerk no later than one week prior to the hearings.

**The Planning Commission and Town Council
of the Town of Occoquan, Virginia**



TOWN OF OCCOQUAN
TOWN COUNCIL MEETING
Agenda Communication

5. Consent Agenda	Meeting Date: June 6, 2023
5A: Request to Approve May 16, 2023, Town Council Minutes	

Attachments: See below

Submitted by: Adam C. Linn
Town Manager

Explanation and Summary:

This is a request to approve the consent agenda:

- a. Request to Approve May 16, 2023, Town Council Meeting Minutes

Staff Recommendation: Recommend approval as presented.

Proposed/Suggested Motion:

"I move to approve the consent agenda."

OR

Other action Council deems appropriate.



OCCOQUAN TOWN COUNCIL
Meeting Minutes - DRAFT
Town Hall - 314 Mill Street, Occoquan, VA 22125
Tuesday, May 16, 2023
7:00 p.m.

Present: Mayor Earnie Porta; Vice Mayor Jenn Loges; Councilmembers Nancy Freeborne Brinton, Theo Daubresse, Cindy Fithian, and Eliot Perkins

Absent: None

Staff: Adam Linn, Town Manager / Chief of Police; Philip Auville, Town Clerk; Matt Whitmoyer, Management Fellow; Jason Forman, Deputy Chief of Police; Manuel Casillas, Town Treasurer

1. CALL TO ORDER

Mayor Porta called the meeting to order at 7:02 p.m.

2. PUBLIC HEARING

a. Public Hearing on FY 2024 Proposed Tax Rates

Mayor Porta opened the public hearing at 7:02 p.m.

Mayor Porta invited the public to speak. No one spoke at the public hearing.

Mayor Porta closed the public hearing at 7:03 p.m.

Mayor Porta asked for unanimous consent to add to the agenda an item on VDOT ADA Sidewalk Ramps for discussion. There being no objection, the item was added to the agenda.

3. CONSENT AGENDA

a. May 2, 2023, Meeting Minutes

Councilmember Fithian moved to approve the Consent Agenda. Councilmember Perkins seconded. Motion passed unanimously by voice vote.

4. REGULAR BUSINESS

a. Request to Adopt Fiscal Year 2024 Tax Rates

Councilmember Perkins moved adoption to set the following tax rate for the Fiscal Year 2024 beginning July 1, 2023: a Transient Tax Rate of seven (7) percent. Councilmember Fithian seconded. Motion passed unanimously by roll call vote.

Ayes: Vice Mayor Loges, Councilmember Fithian, Councilmember Daubresse,
Councilmember Freeborne Brinton, Councilmember Perkins

Nays: None

Vice Mayor Loges moved adoption to set the following tax rate for the Fiscal Year 2024 beginning July 1, 2023: a Real Estate Tax Rate of \$0.116 per \$100 of assessed valuation. Councilmember

Perkins seconded. Motion passed unanimously by roll call vote.

Ayes: Vice Mayor Loges, Councilmember Fithian, Councilmember Daubresse,
Councilmember Freeborne Brinton, Councilmember Perkins

Nays: None

Councilmember Freeborne Brinton moved adoption to set the following tax rate for the Fiscal Year 2024 beginning July 1, 2023: a Meals Tax Rate of three and one-half (3.5) percent. Vice Mayor Loges seconded. Motion passed unanimously by roll call vote.

Ayes: Vice Mayor Loges, Councilmember Fithian, Councilmember Daubresse,
Councilmember Freeborne Brinton, Councilmember Perkins

Nays: None

During discussion on the motion, Councilmember Perkins noted that lowering the Real Estate tax rate increased the proposed budget deficit and that increasing the Meals Tax would make up for that deficit. Vice Mayor Loges added that the residents shouldn't bear the full burden of the budget shortfall. By raising the Meals Tax, which would still be the lowest in Prince William County, it shares the burden to all who utilize the Town services not just the residents.

b. Request to Adopt and Appropriate Fiscal Year 2024 Budget

Councilmember Freeborne Brinton moved adoption of the Fiscal Year 2024 Mamie Davis Fund Budget beginning July 1, 2023, as presented in the amount of \$0 in expenses and \$500 in revenue and appropriate the funds for the expenses shown in the budget. Councilmember Fithian seconded. Motion passed unanimously by roll call vote.

Ayes: Vice Mayor Loges, Councilmember Fithian, Councilmember Daubresse,
Councilmember Freeborne Brinton, Councilmember Perkins

Nays: None

Vice Mayor Loges moved adoption of the Fiscal Year 2024 E-Summons Fund Budget beginning July 1, 2023, as presented in the amount of \$5,500 in expenses and \$11,500 in revenue and appropriate the funds for the expenses shown in the budget. Councilmember Daubresse seconded. Motion passed unanimously by roll call vote.

Ayes: Vice Mayor Loges, Councilmember Fithian, Councilmember Daubresse,
Councilmember Freeborne Brinton, Councilmember Perkins

Nays: None

Councilmember Perkins moved adoption of the Fiscal Year 2024 General Fund Budget beginning July 1, 2023, as presented in the amount of \$1,316,017 and appropriate the funds for the expenses shown in the budget. Vice Mayor Loges seconded. Motion passed unanimously by roll call vote.

Ayes: Vice Mayor Loges, Councilmember Fithian, Councilmember Daubresse,
Councilmember Freeborne Brinton, Councilmember Perkins

Nays: None

During discussion on the motion, Town Manager Linn explained that based on discussion by Town Council and in anticipation of tax rate changes, the presented budget included the reduced Real Estate Tax rate and the increased Meals Tax rate. Mayor Porta asked Mr. Linn to confirm that the proposed excess in budget revenue would be transferred into the Town reserves. Mr. Linn confirmed that the proposed excess was shown on the presented budget as a transfer to reserves.

Councilmember Fithian moved adoption of the Fiscal Year 2024 Events Fund Budget beginning July 1, 2023, as presented in the amount of \$234,280 in expenses and \$301,225 in revenue and appropriate the funds for the expenses shown in the budget. Councilmember Perkins seconded. Motion passed unanimously by roll call vote.

Ayes: Vice Mayor Loges, Councilmember Fithian, Councilmember Daubresse,
Councilmember Freeborne Brinton, Councilmember Perkins

Nays: None

During discussion on the motion, Town Manager Linn explained that as a result of being notified that the Town was awarded \$6,000 of a proposed \$10,000 grant, the presented budget reduced the revenue by \$4,000 and that there were no other changes.

Councilmember Daubresse moved adoption of the Fiscal Year 2024 Capital Improvement Plan beginning July 1, 2023, as presented in the amount of \$2,020,502 in expenses and \$2,020,502 in revenue and appropriate the funds for the expenses shown in the budget. Councilmember Fithian seconded. Motion passed unanimously by roll call vote.

Ayes: Vice Mayor Loges, Councilmember Fithian, Councilmember Daubresse,
Councilmember Freeborne Brinton, Councilmember Perkins

Nays: None

During discussion on the motion, Town Manager Linn explained that based on discussion by Town Council and staff projects that certain FY2023 Capital Improvement Plan items would not be completely expended prior to July 1st, staff moved those items, which were all grant funded expenditures, to the presented FY2024 budget as continuation projects. Mr. Linn reviewed the FY2023 Capital Improvement Plan continuation projects with the Council and responded to questions.

c. Request to Adopt an Ordinance to amend Town Code §§ 111.04 and 111.10 to add a Business License Fee

Councilmember Fithian moved to adopt Ordinance 2023-07 to amend Town Code §§ 111.04 and 111.10 to add a Business License Fee. Councilmember Perkins seconded. Motion passed unanimously by roll call vote.

Ayes: Vice Mayor Loges, Councilmember Fithian, Councilmember Daubresse,
Councilmember Freeborne Brinton, Councilmember Perkins

Nays: None

d. Request to Purchase Public Safety Utility Vehicle for Rescue and Fire Suppression

Mr. Linn advised the Town Council that the Town receives an annual grant from the Virginia Department of Fire Programs as part of the Aid to Localities. The grant is to help with fire suppression. In the past this grant was donated to Occoquan, Woodbridge, Lorton (OWL) Volunteer Fire Department. Mr. Linn advised that staff was proposing using the grant to purchase a public safety utility task vehicle (UTV) for the Town police to provide fire suppression and rescue services during Town events. Deputy Chief Forman discussed details and answered questions regarding the UTV and proposed plan.

Vice Mayor Loges moved to accept the Aid to Localities grant from the Virginia Department of Fire Programs and to allocate and appropriate the grant funds for the purpose of purchasing and equipping a public safety utility task vehicle in an amount not to exceed \$15,000. Councilmember Fithian seconded. Motion passed unanimously by voice vote.

e. Request to Execute Agreement with Weston and Sampson Engineers, Inc. for Virginia Community Flood Preparedness Fund Grant to Develop a Flood Prevention and Protection Study that Evaluates the Stormwater and Flood Resilience of the Town

Mr. Linn noted that the Town received a Grant from the Virginia Department of Conservation and Recreation (DCR) to fund the development of a flood prevention and protection study that evaluates the stormwater and flood resiliency of the Town. Mr. Linn advised that the next step was to hire an engineering firm to complete the study which would be advantageous and needed for future funding to address the Town's aging stormwater system. Weston and Sampson Engineers assisted the prior Town Manager with preparing the DCR grant application.

Councilmember Perkins moved that the Town, upon review and approval by the Town Attorney, enter into the attached agreement with Weston & Sampson Engineers, Inc. to complete the Resilient Stormwater and Flood Management and Implementation Study and approve an amount not-to-exceed \$169,805 and authorize the Town to seek reimbursement from the Virginia Department of Conservation and Recreation for the grant amount. Councilmember Freeborne Brinton seconded. Motion passed unanimously by voice vote.

f. VDOT ADA Sidewalk Ramps

Mr. Linn noted that he was contacted by the Virginia Department of Transportation (VDOT) that they had executed a contract to replace sidewalk ramps in Prince William County with ADA certified sidewalk ramps. Mr. Linn met with VDOT on May 15th and was advised that VDOT wanted to replace the sidewalk ramps at 4 locations in the historic district. However, VDOT's current contract does not permit the use of brick or brick substitute in the replacement. As a result, the ramps and a significant area before the ramps would have to be replaced with concrete. After discussion with VDOT, Town staff was advised that the next sidewalk ramp replacement contract could offer brick or brick substitute as an option and would be in place within 12 to 18 months if the Town would like that as an option. The Town would likely be required to pay the difference between concrete and the brick or brick substitute. Mr. Linn asked for direction from Council on whether to accept the concrete ramps as proposed or request VDOT hold off and bring the ADA replacement back to the Town upon receiving the next contract that provides for bricks or brick substitutes.

The Council was in unanimous consent to hold off on having ADA Ramps installed in Town until a contract with VDOT will allow brick substitutes and enough time to find a grant to cover the costs for the price difference of using bricks.

5. DISCUSSION ITEMS

a. Fiscal Year 2022 Financial Audit Questions

Mayor Porta asked about a debt figure under Expenditures: Debt Service.

Mr. Casillas replied that was the final payment on the police vehicles.

b. Update on Mill House Museum Expansion Architectural Design

Mayor Porta noted that there are no new updates on the Mill House Museum Expansion Architectural Design.

c. Miscellaneous

Mayor Porta directed staff to price out the cost of equipment and services that can be used to enforce a noise ordinance that would be based off decimal levels.

Mayor Porta thanked Kevin Sills, the developer for the Mill at Occoquan for giving permission to

auction off items that are on his property to have the proceeds go to the Occoquan Historical Society.

Mayor Porta also noted that during RiverFest there will be a talk about the wildlife on the island (dike) in the Occoquan River across from the Kayak Ramp. In addition, Mayor Porta announced that during RiverFest there will be a contest for people to suggest a name for the island and that the Council would choose from the entries and name the island for a year. At the end of the year, the winner would receive the naming plaque the Town would place on the island. The island naming contest would continue with each Riverfest.

6. CLOSED SESSION

Vice Mayor Loges moved that the Council convene in closed session to discuss the following as permitted by Virginia Code § 2.2-3711 (A)(1), a personnel matter involving: assignment, appointment, promotion, performance, demotion, salaries, discipling, or resignation of specific public officers, appointees, or employees of the Town; specifically dealing with the Town Attorney. And as permitted by Virginia Code § 2.2-3711 (A)(3), a matter involving: disposition of publicly held property specifically involving 115 Commerce Street, because discussion in an open meeting would adversely affect the City's bargaining position or negotiating strategy. Councilmember Perkins seconded. Motion passed unanimously by voice vote.

The Council went into closed session at 8:10 p.m.

The Council came out of closed session at 8:29 p.m.

Vice Mayor Loges moved to certify that, in the closed session just concluded, nothing was discussed except the matter or matters (1) specifically identified in the motion to convene in closed session and (2) lawfully permitted to be discussed in a closed session under the provisions of the Virginia Freedom of Information Act as cited in that motion. Seconded by Councilmember Daubresse. The motion passed unanimously by roll call vote.

Ayes: Vice Mayor Loges, Councilmember Fithian, Councilmember Daubresse, Councilmember Freeborne Brinton, Councilmember Perkins

Nays: None

Councilmember Perkins moved to retain Martin Crim as the Town Attorney after his transition to the Sands Anderson, P.C., law firm and authorize the Town Manager to notify Mr. Crim and request the Town's legal files with Vanderpool, Frostick & Nishanian, P.C. be transferred to Sands Anderson, P.C. Seconded by Councilmember Fithian. The motion passed unanimously by roll call vote.

Ayes: Vice Mayor Loges, Councilmember Fithian, Councilmember Daubresse, Councilmember Freeborne Brinton, Councilmember Perkins

Nays: None

7. ADJOURNMENT

The meeting was adjourned at 8:31 p.m.

Philip Auville, Town Clerk



TOWN OF OCCOQUAN
TOWN COUNCIL MEETING
Agenda Communication

5. Consent Agenda	Meeting Date: June 6, 2023
5B: Request to Adopt Ordinance to Amend Section 35.041 to Relating to Meal and Food Tax Rate	

Attachments: a. Draft Ordinance O-2023-08

Submitted by: Adam C. Linn
Town Manager

Explanation and Summary:

This is a request to approve and adopt an ordinance to amend Section 35.041 of the Town Code relating to the levy of meals tax.

At its May 16, 2023, Town Council approved increasing the meals tax from 3.0% to 3.5%. Town Code Section 35.041 currently provides for a tax at the rate of 3%. Town Code Section 35.041 needs to be amended to reflect the Town Council's increase in the tax rate.

Staff is proposing an amendment to Town Code Section 35.041 to mirror the language of Town Code Section 35.001 relating to real estate tax that would permit the Town Council to set the tax rate without an ordinance change.

Staff Recommendation: Adopt the ordinance as presented.

Cost and Financing: N/A

Account Number: N/A

Proposed/Suggested Motion:

"I move to adopt Ordinance 2023-08 to amend section 35.041 of the Town Code as presented."

OR

Other action Council deems appropriate

ORDINANCE #0-2023-08

AN ORDINANCE AMENDING THE LEVYING OF MEAL AND FOOD TAX RATE

WHEREAS, § 58.1-3840 of the Virginia Code authorized the Town to levy a tax on meals and food purchased within the Town.

WHEREAS, the Town Council has increased the tax from the rate of 3% to 3.5%.

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

1. That the Town Council hereby adopts and amends Town Code § 35.041 as set forth below:

§ 35.041 LEVY.

In addition to all other taxes and fees of any kind now or hereafter imposed by law, there is hereby imposed and levied by the town on each person a tax AT A RATE TO BE SET BY THE TOWN COUNCIL ~~at the rate of 3%~~ on the amount paid for every meal or food purchased from any food establishment or caterer, whether prepared in such food establishment or not, and whether consumed on the premises or not.

2. This ordinance is effective July 1, 2023.

PASSED AND ADOPTED by the Town Council of the Town of Occoquan on this 6th day of June, 2023.

BY ORDER OF THE TOWN COUNCIL

MEETING DATE: June 6, 2023

Town Council Meeting

Ord. No. O-2023-08

RE: An Ordinance Amending the Levying of Meal and Food Tax Rate

MOTION:

SECOND:

ACTION:

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

CERTIFIED COPY _____
Town Clerk

DRAFT



TOWN OF OCCOQUAN
TOWN COUNCIL MEETING
Agenda Communication

5. Consent Agenda	Meeting Date: June 6, 2023
5 C: Request to Adopt Ordinance to Amend Section 31.028 entitled Remote Participation	

Attachments: a. Draft Ordinance O-2023-09

Submitted by: Adam C. Linn
Town Manager

Explanation and Summary:

This is a request to approve and adopt an ordinance to amend Section 31.028 of the Town Code relating to Remote Participation by Town Council members.

Town staff recommends changing the ordinance to bring it up to date and in accordance with the Virginia Code § 2.2-3708.3. This would permit remote participation by Town Council, Boards and Commissions members for two meetings per calendar year or 25% of the meetings held per calendar, whichever is greater.

Background

As a result of COVID pandemic, at its July 6, 2021, Town Council Meeting, the Town Council adopted Ordinance 0-2021-04 and a Policy that related to remote participation of Town of Occoquan Town Council, boards, and commissions members' remote electronic participation in their public meetings. The policy and ordinance were based on a Virginia code that has since been changed. The new statute permits remote participation due to a personal matter for "two meetings per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater."

Staff Recommendation: Adopt the ordinance as presented.

Cost and Financing: N/A

Account Number: N/A

Proposed/Suggested Motion:

"I move to adopt Ordinance 2023-09 to amend section 31.028 of the Town Code as presented."

OR

Other action Council deems appropriate

**AMENDED REMOTE ELECTRONIC PARTICIPATION
BY MEMBERS OF THE OCCOQUAN TOWN COUNCIL, BOARDS AND
COMMISSIONS**

June 6, 2023

The following policy is established for the Town of Occoquan Town Council, board, and commission members' remote electronic participation in their public meetings. It is the policy of the Occoquan Town Council that individual council, board and commission members may participate in their public meetings by electronic means as permitted by Virginia Code § 2.2-3708.3. This policy shall apply to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.

The town council, board or commission members reviewing an individual member's request to participate remotely must approve such request, unless that participation would violate this written policy or the provisions of Virginia Code § 2.2-3708.3. If a member's participation from a remote location is challenged based on a violation of this written policy or Virginia Code § 2.2-3708.3, then the town council, board or commission shall vote whether to allow such participation, and if the town council, board or commission votes to disapprove of the member's remote participation, such disapproval shall be recorded in the meeting minutes with specificity. In case of a challenge, a majority vote in favor of remote participation is required to approve such participation, and a tie vote results in disapproval. Only a violation of this written policy or Virginia Code § 2.2-3708.3 shall be grounds for challenge and disapproval, and the purported violation must be stated in the motion requiring a vote. In all other instances, members must approve a remote participation request. Failure to challenge a member's remote participation shall waive any and all objections to such remote participation for that meeting.

I. Temporary or Permanent Disability

1. On or before the day of the meeting, the member must notify the chair or the vice-chair in the absence of the chair, of the town council, board or commission, that he/s she is unable to attend a meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance.
2. Arrangements for the remote member's voice to be heard by all persons in physical attendance of the public meeting must be made.
3. The town council, board or commission must record in its minutes the fact that the member participated through electronic communication means due to a temporary or permanent disability or other medical condition that prevented the member's physical attendance and the remote location from which the member participated.
4. A quorum of the town council, board or commission must be physically assembled at the meeting location.

II. Medical Condition of a Family Member

1. On or before the day of the meeting, the member must notify the chair or the vice-chair in the absence of the chair, of the town council, board or commission, that he/s she is unable

- to attend a meeting due to a medical condition of a member of the member's family that requires the member to provide care that prevents the member's physical attendance.
2. Arrangements for the remote member's voice to be heard by all persons in physical attendance of the public meeting must be made.
 3. The town council, board or commission must record in its minutes the fact that the member participated through electronic communication means due to a medical condition of a member of the member's family that requires the member to provide care that prevented physical attendance and the remote location from which the member participated.
 4. A quorum of the town council, board or commission must be physically assembled at the meeting location.

III. Personal Matter

1. On or before the day of the meeting, the member must notify the chair or the vice-chair in the absence of the chair, of the town council, board or commission, that he/she is unable to attend the meeting due to a personal matter.
2. The member must identify with specificity the nature of the personal matter.
3. Arrangements for the remote member's voice to be heard by all persons in physical attendance of the public meeting must be made.
4. A quorum of the town council, board or commission must be physically assembled at the meeting location.
5. The town council, board or commission must record in its minutes the specific nature of the personal matter and the remote location from which the member participated.
6. Such participation by the member shall be limited each calendar year to two (2) meetings or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

Nothing in this Policy shall prevent or limit the use of any other grounds for remote participation authorized by law.

ORDINANCE #0-2023-09

AN ORDINANCE AMENDING THE PROCEDURES FOR PARTICIPATION IN MEETINGS BY ELECTRONIC COMMUNICATIONS

WHEREAS, Virginia Code Section 2.2-3708.3 authorizes members of a public body to participate through electronic means in any meeting wherein the public business is discussed or transacted, pursuant to a policy adopted by the public body that conforms with the requirements of Virginia Code Section 2.2-3708.3; and

WHEREAS, the Town Council of the Town of Occoquan desires to permit participation in meetings by electronic means in accordance with Virginia Code Section 2.2-3708.3.

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

1. That the Town Council hereby adopts and amends Town Code § 31.028 as set forth below:

§ 31.028 REMOTE PARTICIPATION.

In satisfaction of the requirements of Virginia Code Section ~~2.2-3708.2(C)~~ **2.2-3708.3**, the “**AMENDED** Policy for Participation by Electronic Communication” dated ~~July 6, 2021~~ June 6, 2023, is hereby adopted and made applicable to the Town Council and all boards and commissions appointed by the Town Council.

2. This ordinance is effective immediately.

PASSED AND ADOPTED by the Town Council of the Town of Occoquan on this 6th day of June, 2023.

BY ORDER OF THE TOWN COUNCIL

MEETING DATE: June 6, 2023
Town Council Meeting
Ord. No. O-2023-09

RE: An Ordinance Amending Procedures for Participation in Meetings by Electronic Communications

MOTION:

**SECOND:
ACTION:**

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

**CERTIFIED COPY _____
Town Clerk**



TOWN OF OCCOQUAN

Circa 1734 • Chartered 1804 • Incorporated 1874
314 Mill Street • PO Box 195 • Occoquan, Virginia 22125
(703) 491-1918 • Fax (571) 398-5016 • info@occoquanva.gov
www.occoquanva.gov

TOWN COUNCIL
Earnest W. Porta, Jr., Mayor
Jenn Loges, Vice Mayor
Cindy Fithian
Eliot Perkins
Nancy Freeborne Brinton
Theo Daubresse

TOWN MANAGER
Adam C. Linn, J.D.

TO: The Honorable Mayor and Town Council

FROM: Adam C. Linn, Town Manager

DATE: June 6, 2023

SUBJECT: Administrative Report

This is a monthly report to the Town Council that provides general information on departmental activities including administration, public safety, engineering, zoning and building, public works and events.

Administration

Coronavirus Updates - UPDATED: As of May 11, 2023 the Federal COVID-19 Public Health Emergency Declaration has ended. As of the date of this report, Prince William County's COVID-19 community level is LOW and the County COVID-19 Dashboard will soon be retired. Masking is optional for fully vaccinated individuals; unvaccinated and high-risk individuals are highly encouraged to wear masks in public indoor spaces. All individuals are advised to keep up to date on vaccines and to follow CDC guidelines if sick from or exposed to the virus.

ARPA (SLFRF) Update - UPDATED: The Town Council approved the Town's SLFRF Spending Plan during their July 19, 2022 meeting. The Spending Plan is available on the Town's website at www.occoquanva.gov/american-rescue-plan-act. An update and review of the Spending Plan occurred at the March 7, 2023, Town Council Meeting. The revised plan has been integrated into the FY24 Capital Improvements Program Budget. As such, in FY24, Town staff will continue to update the Town Council on the SLFRF funded projects and solicit feedback but will no longer be seeking any approvals or appropriations of funds, unless changes are required.

SLFRF Spending Plan Projects:

Community Flood Preparedness Fund Grant Request - UPDATED: In April 2022, town staff prepared and submitted a grant application for the third round of the Virginia Community Flood Preparedness Fund administered by the Virginia Department of Conservation and Recreation (DCR). The grant request will fund the development of a Resilient Stormwater and Flood Management and Implementation Study. The study will evaluate the Town's stormwater and flood resilience and ultimately result in an actionable plan that when implemented, increase the town's overall resiliency and response to the impacts of climate change within the community and region. In January 2023, town staff received notification that the grant was awarded in the amount of \$84,902.50 with a total project cost of \$169,805 and a required match of 50% by the Town. Staff has received the grant award documents and executed a contract the consultant, Weston & Sampson. The study will take place throughout the remainder of the calendar year with multiple opportunities for staff and community engagement.

Riverwalk Expansion Project - UPDATED: At the September 20, 2022, meeting, Town Council set a not-to-exceed amount of \$41,000 SLFRF funding to support the Planning Commission on its Riverwalk

Visioning process. With the approval of Town Council, Town staff secured a contract with the Berkley Group. The Group has created an existing conditions map and created a first draft of a master vision plan. Town staff and Berkley Group representatives will hold a public input meeting on June 15th from 5-7 pm at Town Hall.

River Mill Playground and Picnic Area - UPDATED: Town staff is currently exploring equipment options that include soft play features with animals and nature-themed objects made out of sculpted and hardened foam. Staff is currently awaiting a proposal in the next two weeks from a potential vendor. Staff will give updates as the search progresses.

Town Signage Updates - UPDATED: Town staff has chosen a vendor for two welcome signs, a wayfinder at Mamie Davis Park, and an events kiosk at River Mill Park. Staff has reviewed the designs with the Architectural Review Board, received VDOT approval for a sign at Rt. 123 and Commerce Street, and is currently finalizing costs and designs with the vendor. Town staff has also received approval from VDOT to install new welcome signs for the Town's corporate limits. Install will occur in June. Part of the funding for these updates will also go towards a mural contest in May and June. For more information see the mural item at the end of this section

Gaslight Conversion - UPDATED: As a result of the cost of electrifying the gaslights and inconsistency in performance of solar replacement heads, staff is ordering direct gas flame heads to be installed on all gas lights in Town. Installation is expected to occur in June. The new direct flames will lower maintenance costs and save staff time. Over the long term, staff will continue to monitor advances in solar technology and advise Town Council of viable solutions. However, due to greater feasibility, gaslights in Mamie Davis Park will be fully electrified by early June 2023.

Town Hall Energy and Ventilation Upgrades - UPDATED: On April 15, 2023, Window Nation replaced the windows and front door of Town Hall with more energy efficient models (Low E, double-paned windows) that will reduce energy consumption and increase security. During the week of May 29th, Town staff also replaced the lights in Council Chambers with brighter, LED options.

Stormwater Improvements: On March 17th Town staff submitted an application to Congressperson Spanberger's office for the FY2023 Community Project Funding Program to fund remediation to the Town's stormwater system. Staff does not expect any updates on funding until Fall 2023.

Route 123 and Commerce Street Mural - UPDATED: Using funds for town signage and beautification, Town staff will be holding a mural design contest for a mural to be painted on the retaining wall at the intersection of Route 123 (Gordon Boulevard) and Commerce Street. The Town encourages local artists to apply until June 16th. For more information, please visit www.occoquanva.gov/public-art.

Other Projects: Further SLFRF funded projects were incorporated into the FY24 CIP Budget. As projects are implemented, more updates will follow.

Development Project Updates:

The Mill at Occoquan - UPDATED: The Mill at Occoquan project's site plan has been submitted and first round comments have been sent to the applicant. Approval of the floodplain study was provided by FEMA on November 4, 2022. The developer is currently starting the demolition permitting process and has submitted a revised site plan to the Town Engineer. The Town Engineer is currently reviewing the second submission and has referred it out to other relevant agencies with a 30 day deadline for comments.

The Mill Street Beer Garden: The developer has received a revised site plan approval and has completed the bond release process with the Town. The developer is currently finalizing occupancy with the County. No specific opening date has been provided.

More information on both projects can be found in the Engineering Section.

Signage Education and Code Updates - UPDATED: As part of zoning enforcement, staff has developed a handout highlighting the Town's sign ordinance, and mailed out a letter of renewed enforcement to all business and property owners in the business district. In light of feedback from town businesses, staff, and boards, Town Council is also considering amendments to the sign code at its June 6, 2023 meeting. Any changes will be updated on signage education literature. To review your current signage and ask any questions please email signpermits@occoquanva.gov. Staff will keep Town Council updated.

VDOT TAP Grant Project: In early May 2022, Town received notification that additional funding for the Transportation Alternatives Set-Aside Program was received through the federal infrastructure bill and that the Ellicott Street Sidewalk (Occoquan Greenway Connection) project was selected. This funding is available for fiscal years 2023-2024 and will be a coordination project with the Town, PWC Transportation and Parks Departments. The project includes trail installation on Union Street to connect a planned off-road trail section of the Occoquan Greenway Trail, sidewalk improvements along Ellicott Street, and construction of a sidewalk section between Poplar Alley and Mill Street along Ellicott Street. The Town Council adopted a resolution of support for the project at its September 21, 2021 meeting. Staff is waiting to receive start dates from the County. Updates will be available at www.occoquanva.gov/construction-updates.

VDOT Road Paving Update - UPDATED: Work concluded the week of July 31, 2022. During the week of February 6th, VDOT implemented a solution to the standing water at Mill Street and Washington Street that met with Prince William County approval. Town staff was advised that VDOT will not resurface the affected curb on Mill Street.

FY2023 Capital Projects: Updates on FY2023 capital projects will be available at www.occoquanva.gov/construction-updates.

Mill Street Water Issue: Town staff reinstalled the temporary pipe to direct water from the pipe at 426/430 Mill Street to the Ellicott Street stormwater inlet. The recrowning work completed by VDOT contractors in June along the section of Mill Street near the Ellicott Street intersection did not adequately address the longtime water flow issues in this area. As a result, water is continuing to flow across Mill Street instead of traveling along the curb line to the Ellicott Street inlet. Town staff is actively reviewing better temporary solutions as well as permanent solutions. Updates will be available at www.occoquanva.gov/construction-updates.

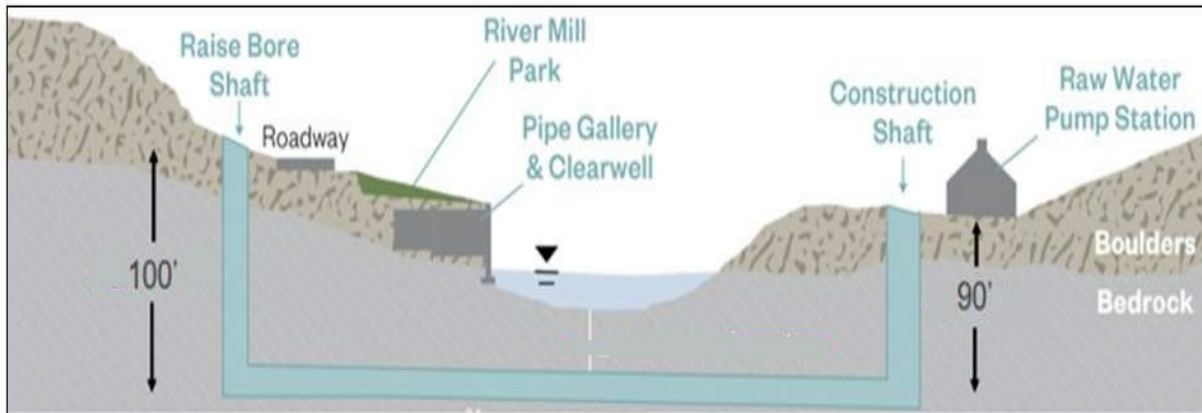
Block the Box: OPD is continuing its Don't Block the Box education and enforcement campaign during high traffic times at the intersection of Rt 123 and Commerce Street to improve compliance and educate drivers. Staff will continue to coordinate with VDOT and monitor this issue.

DEQ ARPA Wastewater Funds 2022 Appropriation - UPDATED: The Town received through the Department of Environmental Quality (DEQ) up to \$325,000 in ARPA funding for wastewater and stormwater remediation as a result of a funding request made by Mayor Porta in November 2021. Town staff submitted an initial program application on September 28, 2022, for part of the funding for storm water remediation through sediment removal from the Occoquan River in the areas of 101 Poplar Lane and Mill Street, Gaslight Landing (locations where stormwater has created significant sediment buildup). On November 4, 2022, Town staff submitted a revised application to include other related stormwater projects for the full \$325,000. As part of the DEQ stormwater remediation, Town also obtained an environmental endangered animal study update for the applicable area. The first component, dredging, was completed as of February 24, 2023. Staff is now working with DEQ to fund other stormwater related projects with the remainder of the \$325,000 grant and has met on site with potential contractors. Staff expects to receive quotes and send estimates to DEQ in early June.

Fairfax Water Construction: The boring project has begun, and the contractor has made improvements to the roadway and property to assist traffic flow. Completion of the project is expected by summer of

2024. Boring commenced outside the Fairfax Water pump station on the Fairfax side of the Occoquan River and work to prepare for rerouting of water during shut downs on the Prince William side is underway. The contractor began blasting on April 26th and continued blasting events are expected over the next several months. Short periods (approximately 15-20 minutes) of closure of the access road to the raw water pump station, foot bridge, and River Mill Park are expected to occur during the period of blasting. The blasting is minimal, with minimal disruption to Town. Staff is working with Fairfax Water Authority's project manager to provide notice to residents and visitors. To stay up to date on blastings, please sign up for AlertOccoquan at: www.occoquanva.gov/living-here/alertoccoquan.

Below is a rendering of the project:



Property Maintenance Enforcement - UPDATED: Town staff is working with the Prince William County Neighborhood Services Division, who handles the County's Property Maintenance Code Enforcement, on taking over the review and enforcement of the Town's property maintenance code. At the February 7th meeting, the Town Council passed a resolution requesting the County's takeover of enforcement. At the May 7th meeting, the Prince William Board of Supervisors approved the request. County and Town staff are currently working to finalize an agreement ahead of a July 1st, 2023 start date for enforcement.

FY24 Annual Budget and Tax Rates Adopted - UPDATED: A hearing on the FY24 Annual Budget took place on May 2, 2023, at the Occoquan Town Hall. Subsequently, a hearing on the tax rates in support of the FY24 Annual Budget took place on May 16, 2023, at the Occoquan Town Hall. Following the May 16th hearing, the Town Council approved and adopted the budget and tax rates, effective July 1, 2023. More information on the FY24 Annual Budget can be found at www.occoquanva.gov/government/budget.

Post Office Structural Damage - UPDATED: On April 14, 2023, the Occoquan Post Office sustained structural damage due to a vehicle crash. Town staff has provided assistance to the Post Office and set up temporary barricades around the accident site. Construction to repair the wall is expected in June.

Parking Facility RFI - UPDATED: On April 12, 2023, Town staff closed the RFI for a multilevel parking facility. Town staff received and reviewed a number of responses and is working with Town Council and respondents as it plans next steps. Town Council also directed Town staff to explore and estimate costs for alternative parking and shuttle options.

VDOT ADA Ramp Improvements - NEW: On May 16, 2023, Town staff met with VDOT representatives to discuss the install of ADA accessible ramps at the intersections of Washington and Commerce, Ellicott and Commerce, and the Mill Street Cul-de-sac. After review by staff, it was decided to address the ADA ramp installs in VDOT's next contract in the 12-24 months.

Crosswalk Safety Project - NEW: On May 31, 2023, Town staff meet with VDOT engineers and staff from Prince William County Department of Transportation regarding crosswalk safety of the

Washington Street Crosswalk between E. Locust Street and Edge Hill Drive. Town staff were requesting the use of flashing beacons (RRFB) to help illuminate the crosswalk to drivers. Engineers advised that that use of RRFB may provide a false sense of security and are high maintenance. Town staff, VDOT engineers and PWCDOT recommended: (1) the addition of a streetlight near the crosswalk and changing of old streetlight heads to newer LED which would enhance the visibility at dusk/ dawn for pedestrians and drivers (PWCDOT agreed to take the lead on this immediate solution); (2) a PWCDOT study to see if a speed reducing feature such as a chicane, chocker, or perhaps a mini roundabout could be installed at the adjacent intersection; and (3) the extension of the sidewalk across the undeveloped frontage and the removal of the mid-block crosswalk to be funded under the County's Safe Sidewalk grant.

Eagle Scout Project in River Mill Park - NEW: Throughout the month of May, Town staff has been coordinating with an Eagle Scout to install two new sets of concrete pads and benches (donated by a local non-profit) in River Mill Park. The project is underway and expected to be done in early June.

Town Hall Brick Sidewalk Improvements - NEW: During the week of May 22nd, contractors remortared the main entrance sidewalk to Town Hall. A local artist restored the bicentennial logo and other art installed on the bricks ahead of Riverfest.

Treasurer Report - Supplemental Information

The April 2023 Financial Report is included in the Town Council agenda packet. Highlights from the current report are below, as well as additional information regarding current delinquencies.

BPOL Tax Delinquencies		
Business Name	Years of Delinquency	Date of Last Notice/Status

Transient Occupancy Tax Delinquencies		
Business Owner	Months of Delinquency	Date of Last Notice/Status

Meals Tax Delinquencies		
Business Name	Months of Delinquency	Date of Last Notice/ Status
BABBANME LLC	8*	5/16/2023
BANN THAI OLD TOWN	6**	5/26/2023

*Last payment: 10/3/2022. Number of unpaid months: 8.

**Last payment: 3/20/2023. Number of unpaid months: 6.

Real Estate Delinquencies*			
Property Owner	Years of Delinquency	Date of Last Notice	Notes
GRANNY'S COTTAGE INC	7	12/1/2022	
HOUGHTON RONALD W ETAL	5	12/1/2022	
INTERNATIONAL PEACE MISSION INC	1	4/26/2023	

*Excludes penalties and interest

Engineering

FEMA Flood Insurance Rate Map (FIRM) - no change from last report: Multiple appeals by residents in Prince William County will delay adoption until spring 2024, assuming no additional appeals. Town residents can use the new map since it is the “best available data” even though not yet officially adopted by FEMA. Following resolution of any other comments FEMA will issue a Letter of Final Determination, with an effective date. May require update of ordinance.

Rivertown Overlook Project - no change from last report: Land Disturbance Permit issued – construction complete. Erosion inspections recommended to cease. Awaiting submission of as-built plans and request for bond reduction/release.

Mill at Occoquan - update from last report: Site plan submitted June 4, 2022, with Town and VDOT comments provided to Applicant’s engineer on July 19, 2022. Revised site plan submitted on May 25, 2023 and is currently under review with referrals out to other relevant agencies.

State Local Fiscal Recovery Funds (SLFRF)

- **Playground Structure in River Mill Park - no change from last report:** Met with Town Manager and Fairfax Water on June 21, 2022, to begin discussions on engineering design for potential future installation of a playground structure in River Mill Park. Town Manager working to establish playground type and fixtures to determine impact on FCWA infrastructure. Previous structural calculations for stage reviewed with option to use outside consultant under consideration. Sketch plan will be required.

FCWA River Crossing Construction - no change from last report: Project underway. Blasting occurred on April 26, 2023.

Barrington Point stormwater and retaining wall - update from last report - Unit Owners Association undertaking wall repair and stormwater erosion issues. Land disturbance will be under the threshold for land disturbance permit, but wall repairs to be reviewed by PWC Building Department.

200 Mill Street - Beer Garden - no change from last report: Land Disturbance Permit issued. Bonds and agreements posted and executed and now released. Construction for site plan completed, with minor building modifications proceeding.

127 Washington Street - landscape plan - update from last report: landscape plan submitted and reviewed with comments requesting changes to comply with native planting requirements. Updated plan submitted on November 28, 2022. Staff requested change to meet code required percentage of native vegetation on 3/15/23. New notice of violation sent 5/16/23 with 60 day compliance requirement.

119 Poplar - Parking Options - update from last report: parking layout prepared for review of options for expansion of Route 123 Bridge parking area.

VDOT meeting to review ADA accessibility sidewalk ramps and crossings - update from last report: met VDOT officials at multiple street corners in Town to review options for replacing existing curb ramps to add visual contrast and appropriate slope at street crossings. The current VDOT plan does not include replacement of new ramps with brick sidewalk.

Site Plans/Plats Under Review or Being Discussed with Owner/Tenant:

Address	Plan Number	Use	Status
Mill at Occoquan	SP2022-001	Mixed Use project	First submission 6/4/22, comments provided 7/19/22

Zoning Administrator

A. The following is a list of **zoning reviews** from April 28 to May 31, 2023:

	Zoning Application #	Property Address	Activity
1	TZP2023-014	202 Mill Street	Repair damaged exterior wall
2	TZP2023-015	101 East Colonial Drive	Repavement and alteration
3	TZP2023-016	302 Mill Street	Change of use/Occupancy
4	TZP2023-017	332 Overlook Drive	Retaining wall and drainage

B. The following is a list of **new violation letters** from April 28 to May 31, 2023:

	Property Address	Violation #	Violation	Town Action
1	127 Washington St.	N/A	Tree removal without permit	New NOV sent on 5/16/23 due to no response to Zoning Administrator communications.

C. The following is a list of **active/previous violations** from April 28 to May 31, 2023:

	Property Address	Violation #	Violation	Town Action
1	127 Washington St.		Tree removal without permit	Letter sent on 6/10/22. On-site meeting held on 6/29 to discuss abatement and next steps. Plan to be submitted by 8/8/22. Comments sent on 8/26/22. Updated plan submitted on 11/28/22. Letter sent on 12/19/22. Follow up from Zoning Administrator on 2/28/23 and on 3/15/23. New NOV sent on 5/16/23.
2	302 Poplar Alley	OZV-2023-001	Signage	Notified via certified mail 3/22/23; Courtesy email 3/23/23; Receipt of mail 4/4/23; Violation not resolved by deadline 4/22/23; Email from Town staff on 5/11/23; No response and matter referred to Town Attorney on 5/24/23.

Building Official

The Building Official monthly report provided by Prince William County for the month of May is attached.

Public Safety

Mission:

The mission of the Occoquan Police Department (OPD) is to: protect the lives and property of our residents, visitors, and businesses; to reduce the incidence and fear of crime; and to enhance the public safety of our historic waterfront community. To that end, we will hire and maintain a professional staff who through education, mentoring, and community policing will maintain a supportive partnership between our community and this Department. We will respect the rights and dignity of all people and always remain approachable and professional.

Monthly Departmental Goals:

- Goal 1: Provide for the public safety of the persons and property of the residents, businesses, and visitors of the Town of Occoquan.
- Goal 2: Promote a professional and accountable police department.
- Goal 3: Promote safe pedestrian and vehicular traffic within the Town of Occoquan.
- Goal 4: Prepare for and respond to all threats and hazards facing the Town of Occoquan.

OPD Division Reports:

Professional Standards Division

The Professional Standards Division (PSD) is responsible for internal affair investigations, criminal investigations, and background investigations. Additionally, the OPD Training Unit is housed within the PSD and is responsible for identifying training needs, designing, and implementing training for OPD Officers.

The OPD did not receive any complaints against officers within the Department during the month of May.

The OPD continued to participate in the George Mason University's (GMU) monthly legal training for Law Enforcement Officers within the Northern Virginia Region.

The OPD sent one of its Officers to the Virginia Breath Alcohol Operator course which aids in their skillset of DUI enforcement as well as certifies them in using the approved breath test device, the Intox EC/IR II.

The OPD Special Operations Teams completed monthly training for UAS and Marine Patrols. With the incorporation on a new vessel, Marine Patrol Officers spent time familiarizing themselves with the new vessel to include its equipment and trained on life saving procedures while operating the vessel.

All Town Staff, including OPD Officers, were required to complete cybersecurity awareness training this month. This aids with the development and implementation of the Town's cybersecurity strategy.

The OPD graduated 5 new officers from its DCJS Level II Auxiliary academy. These officers will immediately begin their FTO phase with other OPD Officers.



Field Operations Division

The Field Operations Division (FOD) is responsible for day-to-day operations throughout the Town.

Officers engaged in foot patrols throughout the residential district, historic district, and the Town Riverwalk. Officers supported the monthly trivia night and Memorial Day - holiday weekend

Officers continued enhanced speed enforcement on Route 123, Washington Street, and Union Street/Tanyard Hill Road to continue to reduce crashes and promote safe vehicular and pedestrian traffic movement.

Officers continued to use DMV Grant enforcement monies to reduce crashes and promote safe vehicular and pedestrian traffic movement within the Town as well as in support of safer roads within Fairfax and Prince William Counties.

Special Operations Division

The Special Operations Division (SOD) consists of OPD Officers who have a dual role within the FOD. The SOD consists of Auxiliary Patrol Officers, Parking Enforcement Officers, the Homeland Security and Emergency Management (HSEM) Unit, Marine Patrol Unit, Bicycle Patrol Unit and UTV Patrol Unit.

The HSEM Unit completed its yearly review of the Town's Traffic Incident Management Plan, Evacuation Plan and Severe Weather Plans.

The OPD participated in the monthly Northern Virginia Emergency Response (NVERS) UAS, Intelligence, and Hight Threat Response committees.

The OPD continues to work closely with Fairfax Water Authority staff on the new pipe river crossing project ensuring that plans are in place for safety and security during the blasting operations.

Final planning efforts for the Town's Riverfest event were completed and drilling on those plans will occur leading up to the event itself.

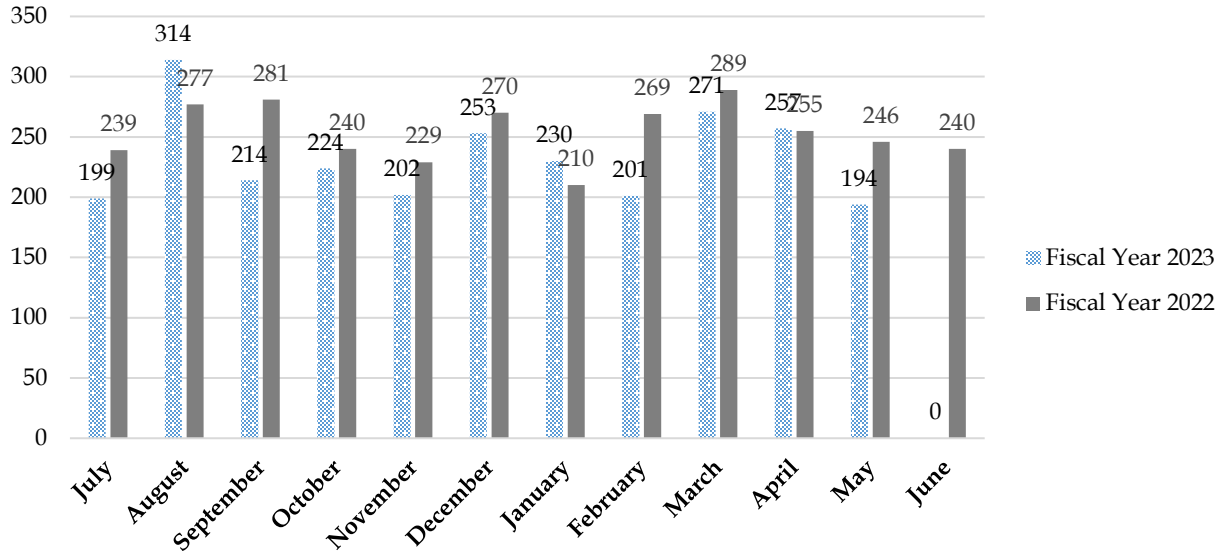
The OPD deployed two camera trailers in high pedestrian areas to help Officers see potential crime and hazards in those areas and address them before they become issues. These trailers will be moved around the Town and deployed as needed in the future.



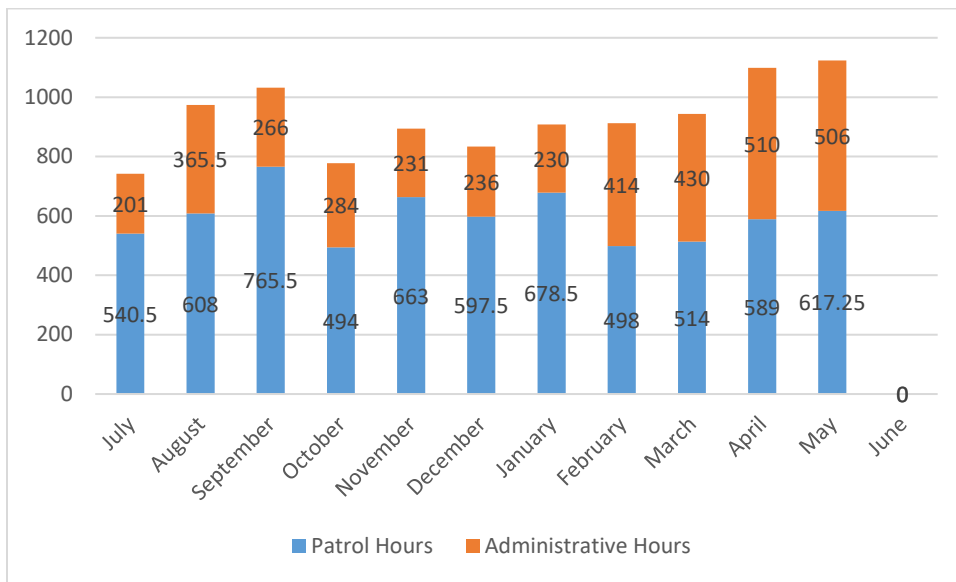
Patrol and Enforcement Activities:

As of May 29th, the Town Police made 104 business checks and 165 park checks. The Town Police also had 125 calls for service, with 16 trespassing calls, 13 disabled vehicles/motorist assist calls, 11 illegal fishing call, 9 suspicious person/vehicle/circumstance calls, 9 medical/mental health calls, 8 vehicle crashes, 3 disorderly calls, 3 larceny/theft calls, 2 parking complaints/towing calls, 2 gun/brandishing calls, 2 attempted suicide calls, 2 fire calls, 2 lost/found property call, 2 traffic control calls, 2 alarm calls, 1 DUI arrests, 1 stalking call, 1 roadway obstruction call, 1 animal calls, 1 domestic in progress call, 1 drug complaint call, 1 burglary call, 1 noise complaint call, 1 warrant service, 1 vandalism call, multiple service/assist calls, and made 2 custodial arrests, issued 194 traffic summonses, 43 parking violations, and 37 warnings.

TRAFFIC SUMMONSES FYTD (GRAPH)



PATROL/ADMINISTRATIVE HOURS FYTD (GRAPH)

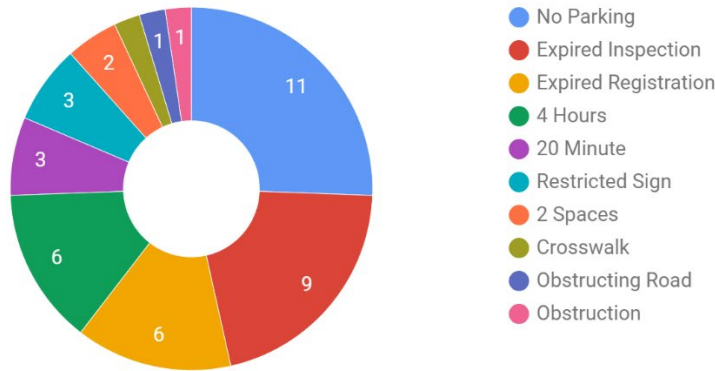


PARKING ENFORCEMENT (CHART/GRAPH)

	Parking Tickets	Warning
July	56	1
August	77	3
September	62	2
October	20	1
November	47	1
December	36	2

January	78	0
February	31	0
March	115	10
April	134	8
May	43	0

Occoquan VA - Tickets By Violation (Month To Date)

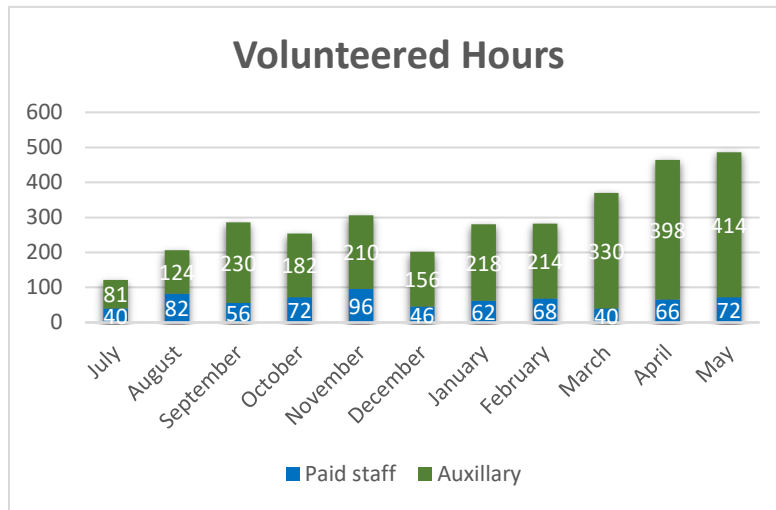


Data as of 5/29/2023, 12:00:00 AM



Volunteer in Police Service:

For Fiscal Year 2023, our auxiliary police officers and paid police staff have donated a total of 3,257 uncompensated hours to the Town. Below is a list of volunteer hours (uncompensated time) provided by our auxiliary police officers and paid police staff:



Public Works

Routine Activities

The Public Works Department engages in the following regular maintenance activities:

Activity	Weekday	Sat/Sun	Weekly	Monthly	Notes
Trash Collection/Check	X	X			Weekend checks during high traffic seasons
Street Sweeping			X		Sweeping Season: April - October
Check/Repair Gaslights	X				Review and schedule repairs as needed
Check/Repair Gaslight Banners	X				
Check/Replace Doggie Bags			X		
Check/Clear Storm drains			X		Weekly + Storm Prep
Check Public Restrooms	X	X			Weekend checks during high traffic seasons
Contractor Cleaning - RMP			X		Contractor cleans Fridays and Mondays
Check Tanyard Hill Park			X		Review and schedule repairs as needed
Check Mamie Davis Park and Boardwalk	X				Review and schedule repairs as needed
Check/Clean Kayak Ramp				X	Monthly to quarterly cleaning
Check River Mill Park	X				Review and schedule repairs as needed
Clean/Maintain RMP Light Poles				X	
Check Furnace Branch Park			X		Review and schedule repairs as needed
Minor Brick Sidewalk Check/Repairs			X		Review and schedule repairs as needed
Maintain Town Buildings			X		Review and schedule repairs as needed
Maintain Town Equipment			X		Vehicle and small engine repair, seasonal and as needed
Clean Town Vehicle			X		Ensure cleanliness and care of town vehicle
Maintain Annex/PW Facility	X				External and Internal clean up and organization
Maintain Events Building at RMP				X	Monthly to quarterly
Check/Maintain Dumpster and storage area				X	
Water Flowers	X				Seasonal
Graffiti Check/Removal	X				
Litter Check/Removal	X				
Install/Repair Event Banners as Needed				X	Seasonal
Maintain Temporary Pipe on Mill Street			X		Until no longer needed

Maintenance Highlights (May 2023)

- Added three new benches to River Mill Park
- Repaired Town Hall entrance pathway
- Added new landscaping (flowers, phlox, mulch beds and bushes) to Town parks
- Converted River Mill Park lights to LED

Special Maintenance Projects

Projects In-Progress: 12 Projects Completed: 14

Below is an updated list of maintenance activities with statuses updated as of May 31, 2023:

Project	Status	Completion Date	Notes
Building Maintenance			
Create new mailboxes and keybox area for Town Hall front office	Not started		FY24
TH Window Cleaning 2023	Not started		Fall 2023
Repair Town Hall Eave	Not started		FY24
Repair Concrete Steps at Town Hall	In progress		Summer 2023
Replace Town Hall Upstairs Lights	In progress		June 2023
Craft Show and Events Support			
Pre-Riverfest Staging	In progress		
Mark Booth Spaces	Completed	05/25/2023	
Landscaping			
Hardscaping stairs at LOVE sign	Not started		June 2023
Plant liriopie along Mill St buffer in front of 402 Mill	Not started		June 2023
Replant flower pots/boxes in Town ROW on Union	Not started		June 2023
Seed and aerate town parks	Not started		Summer 2023
Hardscaping RMP Bench Swing	In progress		June 2023
Add Measures to Reduce RMP Flooding	Completed	4/27/2023	
Address garden area along Washington/Commerce St	Completed	4/27/2023	
Phlox in front of MDP	Completed	4/27/2023	
Cut back vegetation on River Rd	Completed	5/30/2023	
Park Maintenance			
Inspect and Repair Town Dock	Not started		June 2023

Project	Status	Completion Date	Notes
Install new light at RMP Bathrooms	Not started		June 2023
RMP Bathroom Upgrades	Not started		Summer 2023
Add Outlets to RMP and Footbridge	In progress		June 2023
Mamie Davis Park Signage Update	In progress		Summer 2023
MPD Conversion	In progress		June 2023
Rewire and convert RMP lights to LED	Completed	4/27/2023	
Remove Graffiti from RMP Bathrooms	Completed	5/8/2023	
Special Projects			
Backup Generator Project	Not started		Paused
Brick Repair and Replacement	Not started		Summer 2023
Poplar Lot Reorganization	Not started		Summer 2023
Remove broken pylon from Town Dock area	Not started		June 2023
Retrofit gaslights with new burners	Not started		June 2023
Transfer box set up at Annex	Not started		Paused
Public Works Inventory	In progress		Creating log sheet and adding PW locations
Town Gateway Updates	In progress		Permits obtained; proofing with vendor
Install Dedicated Bench in RMP	Completed	5/3/2023	
Install historical marker at Peace House	Completed	5/8/2023	
Install New Pad and Bench at RMP	Completed	5/16/2023	
Support Eagle Scout Project of Two Benches and Pads in RMP	Completed	5/31/2023	
Spring Clean Up			
Clean gaslights	Not started		June 2023
Touch up paint on gaslights	Not started		June 2023
Touch up town planters	Not started		June 2023

Project	Status	Completion Date	Notes
Power wash Riverwalk/ dock	In progress		June 2023
Remove stickers from town signs	In progress		June 2023
Powerwash MDP Gazebo	Completed	5/3/2023	
Streets, Sidewalks, and Parking			
Install Memorial Bricks at RMP	Not started		May 2023
Replace toppers on gaslights	Not started		May 2023
Town Hall Sidewalk Improvements	In progress		June 2023
Remove graffiti from 123 Bridge	Completed	5/26/2023	
Install Signage at Post Office	Completed	5/30/2023	

Brick Installation and Maintenance Projects

Below is the status of the replacement and maintenance of sidewalk bricks:

Location	Not Started	In Progress	Completed	Notes
Town Hall			X	Re-mortared bricks and logos to be completed in June.

Events and Community Development

Music on Mill: Our summer concert series has begun. Bands perform once monthly from 7-9 pm in River Mill Park. More information is at www.visitoccoquanva.com/music.

- 2023 Music on Mill Schedule
 - Saturday, May 20: Mystery Machine (Rock) – rescheduled to 9/2/23 due to rain
 - Saturday, June 17: Maggie Shot Burns (Covers)
 - Saturday, July 15: Hand Painted Swinger (Rock)
 - Saturday, August 12: The 257th Army Band (Traditional)

Trivia Night: The Trivia Night season began May 26 with 27 teams and a lot of laughs. With up-to-eight person teams, players answer six rounds of brain busters for their chance to win the grand prize of \$100. More information is at www.visitoccoquanva.com/trivia.

- 2023 Trivia Night Dates
 - Friday, June 23 - Homage to Hollywood
 - Friday, July 21 - Time Machine
 - Friday, August 18 - Favorite Things
 - Friday, September 15 - Wanderlust
 - Friday, October 20 - Earth Escape

**Town of Occoquan - Permit Report
May 2023**

Permit Number	Main Address	Description	Permit Type	Permit Status	Permit Workclass	Issue Date	Finalize Date
GAS2023-00907	240 BRAWNERS FARM PL	Exact replacement of 75K Gas furnace	Gas	Issued	R - Alteration/Repair	12/13/2022	
GAS2023-00907	240 BRAWNERS FARM PL	Exact replacement of 75K Gas furnace	Gas	Issued	R - Alteration/Repair	12/13/2022	
GAS2023-00706	1521 COLONIAL DR	Replace Gas Furnace LIKE FOR LIKE	Gas	Pending	C - Alteration/Repair		
ELE2023-05425	126 COMMERCE ST	Alteration/repairs for some lighting and equipment in bakery/commercial space (tenant change)	Electrical	Pending	C - Alteration/Repair		
GAS2023-01575	126 COMMERCE ST	capping the gas line and removing	Gas	Issued	C - Alteration/Repair	05/16/2023	
BLD2022-02702	312 COMMERCE ST	150 lf floor joist ,390 lf floor joist replacement , 48 lf sil plate, 375 sf sub floor replacement , 3 intellijacks	Building	Issued	R - Alteration/Repair	02/02/2022	
PLB2023-00018	312 COMMERCE ST	This is to install a sump pump in connection with a foundation drainage system installation by JES	Plumbing	Issued	R - Alteration/Repair	01/06/2023	
PLB2023-00018	312 COMMERCE ST	This is to install a sump pump in connection with a foundation drainage system installation by JES	Plumbing	Issued	R - Alteration/Repair	01/06/2023	
ELE2023-05366	435 FORTRESS WAY	Remove (2) 200 amp single phase outdoor rated electrical panels in the pump room and replace (2) panels as a one for one direct replacement. New circuit breakers to match the existing ones on site, label panel and ensure grounding code compliant	Electrical	Finalized	C - Alteration/Repair	04/11/2023	05/01/2023
ELE2023-05366	435 FORTRESS WAY	Remove (2) 200 amp single phase outdoor rated electrical panels in the pump room and replace (2) panels as a one for one direct replacement. New circuit breakers to match the existing ones on site, label panel and ensure grounding code compliant	Electrical	Finalized	C - Alteration/Repair	04/11/2023	05/01/2023
BLD2022-06756	126 MILL ST	TLO & Occupancy permit for the A-2 use of an outdoor seating area for a beer garden w/two 800 SF pergolas. Adjacent kitchen and bathroom permit is BLD2022-03797. Anticipated power service will be under a separate permit.	Building	Pending	C - Tenant Layout		

Permit Number	Main Address	Description	Permit Type	Permit Status	Permit Workclass	Issue Date	Finalize Date
BLD2022-03797	200 MILL ST	TENANT LAYOUT FOR MILL STREET BEER GARDEN (KITCHEN & BATHROOM BUILDING) IN THE TOWN OF OCCOQUAN. □ OUTDOOR SEATING AREA PERMIT - BLD2022-06756	Building	Finalized	C - Tenant Layout	05/05/2022	03/31/2023
ELE2022-03957	200 MILL ST	TENANT LAYOUT FOR MILL STREET BEER GARDEN IN THE TOWN OF OCCOQUAN.	Electrical	Finalized	C - Tenant Layout	10/10/2022	03/27/2023
BLD2023-03348	201 MILL ST	Installing additional bracing to egress stairway	Building	Issued	C - Alteration/Repair	03/24/2023	
BLD2023-06806	202 MILL ST	Repair an exterior/interior masonry wall damaged from an automobile accident.	Building	Pending	C - Alteration/Repair		
ELE2023-06135	202 MILL ST	Repair an exterior/interior masonry wall damaged from an automobile accident. ** INSPECT REPAIR TO ELECTRICAL RECEPTACLE AND BOX LISTED IN THE PDR DESCRIPTION **	Electrical	Pending	C - Alteration/Repair		
ELE2023-06135	202 MILL ST	Repair an exterior/interior masonry wall damaged from an automobile accident. ** INSPECT REPAIR TO ELECTRICAL RECEPTACLE AND BOX LISTED IN THE PDR DESCRIPTION **	Electrical	Pending	C - Alteration/Repair		
BLD2023-02366	402 MILL ST	***TOWN OF OCCOQUAN*** INTERIOR A/R - STRUCTURAL WORKS	Building	Pending	C - Alteration/Repair		
ELE2022-06383	404 MILL ST	Interior alteration of an existing shop into a bakery with a small space at the front for sale s& dining. Tenant space designed as B use with less than 15 occupants	Electrical	Pending	C - Tenant Layout		
GAS2022-02325	404 MILL ST	Interior alteration of an existing shop into a bakery with a small space at the front for sale s& dining. Tenant space designed as B use with less than 15 occupants	Gas	Pending	C - Tenant Layout		
MEC2022-02843	404 MILL ST	Interior alteration of an existing shop into a bakery with a small space at the front for sale s& dining. Tenant space designed as B use with less than 15 occupants	Mechanical	Pending	C - Tenant Layout		
PLB2022-02785	404 MILL ST	Interior alteration of an existing shop into a bakery with a small space at the front for sale s& dining. Tenant space designed as B use with less than 15 occupants	Plumbing	Pending	C - Tenant Layout		
PLB2023-01144	404 MILL ST	WATER SERVICE REPLACEMENT	Plumbing	Issued	R - Alteration/Repair	11/30/2022	

Permit Number	Main Address	Description	Permit Type	Permit Status	Permit Workclass	Issue Date	Finalize Date
BLD2022-01583	416 MILL ST	(SEE BCE2021-00265) Construct a covered roof over existing patio. Located in the rear of the existing restaurant bldg and does not increase the previous occupant load.	Building	Issued	C - Tenant Layout	03/01/2022	
BLD2021-06635	450 MILL ST	TLO FOR THE COTTAGE	Building	Issued	C - Tenant Layout	05/03/2022	
ELE2022-00482	450 MILL ST	TLO FOR POPPS	Electrical	Pending	C - Tenant Layout		
MEC2021-02381	450 MILL ST	THE COTTAGE - TLO	Mechanical	Pending	C - Tenant Layout		
PLB2022-00959	450 MILL ST	THE COTTAGE - TLO	Plumbing	Pending	C - Tenant Layout		
BLD2023-05025	1427 OCCOQUAN HEIGHTS CT	Installation of solar panels on existing residential roof. 6 kW. Addition of [15] 0-30A circuits.	Building	Issued	R - Alteration/Repair	05/10/2023	
ELE2023-05797	1427 OCCOQUAN HEIGHTS CT	Installation of solar panels on existing residential roof. 6 kW. Addition of [15] 0-30A circuits.	Electrical	Issued	R - Alteration/Repair	05/10/2023	
ELE2023-05797	1427 OCCOQUAN HEIGHTS CT	Installation of solar panels on existing residential roof. 6 kW. Addition of [15] 0-30A circuits.	Electrical	Issued	R - Alteration/Repair	05/10/2023	
BLD2023-03992	103 POPLAR LN	Inground Pool 41' x 18' with 51sf spa and Gas Heater	Building	Issued	R - Swimming Pool	01/31/2023	
ELE2023-04139	103 POPLAR LN	Electric for inground pool and spa	Electrical	Issued	R - Swimming Pool	02/01/2023	
ELE2023-05482	103 POPLAR LN	Install 60amp disconnect and two pole circuit breaker 60amp. Run wire associate	Electrical	Issued	R - Swimming Pool	04/14/2023	
GAS2023-01724	103 POPLAR LN	Inground Pool 41' x 18' with 51sf spa and Gas Heater	Gas	Issued	R - Swimming Pool	05/10/2023	
BLD2022-00079	109 POPLAR LN	}}SIP CUSTOM SFD	Building	Issued	R - New Single Family Dwelling	03/01/2022	
ELE2023-00992	109 POPLAR LN	CUSTOM SFD - TEMP ON POLE FOR CONSTRUCTION	Electrical	Issued	R - New Single Family Dwelling	08/18/2022	
PLB2023-01320	109 POPLAR LN	NEW FIXTURES	Plumbing	Issued	R - New Single Family Dwelling	12/16/2022	
BLD2023-05749	1601 SEBRING CT	OPEN DECK-8' X 18' NO STAIRS - PER PLANS	Building	Finalized	R - Addition	04/03/2023	04/17/2023
BLD2023-03916	109 VISTA KNOLL DR	DECK 12' X 20' - PER PLANS	Building	Finalized	R - Addition	01/26/2023	04/10/2023
BLD2023-04584	100 WASHINGTON ST	NON-STRUCTURAL MASTER BEDROOM RENOVATION	Building	Finalized	R - Alteration/Repair	02/16/2023	04/24/2023
PLB2023-01827	100 WASHINGTON ST	NON-STRUCTURAL MASTER BEDROOM RENOVATION	Plumbing	Finalized	R - Alteration/Repair	02/20/2023	04/24/2023
ELE2023-00837	104 WASHINGTON ST	Adding 240volts 20amps outlet in garage **FOR WOOD JOINTER PER DISCUSSION WITH ELE CONTRACTOR**	Electrical	Issued	R - Alteration/Repair	08/11/2022	
ELE2023-02064	186 WASHINGTON ST	INSTALL (1) NEW 240V 50 AMP CIRCUIT FOR CAR CHARGER	Electrical	Pending	R - Alteration/Repair		

Permit Number	Main Address	Description	Permit Type	Permit Status	Permit Workclass	Issue Date	Finalize Date
BLD2022-02442	206 WASHINGTON ST	Change of Use of an existing residential space to an office. Demo and new construction of existing space to follow update ADA requirements. Mixed use.	Building	Issued	C - Tenant Layout	06/17/2022	
ELE2022-03991	206 WASHINGTON ST	Change of Use of an existing residential space to an office. Demo and new construction of existing space to follow update ADA requirements. Mixed use.	Electrical	Issued	C - Tenant Layout	11/28/2022	
MEC2022-01565	206 WASHINGTON ST	Change of Use of an existing residential space to an office. Demo and new construction of existing space to follow update ADA requirements. Mixed use.	Mechanical	Issued	C - Tenant Layout	11/28/2022	
PLB2022-01433	206 WASHINGTON ST	Change of Use of an existing residential space to an office. Demo and new construction of existing space to follow update ADA requirements. Mixed use.	Plumbing	Issued	C - Tenant Layout	12/30/2022	
BLD2023-03631	109 WASHINGTON SQUARE CT	Installation of new, roof-mounted Solar photovoltaic electric system - 8.51kW	Building	Pending	R - Alteration/Repair		
ELE2023-04914	109 WASHINGTON SQUARE CT	Installation of new, roof-mounted Solar photovoltaic electric system - 8.51kW	Electrical	Pending	R - Alteration/Repair		
ELE2023-04914	109 WASHINGTON SQUARE CT	Installation of new, roof-mounted Solar photovoltaic electric system - 8.51kW	Electrical	Pending	R - Alteration/Repair		

Development Project

END OF REPORT

TOWN OF OCCOQUAN
FINANCIAL STATEMENTS
AS OF 4/30/2023

	As of 7/1/22 (unaudited)	Unaudited Income/ (Loss) YTD FY23	As of 4/30/2023
Nonspendable:			
Mamie Davis Fund	\$ 100,000	\$ -	\$ 100,000
Restricted:			
E-Summons Fund	\$ 24,059	\$ 10,690	\$ 34,748
Assigned:			
Events Fund	\$ 25,000	\$ 67,574	\$ 92,574
CIP Fund	\$ 101,000	\$ (101,000)	\$ -
Public Safety Grant Fund	\$ 14,283	\$ 18,976	\$ 33,260
Mamie Davis Park Fund	\$ 11,492	\$ (5,057)	\$ 6,435
PEG Fund	\$ 1,776	\$ 180	\$ 1,955
Subtotal Assigned:	\$ 153,551	\$ (19,327)	\$ 134,224
Unassigned:			
Operating Reserves	\$ 187,861	\$ 12,139	\$ 200,000
Other Unassigned	\$ -	\$ (110,545)	\$ (110,545)
Subtotal Unassigned:	\$ 187,861	\$ (98,405)	\$ 89,455
Total Fund Balance:	\$ 465,470	\$ (107,043)	\$ 358,427

Additional Information:

SLFRF Balance:	\$ 949,561	\$ (240,981)	\$ 708,580
-----------------------	------------	--------------	------------

The Town of Occoquan
Profit & Loss Budget Performance
July 2022 through April 2023

	Jul '22 - Apr 23	Annual Budget	Over/(Under) Budget	% of Budget
Ordinary Income/Expense				
Income				
40000 · TAXES				
40010 · Real Estate	\$ 275,166	\$ 275,492	\$ (326)	100%
40020 · Meals Tax	\$ 222,477	\$ 282,499	\$ (60,022)	79%
40030 · Sales Tax	\$ 34,015	\$ 36,000	\$ (1,985)	94%
40040 · Utility Tax	\$ 28,537	\$ 30,000	\$ (1,463)	95%
40050 · Communications Tax	\$ 27,111	\$ 33,000	\$ (5,889)	82%
40060 · Transient Occupancy Tax	\$ 27,920	\$ 14,500	\$ 13,420	193%
Total 40000 · TAXES	\$ 615,233	\$ 671,491	\$ (56,258)	92%
41000 · FEES/LICENSES				
41010 · Vehicle License	\$ 10,180	\$ 11,000	\$ (821)	93%
41020 · Business Licenses	\$ 62,824	\$ 68,800	\$ (5,976)	91%
41030 · Late Fees	\$ 1,826	\$ 2,500	\$ (674)	73%
41040 · FINES (PUBLIC SAFETY)	\$ 268,230	\$ 345,000	\$ (76,770)	78%
41100 · Administrative Fees	\$ 5,215	\$ 10,000	\$ (4,785)	52%
41120 · Service Revenue - Eng	\$ 10,171	\$ 10,000	\$ 171	102%
41130 · Service Revenue - Legal	\$ -	\$ 10,000	\$ (10,000)	0%
41140 · Service Revenue - Other	\$ -	\$ 500	\$ (500)	0%
41000 · FEES/LICENSES - Other	\$ -	\$ 1,500	\$ (1,500)	0%
Total 41000 · FEES/LICENSES	\$ 359,582	\$ 459,300	\$ (99,718)	78%
42000 · GRANTS				
42010 · LITTER	\$ 3,025	\$ 1,329	\$ 1,696	228%
42020 · HB 599	\$ 19,530	\$ 35,688	\$ (16,158)	55%
42021 · NHSTA (DMV)				
Total 42021 · NHSTA (DMV)	\$ 8,570	\$ 15,000	\$ (6,430)	57%
42030 · SLFRF	\$ 30,226	\$ 30,225	\$ 1	100%
42040 · PEG	\$ 180			
Total 42000 · GRANTS	\$ 61,531	\$ 82,242	\$ (20,711)	75%
43000 · RENTALS				
43020 · River Mill Park	\$ 1,000	\$ 3,000	\$ (2,000)	33%
43030 · Mamie Davis Park Rental	\$ 550	\$ 2,000	\$ (1,450)	28%
43040 · 200 Mill Street Lease	\$ -	\$ 7,613	\$ (7,613)	0%
Total 43000 · RENTALS	\$ 1,550	\$ 12,613	\$ (11,063)	12%
44000 · OTHER				
44010 · General Fund Interest	\$ 24,782	\$ 900	\$ 23,882	2754%
44060 · Other	\$ 48	\$ 1,000	\$ (952)	5%
Total 44000 · OTHER	\$ 24,830	\$ 1,900	\$ 22,930	1307%
Total Income	\$ 1,062,725	\$ 1,227,546	\$ (164,821)	87%
Gross Profit	\$ 1,062,725	\$ 1,227,546	\$ (164,821)	87%
Expense				
Total 60000 · PERSONNEL SERVICES	\$ 534,999	\$ 708,934	\$ (173,934)	75%
Total 60400 · PROFESSIONAL SERVICES	\$ 118,409	\$ 169,321	\$ (50,912)	70%
Total 60800 · INFORMATION TECH SERV	\$ 30,734	\$ 31,100	\$ (366)	99%
Total 61200 · MATERIALS AND SUPPLIES	\$ 25,119	\$ 27,230	\$ (2,111)	92%
Total 61600 · OPERATIONAL SERVICES	\$ 7,914	\$ 9,000	\$ (1,086)	88%
Total 62000 · CONTRACTS	\$ 90,908	\$ 112,382	\$ (21,474)	81%
Total 62400 · INSURANCE	\$ 37,918	\$ 33,690	\$ 4,228	113%
Total 62800 · PUBLIC INFORMATION	\$ 2,425	\$ 5,020	\$ (2,595)	48%
Total 63200 · ADVERTISING	\$ 3,612	\$ 2,000	\$ 1,612	181%
Total 63600 · TRAINING AND TRAVEL	\$ 10,054	\$ 18,210	\$ (8,156)	55%

The Town of Occoquan
Profit & Loss Budget Performance
July 2022 through April 2023

	Jul '22 - Apr 23	Annual Budget	Over/(Under) Budget	% of Budget
Total 64000 · VEHICLES AND EQUIPMENT	\$ 35,992	\$ 27,210	\$ 8,782	132%
Total 64400 · SEASONAL	\$ 10,623	\$ 10,500	\$ 123	101%
64700 · FACILITIES EXPENSE				
Total 64800 · TOWN HALL	\$ 9,202	\$ 11,890	\$ (2,688)	77%
Total 65200 · MILL HOUSE MUSEUM	\$ 300	\$ 6,500	\$ (6,200)	5%
Total 65600 · 200 MILL ST	\$ -	\$ 500	\$ (500)	0%
Total 66000 · ANNEX / MAINTENANCE YARD	\$ 2,943	\$ 5,910	\$ (2,967)	50%
Total 66400 · MILL ST STORAGE FACILITY	\$ -	\$ 250	\$ (250)	0%
Total 66800 · RIVER MILL PARK & FACIL	\$ 13,896	\$ 16,200	\$ (2,304)	86%
Total 67200* · MAMIE DAVIS PARK & RIVERWALK	\$ 1,711	\$ 3,600	\$ (1,889)	48%
Total 67600 · TANYARD HILL ROAD PARK	\$ -	\$ 250	\$ (250)	0%
Total 67800 · OCCOQUAN RIVER	\$ -	\$ 2,000	\$ (2,000)	0%
Total 68000 · FURNACE BRANCH PARK	\$ -	\$ 250	\$ (250)	0%
Total 68400* · STREETS AND SIDEWALKS	\$ 2,727	\$ 3,000	\$ (273)	91%
Total 68800 · HISTORIC DISTRICT	\$ 14,297	\$ 22,600	\$ (8,303)	63%
Total 64700 · FACILITIES EXPENSE	\$ 45,075	\$ 72,950	\$ (27,875)	62%
Total Expense	\$ 953,782	\$ 1,227,546	\$ (273,765)	78%
Net Ordinary Income	\$ 108,944	\$ (0)	\$ 108,944	
Net Income	\$ 108,944	\$ (0)	\$ 108,944	

CIP FUND

Ordinary Income/Expense				
Income				
42000 · GRANTS				
42030 · SLFRF	\$ 210,755	\$ 467,954	\$ (257,199)	45%
42000 · GRANTS - Other	\$ -	\$ 463,750	\$ (463,750)	0%
Total 42000 · GRANTS	\$ 210,755	\$ 931,704	\$ (720,949)	23%
Total Income	\$ 210,755	\$ 931,704	\$ (720,949)	23%
Gross Profit	\$ 210,755	\$ 931,704	\$ (720,949)	23%
Net Ordinary Income	\$ 210,755	\$ 931,704	\$ (720,949)	23%
Other Income/Expense				
Other Expense				
70000 · CIP EXPENSE				
70001 · Streetscape	\$ -	\$ 50,000	\$ (50,000)	0%
70003 · Street Improvements	\$ 738	\$ -	\$ 738	
70004 · Sidewalk Improvements	\$ 164,532	\$ 175,000	\$ (10,468)	94%
70005 · Building Improvements	\$ 57,398	\$ 99,500	\$ (42,102)	58%
70006 · Stormwater Management	\$ 241,017	\$ 495,000	\$ (253,983)	49%
70012 · Street Lights	\$ 6,295	\$ 75,000	\$ (68,705)	8%
70013 · Parking Management Plan	\$ -	\$ 2,000	\$ (2,000)	0%
70014 · Timed Parking Equipment	\$ 5,500	\$ 5,500	\$ -	100%
72006 · Riverwalk Improvements	\$ 20,623	\$ 49,704	\$ (29,081)	41%
72008 · River Mill Park Improvements	\$ 3,365	\$ 50,000	\$ (46,635)	7%
74001 · Vehicles & Equipment	\$ -	\$ 16,000	\$ (16,000)	0%
76001 · Computer Upgrades	\$ -	\$ 5,000	\$ (5,000)	0%
76003 · Process Improvements	\$ 480	\$ 10,000	\$ (9,520)	5%
Total 70000 · CIP EXPENSE	\$ 499,948	\$ 1,032,704	\$ (532,756)	48%
Total Other Expense	\$ 499,948	\$ 1,032,704	\$ (532,756)	48%
Net Other Income	\$ (499,948)	\$ (1,032,704)	\$ 532,756	48%
Net Income	\$ (289,193)	\$ (101,000)	\$ (188,193)	286%

The Town of Occoquan
Profit & Loss Budget Performance
July 2022 through April 2023

	Jul '22 - Apr 23	Annual Budget	Over/(Under) Budget	% of Budget
E-Summons Fund				
Ordinary Income/Expense				
Income				
41000 · FEES/LICENSES				
41040 · FINES (PUBLIC SAFETY)				
41170 · E-Summons	\$ 11,669	\$ 12,000	\$ (331)	97%
Total 41040 · FINES (PUBLIC SAFETY)	\$ 11,669	\$ 12,000	\$ (331)	97%
Total 41000 · FEES/LICENSES	\$ 11,669	\$ 12,000	\$ (331)	97%
Total Income	\$ 11,669	\$ 12,000	\$ (331)	97%
Gross Profit	\$ 11,669	\$ 12,000	\$ (331)	97%
Expense				
60800 · INFORMATION TECH SERV				
60860 · Hardware/Software & Maintenance	\$ 794	\$ 1,750	\$ (956)	45%
Total 60800 · INFORMATION TECH SERV	\$ 794	\$ 1,750	\$ (956)	45%
61200 · MATERIALS AND SUPPLIES				
61220 · Operational supplies	\$ 185	\$ 1,400	\$ (1,215)	13%
Total 61200 · MATERIALS AND SUPPLIES	\$ 185	\$ 1,400	\$ (1,215)	13%
Total Expense	\$ 979	\$ 3,150	\$ (2,171)	31%
Net Ordinary Income	\$ 10,690	\$ 8,850	\$ 1,840	121%
Net Income	\$ 10,690	\$ 8,850	\$ 1,840	121%

EVENTS FUND				
Ordinary Income/Expense				
Income				
41000 · FEES/LICENSES				
41160 · Convenience Fees	\$ 3,473	\$ 5,500	\$ (2,027)	63%
Total 41000 · FEES/LICENSES	\$ 3,473	\$ 5,500	\$ (2,027)	63%
42000 · GRANTS	\$ 10,000	\$ 10,000	\$ -	100%
44000 · OTHER				
44020 · Events Fund Interest	\$ 93	\$ 1,200	\$ (1,107)	8%
44040 · Bricks Revenue	\$ 1,208	\$ 1,800	\$ (592)	67%
Total 44000 · OTHER	\$ 1,330	\$ 3,000	\$ (1,670)	44%
47000 · EVENTS REVENUE				
47010 · Sponsorships	\$ 11,230	\$ 13,000	\$ (1,770)	86%
47020 · Booth Rentals	\$ 161,475	\$ 138,195	\$ 23,280	117%
47021 · Ticket Sales				
Total 47021 · Ticket Sales	\$ 6,131	\$ 11,100	\$ (4,969)	55%
47030 · Shuttle Fees	\$ 32,256	\$ 66,600	\$ (34,344)	48%
47040 · Parking Space Sales	\$ 10,575	\$ 7,725	\$ 2,850	137%
47060 · Merchandise	\$ 600	\$ 1,750	\$ (1,150)	34%
47100 · Cost Share Reimbursement	\$ 1,630			
Total 47000 · EVENTS REVENUE	\$ 223,896	\$ 238,370	\$ (14,474)	94%
Total Income	\$ 238,699	\$ 256,870	\$ (18,171)	93%
Gross Profit	\$ 238,699	\$ 256,870	\$ (18,171)	93%
Expense				
Total 60000 · PERSONNEL SERVICES	\$ 48,707	\$ 71,548	\$ (22,841)	68%
Total 60400 · PROFESSIONAL SERVICES	\$ 8,666	\$ 10,000	\$ (1,334)	87%
Total 60800 · INFORMATION TECH SERV	\$ 991			
Total 61200 · MATERIALS AND SUPPLIES	\$ 11,753	\$ 9,400	\$ 2,353	125%
Total 62000 · CONTRACTS	\$ 64,943	\$ 64,875	\$ 68	100%

The Town of Occoquan
Profit & Loss Budget Performance
 July 2022 through April 2023

	Jul '22 - Apr 23	Annual Budget	Over/(Under) Budget	% of Budget
Total 63200 · ADVERTISING	\$ 16,766	\$ 25,500	\$ (8,734)	66%
64700 · FACILITIES EXPENSE				
Total 66800 · RIVER MILL PARK & FACIL	\$ 375	\$ 650	\$ (275)	58%
Total 64700 · FACILITIES EXPENSE	\$ 375	\$ 650	\$ (275)	58%
69200 · SPECIAL EVENTS				
69210 · HolidayFest	\$ 4,470	\$ 2,750	\$ 1,720	163%
69220 · Volunteer TY / Town Party	\$ 1,565	\$ 2,500	\$ (935)	63%
69250 · River Mill Park Events	\$ 8,500	\$ 6,425	\$ 2,075	132%
69290 · Other Special Events	\$ 4,389	\$ 2,575	\$ 1,814	170%
Total 69200 · SPECIAL EVENTS	\$ 18,924	\$ 14,250	\$ 4,674	133%
Total Expense	\$ 171,125	\$ 196,223	\$ (25,098)	87%
Net Ordinary Income	\$ 67,574	\$ 60,647	\$ 6,927	111%
Net Income	\$ 67,574	\$ 60,647	\$ 6,927	111%
MAMIE DAVIS PARK				
Ordinary Income/Expense				
Income				
44000 · OTHER				
44030 · Mamie Davis Park Interest	\$ 193	\$ 500	\$ (307)	39%
Total 44000 · OTHER	\$ 193	\$ 500	\$ (307)	39%
Total Income	\$ 193	\$ 500	\$ (307)	39%
Gross Profit	\$ 193	\$ 500	\$ (307)	39%
Net Ordinary Income	\$ 193	\$ 500	\$ (307)	39%
Other Income/Expense				
Other Expense				
70000 · CIP EXPENSE				
72005 · Mamie Davis Park Renovations	\$ 5,250	\$ 5,000	\$ 250	105%
Total 70000 · CIP EXPENSE	\$ 5,250	\$ 5,000	\$ 250	105%
Total Other Expense	\$ 5,250	\$ 5,000	\$ 250	105%
Net Other Income	\$ (5,250)	\$ (5,000)	\$ (250)	105%
Net Income	\$ (5,057)	\$ (4,500)	\$ (557)	112%
TOTAL NET INCOME (LOSS) ALL FUNDS	\$ (107,043)	\$ (36,003)	\$ (71,040)	297%


The Town of Occoquan
Balance Sheet Prev Year Comparison
As of April 30, 2023

	Apr 30, 23	Apr 30, 22	\$ Change
ASSETS			
Current Assets			
Checking/Savings			
10001 · Petty Cash - Operating	\$ 100	\$ 100	\$ -
10022 · Checking Account 0058	\$ 74,557	\$ 130,656	\$ (56,099)
10024 · Money Market 4220	\$ 236,543	\$ 200,150	\$ 36,393
10029 · Checking Account 3126	\$ 55,840	\$ 100,243	\$ (44,403)
10033 · Events Fund - Paypal	\$ -	\$ 25,677	\$ (25,677)
10034 · VIP - Investment Pool	\$ 605,893	\$ 475,254	\$ 130,639
10082 · Mamie Davis Savings 4201	\$ 2,049	\$ 7,042	\$ (4,993)
10083 · Mamie Davis CD	\$ 100,000	\$ 100,000	\$ -
10091 · Bricks - PayPal	\$ 109	\$ 751	\$ (642)
10094 · Money Market 5997	\$ -	\$ 15,560	\$ (15,560)
10095 · Bricks MM 2125	\$ -	\$ 11,301	\$ (11,301)
Total Checking/Savings	\$ 1,075,091	\$ 1,066,734	\$ 8,357
Accounts Receivable			
10180 · Accounts Receivable	\$ 109,048	\$ 125,845	\$ (16,797)
Total Accounts Receivable	\$ 109,048	\$ 125,845	\$ (16,797)
Other Current Assets			
14990 · Undeposited Funds	\$ 4,497	\$ 1,897	\$ 2,600
Total Other Current Assets	\$ 4,497	\$ 1,897	\$ 2,600
Total Current Assets	\$ 1,188,636	\$ 1,194,477	\$ (5,840)
TOTAL ASSETS	\$ 1,188,636	\$ 1,194,477	\$ (5,840)
LIABILITIES & EQUITY			
Liabilities			
Current Liabilities			
Accounts Payable			
20000 · Accounts Payable	\$ 92,621	\$ 89,676	\$ 2,945
Total Accounts Payable	\$ 92,621	\$ 89,676	\$ 2,945
Credit Cards			
22000 · Credit Cards	\$ 6,445	\$ 9,234	\$ (2,789)
Total Credit Cards	\$ 6,445	\$ 9,234	\$ (2,789)
Other Current Liabilities			
20935 · Performance Bond	\$ 1,188	\$ 4,368	\$ (3,180)
20940 · Unearned Craft Show Rev	\$ 20,275	\$ 15,550	\$ 4,725
20960 · Unearned Other Revenue			
20970 · Rental	\$ 1,200	\$ 1,950	\$ (750)
20973 · Unearned SLFRF Revenue	\$ 708,580	\$ 474,780	\$ 233,799
Total 20960 · Unearned Other Revenue	\$ 709,780	\$ 476,730	\$ 233,049
20980 · Unearned R.E. Tax	\$ 771	\$ 8,760	\$ (7,989)
21200 · Payroll Liabilities	\$ (870)	\$ 5	\$ (875)
Total Other Current Liabilities	\$ 731,143	\$ 505,413	\$ 225,729
Total Current Liabilities	\$ 830,209	\$ 604,323	\$ 225,886
Total Liabilities	\$ 830,209	\$ 604,323	\$ 225,886
Equity	\$ 358,427	\$ 590,153	\$ (231,726)
TOTAL LIABILITIES & EQUITY	\$ 1,188,636	\$ 1,194,477	\$ (5,840)

Town Attorney Report

To: Mayor and Council, Town of Occoquan

Thru: Adam Linn, Town Manager

From: Martin Crim, Town Attorney 

Re: June 2023 Town Attorney Report

Date: May 26, 2023

NOT CONFIDENTIAL

This is a report on non-confidential matters that my office has been working on for the Town since my previous report dated April 27, 2023:

1. Assisted with drafting zoning amendments and advised the Town Planning Commission regarding them.
2. Advised staff regarding issue of parking spaces at Townes of Occoquan.
3. Advised staff as to police boat lease.
4. Reached out to County Attorney regarding property maintenance code enforcement.
5. Advised as to state code changes governing virtual meetings by elected bodies.
6. Consulted with the mayor regarding possible noise ordinance amendments.
7. Worked with staff for continuity of prosecution during my transition to Sands Anderson.



TOWN OF OCCOQUAN

TOWN COUNCIL MEETING

Agenda Communication

10. Regular Business	Meeting Date: June 6, 2023
10A: Request to Adopt a Zoning Text Amendment Generally Relating to the Use of Temporary Trailers	

Attachments: a. Draft Ordinance O-2023-10

Submitted by: Adam C. Linn
Town Manager

Explanation and Summary:

This is a request to adopt 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 adoption of the ordinance as presented.

Cost and Financing: N/A

Account Number: N/A

Proposed/Suggested Motion:

"I move to adopt Ordinance O-2023-10 as presented."

OR

"I move to adopt Ordinance O-2023-10 with the following changes: _____."

OR

"I move to disapprove Ordinance O-2023-10 because _____."

OR

Other action the Council deems appropriate.

ORDINANCE # O-2023-10

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 6th day of June, 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-2023-10

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

TOWN COUNCIL MEETING

Agenda Communication

10. Regular Business	Meeting Date: June 6, 2023
10B: Request to Adopt a Zoning Text Amendment Granting the Zoning Administrator Authority to Make Modifications from the Zoning Ordinance	

Attachments: a. Draft Ordinance O-2023-11

Submitted by: Adam C. Linn
Town Manager

Explanation and Summary:

This is a request to adopt 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 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 adoption of the ordinance as presented.

Cost and Financing: N/A

Account Number: N/A

Proposed/Suggested Motion:

"I move to adopt Ordinance O-2023-11 as presented."

OR

"I move to adopt Ordinance O-2023-11 with the following changes: _____."

OR

"I move to disapprove Ordinance O-2023-11 because _____."

OR

Other action the Council deems appropriate.

ORDINANCE # O-2023-11

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 6th day of June, 2023:

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

§ 157.228 ADMINISTRATIVE MODIFICATIONS.

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

(B) Application, Public Notice and Appeals.

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

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

(3) The Zoning Administrator shall make a decision on the application for modification with the concurrence of the Town Attorney and issue a written decision with a copy provided to the applicant and any adjoining landowner who responded in writing to the notice sent pursuant to this paragraph.

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

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

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

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

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

(4) The modification to the regulation does not exceed 10%

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-2023-11

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

TOWN COUNCIL MEETING

Agenda Communication

10. Regular Business	Meeting Date: June 6, 2023
10C: Request to Adopt a Zoning Text Amendment Generally Relating to the Sign Ordinance	

- Attachments:**
- a. Draft Ordinance O-2023-12 – Planning Commission
 - b. Draft Ordinance O-2023-12 – Architectural Review Board

Submitted by: Adam C. Linn
Town Manager

Explanation and Summary:

This is a request to adopt 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 Planning Commission and Architectural Review Boards have both submitted their recommendations to the Town Council. The differences between the recommendations of the two Boards relate to A-frame signage. The ARB recommends limiting the number of A-frame signage to one unpermitted sign per business, prohibiting A-frames made of plastic and non-durable materials, and keeping “chalkboard” in the definition of A-frame signs. The Planning Commission recommendations do not place a limit on the number of unpermitted A-frame signage, do not prohibit any types of materials, and do remove the “chalkboard” requirement from the definition of A-frame signs. Both versions of the draft ordinance were included in the public hearing on the amendments and 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.

Staff Recommendation: Recommend adoption of the ordinance as presented.

Cost and Financing: N/A

Account Number: N/A

Proposed/Suggested Motion:

“I move to adopt Ordinance O-2023-12 as presented.”

OR

“I move to adopt Ordinance O-2023-12 with the following changes:_____.”

OR

"I move to disapprove Ordinance O-2023-12 because _____."

OR

Other action the Council deems appropriate.

ORDINANCE # 0-2023-12

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 6th day of June, 2023:

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

SIGNS; GENERAL PROVISIONS

§ 157.300 FINDINGS, PURPOSE, AND INTENT; INTERPRETATION.

(A) Signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. The purpose of this subchapter is to regulate the size, color, illumination, movement, materials, location, height, and condition of all signs placed on private property for exterior observation, thus ensuring the protection of property values, the character of the various neighborhoods, the creation of a convenient, attractive, and harmonious community, protection against destruction of or encroachment upon historic areas, and the safety and welfare of pedestrians and wheeled traffic, while providing convenience to citizens and encouraging economic development. This subchapter allows adequate communication through signage while encouraging aesthetic quality in the design, location, size, and purpose of all signs. This subchapter shall be interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision of this subchapter is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other

provisions of this subchapter which can be given effect without the invalid provision.

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

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

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

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

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

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

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

Statutory reference:

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

§ 157.301 DEFINITIONS.

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

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

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

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

service, or activity.

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

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

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

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

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

CANOPY SIGN. A sign attached to a canopy.

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

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

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

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

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

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

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

HEIGHT. The maximum vertical distance from the base of the sign, 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 ~~in-obstructing~~ the public right-of-way, consistent with the tables in §§ 157.320 through 157.322;

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

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

(I) Signs consisting of illuminated tubing or strings of lights outlining property lines or open sales areas, rooflines, doors, windows, or wall edges of any building provided such lights are white, off-white, or a color commonly considered white. Lights other than white are permitted only from October 15 through February 15.

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

§ 157.304 PROHIBITED SIGNS.

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

(A) *General prohibitions.* General prohibitions include:

- (1) Signs that violate any law of the state relating to outdoor advertising;
- (2) Signs attached to natural vegetation;
- (3) Signs simulating, or which are likely to be confused with, a traffic control sign or any other sign displayed by a public authority. Any such sign is subject to immediate removal and disposal by an authorized town official as a nuisance;
- (4) Vehicle or trailer signs;
- (5) Freestanding signs more than 15 feet in height;
- (6) Vending machines within the Old and Historic Occoquan District that are outside of a wholly enclosed structure; and
- (7) Any sign displayed without complying with all applicable regulations of this chapter.

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

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

(12) Internally lighted signs, except for marquees and box signs; and

(13) Neon signs.

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

(1) Off-premises signs;

(2) Signs erected on public land other than those approved by an authorized town official in writing, required by law without such approval, or permitted under VA Code § 24.2-310 E. Any sign not so authorized is subject to immediate removal and disposal by any authorized official. Removal of the sign under this provision does not preclude prosecution of the person responsible for the sign;

(3) Signs on the roof surface or extending above the roofline of a building or its parapet wall;

(4) Any sign which obstructs visibility for motorists or pedestrians at an intersection;

(5) Window signs whose aggregate area on a window or door exceed 25% of the total area of the window or door; and

(6) Commercial signs are not permitted as yard signs in business districts. (1998 Code, § 66-364) (Ord. passed 9-5-2017; Ord. 2020-06, passed 11-4-2020; Ord. O-2021-07, passed 12-7-2021) Penalty, see § 10.99

§ 157.305 MEASUREMENTS OF SIGN AREA AND HEIGHT.

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

(B) *Sign area.*

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

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

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

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

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

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

§ 157.306 MAINTENANCE AND REMOVAL.

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

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

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

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

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

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

§ 157.307 GENERAL REQUIREMENTS.

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 157.308 NONCONFORMING SIGNS.

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

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

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

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

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

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

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

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

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

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

§ 157.309 NONCOMMERCIAL SIGNS.

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

SIGN REGULATIONS BY USE AND DISTRICT

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

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

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

Table 1: Residential District Residential Use Property Signs

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

Table 1: Residential District Residential Use Property Signs

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

Table 2: Residential District Non-residential Use Property Signs

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

§ 157.321 BUSINESS DISTRICT SIGNS (B-1).

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

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

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

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

~~(D)~~ Box signs do not count towards the maximum number of signs and flags as outlined in Table

3.

DRAFT

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>*** <u>SUP required prior to install.</u></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: June 6, 2023
Town Council Meeting
Ord No. O-2023-12**

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

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) One A-frame signs not in 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.

2020 § 157.304 *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; and

(13)(14) A-frame signs made of plastic, vinyl, and/or non-durable materials.

DRAFT

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

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

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

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

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

§ 157.308 NONCONFORMING SIGNS.

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

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

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

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

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

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

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

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

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

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

§ 157.309 NONCOMMERCIAL SIGNS.

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

SIGN REGULATIONS BY USE AND DISTRICT

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

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

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

Table 1: Residential District Residential Use Property Signs

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

Table 1: Residential District Residential Use Property Signs

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

Table 2: Residential District Non-residential Use Property Signs

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

§ 157.321 BUSINESS DISTRICT SIGNS (B-1).

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

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

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

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

~~(D)~~ Box signs do not count towards the maximum number of signs and flags as outlined in Table

3.

DRAFT

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>*** <u>SUP required prior to install.</u></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 Oecoquan District shall be subject to review and approval by the Architectural Review Board. All applications for permits for signs outside the Old and Historic Oecoquan District shall be subject to the review and approval of the Zoning Administrator, and shall contain information required in division (C) below, and shall be accompanied by a fee, as established from time to time by resolution of the Town Council.~~

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

- ~~(1) Name, address, and telephone number of the sign erector and the sign owner;~~
- ~~(2) Positions of the sign in relation to adjacent lot lines, buildings, sidewalks, streets, and intersections;~~
- ~~(3) Type of sign and general description of structural design and construction materials to be used; and~~
- ~~(4) Drawings of the proposed sign, which shall contain specifications indicating the height, perimeter, and area dimensions, means of support, method of illumination, colors, and other significant aspects of the proposed sign.~~

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

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

~~§ 157.336 TEMPORARY SIGN PERMIT PROCEDURES.~~

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

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

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

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

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

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

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

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

~~§ 157.339 REMOVAL OF SIGNS.~~

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

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

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

2. That this ordinance is effective upon passage.

BY ORDER OF THE TOWN COUNCIL

Meeting Date: _____, 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

TOWN COUNCIL MEETING

Agenda Communication

10. Regular Business	Meeting Date: June 6, 2023
10D: Request to Vacate Parking Easement at the Towne of Occoquan Mills	

Attachments:

- a. Letter from Towne of Occoquan Mills HOA
- b. Map of Parking Easement

Submitted by: Adam C. Linn
Town Manager

Explanation and Summary:

This is a request to vacate a Deed of Dedication granting parking, sidewalk, utility easements and rights of way to the Town of Occoquan from the Developer of the Townes of Occoquan Mills. The easements relate to seven lots with surface parking spaces that the Townes of Occoquan Mills Homeowners Association would like to utilize as restricted/assigned parking.

Background

The Townes of Occoquan Mills is a townhome community of 31 townhomes in the southernmost point within the Town. Twenty-three of the homes were constructed with a driveway and a garage on the lot. Seven homes were built with surface parking spaces in front of each home on the individual lots and one home had neither driveway/garage nor surface parking on its lot. Over the past several years, parking in the Townes of Occoquan Mills has become congested and there are more vehicles in the development than spaces. The Town and County Police have been summoned to the development on multiple occasions regarding parking complaints.

In late April 2023, Town Staff was contacted by a representative of The Townes of Occoquan Mills Homeowners Association (HOA) seeking information regarding parking in the HOA and the easements granted to the Town. Town Staff researched the records but were not able to identify the reason the parking easements were granted to the Town.

On May 5th, Town Staff received a request from the HOA seeking to have the Town either vacate the parking easement or to assign the parking easements to the respective lot owners so that the owners of the lots would have exclusive parking.

Currently, the spots are marked as reserved for the residents of the lots; however, that reservation is not enforceable.

If the Town does not vacate or assign the easements to the individual lot owners, any resident (or vehicle) could park in the easement spaces located on the lots, requiring the lot owners to seek parking elsewhere. The attorney on behalf of the HOA has proposed the costs for the vacation or assignment preparations and filing would be paid by the HOA.

Staff Recommendation: Staff does not have a recommendation.

Cost and Financing: N/A

Account Number: N/A

Proposed/Suggested Motion:

"I move that the Town [VACATE or ASSIGN] the easement granted to the Town of Occoquan in the Deed of Dedication, Subdivision, Easement and Conveyance, dated May 28, 1987, upon the preparation by the Townes of Occoquan Mill Homeowners Association of the appropriate documents and payment of the fees for the preparation and recording of such documents."

OR

"I move that the Town defer any action of the easement granted to the Town of Occoquan in the Deed of Dedication, Subdivision, Easement and Conveyance, dated May 28, 1987."

OR

Other action the Council deems appropriate.

TOWNES OF OCCOQUAN MILL
HOMEOWNERS ASSOCIATION

May 3, 2023

FIRST CLASS MAIL AND E-MAIL
EMAIL ALINN@OCCOQUANVA.GOV

Occoquan Town Council
c/o Adam Linn, Town Manager
P.O. Box 195
Occoquan, VA 22125

Re: Parking Easement Vacation
The Townes of Occoquan Mills

Dear Mayor Porta and Fellow Councilmembers:

The Townes of Occoquan Mills is a community of 31 townhomes built around 1987 in the southern point of the Occoquan Historic District. Twenty-three of the homes were built with a driveway and garage on the lot. Seven lots had parking spaces constructed on the lots. These parking spaces are subject to an easement in favor of the Town of Occoquan (the "Town") for parking, sidewalk and utilities. One lot (lot 19) has neither a driveway nor parking space constructed on the lot. It is also not subject to an easement.

Exhibit 1 is the subdivision plat with the parking easement highlighted in green in front of lots 20-26. The area highlighted in yellow is where the parking easement is over association common area. Exhibit 2 is a GIS aerial photograph showing the same area for additional perspective.

The Deed of Dedication granting the easement states:

[the developer] does hereby grant and convey unto The Town of Occoquan, Virginia (the "Town"), party of the second part, its successors and assigns, the following easements... D. Parking, sidewalk and utility easements and rights-of-way as shown on the aforementioned plat (*Exhibit 1*) attached hereto and made a part hereof. Said easements and rights-of way are granted for public use for parking, sidewalks and utilities to serve the owners of Lots within The Townes of Occoquan Mill subdivision. Said easements are subject to the following conditions...

The Deed of Dedication is attached as Exhibit 3.

Currently, it is unclear why the parking spaces on the individual lots were subject to a parking easement when the property was developed. Regardless, as the average number of vehicles per household increases, there are more vehicles than spaces in the neighborhood.

The Townes of Occoquan Mills Homeowners Association (the "Association") seeks to have the Town either vacate that portion of the parking easement that encumbers the lots, or alternatively, assign the parking easement on the lots to the respective lots so that the lots will have exclusive parking on their property, similar to the lots with driveways and garages. In the case of either easement vacation or assignment, the Association asks that two spaces of the parking easement on the Association's common area be assigned to lot 19 to ensure it has an equal opportunity for parking.

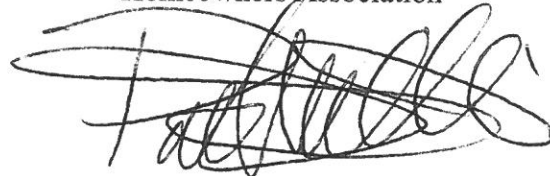
The Association believes that the vacation/assignment of the parking easement will benefit the Town by increasing the property and tax value of the 8 lots as they would then have allocated parking. Additionally, there is value to the Town as the vacation/assignment would promote neighborhood equity permitting all lots with parking spaces on the lots the right to exclusively use those spaces. Additionally, assigning two common area easement spaces to lot 19 would provide similar tax and equity benefits where that sole lot was developed without any parking.

It should also be noted that two of the easement lots have residents over the age of 80, one of which requires handicap parking accessible to their unit.

Absent the vacation/assignment proposal above, or regulation by the Town, any resident could park in the easement spaces located on the lots, requiring the easement lot owners to look elsewhere for parking. For the reasons above, the Association believes that the vacation/assignment proposal requested will be in the best interest of the Town and the Association and its members.

The Association is grateful for your consideration of the above proposal. If you should have any questions or need to discuss this proposal further, please contact Erik Fox at 703-790-6293.

Townes of Occoquan Mills
Homeowners Association

A large, stylized handwritten signature in black ink, appearing to read 'Erik Fox', written over the printed name of the HOA President.

HOA President

GRANTEE'S ADDRESS c/o HAIGHT, TRAMONTE & SICILIANO

THIS MAP RECORDED IN
MAP DRAWER 71 PAGE 59

This is to certify that the tax imposed
by Section 58.1-803 (A) has been paid
Consideration 500.00
Tax .50

HAIGHT, TRAMONTE
& SICILIANO, P.C.
210 EAST BROAD ST.
FALLS CHURCH, VA 22046

DEED OF DEDICATION, SUBDIVISION, EASEMENT AND CONVEYANCE

THIS DEED OF DEDICATION, SUBDIVISION, EASEMENT AND CONVEYANCE is made this 28th day of May, 1987, by and between THE CHADWICK-AMERICAN COMPANY, INC., a Virginia corporation, party of the first part; THE TOWN OF OCCOQUAN VIRGINIA, a body corporate and politic, party of the second part; THE PRINCE WILLIAM COUNTY SERVICE AUTHORITY, a body corporate and politic, party of the third part; THE TOWNES OF OCCOQUAN MILL HOMEOWNERS ASSOCIATION, a Virginia non-stock corporation, party of the fourth part; COMMONWEALTH ABSTRACT CORPORATION, Trustee, party of the fifth part; FIRST AMERICAN BANK OF VIRGINIA, Beneficiary, party of the sixth part; DONALD C. WELLS and GERALD A. KIDWELL, Trustees, parties of the seventh part; and GRANNY'S COTTAGE INC., BRUCE D. DUNBAR and LAURIE H. DUNBAR, Beneficiaries, parties of the eighth part.

WITNESSETH:

WHEREAS, the party of the first part is the owner and proprietor of the hereinafter-described property shown on the plat attached hereto as THE TOWNES OF OCCOQUAN MILL, situate in the Town of Occoquan, Prince William County, Virginia, having acquired said property by Deed recorded in Deed Book 1472 at Page 808 and Deed Book 1476 at Page 97 among the land records of Prince William County, Virginia; and

WHEREAS, it is the desire and intent of the party of the first part to subdivide the hereinafter-described property into lots, parcels and streets in accordance therewith and as hereinafter provided; and

WHEREAS, it is the desire and intent of the party of the first part to grant and convey unto The Town of Occoquan,

Virginia, party of the second part, and The Prince William County Service Authority, party of the third part, the easements in the locations as shown on the plat attached hereto and as hereinafter provided; and

WHEREAS, it is the desire and intent of the party of the first part, its successors and assigns, to subject the property herein subdivided to that certain Declaration of Covenants, Conditions and Restrictions attached as Schedule "B"; and

WHEREAS, it is the desire and intent of the party of the first part to grant and convey unto The Townes of Occoquan Mill Homeowners Association, party of the fourth part, Common Areas "A", "B", "C", "D" and "E" as shown on said plat; and

WHEREAS, it is the desire and intent of the party of the first part to grant and establish the ingress-egress easements in the locations shown on the plat attached hereto and as hereinafter provided; and

WHEREAS, the hereinafter-described property is subject to the lien of that certain Deed of Trust dated May 7, 1987, and recorded in Deed Book 1476 at Page 97 among the land records of Prince William County, Virginia, wherein said property was conveyed unto the party of the fifth part, Trustee, in trust to secure certain indebtedness, as more specifically set forth therein; and

WHEREAS, it is the intent and desire of the parties of the fifth and sixth parts to join in this Deed of Dedication, Subdivision, Easement and Conveyance to evidence their consent to and approval of the subdivision of the hereinafter-described property and to release and discharge from the lien of the Deed of Trust the private streets and all common areas, and to make

such lien subject to the easements as shown on the attached plat;
and

WHEREAS, the hereinafter-described property is subject to the lien of that certain Deed of Trust dated September 3, 1986, and recorded in Deed Book 1410 at Page 410 among the land records of Prince William County, Virginia, wherein said property was conveyed unto the parties of the Seventh part, Trustees, in trust to secure certain indebtedness, as more specifically set forth therein; and

WHEREAS it is the intent and desire of the parties of the seventh and eighth parts to join in this Deed of Dedication, Subdivision, Easement and Conveyance to evidence their consent to and approval of the subdivision of the hereinafter-described property and to release and discharge from the lien of the Deed of Trust the private streets and all common areas, and to make such lien subject to the easements as shown on the attached plat.

NOW, THEREFORE, for and in consideration of the sum of One Dollar (\$1.00) cash in hand paid, receipt of which is hereby acknowledged, the party of the first part, together with the party of the fifth part, which is authorized to act by the party of the sixth part, as shown by their execution hereof, and the parties of the seventh part, who are authorized to act by the parties of the eighth part, as shown by their execution hereof, does hereby subdivide all of that certain tract or parcel of land in Prince William County, Virginia, containing 2.4020 acres as more particularly described by metes and bounds description attached hereto as Schedule "A" and incorporated herein by reference, to be known as Lots 1 through 31, inclusive, the private streets East Colonial Drive and Mill Cross Lane, and Common Areas "A", "B", "C", "D" and "E", THE TOWNES OF OCCOQUAN

MILL, in accordance with the plat dated March 10, 1987 and revised May 11, 1987, prepared by R. Curtis Harrover & Associates, which is attached hereto as Exhibit "A" and made a part of this Deed of Dedication, Subdivision, Easement and Conveyance.

THIS DEED FURTHER WITNESSETH that in consideration of the premises and the sum of One Dollar (\$1.00) cash in hand paid, receipt of which is hereby acknowledged, the party of the first part does hereby grant and convey unto the The Town of Occoquan, Virginia (the "Town"), party of the second part, its successors and assigns, the following easements:

A. Easements and rights of way for the purpose of installing, constructing, operating, maintaining, adding to or replacing present or future storm drainage lines and sanitary sewer lines plus necessary inlet structures, and any other appurtenant structures necessary for the collection of storm drainage runoff and for its transmission through and across the property of the party of the first part, said easements being more particularly described on the aforementioned plat attached hereto and made a part hereof. Said easements are subject to the following conditions:

1. All sewers, manholes, inlet structures, and appurtenant facilities which are installed in the easements and rights-of-way shall be and remain the property of the Town, its successors and assigns.

2. The Town and its agents, successors and assigns shall have full and free use of the said easements and rights-of-way for the purposes named and shall have all rights and privileges reasonably necessary to the exercise of the easements and rights of way, including the right of access to and from the rights of way and the right to use adjoining land where necessary; provided, however, that its right to use adjoining land shall be exercised only during periods of actual construction or maintenance and then only to the minimum extent necessary for such construction and maintenance, and further, this right shall not be construed to allow the Town to erect any building or structure of a permanent nature on such adjoining land.

3. The Town shall have the right to trim, cut and remove trees, shrubbery, fences, structures or other obstructions or facilities in or near the easements being conveyed, deemed by it to interfere with the proper and efficient construction, operation and maintenance of said easements; provided, however, that the Town shall, at its own expense restore the premises to their original condition. Such restoration shall include the backfilling of trenches, the replacement of fences, and the reseeding or resodding of lawns or pasture areas, but not the replacment of structures, trees, shrubbery or other obstructions.

4. The owner reserves the right to construct and maintain sidewalks and roadways over said easements and to make any use of the easements herein granted which may not be inconsistent with the rights herein conveyed or interfere with the use of said easements by the Town for the purposes named; provided, however, that the owner shall not erect any building or other structure, excepting a fence, on the easements without obtaining prior written approval of the Town.

B. An easement for the purpose of ingress and egress for construction and maintenance of utilities and for emergency and other County vehicles through and across the private streets and parking areas located on the property of the party of the first part and through and across Common Areas "A", "B", "C", "D" and "E", as more particularly bounded and described on the aforementioned plat attached hereto and made a part hereof.

C. A scenic easement over, across and through Lots 21 through 26, inclusive, and Lot 31, as shown on the aforementioned plat attached hereto and made a part hereof. The purpose of said scenic easement is to preserve the trees and stream bank therein and adjacent thereto. Neither the slope nor any vegetation located within said easement shall be disturbed.

D. Parking, sidewalk and utility easements and rights-of-way as shown on the aforementioned plat attached hereto and made a part hereof. Said easements and rights-of-way are granted for public use for parking, sidewalks and utilities to serve the owners of Lots within The Townes of Occoquan Mill subdivision. Said easements are subject to the following conditions:

1. All telephone lines, power lines and appurtenant facilities which are installed in the easements and rights-of-way shall be and remain the property of the Town, its successors and assigns.

2. The Town and its agents, successors and assigns shall have full and free use of the said easements and rights-of-way for the purposes named and shall have all rights and privileges reasonably necessary to the exercise of the easements and rights-of-way, including the right of access to and from the rights-of-way and the right to use adjoining land where necessary; provided, however, that its right to use adjoining land shall be exercised only during periods of actual construction or maintenance and then only to the minimum extent necessary for such construction and maintenance, and further, this right shall not be construed to allow the Town to erect any building or structure of a permanent nature on such adjoining land.

3. The Town shall have the right to trim, cut and remove trees, shrubbery, fences, structures or other obstructions or facilities in or near the easements being conveyed, deemed by it to interfere with the proper and efficient construction, operation and maintenance of said easements; provided, however, that the Town shall, at its own expense restore the premises to their original condition. Such restoration shall include the backfilling of trenches, the replacement of fences, and the reseeding or resodding of lawns or pasture areas, but not the replacment of structures, trees, shrubbery or other obstructions.

THIS DEED FURTHER WITNESSETH, that in consideration of the sum of One Dollar (\$1.00), cash in hand paid, receipt of which is hereby acknowledged, the party of the first part does hereby grant and convey unto The Prince William County Service Authority, (the "Authority"), party of the third part, its successors and assigns, easements and rights of way for the purpose of installing, constructing, operating, maintaining, adding to or replacing present or future sanitary sewer lines, including house connection lines, plus inlet structures and other appurtenant facilities for the collection of sanitary sewage and for its transmission through and across the property of the party of the first part, said easements being more particularly described on the aforementioned plat attached hereto and made a part hereof. Said easements are subject to the following conditions:

1. All sewers, manholes, inlet structures, and appurtenant facilities which are installed in the easements and rights-of-way shall be and remain the property of the Authority, its successors and assigns.

2. The Authority and its agents shall have full and free use of said easements and rights-of-way for the purposes named, and shall have all rights and privileges reasonably necessary to the exercise of the easements and rights-of-way including the right of access to and from the rights-of-way and right to use adjoining land where necessary; provided, however, that this right to use adjoining land shall be exercised only during periods of actual construction or maintenance, and then only to the minimum extent necessary for such construction and maintenance, and further, this right shall not be construed to allow the Town to erect any building or structure of a permanent nature on such adjoining land.

3. The Authority shall have the right to trim, cut and remove trees, shrubbery, fences, structures, or other obstructions or facilities in or near the easements being conveyed, deemed by it to interfere with the proper and efficient construction, operation and maintenance of said easements; provided, however, that the Authority shall, at its own expense, restore, as nearly as possible, the premises to their original condition. Such restoration shall include the backfilling of trenches, the replacement of fences, and the reseeding or resodding of lawns or pasture areas, but not the replacement of structures, trees, shrubbery or other obstructions.

4. The owner reserves the right to construct and maintain roadways over said easements and to make any use of the easements herein granted which may not be inconsistent with the rights herein conveyed or interfere with the use of said easements by the Authority for the purposes named; provided, however, that the owner shall not erect any building or other structure, excepting a fence, on the easements without obtaining prior written approval of the Authority.

THIS DEED FURTHER WITNESSETH, that the party of the first part, for and in consideration of the premises and the covenants contained herein, does hereby declare the real property described in this Deed of Dedication, Subdivision, Easement and Conveyance and designated as Lots 1 through 31, inclusive, and Common Areas "A", "B", "C", "D" and "E", THE TOWNES OF OCCOQUAN MILL, to be held, transferred, sold, conveyed and occupied subject to that certain Declaration of Covenants, Conditions and Restrictions attached as Schedule "B", which are for the purpose of protecting the value desirability of, and shall run with, the real property and be binding upon all parties having any right, title or interest in the described properties or any part thereof, their successors and assigns, and shall inure to the benefit of each owner thereof.

THIS DEED FURTHER WITNESSETH, that for and in consideration of the premises and the sum of One Dollar (\$1.00) cash in hand paid, receipt of which is hereby acknowledged, the party of the first part does hereby grant and convey unto THE TOWNES OF OCCOQUAN MILL HOMEOWNERS ASSOCIATION, a Virginia non-stock corporation, party of the fourth part, with General Warranty and English Covenants of Title, Common Areas "A", "B", "C", "D" and "E", THE TOWNES OF OCCOQUAN MILL, as the same appear on the plat attached hereto and made a part hereof.

THIS CONVEYANCE is made subject to the restrictions, rights of way, easements and conditions, if any, contained in the Deeds forming the chain of title to this property.

THIS DEED FURTHER WITNESSETH, that in consideration of the premises and the sum of One Dollar (\$1.00) cash in hand paid, receipt of which is hereby acknowledged, the party of the fifth

part, authorized to act by the parties of the sixth part, as evidenced by their signatures hereto, do hereby (i) release and discharge from the lien of the Deed of Trust recorded in Deed Book 1476 at Page 99 among the said land records, the private streets and Common Areas "A", "B", "C", "D" and "E", THE TOWNES OF OCCOQUAN MILL, and (ii) agree that said lien shall be subject to the aforesaid easements as shown on Exhibit "A."

TO HAVE AND TO HOLD said property unto the party of the first part, its successors and assigns, fully released and discharged from the lien and operation of the Deed of Trust aforesaid.

IT IS EXPRESSLY UNDERSTOOD that the release of that portion of real estate hereinabove described from the lien of the Deed of Trust recorded in Deed Book 1476 at Page 99 shall not in any manner affect the lien of the said Deed of Trust upon the other land conveyed thereby and not released hereby, and said Deed of Trust shall remain in full force and effect as to the land conveyed thereby and not released hereby.

THIS DEED FURTHER WITNESSETH, that in consideration of the premises and the sum of One Dollar (\$1.00) cash in hand paid, receipt of which is hereby acknowledged, the parties of the seventh part, authorized to act by the parties of the eighth part, as evidenced by their signatures hereto, do hereby (i) release and discharge from the lien of the Deed of Trust recorded in Deed Book 1410 at Page 410 among the said land records, the private streets and Common Areas "A", "B", "C", "D" and "E", THE TOWNES OF OCCOQUAN MILL, and (ii) agree that said lien shall be subject to the aforesaid easements as shown on Exhibit "A".

TO HAVE AND TO HOLD said property unto the party of the first part, its successors and assigns, fully released and discharged from the lien and operation of the Deed of Trust aforesaid.

IT IS EXPRESSLY UNDERSTOOD that the release of that portion of real estate hereinabove described from the lien of the

Deed of Trust recorded in Deed Book 1410 at Page 410 shall not in any manner affect the lien of the said Deed of Trust upon the other land conveyed thereby and not released hereby, and said Deed of Trust shall remain in full force and effect as to the land conveyed thereby and not released hereby.

THIS DEED OF DEDICATION, SUBDIVISION, EASEMENT AND CONVEYANCE is made in accordance with the statutes made and provided in such cases, with the approval of the proper authorities of The Town of Occoquan Virginia, as shown by the signatures of its Mayor affixed to the plat attached hereto, and is in accordance with the desire of the party of the first part, sole owner and proprietor of the land embraced within the bounds of said subdivision, and of the parties of the fifth, sixth seventh and eighth parts as aforesaid.

WITNESS the following signatures and seals:

THE CHADWICK-AMERICAN COMPANY, INC.
A Virginia Corporation

By: [Signature] (SEAL)
Its President

COMMONWEALTH ABSTRACT CORPORATION, TRUSTEE

By: [Signature] (SEAL)
Its Vice President

FIRST AMERICAN BANK OF VIRGINIA

By: [Signature] (SEAL)
Its CAJOUT VICE PRESIDENT

Donald C. Wells, Trustee (SEAL)
Donald C. Wells, ~~Trustee~~ Solo Acting Trustee

Gerald A. Kidwell, Trustee (SEAL)

GRANNY'S COTTAGE, INC.

By: [Signature] (SEAL)

[Signature] (SEAL)
Bruce D. Dunbar

[Signature] (SEAL)
Laurie H. Dunbar

STATE OF VIRGINIA
County OF Fairfax, to-wit:

The foregoing instrument was acknowledged before me this 28th day of May, 1987, by Michael D. Chadwick, as President of THE CHADWICK-AMERICAN COMPANY, INC., a Virginia corporation.

James M. Dawson
NOTARY PUBLIC

My commission expires: April 22, 1991

STATE OF VIRGINIA of Loudoun
County OF Fairfax, to-wit:

The foregoing instrument was acknowledged before me this 28th day of May, 1987, by Gregory F. Ernsack, as Vice President of COMMONWEALTH ABSTRACT ASSOCIATION, as Trustee.

Margaret A. Gibson
NOTARY PUBLIC

My commission expires: 4/23/91

STATE OF VIRGINIA
County OF Fairfax, to-wit:

The foregoing instrument was acknowledged before me this 28th day of May, 1987, by Robert H. Kenshaw, as Branch Vice President of FIRST AMERICAN BANK OF VIRGINIA, the Beneficiary herein.

Shirley J. DeLozier
NOTARY PUBLIC

My commission expires: November 9, 1990

STATE OF VIRGINIA
City OF Alexandria, to-wit:

The foregoing instrument was acknowledged before me this 29th day of May, 1987, by Donald C. Wells, as Trustee.
sole Acting

Frederick S. Farrier
NOTARY PUBLIC

My commission expires: June 23, 1990

STATE OF VIRGINIA
OF _____, to-wit:

The foregoing instrument was acknowledged before me this _____ day of _____, 1987, by Gerald A. Kidwell, as Trustee.

NOTARY PUBLIC

My commission expires: _____

STATE OF VIRGINIA
County OF Fairfax, to-wit:

The foregoing instrument was acknowledged before me this 28th day of May, 1987, by Jay Brimfield, as President of GRANNY'S COTTAGE, INC.

James M. Dawson
NOTARY PUBLIC

My commission expires: April 22, 1991

STATE OF VIRGINIA

County OF Fairfax, to-wit:

The foregoing instrument was acknowledged before me
this 28th day of May, 1987, by Bruce D. Dunbar.

Shawn M. Jasso
NOTARY PUBLIC

My commission expires: April 22, 1991

STATE OF VIRGINIA

County OF Fairfax, to-wit:

The foregoing instrument was acknowledged before me
this 28th day of May, 1987, by Laurie H. Dunbar.

Shawn M. Jasso
NOTARY PUBLIC

My commission expires: April 22, 1999



Garover & associates

surveyors-engineers

DESCRIPTION of Lot 3 Brookside, Town of Occoquan, Prince William County, Virginia (being subdivided as The Townes of Occoquan Mill.)

Beginning at a point, said point being the southeasterly corner of Lot 2 Brookside; thence running with Lot 2, then Outlot "A" Brookside N 03°51'26" W - 90.00 feet, then N 08°48'40" E - 71.74 feet to a point, said point being a corner common to Granny's Cottage, Inc.; thence leaving Outlot "A" and running with Granny's Cottage, Inc. N 88°20'18" E - 3.35 feet then N 01°39'42" W - 99.28 feet to a point, said point being in the line of Sawyer; thence leaving the line of Granny's Cottage, Inc. and running with Sawyer the following courses and distances:
 N 88°20'18" E - 22.00 feet to a point, N 03°51'26" W - 75.00 feet to a point, S 88°20'18" W - 43.66 feet to a point, said point being a corner to Lot 1 Brookside; thence leaving Sawyer and running with Lot 1 N 03°51'26" W - 97.08 feet to a point, said point being in the line of Ball; thence leaving Lot 1 and running with Ball S 83°47'03" E - 465.06 feet to a point, said point being in the line of Riverview Estates; thence leaving Ball and running with Riverview Estates the following courses and distances:
 S 41°34'41" W - 34.77 feet to a point,
 N 87°48'40" W - 56.48 feet to a point,
 S 13°18'14" E - 23.10 feet to a point,
 S 72°19'55" W - 41.44 feet to a point,
 S 30°21'24" E - 42.69 feet to a point,
 S 46°42'43" W - 36.48 feet to a point,
 N 51°28'47" W - 30.00 feet to a point,
 S 03°47'52" W - 51.48 feet to a point,
 S 37°04'14" W - 26.83 feet to a point,
 S 62°06'42" W - 82.24 feet to a point,
 S 20°05'41" E - 24.22 feet to a point,
 S 27°04'28" W - 78.11 feet to a point,
 N 81°19'19" W - 22.08 feet to a point,
 S 34°34'47" W - 29.31 feet to a point,
 S 15°22'35" W - 32.69 feet to a point,
 S 54°33'29" W - 22.28 feet to a point, said point being a corner common to Sawyer; thence leaving the line of Riverview Estates and running with the line of Sawyer S 84°45'18" W - 108.06 feet to the point and place of beginning containing 2.4020 acres of ground as shown on a plat prepared by William Sikes CLS.

9252 Mosby Street
 Manassas, VA 22110

703-368-8001 Metro 631-2995

Schedule "B"

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

THIS DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS is made this 28th day of May, 1987, by and between THE CHADWICK-AMERICAN COMPANY, INC., a Virginia corporation, hereinafter known as "Declarant"; and THE TOWNES OF OCCOQUAN MILL HOMEOWNERS ASSOCIATION, a Virginia non-stock corporation, hereinafter known as "Association".

WITNESSETH:

WHEREAS, Declarant is the sole owner of certain real property located in the Town of Occoquan, Prince William County, Virginia, known as Lots 1 through 31, both inclusive and Common Areas "A", "B", "C", "D" and "E", THE TOWNES OF OCCOQUAN MILL, as the same are duly dedicated, platted and recorded by Deed of Dedication, Subdivision, Easement and Conveyance attached hereto and recorded herewith; and

WHEREAS, Declarant and its successors and assigns desire to create thereon a residential community which shall have permanent open spaces and other common facilities for the benefit of the community and to provide for the preservation of the values of the community and such other areas as may be subjected to this Declaration, and for the maintenance of the open spaces and other facilities; and, to this end, does declare and publish its intent to subject the real property as hereinafter described and as may from time to time be dedicated and subdivided into lots and open spaces designated for conveyance to a homeowners association to the covenants, conditions, restrictions, easements, charges and liens hereinafter set forth, it being intended that the easements, covenants, restrictions and conditions shall run with said real property and shall be binding

on all persons or entities having or acquiring any right, title or interest in said real property or any part thereof, and shall inure to the benefit of each owner thereof; and

WHEREAS, Declarant has deemed it desirable for the efficient preservation of the values of said community to create an agency which shall be delegated and assigned the powers of owning, maintaining and administering the community properties, administering and enforcing the covenants and restrictions and collecting and disbursing the assessments and charges hereafter created; and

WHEREAS, Declarant has incorporated under the laws of the Commonwealth of Virginia, as a non-stock corporation, THE TOWNES OF OCCOQUAN MILL HOMEOWNERS ASSOCIATION for the purposes of exercising the functions aforesaid.

NOW, THEREFORE, Declarant, for and in consideration of the premises and the covenant contained herein, does hereby grant, establish and convey to each owner of a lot mutual, non-exclusive rights, privileges and easements of enjoyment on equal terms and in common with all other owners of lots in and to the use of any Common Area which may hereafter be acquired by the Association; and further, does hereby declare the real property described in the Deed of Dedication recorded immediately prior hereto and designated as Lots 1 through 31, both inclusive, and Common Areas "A", "B", "C", "D" and "E", THE TOWNES OF OCCOQUAN MILL, to be held, transferred, sold, conveyed and occupied subject to the covenants, conditions, restrictions, easements, charges and liens (hereinafter referred to as "Covenants and Restrictions") hereinafter set forth, which are for the purpose of protecting the value and desirability of, and shall run with, the real property and be binding on all parties having any right,

z

14

title or interest in the described properties or any part thereof, their successors and assigns, and shall inure to the benefit of each owner thereof.

ARTICLE I
DEFINITIONS

Section 1. "Association" shall mean and refer to THE TOWNES OF OCCOQUAN MILL HOMEOWNERS ASSOCIATION, its successors and assigns.

Section 2. "Declaration" shall mean and refer to this Declaration of Covenants, Conditions and Restrictions applicable to the Property recorded in the Office of the Clerk of the Circuit Court of Prince William County, Virginia.

Section 3. "Property" shall mean and refer to that certain real property described herein above and such additions thereto which, from time to time, may be brought within the jurisdiction of the Association.

Section 4. "Common Area" shall mean all real property (including the improvements thereto) which may hereafter be acquired by the Association for the common use and enjoyment of the Members of the Association.

Section 5. "Lot" shall mean and refer to any plot of land shown upon any recorded subdivision plat of the Property upon which a dwelling unit could be constructed in accordance with applicable zoning ordinances, with the exception of the Common Area and streets dedicated to public use.

Section 6. "Member" shall mean and refer to every person or entity who holds a membership in the Association.

Section 7. "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of the fee simple title to any Lot which is a part of the Property, including

3

contract sellers but excluding those having such interest merely as security for the performance of an obligation.

Section 8. "Declarant" shall mean and refer to THE CHADWICK-AMERICAN COMPANY, INC., its successors and assigns, if such successors or assigns should acquire from the Declarant (including by foreclosure or deed in lieu of foreclosure) two (2) or more undeveloped Lots for the purpose of development, and any person or entity that may dedicate, subdivide and submit to the Declaration all or a portion of the real property described in Deed Book 1472 at Page 808 and in Deed Book 1476 at Page 97 among the land records of Prince William County, Virginia.

Section 9. "Mortgagee" shall mean and refer to any person or entity secured by a first mortgage or first deed of trust on any Lot or the Common Area and who has notified the Association of this fact.

Section 10. "Dwelling Unit" shall mean and refer to any portion of the Property intended for any type of independent ownership for use and occupancy as a residence by a single household and shall, unless otherwise specified, include within its meaning (in way of illustration but not limitation) patio or zero lot line homes, townhouses and single-family detached homes.

ARTICLE II
MEMBERSHIP

Every person or entity who is a record owner of a fee or undivided fee interest in any Lot which is subject by covenants of record to assessment by the Association, including contract sellers, shall be a Member of the Association. The foregoing is not intended to include persons or entities who hold an interest merely as security for the performance of an obligation. Membership shall be appurtenant to and may not be separated from

4

16

ownership of any Lot which is subject to assessment by the Association. Ownership of such Lot shall be the sole qualification for membership. A mortgagee in possession of a Lot shall be entitled to exercise the Owner's rights in the Association with regard thereto.

ARTICLE III
VOTING RIGHTS

The Association shall have two (2) classes of voting membership:

Class A: Class A Members shall be all those Members as defined herein with the exception of the Declarant. Class A Members shall be entitled to one vote for each Lot in which they hold the interest required for membership by Article II. When more than one person holds such interest in any Lot, all such persons shall be Members. The vote for such Lot shall be exercised as they among themselves determine, but in no event shall more than one vote be cast with respect to any Lot.

Class B: The Class B Member(s) shall be the Declarant as defined herein. A Class B Member shall be entitled to three (3) votes for each Lot in which it holds the interest required for membership by Article II; provided that Class B membership shall cease and a Class A membership with one (1) vote for each Lot in which it holds an interest shall issue on the happening of either of the following events, whichever occurs earlier:

1. When the total votes outstanding in the Class A membership equal the total votes outstanding in the Class B membership; or
2. Three (3) years from the date of the conveyance of the first lot by Declarant to a Class A Member.

Section 2. Upon annexation by the Declarant of additional properties pursuant to Article XII, Section 5, and in the event that Class B membership shall have ceased as hereinabove provided, Class B membership shall be revived with respect to those Lots so annexed, provided that Class B membership in these annexed lots shall cease and be converted to Class A membership on the happening of the following events, whichever occurs earlier:

1. When the total votes outstanding in Class A membership in the annexed property equals the total votes outstanding in the Class B membership in such property; or

2. Three (3) years from the date of conveyance of the first lot in said annexed property by Declarant to a Class A Member.

ARTICLE IV
PROPERTY RIGHTS

Section 1. Members' Easements of Enjoyment. Every Member shall have a right and easement of enjoyment in and to the Common Area, and such easement shall be appurtenant to and shall pass with the title to every assessed Lot, subject to the following provisions:

(a) The right of the Association to charge reasonable admission and other fees for the use of any recreational facility situated upon the Common Area;

(b) The right of the Association to limit the number of guests of Members at such recreational facility;

(c) The right of the Association to adopt and enforce rules and regulations governing the use of the Common Area, including the imposition of fines for the violation thereof;

(d) The right of the Association to suspend the voting rights and rights of a Member to the use of any recreational facilities constructed on the Common Area for any period during which any assessment against his Lot remains unpaid, and for a period not to exceed sixty (60) days for any infraction of its published rules and regulations;

6 12

(e) The right of the Association, in accordance with the Articles of Incorporation and By-Laws, to borrow money for the purpose of improving the Common Area and facilities and in aid thereof, with the assent of more than two-thirds (2/3) of each class of Members who are voting in person or by proxy, at a meeting duly called for this purpose, to mortgage said property, subject to this Declaration and the easement of enjoyment created hereby, and to acquire property encumbered by the lien or liens of the deed of trust securing improvements on said property; provided that any such mortgage of the Common Area must state that it is subject to this Declaration and the easement of enjoyment created hereby and shall not be in conflict with its designation as "open space";

(f) The right of the Association at any time and consistent with the then-existing zoning ordinances of Fairfax County and its designation as "open space", or upon dissolution, to dedicate or transfer all or any part of the Common Area to any public agency, authority, or utility for such purposes and subject to conditions as may be agreed to by the Members; provided that any such dedication or transfer shall have the assent of more than two-thirds (2/3) of each class of Members who are voting in person or by proxy, at a meeting duly called for this purpose, written notice of which shall be sent to all Members not less than twenty-five (25) days nor more than fifty (50) days in advance of the meeting setting forth the purpose of the meeting. Upon such assent and in accordance therewith, the officers of the Association shall execute the necessary documents;

(g) The right of the Association to grant, with or without payment of damages to the Association and consistent with the "open space" designation thereof, easements for the construction, reconstruction, installation, repair, and/or necessary maintenance of utility lines through or over any portion of the Common Areas. The foregoing shall not be construed, however, to permit acquisition or damage to any improvements situate upon the Common Areas, or other structures

or installations situate thereon which would otherwise be deemed to be part of the realty, without the payment of damages, including severance or resulting damages, if any, to the Association, all in amounts and in a manner now or hereafter governing proceedings for the acquisition of private property for public use by condemnation in the Commonwealth; and

(h) The right of the Association to lease Common Area, provided however that such lease(s) must:

- (i) be only to non-profit organization;
- (ii) require that such organizations give preference to Members of the Association with regard to membership and use of facilities;
- (iii) prohibit assignment and subleasing;
- (iv) require approval by the Association of uses of the Common Area and facilities, which must be in accordance with this Declaration;

(v) be consistent with the then-existing ordinances of the County; and

(vi) be consistent with the open space designation thereof.

Section 2. Delegation of Use. Any Member may delegate his right of enjoyment to the Common Area and facilities to the Members of his family, his tenants, or contract purchasers who reside on the Member's Lot.

ARTICLE V
COVENANT FOR MAINTENANCE ASSESSMENTS

Section 1. Creation of the Lien and Personal Obligation of Assessments. The Declarant, for each Lot owned within the Property, hereby covenants, and each Owner of any Lot by acceptance of a deed therefor, whether or not it shall be so expressed in any such deed or other conveyance, is deemed to

covenant and agree to pay to the Association: (a) annual general assessments or charges; and (b) special assessments for capital improvements, or other specified items, such assessments to be fixed, established, and collected from time to time as hereinafter provided. The annual and special assessments, together with such interest thereon and costs of collection thereof, as hereinafter provided, shall be a charge on the land and shall be a continuing lien upon the Lot against which each such assessment is made. Each such assessment, together with such interest, costs, and reasonable attorneys fees, shall also be the personal obligation of the person who was the Owner of such Lots at the time when the assessment fell due and shall not pass to his successors in title unless expressly assumed by them.

Section 2. Purpose of Assessments. The assessments levied by the Association shall be used exclusively for the purpose of promoting the recreation, health, safety, and welfare of the residents in the Property, and in particular for the payment of taxes and improvements and maintenance of services and facilities devoted to this purpose and related to the use and enjoyment of the Common Area.

Section 3. Basis and Maximum of Annual Assessments.

Until January 1 of the year immediately following conveyance of the first Lot to an Owner other than Declarant, the maximum annual assessment shall be Four Hundred Twenty Dollars (\$420.00) per Lot.

(a) From and after January 1 of the year immediately following the conveyance of the first Lot, the maximum annual assessment may be increased effective January 1 of each year without a vote of the membership in conformance with the rise, if any, of the Consumer Price Index (All Items Index) published by the United States Department of Labor for the Washington, D.C. standard metropolitan area for the year ending the preceding July 1, of five percent (5%), whichever is greater.

(b) From and after January 1, of the year immediately following the conveyance of the first Lot, the maximum annual

assessment may be increased above that established by subparagraph (a) annually provided that any such change shall have the assent by a vote of more than two-thirds (2/3) of each class of members who are voting in person or by proxy at a meeting duly called for this purpose, written notice of which shall be sent to all members not less than twenty-five (25) days nor more than fifty (50) days in advance of the meeting setting forth the purpose of the meeting.

(c) After consideration of current maintenance costs and further needs of the Association, the Board of Directors may fix the annual assessment at an amount not in excess of the maximum.

Section 4. Special Assessments. In addition to the annual assessments authorized above, the Association may levy in any assessment year a special assessment applicable to that year only for the purpose of defraying, in whole or in part, the cost of any construction or reconstruction, repair or replacement of capital improvement upon the Common Area, including the fixtures and personal property related thereto, or other specified purposes; provided that any such assessments shall have the assent of more than two-thirds (2/3) of each class of Members who are voting in person or by proxy at a meeting duly called for this purpose, written notice of which shall be sent to all members not less than twenty-five (25) days nor more than fifty (50) days in advance of the meeting, setting forth the purpose of the meeting.

Section 5. Rate of Assessment. Both annual and special assessments shall be fixed at a uniform rate for all Lots not owned by the Declarant. Any unoccupied Lots owned by the Declarant shall be assessed at twenty-five percent (25%) of the rate of Lots not owned by the Declarant so long as the Declarant has Class B membership status. As long as the Declarant retains the right to pay only partial assessments for the unoccupied Lots in any section, the Declarant must also maintain the Common area in such section at no cost to the Association and fund all budget deficits, including reserves, applicable to such section.

Section 6. Quorum for any Action Authorized Under Sections 3 and 4. At the first meeting called, as provided in Sections 3 and 4 of this Article V, the presence at the meeting of Members or proxies entitled to cast sixty percent (60%) of all the votes of each class of membership shall constitute a quorum. If the required quorum is not forthcoming at any meeting, another meeting may be called subject to the notice requirements set forth in Sections 3 and 4, and the required quorum at any such subsequent meeting shall be one-half (1/2) of the required quorum at the preceding meeting. No such subsequent meeting shall be held more than sixty (60) days following the preceding meeting.

Section 7. Date of Commencement of Annual Assessments Due Dates. The annual assessments provided for herein shall commence as to all Lots in any section no later than thirty (30) days following the conveyance of the first completed house on a Lot to an Owner other than a Declarant in that section. The first annual assessment shall be adjusted according to the number of months remaining in the calendar year. The Board of Directors shall fix the amount of the annual assessment against each Lot at least thirty (30) days in advance of each annual assessment period. Written notice of the annual assessment shall be sent every Owner subject thereto. The due dates shall be established by the Board of Directors. The Association shall upon demand at any time furnish a certificate in writing signed by an officer of the Association setting forth whether the assessments on a specified Lot have been paid. A reasonable charge may be made by the Board for the issuance of these certificates. Such certificates shall be conclusive evidence of payment of any assessment therein stated to have been paid.

Section 8. Remedies of the Association in the Event of Default. If any assessment is not paid within thirty (30) days after the due date, the assessments shall bear interest from the date of delinquency at the rate of five percent (5%) per annum. In addition, the Association in its discretion may:

(a) impose a penalty as previously established by rule;

(b) bring an action at law against the Owner personally obligated to pay the same and/or foreclose the lien against the property, and interest, costs and reasonable attorneys fees of any such action shall be added to the amount of such assessment.

No Owner may waive or otherwise escape liability for the assessments provided for herein by non-use of the Common area or abandonment of his Lot.

Section 9. Subordination of the Lien to Mortgages. The lien of the assessments provided for herein shall be subordinate to the lien of any first trust or mortgage. Sale or transfer of any Lot shall not affect the assessment lien. However, the sale or transfer of any Lot pursuant to a foreclosure of a first trust or mortgage, or any proceeding in lieu thereof, shall extinguish the lien of such assessments as to payment thereof which became due prior to such sale or transfer. No such sale or transfer shall relieve such Lot from liability for any assessments which thereafter become due or from the lien thereof.

Section 10. Exempt Property. The following property subject to this Declaration shall be exempt from the assessments created herein: (a) all property dedicated to and accepted by a local public authority; (b) the Common Area; and (c) all properties owned by charitable or other organizations exempt from taxation by the laws of the Commonwealth of Virginia. However, no land or improvements devoted to dwelling use shall be exempt from said assessments.

ARTICLE VI
RESTRICTIVE COVENANTS

Section 1. The Property shall be used exclusively for residential purposes. The Declarant, however, for itself, its successors and assigns, reserves the right, prior to sale and transfer of any Lot, pursuant to a recorded subdivision plat, to alter, amend, and change any lot lines or subdivision plan. No

building shall be erected, altered, placed, or permitted to remain on any Lot other than one dwelling unit, garages and other approved structures for use solely by the occupants. Except for those related to real estate sales and construction, no sign, advertisement, or message other than for identification purposes shall be displayed or published which offers or implies commercial or professional services, or which may constitute any other kind of business solicitation in, or from, any residence or residential property. Notwithstanding the foregoing, the Declarant or its assigns may, during the construction and/or sales period, and within five (5) years from the date of subdivision of a particular section, erect, maintain, and operate real estate sales and construction offices, model homes, displays, signs, and special lighting on any part of the Property and on or in any building or structure now or hereafter erected thereon while owned by the Declarant.

Section 2. No clothing, laundry, or wash shall be aired or dried on any portion of the Lots or anywhere else within the Property.

Section 3. No tree, hedge or shrub planting shall be maintained in such a manner as to obstruct sight lines for vehicular traffic.

Section 4. No noxious or offensive activity shall be carried on upon any Lot, nor shall anything be done or placed thereon which may become an annoyance or nuisance to the neighborhood. Owners shall, at all times, maintain their property and all appurtenances thereto in good repair and in a state of neat appearance. Except for flower gardens, shrubs, and trees, which shall be neatly maintained, all open Lot areas shall be maintained in lawns or other materials approved by the Architectural Review Board. All lawn areas shall be kept mowed and shall not be permitted to grow beyond a reasonable height.

Section 5. No sign of any kind that is illuminated and/or larger than two (2) square feet shall be displayed to the public view on any Lot, except temporary real estate signs not

more than four (4) square feet in area advertising the property for sale or rent and except as provided in Paragraph 1(a) above. All signs advertising the property for sale or rent shall be removed within three (3) days from the date of execution of any agreement of sale or rental.

Section 6. No horse, pony, cow, chicken, pig, hog, sheep, goat or other domestic or wild animal shall be kept or maintained on any Lot; however, common household pets such as dogs and cats may be kept or maintained, provided that they are not kept, bred, or maintained for commercial purposes and do not create a nuisance or annoyance to surrounding Lots or the neighborhood and are in compliance with applicable Fairfax County ordinances.

Section 7. Trash and garbage containers shall not be permitted to remain in public view except on days of trash collection. No accumulation or storage of litter, new or used building materials, or trash of any kind shall be permitted on any Lot.

Section 8. No exterior antenna or satellite "dish" for transmission or reception of radio or television signals shall be erected or permitted on any building or Lot or other parcel of the Property.

Section 9. No person shall paint the exterior of any building a color different than the original color of said building without the proposed color having been approved by the Architectural Review Board.

Section 10. The exterior of all structures, including walls, doors, windows and roofs, shall be kept in good maintenance and repair. No structure shall be permitted to stand with its exterior in an unfinished condition for longer than six (6) months after the commencement of construction. In the event of fire, windstorm or other damage, the exterior of no structure shall be permitted to remain in a damaged condition for longer than three (3) months.

Section 11. No structure or addition to a structure shall be erected, placed, altered or externally improved on any Lot until the plans and specifications, including elevation, material, color and texture and a site plan showing the location of all improvements with grading modifications shall be filed with and approved in writing by the Architectural Review Board. No alterations, additions or improvements shall be made to any garage which would defeat the purpose for which it was intended. "Structure" shall be defined to include any building or portion thereof, wall, fence, pool, pavement, driveway, or appurtenances to any of the aforementioned.

Section 12. No fence or enclosure shall be erected or built on any Lot until approved in writing by the Architectural Review Board as to location, material and design. Any fence or wall built on any Lot shall be maintained in a proper manner so as not to detract from the value and desirability of surrounding property.

Section 13. No junk vehicles, recreational vehicles, house trailers, or commercial industrial vehicles, such as but not limited to, moving vans, trucks, tractors, trailers, vans, wreckers, hearses, buses, boats, boating equipment, travel trailers or camping equipment shall be regularly or habitually parked on any public streets within the Property, or otherwise with the boundaries of the Property, except upon the written approval of the Architectural Control Committee. The Association shall not be required to provide a storage area for these vehicles.

Section 14. No commercial truck, commercial bus or other commercial vehicle of any kind shall be permitted to be kept or parked overnight upon any portion of the Property.

Section 15. No portion of the Property shall be used for repair of automobiles, nor shall any vehicles other than a private automobile be parked in any of the parking spaces maintained by the Association. After ten (10) days' written

notice to the Owner of any vehicle parked in violation of this covenant, the Association may remove such vehicle at the expense of the Owner thereof.

Section 16. The provisions of Sections 5, 7, 8, 9, 10, 11, 12, and 14 of this Article shall not apply to the construction or development or improvements on any lot or Common Area by the Declarant commencing within five (5) years from the date of submission of said Lot to this Declaration.

Section 17. Any lease or rental agreement must be for a period of at least thirty (30) days and must be subject to the rules and regulations set forth in this Declaration and in the other Association documents. Any failure by and lease to comply with the terms of such documents shall be a default under the lease, which must be in writing.

Section 18. The Association shall have the authority to adopt such rules and regulations regarding this Article as it may from time to time consider necessary or appropriate.

ARTICLE VII
ARCHITECTURAL REVIEW BOARD

Section 1. Composition. The Architectural Review Board shall be comprised of three (3) or more members. Members shall serve staggered three (3) year terms as determined by the Board of Directors. As long as Declarant owns any Lots within the Property, the Architectural Review Board shall consist of two (2) committees: the New Construction Committee and the Modification and Change Committee. Thereafter, the New Construction Committee shall be terminated.

Section 2. Method of Selection. THE CHADWICK-AMERICAN COMPANY, INC., its successors and assigns, shall nominate the persons to serve on the New Construction Committee. The Board of Directors shall appoint or reject such nominees, and in case a nominee is rejected, THE CHADWICK-AMERICAN COMPANY, INC. shall thereupon nominate another person for appointment. The Board of Directors shall appoint the Modification and Change Committee. No member of the Modification and Change Committee may be a Director.

Section 3. Removal and Vacancies. Members of the Architectural Review Board may be removed by the Board of Directors with or without cause. Appointments to fill vacancies in unexpired terms shall be made in the same manner as the original appointment.

Section 4. Officers. At the first meeting of the Architectural Review Board following each Annual Meeting of Members, the Architectural Review Board shall elect from among themselves a Chairman, a Vice Chairman and a Secretary who shall perform the usual duties of their respective offices.

Section 5. Duties. The Architectural Review Board shall regulate the external design, appearance and locations of the Property and improvements thereon in such a manner so as to preserve and enhance values and to maintain harmonious relationship among structures and the natural vegetation and topography. In furtherance thereof, the Architectural Review Board shall:

(a) Review and approve, modify or disapprove, within forty-five (45) days, all written applications of Owners for improvements or additions to Lots or Common Areas; in this regard, during the period the Architectural Review Board is composed of the two committees described above, the New Construction Committee shall act with respect to the initial construction, development or improvements to the Lots and Common Areas, and the Modification and Change Committee shall act with respect to modifications and changes to the improvements to the Lots and Common Areas. All applications not acted upon within forty-five (45) days shall be deemed approved;

(b) Periodically inspect the Property for compliance with architectural standards and approved plans for alteration;

(c) Adopt architectural standards subject to the confirmation of the Board of Directors;

(d) Adopt procedures for the exercise of its duties; and

(e) Maintain complete and accurate records of all actions taken.

Section 6. Appeal. Any aggrieved party may appeal a decision of the Architectural Review Board to the Board of Directors.

ARTICLE VIII
EASEMENTS

Section 1. There is hereby granted a blanket easement to the Association, its directors, officers, agents and employees, to any manager employed by or on behalf of the Association, and to all police, fireman, ambulance personnel and all similar persons to enter upon the Property in the exercise of the functions provided by this Declaration and the Articles, By-Laws and rules of the Association in the event of emergencies and in performance of governmental functions.

Section 2. The rights accompanying the easements provided by Section 1 hereof shall be exercised only during reasonable daylight hours and then, whenever practicable, only after advance notice to, and with the permission of, any Owner or tenant directly affected thereby when not an emergency situation or a governmental function.

Section 3. A Declarant, its agents and employees shall have a right of ingress and egress over the Common Area as required for construction and development of the Property.

Section 4. There shall be and is hereby reserved to a Declarant a non-exclusive easement over any Lot or any Common Area for the purposed of installing, repairing and/or maintaining utility lines of any sort, including but not limited to, storm drains and drainage swales, sanitary sewers, gas lines, electric lines and cables, water lines, telephone lines, telecommunication lines and cables, and the like. This easement shall automatically expire as to any Lot or Common Area five (5) years from the date of submission of such Lot or Common Area to this Declaration.

Section 5. There shall be and is hereby reserved to a Declarant a non-exclusive easement over all Lots or any Common Area for the purposes of correcting drainage, regarding, and of maintaining, landscaping, mowing, and erecting street intersection signs, directional signs, temporary promotional signs, entrance features and/or "theme areas", lights, and wall features, and for the purpose or purposes of executing any of the powers, rights, or duties granted to or imposed on the Association in Article X hereof. This easement shall automatically expire as to any Lot or Common Area five (5) years from the date of submission of such Lot or Common Area to this Declaration.

Section 6. Any rights granted to a Declarant in this Article shall extend only to Lots and Common Area submitted to this Declaration by such Declarant.

ARTICLE IX
PARTY WALLS

Section 1. General Rules of Law to Apply. Each wall which is built as a part of the original construction of the homes upon the Property and placed on the dividing line between the Lots shall constitute a party wall, and to the extent not inconsistent with the provisions of this Article, the general rules of law regarding party walls and liability for property damage due to negligence or willful acts or omissions shall apply thereto.

Section 2. Sharing of Repair and Maintenance and Destruction by Fire or Other Casualty. If any such party wall is damaged or destroyed by fire or other casualty or by some cause other than the act of one of the adjoining Owners, his agents or family (including ordinary wear and tear and deterioration from lapse of time), then in such event both such adjoining Owners shall proceed forthwith to rebuild or repair the same to as good condition as formerly in proportion to their respective use of the party wall.

Section 3. Repairs Caused by One Owner. If any such party wall is damaged or destroyed through the act of one adjoining Owner or any of his agents or guests or members of his family (whether or not such act is negligent or otherwise culpable) so as to deprive the other adjoining Owner of the full use and enjoyment of the wall, then the first of such Owners shall forthwith proceed to rebuild and repair the same to as good condition as formerly without cost to the adjoining Owner.

Section 4. Other Changes. In addition to meeting the other requirements of these restrictive covenants and of any building code or similar regulations or ordinances, any Owner proposing to modify, make additions to or rebuild his residence in any manner which requires the extension or other alteration of any party wall shall first obtain the written consent of the adjoining Owner.

Section 5. Right to Contribution Runs with the Land. The right of any Owner to contribution from any other Owner under this Article IX shall be appurtenant to the land and shall pass to such Owner's successors in title.

Section 6. Dispute. In the event of a dispute between Owners with respect to the repair or rebuilding of a party wall or with respect to the sharing of the cost thereof, then upon written request of one of such Owners addressed to the Association, the matter shall be submitted to the Board of Directors, who shall decide the dispute, and the decision of such Board of Directors shall be final and conclusive upon the parties.

ARTICLE X
PARKING

The Association shall promulgate such rules and regulations needed to regulate the use of any parking areas that may be constructed or authorized on Common Areas for the benefit of all Owners, which rules and regulations may include assignment of parking spaces.

ARTICLE XI
POWERS AND DUTIES OF THE ASSOCIATION

Section 1. Discretionary Powers and Duties.

The Association shall have the following powers and

duties, which may be exercised at its discretion:

(a) To enforce any/all building restrictions which are imposed by the terms of this Declaration or which may hereafter be imposed on any part of the Property. Provided that nothing contained herein shall be deemed to prevent the Owner of any Lot from enforcing any building restrictions in his own name; the right of enforcement shall not serve to prevent such changes, releases or modifications of the restrictions or reservations placed upon any part of the Property by any party having the right to make such changes, releases or modifications in the deeds, contracts, declarations or plats in which such restrictions and reservations are set forth; and the right of enforcement shall not have the effect of preventing the assignment of those rights by the proper parties wherever and whenever such right of assignment exists. The expense and costs of any enforcement proceedings initiated by the Association shall be paid out of the general fund of the Association as hereinafter provided for;

(b) To provide such light as the Association may deem advisable on streets and for the maintenance of any and all improvements, structures or facilities which may exist or be erected from time to time on any Common Area;

(c) To build facilities upon land owned or controlled by the Association;

(d) To use the Common Area and any improvements, structures or facilities erected thereon, subject to the general rules and regulations established and prescribed by the Association and subject to the establishment of charges for their use;

(e) To mow and resow the grass and to care for, spray, trim, protect, plant and replant trees and shrubs growing on the Common Area and to pick up and remove from said property and area all loose material, rubbish, filth and accumulations of debris; and to do any other thing necessary or desirable in the judgment of the Association to keep the Common Area in neat appearance and in good order;

(f) To exercise all rights and control over any easements which the Association may from time to time acquire, including but not limited to, those easements specifically reserved to the Association in Article VIII hereof;

(g) To create, grant and convey easements upon, across, over and under all Association property, including but not limited to easements for the installation, replacement, repair and maintenance of utility lines serving Lots within the Property;

(h) To create subsidiary corporations;

(i) To employ counsel and institute and prosecute such suits as the Association may deem necessary or advisable, and to defend suits brought against the Association;

(j) To employ from time to time such agents, servants and laborers as the Association may deem necessary in order to exercise the powers, rights and privileges granted to it, and to make contracts; and

(k) A right of entry on any Lot to perform emergency repairs or to do other work reasonably necessary for the proper maintenance of the Property.

Section 2. Mandatory Powers and Duties.

The Association shall exercise the following powers, rights and duties:

(a) To accept title to the Common Area and to hold and administer said property for the benefit and enjoyment of the Owners and occupiers of Lots within the Property. The purpose of this provision is to impose on the Association the obligation to accept title to any Common Area and to hold and maintain the same for the benefit of Owners and occupants of THE TOWNES OF OCCOQUAN MILL;

(b) To make and enforce rules and regulations governing the use of the Common Area;

(c) The Association shall obtain fidelity coverage against dishonest acts on the part of directors,

officers, trustees, managers, employees or agents responsible for handling funds collected and held for the benefit of the Association. The fidelity bond shall cover the maximum funds that will be in the custody of the Association or its management agent at any time while the bond is in place. The fidelity bond coverage shall, at a minimum, be equal to the sum of three (3) months; assessments on all Lots in the Property plus the Association's reserve funds, if any.

(d) The Association shall maintain a comprehensive policy of public liability and hazard insurance covering the Common Area. Such insurance policy shall contain a severability of interest clause or endorsement which shall preclude the insurer from denying the claim of an Owner because of negligent acts of the Association or other Owners. The scope of coverage shall include all coverage in kinds and amounts commonly obtained with regard to projects similar in construction, location and use. Further, the public liability insurance must provide coverage of at least \$1,000,000.00 for bodily injury and property damage for any single occurrence.

ARTICLE XII
RIGHTS OF MORTGAGEES

All Mortgagees shall have the following rights:

Section 1. A Mortgagee shall be given written notification from the Association of the following:

(a) Any proposed action that would require the consent of a specified percentage of Mortgagees;

(b) Any default in the performance of any obligation under this Declaration or related Association documents by the Owner of a Lot that is the security for the indebtedness due the Mortgagee which is not cured within sixty (60) days;

(c) Any casualty loss that affects a material portion of the Lot that is the security for the indebtedness due the Mortgagee;

(d) Any casualty loss, condemnation or eminent

domain proceeding or proposed acquisition by a condemning authority that affects any portion of the Common Area or any Lot or portion thereof, which is related to the indebtedness due the Mortgagee;

(e) Any lapse, cancellation or material modification of any insurance policy or fidelity bond maintained by the Association.

Section 2. Any Mortgagee who obtains title to a Lot pursuant to the remedies provided in the mortgage, or foreclosure of the mortgage, or deed or assignment in lieu of foreclosure will not be liable for each such Lot's unpaid dues or charges which accrue prior to the acquisition of title to the Lot by the Mortgagee.

Section 3. A Mortgagee shall have the right to examine the books and records of the Association during normal business hours and upon reasonable notice to the Association.

Section 4. As outlined in later sections of this Article, holders of first mortgages or other equivalent lien on Planned Unit Development lots shall have the right, upon request, to receive notice of (1) the decision of the Owners to abandon or terminate the Planned Unit Development; (2) any material amendment to the Declaration, any of the By-Laws, or any of the Articles of Incorporation; and (3) the decision of the Association to terminate professional management and assume self-management.

Section 5. Provided that improvements have been constructed in the Common Area and provided that a Mortgagee gives notice to the Association that it has relied on the value of the improvements in making a loan on the Property, then such Mortgagee shall be further entitled to the following rights:

(a) Subject to the right of Declarant to annex additional areas, as provided in Article XIII, unless sixty-seven percent (67%) of the Owners and Mortgagees representing at least fifty-one percent (51%) of the votes of unit estates that are

subject to mortgages have given their prior written approval, as required by this Declaration or related Association documents, the Association shall not:

(i) Fail to maintain fire and extended coverage insurance on insurable parts of the Common Area or other Association property on a current replacement cost basis in an amount not less than one hundred percent (100%) of the insurable value, based on current replacement costs, not including land value;

(ii) Use hazard insurance proceeds for losses to the Common Area or other Association Property for other than the repair, replacement or reconstruction of such property; and

(iii) Add or amend any material provisions of this Declaration or related Association documents concerning the following:

- (1) voting;
- (2) assessments, assessment liens, or subordination of such liens;
- (3) reserves for maintenance, repair and replacement of those parts of the Common Area that may be replaced or require maintenance on a periodic basis;
- (4) insurance or fidelity bonds;
- (5) responsibility for maintenance and repair of the Property;
- (6) architectural controls;
- (7) annexation or withdrawal of property to or from THE TOWNES OF OCCOQUAN MILL (other than annexation of those properties referred to in Article XIII, Section 5 hereof);
- (8) leasing of the Property;

- (9) imposition of any right of first refusal or similar restriction on the right of a Lot Owner to sell, transfer or otherwise convey his property;
- (10) a decision by the Association to establish self-management when professional management had been required previously by a Mortgagee;
- (11) restoration or repair of the Property after a hazard damage or partial condemnation;
- (12) reallocation of interests in the Common Areas or rights to its use, except as provided in Article IV;
- (13) changing the boundaries of any lot;
- (14) converting lots into Common Areas or vice versa;
- (15) termination of the legal status of THE TOWNES OF OCCOQUAN MILL HOMEOWNERS ASSOCIATION after substantial destruction or condemnation of the subdivision occurs; and
- (16) any provisions that are for the express benefit of Mortgagees.

An addition or amendment to this Declaration or related Association documents shall not be considered material if it is for the purpose of correcting technical errors or for clarification only. A Mortgagee who receives a written request to approve additions or amendments who does not deliver or post to the requesting party a negative response within thirty (30) days shall be deemed to have approved such request.

(b) Subject to the right of Declarant to annex additional areas, as provided in Article XIII, unless sixty-seven

percent (67%) of the Owners and fifty-one percent (51%) of the Mortgagees have given their prior written approval, as required by this Declaration or related Association documents, the Association shall not by act or omission seek to abandon, partition, subdivide, encumber, sell or transfer the Common Areas or other Property owned by the Association. The granting of easements for public utilities or other public purposes consistent with the intended use of the Common Area by the Association shall not be deemed a transfer within the meaning of this clause.

(c) A Mortgagee may, jointly or singly, pay taxes or other charges which are in default and which may or have become a charge against the Common Area and may pay overdue premiums on hazard insurance policies or secure new hazard insurance coverage upon the lapse of a policy for such Common Area. The Mortgagee or Mortgagees making such payments shall be owed immediate reimbursement therefor from the Association;

(d) The assessments imposed by the Association shall include an adequate reserve fund for maintenance, repairs and replacements for those parts of the Common Area which may be replaced or require maintenance on a periodic basis. Such reserves shall be payable in regular installments rather than by special assessments;

(e) The Association shall cause the immediate repair, reconstruction or renovation of any damage to the Common Area or Association property unless a decision not to repair, reconstruct or renovate is approved by all Mortgagees;

(f) In the event that there is a condemnation or destruction of the Common Area or other Association property, to the extent practicable, condemnation or insurance proceeds shall be used to repair or replace the condemned or destroyed property; and

(g) Should there be excess insurance or condemnation proceeds after the renovation, repair or

reconstruction called for herein, such excess proceeds may be distributed equally to the Owners, apportioned equally by Lot; subject, however, to the priority of a Mortgagee with regard to the proceeds applicable to the Lot securing said Mortgagee.

(h) The Association must provide an audited financial statement for the proceeding fiscal year to all Mortgagees upon written request.

(i) Eligible mortgage holders representing at least sixty-seven percent (67%) of the votes of the mortgaged Lots must consent to the termination of the legal status of the project for reasons other than substantial destruction or condemnation of the Property.

ARTICLE XII
GENERAL PROVISIONS

Section 1. Enforcement. The Association, or any Owner, shall have the right to enforce, by a proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or thereafter imposed by the provisions of this Declaration. Failure by the Association or by any Owner to enforce any right, provision, covenant or condition which may be granted by this Declaration shall not constitute a waiver of the right of the Association or an Owner to enforce such right, provision, covenant or condition in the future. All rights, remedies and privileges granted to the Association or any Owner pursuant to any term, provision, covenant or condition of this Declaration shall be deemed to be cumulative, and the exercise of any one or more thereof shall not be deemed to constitute an election of remedies nor shall it preclude the party exercising the same from exercising such privileges as may be granted to such party by this Declaration or at law or in equity.

Section 2. Severability. Invalidation of any one of these covenants or restrictions by judgment or court order shall in no way affect any other provisions, which shall remain in full force and effect.

Section 3. Amendment. The covenants and restrictions of

this Declaration shall run with and bind the land and shall inure to the benefit of any be enforceable by the Association or the Owner of any Lot subject to this Declaration, their respective legal representatives, heirs, successors and assigns, for a term of twenty (20) from the date this Declaration is recorded, after which time said covenants shall be automatically extended for successive periods of twenty (20) years. The covenants and restrictions of this Declaration may be amended in whole or in part during the first twenty (20) year period with the assent of not less than seventy-five percent (75%) of the votes of the Lot Owners, and thereafter any amendment shall have the assent of sixty-seven (67%) of the votes of the Lot Owners, at a meeting duly called for this purpose, written notice of which shall be sent to all Lot Owners not less than twenty-five (25) days nor more than fifty (50) days in advance of the meeting setting forth the purpose of the meeting. Any amendment must be properly executed and acknowledged (in the manner required by law for the execution and acknowledgment of deeds) by the Association and recorded among the land records of Fairfax County, Virginia.

Section 4. Special Amendment. For a period of one (1) year after the recording of this Declaration, the Declarant may make any Amendment required by any of the federal mortgage agencies, such as the Federal Home Loan Mortgage Corporation, or by the County of Fairfax, Virginia, as a condition of the approval of the documents by the execution and recordation of such amendment following notice to all Owners.

Section 5. Annexation of Additional Property. The Association may, for a period of twenty-one (21) years from the date hereof, annex additional areas and provide for maintenance, preservation and architectural control of residence Lots, and so add as to its membership under the provisions of Article II; provided that any such annexation shall be authorized at a duly held meeting at which a quorum is present by the consent of more than two-thirds (2/3) of each class of the Members voting in person or by proxy. After twenty-one (21) years, annexation may be made with the consent of three-fourths (3/4) of all Members.

Provided, however, that during the seven (7) year period commencing with the date hereof, no such consent is required for the annexation of all or any part of the real property described in Deed Book 1472 at Page 808 or Deed Book 1476 at Page 97 of the land records of Prince William County, Virginia, by the Declarant. Any future improvements will be consistent with the initial improvements in terms of quality of construction.

Section 6. Management Contracts. For such time as the Declarant has Class B membership status, the Declarant shall have the right to enter into professional management contracts for the management of the Property; provided however, that once the Declarant loses its Class B membership status, the Association shall have the right to terminate such contracts, with or without cause, upon ninety (90) days' written notice given to the other party.

WITNESS the following signatures and seals:

THE CHADWICK-AMERICAN COMPANY, INC.
A Virginia Corporation

By: [Signature], Its [Signature] (SEAL)

STATE OF Virginia
County OF Fairfax, to-wit:

The foregoing instrument was acknowledged before me this 28th day of May, 1987, by Michael D Chadwick as President of THE CHADWICK-AMERICAN COMPANY, INC., a Virginia corporation, on behalf of said corporation.

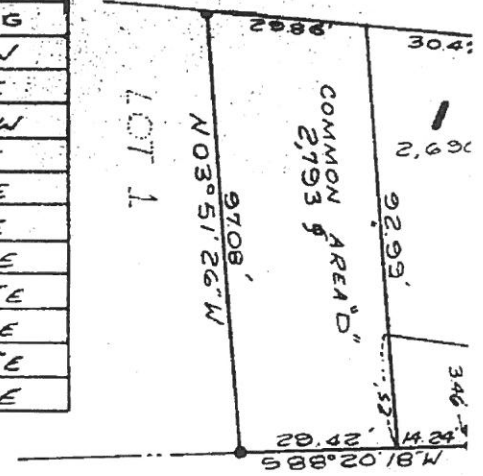
[Signature]
NOTARY PUBLIC

My commission expires: April 22, 1991

30
42

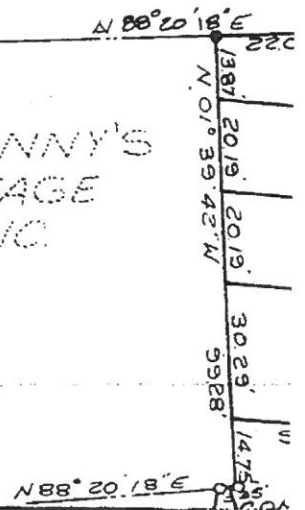
CURVE TABLE

NO.	DELTA	RADIUS	ARC	CHORD	CHORD BEARING
1	90°00'00"	14.00	21.99	19.80	S 51°12'57" W
2	"	"	21.99	19.80	S 38°47'03" E
3	75°38'45"	"	18.62	17.20	S 58°18'40" W
4	104°11'25"	"	25.46	22.05	S 31°41'20" E
5	58°16'57"	48.00	48.83	46.75	N 49°32'50" E
6	53°25'24"	60.00	55.94	53.94	N 47°07'04" E
7	49°45'07"	72.00	62.52	60.57	N 45°16'56" E
7A	15°16'56"	"	19.26	19.15	N 28°02'50" E
7B	14°17'33"	"	17.96	17.91	N 42°50'04" E
7C	17°57'52"	"	22.57	22.48	N 58°57'47" E
7D	02°12'46"	"	2.78	2.78	N 69°03'15" E



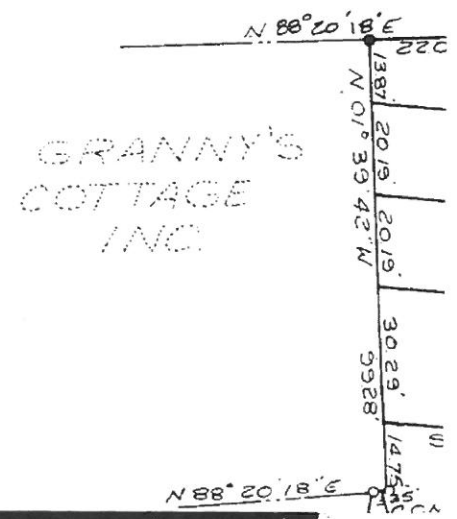
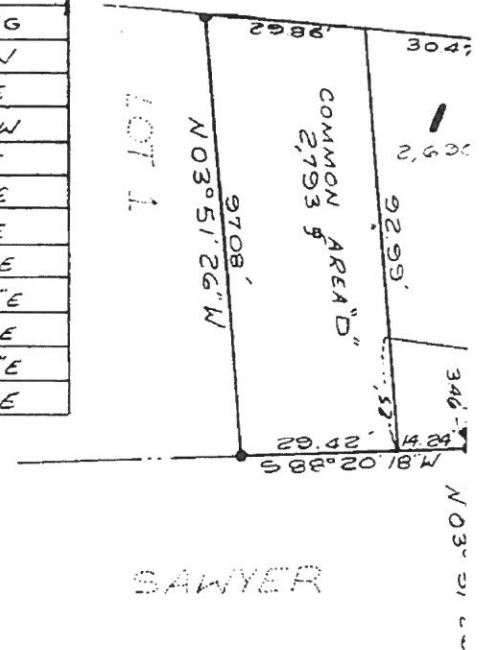
SAWYER

GRANNY'S
COTTAGE
INC.

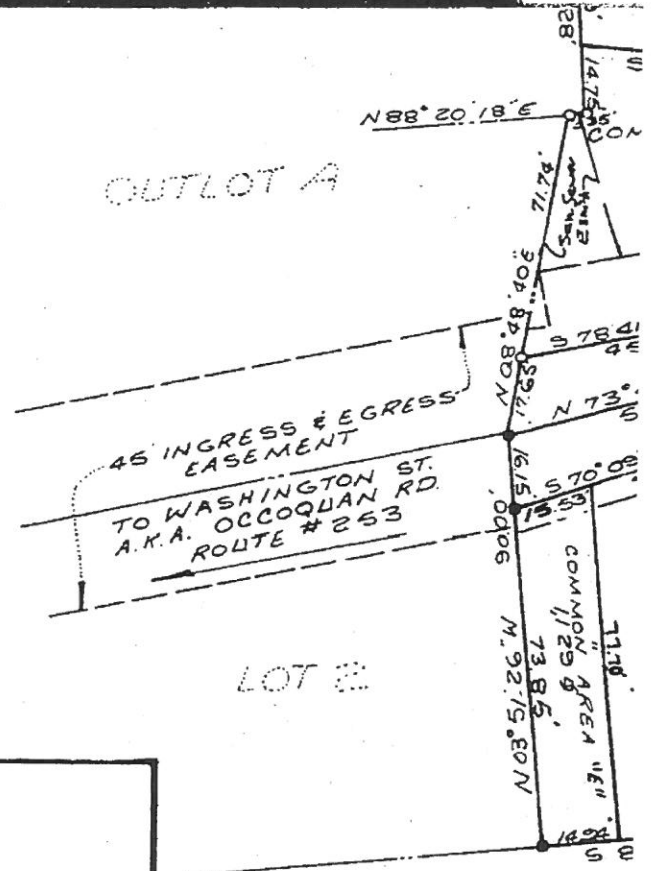


CURVE TABLE

NO.	DELTA	RADIUS	ARC	CHORD	CHORD BEARING
1	90°00'00"	14.00	21.99	19.80	S 51°12'57" W
2	"	"	21.99	19.80	S 38°47'03" E
3	75°38'45"	"	18.52	17.20	S 58°18'40" W
4	104°11'25"	"	25.46	22.09	S 31°41'20" E
5	58°16'57"	48.00	48.83	46.75	N 49°32'50" E
6	53°25'24"	60.00	55.94	53.94	N 47°07'04" E
7	49°45'07"	72.00	62.52	60.57	N 45°16'56" E
7A	15°16'56"	"	19.20	19.15	N 28°02'50" E
7B	14°17'33"	"	17.96	17.91	N 42°50'04" E
7C	17°57'52"	"	22.57	22.48	N 58°57'47" E
7D	02°12'46"	"	2.78	2.78	N 69°03'15" E



PK1483 P00186

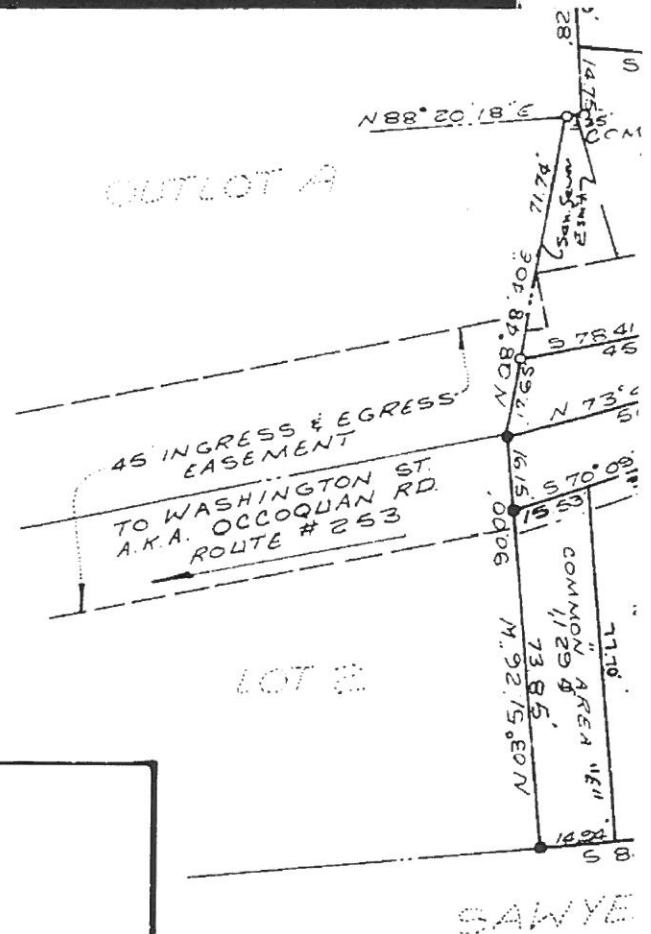


APPROVAL

Charles P. Rygh

 Mayor

PK1483 P00196



APPROVAL

Charles E. Taylor

 Mayor

PK1483 PD0186

OUTLOT A

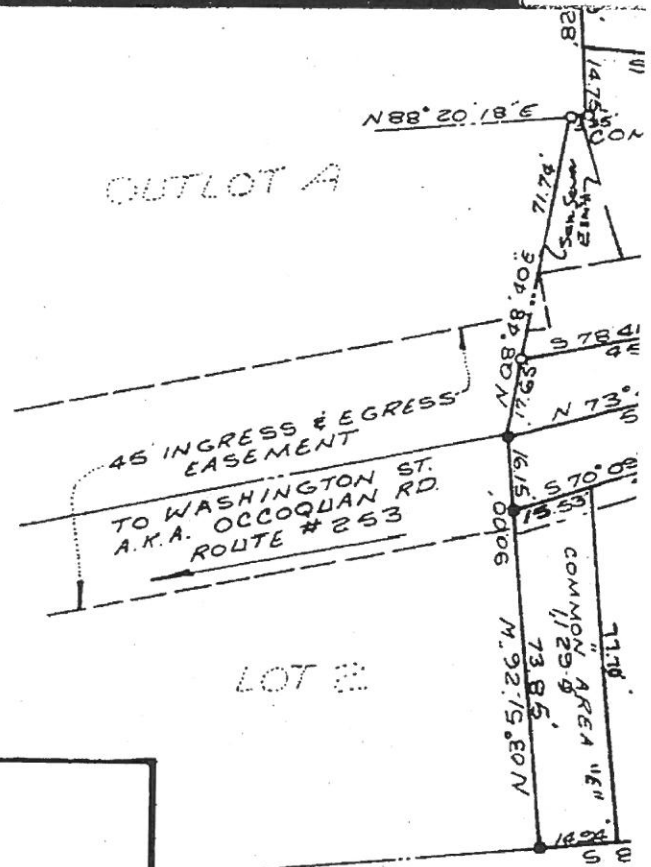
45' INGRESS & EGRESS EASEMENT
TO WASHINGTON ST.
A.K.A. OCCOQUAN RD.
ROUTE #263

LOT 2

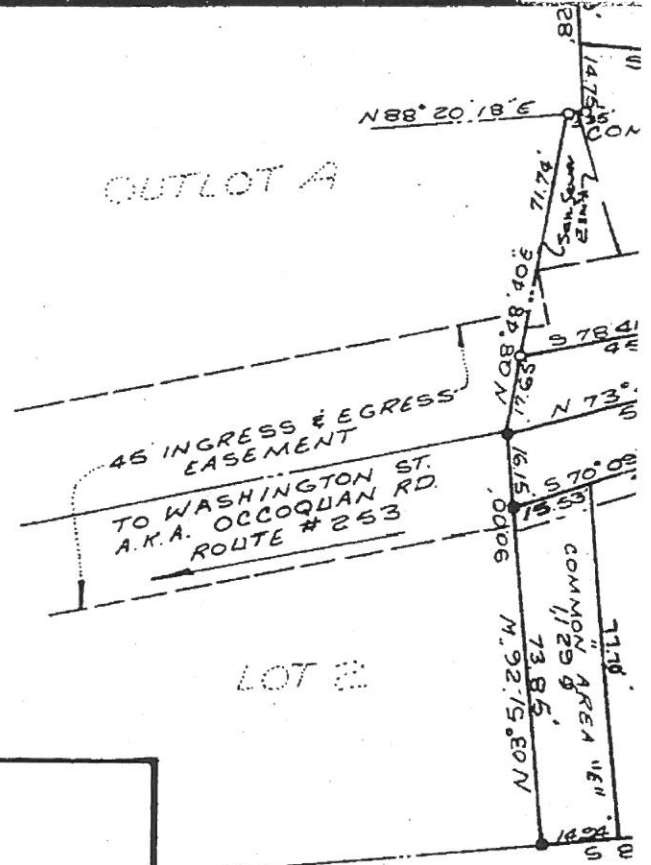
APPROVAL

Charles E. Pugh
Mayor

SAWYE



PK1483 PD0196

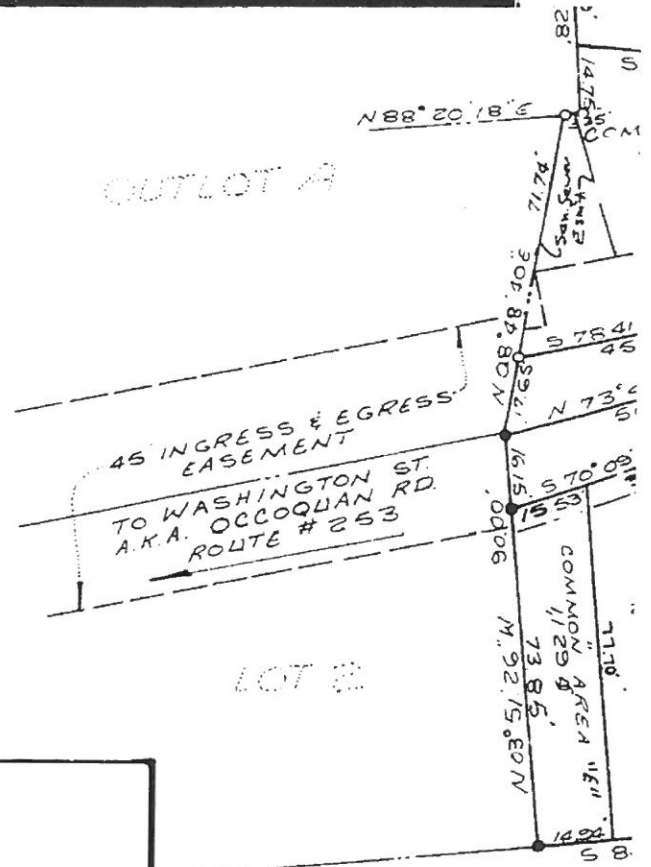


APPROVAL

Charles P. Pugh
Mayor

SAWYE

DK1483 P00196



APPROVAL

Charles R. Taylor

Mayor

SAWYE

RECORDER W/CERTIFICATE ANNEXED
87 JUN -3 PM 12: 52
PRINCE WILLIAM CO., VA.
TESTE: *Robert Smith*
CLERK

BK1483 P60197

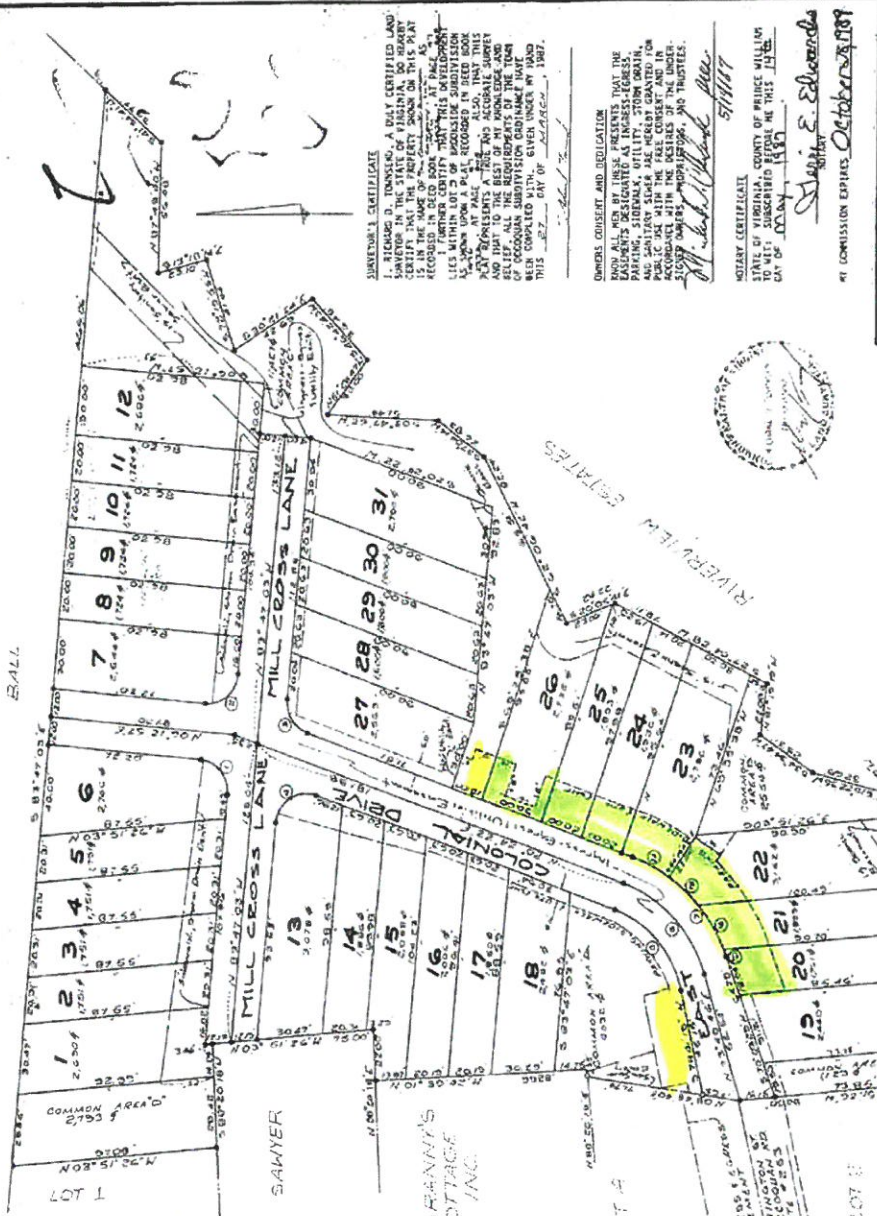
Occoquan Mill



The information contained on this page is not to be construed or used as a legal description. Map information is believed to be accurate but accuracy is not guaranteed. Any errors or omissions should be reported to the Prince William County Geographic Information Systems Division of the Department of Information Technology. In no event will Prince William County be liable for any damages, including loss of data, lost profits, business interruption, loss of business information or other pecuniary loss that might arise from the use of this map or the information it contains.

81183 M0185

NO.	DEPT.	READING	ARC	CHORD	CHORD BEARING
1		100.00	1.00	100.00	S 01° 12' 57" W
2		100.00	1.00	100.00	S 01° 12' 57" W
3		100.00	1.00	100.00	S 01° 12' 57" W
4		100.00	1.00	100.00	S 01° 12' 57" W
5		100.00	1.00	100.00	S 01° 12' 57" W
6		100.00	1.00	100.00	S 01° 12' 57" W
7		100.00	1.00	100.00	S 01° 12' 57" W
8		100.00	1.00	100.00	S 01° 12' 57" W
9		100.00	1.00	100.00	S 01° 12' 57" W
10		100.00	1.00	100.00	S 01° 12' 57" W
11		100.00	1.00	100.00	S 01° 12' 57" W
12		100.00	1.00	100.00	S 01° 12' 57" W
13		100.00	1.00	100.00	S 01° 12' 57" W
14		100.00	1.00	100.00	S 01° 12' 57" W
15		100.00	1.00	100.00	S 01° 12' 57" W
16		100.00	1.00	100.00	S 01° 12' 57" W
17		100.00	1.00	100.00	S 01° 12' 57" W
18		100.00	1.00	100.00	S 01° 12' 57" W
19		100.00	1.00	100.00	S 01° 12' 57" W
20		100.00	1.00	100.00	S 01° 12' 57" W
21		100.00	1.00	100.00	S 01° 12' 57" W
22		100.00	1.00	100.00	S 01° 12' 57" W
23		100.00	1.00	100.00	S 01° 12' 57" W
24		100.00	1.00	100.00	S 01° 12' 57" W
25		100.00	1.00	100.00	S 01° 12' 57" W
26		100.00	1.00	100.00	S 01° 12' 57" W
27		100.00	1.00	100.00	S 01° 12' 57" W
28		100.00	1.00	100.00	S 01° 12' 57" W
29		100.00	1.00	100.00	S 01° 12' 57" W
30		100.00	1.00	100.00	S 01° 12' 57" W
31		100.00	1.00	100.00	S 01° 12' 57" W



SUBJECT'S CERTIFICATE

I, **STEWART D. DONNER**, a duly certified land surveyor in the State of Virginia, do hereby certify that the foregoing plat is a true and correct copy of the original as shown to me by the owner or his duly authorized agent. I further certify that this subdivision complies with the requirements of the Subdivision Control Act of 1940, as amended, and that the same is in accordance with the approved subdivision plan of the owner or his duly authorized agent. All the requirements of the Act of 1940, as amended, have been complied with, and the same is hereby certified to be correct and true.

DATE: **10/28/2019**

OWNER'S CONSENT AND DECLARATION

I, **GRANNY'S COTTAGE INC.**, do hereby consent and declare that the subdivision shown on this plat is in accordance with the approved subdivision plan of the owner or his duly authorized agent. I further declare that the same is in accordance with the requirements of the Act of 1940, as amended, and that the same is hereby certified to be correct and true.

DATE: **10/28/2019**

NOTARY CERTIFICATE

I, **STEPHEN E. EDWARDS**, a duly commissioned notary public in the State of Virginia, do hereby certify that the foregoing plat is a true and correct copy of the original as shown to me by the owner or his duly authorized agent.

DATE: **10/28/2019**

RECORD PLAT

THE TOWNES OF OCCOQUAN MILL

TOWN OF OCCOQUAN
PRINCE WILLIAM COUNTY, VA

R. CURTIS HARROVER & ASSOC.
8028 WOODY STREET, MANASSAS, VA 20108
TEL: 703-398-2800 FAX: 703-398-2805

SCALE: 1" = 30'

DATE: 10/28/2019 BY: **DWIGHT BERT** SHEET 1 OF 1

THIS MAP RECORDED IN
MAP NUMBER **71-59**

THE INSTRUMENT FILED WITH THIS MAP
IS RECORDED IN **WR 44536-253**

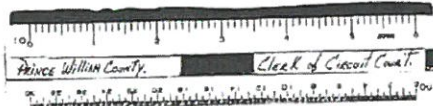
10 HILLESBRO FURNACE
11111 WILSON AVENUE
MANASSAS, VA 20108

71-59

SAWYER

APPROVAL

[Signature]
Mayor



9610M 6911M



TOWN OF OCCOQUAN
TOWN COUNCIL MEETING
Agenda Communication

11. Discussion Items	Meeting Date: June 6, 2023
11A: Options for Increasing Town Storage	

Attachments: a. Maps of current and proposed storage locations

Submitted by: Adam C. Linn
Town Manager

Explanation and Summary:

This is a discussion item to review locations for storing Town equipment.

Currently, outside of Town Hall and the Police Department, the Town stores Events, Public Works, and Public Safety equipment and supplies at four main locations: under the bathhouse at River Mill Park, in the shed at 172 Mill Street, behind the dumpster in the Poplar and Commerce Parking Lot, and on Fairfax Water property behind River Mill Park. The first two spaces are reliable and accessible options but do have limited capacity. The latter two spaces offer greater storage but have more limited reliability and accessibility as they are not fully owned by the Town. To address the limited Town-owned storage space and increasing supplies and equipment for Events and Public Safety Special Operations, Town staff is exploring additional storage options in and around Town properties.

Staff have assessed two top options for current and future storage needs. The first involves continuing the use of storage behind the dumpster at the Poplar and Commerce Lot and adding additional spaces and potentially a shed for storing Public Works and Public Safety trailers. The second option involves using the Town property at River Road, currently used for refuse storage and parking by nearby homes, to store the same trailers and add a storage shed for less frequently used items, such as seasonal supplies. Maps of the two potential options are attached.

Of the two options, staff recommends the River Road property as it contains more space, is entirely owned by the Town, and improvements to the area would help address resident concerns about cut-thru foot traffic and littering. Parking and refuse storage would need to be addressed with the neighboring homeowners ahead of any implementation.

Staff Request: Town Staff is seeking direction on addressing current storage limitations for Town equipment.

Overview of Additional Storage Options for Events, Public Works, and Public Safety

Poplar Lot



Dimensions:

- Length: 27 feet
- Width: 16 feet

Logistics and Cost:

- Grade and fill with gravel
- Minimal costs to grade and set edges
- \$300-\$600 depending on shed

Uses:

- Store 3 trailers and carts
- Storage of existing PW and PD equipment and supplies
- Possibly a space for a PW shed

River Road



Dimensions:

- Front Lot
 - o Length: 35 feet
 - o Width: 38 feet
- Back Lot
 - o Length: 42 feet
 - o Width: 23 feet

Logistics and Cost:

- Grade and fill with gravel
- Raze part or all of current fencing
- Possibly Install posts and chains or fencing to secure area
- Possible storage shed
- \$500-\$2,000 depending on shed and fencing

Uses:

- Store 3-5 trailers and carts
- Storage of existing PD and PW equipment supplies
- Storage of seasonal supplies
- Potential space for a storage shed
- Removal of trash cans from property and storage in a fenced area or other location
- Blocking of cut-thru traffic