



TOWN OF OCCOQUAN

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

Tuesday, August 11, 2015

6:45 PM

TOWN HALL - 314 MILL STREET

There will be a Planning Commission Meeting to Discuss the Following:

- Approval of April 14, 2015 Regular Meeting Minutes and June 11, 2015 Special Meeting Minutes
- Zoning Text Amendment Review - Chapter 66, Article VIII, Signs and Advertising
- Consulting Services Request - Comprehensive Plan Update
- New Planning Commission Membership Request

Joe McGuire

Town of Occoquan Councilmember
Planning Commission Chair



**TOWN OF OCCOQUAN
PLANNING COMMISSION**
Regular Meeting Minutes - DRAFT
Town Hall - 314 Mill Street, Occoquan, VA 22125
Tuesday, April 14, 2015
6:45 p.m.

The Planning Commission meeting was called to order by Planning Commission Chairman Joe McGuire on Tuesday, April 14, 2015 at 6:49 p.m. Also in attendance were members Ramsey Baerga, Jim Drakes, David Irwin, Bryan Reese and Bret Stevens; no members were absent.

1. Approval of Minutes

Mr. Drakes moved to approve the Planning Commission regular meeting minutes of January 13, 2015, and February 10, 2015, and the special meeting minutes of March 24, 2015. Mr. Irwin seconded. The motion carried by poll vote, unanimously.

2. Site Plan Review, 430 Mill Street (Kiely Court)

Mr. Todd Phillips, engineer for the 430 Mill Street project, presented the final site plan for Kiely Court to the Planning Commission. In addition, Mr. Matthew Williams, Assistant Town Engineer, discussed the staff report regarding the final site plan.

Mr. Drakes inquired about the tri-party agreement requirement. Mr. Williams stated that the Virginia Department of Transportation (VDOT) would not enter into an agreement directly with a property owner. The tri-party agreement allows VDOT to enter into an agreement with the Town and the Town with the HOA for the maintenance of public improvements.

The Planning Commission discussed the impact of the structure on the view shed of Rockledge, a historic structure located on the property immediately behind the proposed development. Mr. Irwin asked if the structure met the height requirement; specifically, the requirement in the B1 Zone to not exceed 35 feet in height and its impact on the view of Rockledge. Mr. Phillips confirmed that the structure would not exceed the height requirement. Mr. Williams stated that the Town Code does not outline limitations on line of sight limitations and that impact would need to be considered by the Planning Commission and Town Council.

Mr. Irwin inquired as to whether or not when construction began if they are anticipating any blasting. Mr. Phillips stated they did not anticipate performing any blasting at the site.

Mr. Irwin inquired as to the impact of the development on the carbide bunker and on whose property it existed. Mr. Phillips stated that the bunker would remain as per the final site plan. Mr. Williams stated that the bunker straddles the right of way. Mr. Drakes inquired as to whether or not there was an agreement to preserve the bunker. Mr. Phillips stated that the final site plan would obligate the developer to maintain the bunker as it exists on the plan. Mr. Williams concurred.

Mr. Irwin inquired about the purchasing of nutrient credits to satisfy stormwater quality requirements. Mr. Phillips stated that they will be purchasing credits through the approved nutrient banks in lieu of providing on-site stormwater quality control measures, and explained the credit system.

Mr. Ramsey inquired why the staff report states that no registered historic site exists within the area of the proposed development site. Mr. Williams stated he would ensure the staff report clearly noted that the property exists within the Town's Historic District.

The Planning Commission discussed the impact on parking and the parking requirements of the development. Mr. Drakes stated that while the parking for the development meets the parameters of the Town Code, he does not believe that the layout will work in practice and is not an ideal situation. Mr. Philips stated that the final design for parking was developed in order to limit curb cuts and reduce the number of on-street parking spaces that would need to be removed to accommodate the driveways on to Mill Street. Mr. Williams stated that the parking in the site plan meets the requirements in the Town Code.

Mr. Baerga inquired as to the height of the retaining wall. Mr. Philips stated that the retaining wall was five feet or less.

Mr. Drakes inquired about fire access. Mr. Williams stated that a copy of the final site plan was sent to the Prince William Fire Marshall for review and the Town did not receive comments.

Planning Commission Member Drakes made a motion to approve the final site plan for 430 Mill Street (Kiely Court). Planning Commission Member Baerga seconded the motion. The motion carried by poll vote, 4-0.

Ayes: Baerga, Drakes, McGuire, Stevens

Nays: None

Abstentions: Irwin, Reese

3. Minor Site Plan Adjustment, 124 Poplar Alley

Mr. Williams presented information regarding the minor site plan modifications to the final site plan for 124 Poplar Alley. The proposed adjustments included revisions to the existing and proposed landscaping, the configuration of the rear patio/retaining wall area, and revisions to the on-site drainage pipes. The approval of the minor site plan adjustment stands with the Planning Commission for final approval and will not go before the Town Council.

Planning Commission member Irwin made a motion to approve the final site plan for 124 Poplar Alley. Planning Commission Member Reese seconded the motion. The motion carried by poll vote, unanimous.

4. Appointment of Planning Commission Secretary

The Planning Commission discussed the appointment of a Planning Commission secretary as permitted by the Town Code. The Commission agreed by consensus to appoint a member at each meeting to take minutes for that meeting.

The meeting was adjourned at 7:21 p.m.

Joe McGuire
Chair, Planning Commission



**TOWN OF OCCOQUAN
PLANNING COMMISSION
Special Meeting Minutes - **DRAFT**
Town Hall - 314 Mill Street, Occoquan, VA 22125
Thursday, June 11, 2015
6:00 p.m.**

The Planning Commission meeting was called to order by Planning Commission Chairman Joe McGuire on Thursday, June 11, 2015 at 6:00 p.m. Also in attendance were members Ramsey Baerga, David Irwin, and Bret Stevens; Kirstyn Jovanovich, Town Manager, Mayor Liz Quist, and Mike Chandler, Director of Education for Virginia Tech's Land Use Education Program. Planning Commission member Bryan Reese was absent.

Planning Commission Training

The purpose of the meeting was to provide training to the Planning Commission regarding Planning Commission roles and responsibilities, including the Commission's role regarding zoning and land use laws and regulations and community planning. The training session was led by Mr. Mike Chandler of Virginia Tech's Land Use Education Program.

The meeting was adjourned at 10:00 p.m.

Joe McGuire
Chair, Planning Commission



TOWN OF OCCOQUAN

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TOWN COUNCIL
Elizabeth A. C. Quist, Mayor
Patrick A. Sivigny, Vice Mayor
Tyler C. Brown
J. Matthew Dawson
Jim Drakes
Joe McGuire

TOWN MANAGER
Kirstyn Barr Jovanovich

MEMORANDUM

TO: Planning Commission

FROM: Town Manager 

DATE: August 7, 2015

SUBJECT: Zoning Text Amendment – Town Code Chapter 66, Article VIII, Signs and Advertising

During the August 4, 2015 regular meeting, Town Council adopted a resolution to initiate a Zoning Text Amendment (ZTA) to amend Chapter 66, Article VIII, Signs and Advertising. The process was initiated by a recent Supreme Court opinion in the case of *Reed v. Town of Gilbert*, which created a new, more stringent test of when a sign regulation is content based.

Since this is an amendment to the Town's zoning ordinance, all amendment requests must first be reviewed by the Planning Commission, after which, the Planning Commission will make a recommendation to Town Council. If a ZTA is recommended, the Town Council and Planning Commission will hold a public hearing to seek public input prior to Town Council adoption.

On August 11, 2015, the Planning Commission will be asked to review the proposed ordinance to amend Chapter 66, Article VIII of the Town Code and make a recommendation to Town Council.

Attachments:

1. Proposed Ordinance
2. Resolution Initiating Zoning Text Amendment

AN ORDINANCE TO AMEND CHAPTER 66, ARTICLE VIII, SIGNS AND ADVERTISING.

WHEREAS, the Occoquan Town Council finds that public necessity, convenience, general welfare, and good zoning practice requires amending the Town’s sign ordinance provisions contained in Chapter 66, Article VIII of the Town Code, and

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

WHEREAS, pursuant to §15.2-2286(A)(7)(i), such amendment may be initiated by resolution of the Town Council, and

WHEREAS, pursuant to §15.2-2285(B), no zoning ordinance shall be amended or reenacted unless the governing body has referred the proposed amendment or reenactment to the planning commission for its recommendations; and

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

BE IT ORDAINED by the Council for the Town of Occoquan, Virginia meeting in Regular session this ____ day of _____, 2015:

- 1. That the Occoquan Town Council amends Chapter 66 of the Occoquan Town Code is hereby amended to read as follows:

Article VIII. Signs and Advertising*

DIVISION 1. GENERALLY

Sec. 66-360. Purpose and intent.

(a) The purpose of this article is to regulate the size, color, illumination, movement, materials, location, height and construction of all signs placed for public observation ~~in~~ in order to:

- (1) Protect the public health, safety, convenience and general welfare;
- (2) facilitate the creation of a convenient, attractive and harmonious community;
- (3) Protect property values; and
- (4) Further the urban design and economic development objectives of the town comprehensive ~~town~~ plan.

(b) This article is intended to promote signs that are:

- (1) Compatible with the landscape/streetscape and architecture of surrounding buildings, including historic sites and structures;
- (2) Legible and appropriate for the zoning district in which they are found;
- (3) Not distracting to motorists; and
- (4) Constructed and maintained in a structurally sound and attractive condition.

Sec. 66-361. Applicability.

This article shall apply to all signs erected within the town following the effective date. No sign legally erected prior to the effective date shall be altered or moved, except in compliance with the provisions of this article.

~~Sec. 66-362. Nuisances.~~

~~Any sign in violation of this article is a public nuisance and is subject to removal.~~

Sec. 66-363. Penalty for violation.

Except as otherwise provided in this article, failure to comply with this article shall be punishable as provided in Virginia Code section ~~1-13~~15.2-2286 A.5.

Sec. 66-364. Sign permit required.

Except as provided in this article, no sign shall be erected, installed, used, altered, relocated, replaced, or reconstructed until a sign permit has been issued.

For the purposes of this article, all signs are considered accessory uses and, unless specifically qualified, shall be located on the same property with the principal use to which they pertain.

Sec. 66-365. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

A-Frame sign means a two-faced chalk-board 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.

Animated sign means a sign or part of a sign that moves or appears to move.

Auxiliary sign means a sign that is not more than one square foot in area, not located within five feet of any lot line, and not illuminated.

Awning sign means a sign placed directly on the surface of an awning.

Banner means a temporary sign of flexible material designed to be installed with attachments at each of four corners.

Billboard sign means the same as "Off-premises sign."

Box sign means a sign contained in a box, transparent on one side, which is not more than six square feet in area and not more than one foot deep.

Canopy sign means a sign attached to a canopy.

Chalk-board sign means a single-faced, framed slate or chalk-board that can be written on with chalk or chalk markers.

Changeable copy sign means 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.

~~*Construction sign* means a temporary sign identifying those engaged in construction of any building site.~~

~~*Directional sign* means an on-premises sign designed to guide vehicular and/or pedestrian traffic by using such words as "Entrance," "Exit," "Parking," "One Way," "More Shops" or similar directional instruction, but not including any advertising message.~~

~~Directory sign means a sign on which the name and locations of occupants or the use of a building is given.~~

Flag means a flexible material which communicates via distinctive color and/or design and which is flown from a pole; this includes pennants.

Flashing sign means a sign used for identification, direction, advertising or promotion that includes lights that flash, blink, or turn on and off intermittently.

Ground mounted sign means a sign that is supported by structures or supports in or upon the ground and independent of any support from any building.

~~Identification sign means a sign that displays only the address, telephone number, web address, business hours, QR code and name or crest, insignia, or trademark, occupation or profession of an occupant or the name of any building on the premises.~~

Interim Sign means a temporary sign intended to be replaced by a permanent sign pending architectural review board approval.

Illegal sign means any sign erected without a permit as described in section [66-40542-91](#) or which does not comply with any provisions of this article.

Illuminated sign means a sign illuminated internally by an artificial light source.

~~Institutional bulletin board sign means a sign containing a surface upon which is displayed the name of a religious institution, school, library, community center, municipal park, or similar institutional or community service use, and the announcement of its services or activities.~~

Marquee sign means a sign attached to and made part of a marquee or any other similar projection from a building.

~~Menu box mean a permanently affixed, enclosed frame used to display menus for a restaurant or food service business.~~

Monument sign means 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 means an electric sign containing exposed tubes filled with fluorescent gas.

Off-premises sign means a sign that is routinely rented for purposes of advertising ~~directs attention to~~ any business, commodity, service or establishment conducted, sold or offered at a location other than the premises on which the sign is erected.

~~Paddle sign means a sign which is attached to an original sign.~~

Pole sign means the same as "Ground mounted sign."

Portable sign means a sign that is not permanently attached to a building or other principal structure. Flags and banners, while moveable, are defined separately.

Projecting sign means any sign, other than a wall, awning or marquee sign, affixed to a building and supported only by the wall on which it is mounted.

Right-of-way means access over or across particularly described property for a specific purpose.

Roof sign means 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 means any device employing letters, words, symbols, etc., used or intended to attract the attention of the public from streets, sidewalks or other outside public right-of-way. For the purposes of this article, the term "sign" shall include all structural members. The term "Sign" does not include decorations, whether permanent or temporary, that do not incorporate letters, numerals, or logos.

Sign area means as defined in section 66-369.

Temporary sign means a sign or advertising display designed or intended to be displayed for a specific period of time, as provided in sections 66-367 and 66-368.

Wall sign means a sign attached to a wall, or painted on or against a flat vertical surface of a structure, which displays only one advertising surface.

Waterfront sign means a sign facing the river on riverfront property.

~~Way finding sign means town sponsored signs or maps indicating location of places of interest or routes in town.~~

Window sign means all signs attached to or applied directly onto the internal surface, or set back less than one foot from the interior surface, of any window in view of the general public from outside the structure.

Sec. 66-366. Prohibited signs.

(a) The following signs are expressly prohibited unless specifically stated otherwise.

(1) Off-premises signs, including billboards, ~~except as provided in section 66-368.~~

- (2) Portable signs, or any sign that is not permanently affixed to a building, structure or the ground, except as allowed in section 66-367(q). This prohibition shall not apply to authorized temporary signs. No movable sign, and no part of any such sign or its support, shall be placed in any portion of a public right-of-way.
- (3) Changeable copy signs, excluding approved institutional bulletin boards, theater signs, and fuel price signs as permitted by this article.
- (4) Simulated traffic signs or any sign that may be confused with or obstruct the view of any authorized traffic sign or signal.
- (5) Animated signs, including but not limited to pennants, propellers, discs and wind socks. This prohibition shall not apply to the hands of a clock, a weathervane, balloons meeting the requirements of section 66-367(s), digital media meeting the requirements of section 66-367(r), or flags meeting the requirements of section 66-367(d) or 66-370(f).
- (6) Flashing signs and electronic message boards, including time and temperature signs, but not including digital media meeting the requirements of section 66-367(18r).
- (7) Glaring signs with light sources of such brightness as to constitute a hazard or nuisance ~~as determined by the architectural review board, but not including digital media meeting the requirements of section 66-367(r).~~
- (8) Strings of colored lights outlining property lines, sales areas, or any portion of a structure unless part of an approved sign or sign-structure. This prohibition shall not apply to seasonal decorations.
- (9) Roof signs.
- (10) Signs affixed to a tree, other natural vegetation or rocks.
- (11) Signs that obstruct the visibility at intersections or block any window, door, fire escape, stairway or any opening intended for light, air or access to any building.
- (12) Signs erected in or over a public right-of-way, or on public land except ~~as permitted in this Code by the Town or a State agency.~~
- (13) ~~Home occupation sign. Reserved.~~
- (14) Canopy sign.

(15) Neon or LED signs ~~(i.e. Open/Closed, Coffee, etc.)~~ except as permitted by section 66-367 (r).

(16) Signs that emit sound, odor or smoke.

(17) Signs attached to utility or other poles in the public right-of-way except as authorized by the utility or pole provider.

~~(18) Signs attached, painted or otherwise affixed to, or placed in or upon, any parked vehicle or trailer which is obviously and conspicuously parked so as to advertise the business to the passing motorist or pedestrian; and the primary purpose of which is to provide additional signage, or is to serve the function of an outdoor advertising sign. Reserved.~~

(19) In the Historic District, lighted vending machines when any part of the machines is visible from the public right-of-way.

(b) Tacking, painting, posting, or otherwise affixing of signs or posters or handbills visible from the public highways on the walls of buildings, barns, sheds, trees, posts, poles, fences, walls, cars or other structures, except as provided for in this article, is prohibited.

Sec. 66-367. Exempt signs and flags.

Sign permits shall not be required for the following signs; however, all other applicable regulations of this article shall apply. If any of the following exempt signs include a logo, business name, trademark, or similar identifying element, it will ~~count toward~~ be treated as a commercial signage.

~~(a) Address or identification signs as defined in section 66-365, not to exceed two square feet in area. Reserved.~~

(b) Changing the message content of an approved institutional bulletin board or theater marquee sign.

~~(c) Commemorative plaques and historical markers erected by a recognized historical agency or governmental body. Reserved.~~

(d) Flags set back from each property line at least the height of the pole on which it is hung, ~~emblems and insignias of any governmental agency or religious, charitable, public or nonprofit organization; however,~~ no single flag shall exceed 50 square feet in area.

~~(e) Disabled parking space sign. Reserved.~~

- ~~(f) Directional signs, not more than two auxiliary signs per lot, not exceeding one square foot in area, not located within five feet of any lot line, not incorporating business name or logo, and not illuminated.~~
- ~~(g) Security and warning signs posted on private property warning the public against trespassing, or similar messages, provided that any such sign does not exceed 1.5 square feet in area. Reserved.~~
- ~~(h) Private drive signs, one per entrance, not exceeding two square feet in area, with the message content limited to the words "Private Drive" and the address of any residences utilizing the private roadway. Reserved.~~
- (i) Public signs, including traffic, utility and other regulatory signs.
- ~~(j) Seasonal or temporary displays of patriotic, religious or civic character on private property, not advertising a product or service, displayed from November 1 to January 15 or at other times for a period not to exceed 30 days. Reserved.~~
- (k) Signs not visible beyond the boundaries of the lot or parcel upon which they are located, or from any public right-of-way.
- ~~(l) Temporary political signs on private property, if posted with the permission of the property owner, not to exceed a total of sixteen square feet in area and not exceeding six feet in height. Temporary signs may be displayed for a maximum of 90 days. If pertaining to an election or referendum, such signs shall be removed within five days after the election. If, after reasonable notice, such signs are not removed, the town may remove them; and the candidate, organization or person who caused the sign to be erected may be charged for the removal.~~
- ~~(m) Temporary private yard sale signs, not exceeding three in number per yard sale and not placed in a public right of way. All such signs are to be removed within 24 hours of the end of the sale. Reserved.~~
- ~~(n) Temporary real estate signs, located on the premises, not exceeding four square feet in area for single family residential districts, or eight square feet in area for other zoning districts. No real estate sign shall exceed a height of six feet. One real estate sign shall be permitted on each lot, except on corner lots, which may have two such signs. Temporary real estate signs shall be removed within seven days of the settlement or lease of the property. Reserved.~~
- ~~(1) Real estate signs must clearly state what is for sale or rent (e.g., building or business).~~
- ~~(2) Real estate signs for new developments require temporary/interim sign permits in accordance with section 66-368(3).~~

(o) Signs attached temporarily to the interior of a whole window or glass door. Such signs, individually or collectively, shall not cover more than 25 percent of the surface area of the transparent portion of the window or door to which they are attached and shall not be posted for more than 30 days.

~~(p) Vehicle safety inspection signs not exceeding ten square feet in area. Such signs may be either a wall sign or attached to an existing authorized ground mounted sign structure (one per business) not to exceed the height of the ground mounted sign. Reserved.~~

(q) Up to two portable signs, A-frame and/or chalk-board, per business. Size shall not exceed two feet by three feet. Frames shall be either wood or metal and may be black, natural wood tone, or similar historic color as recommended for the business' hanging/wall sign. The A-frames/chalk-boards shall not have a pre-printed logo; must be placed away from doorways and the public right-of-way; if leaning or standing, may not project more than two feet from the building; shall not be placed within any portion of the right-of-way; and, if a chalk-board, may be hung on the exterior of the building with hooks or eyes or leaned against the building independently or on a stand.

~~(r) One digital media device per business for window display, to promote the business' products or services, but not displaying a static store name or logo and not to exceed 25% of the window area.~~

(s) Balloons no more than 50 inches in circumference and not displayed higher than 10 feet from the ground.

~~(t) One wall-mounted menu-box sign per restaurant or food-service business, no larger than two feet by three feet and either not illuminated or illuminated with steady white light.~~

~~(u) Web address strip or other words as part of a One window display one per window of each building located in a commercial zoning district, on a clear background with letters no larger than three inches in recommended ARB colors and placed along the top or bottom of the window frame.~~

(v) Magnetic or permanently affixed vehicle signs where the signs are incidental to the vehicle's daily use in conducting business in conjunction with the vehicle sign. In order to be deemed an "incidental" vehicle sign, the vehicle must be used in the daily operation of the business, properly parked in a legal parking space for not more than 12 continuous hours per business day, and in working order. If the vehicle does not meet these requirements, the sign will be considered a prohibited sign under section 66-366(a)(2).

~~(w) Decorative yard flags on residential lots, four square feet in area or less and mounted on a metal or wooden frame. Reserved.~~

(x) Signs erected by the Town of Occoquan on public property or with the permission of the property owner.

Sec. 66-368. Signs requiring temporary/interim sign permit.

~~(a) The following signs shall require the issuance of a temporary/interim sign permit by the architectural review board prior to their erection. The permit shall cite the length of time any such sign may be displayed. If after the expiration of the temporary/interim sign permit such signs are not removed, the town may remove them and charge the costs of removal to the enterprise or proprietor responsible.~~

~~(1) Temporary and seasonal produce stand signs, the total area of which shall not exceed 16 square feet, nor shall any sign exceed four feet in height.~~

~~(2) Construction signs, not to exceed one per street frontage. The total area of all such signs shall not exceed 16 square feet. Such signs shall be removed within 14 days following completion of construction.~~

~~(3) Temporary residential subdivision and model home identification signs. One sign may be erected for not more than two years at each principal entrance to the development. Such signs shall not exceed eight feet in height or 16 square feet in area. In addition, one model home sign of not more than four square feet may be maintained at each model home.~~

~~(4) Temporary signs announcing a civic, philanthropic, educational or religious event. Such signs shall not exceed 16 square feet in area or six feet in height. The location of the sign shall be determined by the architectural review board. Such signs shall not be erected more than 14 days prior to the event and shall be removed within five days after the event. Reserved.~~

(b) ~~Special events~~ Banners shall require the issuance of a permit by the Town Manager prior to their erection. ~~All other banners, including those promoting commercial products or with logos, are prohibited.~~ Banner colors shall be consistent with those recommended in the ARB guidelines. The applicant is limited to four colors per banner, including black and white. Banners shall be

installed in a taut manner to restrict movement and shall be maintained in this manner at all times. ~~The final decision of the appropriateness of a banner versus other ARB approved signage rests with the business owner. Banners are discouraged in the historic district if other signage will appropriately convey the merchant's message.~~

~~The bBanner permits shall cite the length of time any such banner may be displayed. This time span shall be for 20 consecutive days for grand openings or closings, 10 days for "featured artist" and "book signings", and 10 days per business, and no more than twice in one calendar year, for other special events (such as anniversary).~~ Such banners shall be attached to an existing principal structure (with a clearance of at least 12" 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. ~~They shall be removed within two days following the end of the event as per permit.~~ If after the expiration of the permit such banners are not removed, the town may remove them and charge the costs of removal to the applicant.

Banners installed and used for special events and festivals sponsored by the Town of Occoquan may be erected without a permit and shall be removed within two days after the event.

Sec. 66-369. General sign standards.

- (a) *Determination of sign height.* The height of a sign shall be measured from the average elevation of the street to which the sign is oriented.
- (b) *Number of sign faces.* No sign shall have more than two sign faces.
- (c) *Determination of sign area.* The area of a sign shall be determined by measuring the surface area encompassing any regular geometric figure (square, circle, rectangle, etc.) enclosing all parts of the sign face. The supports or structure on which any sign is supported shall not be included in determining the sign area unless such supports or structure are designed in such manner 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.

(d) *Computation of area.* To compute area of sign faces separated by an interior angle of 45 degrees or more, both sign faces shall be included. When sign faces are separated by an interior angle of less than 45 degrees, one sign face shall be included; however, the area of the largest sign face shall be used when two faces are unequal in area.

(e) *Blank space.* At least 50 percent of total sign area must remain blank space.

Sec. 66-370. Development standards for permitted sign types and flags.

All new signs and flags and all existing signs and flags which are replaced, reconstructed, extended or changed structurally or in content shall comply with the following development standards. No sign shall cover, cross or otherwise hide columns, railings, belt courses, or other decorative architectural features of a building, including balconies.

(a) Ground mounted signs shall have a maximum height of eight feet.

(b) Projecting sign development standards are:

(1) Angle of projection shall be 90 degrees.

(2) The limit on projection shall be five feet or one-third the width of the sidewalk, whichever is less.

(3) Projection over a right-of-way is prohibited if it obstructs pedestrian or vehicular traffic.

(4) Minimum clearance shall be seven feet.

(c) Wall sign development standards are:

(1) The limit on projection shall be six inches.

(2) Permanent window signs shall be limited in area to 25 percent of the window area or 25 square feet, whichever is less, and shall be included in the sign area calculation.

(d) Awning and marquee signs development standards are:

(1) The location must be parallel to the face and not projecting above or below the face of the awning, or marquee.

(2) The limit on projection shall be within one foot of the vertical placement of curbs, but shall in no way interfere or obstruct either pedestrian or vehicular traffic.

(3) The limit on projection of a marquee shall be to within one foot of the face of the building but in no way shall interfere or obstruct either pedestrian or vehicular traffic.

(e) Waterfront signs shall be no wider or taller than the riverfront face of the building. They may be wall or ground mounted or projecting, but if ground mounted or projecting then no part of the sign shall be visible from Mill Street or Poplar Lane.

(f) Flags shall be no larger than ~~16~~50 square feet. The angle of projection shall be between 45 and 90 degrees; multiple businesses on the same zoning lot shall hang flags at the same angle of projection. Flags shall not obscure other businesses or architectural features of a building; they shall not interfere with pedestrian walkways or rights-of-way; when hung over a right-of-way, they shall have a seven foot ground clearance.

Sec. 66-371. Construction and maintenance standards.

(a) *Building code compliance.* All signs shall be constructed in compliance with the Virginia Uniform Statewide Building Code.

(b) *Condition of signs and flags.* All signs, flags and components shall be maintained in good repair and in a safe, clean and attractive condition.

(c) *Repair or removal of nuisance signs or flags.* Any sign, flag and/or support declared by the zoning administrator to be an immediate or imminent hazard to life or property may be caused to be immediately removed or repaired. All costs associated with the removal or repair shall be charged to the owner of the premises.

(d) *Removal of obsolete signs or flags.* Any sign or flag that is obsolete because of discontinuance of the advertised activity, or any other reason that would cause the sign or flag and/or support to be obsolete, shall be removed within 30 days of becoming obsolete. Thereafter, that sign or flag will be illegal.

Sec. 66-372. Nonconforming signs.

(a) *Generally.* Any sign lawfully in existence on the effective date of this ordinance, which does not conform to the provisions of this article, and any sign accessory to a nonconforming use, shall be deemed a nonconforming sign and may remain except as qualified in subsection (b) of this section. No

nonconforming sign shall be enlarged, extended, structurally reconstructed or altered in any manner.

(b) *Removal of nonconforming signs.* Nonconforming signs may remain, provided they are kept in good repair, except for the following:

(1) *Damage or destruction of nonconforming sign.* A nonconforming sign that is destroyed or damaged to the extent exceeding 50 percent of its appraised value shall not be altered, replaced or reinstalled unless it is in conformance with this article. If the damage or destruction is 50 percent or less of the appraised value, the sign may be restored within two months of the destruction, but shall not be changed in any manner.

(2) *Damage or destruction of use.* A nonconforming sign shall be removed if the structure or use to which it is accessory is destroyed or demolished to the extent exceeding 50 percent of the principal structure's appraised value.

(3) *Change of use.* Whenever a change of use occurs upon a zoning lot that contains a nonconforming sign, such sign shall not be permitted without being modified in such manner as to be in full compliance with this article.

Sec. 66-373. Outdoor Merchandise Displays.

Outdoor merchandise displays by businesses with first floor frontage are permitted during business hours. The merchandise must be stored inside when the business which displays it is closed. Merchandise shall not be placed in the public right-of-way, nor shall it obscure the architectural features of a building (columns, railings, belt courses, balconies or other decorative features) or extend past the length of the storefront. Permanent display tables or racks or other permanent display pieces are prohibited outside of buildings. All items and displays shall be safe and stable with no risk of overturning due to wind or contact. No signs may be placed upon or hung from outdoor merchandise.

DIVISION 2. SIGNS AND FLAGS PERMITTED BY ZONING DISTRICT

Sec. 66-391. Generally.

This division specifies the types and sizes of signs and flags permitted within the various zoning districts within the town.

Sec. 66-392. Residential zoning districts; permitted signs and flags.

(a) *General regulations.*

(1) *Minimum setback.* The minimum setback shall be five feet from all public rights-of-way unless further restricted by the provisions of this article.

(2) ~~*Illumination of signs in residential districts.*~~ ~~The following signs~~ Signs may not be illuminated except as expressly permitted in this section by white light only:

~~a. Institutional bulletin boards.~~

~~b. Residential development identification signs.~~

(b) *Signs and flags for permitted principal uses.* Signs and flags for permitted principal uses are regulated as follows:

(1) For single-family and two-family dwellings, no signs or flags are allowed except for those exempt from permit requirements and temporary signs authorized in sections 66-367 and 66-368, respectively.

(2) For residential developments, ~~permanent subdivision or development signs indicating only the name and/or address of the premises are allowed. The identification sign shall be ground mounted~~ sign(s) are permitted, and with the maximum number, sign area and height shall be determined as follows:

a. For developments of ten units or less, one ground mounted sign, not to exceed six square feet in area or eight feet in height. The sign may be illuminated by steady white light only.

b. For developments of 11 units or more, one ground mounted sign at each major entrance, not to exceed 12 square feet in area or eight feet in height. The sign may be illuminated by steady white light only.

(c) *Signs for accessory uses.* Signs for accessory uses are regulated as follows:

(1) For accessory management or rental offices, one wall or projecting sign up to four square feet in area.

(2) For other accessory uses, one wall or projecting sign up to four square feet in area.

(d) *Signs for special exception and conditionally permitted uses.* Signs for special exception and conditionally permitted uses are as provided in the permit. ~~regulated as follows:~~

~~(1) For institutional bulletin boards, one ground mounted or wall sign per use, not to exceed eight square feet in area and, if a ground mounted sign, six feet in height.~~

~~(2) For other special exception and conditionally permitted uses, one sign of any type identifying only the name and/or address of the premises, not to exceed eight square feet in area and, if a ground mounted sign, six feet in height.~~

Sec. 66-393. Business and old and historic districts; permitted signs and flags.

(a) *General regulations.*

(1) All development and construction signs requiring a permit shall comply with the requirements of sections 66-369 and 66-370.

(2) Any sign erected within 100 feet of either an existing residential use or a residential zoning district shall be non-illuminated and limited to 16 square feet in area.

(3) The maximum permitted area of a waterfront sign is two square feet per linear foot of the building's riverfront width. If more than one business is located on a riverfront parcel, then they may share the maximum permitted area in a single sign or in multiple signs, each of which meets the restrictions imposed by this Chapter.

(b) *Signs and flags for individual businesses on a single zoning lot.* A single business located on one zoning lot may erect signs and flags as follows:

(1) With the exception of riverfront property, the maximum number of signs and flags in combination per business shall be four; riverfront businesses may also have one waterfront sign. No zoning lot shall be permitted to have both a ground mounted sign and a projecting sign, unless one is a waterfront sign.

(2) Types of signs permitted are wall, ground mounted, projecting, awning, waterfront or marquee.

(3) The maximum size of signs other than waterfront signs shall be, for:

a. A wall or marquee sign, 16 square feet.

b. A ground mounted sign, 16 square feet.

c. An awning sign, one square foot per linear foot of the awning, up to ten square feet.

d. A projecting sign, one square foot per linear foot of building frontage on which the sign is to be attached, up to 16 square feet.

~~e. Paddle signs are permitted provided the measuring of the square foot area of such signs shall be the total square foot area of all the signs, including the area of the open space between each sign.~~

(c) *Signs and flags for multiple businesses on a single zoning lot.* Multiple businesses located on a single zoning lot may erect signs and flags as follows:

(1) With the exception of riverfront property, the maximum number of signs and flags in combination per business shall be four; riverfront businesses may also have one waterfront sign.

(2) Types of signs permitted are wall, ground mounted, projecting, awning, marquee, and waterfront, ~~or paddle~~ signs. All signs must be harmonious as to color and lettering, and must be ~~either in historic or restoration shades~~ ARB colors.

(3) The maximum size of signs other than waterfront signs shall be 16 square feet.

(4) Other than a waterfront sign, each business on a single zoning lot may have four signs and flags in combination, one of which may be a projecting sign.

(5) Other than a waterfront sign, no more than one ground mounted sign per business, maximum of 16 square feet in area and eight feet in height is allowed.

~~(6) Only the Town of Occoquan may erect directional signs indicating "More Shops" or other signs with similar wording.~~

DIVISION 3. ADMINISTRATION

Sec. 66-401. 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 section 66-367.

(b) *Filing of application; fees.* Applications for sign permits shall be filed on a form provided by the town by the applicant or his agent. Applications for permits for signs in the Old and Historic District shall be subject to review and approval by the architectural review board, ~~shall contain information required in subsection (c) of this section, and shall be accompanied by a fee, as established from time to~~

~~time by resolution of the town council. All applications for permits for signs outside the Old and Historic District shall be subject to the review and approval of the Town Manager Zoning Administrator, and shall contain information required in subsection (c) of this section, and shall be accompanied by a fee, as established from time to time by resolution of the town council. Denial of a permit by the Town Manager may be appealed to 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.

(4) ~~Purpose of the proposed sign.~~ Reserved.

(5) 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) ~~Recording of sign permit. The architectural review board shall maintain a record of all sign permits issued. All sign permits shall be numbered in the order of their issuance. In addition, the architectural review board will maintain a list of non-conforming signs (i.e. signs legally erected prior to January 1, 2012 that would not otherwise be permitted) as they are discovered or recognized. If the architectural review board denies a sign application, the applicant may request that a written statement be issued no later than two weeks after the denial, citing the code section and/or architectural review board guidelines basis for denial.~~ Reserved.

(e) *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 ~~zoning administrator or the architectural review board~~ Town.

(f) *Revocations.* The ~~zoning administrator~~ Town ~~or the architectural review board~~ 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.

Sec. 66-402. Temporary sign permit procedures.

(a) All applications for signs requiring the issuance of a temporary sign permit, as established in section 66-368, shall contain all information requested by the architectural review board 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 considered obsolete.

(b) All applications for banners, as established in section 66-368, shall contain all information requested by the Town ~~Manager~~ 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 considered obsolete.

Sec. 66-403. Expiration of sign permits; signs not constructed.

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 architectural review board~~ 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.

Sec. 66-404. ~~Variances to sign regulations not permitted.~~

~~Unless specifically authorized in this division, no variance to the standards established for regulating the type, size or location of signs shall be authorized, except by affirmative action of the town council. Reserved.~~

Sec. 66-405. Removal of signs.

(a) *Illegal signs.* The ~~zoning administrator or the architectural review board~~ Town may remove or order the removal of any illegal sign at the expense of the property owner. ~~Placement of an illegal sign shall be a class 4 misdemeanor.~~

(b) *Structurally unsafe signs.* Whenever, in the opinion of the zoning administrator or building official, ~~the architectural review 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.

- 2. This ordinance shall become effective upon its adoption.

MOTION:

Date:

SECOND:

Regular Meeting

Ord. No. O-2015-05

RE: AN ORDINANCE TO AMEND CHAPTER 66, ARTICLE VIII, SIGNS AND ADVERTISING, OF THE OCCOQUAN TOWN CODE.

ACTION:

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

CERTIFIED COPY_____

Greg Holcomb, Town Clerk

**A RESOLUTION TO
INITIATE ZONING TEXT AMENDMENT
FOR REVISIONS TO CHAPTER 66, ARTICLE VIII,
SIGNS AND ADVERTISING, OF THE TOWN CODE**

WHEREAS, the Occoquan Town Council finds that public necessity, convenience, general welfare, and good zoning practice requires amending the Town's sign ordinance provisions contained in Chapter 66, Article VIII of the Town Code, and

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

WHEREAS, pursuant to §15.2-2286(A)(7)(i), such amendment may be initiated by resolution of the Town Council, and

WHEREAS, pursuant to §15.2-2285(B), no zoning ordinance shall be amended or reenacted unless the governing body has referred the proposed amendment or reenactment to the planning commission for its recommendations; and

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

NOW, THEREFORE, BE IT RESOLVED that the Occoquan Town Council does hereby initiate ZTA-2015-01 to amend the Town's sign ordinance in Chapter 66, Article VIII of the Town Code; and

BE IT FURTHER RESOLVED that the Occoquan Town Council does hereby refer the proposed amendment to the Planning Commission for its recommendations; and

BE IT FURTHER RESOLVED that effective immediately the clerk is directed to advertise a joint public hearing of the Town Council and Planning Commission on the proposed amendment in accordance with the requirements of §15.2-2204 of the Code of Virginia.

Adopted by the Town Council of the Town of Occoquan, Virginia this 4th Day of August, 2015.

MOTION: Mr. Dawson

DATE: August 4, 2015

SECOND: Mr. McGuire

Regular Meeting

Attachments: Draft zoning text amendment language.

Votes

Ayes: Vice Mayor Sivigny, Mr. Brown, Mr. Dawson and Mr. McGuire

Nays: none

Absent from Vote: Mr. Drakes

Absent from Meeting: Mr. Drakes

BY ORDER OF THE TOWN COUNCIL



Elizabeth A.C. Quist, Mayor

Attested:



Greg Holcomb, Town Clerk



TOWN OF OCCOQUAN

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TOWN COUNCIL
Elizabeth A. C. Quist, Mayor
Patrick A. Sivigny, Vice Mayor
Tyler C. Brown
J. Matthew Dawson
Jim Drakes
Joe McGuire

TOWN MANAGER
Kirstyn Barr Jovanovich

MEMORANDUM

TO: Planning Commission

CC: The Honorable Town Council

FROM: Town Manager 

DATE: August 7, 2015

SUBJECT: Consulting Services - Comprehensive Plan Update

Mr. Mike Chandler, Director of Education for VA Tech's Land Use Education Program, provided training in June to the Town's Planning Commission. During the training, he discussed zoning and land-use issues and the role of the Comprehensive Plan. Since then, I have been discussing next steps with Mr. Chandler in terms of how the Town should proceed in updating the Comprehensive Plan and aligning our zoning ordinance with the goals and strategies outlined in the plan.

The update of the Comprehensive Plan is the first step needed before the Town can move forward with a legal review of the Town's zoning and subdivision ordinances and the recodification of the Town Code.

The proposal below outlines a process in which Mr. Chandler would work with the Planning Commission, Council, staff and the community, over a three month period to update the Town's Comprehensive Plan. During your August 11, meeting, the Commission will be asked to consider this proposal and provide a recommendation to Council on whether or not to move forward with this service.

If recommended for approval by Planning Commission and subsequently approved by Town Council on September 1, the Comprehensive Plan update process will begin shortly thereafter and be completed by the end of the year. As a result, the legal review and recodification would begin in the beginning of 2016 for completion by the beginning of FY 2017.

PROPOSAL SUMMARY

Key Items to be Accomplished

- A reviewed/ revised Comprehensive Plan Vision Statement.
- A reviewed/ revised set of Comprehensive Plan goals, objectives and policies.
- A revamped Comprehensive Plan implementation schedule/strategy.
- Recommended changes to the existing and future land use map.
- The results of the Occoquan Open Forum.
- Adjustments/additions needed to bring the Comprehensive Plan in to conformance with the Virginia Code.
- Updated Occoquan socio-economic information.

PROPOSAL DETAIL

I. PROPOSAL

Perform a Community-Based Review and Diagnostic Examination of the Occoquan Comprehensive Plan.

II. PROPOSAL TIMELINE

Comprehensive Plan Update - 3 Months from start to finish.

III. PROPOSAL PROCESS

The Occoquan Comprehensive Plan Review and Diagnostic will feature five (5) distinct steps. In addition, a written report documenting each step taken in the process will be prepared along with a concluding report which will feature a series of actions the town can/should take to strengthen and update the Occoquan Comprehensive Plan.

A. STEP ONE

The comp plan review and diagnostic process will begin with the design of a survey instrument by the contractor that will be distributed to all members of the Occoquan Planning Commission, the Occoquan Town Council, the Occoquan BZA, the Occoquan Architectural Review Board, and all Town of Occoquan Department Heads. The survey will feature a series of questions designed to elicit respondent impressions relative to the strengths and weaknesses of the current Occoquan comprehensive plan. In addition, the survey will seek respondent input regarding the continued relevance of the community vision featured in the current Occoquan plan as well as the continued relevance of the goals, objectives and action policies listed in the current plan. The survey will also seek respondent input focused on the opportunities and threats Occoquan will likely face over the next 5 to 10 years and what actions/steps the town will need to take to enhance and strengthen the Town's Comprehensive Plan.

B. STEP TWO.

The contractor will tally the surveys received and will prepare a summary report that

will be shared with all survey participants in advance of the contractor being on-site for a series of interviews with the survey participants, as well as with a cross-section of Occoquan business leaders, over a three day period of time. While on-site, and in partnership with the town administrative staff, the contractor will conduct an Occoquan Comp Plan Open Forum for town residents. The forum will be featured over two consecutive evenings and will allow citizens the opportunity to share their impressions-both positive and negative-about the Occoquan comp plan as well as what they would like to see and experience in Occoquan 5 to 10 years into the future.

C. STEP THREE

A report reflecting the input received during Step Two will be generated by the contractor. The report will also feature the contractor's recommendations and actions the Occoquan Planning Commission can/should take to revise and strengthen the current Occoquan Comprehensive Plan. This report will be delivered electronically to key town officials including all members of the Occoquan Planning Commission and the Occoquan Town Council.

D. STEP FOUR

The contractor will be on-site for a second round of meetings with town leaders, town staff, and key business leaders. The report referenced in Step Three will be discussed during the scheduled meetings. While on-site the contractor will once again, in partnership with the town's administrative staff, conduct an open forum for town citizens to learn about the Step Three report and to share their thoughts and impressions. This second round of community meetings will take place over a three day period.

E. STEP FIVE

A final report documenting the Occoquan Comprehensive Plan review and diagnostic process will be prepared by the contractor. The report will feature a summary of the findings as well as a list of actions Occoquan, specifically the Occoquan Planning Commission, can take that will update the Town's Comprehensive Plan and assure the Town's Comprehensive Plan is in full compliance with the provisions and mandates featured in the Code of Virginia. The contractor will deliver the final report electronically and will be on-site to present the report and its recommendations at a joint meeting of the Occoquan Planning Commission and the Occoquan Town Council.

IV. FEE

An all-inclusive fee of \$6,000 will be charged to complete the 5 step process outlined above. The fee will be paid in two equal installments of \$3,000 each. The first installment will be due at the conclusion of Step 3 and the second will be due at the conclusion of Step 5. *(The Town has identified funding in the FY 2016 CIP to support the Comprehensive Plan Update.)*