



TOWN OF OCCOQUAN

Circa 1734 | Chartered 1804 | Incorporated 1874

314 Mill Street
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Occoquan, VA 22125
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occoquanva.gov
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PLANNING COMMISSION MEETING

September 22, 2026 | 6:00 PM

1. **Call to Order**
2. **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
3. **Approval of Minutes**
 - a. July 28, 2026 Meeting Minutes *pg. 2*
4. **Action Items**
 - a. Resignation of Planning Commission Chair Eliot Perkins *pg. 5*
5. **Discussion Items**
 - a. Referral of Zoning Text Amendments Regarding Town Code Chapter 157 to the Planning Commission *pg. 8*
 - b. Department of Environmental Quality (DEQ) Comments on Comprehensive Plan 2036 *pg.76*
6. **Adjournment**

Eliot Perkins
Chair, Planning Commission



TOWN OF OCCOQUAN PLANNING COMMISSION

Agenda Communication

3. Approval of Minutes	Meeting Date: September 22, 2026
3A: July 28, 2026 Meeting Minutes	

Attachments: a. July 28, 2026 Meeting Minutes

Submitted by: Don Wood
Planning Commission Secretary

Explanation and Summary:

This is a request to approve the meeting minutes from the July 28, 2026 Planning Commission Meeting.

Proposed/Suggested Motion:

"I move to approve the meeting minutes as presented."

OR

Other action the Planning Commission deems appropriate.



TOWN OF OCCOQUAN PLANNING COMMISSION

Town Hall – 314 Mill Street, Occoquan, VA 22125

MEETING DATE: 2026-07-28

MEETING TIME: 6:00 PM

Present: Chairperson Eliot Perkins, Vice Chair Samantha Sparks, Commissioners Ralph Newel, Margaret Pepin, and Don Wood

Town Staff: Adam Linn, Town Manager; Megan Lubash, Assistant Town Manager/Town Clerk

1. Call to Order

- a. The meeting was called to order at 6:03 pm.

2. Approval of Minutes

- a. Vice Chair Sparks moved to approve the May 26, 2026 meeting minutes. Commissioner Pepin seconded the motion. The motion passed unanimously by voice vote.

3. Citizen's Time

- a. No comments

4. Discussion Items

a. 2026-2036 Comprehensive Plan.

Town Manager Linn presented suggested edits, deletions and additions to the draft Plan that were suggested by the Town Council, along with Staff recommendations. Commissioners discussed each of these comments and recommendations and made several changes to the draft Plan.

5. Action Items

- a. Vice Chair Sparks moved that the draft 2026-2036 Town of Occoquan Comprehensive Plan be transmitted to the Town Council, Virginia Department of Transportation, Virginia Department of Environmental Quality, and Prince William County Planning Office for technical review and comment." Commissioner Newel second the motion. A roll call vote was taken.

Commissioner Pepin - aye

Vice Chair Sparks - aye
Commissioner Newell - aye
Chair Perkins - aye
Commissioner Wood - aye

5. Adjournment:

The meeting adjourned at 7:26pm.

Minutes Prepared by Don Wood, Planning Commission Secretary
Minutes Formatted by Megan Lubash, Town Clerk



TOWN OF OCCOQUAN PLANNING COMMISSION

Agenda Communication

4. Action Items	Meeting Date: September 22, 2026
4A. Resignation of Planning Commission Chair Eliot Perkins	

Attachments: a. Letter of Resignation

Submitted by: Adam Linn
Town Manager

Explanation and Summary:

On August 21, 2026, Chair Eliot Perkins sent in a Letter of Resignation to Mayor Porta, Town Councilmembers and Town Manager Linn. He noted appreciation for having served on the Planning Commission as its Chair and will now continue to serve as a regular member of the Planning Commission.

Proposed/Suggested Motion:

"I move to accept the letter of Resignation from Chair Eliot Perkins from August 21, 2026, as presented."

OR

Other action the Architectural Review Board deems appropriate.

August 21, 2026

Dear Mayor and Members of the Town Council,

I am writing to formally resign as Chair of the Town of Occoquan Planning Commission, effective at the Planning Commission's September 22, 2026 meeting. This is not a decision prompted by disappointment or a desire to step away from the work of the Planning Commission. Rather, it reflects our recognition that while Town Council members should continue to serve on the Town's boards and commissions, those bodies are best served when their leadership remains independent of the Council.

I have been honored to serve as Chair for more than eight years, and I am deeply grateful for the trust that the people of Occoquan have placed in me. It has been a privilege to lead a committed and thoughtful group of people who have served on the Planning Commission over those years. Together, we worked to create a Commission that could listen to the community, respond thoughtfully to the challenges facing Occoquan, and help turn good ideas into meaningful action. Just as importantly, I wanted us to be collegial, respectful of different perspectives, and always focused on what is best for the people of Occoquan.

Serving on the Planning Commission has reinforced for me that Occoquan is unlike most communities. Our town's size means that every planning decision carries lasting significance. Our rich history, riverfront, small businesses, and residential neighborhoods create opportunities that are remarkable and rare. At the same time, being in the heart of the Washington metropolitan area brings challenges that are uniquely our own and require thoughtful leadership, careful planning, and a willingness to look beyond the issues immediately before us to consider the long-term impact of the decisions we make.

That long-term perspective is at the heart of the Planning Commission's work. The Comprehensive Plan is our community's principal visioning document, and I am particularly proud of the role the Commission has played in shaping that vision. Having helped lead the 2021 mid-term review of our previous plan and, most recently, the development of the 2026-2036 Comprehensive Plan has been one of the most meaningful parts of my service. I believe we have created a thoughtful, practical, and forward-looking document that can help guide Occoquan as we determine what we want our Town to be in the years ahead.

I also want to express my sincere appreciation to the Mayor and Town Council for their support of the Planning Commission, for the confidence and trust they have placed in me throughout my years of service, and for the latitude they have given the Commission to take a broader and more active role in helping implement the vision set out in our Comprehensive Plan. I have appreciated their willingness to recognize that the Planning Commission can contribute more than simply reviewing individual land-use matters, and to give us the flexibility to engage more directly in the long-term planning and future of Occoquan.

And I want to give a special and heartfelt thank-you to the Town staff. The work of the Planning Commission simply could not happen without their knowledge, professionalism, and tireless efforts. They have supported us in countless ways, and I am deeply grateful for everything they have done for the Commission and for the Town.

Although I am stepping down as Chair, I am not stepping away from the Planning Commission or from my commitment to Occoquan. I look forward to continuing to serve as a member of the Commission while also fulfilling my responsibilities as a member of Town Council.

I look forward to continuing to work with the Commission through the September 22 meeting and to supporting the vice chair as they assume the role of Chair. I will do whatever I can to help make that transition smooth and to support the Commission in the years ahead. I am confident that the Commission will continue to be an independent, thoughtful, and collegial body, focused on the long-term interests and vision of the people of Occoquan.

It has been one of the great privileges of my years in public service to serve as Chair of the Planning Commission. I am proud of what we have accomplished together, grateful to the many people who made that work possible, and excited to continue working with all of you to help shape the future of our very special town.

With sincere appreciation,

A handwritten signature in black ink, appearing to read 'Eliot Perkins', written over the text 'With sincere appreciation,'.

Eliot Perkins
Member, Occoquan Town Council
Planning Commission



TOWN OF OCCOQUAN PLANNING COMMISSION

Agenda Communication

4. Discussion Items	Meeting Date: September 22, 2026
4A. Referral of Zoning Text Amendments Regarding Town Code Chapter 157 to the Planning Commission	

Attachments: a. Chapter 157 of the Town Code of Occoquan

Submitted by: Adam Linn
Town Manager

Explanation and Summary:

This discussion item is to review the Town's Zoning Code to update it and make alterations to make sure the town's Zoning reflects changes made in the Town's Comprehensive Plan 2036.

Background

Town Code Chapter 157 – Zoning establishes the Town's regulations governing land use, zoning districts, development standards, administrative procedures, and related zoning requirements.

Staff has identified a need for a comprehensive review of Chapter 157 to determine whether revisions are appropriate to improve the clarity, consistency, administration, and effectiveness of the Town's zoning regulations and to ensure that the regulations remain consistent with current Town planning objectives and practices.

Rather than addressing individual provisions on a piecemeal basis, Staff recommends that the Planning Commission initiate consideration of zoning text amendments to Chapter 157 and develop of proposed amendments.

Pursuant to Virginia Code § 15.2-2286, amendments to a zoning ordinance may be initiated by resolution of the governing body. Additionally, Virginia Code § 15.2-2285 provides that, at the direction of the governing body, the Planning Commission shall prepare proposed zoning regulations or amendments and requires Planning Commission review and recommendation before a zoning ordinance may be amended.

The Town Council directed the Planning Commission to review Chapter 157 and identify provisions that may be outdated, unclear, duplicative, inconsistent with other Town Code provisions or current practices, or otherwise warrant modification. The Planning Commission may prepare and recommend zoning text amendments that it determines are appropriate.

Any proposed amendments developed through this process would proceed through the required public hearing process before the Planning Commission and would subsequently be returned to Town Council with the Planning Commission's recommendation for consideration. Town Council would then conduct the required public hearing before taking final action on any proposed ordinance amendments.

CHAPTER 157: ZONING

Section

General Provisions

- 157.001 Purpose and legislative authority
- 157.002 Assumption of validity of conditions or limitations
- 157.003 Relationship to other laws
- 157.004 Scope of chapter
- 157.005 Adoption of Zoning Map
- 157.006 Interpretation of Comprehensive Plan, this chapter, and Map
- 157.007 Zoning Map
- 157.008 Definitions
- 157.009 Disclosure of interests
- 157.010 Home occupation certificate
- 157.011 Extension of zoning approvals to address housing crisis
- 157.012 Setback encroachments for ADA ramps, structures, and equipment
- 157.013 Solar energy
- 157.014 Temporary trailer for sales and construction office during construction
- 157.015 Accessory buildings, uses, and structures

Districts; Generally

- 157.025 Establishment of districts

R-1 District

- 157.040 Statement of intent
- 157.041 Uses permitted
- 157.042 Signs permitted
- 157.043 Area regulations
- 157.044 Setback regulations
- 157.045 Frontage regulations
- 157.046 Yard regulations
- 157.047 Height regulations

R-2 District

- 157.060 Statement of intent
- 157.061 Uses permitted
- 157.062 Signs permitted
- 157.063 Area regulations
- 157.064 Setback regulations
- 157.065 Frontage regulations
- 157.066 Yard regulations
- 157.067 Height regulations

R-3 District

- 157.080 Statement of intent

- 157.081 Uses permitted
- 157.082 Signs permitted
- 157.083 Area regulations
- 157.084 Setback regulations
- 157.085 Frontage regulations
- 157.086 Yard regulations
- 157.087 Height regulations

R-4 District

- 157.100 Statement of intent
- 157.101 Uses permitted
- 157.102 Signs permitted
- 157.103 Area regulations
- 157.104 Setback regulations
- 157.105 Frontage regulations
- 157.106 Yard regulations
- 157.107 Height regulations

B-1 District

- 157.120 Statement of intent
- 157.121 Uses permitted
- 157.122 Signs permitted
- 157.123 Setback regulations
- 157.124 Height regulations

Parks and Public Utility District (PPU)

- 157.135 Statement of intent
- 157.136 Uses permitted

Chesapeake Bay Preservation Overlay District

- 157.150 Findings of fact
- 157.151 Purpose and intent
- 157.152 Definitions
- 157.153 Areas of applicability
- 157.154 Use regulations
- 157.155 Lot size
- 157.156 Required conditions
- 157.157 Conflict with other regulations
- 157.158 Interpretation of RPA boundaries
- 157.159 Performance standards
- 157.160 Water quality impact assessment
- 157.161 Plan of development process
- 157.162 Nonconforming uses and noncomplying structures
- 157.163 Exemptions and exceptions

Old and Historic Occoquan District

- 157.175 Definition

- 157.176 Creation of boundaries
- 157.177 Certificate of appropriateness required to erect, reconstruct, alter, restore, or raze a building
- 157.178 Application for certificate of appropriateness
- 157.179 Matters to be considered by the Board
- 157.180 Issuance of certificate of appropriateness
- 157.181 Right of appeal
- 157.182 Appeal to Circuit Court

Off-Street Parking Standards

- 157.195 Scope of subchapter
- 157.196 General provisions
- 157.197 Required parking
- 157.198 Geometrics
- 157.199 Disabled parking provisions

Nonconforming Uses, Lots, and Structures

- 157.210 Purpose
- 157.211 Nonconforming lots of record
- 157.212 Nonconforming structures
- 157.213 Nonconforming uses; permits required

Enforcement of Zoning by Zoning Administrator

- 157.225 Right of entry
- 157.226 Questions of interpretation
- 157.227 Written order, requirement, decision, or determination by the Zoning Administrator
- 157.228 Administrative modifications

Special Use Permits

- 157.240 Generally
- 157.241 Fee schedule
- 157.242 Review and approval process
- 157.243 Refiling following denial
- 157.244 Withdrawal of an application
- 157.245 Deferral of application by applicant
- 157.246 Duration and expiration of permit
- 157.247 Revocation of special use permits
- 157.248 Special use permits for tobacco, vape, cannabis, or psychoactive speciality establishment

Zoning Amendments

- 157.260 Initiation of amendments
- 157.261 Application requirements
- 157.262 Generalized development plans (GDP)
- 157.263 Proffer declaration
- 157.264 Validity and conformance with proffered conditions
- 157.265 Public hearing requirements
- 157.266 Referral to Planning Commission
- 157.267 Town Council action

- 157.268 Refiling following denial
- 157.269 Withdrawal of application
- 157.270 Deferral of application by applicant

Outdoor Lighting Requirements

- 157.285 General requirements and exemptions
- 157.286 Definitions
- 157.287 Use and zoning district specific requirements
- 157.288 Site plan requirements

Signs; General Provisions

- 157.300 Findings, purpose, and intent; interpretation
- 157.301 Definitions
- 157.302 Signs requiring a permit
- 157.303 Signs not requiring a permit
- 157.304 Prohibited signs
- 157.305 Measurements of sign area and height
- 157.306 Maintenance and removal
- 157.307 General and sign type requirements
- 157.308 Nonconforming signs
- 157.309 Noncommercial signs

Sign Regulations by Use and District

- 157.320 Residential district signs (R-1, R-2, R-3, R-4)
- 157.321 Business district signs (B-1)

Statutory reference:

Zoning, see VA Code §§ 15.2-2280 et seq.

GENERAL PROVISIONS

§ 157.001 PURPOSE AND LEGISLATIVE AUTHORITY.

This chapter is adopted for the purpose of protecting and promoting the public health, safety, and general welfare in the town and accomplishing the goals, policies, and programs of the Comprehensive Plan. This chapter is established in accordance with the provisions of VA Code §§ 15.2-2280 et seq. to: provide for regulations governing nonconforming uses and structures; provide a Board of Zoning Appeals and for its powers and duties; provide for permits; establish and provide for the collection of fees; provide for the administration of this chapter and for the official whose duty it shall be to enforce the provisions of this chapter; provide penalties for the violation of this chapter; and provide for conflicts with other ordinances or regulations.

(1998 Code, § 66-1) (Ord. passed 9-5-2017)

§ 157.002 ASSUMPTION OF VALIDITY OF CONDITIONS OR LIMITATIONS.

Whenever any condition or limitation is included for a conditional use permit, variance, zoning permit, certificate of occupancy, site plan, or subdivision approval, it shall be conclusively presumed that the authorizing officer or body considered such condition or limitation necessary to carry out the spirit and purpose of this chapter or the requirement of some provision of this chapter, and to protect the public health, safety, and welfare, and that the officer or Board would not grant the authorization to which the condition or limitation pertains except in the belief that the condition or limitation was lawful.

(1998 Code, § 66-2) (Ord. passed 9-5-2017)

§ 157.003 RELATIONSHIP TO OTHER LAWS.

Whenever regulations or restrictions imposed by this chapter are either more or less restrictive than regulations or restrictions imposed by any governmental authority through legislation, rule, or regulation, the regulations, rules, or

restrictions that are more restrictive or which impose higher standards or requirements shall govern. Regardless of any other provision of this chapter, no land shall be used and no structure erected or maintained in violation of any state or federal pollution control or environmental protection law or regulation.

(1998 Code, § 66-3) (Ord. passed 9-5-2017) Penalty, see § 10.99

§ 157.004 SCOPE OF CHAPTER.

(A) No building shall be erected and no existing building shall be moved, altered, added to, or enlarged, nor shall any land or building be used, designed, or arranged to be used for any purpose other than as included among the uses listed as permitted in the district in which such building or land is located, nor in any manner contrary to any other requirements specified in this chapter.

(B) The regulations listed for each district are hereby adopted and prescribed for each district and shall be deemed to be the minimum requirements in every instance of their application, subject to the provisions of other parts of this chapter.

(1998 Code, § 66-4) (Ord. passed 9-5-2017) Penalty, see § 10.99

§ 157.005 ADOPTION OF ZONING MAP.

(A) The incorporated territory of the town is divided into districts as set forth and indicated on the map entitled "Zoning Map", which map, properly identified and dated, is adopted as a part of this chapter insofar as it indicates such designations, locations, and boundaries; and the map shall be deemed to be as much a part of this chapter as if the information set forth on the map were fully described and incorporated in this chapter.

(B) The Zoning Map is available at Town Hall and on the town website.

(1998 Code, § 66-5) (Ord. passed 9-5-2017)

§ 157.006 INTERPRETATION OF COMPREHENSIVE PLAN, THIS CHAPTER, AND MAP.

(A) The town's Comprehensive Plan is intended to be no more than a textual and visual statement of goals and policies that will guide public actions, including land use regulation.

(B) This chapter, in addition to the Zoning Map of the town comprise the only definitive statement of land use.

(1998 Code, § 66-6) (Ord. passed 9-5-2017)

§ 157.007 ZONING MAP.

The Zoning Map serves as the best and most practical implementation of land use objectives of the town and supersedes all zoning maps and Comprehensive Plan maps in existence on the effective date of the ordinance from which this section derives.

(1998 Code, § 66-7) (Ord. passed 9-5-2017)

§ 157.008 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Additional definitions specific to their application in a division may be found in §§ 157.152 and 157.175. Sign definitions contained in § 157.301 also apply to this chapter.

ABANDON. To cease or discontinue a use or activity without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.

ABATTOIR. A commercial slaughterhouse.

ABUTTING/ADJOINING. Having a common point or border; having property or district lines in common. Properties separated from such a common border by public street or railroad right-of-way, and the like, shall be deemed adjacent but not be deemed **ABUTTING**. Property separated by an alley shall be deemed to **ABUT**.

ACCESSORY BUILDING USE OR STRUCTURE. A separate building, use, or structure on the same lot with and customarily incidental to the principal use of the parcel or principal structure.

ACCESSWAY. Landscaped strip of land intended for the passage of pedestrians but not vehicles.

ACREAGE. Parcel of land, regardless of area, described by metes and bounds which is not a numbered lot on any recorded subdivision plat.

ACTIVE STORAGE. The holding or safekeeping of goods in an area for use as a part of the routine operation of the business.

ADULT BUSINESS. Any adult bookstore, adult video store, adult model studio, adult motel, adult movie theater, adult nightclub, adult store, business providing adult entertainment, or any other establishment that regularly exploits an interest in matters relating to specified sexual activities or specified anatomical areas or regularly features live entertainment intended for the sexual stimulation or titillation of patrons.

ADULT DAY-CARE FACILITY. A facility operated for the purpose of providing care, protection, and guidance to adults during normal business hours. No overnight facilities permitted.

ADULT ENTERTAINMENT. Dancing, modeling, or other live entertainment, if the entertainment is characterized by an emphasis on specified sexual activities or specified anatomical areas or is intended for the sexual stimulation or titillation of patrons; or the showing of films, motion pictures, videotapes, slides, photographs, CDs, DVDs, streaming video, or other media that are characterized by their emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas.

ADULT MERCHANDISE. Magazines, books, other periodicals, videotapes, films, motion pictures, photographs, slides, CDs, DVDs, virtual reality devices, or other similar media that are characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas; instruments, devices, or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs; or, lingerie or leather goods marketed or presented in a context to suggest their use for sadomasochistic practices.

ADULT MODEL STUDIO. A commercial establishment, including a lingerie store or novelty store, in which a person performs or simulates specified sexual activities, exposes specified anatomical areas, or engages in other performances intended for the sexual stimulation or titillation of patrons.

ADULT MOTEL. A motel, hotel, or similar commercial establishment that: provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of specified sexual activities or specified anatomical areas and advertises the availability of this sexually-oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio, or television; offers a sleeping room for rent for a time period less than ten hours; or allows a tenant or occupant to subrent the sleeping room for a time period of less than ten hours.

ADULT MOVIE THEATER. An enclosed building regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons, excluding movies that have been rated "G", "PG", "PG-13", or "R" by the Motion Picture Association of America.

ADULT NIGHTCLUB. A restaurant, bar, club, or similar establishment that regularly features adult entertainment.

ADULT STORE. An establishment dealing in adult merchandise as a principal portion of its business.

ALLEY. A permanent service right-of-way providing a secondary means of access to abutting properties.

ALTERATION. Any change, reduction, or addition to part or all of the exterior of any structure including, but not limited to, color, height, floor area, use, or adaptability.

APARTMENT HOUSE. See **DWELLING, MULTIFAMILY.**

ARCHITECT. An individual who is qualified to engage in the practice of architecture as attested by the issuance of a currently valid license to such person as an architect by the State Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers, and Landscape Architects.

ARCHITECTURAL FEATURES. The exterior details of a building, created by the type of construction, the manner of assembly of the materials and the use of decorative details that establishes the overall appearance, period, and style of the structure but are generally not necessary for the structural integrity of the structure. **FEATURES** include, but are not limited to, fanlights, cornice designs, corner boards, window trim, gingerbread, and similar such items.

ASSEMBLY or ASSEMBLING. Conversion of finished material and/or subcomponents into a major product or component.

ASSEMBLY, PLACE OF. Land and/or structures used as a meeting place where persons gather together for purposes of attending civic, social, and/or religious functions, recreational events, or entertainment performances on a regular or recurring basis including, but not limited to, religious institutions, banquet facilities, funeral homes, theaters, conference centers, stadiums, or indoor or outdoor recreational facilities. Excluded are public dance halls and restaurants as defined by this chapter. A gathering of less than 25 persons shall not be considered a **PLACE OF ASSEMBLY** provided the gathering is accessory and incidental to the principal use.

AUTO SERVICES. A facility where motor vehicle maintenance and repairs are conducted for compensation, such as body work, welding, painting, motor repairs, detailing, upholstery, installation of accessories, and like activities, but not including storage of junk vehicles.

BANK. Any establishment in which the primary business is concerned with state regulated activities, including banking, savings and loans, and consumer loan companies. A bank may not have a drive-in window.

BASEMENT. A story partly underground having more than half its floor-to-ceiling height below grade.

BED AND BREAKFAST. An owner or operator-occupied, single-family detached dwelling containing no more than one kitchen and ten or fewer guest rooms, occupied for sleeping purposes by guests for compensation with at least one meal being offered to guests of the establishment.

BIG BOX. A large single occupant building or unit used for retail or wholesale purposes exceeding 80,000 square feet of gross floor area located in a building or unit, or within a building group of less than five units connected by party walls, partitions, canopies, and similar features, and designed as a single or freestanding commercial use or group, which may be included or be part of a shopping center, possibly sharing parking areas and vehicular travel ways with other buildings or uses and which may be connected by walkways and access ways to other buildings or uses.

BOARDINGHOUSE. A building arranged or used for lodging for compensation, with or without meals, and not occupied as a single-family unit.

BUILDING. Any enclosed or open structure other than a tent or mobile home having a roof supported by columns or walls designed to support, shelter, house, or enclose persons, animals, or property of any kind.

BUILDING, HEIGHT OF. The vertical distance measured from the average elevation ten feet out from the finished grade adjoining the building on all exterior walls to the highest point of the roof for a flat roof or to the mean elevation between the main eaves and highest ridge or point of other types of roof. The term **ACTUAL HEIGHT OF BUILDING** as used in this chapter shall not be deemed to include any part of a building wall erected above a flat roof for the purpose of creating a false mansard or parapet to screen rooftop mechanical equipment or housings from public view.

BUILDING, MAIN. A building in which the principal use of the lot is conducted.

BUILDING/CODE OFFICIAL. The person appointed by the Town Council who issues the building permits for the structural design, construction, alteration, reconstruction, repair, restoration, demolition, or razing of all or part of any building. It includes a **DEPUTY BUILDING/CODE OFFICIAL**.

BUILDING PERMIT. An approval statement signed by the Zoning Administrator and the code official authorizing the construction, alteration, reconstruction, repair, restoration, demolition, or razing of all or a part of any building.

BUILDING REPAIR. Any or all work involving the replacement of existing architectural or structural components with equivalent material for the purpose of maintenance, but not including any addition, change, or modification in construction.

CARNIVAL. An aggregation of shows, amusements, concessions, eating places, and riding devices, or any combination thereof, operated together on one lot or street or on contiguous lots or streets, moving from place to place, whether or not they are owned and actually operated by separate persons.

CERTIFICATE OF APPROPRIATENESS. The approval statement signed by the Architectural Review Board which certifies the appropriateness of a particular request for the construction, alteration, reconstruction, repair, restoration, moving, relocation, demolition, or razing of all or part of any building within the historic district, subject to the issuance of all other permits needed for the matter sought to be accomplished.

CHILD CARE FACILITY. Any enterprise or facility operated for the purpose of providing care, protection, and guidance for more than five children separated from their parents or guardians during a part of a day. No overnight facilities permitted.

CHURCH. See **ASSEMBLY, PLACE OF**.

CIRCUS. A traveling or transportable show or exhibition of performances by persons and animals under at least one tent or similar structure with or without other sideshows.

CLUB or LODGE. A facility used by a group of people organized for a common purpose to pursue common goals, interests, or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and bylaws. **CLUBS** and **LODGES** may engage in any activity that is consistent with nonprofit status.

COMMERCIAL AMUSEMENT/RECREATION FACILITY. Any establishment where for coin, slug, ticket, pass, token, or other compensation more than five devices such as pinball, billiards, pool, foosball, table tennis, shuffleboard, electronic or video game, or any other game of recreation or amusement are displayed for public patronage, and/or any courts, fields, or arena designed for commercial lease on an hourly, daily, or event basis for athletic activity such as basketball, hockey, skating, virtual reality games, wrestling, or other such sports or athletic activities not under the control of a public or semipublic agency.

CONDOMINIUM. A group of dwellings, offices, or stores situated on a single lot wherein ownership of individual units is conveyed separately with an undivided vested interest in the common elements pertaining to that unit as defined under the Condominium Act (VA Code §§ 55-79.39 et seq.) or any successor law.

CONGREGATE/CONTINUING CARE FACILITY. A housing project designed for the care of ambulatory elderly persons, with spouses or companions when applicable. Such **FACILITIES** shall provide a community atmosphere by providing amenities for the residents including, but not limited to, a minimum of one prepared meal per day in a central dining area, recreational areas, social activities, and 24-hour staffing, in addition to other conditions as may be required by the special use permit to minimize impact on surrounding residential communities.

CONSTRUCTION STANDARDS. The technical design standards as outlined in this chapter, and the County Design and Construction Standards Manual, as adopted periodically.

DEAD STORAGE. Holding or safekeeping goods in a warehouse or other depository to await the happening of some future event or contingency, which will call for the removal of the goods.

DEMOLITION. The dismantling or tearing down of all, or part, of any building and incidental accessory buildings.

DOMESTICATED ANIMAL. Any dog or cat over four months of age that is maintained for companionship on residential property.

DRIVEWAY. The space specifically designated and reserved on the site for the movement of vehicles from one site to another or from a site to a public street.

DUPLEX. A building situated on a single lot and containing two dwelling units structurally attached, each having separate entrances.

DWELLING, ACCESSORY. A dwelling unit that is an accessory use to a detached single-family dwelling unit (or in the B-1 district, a use permitted by right or by special exception). An accessory dwelling may only be located in the same structure as, or in an accessory building located on the same lot as, the primary use to which the accessory dwelling is an accessory use. An accessory dwelling may not exceed 750 square feet of inhabitable space and may have only one bedroom. An accessory dwelling must meet all setback and yard requirements except as otherwise specifically provided in this chapter.

DWELLING, ATTACHED. One of a series of three or more dwelling units separated from one another by common party walls without openings, i.e., townhouses.

DWELLING, DETACHED SINGLE-FAMILY. A detached dwelling designed for occupancy by only one family and not attached, duplex, or semidetached.

DWELLING, MULTIFAMILY. A building, or portion of a building, designed for occupancy by three or more dwelling units with shared principal entryways, including rental apartments and apartment condominiums.

DWELLING, SEMIDETACHED. A dwelling having a party wall in common with another dwelling but which otherwise is designed to be and is substantially separate from any other structure or structures except accessory buildings.

DWELLING UNIT. A room, or interconnected rooms, constituting a separate independent housekeeping establishment intended for permanent, full-time human occupancy and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

EASEMENT. A grant or reservation by a property owner to another person for the use of a specified portion, or all, of his or her property for a specific purpose, without including title to the property.

EATING PLACE. See **RESTAURANT**.

ENGINEER. An individual who is qualified to engage in the practice of engineering or land surveying as attested by the issuance to such person of a currently valid license as a professional **ENGINEER** by the State Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers, and Landscape Architects.

FAMILY.

(1) May be any of the following:

- (a) An individual;
- (b) Two or more persons related by blood, marriage, adoption, or guardianship, living and cooking together as a single housekeeping unit, exclusive of not more than one additional non-related person;
- (c) A number of persons, not exceeding three, living and cooking together as a single housekeeping unit though not related by blood, marriage, adoption, or guardianship; or
- (d) Not more than two unrelated persons and their dependent children living and cooking together as a single housekeeping unit.

(2) Any family meeting one of the four definitions in divisions (1)(a) through (1)(d) above may have up to four residential guests, as defined in this section. Also see **GROUP HOME**.

FAMILY DAY CENTER. A dwelling unit providing as an accessory use in return for compensation, care, protection and/or guidance for more than five children under the age of 13, separated from their parents or guardian during a part of a day, exclusive of the provider's own children and any children who reside in the structure as part of the family residing there and meeting the definition of family.

FAMILY DAY HOME. A dwelling unit providing as an accessory use in return for compensation, care, protection, and/or guidance for five or fewer children under the age of 13, separated from their parents or guardians during a part of a day, exclusive of the provider's own children and any children who reside in the structure as part of the family residing there and meeting the definition of family.

FLOOR AREA, LEASABLE. Gross floor area less area devoted to common corridors, stairs, elevators, utility spaces, enclosed parking areas, and general maintenance spaces.

FOOD TRUCK. Any modular unit, trailer, or self-propelled motor vehicle (such as a truck, bus, van, camper, or semitrailer

truck), not located on a permanent foundation, and used for the purpose of dispensing in exchange for compensation, food, and/or beverages to the public from the unit.

FRONTAGE. See **LOT FRONTAGE**.

FUNERAL HOME. A structure designed specifically for the purpose of conducting the ritual ceremonies held in connection with the burial of the dead.

GARAGE, PRIVATE. An accessory building or space within a dwelling unit designed or used for the storage of not more than three automobiles owned and used by the occupants of the building to which it is accessory. On a lot occupied by a multifamily dwelling, a **GARAGE** may be designed and used for the storage of one and one-half times as many automobiles as there are dwelling units.

GASOLINE STATION. A facility for the retail sale and direct delivery to motor vehicles of fuel, lubricants, minor accessories, and including the sale of cigarettes, candy, soft drinks, and related items for the convenience of the motoring public.

GROUP HOME. A residential facility in which no more than eight mentally ill, mentally retarded, or developmentally disabled persons reside, with one or more resident counselors or other staff persons. The terms **MENTAL ILLNESS** and **DEVELOPMENTAL DISABILITY** shall not include current illegal use of or addiction to a controlled substance as defined in VA Code § 54.1-3401 or any successor statute. The residential facility, to qualify as a **GROUP HOME**, must have a license from the State Department of Mental Health, Mental Retardation and Substance Abuse Services. For all purposes of this chapter, a **GROUP HOME** is a single-family dwelling.

HISTORIC DISTRICT. An area designated by the Town Council as an overlay district within which are found:

- (1) Historic landmarks as established by the State Board of Historic Resources;
- (2) Any historic structure;
- (3) Any historic areas;
- (4) Areas of unique architectural value located within designated conservation, rehabilitation, or redevelopment districts; and/or
- (5) Parcels of land contiguous to arterial streets or highways found by the Town Council to be significant routes of tourist access to the locality or to designated historic landmarks, buildings, structures, or districts in the town or a contiguous locality.

HOME BUSINESS. Any commercial activity that is conducted within a dwelling unit as an occupation accessory use to the principal residential use and that does not adversely impact or change the character of the neighborhood. A **HOME BUSINESS** occupation is permitted only with a home occupation certificate issued by the town and subject to the standards of § 157.010.

HOMESTAY. An accessory use of a residential dwelling unit (including an accessory dwelling), or portion thereof, intended for short-term rental as transient lodging in exchange for a charge for the occupancy. The primary use of the dwelling unit shall remain residential.

HOSPITAL. An institution that renders two or more of the following services: medical and surgical services with associated bed space; obstetrical or convalescent care; or urgent care services, including nursing homes and sanitariums.

HOSPITAL, ANIMAL. A building designed or occupied for the medical care of animals with ancillary overnight supervision of animals in recovery.

HOTEL. Any facility, with or without separate cooking facilities within individual units, where overnight lodging is provided to the public with compensation on a nightly, weekly, or monthly basis for a period of less than 91 nights per individual per year. This definition includes **HOTELS** and **MOTELS**.

JUNKYARD. Any land or building used for the storage, keeping, collecting, or baling of paper, rags, scrap metals, other scrap, or discarded materials, or for the storage of automobiles or other vehicles not in running condition or the storage of machinery or parts thereof.

KENNEL. Any place where for hire, as part of the customary and routine activity of the premises, more than two dogs, or five cats, that are more than four months of age are kept for the purpose of providing care, protection, guidance, breeding, training, or exercise.

LIBRARY. Any place where books are loaned, with or without compensation, as a major part of the enterprise operated on the premises.

LOT. A parcel of land created by a metes and bounds description or plat of subdivision meeting minimum zoning requirements for area, coverage, setbacks, and other spaces as required at time of recordation.

LOT AREA. The total horizontal area included within lot lines.

LOT, CORNER. A lot abutting upon two or more streets, at their intersection; the shortest side, fronting upon a street, shall be considered the front of the lot, and the longest side, fronting upon a street, shall be considered the side of the lot.

LOT FRONTAGE. The distance measured from side lot line to side lot line, along a line parallel to the street line at the required minimum front yard depth.

LOT, INTERIOR. Any lot other than a corner lot.

LOT LINE. Any line or curve in the boundary of a lot.

LOT LINE, FRONT. A street right-of-way line which forms the boundary of a lot, or in the case where a lot does not abut a street other than by its driveway, or is a through lot, that lot line which faces the principal entrance of, or approach to, the main building. On a corner lot, the shorter street right-of-way line shall be deemed to be the **FRONT LOT LINE**, regardless of the location of the principal entrance, or approach to the main building. On a corner lot, when sides abutting the streets are of equal length, the lot shall be considered to front on that street having the longest frontages within the same block. When frontage is on more than one street, all lot lines not otherwise defined as a **FRONT LOT LINE** shall be considered side lot lines.

LOT LINE, REAR. The lot line which is generally opposite the front lot line. If the lot is irregular in shape the following criteria will be used to determine the **REAR LOT LINE**:

(1) If a **REAR LOT LINE** is less than ten feet in length, or if the side lot lines come to a point at the rear, the **REAR LOT LINE** shall be deemed to be a line drawn parallel to the front lot line, that is not less than ten feet long, lying wholly within the lot and located as far as possible from the front lot line;

(2) If the lot has more than four contiguous lot lines that are not parallel to the front lot line, but all are greater than ten feet in length, the **REAR LOT LINE** shall include all the lot lines that have a beginning point greater than 65 feet from the front line and have an interior angle of 135 degrees or less; and

(3) Any lot line ten feet or less that has both ends intersecting with two lot lines with the same designation shall be deemed as being part of the same line.

LOT LINE, SIDE. Any lot line not otherwise defined as a front or rear lot line.

LOT OF RECORD. A lot which has been legally recorded in the Clerk's office.

LOT, THROUGH. An interior lot, fronting on two parallel or approximately parallel streets.

LOW-INTENSITY PROFESSIONAL, MEDICAL OFFICE OR FACILITY. A facility where there are no more than three clients on premises at a time.

MANUFACTURED HOME. A structure subject to federal regulation that is transportable in one or more sections; is eight body feet or more in width and 40 body feet or more in length in the traveling mode, or is 320 or more square feet when erected on-site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. For purposes of this chapter, a **MANUFACTURED HOME** must meet the standards promulgated by the United States Department of Housing and Urban Development (HUD), published at 24 C.F.R. part 3280, including the ANSI standards incorporated therein by reference. For purposes of this chapter, a **MANUFACTURED HOME** must bear a data plate declaring that it meets HUD standards. A recreational vehicle does not meet the definition of a **MANUFACTURED HOME**.

MANUFACTURING. The processing and/or converting of raw, unfinished materials, or products into articles or substances of different character for a different purpose.

MEDICAL USE. A facility providing emergency or nonemergency medical care, including surgery to patients on an outpatient basis.

MIXED USE DEVELOPMENT. Property that incorporates two or more different uses, and may include a variety of housing types, within a single development.

MOBILE HOME. See **MANUFACTURED HOME**.

MOBILE OR MANUFACTURED HOME PARK OR SUBDIVISION. Any area designed to accommodate two or more independent mobile or manufactured homes intended for residential use where residence is in mobile or manufactured homes exclusively.

MORTUARY or MORGUE. A place where dead human bodies are prepared or kept for identification prior to arrangement for burial.

MOTEL. See **HOTEL**.

NONCONFORMING LOT. An otherwise legally platted lot that has less than the minimum specifications required by this chapter, either on the effective date of this chapter or at the date of subsequent amendments to this chapter.

NONCONFORMING STRUCTURE. An otherwise legal building or structure not complying with minimum lot area, yard, height, lot coverage, or other area or dimensional requirements of this chapter, either on the effective date of this chapter or at the date of subsequent amendments to this chapter.

NONCONFORMING USE. A use that was legal upon its inception but does not conform to the use regulations of this

chapter, either on its effective date or at the date of subsequent amendments to this chapter.

OFFICE BUILDING. A facility in which the administrative activities, record keeping, clerical work, and other similar affairs of a business, professional service, industry, or government are conducted and, in the case of professions such as dentists, physicians, lawyers, or engineers, the facility where such professional services are rendered.

OFF-SITE. All area and structures not falling within the boundary of the land to be developed or under review.

ON-SITE. All land and structures falling within the boundary of the land to be developed, or contiguous, under the same ownership, and with a common plan of development.

OPEN SPACE. Land area set aside for recreation, landscaping, or natural preservation and not used for residences or business activities. **OPEN SPACE** may not be occupied by a patio, deck, or other structure. **OPEN SPACE** on which an approved landscaping plan is in effect is considered **LANDSCAPED OPEN SPACE**.

PARKING STRUCTURE, MULTILEVEL. A structure with multiple stories designed for the parking of passenger vehicles.

PATIO. An exterior living space designed and constructed in a manner that no portion of it is more than eight inches above the adjacent yard surfaces. For the purpose of this chapter, a **PATIO** is not a structure nor can any part of it be counted as landscaped space. A **PATIO** may intrude into a required side or rear yard no more than six feet. **APATIO** intruding into the front yard is permitted as a stoop in front of the front door and may be no larger than sixteen square feet.

PERSON. Any individual, firm, corporation, partnership, association, company, business, trust, joint venture, organization, or other legal entity, by whatever term customarily known.

PERSONAL IMPROVEMENT SERVICE. A facility providing informational, instructional, and similar services for personal improvement. Typical uses include, but are not limited to, driving instruction, health or physical fitness studios, dance studios, handicraft, or hobby instruction.

PROFESSIONAL OFFICE. Any office for the practice of a profession including, but not limited to, architecture, engineering, law, medicine, psychology, theology, real estate, and accounting.

PUBLIC ACCESS EASEMENT. A right of ingress and egress granted by a property owner over his or her privately owned land for the use of the public to travel to a public street in which right to enjoyment is vested in the public generally or in an entire community.

PUBLIC DANCE HALL. The use of any structure, or structure and premises, open to the general public on a regular basis regardless of whether or not an admission fee is charged, where dancing, or the rhythmic movement of body and feet ordinarily accompanied by music, is permitted and the occupancy load of the premises is greater than 50 persons.

PUBLIC USE. Any holding, use, or control, exclusively for public purposes, of any facility, place, site, or structure by any department or branch of government of the federal government, state, or any political subdivision, public authority, or school board, or any combination thereof.

PUBLIC UTILITY. A business or service having an appropriate franchise from the state engaged in regularly supplying the public with a commodity or service of public consequence and need such as electricity, gas, water, sanitary sewer, stormwater management, transportation, or communications.

RECONSTRUCTION. Work required to remake or rebuild all or a part of any building to a sound condition, but not necessarily using original materials.

RECREATIONAL VEHICLE. Any vehicle, trailer, or semitrailer designed for human occupation and not meeting the definition of manufactured home and is not meant for permanent occupancy.

RESIDENTIAL GUEST. Any person not included in the definition of family who sleeps, eats, or otherwise is sheltered by the legal family unit for a period of not more than 30 consecutive days, or 104 calendar days in a single calendar year and who does not compensate the legal family unit for room or board except to defray actual expenses incurred.

RESTAURANT. A building designed or altered, in whole or part, for the purpose of preparation and serving of food and/or beverage for consumption on the premises in exchange for compensation, except for an establishment that meets the definition of "drive-through restaurant" or "public dance hall restaurant" below. At no time shall a **RESTAURANT** dispense food directly to persons in a vehicle.

RESTAURANT, DRIVE-THROUGH. A building designed or altered, in whole or part, to cater to or accommodate the consumption of food and/or beverage on premises, and to customers awaiting the dispensing of such food while in their motorized vehicles, in exchange for compensation.

RESTAURANT, PUBLIC DANCE HALL. A formal or informal restaurant with an occupancy load of more than 50 persons and which meets the definition of "public dance hall" above.

RESTORATION. Work connected with the returning to or repair of a building, or a part of any building, to its original condition through the use of original or nearly original materials.

RETAIL STORE. A building in which merchandise is displayed and sold or personal services rendered to the general public, including an aerobic and dance studio, hardware store, or wellness

facility, but not including an adult business, big box, commercial amusement/recreation facility, dead storage, gasoline station, hospital, animal hospital, junkyard, kennel, massage establishment as defined in § 112.02 of this code, multilevel parking structure, restaurant, truck terminal.

ROOFTOP SOLAR FACILITY. A solar electrical or thermal facility that is integrated into or mounted on the wall or roof of a primary or accessory structure.

ROOMING HOUSE. See **BOARDINGHOUSE**.

SEMIPUBLIC. Any nonprofit use of a building, facility, structure, or land area by the general public for civic or philanthropically oriented uses not under the general supervision or responsibility of a government or governmental franchised utility. This term includes civic center, cultural arts, and similar activities.

SERVICE STATION. See **GASOLINE STATION**.

SETBACK. The minimum distance by which a structure must be separated from a lot line, measured from the nearest vertical wall of the structure to the property line. The term "nearest vertical wall" does not include bay windows, chimneys, eaves, and similar architectural features no more than two feet in depth. For portions of structures without vertical walls, such as decks, the **SETBACK** is measured to the nearest corner or edge of the structure instead.

SHELTER, RESIDENTIAL. A structure operated not for profit, and licensed by the State Welfare Division as transient housing providing short-term or long-term occupancy by more than eight residents, with associated administrative offices.

SIGN. See § 157.301.

SITE PLAN, FINAL. A plan delineating the overall scheme of development of a tract of land, including, but not limited to, grading, engineering design, construction details, survey data for existing and proposed improvements, public utility, storm drainage, landscaping, lighting detail, and erosion and sediment control plans.

SITE PLAN, PRELIMINARY. A plan showing the proposed general layout, the general location of the various types of land uses, the proposed number of dwelling units and layout of lots, general location of streets, and a plan showing the location of recreational spaces, parks, schools, and other public or community uses, where applicable.

SOLAR ENERGY FACILITY. A facility consisting of activities, applications or devices designed to convert sunlight into electricity for storage and/or distribution from one property to others through the transmission grid except for facilities meeting the definition of rooftop solar facilities.

SPACE, LOADING. Any off-street parking space designed, designated, and available for loading and unloading of bulk goods.

SPACE, OFF-STREET PARKING. A space adequate for the temporary storage of a motor vehicle with room for opening doors on both sides, together with properly related access to a public street and maneuvering room, all located outside the dedicated street right-of-way.

SPECIAL EXCEPTION. A use or activity which is not permitted by the provisions of this chapter within a specific zoning district, without being reviewed and authorized by legislative action of the Town Council through the issuance of a special use permit.

SPECIAL USE PERMIT. A permit issued by the Town Council for a special exception after determining such permit to be in keeping with the provisions and intent of this chapter.

STORY. The portion of a building included between the surface of any floor and the surface of the floor next above it, or, if it is the topmost story, the portion included between the surface of its floor and the ceiling next above it.

STORY, HALF. A story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story.

STREET. A strip of land, including the entire right-of-way intended to be dedicated for use as a means of vehicular and pedestrian circulation by the public at large. The term **STREET** includes avenues, boulevards, highways, roads, bridges, and the approaches thereto and all other public thoroughfares, but not alleys, in the town, and shall mean the entire width thereof between abutting property lines.

STRUCTURE. Any assembly of materials forming a construction or fixture for occupancy or use on, under, or over (or any combination thereof) land or water including, but not limited to, stadiums, tents, reviewing stands, platforms, stages, observation towers, telecommunications towers, solar energy devices, water tanks, trestles, piers, wharfs, swimming pools, storage bins, fences, private or public utility lines and other facilities, signs, buildings, parking lots, driveways, decks, gasoline pumps and pump islands, underground storage tanks, stormwater management and retention facilities. The word **STRUCTURE** shall be construed as though followed by the words "or parts thereof" unless the context clearly requires a different meaning. The word **STRUCTURE** includes the word **BUILDING**.

STRUCTURE, CONTRIBUTING. Any structure more than 50 years old at the time under consideration and that represents the period in which it was built by material, design, or other physical features, or is a place of significance that preserves, protects or enhances the character of the historic district in which it is located as determined by the Zoning Administrator.

STRUCTURE, HISTORIC. Any building or physical improvement built before 1900.

STRUCTURE, NON-CONTRIBUTING. Any structure found within a historic overlay district that has not been identified and listed on the historic district structures list adopted by the Town Council.

SUBDIVISION. Any division or re-division of a lot, tract, or parcel of land into lots, tracts, or parcels for the purpose of recordation of any single division and subject to the provisions of Chapter 156 of this code, as amended.

TEMPORARY PHOTOVOLTAIC FACILITY. One or more photovoltaic panels, not permanently affixed to the ground or to any structure, not exceeding ten square feet in the total area of all panels on a single parcel, and not connected to the electrical grid.

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.

TOWNHOUSE. See **DWELLING, ATTACHED.**

TRAVEL TRAILER. See **RECREATIONAL VEHICLE.**

TRUCK TERMINAL. A structure and site designed and used primarily for the loading, unloading, storage, refueling, and maintenance (limited to the changing of tires, fuses, and lights) of tractor trailers or other commercial vehicles.

UTILITY SOLAR FACILITY. A solar array consisting of one or two panels for the sole purpose of providing electricity to a traffic sign, utility installation or public facility.

VETERINARY. See **HOSPITAL, ANIMAL.**

WELLNESS FACILITY. A structure and use designed primarily to provide at least two of the following services: physical therapy; class instruction on physical fitness; aerobics; weight training; nutritional consultation; classes on personal hygiene; and similar activities.

WHOLESALE BUSINESS. A business selling merchandise to retailers, industrial, commercial, institutional, or professional business users, or to other wholesalers, but not including a "big box", as defined herein.

YARD. An open area on a lot between the lot line and the building, measured from the nearest vertical wall of the building to the property line. The term "nearest vertical wall" does not include bay windows, chimneys, eaves, and similar architectural features no more than two feet in depth. A **YARD** shall be open space except as otherwise provided in this chapter.

YARD, FRONT. A yard provided along any street frontage for the full width of the lot and whose depth is measured from the street line perpendicular to the lot frontage to the nearest vertical wall of the structure. For portions of structures without vertical walls, such as decks, the yard is measured to the nearest corner or edge of the structure instead.

YARD, REAR. A yard provided between a structure and the rear lot line and measured perpendicular to the rear lot line to the nearest vertical wall of the structure. For portions of structures without vertical walls, such as decks, the yard is measured to the nearest corner or edge of the structure instead.

YARD, SIDE. A yard provided between a structure and the side lot line and measured perpendicular to the side lot line to the nearest vertical wall of the structure. For portions of structures without vertical walls, such as decks, the yard is measured to the nearest corner or edge of the structure instead.

YARD SALE, RESIDENTIAL. A limited customary accessory use permitted in all residential districts which includes display and noncommercial sales, for the disposal of personal property accumulated by the family of a residential unit for family use and not for resale.

ZONING ADMINISTRATOR. The public official charged with interpretation and enforcement of the provisions of this chapter.

ZONING CERTIFICATION. An official document signed by the Zoning Administrator, or the designated agent, that certifies a specific use, or construction on a specific parcel in the town is consistent with the provisions and conditions of this chapter. An official certification must contain notice of appeal as required under VA Code § 15.2-2311 or successor statute.

(1998 Code, § 66-8) (Ord. passed 9-5-2017; Ord. O-2022-04, passed 9-6-2022; Ord. O-2023-10, passed 6-6-2023; Ord. O-2024-03, passed 9-17-2024)

§ 157.009 DISCLOSURE OF INTERESTS.

(A) Any applicant for a special exception, a special use permit, an amendment to this chapter, or a variance shall make complete disclosure of the equitable ownership of the real estate to be affected including, in the case of corporate ownership, the name of stockholders, officers, and directors and in any case the names and addresses of all the real parties of interest. However, the requirement of listing names of stockholders, officers, and directors shall not apply to a corporation whose stock is traded on a national or local stock exchange and having more than 500 stockholders. In the case of a condominium, the requirement shall apply only to the title owner, contract purchaser, or lessee if he or she owns 10% or more of the units in the condominium.

(B) The disclosure of interests shall be made under oath, notarized, and provided to the body receiving the application

simultaneously with the submission of the application.

(1998 Code, § 66-9) (Ord. passed 9-5-2017) Penalty, see § 10.99

§ 157.010 HOME OCCUPATION CERTIFICATE.

A home occupation certificate shall be required for all home business occupations and is subject to the following standards.

(A) The operation of the home occupation must be conducted entirely within the dwelling unit (not in any accessory structure, i.e. detached shed/garage, unless the accessory structure is being used as a lawful accessory dwelling unit) by the owner/occupant residing in the dwelling and shall not change the character of the dwelling unit nor exhibit any exterior evidence of nonresidential use. No outside storage shall be permitted. Commercial deliveries and pickups of supplies associated with the home occupation shall not be made between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and between the hours of 10:00 p.m. and 9:00 a.m. on Saturdays, Sundays and legal holidays. No employee or customer may come to a home occupation conducted within an accessory dwelling unit.

(B) No additional signs, freestanding or otherwise, shall be permitted on the property or on the exterior of the dwelling unit besides those permitted by § 157.320 Table 1.

(C) The storage of materials, merchandise or equipment on the property is limited to nontoxic or nonhazardous materials in quantities customarily found within a residential dwelling and necessary to conduct the home business occupation.

(D) One marked company vehicle shall be permitted. A marked company vehicle is a vehicle that is externally marked with any commercial markings. A company vehicle is a passenger motor vehicle or light duty truck less than 7,500 pounds gross vehicle weight exclusively used in a business or commercial activity and shall not include any of the following: contractor's equipment or other heavy equipment; a garbage truck; tractor; trailer of a tractor-trailer truck; flatbed truck; dump truck; tow truck; passenger bus; cement truck; and step vans. The marked company vehicle must be kept in a garage or accessory building.

(E) The area devoted to the home occupation shall not exceed 25% of the gross floor area of the dwelling unit.

(F) The home occupation certificate shall terminate on the earlier to occur of:

- (1) The termination of the home occupation; or
- (2) The applicant becoming a resident at a different location.

(1998 Code, § 66-10) (Ord. passed 9-5-2017; Ord. O-2019-05, passed 3-5-2019; Ord. O-2024-03, passed 9-17-2024)

§ 157.011 EXTENSION OF ZONING APPROVALS TO ADDRESS HOUSING CRISIS.

Provisions for extension of zoning approvals shall be in conformance with VA Code § 15.2-2209.1.

(1998 Code, § 66-11) (Ord. passed 9-5-2017)

§ 157.012 SETBACK ENCROACHMENTS FOR ADA RAMPS, STRUCTURES, AND EQUIPMENT.

Notwithstanding the setback requirements set forth in this chapter, upon application and demonstration to the satisfaction of the Zoning Administrator that the same is reasonably necessary to allow for access or egress or for emergency services ("modification"), the Zoning Administrator shall allow a reasonable modification of setback requirements by permitting ramps, structures, and equipment needed to provide access or egress or for emergency services for a specific, identified individual with disabilities under the United States Americans with Disabilities Act of 1990 to encroach into any setback to the minimum distance necessary to provide the access or egress or for emergency services. The Zoning Administrator may seek guidance from appropriate governmental building and life safety officials when considering the application for modification. The Zoning Administrator shall report approval of such modification to the Town Council at the next regularly scheduled meeting. Any such modification approved by the Zoning Administrator shall: be constructed in accordance with the State Uniform Statewide Building Code, being 13 VAC 5-63 and is subject to all applicable review permitting and inspections requirements and fees; and be promptly removed and the setback restored to conform to this chapter upon discontinuance of the need. The Zoning Administrator may require reasonable documentation and access to the property to substantiate the extent of the need for the modification.

(1998 Code, § 66-12) (Ord. passed 9-5-2017)

§ 157.013 SOLAR ENERGY.

(A) Solar energy facilities and ground-mounted solar energy generation facilities are not permitted in any zoning district in the town.

(B) Utility solar facilities are permitted as accessory to any use by the state, county, or town, subject only to the requirements of maintaining vertical clearance for pedestrian and vehicle traffic.

(C) Rooftop solar facilities are permitted as accessory uses in every zoning district in the town subject to the following

conditions and approvals:

- (1) In the Old and Historic Occoquan District, rooftop solar facilities are permitted:
 - (a) In locations not visible from a public street, way or place; or
 - (b) With a certificate of appropriateness from the Architectural Review Board.
 - (2) Height limitations in individual zoning districts do not apply to rooftop solar facilities less than five feet in height.
 - (3) Rooftop solar facilities must meet the setback requirements in the zoning district where the property is located.
 - (D) Temporary photovoltaic facilities are allowed in all zoning districts, subject to the applicable setback regulations. Temporary photovoltaic facilities in the Old and Historic Occoquan District do not require a certificate of appropriateness.
- (Ord. O-2022-04, passed 9-6-2022)

§ 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:

- (1) During construction of a residential or mixed-use development; or
- (2) During construction, renovation, or reconstruction of a primary permanent structure for commercial or residential uses, if the following criteria are met:
 - (a) For a trailer permitted under division (A)(1) 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;
 - (b) For a trailer permitted under division (A)(2) above, there is a valid building permit in place;
 - (c) 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;
 - (d) The temporary trailer shall be subject to the minimum setbacks of the zoning district in which it is located;
 - (e) The temporary trailer shall be located within the boundary of the project in which lots or units are to be sold or rented;
 - (f) No sleeping accommodations shall be provided within the temporary trailer;
 - (g) The temporary trailer shall be securely attached and underpinned. Foundations for the office shall be screened from public view;
 - (h) 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;
 - (i) Each temporary trailer shall not exceed one story in height and 625 square feet of floor area;
 - (j) 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;
 - (k) 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;
 - (l) 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.

(D) The appeal period for a notice of violation under this section is ten days.

(Ord. O-2023-10, passed 6-6-2023; Ord. O-2025-06, passed 5-20-2025)

§ 157.015 ACCESSORY BUILDINGS, USES, AND STRUCTURES.

Except as expressly provided elsewhere in this chapter, in all zoning districts an accessory building, use, or structure is permitted in connection with and on the same lot as the existing primary use so long as that primary use is permitted by right or has a special use permit in effect that expressly allows the accessory building, use, or structure. All accessory buildings and structures shall meet the underlying zoning district's setback, side yard, rear yard, and height requirements except as expressly provided elsewhere in this chapter. Except for home gardens, recreation facilities, and patios, accessory uses must occur entirely within the primary structure or an allowed accessory building or structure.

(Ord. O-2024-03, passed 9-17-2024)

DISTRICTS; GENERALLY

§ 157.025 ESTABLISHMENT OF DISTRICTS.

(A) For purposes of this chapter, the incorporated areas of the town are hereby divided into the following districts:

- (1) R-1 District, limited residential, low-density;
- (2) R-2 District, general residential, medium-density;
- (3) R-3 District, general residential, high-density;
- (4) R-4 District, residential, high-density; and
- (5) B-1 District, generally business, with mixed-use components.

(B) The locations and boundaries of these districts are shown on the Zoning Map.

(1998 Code, § 66-41) (Ord. passed 9-5-2017)

R-1 DISTRICT

§ 157.040 STATEMENT OF INTENT.

The R-1 District consists of low-density residential areas, together with open areas, wherein further low-density residential development appears likely to occur. The regulations for this district are designed to protect and promote the essential characteristics of this district, to promote and encourage a healthy and suitable environment for family life, especially for families that include children, and to ensure that the limited physical size of the town is developed in accordance with its historical character as a town that is primarily residential, with concentrated commercial uses. To this end, development in the R-1 District is limited to low-concentration residential use, mostly detached single-family residences, together with certain additional uses that would serve the residents of this district, including schools, parks, and utilities. To preserve the character of this district, no commercial or industrial use is allowed.

(1998 Code, § 66-61) (Ord. passed 9-5-2017)

§ 157.041 USES PERMITTED.

Structures to be erected or maintained, or land to be used, shall be restricted to one or more of the following uses.

(A) *Uses permitted by-right.* Uses permitted by right are as follows:

- (1) Detached single-family dwellings;
- (2) Schools;
- (3) Town parks;
- (4) Places of assembly with less than 25 seats, as an accessory to the principal use;
- (5) Home business occupations conducted by a resident and occupant, as an accessory use, subject to the issuance of a home occupation certificate in accordance with § 157.010;
- (6) Homestay, as an accessory use;
- (7) [Reserved];
- (8) Temporary seasonal display, subject to the following conditions: display must be accessory to the principal use of

the property; and display may not be present for more than 45 days;

(9) Public utilities, including poles, lines, distribution transformers, pipes, meters, or other facilities necessary for the provision and maintenance of public utilities, including water and sewerage facilities; and

(10) Accessory dwelling, one unit per lot.

(B) *Uses permitted by special exception permit approved by Town Council.* Bed and breakfast; professional offices within detached single-family dwellings, operated by a resident and occupant; and rooming houses and boardinghouses operated by a resident and occupant.

(1998 Code, § 66-62) (Ord. passed 9-5-2017; Ord. O-2024-03, passed 9-17-2024) Penalty, see § 10.99

§ 157.042 SIGNS PERMITTED.

Signs shall be in conformance with §§157.300 through 157.309, 157.320, and 157.321.

(1998 Code, § 66-63) (Ord. passed 9-5-2017) Penalty, see § 10.99

§ 157.043 AREA REGULATIONS.

A residential lot containing or intended to contain a detached single-family dwelling shall have a minimum lot area of 10,000 square feet.

(1998 Code, § 66-64) (Ord. passed 9-5-2017) Penalty, see § 10.99

§ 157.044 SETBACK REGULATIONS.

Buildings shall be located 35 feet or more from any street right-of-way that is 50 feet or more in width, or 60 feet or more from the centerline of any street right-of-way less than 50 feet in width. This shall be known as the **SETBACK LINE**.

(1998 Code, § 66-65) (Ord. passed 9-5-2017) Penalty, see § 10.99

§ 157.045 FRONTAGE REGULATIONS.

For detached single-family dwellings, the minimum lot width at the setback line shall be 70 feet. The front of a corner lot shall be deemed to be the shorter of the two sides fronting on streets.

(1998 Code, § 66-66) (Ord. passed 9-5-2017)

§ 157.046 YARD REGULATIONS.

(A) *Side.* The minimum side yard shall be ten feet, and the total minimum width of the two required side yards shall be 25 feet. For corner lots, the side yard on the side facing the side street shall be 20 feet or more for both main and accessory buildings. Decks are not permitted in the minimum side yard area.

(B) *Rear.* The minimum rear yard, measured from the largest structure upon the premises, shall be 40 feet, of which no more than 15 feet may be occupied by a deck. However, the Zoning Administrator shall issue a zoning permit reducing the rear yard to 25 feet if the existing or planned building will not have any provision for a deck and a note is placed on all site plans, subdivision plans, building plans, and record plats associated with the property that no deck is permitted on the lot. No deck may be built in any rear yard subject to such a zoning permit. The Zoning Administrator shall issue a zoning permit for a deck larger than 15 feet, if the distance from the rear edge of the deck to the property line is at least 25 feet.

(1998 Code, § 66-67) (Ord. passed 9-5-2017) Penalty, see § 10.99

§ 157.047 HEIGHT REGULATIONS.

(A) Buildings may be erected up to 35 feet in height from the average of the finished ground level adjoining the building at all exterior walls.

(B) Public or semipublic buildings, such as a school, library, or hospital, may be erected to a height of 60 feet from grade, provided that required front, side, and rear yards shall be increased one foot for each foot in height over 35 feet.

(C) Spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennas, and radio aerials are exempt.

(D) Parapet walls may be up to four feet above the height of the building on which the walls rest.

(E) No accessory building shall be closer than five feet to any lot line.

(1998 Code, § 66-68) (Ord. passed 9-5-2017; Ord. O-2024-03, passed 9-17-2024) Penalty, see § 10.99

R-2 DISTRICT

§ 157.060 STATEMENT OF INTENT.

The R-2 District consists of certain medium-density residential uses, generally located between detached single-family residential and commercial areas, together with certain open areas, where similar development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage, with compatible intensities of land use, a suitable environment for family life composed of an adult population with some children, and to permit certain commercial uses of a character unlikely to develop a general concentration of traffic, crowds of customers and general outdoor advertising. To this end, retail activity is sharply limited and this district is protected against encroachment of general commercial or industrial uses. All residential types of structures for both permanent and transient occupancy, including institutions, are permitted, as well as structures for commercial uses conforming to the pattern of the district. This residential district is not completely residential as it includes public, semipublic, institutional, and other related uses. However, it is mostly residential in character, and, as such, shall not be spotted with commercial and industrial uses.

(1998 Code, § 66-91) (Ord. passed 9-5-2017)

§ 157.061 USES PERMITTED.

Structures to be maintained or erected or land to be used shall be restricted to one or more of the following uses.

(A) *Uses permitted by right.* Uses permitted by right are as follows:

- (1) Detached single-family dwellings;
- (2) Two-family or duplex dwellings;
- (3) Places of assembly with less than 25 seats, as an accessory to the principal use;
- (4) Home business occupations conducted by a resident and occupant, as an accessory use, subject to the issuance of a home occupation certificate in accordance with § 157.010;
- (5) Homestay, as an accessory use;
- (6) [Reserved];
- (7) Temporary seasonal display, subject to the following conditions: display must be accessory to the principal use of the property; and display may not be present for more than 45 days; and
- (8) Public utilities, including poles, lines, distribution transformers, pipes, meters, or other facilities necessary for the provision and maintenance of public facilities, including water and sewerage facilities; and
- (9) Accessory dwelling, one unit per lot.

(B) *Uses permitted by special exception permit approved by Town Council.* Uses permitted by special exception permit approved by Town Council are as follows:

- (1) Bed and breakfast;
- (2) Low-intensity professional and medical offices and facilities within detached single-family dwellings, not conducted by a resident and occupant;
- (3) Rooming houses and boardinghouses operated by a resident and occupant; and
- (4) Professional offices within detached single-family dwellings, operated by a resident and occupant.

(1998 Code, § 66-92) (Ord. passed 9-5-2017; Ord. O-2024-03, passed 9-17-2024) Penalty, see § 10.99

§ 157.062 SIGNS PERMITTED.

Signs shall be in conformance with §§157.300 through 157.309, 157.320, and 157.321.

(1998 Code, § 66-93) (Ord. passed 9-5-2017) Penalty, see § 10.99

§ 157.063 AREA REGULATIONS.

Residential lots containing or intended to contain a detached single-family dwelling shall have a minimum lot area of 10,000 square feet. Residential lots containing or intended to contain two-family or duplex dwellings shall have a minimum lot area of 12,000 square feet. Further, that portion of the lot area used or intended to be used for erection or maintenance of a building shall not be less than 3,600 square feet in area. That portion of the total lot area used for property line setbacks, walkways, and outdoor recreational areas shall not be less than 6,600 square feet in area. That portion of the total lot area used for off-street parking shall not be less than 1,800 square feet in area.

(1998 Code, § 66-94) (Ord. passed 9-5-2017) Penalty, see § 10.99

§ 157.064 SETBACK REGULATIONS.

Dwellings shall be located 35 feet or more from any street right-of-way that is 50 feet or more in width, or 60 feet or more from the centerline of any street right-of-way less than 50 feet in width. This shall be known as the setback line.

(1998 Code, § 66-95) (Ord. passed 9-5-2017) Penalty, see § 10.99

§ 157.065 FRONTAGE REGULATIONS.

- (A) For detached single-family dwelling, the minimum lot width at the setback line shall be 70 feet.
- (B) For two-family or duplex dwellings, the minimum lot width at the setback line shall be 80 feet.
- (C) The front of a corner lot shall be deemed to be the shorter of the two sides fronting on streets.

(1998 Code, § 66-96) (Ord. passed 9-5-2017) Penalty, see § 10.99

§ 157.066 YARD REGULATIONS.

(A) *Side.* The minimum side yard for detached single-family dwellings shall be ten feet, and the minimum total width of the two required side yards shall be 25 feet. The minimum side yard for two-family or duplex dwellings shall be 15 feet, and the minimum total width of the two required side yards shall be 35 feet. For corner lots, the side yard on the side facing the side street shall be 20 feet or more for both main and accessory buildings. Decks are not permitted in the minimum side yard area.

(B) *Rear.* Each main building shall have a rear yard of 40 feet or more, of which no more than 15 feet may be occupied by a deck. However, the Zoning Administrator shall issue a zoning permit reducing the rear yard to 20 feet if the existing or planned building will not have any provision for a deck and a note is placed on all site plans, subdivision plans, building plans, and record plats associated with the property that no deck is permitted on the lot. No deck may be built in any rear yard subject to such a zoning permit. The Zoning Administrator shall issue a zoning permit for a deck larger than 15 feet if the distance from the rear edge of the deck to the property line is at least 25 feet.

(1998 Code, § 66-97) (Ord. passed 9-5-2017) Penalty, see § 10.99

§ 157.067 HEIGHT REGULATIONS.

(A) Buildings may be erected up to 35 feet in height from the average of the finished ground level adjoining the building at all exterior walls.

(B) Public or semipublic buildings, such as a school, library, or hospital, may be erected to a height of 60 feet from grade, provided that required front, side, and rear yards shall be increased one foot for each foot in height over 35 feet.

(C) Spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennas, and radio aerials are exempt.

(D) Parapet walls may be up to four feet above the height of the building on which the walls rest.

(E) No accessory building shall be closer than five feet to any lot line.

(1998 Code, § 66-98) (Ord. passed 9-5-2017; Ord. O-2024-03, passed 9-17-2024) Penalty, see § 10.99

R-3 DISTRICT

§ 157.080 STATEMENT OF INTENT.

The R-3 District consists of areas in which residential development is likely to take the form of dwellings designed to accommodate more than two families, such as two-family or duplex dwellings, or townhouse projects. When possible, these higher density dwellings shall be built as unified projects rather than on a lot-by-lot basis. This district further consists of open areas which shall be preserved for use as parks and recreation property to ensure a healthful family environment in an area of high population density. This district shall not be spotted with business or commercial uses.

(1998 Code, § 66-111) (Ord. passed 9-5-2017)

§ 157.081 USES PERMITTED.

Structures to be maintained or erected or land to be used shall be restricted to one or more of the following uses.

(A) *Uses permitted by right.* Uses permitted by right are as follows:

- (1) Detached single-family dwellings;
- (2) Duplex dwellings;
- (3) Townhouse development;

- (4) Rooming houses and boardinghouses, operated by a resident and occupant;
- (5) Home business occupations conducted by a resident and occupant, as an accessory use, subject to the issuance of a home occupation certificate in accordance with § 157.010;
- (6) Homestay, as an accessory use;
- (7) Professional offices within detached single-family dwellings, operated by a resident and occupant;
- (8) [Reserved];
- (9) Temporary seasonal display, subject to the following conditions: display must be accessory to the principal use of the property; and display may not be present for more than 45 days;
- (10) Public utilities, including poles, lines, distribution transformers, pipes, meters, or other facilities necessary for the provision and maintenance of public utilities, including water and sewerage facilities;
- (11) Private or public recreation facilities; events shall be scheduled to complete all activity before or as near to 11:00 p.m., as practical; and
- (12) Accessory dwelling, one unit per lot.

(B) *Uses permitted by special exception permit approved by Town Council.* Uses permitted by special exception permit approved by Town Council are as follows:

- (1) Bed and breakfast;
- (2) Child care facilities;
- (3) Professional offices within townhouse dwellings, operated by a resident and occupant; and
- (4) Private club facilities.

(1998 Code, § 66-112) (Ord. passed 9-5-2017; Ord. O-2024-03, passed 9-17-2024) Penalty, see § 10.99

§ 157.082 SIGNS PERMITTED.

Signs shall be in conformance with §§157.300 through 157.309, 157.320, and 157.321.

(1998 Code, § 66-113) (Ord. passed 9-5-2017) Penalty, see § 10.99

§ 157.083 AREA REGULATIONS.

(A) Residential lots containing or intended to contain detached single-family dwellings shall have a minimum lot area of 6,000 square feet.

(B) Residential lots containing or intended to contain duplex dwellings shall have a minimum lot area of 12,000 square feet.

(C) The average lot width for any group of townhouses shall be at least 20 feet. At least 40% of the total area of any townhouse project, including area on individual lots, shall be devoted to landscaped open space. Preservation of desirable natural vegetation may substitute for landscape plantings upon approval of the Town Council. The maximum number of attached units in any one group or series shall be eight. No townhouse lot shall be arranged or developed in such a way as to necessitate vehicles backing out onto any public street. Individual townhouse lots may front on private streets, provided there is an access easement to a publicly maintained street. Individual townhouse lots shall be platted outside of any private streets or common parking areas. Private streets shall be constructed in accordance with § 156.068(B). The provisions of this division (C) may be modified by the Town Council as part of the approval of a rezoning or special use permit.

(D) The minimum lot area for any multifamily structure shall be at least 10,000 square feet, and the minimum width shall be 100 feet. Not more than 16 multifamily units may be established per acre. At least 30% of the land area in any project shall be devoted to landscaped open space.

(1998 Code, § 66-114) (Ord. passed 9-5-2017) Penalty, see § 10.99

§ 157.084 SETBACK REGULATIONS.

(A) Single-family dwellings within the R-3 District shall be located 25 feet or more from any public street right-of-way that is 50 feet or more in width, or 60 feet or more from the centerline of any public street right-of-way less than 50 feet in width. This shall be known as the setback line.

(B) Duplex and townhouse dwellings shall be set back at least 25 feet from the public or private street right-of-way; except that when parking is provided in the rear or side of a unit, the setback from a public or private street right-of-way or easement shall be a minimum of ten feet. In all cases, a minimum front yard of ten feet shall be required; and such front yard shall not be encumbered by common parking areas, private streets, travel ways, or sidewalks other than the entrance walk to the individual unit or parking spaces for the individual unit. No more than two abutting attached units shall have the same

setback. Minimum setback variations shall be two feet.

(C) Multifamily dwellings shall be set back at least 25 feet from street right-of-way or the private street portion of access easements, whichever is closer.

(D) The setback regulations in this section shall not apply in the Old and Historic Occoquan District.

(1998 Code, § 66-115) (Ord. passed 9-5-2017) Penalty, see § 10.99

§ 157.085 FRONTAGE REGULATIONS.

The front of a corner lot shall be deemed to be the shorter of the two sides fronting on streets.

(1998 Code, § 66-116) (Ord. passed 9-5-2017)

§ 157.086 YARD REGULATIONS.

(A) *Side.*

(1) The minimum side yard for detached single-family dwellings shall be ten feet on each side.

(2) The minimum side yard for duplex dwellings shall be ten feet on each side.

(3) For townhouse lots, there shall be no side yard required except for end units, which shall have a minimum ten-foot side yard for each end unit.

(4) Multifamily dwellings shall have a minimum side yard on each side of at least 25 feet.

(5) Decks are not permitted in the minimum side area.

(6) Side yards within the Old and Historic Occoquan District shall be exempt.

(B) *Rear.* Each main building shall have a rear yard of at least 20 feet, of which no more than ten feet may be occupied by an uncovered deck.

(C) *Closeness.* No accessory building shall be closer than five feet to any lot line.

(1998 Code, § 66-117) (Ord. passed 9-5-2017) Penalty, see § 10.99

§ 157.087 HEIGHT REGULATIONS.

(A) Buildings may be erected up to 35 feet in height from the average of the finished ground level adjoining the building at all exterior walls.

(B) Public or semipublic buildings, such as a school, library, or hospital, may be erected to a height of 60 feet from grade, provided that required front, side, and rear yards shall be increased one foot for each foot in height over 35 feet.

(C) Spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennas, and radio aerials are exempt.

(D) Parapet walls may be up to four feet above the height of the building on which the walls rest.

(E) [Reserved].

(F) The height limitations contained in this section may be modified as part of the approval of a special use permit or rezoning.

(1998 Code, § 66-118) (Ord. passed 9-5-2017; Ord. O-2024-03, passed 9-17-2024) Penalty, see § 10.99

R-4 DISTRICT

§ 157.100 STATEMENT OF INTENT.

The R-4 District consists of areas in which residential development is likely to take the form of dwellings designed to accommodate multifamily dwellings, garden, and high-rise apartment projects. When possible, these higher density dwellings shall be built as unified projects rather than on a lot-by-lot basis. This district further consists of open areas which shall be preserved for use as park and recreation property to ensure a healthful family environment in an area of high population density. This district shall not be spotted with business or commercial uses.

(1998 Code, § 66-119) (Ord. passed 9-5-2017)

§ 157.101 USES PERMITTED.

Structures to be maintained or erected, or land to be used, shall be restricted to the following uses.

(A) *Uses permitted by right.* Uses permitted by right are as follows:

- (1) Multifamily dwellings or apartment houses, upon site plan approval by the Planning Commission;
- (2) [Reserved];
- (3) Home business occupations conducted by a resident and occupant, as an accessory use, subject to the issuance of a home occupation certificate in accordance with § 157.010;
- (4) Temporary seasonal display, subject to the following conditions: display must be accessory to the principal use of the property; and display may not be present for more than 45 days;
- (5) Public utilities, including poles, lines, distribution transformers, pipes, meters, or other facilities necessary for the provision and maintenance of public utilities, including water and sewerage facilities; and
- (6) Private or public recreation facilities; events shall be scheduled to complete all activity before or as near to 11:00 p.m. as practical.

(B) *Uses permitted by special exception permit approved by Town Council.* Uses permitted by special exception permit approved by Town Council are as follows: child care facilities; garden and high-rise apartment projects; and private club facilities.

(1998 Code, § 66-120) (Ord. passed 9-5-2017; Ord. O-2024-03, passed 9-17-2024) Penalty, see § 10.99

§ 157.102 SIGNS PERMITTED.

Signs shall be in conformance with §§157.300 through 157.309, 157.320, and 157.321.

(1998 Code, § 66-121) (Ord. passed 9-5-2017) Penalty, see § 10.99

§ 157.103 AREA REGULATIONS.

The minimum lot area for any multifamily structure shall be at least 10,000 square feet, and the minimum width shall be 100 feet. No more than 16 multifamily units may be established per acre. At least 30% of the land area in any project shall be devoted to landscaped open space.

(1998 Code, § 66-122) (Ord. passed 9-5-2017) Penalty, see § 10.99

§ 157.104 SETBACK REGULATIONS.

(A) Multifamily dwellings shall be set back at least 25 feet from street right-of-way or the private street portion of access easements, whichever is closer.

(B) The setback regulations in this section shall not apply in the Old and Historic Occoquan District.

(1998 Code, § 66-123) (Ord. passed 9-5-2017) Penalty, see § 10.99

§ 157.105 FRONTAGE REGULATIONS.

The front of a corner lot shall be deemed to be the shorter of the two sides fronting on streets.

(1998 Code, § 66-124) (Ord. passed 9-5-2017)

§ 157.106 YARD REGULATIONS.

(A) Multifamily dwellings shall have a minimum side yard on each side of at least 25 feet.

(B) Each main building shall have a rear yard of at least 20 feet.

(C) No accessory building shall be closer than five feet to any lot line.

(D) The side and rear yards required by this section shall not apply in the Old and Historic Occoquan District.

(1998 Code, § 66-125) (Ord. passed 9-5-2017) Penalty, see § 10.99

§ 157.107 HEIGHT REGULATIONS.

(A) Buildings may be erected up to 35 feet in height from the average of the finished ground level adjoining the building at all exterior walls.

(B) Public or semipublic buildings, such as a school, library, or hospital, may be erected to a height of 60 feet from grade, provided that required front, side, and rear yards shall be increased one foot for each foot in height over 35 feet.

(C) Spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennas, and radio aerials

are exempt. Parapet walls may be up to four feet above the height of the building on which the walls rest.

(D) [Reserved].

(E) The height limitations contained in this section may be modified as part of the approval of a special use permit or rezoning.

(1998 Code, § 66-126) (Ord. passed 9-5-2017; Ord. O-2024-03, passed 9-17-2024) Penalty, see § 10.99

B-1 DISTRICT

§ 157.120 STATEMENT OF INTENT.

Generally, the B-1 District covers that portion of the town intended for the conduct of general business to which the public requires direct and frequent access, but is not characterized either by constant heavy trucking, other than stocking and delivery of light retail goods, or by any nuisance factors, other than incidental light and noise of congregation of people and passenger vehicles. This includes such uses as retail stores, banks, theaters, business offices, newspaper offices, restaurants, and taverns. The B-1 District is also encouraged to incorporate mixed-use designs, characterized by business uses along the street or water front with high-density residential above, as new developments and redevelopment occurs.

(1998 Code, § 66-141) (Ord. passed 9-5-2017)

§ 157.121 USES PERMITTED.

Structures to be maintained or erected, or land to be used, shall be restricted to one or more of the following uses.

(A) *Uses permitted by right.* Uses permitted by right are as follows:

- (1) Home appliance services;
- (2) Bakeries;
- (3) Banks;
- (4) Barbershops and beauty shops;
- (5) Bed and breakfasts;
- (6) Clubs and lodges;
- (7) Drugstores;
- (8) Festivals, town sponsored;
- (9) Hotels;
- (10) Laundry facilities;
- (11) Libraries;
- (12) Machinery sales and service;
- (13) Medical uses;
- (14) Office buildings;
- (15) Places of assembly with less than 25 seats, as an accessory to the principal use;
- (16) Plumbing and electrical supply stores (with storage under cover);
- (17) Public utilities, including poles, lines, distribution transformers, pipes, meters or other facilities necessary for the provision and maintenance of public utilities, including water and sewerage facilities;
- (18) Restaurants, eating places;
- (19) Retail food stores;
- (20) Retail stores;
- (21) Temporary seasonal display, subject to the following conditions: display must be accessory to the principal use of the property; and display may not be present for more than 45 days;
- (22) Waterfront business activities: wholesale and retail marine, such as boat docks, piers, small boat docks, yacht clubs and marine servicing facilities; dock and areas for receipt, storage, and transshipment of waterborne commerce; and recreational activities, primarily conducted on or about a waterfront. All such uses shall be contiguous to a waterfront;
- (23) Detached single-family dwelling in a one-story building that fronts on Commerce Street or Ellicott Street; and

(24) Accessory dwelling, one unit per lot.

(B) *Uses permitted by special exception permit approved by Town Council.* Uses permitted by special exception permit approved by Town Council are as follows:

- (1) Auto services;
- (2) Child care facilities;
- (3) Funeral homes;

(4) General residential uses, subject to the following condition: residential uses may not occupy the floor of the building that is adjacent to the primary street and/or sidewalk;

- (5) Lumber and building supply stores (with storage under cover);
- (6) Places of assembly;
- (7) Wholesale businesses; and

(8) Multilevel parking structures. The special use permit shall define the setbacks and maximum height of the facility and may provide for a mixed-use structure.

(1998 Code, § 66-142) (Ord. passed 9-5-2017; Ord. O-2021-06, passed 12-7-2021; Ord. O-2022-05, passed 11-1-2022; Ord. O-2024-03, passed 9-17-2024) Penalty, see § 10.99

§ 157.122 SIGNS PERMITTED.

Signs shall be in conformance with §§157.300 through 157.309, 157.320, and 157.321.

(1998 Code, § 66-143) (Ord. passed 9-5-2017) Penalty, see § 10.99

§ 157.123 SETBACK REGULATIONS.

(A) Buildings shall be located five feet or more from any street right-of-way that is 50 feet or more in width, or 35 feet or more from the centerline of any street right-of-way less than 50 feet in width. This shall be known as the setback line.

(B) For those lots included in the plat recorded in the Clerk's office of the County Circuit Court on January 7, 1805, the setback line may be 30 feet from the center of the street.

(C) The setback regulations contained in this section may be modified as part of the approval of a special use permit or rezoning.

(1998 Code, § 66-145) (Ord. passed 9-5-2017; Ord. O-2019-06, passed 3-5-2019) Penalty, see § 10.99

§ 157.124 HEIGHT REGULATIONS.

Buildings may be maintained or erected up to 35 feet in height from the average of the finished ground level adjoining the building at all exterior walls; except that:

(A) A public or semipublic building, such as a school, library, or general hospital, may be erected to a height of 60 feet from grade, provided that required front, side, and rear yards shall be increased one foot for each foot in height over 35 feet;

(B) Spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennas, and radio aerials are exempt. Parapet walls may be up to four feet above the height of the buildings on which the walls rest;

(C) [Reserved]; and

(D) The height limitations contained in this section may be modified as part of the approval of a special use permit or rezoning.

(1998 Code, § 66-146) (Ord. passed 9-5-2017; Ord. O-2019-06, passed 3-5-2019; Ord. O-2024-03, passed 9-17-2024) Penalty, see § 10.99

PARKS AND PUBLIC UTILITY DISTRICT (PPU)

§ 157.135 STATEMENT OF INTENT.

The Parks and Public Utility District (PPU) covers the portion of the town located along the Occoquan River and formerly used as a water treatment facility. This district is intended to provide for public water utility uses, as well as a riverfront public park.

(1998 Code, § 66-166) (Ord. passed 9-5-2017)

§ 157.136 USES PERMITTED.

Structures to be maintained or erected or land to be used shall be restricted to the following: public park; trails/boardwalk; open space; public water utilities including, but not be limited to: water supply intakes; water purification facilities; water storage, control, and pumping facilities; water utility transmission and distribution facilities including, but not limited to, pipes, conduits, vaults, laterals, valves, hydrants, or other similar equipment for the transmission and distribution of water; office and maintenance space related to water utility functions; and supporting utility infrastructure (electricity, telecommunications, gas, sanitary, and storm sewer) incidental to any use set forth in this paragraph including poles, structures, wires, conduits, cables, or other similar equipment; and uses ancillary to the permitted uses including, but not limited to, service roads and storage.

(1998 Code, § 66-167) (Ord. passed 9-5-2017) Penalty, see § 10.99

CHESAPEAKE BAY PRESERVATION OVERLAY DISTRICT

§ 157.150 FINDINGS OF FACT.

(A) The Chesapeake Bay and its tributaries are one of the most important and productive estuarine systems in the world, providing economic and social benefits to the citizens of the town and the state. The health of the bay is vital to maintaining the town's economy and the welfare of its citizens.

(B) The Chesapeake Bay waters have been degraded significantly by many sources of pollution, including nonpoint source pollution from land uses and development. Existing high-quality waters are worthy of protection from degradation to guard against further pollution. Certain lands that are proximate to shorelines have intrinsic water quality value due to the ecological and biological processes they perform. Other lands have severe development constraints from flooding, erosion, and soil limitations. With proper management, significant ecological benefits can be achieved by providing water quality maintenance and pollution control, as well as flood and shoreline erosion control. The lands designated by the Town Council as Chesapeake Bay Preservation Areas need to be protected from destruction and damage in order to protect the quality of water in the bay and consequently the quality of life in the town and the state.

(1998 Code, § 66-191) (Ord. passed 9-5-2017)

§ 157.151 PURPOSE AND INTENT.

(A) This subchapter is enacted to implement the requirements of VA Code §§ 62.1-44.15:72 et seq. (the Chesapeake Bay Preservation Act), and 9 VAC §§ 25-830-20 et seq. Chesapeake Bay Preservation Area designation and management regulations.

(B) The intent of the Town Council and the purpose of the overlay district is to:

- (1) Protect existing high-quality state waters;
- (2) Restore all other state waters to a condition or quality that will permit all reasonable public uses and will support the propagation and growth of all aquatic life, including game fish, that might reasonably be expected to inhabit them;
- (3) Safeguard the clean waters of the state from pollution;
- (4) Prevent any increase in pollution;
- (5) Reduce existing pollution; and
- (6) Promote water resource conservation in order to provide for the health, safety, and welfare of the present and future citizens of the town.

(C) This district shall be in addition to and shall overlay all other zoning districts where they are applied so that any parcel of land lying in the Chesapeake Bay Preservation Area Overlay District shall also lie in one or more of the other zoning districts provided for by this chapter. Unless otherwise stated in the overlay district, the review and approval procedures provided for in Chapters 111, 151, 152, and 156 of this code shall be followed in reviewing and approving development, redevelopment, and uses governed by this division.

(D) This subchapter is enacted under the authority of VA Code §§ 62.1-44.15:72 et seq. (the Chesapeake Bay Preservation Act), and 9 VAC § 25-830-20, and VA Code § 15.2-2283, stating that "such ordinance may also include reasonable provisions, not inconsistent with applicable state water quality standards, to protect surface water and ground water as defined in VA Code § 62.1-255".

(1998 Code, § 66-192) (Ord. passed 9-5-2017)

§ 157.152 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words and terms not defined in this subchapter but defined in this chapter shall be given the meanings previously set forth.

APPLICANT. A person seeking any determination under this part or permit required by this subchapter.

BEST MANAGEMENT PRACTICE (BMPS). A practice, or a combination of practices, that is determined by a state or designated area-wide planning agency to be the most effective, practical means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.

BUFFER AREA. Natural or established vegetation managed to protect other components of a resource protection area and state waters from significant degradation due to land disturbances.

CHESAPEAKE BAY PRESERVATION AREA (CBPA). Any land designated by the Town Council pursuant to part III of the Chesapeake Bay Preservation Area designation and management regulations, 9 VAC §§ 25-830-70 et seq. and 62.1-44.15:72. A **CBPA** shall consist of a resource protection area and a resource management area.

CONSTRUCTION FOOTPRINT. The area of all impervious surface including, but not limited to, buildings, roads and drives, parking areas, sidewalks, and the area necessary for construction of such improvements.

DEVELOPMENT. The construction or substantial alteration of residential, commercial, industrial, institutional, recreation, transportation, or utility facilities or structures.

DIAMETER AT BREAST HEIGHT (DBH). The diameter of a tree measured outside the bark at a point four and one-half feet above the highest point of ground at the tree's base.

DRIPLINE. A vertical projection to the ground surface from the furthest lateral extent of a tree's leaf canopy.

FLOODPLAIN. All lands that would be inundated by floodwater as a result of a storm event of a 100-year return interval.

HIGHLY ERODIBLE SOILS. Soils (excluding vegetation) with an erodibility index (EI) from sheet and rill erosion equal to or greater than eight. The erodibility index for any soil is defined as the product of the formula $RKLS/T$, where K is the soil susceptibility to water erosion in the surface layer; R is the rainfall and runoff; LS is the combined effects of slope length and steepness; and T is the soil loss tolerance.

HIGHLY PERMEABLE SOILS. Soils with a given potential to transmit water through the soil profile. **HIGHLY PERMEABLE SOILS** are identified as any soil having a permeability equal to or greater than six inches of water movement per hour in any part of the soil profile to a depth of 72 inches, permeability groups rapid and very rapid, as found in the *National Soil Survey Handbook* of November 1996, in the *Field Office Technical Guide* of the U.S. Department of Agricultural Natural Resources Conservation Service.

IMPERVIOUS COVER or IMPERVIOUS SURFACES. A surface composed of any material that significantly impedes or prevents natural infiltration of water into the soil. It includes roofs, buildings, streets, parking areas, and any concrete, asphalt, or compacted gravel surface.

INTENSELY DEVELOPED AREAS (IDAs). A portion of a resource protection area or a resource management area designated by the Town Council where development is concentrated and little of the natural environment remains.

NONPOINT SOURCE POLLUTION. Pollution consisting of constituents such as sediment, nutrients, and organic and toxic substances from diffuse sources, such as runoff from agriculture and urban land development and use.

NONTIDAL WETLANDS. Wetlands other than tidal wetlands that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, as defined by the U.S. Environmental Protection Agency pursuant to § 404 of the Federal Clean Water Act, in 33 C.F.R. § 328.3b.

NOXIOUS WEEDS. Weeds that are difficult to control effectively, such as Johnson grass, kudzu, and multiflora rose.

PLAN OF DEVELOPMENT. The process for site plan or subdivision plat review to ensure compliance with 9 VAC § 25-830, and this subchapter prior to any clearing or grading of a site or the issuance of a building permit.

PRIVATE ROAD. A privately owned and maintained road designed and constructed in accordance with the State Department of Transportation standards.

PUBLIC ROAD. A publicly owned road designed in accordance with the State Department of Transportation standards.

REDEVELOPMENT. The process of developing land that is or has been previously developed, including in-fill development in intensely developed areas.

RESOURCE MANAGEMENT AREA (RMA). The component of the CBPA that is not classified as the resource protection area. **RMAS** include land types that, if improperly used or developed, have the potential for causing significant water quality degradation or for diminishing the functional value of the resource protection area.

RESOURCE PROTECTION AREA (RPA). The component of the CBPA comprised of lands adjacent to water bodies with perennial flow, that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts that may result in significant degradation to the quality of state waters. See § 157.153 for areas of applicability.

SUBSTANTIAL ALTERATION. The expansion or modification of a building or development within the resource management area that would result in land disturbance exceeding 2,500 square feet.

THIS SUBCHAPTER. Sections 157.150 through 157.163 of this code.

TIDAL SHORE or **SHORE.** Land contiguous to a tidal body of water between the mean low water level and the mean high water level.

TIDAL WETLANDS. Vegetated and non-vegetated wetlands as defined in VA Code § 28.2-1300.

WATER-DEPENDENT FACILITY. Development of land that cannot exist outside of the RPA and must be located on the shoreline due to the intrinsic nature of its operation. These facilities include, but are not limited to: ports; the intake and outfall structures of power plants, water treatment plants, sewage treatment plants, and storm sewers; marinas and other boat docking structures; beaches and other public water-oriented recreation areas; and fisheries or other marine resources facilities.

WETLANDS. Tidal and nontidal wetlands.

(1998 Code, § 66-193) (Ord. passed 9-5-2017; Ord. O-2022-01, passed 4-5-2022)

§ 157.153 AREAS OF APPLICABILITY.

(A) The Chesapeake Bay Preservation Area Overlay District shall apply to all lands identified as CBPAs as designated by the Town Council and as shown on the Occoquan Chesapeake Bay Preservation Area Map. This map, together with all explanatory matter thereon, is adopted by reference and declared to be a part of this subchapter.

(1) The resource protection area (RPA) is hereby established and shall consist of lands adjacent to water bodies with perennial flow that include:

- (a) Tidal wetlands;
- (b) Nontidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow;
- (c) Tidal shores; and

(d) A 100-foot vegetated buffer area located adjacent to and landward of the components listed in divisions (A)(1)(a) through (A)(1)(c) above and along both sides of any water bodies with perennial flow.

(2) The RMA is composed of concentrations of the following land categories: floodplains; highly erodible soils, including steep slopes; highly permeable soils; nontidal wetlands not included in the RPA; and other lands, including all areas in the town necessary to protect the quality of state waters.

(B) The Occoquan Chesapeake Bay Preservation Area Map shows the general location of CBPAs and should be consulted by persons contemplating activities within the town prior to engaging in a regulated activity. The specific location of RPAs on a lot or parcel shall be delineated on each site or parcel as required under § 157.158.

(C) All areas within the town limits north of and including Mill Street and Poplar Lane are designated as IDAs. These areas shall serve as redevelopment areas. Areas so designated shall comply with all erosion and sediment control requirements and the performance standards for redevelopment in § 157.159.

(1998 Code, § 66-194) (Ord. passed 9-5-2017; Ord. O-2022-01, passed 4-5-2022) Penalty, see § 10.99

§ 157.154 USE REGULATIONS.

Permitted uses, special permit uses, accessory uses, and special requirements shall be as established by the underlying zoning district unless specifically modified by the requirements set forth in this subchapter.

(1998 Code, § 66-195) (Ord. passed 9-5-2017) Penalty, see § 10.99

§ 157.155 LOT SIZE.

Lot size shall be subject to the requirements of the underlying zoning district, provided that any lot shall have sufficient area outside the RPA to accommodate an intended development, in accordance with the performance standards in § 157.159, when such development is not otherwise allowed in the RPA.

(1998 Code, § 66-196) (Ord. passed 9-5-2017) Penalty, see § 10.99

§ 157.156 REQUIRED CONDITIONS.

(A) All development and redevelopment exceeding 2,500 square feet of land disturbance shall be subject to a plan of development process, including the approval of a site plan in accordance with the provisions of Chapter 155 of this code or a subdivision plat in accordance with Chapter 156 of this code.

(B) Development in RPAs may be allowed only when permitted by the Zoning Administrator and if it is: water-dependent; constitutes redevelopment; or constitutes development or redevelopment in the IDEA.

- (1) A new or expanded water-dependent facility must meet the following criteria: it does not conflict with the

Comprehensive Plan; it complies with all performance standards of § 157.159; all non-water-dependent components must be located outside of the RPA; and access to the water-dependent

facility will be provided with the minimum disturbance necessary. Where practicable, a single point of access will be provided.

(2) Redevelopment on isolated redevelopment sites outside of locally designated intensely developed areas sites shall be permitted only if there is not an increase in the amount of impervious cover and no further encroachment within the RPA and it shall conform to the stormwater management requirements outlined under § 157.159(B)(7).

(C) A water quality impact assessment shall be required for any proposed land disturbance, development, or redevelopment within RPAs and for any development within RMAs when required by the Zoning Administrator because of the unique characteristics of the site or intensity of development, in accordance with the provisions of § 157.160.

(1998 Code, § 66-197) (Ord. passed 9-5-2017) Penalty, see § 10.99

§ 157.157 CONFLICT WITH OTHER REGULATIONS.

In any case where the requirements of this subchapter conflict with any other provision of the ordinances of the town or existing state or federal regulations, whichever imposes the more stringent restrictions shall apply.

(1998 Code, § 66-198) (Ord. passed 9-5-2017)

§ 157.158 INTERPRETATION OF RPA BOUNDARIES.

(A) The site-specific boundaries of the RPA shall be determined by the applicant through the performance of an environmental site assessment, subject to approval by the Zoning Administrator and in accordance with § 157.161 or through the submission of a water quality impact assessment in accordance with section § 157.160. The Occoquan Chesapeake Bay Preservation Area Map shall be used as a guide to the general location of RPAs.

(B) The Zoning Administrator, when requested by an applicant wishing to construct a single-family residence, may waive the requirement for an environmental site assessment and perform the delineation. The Zoning Administrator may use hydrology, soils, plant species, and other data, and consult other appropriate resources as needed, to perform the delineation.

(C) Where the applicant has provided a site-specific delineation of the RPA, the Zoning Administrator will verify the accuracy of the boundary delineation. In determining the site-specific RPA boundary, the Zoning Administrator may render adjustments to the applicant's boundary delineation, in accordance with § 157.161 or 157.160 (water quality impact assessment) of this subchapter. If the adjusted boundary delineation is contested by the applicant, the applicant may seek relief, in accordance with the provisions of section 66-202(i).

(1998 Code, § 66-199) (Ord. passed 9-5-2017)

§ 157.159 PERFORMANCE STANDARDS.

(A) *Purpose and intent.*

(1) The purpose and intent of this section is to prevent a net increase in nonpoint source pollution from new development and achieve a 10% reduction in nonpoint source pollution from redevelopment.

(2) The performance standards establish the means to minimize erosion and sedimentation potential, reduce land application of nutrients and toxics, and maximize rainwater infiltration. Natural ground cover, especially woody vegetation, is most effective in holding soil in place and preventing site erosion. Indigenous vegetation, with its adaptability to local conditions without the use of harmful fertilizers or pesticides, is an especially effective filter of stormwater runoff. Minimizing impervious

cover enhances rainwater infiltration and effectively reduces stormwater runoff potential.

(3) Except as otherwise expressly stated in this chapter, development in Chesapeake Bay Preservation Areas shall comply with state regulations found at 9 VAC 25-830-130, 9 VAC 25-830-140, and 9 VAC 25-830-150.

(B) *General performance standards for development and redevelopment.*

(1) Land disturbance shall be limited to the area necessary to provide for the proposed use or development.

(a) In accordance with an approved site plan, the limits of land disturbance, including clearing or grading, shall be strictly defined by the construction footprint. These limits shall be clearly shown on submitted plans and physically marked on the development site.

(b) Ingress and egress during construction shall be limited to one access point unless otherwise approved by the Zoning Administrator.

(2) Indigenous vegetation shall be preserved to the maximum extent practicable, consistent with the use or development proposed, and in accordance with the *Virginia Erosion and Sediment Control Handbook*.

(a) Existing trees over six inches DBH shall be preserved outside the construction footprint. Diseased trees or trees weakened by age, storm, fire or other injury may be removed.

(b) Clearing shall be allowed only to provide necessary access, positive site drainage, water quality BMPs, and the installation of utilities, as approved by the Zoning Administrator.

(c) Prior to clearing or grading, suitable protective barriers, such as safety fencing, shall be erected one foot outside of the dripline of any tree or stand of trees to be preserved. These protective barriers shall remain erected throughout all phases of construction. The storage of equipment, materials, debris, or fill shall not be allowed within the area protected by the barrier.

(3) Land development shall minimize impervious cover to promote infiltration of stormwater into the ground consistent with the proposed use or development permitted.

(4) Notwithstanding any other provisions of this division (B) or exceptions or exemptions to this division (B), any land disturbing activity exceeding 2,500 square feet, including construction of all single-family houses, shall comply with the requirements of Chapter 152 of this code.

(5) All existing sewage disposal systems not requiring a VPDES permit shall be pumped out at least once every five years, in accordance with the provisions of the County Health Code. New septic tanks and private sewage plants are not permitted.

(6) For any development or redevelopment, stormwater runoff shall be controlled by the use of BMPs that achieve the following.

(a) For development, the post-development nonpoint source pollution runoff load shall not exceed the predevelopment load, based on a Chesapeake Bay watershed-wide average impervious surface cover of 16%.

(b) For any redevelopment site and for sites within IDAs, the nonpoint source pollution load shall be reduced by at least 10%. The Zoning Administrator may waive or modify this requirement for redevelopment sites that originally incorporated BMPs for stormwater runoff quality control, provided the following provisions are satisfied:

1. In no case may the post-development nonpoint source pollution runoff load exceed the predevelopment load;
2. Runoff pollution loads must have been calculated and the BMPs selected for the expressed purpose of controlling nonpoint source pollution; and
3. If BMPs are structural, evidence shall be provided that facilities are currently in good working order and performing at the design levels of service. The Zoning Administrator may require a review of both the original structural design and maintenance plans to verify this provision. A new maintenance agreement may be required to ensure compliance with this division (B)(6).

(c) For redevelopment, both the pre- and post-development loadings shall be calculated by the same procedures. However, where the design data is available, the original post-development nonpoint source pollution loadings can be substituted for the existing development loadings.

(7) Prior to initiating grading or other on-site activities on any portion of a lot or parcel, all wetlands permits required by federal, state, and local laws and regulations shall be obtained and evidence of such submitted to the Zoning Administrator, in accordance with § 157.161.

(8) Clearing, land disturbance, or development exceeding 500 square feet on slopes 20% or greater is prohibited.

(C) *Buffer area requirements.*

(1) To minimize the adverse effects of human activities on the other components of RPAs, state waters, and aquatic life, a 100-foot buffer area of vegetation that is effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff shall be retained if present and established where it does not exist. The delineation of the 100-foot RPA boundary for the retention of an undisturbed and vegetated 100-foot-wide buffer area with permissibility of only water dependent facilities or redevelopment shall be shown on all plans and plats.

(2) The buffer area shall be located adjacent to and landward of other RPA components and along both sides of any waterbody with perennial flow. The full buffer area shall be designated as the landward component of the RPA, in accordance with sections § 157.153 and 157.161.

(3) The 100-foot buffer area shall be deemed to achieve a 75% reduction of sediments and a 40% reduction of nutrients.

(4) The buffer area shall be maintained to meet the following additional performance standards.

(a) In order to maintain the functional value of the buffer area, indigenous vegetation may be removed only, as permitted by the Zoning Administrator, to provide for reasonable sight lines, access paths, general woodlot management practices, including those that prevent upland erosion and concentrated flows of stormwater and BMPs, as follows.

1. Trees may be pruned or removed as necessary to provide for sight lines and vistas, provided that where removed, they shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff.

2. Any path shall be constructed and surfaced to effectively control erosion.

3. Dead, diseased, or dying trees or shrubbery and noxious weeds may be removed and thinning of trees may be allowed pursuant to sound horticulture practice as recommended by the town.

4. For shoreline erosion control projects, trees and woody vegetation may be removed, necessary control techniques employed, and appropriate vegetation established to protect or stabilize the shoreline in accordance with the best available technical advice and applicable permit conditions or requirements.

(b) When the application of the buffer areas would result in the loss of a buildable area on a lot or parcel recorded prior to October 1, 1989, the Zoning Administrator may allow encroachments into the buffer area in accordance with § 157.161 and the following criteria.

1. Encroachments into the buffer areas shall be the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities.

2. Where practicable, a vegetated area that will maximize water quality protection, mitigate the effects of the buffer encroachment, and is equal to the area of encroachment into the buffer area shall be established elsewhere on the lot or parcel.

3. The encroachment may not extend into the seaward 50 feet of the buffer area.

(c) Redevelopment within IDAs may be exempt from the buffer area, in accordance with §157.161. Where possible a buffer area shall be provided in order to remove pollutants and protect water quality. Any and all buffer exemptions are to be granted by the Zoning Administrator.

(1998 Code, § 66-200) (Ord. passed 9-5-2017; Ord. O-2022-01, passed 4-5-2022) Penalty, see § 10.99

§ 157.160 WATER QUALITY IMPACT ASSESSMENT.

(A) The purpose of the water quality impact assessment is to:

(1) Identify the impacts of proposed development on water quality and lands within RPAs and other environmentally sensitive lands;

(2) Ensure that, where development does take place within RPAs and other sensitive lands, it will be in a manner that will be least disruptive to the natural functions of RPAs and other sensitive lands;

(3) Protect individuals from investing funds for proposed improvements on lands not suited for such development because of high groundwater, erosion, or vulnerability to flood and storm damage;

(4) Provide for administrative relief from the terms of this section when warranted and in accordance with the requirements contained in this section; and

(5) Specify mitigation that will address water quality protection.

(B) A water quality impact assessment is required for any proposed land disturbance, development, or redevelopment within an RPA, including any buffer area modification or encroachment as provided for in § 157.159; and any development in an RMA, floodplain, area of highly erodible soils, or 20% or greater slopes.

(C) There shall be two levels of water quality impact assessments, minor and major.

(1) *Minor water quality impact assessment.*

(a) A minor water quality impact assessment pertains only to development within an RPA and its 100-foot buffer strip under the following conditions:

1. No more than 6,000 square feet of land disturbance; and

2. No disturbance of the seaward 50 feet of the 100-foot buffer area.

(b) A minor assessment must demonstrate that the undisturbed buffer area, enhanced vegetative plantings, and any required BMPs will result in removal of no less than 75% of sediments and 40% of nutrients from post-development stormwater runoff. It must also demonstrate that it will retard runoff, prevent erosion, and filter nonpoint source pollution the equivalent of the full undisturbed 100-foot buffer area. A minor assessment shall include a site drawing to scale, which shows the following:

1. Location of the components of the RPA, including the 100-foot buffer area;

2. Location and nature of the proposed encroachment into the buffer area, including: type of paving material; areas of clearing or grading; location of any structures, drives, or other impervious cover; and sewage disposal systems or reserve drainfield sites;

3. Type and location of proposed BMPs to mitigate the proposed encroachment;

4. If development is in an IDA, proposed measures to restore all or part of the buffer strip, if possible;

5. Location of existing vegetation on-site, including the number and type of trees and other vegetation to be removed in the buffer to accommodate the encroachment or modification; and

6. Re-vegetation plan that supplements the existing buffer vegetation in a manner that provides for pollutant removal, erosion, and runoff control.

(2) *Major water quality impact assessment.*

(a) 1. A major water quality impact assessment shall be required for any development that:

- a. Exceeds 6,000 square feet of land disturbance within an RPA or its buffer strip;
- b. Disturbs any portion of the seaward 50 feet of the 100-foot buffer area; or
- c. Is located in an RMA and includes areas of floodplain, highly erodible soils, or 20% or greater slopes.

2. The information required in this division (C)(2)(a) shall be considered a minimum unless the Zoning Administrator determines that some of the elements are unnecessary due to the scope and nature of the proposed use and development of land.

(b) The following elements shall be included in the preparation and submission of a major water quality assessment:

1. All of the information required in a minor water quality impact assessment, as specified in this division (C);

2. A hydrogeological element that:

- a. Describes the existing topography, soils, hydrology, and geology of the site and adjacent lands; and
- b. Describes the impacts of the proposed development on topography, soils, hydrology, and geology on the site and adjacent lands.

3. Indicates the following:

- a. Disturbance or destruction of wetlands and justification for such action;
- b. Disruptions or reductions in the supply of water to wetland, streams, lakes, rivers, or other water bodies;
- c. Disruptions to existing hydrology, including wetland and stream circulation patterns;
- d. Source location and description of proposed fill material;
- e. Location of dredge material and location of dumping area for such material;
- f. Location of and impacts on shellfish beds, submerged aquatic vegetation, and fish spawning areas;
- g. Estimation of pre- and post-development pollutant loads in runoff;
- h. Estimation of percentage of increase in impervious surface on the site and types of surfacing materials used;
- i. Percentage of site to be cleared for the project;
- j. Anticipated duration and phasing schedule of the construction project; and
- k. Listing of all requisite permits from all applicable agencies necessary to develop the project.

4. Describes the proposed mitigation measures for the potential hydrogeological impacts. Potential mitigation measures include:

a. Proposed erosion and sediment control concepts; concepts may include minimizing the extent of the cleared area, perimeter controls, reduction of runoff velocities, measures to stabilize disturbed areas, schedule and personnel for site inspection;

- b. Proposed stormwater management system;
- c. Creation of wetlands to replace those lost; and
- d. Minimizing cut and fill.

(c) A landscape element that:

1. Identifies and delineates the location of all significant plant material on-site, including all trees six inches or greater DBH. Where there are groups of trees, stands may be outlined;

2. Describes the impacts of the development or use on the existing vegetation, including:

- a. General limits of clearing, based on all anticipated improvements, including buildings, drives, and utilities;
- b. Clear delineation of all trees to be removed; and
- c. Description of plant species to be disturbed or removed.

3. Describes the potential measures for mitigation. Possible mitigation measures include:

a. Replanting schedule for trees and other significant vegetation removed for construction, including a list of possible plants and trees to be used;

b. Demonstration that the design of the plan will preserve, to the greatest extent possible, any significant trees and vegetation on the site and will provide maximum erosion control and overland flow benefits from such vegetation; and

c. Demonstration that indigenous plants are to be used to the greatest extent possible.

(d) Submission and review requirements.

1. Ten copies of all site drawings and other applicable information as required by divisions (C)(2)(c)1. and (C)(2)(c)2. above shall be submitted to the Zoning Administrator for review.

2. All information required in this section shall be certified as complete and accurate by a professional engineer.

3. A water quality impact assessment shall be prepared and submitted to and reviewed by the Zoning Administrator in conjunction with § 157.161.

4. As part of any major water quality impact assessment submittal, the Zoning Administrator may require review by the Chesapeake Bay Local Assistance Department (CBLAD). Upon

receipt of a major water quality impact assessment, the Zoning Administrator will determine if such review is warranted and may request CBLAD to review the assessment and respond with written comments. Any comments by CBLAD will be incorporated into the final review by the Zoning Administrator, provided that such comments are provided by CBLAD within 90 days of the request.

(e) Evaluation procedure.

1. Upon the completed review of a minor water quality impact assessment, the Zoning Administrator will determine if any proposed modification or reduction to the buffer area is consistent with the provisions of this subchapter and make a finding based upon the following criteria:

a. The necessity of the proposed encroachment and the ability to place improvements elsewhere on the site to avoid disturbance of the buffer area;

b. Impervious surface is minimized;

c. Proposed BMPs, where required, achieve the requisite reductions in pollutant loadings;

d. The development, as proposed, meets the purpose and intent of this section; and

e. The cumulative impact of the proposed development, when considered in relation to other development in the vicinity, both existing and proposed, will not result in a significant degradation of water quality.

2. Upon the completed review of a major water quality impact assessment, the Zoning Administrator will determine if the proposed development is consistent with the purpose and intent of this section and make a finding based upon the following criteria:

a. The proposed development within the RPA is water dependent;

b. The disturbance of any wetlands will be minimized;

c. The development will not result in unnecessary disruption of the hydrology of the site;

d. The development will not result in unnecessary degradation to aquatic vegetation or life;

e. The development will not result in unnecessary destruction of plant materials on the site;

f. Proposed erosion and sediment control concepts are adequate to achieve the reductions in erosion and minimize off-site sedimentation;

g. Proposed stormwater management concepts are adequate to control the stormwater runoff and achieve the required performance standard for pollutant control;

h. Proposed re-vegetation of disturbed areas will provide effective erosion and sediment control benefits;

i. The development, as proposed, is consistent with the purpose and intent of the overlay district;

j. The cumulative impact of the proposed development, when considered in relation to other development in the vicinity, both existing and proposed, will not result in a significant degradation of water quality;

k. The Zoning Administrator shall require additional mitigation where potential impacts have not been adequately addressed. Evaluation of mitigation measures will be made by the Zoning Administrator based on the criteria listed in division (C)(2)(e)1. above and this division (C)(2)(e)2; and

l. The Zoning Administrator shall find the proposal to be inconsistent with the purpose and intent of this section when the impacts created by the proposal cannot be mitigated. Evaluation of the impacts will be made by the Zoning Administrator based on the criteria listed in division (C)(2)(e)1. above and this division (C)(2)(e)2.

§ 157.161 PLAN OF DEVELOPMENT PROCESS.

(A) Any development or redevelopment exceeding 2,500 square feet of land disturbance shall be accomplished through a plan of development process prior to any clearing, grading, or filling of the site or the issuance of any building permit, to assure compliance with all applicable requirements of this subchapter.

(B) In addition to the requirements of this section and Chapters 155 and 156 of this code, the plan of development process shall consist of the plans and studies identified in this division (B). These required plans and studies may be coordinated or combined, as deemed appropriate by the Zoning Administrator. The Zoning Administrator may determine that some of the following information is unnecessary due to the scope and nature of the proposed development. The following plans or studies shall be submitted unless otherwise provided for in this chapter:

(1) A site plan in accordance with the provisions of Chapter 155 of this code or a subdivision plat in accordance with the provisions of Chapter 156 of this code, as necessary;

(2) An environmental site assessment;

(3) A landscaping plan;

(4) A stormwater management plan; and

(5) An erosion and sediment control plan in accordance with the provisions of Chapter 152 of this code.

(C) An environmental site assessment shall be submitted in conjunction with preliminary site plan or preliminary subdivision plan approval.

(1) The environmental site assessment shall be drawn to scale and clearly delineate the following environmental features:

(a) Tidal wetlands;

(b) Tidal shores;

(c) Nontidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow;

(d) A 100-foot buffer area located adjacent to and landward of the components listed in divisions (C)(1)(a) through (C)(1)(c) above and along both sides of any waterbody with perennial flow; and

(e) Other sensitive environmental features as determined by the Zoning Administrator.

(2) Wetlands delineations shall be performed consistent with the procedures specified in the current edition of the *Federal Manual for Identifying and Delineating Jurisdictional Wetlands*, 1987, or as determined by the Army Corps of Engineers (ACOE).

(3) The environmental site assessment shall delineate the site-specific geographic extent of the RPA.

(4) The environmental site assessment shall be drawn at the same scale as the preliminary site plan or subdivision plat and shall be certified as complete and accurate by a professional engineer. This requirement may be waived by the Zoning Administrator when the proposed use or development would result in less than 5,000 square feet of disturbed area.

(5) Any request for exemption from the buffer requirements for properties contained wholly within designated IDAs, as allowed by § 157.159(C)(4), must be submitted in writing with the assessment.

(D) A landscaping plan shall be submitted in conjunction with site plan approval or as part of subdivision plat approval. No clearing, grading, or filling of any lot or parcel shall be permitted without an approved landscaping plan.

(1) *Contents of the plan.*

(a) The landscaping plan shall be drawn to scale and clearly delineate the location, size, and description of existing and proposed plant material. All existing trees on the site six inches or greater DBH shall be shown on the landscaping plan. Where there are groups of trees, stands may be outlined instead. The specific number of trees six inches or greater DBH to be preserved outside the construction footprint shall be indicated on the plan. Trees to be removed to create a desired construction footprint shall be clearly delineated.

(b) Any required buffer area shall be clearly delineated, and any plant material to be added to establish or supplement the buffer area as required by this subchapter shall be shown.

(c) Within the buffer area, trees to be removed for sight lines, vistas, access paths, and BMPs, as provided for in this subchapter, shall be shown. Vegetation required by this subchapter to replace any existing trees within the buffer area shall also be shown.

(d) Trees to be removed for shoreline stabilization projects and any replacement vegetation required by this subchapter shall be shown on the landscaping plan.

(e) Grade changes or other work adjacent to trees that would affect adversely them. Specifications shall be provided

as to how grade, drainage, and aeration will be maintained around trees to be preserved.

(f) Specifications for the protection of existing trees during clearing, grading, and all other phases of construction.

(2) *Plant specifications.*

(a) All plant materials necessary to supplement the buffer area or vegetated areas outside the construction footprint shall be installed according to standard planting practices and procedures.

(b) All supplementary or replacement plant materials shall be living and in a healthy condition. Plant materials shall conform to the standards of the most recent edition of the *American Standard for Nursery Stock*, published by the AmericanHort.

(c) Where areas that are to be preserved, as designated on an approved landscaping plan, are disturbed or encroached, replacement of existing trees and other vegetation will be achieved at a ratio of one planted tree to one removed. Replacement trees shall be of a similar species, a minimum of 12 feet in height and one and one-half inches DBH at the time of planting.

(3) *Maintenance.*

(a) The applicant shall be responsible for the maintenance and replacement of all vegetation as may be required by the provisions of this subchapter.

(b) In buffer areas and areas outside the construction footprint, plant material shall be tended and maintained in a healthy growing condition and free from refuse and debris for a period of one year after the developer has completed all real estate sales in the developed property. Unhealthy, dying, or dead plant materials shall be replaced during the next planting season, as required by the provisions of this subchapter.

(E) A stormwater management plan shall be submitted in accordance with Chapter 153 of this code in conjunction with site plan or subdivision plan approval. The stormwater management plan shall contain maps, charts, graphs, tables, photographs, narrative descriptions, explanations, and citations to supporting references as appropriate to communicate the information required by this subchapter.

(1) At a minimum, the stormwater management plan must contain the following:

(a) Location and design of all proposed stormwater control devices;

(b) Procedures for implementing nonstructural stormwater control practices and techniques;

(c) Pre- and post-development nonpoint source pollutant loadings with supporting documentation of all utilized coefficients and calculations; and

(d) For facilities, verification of structural soundness, including a professional engineer certification.

(2) All engineering calculations must be performed in accordance with procedures outlined in the current edition of the *Virginia Stormwater Management Handbook*.

(3) The plan shall establish a long-term schedule for inspection and maintenance of stormwater management facilities including all maintenance requirements and persons responsible for performing said maintenance. If the designated maintenance responsibility is with a party other than the town, a maintenance agreement shall be executed between the responsible party and the town.

(F) An erosion and sediment control plan shall be submitted that satisfies the requirements of this subchapter and in accordance with Chapter 152 of this code, in conjunction with site plan or subdivision plan approval.

(G) Final plans for property within CBPA's shall be final plats for land to be subdivided or site plans for land not to be subdivided as required in Chapters 155 and 156 of this code.

(1) Final plans and plats for all lands within CBPA's shall include the following additional information:

(a) The delineation of the 100-foot RPA boundary for the retention of an undisturbed and vegetated 100-foot-wide buffer area, with permissibility of only water dependent facilities or redevelopment;

(b) The delineation of required buffer areas;

(c) All wetlands permits required by law;

(d) A maintenance agreement, as deemed necessary and appropriate by the Zoning Administrator, to ensure proper maintenance of BMPs in order to continue their functions;

(e) Measures to be taken for the protection of the resource protection areas (RPAs) during clearing, grading, and all other phases of construction. The following notations shall be included.

1. All existing vegetation within the RPA shall remain in its undisturbed natural state, except as allowed by this code.

2. Permissible development in the RPA is limited to water-dependent facilities, redevelopment, or other uses specifically allowed by this code.

(f) Gross acreages of the following physical land units shall be tabulated and computed by accurate planimetric methods at the final plan scale: 100-year floodplains; wetlands; existing water features (bodies of water, drainage channels, streams, and the like); and resource protection areas and resource management areas as specified by this subchapter; and

(g) Buildable areas allowed on each lot based on the performance criteria specified in the Chesapeake Bay Preservation Area regulations; front, side, and rear yard setback requirements established pursuant to this chapter, and any other relevant easements or limitations regarding lot coverage shall be graphically depicted on the site plan.

(2) Installation and bonding requirements are as follows.

(a) Where buffer areas, landscaping, stormwater management facilities, or other specifications of an approved plan are required, no certificate of occupancy shall be issued until the installation of required plant materials or facilities is completed in accordance with the approved site plan.

(b) When the occupancy of a structure is desired prior to the completion of the required landscaping, stormwater management facilities, or other specifications of an approved plan, a certificate of occupancy may be issued only if the applicant provides to the town a form of surety satisfactory to the Zoning Administrator in an amount equal to the remaining plant materials, related materials, and installation costs of the landscaping or other specifications and/or maintenance costs for any required stormwater management facilities.

(c) All required landscaping shall be installed and approved by the first planting season following issuance of a certificate of occupancy, or the surety may be forfeited to the town.

(d) All required stormwater management facilities or other specifications shall be installed and approved within 18 months of project commencement. Should the applicant fail, after proper notice, to initiate, complete, or maintain appropriate actions required by the approved plan, the surety may be forfeited to the town. The town may collect from the applicant the amount by which the reasonable cost of required actions exceeds the amount of the surety held.

(e) After all required actions of the approved site plan have been completed, the applicant must submit a written request for a final inspection with the as-built site plan or subdivision plan. If the requirements of the approved plan have been completed to the satisfaction of the Zoning Administrator, such unexpended or unobligated portion of the surety held shall be refunded in accordance with Chapters 155 and 156 of this code. The Zoning Administrator may require a certificate of substantial completion from a professional engineer before making a final inspection.

(H) Administration of the plan of development process shall be in accordance with Chapters 155 and 156 of this code.

(1) If the final plan or any component of the plan of development process, as related to this chapter, is not approved by the Zoning Administrator and/or recommended conditions or modifications are unacceptable to the applicant, the applicant may appeal such administrative decision to the Planning Commission.

(2) The appeal shall be made in writing to the Planning Commission. The Planning Commission shall review the appeal and determine if:

(a) The plan is in accordance with all applicable ordinances and includes the necessary elements to mitigate any detrimental impact on water quality, adjacent properties, and the surrounding area; or

(b) Such plan meets the purpose and intent of the performance standards in this subchapter.

(3) If the Planning Commission finds that the applicant's plan does not meet the criteria stated in this section, it shall reject the plan. If the applicant's plan is found to meet the criteria stated in this section, the Planning Commission shall approve the plan.

(1998 Code, § 66-202) (Ord. passed 9-5-2017; Ord. O-2022-01, passed 4-5-2022) Penalty, see § 10.99

§ 157.162 NONCONFORMING USES AND NONCOMPLYING STRUCTURES.

(A) The lawful use of a building or structure existing on the effective date of the ordinance from which this section derives or which exists at the time of any amendment to this subchapter, and which is not in conformity with the provisions of the overlay district may be continued in accordance with §§ 157.210 through 157.213.

(B) No change or expansion of use shall be allowed, with the exception that:

(1) The Planning Commission may grant a nonconforming use and development waiver for structures on legal nonconforming lots or parcels to provide for remodeling and alterations to such nonconforming structures, provided that:

(a) There will be no increase in nonpoint source pollution load; and

(b) Any development or land disturbance exceeding 2,500 square feet in area complies with all erosion and sediment control requirement of this subchapter.

(2) An application for a nonconforming use and development waiver shall be made to and upon forms furnished by the Zoning Administrator and shall include, for the purpose of proper enforcement of this section, the following information:

(a) Name and address of the applicant and the property owner;

(b) Legal description of the property;

- (c) Type of proposed use and development;
 - (d) A sketch of the dimensions of the lot or parcel, location of buildings, and proposed additions relative to the lot lines, and boundary of the RPA; and
 - (e) Location and description of any existing private water supply or sewerage system.
- (3) Requests for a nonconforming use and development waiver shall be reviewed by the Planning Commission for compliance with the provisions of this section;
- (4) The Planning Commission shall review the nonconforming use and development waiver 12 months from the date issued and shall revoke it by affirmative vote if no substantial work has commenced; and
- (5) An application for the expansion of a nonconforming principal structure shall be approved by the Planning Commission if it finds that:
- (a) The request for the waiver is the minimum necessary to afford relief;
 - (b) Granting the waiver will not confer upon the applicant any specific privileges that are denied by this subchapter to other property owners in similar situations;
 - (c) The waiver is in harmony with the purpose and intent of this subchapter and does not result in water quality degradation;
 - (d) The waiver is not based on conditions or circumstances that are self-created or self-imposed, either by the current property owner or by a predecessor in title;
 - (e) Reasonable and appropriate conditions are imposed, as warranted, that will prevent the waiver from causing degradation of water quality; and
 - (f) The application does not include any accessory structures.

(1998 Code, § 66-203) (Ord. passed 9-5-2017; Ord. O-2022-01, passed 4-5-2022) Penalty, see § 10.99

§ 157.163 EXEMPTIONS AND EXCEPTIONS.

(A) Exemptions for linear utilities.

(1) Construction, installation, operation, and maintenance of electric, natural gas, fiber optic, telephone transmission lines, underground telecommunications and cable television lines, railroads, public roads, pedestrian and bike paths, and their appurtenant structures shall be exempt from compliance with this subchapter so long as they comply with Erosion and Sediment Control Law, the Storm Water Management (SWM) Act of the Code of Virginia and the Prince William County Design and Construction Standards Manual. The exemption of public roads is further conditioned on the road alignment and design being such as to minimize encroachment into the RPA and adverse effects on water quality.

(2) Construction, installation, and maintenance of water and sewer lines owned by a regional service authority shall be exempt from the compliance with this subchapter if the provisions of the following divisions (a) through (d) are met. The applicant shall submit proof of all required compliance to the Zoning Administrator, who shall process the application as provided in this section.

- (a) To the degree possible, the location of such utilities and facilities should be outside resource protection areas;
- (b) No more land shall be disturbed than is necessary to provide for the necessary utility installation;
- (c) All construction, installation, and maintenance of such utilities and facilities shall be in compliance with all applicable state and federal requirements and permits and designed and conducted in a manner that protects water quality;
- (d) Any land disturbance exceeding an area of 2,500 square feet shall comply with all erosion and sediment control requirements of the Design and Construction Standards Manual.

(B) Exceptions.

(1) Exceptions to the requirements of this subchapter may be granted only as permitted by section 740.06 of the Prince William County Design and Construction Standards Manual. Exceptions for encroachment into the RPA will be processed in accordance with section 700 of the Prince William County Design and Construction Standards Manual either as administrative exceptions or as public hearing exceptions.

(2) When a public hearing is required by section 700 of the Prince William County Design and Construction Standards Manual, the Town Planning Commission shall conduct a public hearing to review a request for an exception for encroachment into the RPA and the associated water quality impact assessment study. The Planning Commission may grant the exception with such conditions and safeguards as stated in section 700 of the Prince William County Design and Construction Standards Manual.

(1998 Code, § 66-204) (Ord. passed 9-5-2017; Ord. O-2022-01, passed 4-5-2022)

§ 157.175 DEFINITION.

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

BOARD. The Architectural Review Board.

(1998 Code, § 66-220) (Ord. passed 9-5-2017)

§ 157.176 CREATION OF BOUNDARIES.

In order to preserve the unique cultural heritage represented by the original section of the town, there is established in the town a district to be known as the "Old and Historic Occoquan District". The boundaries of this district are shown on the Official Zoning Map of the town as an overlay district.

(1998 Code, § 66-221) (Ord. passed 9-5-2017)

§ 157.177 CERTIFICATE OF APPROPRIATENESS REQUIRED TO ERECT, RECONSTRUCT, ALTER, RESTORE, OR RAZE A BUILDING.

In order to promote the general welfare, through the preservation and protection of historic places and areas of historic interest, no building listed in this section and titled "Historic Occoquan Landmarks" may be demolished, in whole or in part, nor may any architectural features of such buildings, which are subject to public view from a public street, be altered, without prior application to the Board created in §§ 33.45 through 33.50 of this code. Neither shall any building or structure be erected, reconstructed, altered, or restored within the Old and Historic Occoquan District, unless an application for a certificate of appropriateness shall have been approved by the Board. Review of such application by the Board will include analysis of external architectural features, including signs, which are subject to public view from a public street, way, or place.

<i>Historic Occoquan Landmarks</i>	
<i>Street</i>	<i>Number</i>
Commerce Street	202, 204, 205, 206, 208, 209, 303, 304, 306, 308, 309, 310, 312
Mill Street	206, 301, 302, 304, 306, 308, 309, 314, 400-402, 404, 406, 413, 440
Union Street	201, 202, 203, 204, 205, 206
Washington Street	202, 203, 205, 206, 207, 209

(1998 Code, § 66-222) (Ord. passed 9-5-2017)

§ 157.178 APPLICATION FOR CERTIFICATE OF APPROPRIATENESS.

Application for a certificate of appropriateness shall be made through the Town Clerk for any modifications described in § 157.179 within the boundaries of the Old and Historic Occoquan District.

(1998 Code, § 66-223) (Ord. passed 9-5-2017)

§ 157.179 MATTERS TO BE CONSIDERED BY THE BOARD.

(A) The Board shall not consider interior arrangement, relative size of the building or structure, detailed design, or features not subject to any public view. The Board shall not make any requirements, except for the purpose of preventing developments obviously incongruous to the old and historic aspect of the surroundings.

(B) The Board shall consider the following in passing upon the appropriateness of architectural features:

- (1) Exterior architectural features, including all signs that are subject to public view from a public street, way, or place;
- (2) General design and arrangement;
- (3) Texture, material, and color;

(4) The relation of the factors in division (B)(1) through (B)(3) above, to similar features of the buildings and structures in the immediate surroundings;

(5) The extent to which the building or structure would be in harmony with the old and historic aspect of the surroundings;

(6) In the case of a building to be razed, a primary consideration will be the extent to which its continued existence would tend to protect irreplaceable historic places and preserve the general historic atmosphere of the town; and

- (7) The extent to which the building or structure will promote the general welfare by:
- (a) Preserving and protecting historic places and areas;
 - (b) Maintaining and increasing real estate value;
 - (c) Generating business;
 - (d) Creating new positions;
 - (e) Attracting tourists, students, writers, historians, artists and artisans, and new residents;
 - (f) Encouraging study of and interest in American history;
 - (g) Stimulating interest in and study of architecture and design;
 - (h) Educating citizens in American culture and heritage; and
 - (i) Making the town a more attractive and desirable place in which to live.

(1998 Code, § 66-224) (Ord. passed 9-5-2017)

§ 157.180 ISSUANCE OF CERTIFICATE OF APPROPRIATENESS.

Approval by the Board will be incorporated into certificates of appropriateness. Immediately upon approval by the Board of any application to erect, reconstruct, alter, restore, or raze a building, a certificate of appropriateness, signed by the Chairperson of the Board and bearing the date of issuance, shall be made available to the applicant. The Zoning Administrator shall refuse to honor any request for a zoning certificate without such certificate of appropriateness, but a certificate of appropriateness will in no way affect the requirement to comply with the other provisions necessary to obtain a zoning certificate.

(1998 Code, § 66-225) (Ord. passed 9-5-2017)

§ 157.181 RIGHT OF APPEAL.

- (A) Whenever the Board shall deny an application for a certificate of appropriateness, it shall be done in writing.
- (B) Any person shall have the right to appeal and be heard before the Town Council provided the person files, with the Zoning Administrator, on or before 14 days after the decision of the Board, a written notice of intention to appeal.
- (C) Upon receipt of such notice, the Zoning Administrator shall schedule a public hearing before the Town Council, at a time not more than 30 days after the receipt of such notice of appeal.
- (D) Such hearing shall be advertised in accordance with VA Code § 15.2-2204.

(1998 Code, § 66-226) (Ord. passed 9-5-2017)

§ 157.182 APPEAL TO CIRCUIT COURT.

Any person, following the final decision of the Town Council on an appeal of a denial of an application for a certificate of appropriateness, shall have the right to file a petition for appeal to the Circuit Court. Such petition must be filed within 30 days after the final decision is rendered by the Town Council and must otherwise comply with the requirements of VA Code § 15.2-2306.A.3.

(1998 Code, § 66-227) (Ord. passed 9-5-2017)

OFF-STREET PARKING STANDARDS

§ 157.195 SCOPE OF SUBCHAPTER.

The intent of this subchapter is to regulate off-street parking in all zoning districts.

(1998 Code, § 66-228) (Ord. passed 9-5-2017)

§ 157.196 GENERAL PROVISIONS.

(A) Parking spaces shall be located on the same parcel as the principal use. However, with approval of the Zoning Administrator, the required parking may be provided on an adjacent or nearby parcel, provided a legally sufficient easement is approved by the Town Attorney and recorded among the county land records to ensure the perpetual availability of the parking spaces for the principal use.

(B) No structure or site shall be altered in any manner that would enable the structure or site to accommodate any increase in business capacity unless the requirements of this subchapter are satisfied with respect to such alteration and increase in capacity. Whenever a building or use is changed or enlarged in floor area, number of employees, number of

dwelling units, seating capacity, or otherwise, to create a need under the requirements of this subchapter for an increase in parking spaces of 10% or more, such additional spaces shall be provided on the basis of the change or enlargement. Under no circumstances shall alterations to existing structures reduce existing parking below that which would be required for the entire structure as altered.

(C) All off-street parking facilities shall be used solely for the parking of vehicles by patrons, occupants, or employees of the use to which such parking is accessory. No motor vehicle repair work, except emergency service, no storage of merchandise, and no motor vehicles for sale, shall be permitted in association with any required off-street parking facilities.

(D) Required off-street parking spaces may be provided cooperatively for two or more uses, subject to arrangements that will assure the permanent availability of such spaces to the satisfaction of the Zoning Administrator. The amount of such combined space shall equal the sum of the amounts required for the separate uses; however, the Zoning Administrator may reduce the total number of parking spaces required by strict application of these requirements when it can be determined the same spaces may adequately serve two or more uses by reason of the hours of operation of such uses.

(E) If a question shall arise regarding the classification of a use for application of this subchapter, the Zoning Administrator shall determine the classification/basis of the number of spaces to be provided.

(F) Due to the unique character of existing structures and amenities in the Old and Historic Occoquan District, the Zoning Administrator shall have the authority to waive the requirements of §§ 157.197 and 157.198 to approve nonstandard spaces.

(G) For the purposes of this section, net floor space is equal to 75% of the gross floor area.

(1998 Code, § 66-229) (Ord. passed 9-5-2017) Penalty, see § 10.99

§ 157.197 REQUIRED PARKING.

(A) Residential uses: townhouse, multifamily, duplex, and single family units:

(1) One bedroom unit: two spaces; and

(2) Units with two or more bedrooms shall have one additional parking space per bedroom (i.e., three bedroom unit is required to have four parking spaces).

(B) Business uses (other than places of assembly) require the following spaces per 400 square feet (net floor space); except that in the Old and Historic Occoquan District, the number of required spaces shall be one for each 800 square feet (net floor space) or portion thereof:

(1) Commercial: one space; and

(2) Office: one space.

(C) Places of assembly require one space per four seats; except that in the Old and Historic Occoquan District, the required number of spaces shall be one per eight seats or portion thereof; except that no parking spaces shall be required for restaurants and places of assembly in the Old and Historic Occoquan District with fewer than 50 seats. Restaurants and places of assembly in the Old and Historic Occoquan District with more than 50 seats shall be one for eight seats or portion thereof, the difference of the total number of seats minus 50.

(D) Mixed use developments shall provide spaces in accordance with the percentage of floor space devoted to each use.

(E) For uses not otherwise set forth in this section, parking spaces shall be provided in sufficient quantity to accommodate the parking demand generated by the proposed use as determined by the Zoning Administrator.

(F) Parking areas shall be graded at a slope not to exceed 5%. Slope may be up to 10%, with approval of the Town Engineer.

(G) Parking computations yielding fractional spaces of one-half and above shall be rounded up to the next whole number, and fractional yields below one-half shall be rounded down to the nearest whole number.

(H) Parking spaces expressly designated for compact cars may be provided. Each space must be clearly marked by an above-grade sign. Such spaces shall not constitute more than 30% of the entire parking space requirements and meet the minimum dimensions outlined in Table B in § 157.198.

(I) All off-street parking spaces shall have an all-weather, dust-free, and impervious surface, where appropriate.

(J) Under no circumstances shall alterations to existing structures reduce existing parking below that which would be required for the entire structure as altered.

(1998 Code, § 66-230) (Ord. passed 9-5-2017) Penalty, see § 10.99

§ 157.198 GEOMETRICS.

The following tables represent the minimum size requirements for required automobile parking spaces (see § 157.197(A) through (C) for the required number of parking spaces per use):

Table A. Standard Size Car Spaces

<i>Parking Angle (degrees)</i>	<i>Stall Width (feet)</i>	<i>Depth of Stall Perpendicular to Aisle (feet)</i>	<i>One-Way Aisle Width (feet)</i>	<i>Two-Way Aisle Width (feet)</i>
Parallel	9	22.0	11	22

Table B. Compact Car Spaces

<i>Parking Angle (degrees)</i>	<i>Stall Width (feet)</i>	<i>Depth of Stall Perpendicular to Aisle (feet)</i>	<i>One-Way Aisle Width (feet)</i>	<i>Two-Way Aisle Width (feet)</i>
Parallel	9	22.0	11	22

(1998 Code, § 66-231) (Ord. passed 9-5-2017) Penalty, see § 10.99

§ 157.199 DISABLED PARKING PROVISIONS.

(A) Disabled parking and building or sidewalk accessibility shall be provided in accordance with the current adopted edition of the State Uniform Statewide Building Code, being 13 VAC 5-63.

(B) Disabled parking spaces shall be identified by above-grade signs and demarcated per typical detail HP-1 and HP-2 of the State Uniform Statewide Building Code, being 13 VAC 5-63.

(C) Disabled parking spaces shall be located as close as possible to a main building entrance, ramp, or walkway.

(D) Inclined approaches shall be provided and arranged so as to allow convenient access to a building entrance. This approach shall have a slope of not more than one foot in 12 feet and be three-feet wide exclusive of flare sides.

(1998 Code, § 66-232) (Ord. passed 9-5-2017) Penalty, see § 10.99

NONCONFORMING USES, LOTS, AND STRUCTURES

§ 157.210 PURPOSE.

(A) Within the districts established by this chapter or amendments that may later be adopted there exist lots, structures, and uses of land and structures that were lawful before this chapter was passed or amended, but would be prohibited or restricted under the terms of this chapter or amendment. It is the purpose of this chapter to permit these nonconformities to continue.

(B) To avoid undue hardship, nothing in this chapter shall be deemed to require a change in building plans if a permit for construction was issued prior to the effective date of adoption or amendment of this chapter and where actual building construction is carried on diligently. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

(1998 Code, § 66-236) (Ord. passed 9-5-2017)

§ 157.211 NONCONFORMING LOTS OF RECORD.

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this chapter, except where specific limitations are imposed by other provisions of this chapter. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions and requirements, other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.

(1998 Code, § 66-237) (Ord. passed 9-5-2017)

§ 157.212 NONCONFORMING STRUCTURES.

Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards, location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions.

(A) (1) Such nonconforming structure may be enlarged or altered to an extent not to exceed 20% of its original size.

(2) Such enlargement or alteration may be done only with approval from the Zoning Administrator and only if such action shall not increase the degree of nonconformance.

(B) Should such nonconforming structure or nonconforming portion of structure be destroyed or damaged by any means, it may be reconstructed, but not to an extent exceeding 50% of the current replacement cost of the original structure and only if such reconstruction shall not increase the degree of nonconformance.

(C) Where a nonconforming structure devoted to a nonconforming activity is damaged less than 50% of the cost of reconstructing the entire structure, or where a nonconforming structure is damaged less than 75% of the cost of reconstructing the entire structure, either may be repaired or restored, provided any such repair or restoration is started within 12 months and completed within 18 months from the date of partial destruction.

(D) Should such structure be moved for any reason to another parcel of land, regardless of distance, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

(E) Should any nonconforming structure be changed to a more limited nonconforming use, such newly created use may be changed only to an even more limited use.

(1998 Code, § 66-238) (Ord. passed 9-5-2017) Penalty, see § 10.99

§ 157.213 NONCONFORMING USES; PERMITS REQUIRED.

(A) All operators or owners of nonconforming uses, lots, or structures shall, within six months after the adoption of the ordinance from which this section derives, obtain from the Zoning Administrator a nonconforming use permit; and such nonconforming use, lot, or structure shall be recorded as part of the records of the town.

(B) Whenever the boundaries of a district are changed, any uses of land or buildings that become nonconforming as a result of such change shall be recorded as part of the records of the town.

(1998 Code, § 66-239) (Ord. passed 9-5-2017) Penalty, see § 10.99

ENFORCEMENT OF ZONING BY ZONING ADMINISTRATOR

§ 157.225 RIGHT OF ENTRY.

The provisions of this chapter shall be enforced by the Zoning Administrator, who shall serve at the pleasure of the Council, and whose compensation, if applicable, shall be fixed by the Council. The Zoning Administrator or any of his or her authorized assistants, upon proper identification, shall have the right to enter upon any land or into any building for the purpose of making an inspection or acquiring information to determine whether the property and its use conform to the requirements of this chapter.

(1998 Code, § 66-271) (Ord. passed 9-5-2017)

§ 157.226 QUESTIONS OF INTERPRETATION.

(A) Unless otherwise provided in this chapter, the Zoning Administrator shall make all determinations and issue all rulings and orders authorized in this chapter or otherwise necessary in the interpretation and enforcement of this chapter.

(B) Any person aggrieved by a zoning violation, written order, or determination issued by the Zoning Administrator may appeal as provided in § 33.30 of this code. Decisions of the Zoning Administrator shall be final and not appealable if not appealed within 30 days.

(1998 Code, § 66-272) (Ord. passed 9-5-2017)

§ 157.227 WRITTEN ORDER, REQUIREMENT, DECISION, OR DETERMINATION BY THE ZONING ADMINISTRATOR.

(A) Notwithstanding the provisions of § 157.226, the Zoning Administrator may issue a written order, requirement, decision, or determination regarding the permissibility of a specific use or density of a landowner's property only in accordance with this section and with the concurrence of the Town Attorney. Except to the extent expressly delegated in writing, no other town officer or employee is authorized to issue such orders, requirements, decisions, or determinations.

(B) The Zoning Administrator does not have the authority to issue an order, requirement, decision, or determination regarding the permissibility of a specific use or density of a landowner's property that is inconsistent with this chapter. Such an inconsistency, if it occurs, shall be considered nondiscretionary error.

(C) The Zoning Administrator is hereby authorized and directed to establish a written policy which governs the issuance of written orders, requirements, decisions, or determinations regarding the permissibility of a specific use or density of a landowner's property.

(D) (1) The Zoning Administrator is hereby authorized and directed to create a standard form of application that is to be

used by landowners or their authorized agents in order to obtain a written order, requirement, decision, or determination regarding the permissibility of a specific use or density of their property.

(2) The Zoning Administrator shall not issue a written order, requirement, decision, or determination regarding the permissibility of a specific use or density of a landowner's property, unless said landowner or their authorized agent submits the standard form of application and provides all of the information that is requested therein.

(E) The fee for processing an application requesting a written order, requirement, decision, or determination regarding the permissibility of a specific use or density of a landowner's property shall be equal to the fee associated with obtaining a zoning certification.

(F) (1) Unless earlier suspended by action of the Council, a written order, requirement, decision, or determination issued under this section remains in effect for one year.

(2) If the owner or developer incurs extensive obligations or substantial expenses in diligent pursuit of the specific project in reliance on the written order, requirement, decision, or determination, however, it shall remain in effect while such diligent pursuit continues.

(1998 Code, § 66-273) (Ord. passed 9-5-2017)

§ 157.228 ADMINISTRATIVE MODIFICATIONS.

(A) *Purpose and applicability.* Pursuant to the authority granted within VA Code § 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 section.

(4) The decision of the Zoning Administrator shall constitute a decision within the purview of VA Code § 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 VA Code § 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%.

(Ord. O-2023-11, passed 6-6-2023)

SPECIAL USE PERMITS

§ 157.240 GENERALLY.

Special use permits, as specified in this chapter, may be authorized by the Town Council in the district indicated, upon a finding that the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the town's plan of land use.

(1998 Code, § 66-301) (Ord. passed 9-5-2017)

§ 157.241 FEE SCHEDULE.

A fee, as established by separate ordinance, shall be paid for a special use permit, to defray costs incurred for a public hearing, which is to be held in accordance with the provisions of this chapter. Special use permits shall be subject to time limitations and such other conditions as the Town Council deems necessary to carry out the intent of this chapter.

Statutory reference:

Advertisement of plans, ordinances, and the like, joint public hearings, written notice of certain amendments, see VA Code § 15.2-2204

§ 157.242 REVIEW AND APPROVAL PROCESS.

(A) Before the formal submission of an application seeking approval of a special use permit, the applicant (who must be the property owner or contract purchaser) shall hold a conference with the Zoning Administrator concerning the proposal and shall provide, at or before that conference, a concept plan that specifies the following:

- (1) The general location and amount of land proposed for development;
- (2) The number of dwelling units, gross floor area, and acreage for each use or land area;
- (3) The general location and number of parking spaces;
- (4) Bearings and distances for all property lines and existing and/or proposed division lines;
- (5) Scale;
- (6) North arrow; and
- (7) Names of boundary roads or streets and widths of existing rights-of-way.

(B) Within 15 days after the conference, the Zoning Administrator or designee shall provide the applicant with a summary of the meeting.

(C) Within one year of the required pre-application meeting, the applicant must submit a special use permit application, accompanied by the required fee. The application must contain all of the following materials in order to be complete.

(1) A fully-complete application form obtained from the town; the application may be signed by the owner, the contract purchaser (with special power of attorney from the owner or that person's agent. However, if the application is signed by an agent, then a copy of written authority, or power of attorney form, from the owner (or contract purchaser) must accompany the application.

(2) A generalized development plan (GDP) with the following elements on or submitted in conjunction with, prepared by an appropriately licensed professional:

- (a) All existing improvements, proposed changes, and new improvements anticipated if the request is approved;
- (b) A landscape plan indicating the general location and type of significant or specimen trees located within the limits of the planned development area;
- (c) All plans shall be to a scale no less than one-inch equals 50 feet;
- (d) All plans shall be of sufficient detail to show the location of all existing utilities affected by the request;
- (e) Each submission shall include one eight-and-one-half-inch by 11-inch reduction of the plan;
- (f) Any model must be accompanied by eight-inch by ten-inch clear photographs showing a top view, an isometric view, and each side view of the model;
- (g) Two copies of a narrative statement shall be provided outlining operational conditions and special provisions proposed by the applicant to minimize the impact of the use on surrounding properties;
- (h) A general vicinity map providing information concerning existing street and cross street locations within one-half mile or greater shall be provided. Vicinity map may be on the plan itself or as an addendum;
- (i) Topography of the site (using town maps if alternative sources of topography are not available);
- (j) A traffic impact analysis (TIA), if deemed necessary by the Zoning Administrator at the pre-application meeting;
- (k) Wetlands on-site and the source of delineation;
- (l) Resource protection areas on-site and their source of delineation;
- (m) Locations of floodplains; and
- (n) Location of the Old and Historic Occoquan District adjoining or encompassing the site.

(3) If the requested use would not result in the exterior alteration of a structure or parking area, a current building location plan may be submitted for site information only, in lieu of the generalized development plans.

(4) The applicant shall submit building elevation drawings of all buildings and structures to be altered, relocated, or constructed, showing any proposed exterior alterations.

(D) The Zoning Administrator shall report to the Planning Commission regarding the application before the opening of the public hearing and provide a recommendation, citing appropriate principles of zoning practice and applicable provisions of the Comprehensive Plan; however, failure of the Zoning Administrator to perform this duty shall not affect the authority of the Planning Commission or Town Council to take action or the validity of that action. The Planning Commission shall hold a public hearing after due advertisement according to law, and may close or continue the public hearing from time to time. The applicant may revise the application at any time before the closing of the public hearing. After the public hearing is closed, the Planning Commission may take any of the following actions:

- (1) Require additional information from the applicant and schedule a further hearing for other action after receipt of the additional information;
- (2) Recommend that the Town Council approve the application as requested by the applicant;
- (3) Recommend that the Town Council approve the application with changes to the scope, duration, or conditions; or
- (4) Recommend that the Town Council deny the application.

(E) (1) After the Planning Commission makes a recommendation regarding the application, the Town Council shall hold a public hearing after due advertisement according to law, and may close or continue the public hearing from time to time. The applicant may revise the application at any time before the closing of the public hearing, in which case the Town Council may refer the application back to the Planning Commission for review and a new recommendation. After the public hearing is closed, the Town Council may take any of the following actions:

- (a) Require additional information from the applicant and schedule a further hearing for other action after receipt of the additional information;
- (b) Approve the application as requested by the applicant;
- (c) Approve the application with changes to the scope, duration, or conditions; or
- (d) Deny the application.

(2) Only an affirmative majority vote in favor of an action can result in a decision by the Town Council to take action on the application.

(F) If the Town Council approves the application, the Zoning Administrator shall issue the special use permit, noting any changes or conditions made by the Town Council.

(1998 Code, § 66-303) (Ord. passed 9-5-2017)

§ 157.243 REFILEING FOLLOWING DENIAL.

If an application for a special use permit is denied, the Zoning Administrator shall not accept any new application that includes any of the uses sought in the previously denied application and that is filed within one year of the denial on all or any part of the same parcel of land.

(1998 Code, § 66-304) (Ord. passed 9-5-2017)

§ 157.244 WITHDRAWAL OF AN APPLICATION.

An applicant may withdraw an application for a special use permit at any time; however, if the withdrawal is made after publication of the notice for the public hearing, the Zoning Administrator shall not accept an application that includes any of the uses sought in the withdrawn application and that is filed within six months of the withdrawal date on all or any part of the same property. There shall be no refund of special use permit application fees in the case of withdrawal, regardless of the time of withdrawal.

(1998 Code, § 66-305) (Ord. passed 9-5-2017)

§ 157.245 DEFERRAL OF APPLICATION BY APPLICANT.

(A) Deferral of consideration of any application for a special use permit may be requested in writing by the applicant at any time.

(B) If a request for deferral is made after publication of the notice of public hearing, it may be granted only by the Town Council. In that case, the applicant shall bear the additional costs to re-advertise the public hearing.

(C) A request for deferral by the applicant cannot extend more than six months or the application shall be deemed withdrawn.

(1998 Code, § 66-306) (Ord. passed 9-5-2017)

§ 157.246 DURATION AND EXPIRATION OF PERMIT.

(A) If a special use permit application is approved by the Town Council, the applicant has one calendar year from the

date of the approval to initiate and diligently pursue construction authorized under the permit, or (if no construction was authorized or all construction is complete) to begin the use permitted under the permit. If no such action is taken, then at the end of that year the permit shall lapse and be of no further force or effect. If the permitted use lapses for a period of one year or more on the property, then the permit shall terminate without further action by the town. The Zoning Administrator will notify the Town Council of that fact.

(B) Unless otherwise specified by the Town Council in the permit, the duration of any special use permit shall be five years, renewable at the Town Council's sole discretion upon application by the then-owner or contract purchaser. However, the expiration or nonrenewal of a special use permit shall not require the removal of any building or structure constructed under a valid special use permit, unless specifically stated in the special use permit itself. Rather, any such building or structure will be treated as a nonconforming building or structure under this chapter. After the expiration or termination of the special use permit, any use of the parcel, including any use of such building or structure, must conform to the then-existing zoning restrictions.

(1998 Code, § 66-307) (Ord. passed 9-5-2017)

§ 157.247 REVOCATION OF SPECIAL USE PERMITS.

(A) The Town Council may revoke a special use permit at any time upon notice to the holder of the permit that the conditions of such permit have not been met or that failure to comply with any town regulation poses a nuisance to the surrounding properties.

(B) Such revocation shall not occur until such time as the holder of such permit and/or the owner of the property have been notified in writing by the Zoning Administrator advising him or her of the violations of the permits and giving him or her a reasonable time to comply, not to exceed 30 days.

(C) A certified letter shall be mailed to the address of record advising the permit holder and/or property owner of the date and time of a public hearing to be held before the Town Council on the consideration of revocation of the permit.

(D) After the Town Council holds a public hearing on the matter, the Council may, based on evidence provided and the nature of the violations, revoke the special use permit.

(1998 Code, § 66-308) (Ord. passed 9-5-2017)

§ 157.248 SPECIAL USE PERMITS FOR TOBACCO, VAPE, CANNABIS, OR PSYCHOACTIVE SPECIALTY ESTABLISHMENT.

(A) *Definitions.* For purposes of this section, the following definitions shall apply:

ON-PREMISES CONSUMPTION ESTABLISHMENT.

(a) Any establishment, whether public or private, membership-based or otherwise, that allows the use, sampling, or consumption of tobacco, vape, hemp, cannabinoid, kratom, or other psychoactive products on the premises.

(b) Such use shall be considered a **TOBACCO, VAPE, CANNABIS, OR PSYCHOACTIVE SPECIALTY ESTABLISHMENT** for zoning purposes, regardless of whether products are sold or whether the business is designated as a private club or social venue.

TOBACCO, VAPE, CANNABIS, OR PSYCHOACTIVE SPECIALTY ESTABLISHMENT.

(a) A commercial establishment in which 10% or more of the floor area, inventory value, or gross sales is devoted to the display, sale, exchange, or delivery of any combination of the following items intended for human consumption, inhalation, or ingestion:

1. Tobacco, cigarettes, cigars, pipes, rolling papers, or other tobacco- related products;
2. Electronic cigarettes, vaping devices, e-liquids, or similar vapor- producing products;
3. Cannabidiol (CBD), tetrahydrocannabinol (THC), Delta-8, Delta-9, Delta-10, or any other cannabinoid-containing product, whether derived from hemp or marijuana, that is intended to be consumed, ingested, or inhaled;
4. Any paraphernalia or accessory items used for the consumption of such products, including but not limited to pipes, hookahs, grinders, or similar devices; and
5. Any herbal, synthetic, or natural psychoactive substance, including kratom (*Mitragyna speciosa*) and any products containing its active alkaloids (mitragynine or 7-hydroxymitragynine), whether in raw, extract, or derivative form, intended for ingestion, inhalation, or other human consumption.

(b) For purposes of this definition, the sale of paraphernalia or accessories used for the consumption of such products shall be considered part of the same use category, regardless of whether the consumable products themselves are sold on the premises.

(c) This definition also includes any business that holds itself out by signage, advertising, or trade name as primarily engaged in such sales, regardless of the actual percentage of merchandise.

(d) This definition shall not include:

1. Topical or cosmetic products, such as creams, lotions, or balms, that are not marketed or intended for ingestion, inhalation, transdermal psychoactive absorption, or other forms of human consumption; and
2. Pharmacies or licensed medical dispensaries operating under state law.

(e) This definition is intended solely for zoning and land-use classification purposes and does not regulate or prohibit any product authorized for sale under federal or state law.

(B) *Applicability.* The use category tobacco, vape, cannabis, or psychoactive specialty establishment shall be permitted only by special use permit within the B-1, Business District, and shall be prohibited in all other zoning districts.

(C) *Separation requirements.* No such use shall be located within a building containing a residential use, nor within 450 feet of any child day care center, park, or place of worship. No two such uses shall be located within 450 feet of one another.

(D) *Conditions of approval.*

(1) In addition to any other conditions deemed necessary by the Town Council to mitigate the potential zoning impacts of a tobacco, vape, cannabis, or psychoactive specialty establishment, the following standards are established pursuant to VA Code § 15.2-2286(A)(3) as reasonable conditions to ensure the compatibility of such uses with surrounding properties and the public welfare and shall apply to all tobacco, vape, cannabis, or psychoactive specialty establishments approved by special use permit:

(a) *Operational and public safety standards.*

1. Hours of operation shall be limited to 9:00 a.m. to 9:00 p.m.
2. Adequate exterior lighting and security cameras shall be provided and maintained in accordance with a lighting and security plan approved by the Town Council and made a condition of the special use permit.
3. The business will register and maintain an active alarm system and after-hours emergency contact with the town throughout the life of the special use permit.
4. No exterior seating, tables, benches, vending equipment, or other fixtures designed for customer congregation shall be installed or allowed to remain outside the building.
5. Compliance with all Fire Marshal and Building Code standards for storage of lithium-ion batteries or other flammable materials is required.

(b) *Residential compatibility standards.*

1. Ventilation and exhaust systems shall be designed, operated, and maintained to prevent the escape of odors noticeable to a person of ordinary sensitivity to adjacent residential dwellings or pedestrian areas. If the business involves storage, handling, or packaging of aromatic or powdered products (including hemp flower, kratom, or flavored e-liquids), additional filtration or odor control measures may be required based on generally accepted industry standards such as ASHRAE Standard 62.1 (Ventilation for Acceptable Indoor Air Quality) or equivalent, as verified by a licensed mechanical engineer.

2. On-premises consumption, sampling, or product use is prohibited.

(c) *Design and aesthetic standards.*

1. Windows shall remain visually open; physical obstructions, opaque films and heavily tinted glass are prohibited.
2. No display racks, product shelving, or promotional merchandise shall be placed outside the building.
3. Products, packaging, or advertising visible from the public right-of-way shall not depict or simulate drug paraphernalia.
4. Interior window displays shall be limited to professionally printed signage or merchandise typical of a retail storefront and shall be arranged to maintain visibility into the sales area from the public right-of-way.
5. Lighting shall be designed to minimize glare onto sidewalks and adjacent buildings and shall not include flashing or color-changing effects visible from the public right-of-way.

(2) All improvements or equipment necessary to comply with these standards shall be installed and maintained by the business operator at their expense.

(E) *Duration and recertification.* Special use permits issued for such establishments shall be valid for a period of five years from the date of approval, unless otherwise specified by the Town Council. Each permit holder shall submit an annual certification of compliance confirming adherence to all conditions of approval. Failure to file certification or violation of any condition may constitute grounds for revocation pursuant to VA Code §§ 15.2-2208 or 15.2-2286.

(F) *Enforcement, reporting, and revocation.*

(1) The Zoning Administrator shall have a right of entry during all hours of operation to inspect any establishment operating under this section for compliance with all special use permit conditions.

(2) Each permit holder shall file an annual report with the town as part of its recertification process. The report shall include:

(a) The percentage of floor area and display space devoted to products listed in division (A);

(b) The percentage of annual gross sales derived from such products; and

(c) A certification, signed by the business owner or manager, attesting that these figures are true and that the establishment remains in compliance with all conditions of approval.

(3) Information submitted under this section shall be treated as confidential to the extent permitted by Virginia law and used solely for zoning and business license compliance purposes.

(4) (a) The town reserves the right to audit the information contained in the annual report at reasonable times and upon reasonable notice. Such audits may include inspection of premises, review of sales records, or verification through the town's business-license reporting process. Businesses found to have under-reported the percentage of specialty sales may be deemed in violation of this section and subject to enforcement under VA Code § 15.2-2208.

(b) Information demonstrating a violation of the special use permit may include, but is not limited to, discrepancies between reported and observed floor area devoted to such products, inconsistencies in sales figures disclosed to the town under business license reporting, or failure to provide requested documentation during an audit.

(5) Failure to submit the annual report or to cooperate with an audit shall constitute a violation of this section and may result in suspension or revocation of the special use permit following notice and hearing before the Town Council.

(6) Upon finding a violation, the Zoning Administrator shall issue a written notice of violation specifying the corrective action required and the time period for compliance before referral for enforcement or revocation.

(7) Each day a violation continues shall constitute a separate offense. Nothing herein limits the authority of the town to pursue civil penalties, injunctive relief, or any other remedy authorized by Virginia law.

(8) Nothing in this section limits the authority of law enforcement to enforce any state or federal law relating to controlled substances or public nuisance. The Town Manager or designee may establish forms and procedures necessary to implement this section.

(Ord. O-2026-01, passed 1-20-2026)

ZONING AMENDMENTS

§ 157.260 INITIATION OF AMENDMENTS.

(A) The text of this chapter and any zoning district boundary shown on the Zoning Map may be amended, changed, modified, or repealed by the Town Council.

(B) Proceedings for any amendment shall be initiated only:

(1) By the adoption of a resolution by the Planning Commission of intention to propose an amendment;

(2) By the adoption of a resolution by the Town Council of intention to amend, which resolution, upon adoption, shall be referred to the Planning Commission; or

(3) By the filing of a petition by the owner or contract purchaser of the land proposed to be rezoned (Zoning Map amendment).

(1998 Code, § 66-331) (Ord. passed 9-5-2017)

§ 157.261 APPLICATION REQUIREMENTS.

(A) All applications for amendments to the Zoning Map or rezoning, initiated in the manner prescribed by §157.260, shall be filed with the Zoning Administrator. No application shall be officially

accepted for filing until all of the information identified in this section is furnished, unless specific items are authorized by the Zoning Administrator for later submission, or unless otherwise provided for in this section in accordance with the provisions of this subchapter. The application shall not be scheduled for a public hearing until all required data have been filed.

(B) Applications and supplemental information, unless qualified below, shall include the following elements:

(1) Two copies of a completed application for Zoning Map amendment (rezoning) application form: the application may be signed by the owner, the contract purchaser (with special power of attorney from the owner), or that person's agent. However, if the application is signed by an agent, then a copy of the written authority, or power of attorney, must accompany the application;

(2) Two copies of a plat of the property proposed for rezoning showing:

(a) Bearings and distances for all existing property lines and proposed division lines;

- (b) Area of proposed zoning changes in square feet or acres, outlined in red;
 - (c) Scale, not less than one inch equals 50 feet with match lines, if necessary;
 - (d) North arrow; and
 - (e) Names of boundary roads or streets and widths of existing rights-of-way.
- (3) Two copies of a written metes and bounds description of the proposed rezoning that shall conform to plat information;
- (4) Two copies of a generalized development plan (GDP) shall be submitted in accordance with the provisions of § 157.262, unless determined to not be necessary by the Zoning Administrator;
- (5) Statements to address the following:
- (a) Surrounding areas that have scenic assets or natural features deserving of protection and preservation with a statement of how protection and maintenance will be accomplished;
 - (b) The relationship of the proposed development to the town's adopted Comprehensive Plan;
 - (c) How adjacent and neighboring properties shall be protected from any adverse effects prompted by the proposed development. This includes vehicular access plans, proposed screening and buffering, and peripheral setback requirements;
 - (d) The maximum height of any proposed buildings in the development;
 - (e) The maximum number of dwelling units and square footage of office, assembly, commercial, and industrial space proposed;
 - (f) Special amenities that are proposed within the development;
 - (g) Anticipated off-site improvements that are proposed for the development, such as roads, water and sewer, and drainage facilities; and
 - (h) Any proposed phasing plan and the projected wastewater flows for each phase.
- (6) Any additional information that the applicant may desire to proffer in the consideration of the application;
- (7) Nonrefundable filing fee set forth by the uncodified ordinance of the town in a check or money order payable to the Town Treasurer; and
- (8) Based on the size and scale of the parcel, or complexity of the proffers submitted, the Zoning Administrator may require additional copies of all submitted materials as needed for supplemental reviewing agencies.

(1998 Code, § 66-332) (Ord. passed 9-5-2017)

§ 157.262 GENERALIZED DEVELOPMENT PLANS (GDP).

Generalized development plans shall include the following:

- (A) Topography shown with contour lines on an interval not exceeding two feet;
- (B) A schematic land use plan, at a scale of one inch equals 100 feet or less, for parcels equal to or larger than ten acres; or one inch equals 30 feet or less, for parcels less than ten acres;
- (C) A proposed traffic circulation plan, including: major streets connections; major pedestrian, bike, and/or bridge paths; all proposed major open space areas; the approximate location of all proposed community and public facilities; and the proposed plan for all major sanitary sewer, water systems, and storm drainage improvements;
- (D) A landscape plan indicating the general location and type of significant or specimen trees located within the limits of the planned development area;
- (E) A plan showing sensitive environmental features including steep slopes (those over 20%), highly permeable soils, highly erodible soils, resource protection areas, wetlands, floodplains, and other such features as may be designated by the Zoning Administrator;
- (F) Location of any overlay district boundaries adjoining or encompassing the site; and
- (G) Location of any portion of the Old and Historic Occoquan District adjoining or encompassing the site.

(1998 Code, § 66-333) (Ord. passed 9-5-2017)

§ 157.263 PROFFER DECLARATION.

(A) In accordance with the VA Code, all statements, plans, profiles, elevations, and other demonstrative material submitted with an application for rezoning shall be annotated with one of the following statements. Each statement shall be signed by the applicant; however, the applicant is not restricted to use the same statement on every submitted document. The applicant may vary statements as necessary to proffer certain statements, plans, profiles, and elevations, and not

proffer other information or pieces of demonstrative material related to the same application.

(B) One of the following statements should accompany any application for zoning modification.

(1) *Commitment to proffer.* "I hereby proffer that the development of the subject property of this application shall be in strict accordance with the conditions set forth in this submission, unless an amendment thereto is mutually agreed upon by the Town Council and the undersigned."

(2) *Noncommitment to proffer.* "The conditions set forth in this submission are not to be construed as to be binding on the development of the subject property of this application."

(1998 Code, § 66-334) (Ord. passed 9-5-2017)

§ 157.264 VALIDITY AND CONFORMANCE WITH PROFFERED CONDITIONS.

(A) If an amendment to the Zoning Map is adopted subject to the conditions proffered by the applicant as set forth in § 157.263, the property in question shall be appropriately annotated on the Zoning Map and all other land records referencing the conditions as adopted.

(B) Such proffered conditions shall become a part of the zoning regulations applicable to the property in question unless subsequently changed by an amendment to the Zoning Map, and such conditions shall be in addition to the specific regulations set forth in this chapter for the zoning district in question.

(C) Upon approval, any site plan, subdivision plat, or general development plan submitted for the property in question shall be in substantial conformity with all proffered statements, plans, profiles, elevations, or other demonstrative materials; and no development shall be approved by any town official in the absence of substantial conformity.

(D) For the purpose of this section, substantial conformance shall allow for a reasonable margin of adjustment due to final engineering data, but conform to the general nature of the proposed development, the specific uses and the general layout depicted by the plans, profiles, elevations, and other demonstrative materials presented by the applicant.

(1998 Code, § 66-335) (Ord. passed 9-5-2017)

§ 157.265 PUBLIC HEARING REQUIREMENTS.

(A) The Planning Commission shall not recommend, nor the Town Council adopt, any zoning ordinance or Zoning Map amendment (rezoning) to change district boundaries or classification of property until notice of intention to do so has been published and/or mailed in accordance with the law.

(B) The cost of any such notice shall be paid by the applicant.

(C) When any notice is required by law to be sent to units in a condominium or cooperative, the written notice may be mailed to the unit owners' association or proprietary lessees' association, respectively, in lieu of each individual unit owner.

(1998 Code, § 66-336) (Ord. passed 9-5-2017)

§ 157.266 REFERRAL TO PLANNING COMMISSION.

(A) In accordance with VA Code Title 15.2, proposed amendments to this chapter, changes in district boundaries, amendments to proffers, or classification of property shall be referred by the Town Council, or the Zoning Administrator (in cases of amendments proposed by the property owner, contract purchaser with the owner's written consent, or owner's agent), to the Planning Commission for its recommendations.

(B) In accordance with VA Code § 15.2-2214, the Planning Commission shall annually fix a calendar for holding regular meetings, and may also, by resolution, fix certain days to which any meeting shall be continued if the Chairperson, or Vice-Chairperson if the Chairperson is unable to act, finds and declares that weather conditions are such that it is hazardous for members to attend the meeting. Such findings shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement is required, provided the resolution setting the schedule is inserted in a newspaper having general circulation in the locality at least seven days prior to the first meeting held pursuant to the adopted schedule.

(C) The Planning Commission shall hold a public hearing on such application or resolution with advertising as provided by § 157.265.

(D) At the conclusion of the Planning Commission public hearing, the Planning Commission shall report to the Town Council its recommendation with respect to the proposed amendment. After that time, any material change made in the application shall necessitate the return of the application to the Planning Commission and the scheduling of another public hearing.

(E) The Planning Commission need not confine its recommendation to the proposed amendment as set forth in the petition/application/resolution.

(1) If the proposed amendment consists of a change in the text of this chapter, it may recommend a revision to the proposal.

(2) If the proposed amendment consists of a change in zoning district boundaries, it may reduce or enlarge the extent of land that it recommends to be rezoned or it may recommend that the land be rezoned to a different zoning district classification than that petitioned for if, in either case:

(a) The Commission is of the opinion that such revision is in accordance with sound zoning practice and is in furtherance of the purpose of this chapter; and/or

(b) Before recommending a larger extent of land or a rezoning to a less restricted classification than was set forth in the petition, the Commission shall hold a further hearing on the matter, of which notice shall be given as in the first instance.

(F) In recommending the adoption of any amendment to this chapter, the Planning Commission shall state its reasons for such recommendation, describing any changes in conditions, if any, that it believes makes the amendment advisable and specifically setting forth the manner in which, in its opinion, the amendment would be in harmony with the adopted Comprehensive Plan and would be in furtherance of the purposes of this chapter.

(G) The Planning Commission shall have 90 days following its first meeting after the proposed amendment has been referred to the Commission to transmit its recommendation to the Council. Failure to provide a recommendation within such specified time shall be deemed a recommendation of approval unless a deferral is requested by the applicant in conformance with this chapter.

(1998 Code, § 66-337) (Ord. passed 9-5-2017)

§ 157.267 TOWN COUNCIL ACTION.

(A) Following the report to the Town Council by the Planning Commission of any proposed amendment to this chapter, change in district boundaries, amendment to proffers, or classification of property, and before approving and adopting any ordinance or amendment thereof, the Town Council shall hold at least one public hearing thereon, pursuant to public notice as required by law.

(B) In order to approve an application, Town Council must find the following conditions have been addressed:

(1) The fees for zoning requests, as established by an un-codified ordinance, have been paid; and

(2) Proposed amendments have been considered with reasonable regard for the existing use and character of the property, the suitability of the property for various uses, the trends of growth or change, and the current and future requirements of the town. Considerations shall include, but not be limited to, comprehensive plans or parts thereof, capital outlay programs, timing of development, relation of development to utilities and public facilities. Other elements to be considered include:

(a) Various purposes as determined by population and economic studies and other studies;

(b) Transportation requirements of the community and the town;

(c) Requirements for schools, parks, playgrounds, recreation areas, and other public services;

(d) Conservation of natural resources, and preservation of floodplains; and

(e) Conservation of properties and their values and the encouragement of the most appropriate use of land throughout the town.

(C) The Town Council shall determine that the following requirements are met, or be assured that they will be met, in acting upon a petition to change the zoning boundaries, proffer amendment, or classification of property on the Zoning Map.

(1) *General conformance.* The requested zoning district shall be in general conformance with the adopted Comprehensive Plan that includes the area of the parcel subject to the requested change.

(2) *Change of classification.* Parcels which are the subject of requests for changes of zoning classification shall have direct access to arterial, thoroughfare, or collector streets without creating unsafe traffic conditions along minor streets. Rezoning requests requiring enlargement or extension of new or existing arterial thoroughfare and collector streets to provide proper access to the parcel under the proposed zoning district shall:

(a) Be consistent with the improvements and timing of the Comprehensive Plan and protect against danger and congestion in travel and transportation; and

(b) Provide for the reservation or dedication of rights-of-way required on the subject parcel for the future enlargement or extension of new or existing streets that are shown in the adopted Comprehensive Plan.

(3) *Relation to utilities.*

(a) Parcels subject to requests for changes of zoning classification shall be located in relation to sanitary sewers, treatment plants, waterlines, storm drainage systems, and other utilities or installations that any required enlargement or extension of such system will be generally consistent with local and regional water quality management plans, the adopted capital improvements program, and the adopted Comprehensive Plan for the area in which the subject parcel is located.

(b) The applicant shall provide, where necessary, sanitary sewers, waterlines, storm drainage systems and other utilities and installations, or for the enlargement or improvement of existing systems, to serve the development in a manner

consistent with applicable plans and policies.

(4) *Relation to public facilities.*

(a) Parcels subject to requests for changes of zoning classification shall be located, designed, scaled, and scheduled for development such that either existing public facilities or planned public facilities that are contained in an adopted capital improvements program will be adequate to serve the proposed development.

(b) In the event that new or enlarged public facilities are necessary to serve development permitted as a result of the requested change in zoning, the applicant shall provide for these facilities.

(1998 Code, § 66-338) (Ord. passed 9-5-2017)

§ 157.268 REFILING FOLLOWING DENIAL.

Upon denial of any petition to change a zoning district boundary, proffers, or classification of property, applications for any or all of the same property for amendment to the same zoning district or use as applied for in the previously denied application shall not be filed within one year of the original denial.

(1998 Code, § 66-339) (Ord. passed 9-5-2017)

§ 157.269 WITHDRAWAL OF APPLICATION.

(A) An application for an amendment of this chapter may be withdrawn at any time. If the request for withdrawal is made after publication of the notice of public hearing before Town Council, then no application for all or any part of the same property may be filed within six months of the withdrawal date.

(B) There shall be no refund of rezoning fees in the case of withdrawal, regardless of the time of withdrawal.

(1998 Code, § 66-340) (Ord. passed 9-5-2017)

§ 157.270 DEFERRAL OF APPLICATION BY APPLICANT.

(A) Petitioner may request deferral of consideration of the application for rezoning.

(B) If the request for deferral is made after publication of the notice of hearing, such deferral shall only be with the consent of either the Planning Commission or the Town Council, whichever body advertised the hearing.

(C) The applicant shall bear the costs to re-advertise the application.

(D) Applications deferred by the Planning Commission at the request of the petitioner will not be deemed as being referred to the Planning Commission until such time as the matter has been rescheduled on the Commission's agenda.

(1998 Code, § 66-341) (Ord. passed 9-5-2017)

OUTDOOR LIGHTING REQUIREMENTS

§ 157.285 GENERAL REQUIREMENTS AND EXEMPTIONS.

(A) *Purpose and intent.* The purposes of the outdoor lighting regulations are to protect dark skies and the general welfare by controlling the spillover of light onto adjacent properties, and to prevent glare from outdoor luminaires and limit the intensity of light on adjacent properties and roadways to further public safety.

(B) *Conformance with applicable codes and ordinances.* All outdoor artificial illuminating devices shall be installed in conformance with the provisions of this subchapter, and applicable provisions of this chapter. The most restrictive shall govern.

(C) *General requirements.*

(1) All outdoor light fixtures except those exempted by division (D) below and those otherwise regulated by §157.287 shall be fully shielded. A fully shielded fixture must be a full cutoff luminaire or a decorative luminaire with full cutoff optics, and defined as an outdoor lighting fixture that is shielded or constructed so that all light emitted is projected below a horizontal plane running through the lowest part of the fixture. The light source visibility shall be shielded from the adjoining property (See Figures 1 and 2 in § 157.288).

(2) Spillover light, vertical or horizontal, shall not exceed one-half foot-candles at the property line.

(3) Building- and pole-mounted luminaires shall not have adjustable features.

(D) *Exemptions.* Exemptions include:

(1) Outdoor light fixtures installed prior to the effective date of this subchapter are exempt from the provisions of this subchapter, provided, however, that no change in use, increase in lumen output, or structural alteration of outdoor light fixtures shall be made unless it thereafter conforms to the provisions of this subchapter. Replacement of a fixture shall mean

a change of fixture type or change to the mounting height of location of a fixture. Routine lighting fixture maintenance, such as changing lamps or light bulbs, ballast, starter, photo control, and other similar components shall not constitute replacement and shall be permitted provided such changes do not result in a higher lumen output. Changing of housing or lenses in a fixture shall not constitute an exemption to the requirements of this subchapter;

(2) Lighting required by state or federal law, to the extent that compliance with state or federal law is inconsistent with compliance with this subchapter;

(3) Roadway lighting and security lighting controlled and activated by motion sensor devices for a duration of 15 minutes or less;

(4) Lighting of the U.S. or state flags and other noncommercial flags expressing constitutionally-protected speech;

(5) Temporary circus, fair, carnival, or civic uses; and/or

(6) Construction and emergency lighting provided that said lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency necessitating said lighting.

(1998 Code, § 66-350) (Ord. passed 9-5-2017) Penalty, see § 10.99

§ 157.286 DEFINITIONS.

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

FOOT-CANDLE. A quantitative unit of measure referring to the measurement of illumination at a single point. One **FOOT-CANDLE** is equal to one lumen uniformly distributed over an area of one square foot.

FULL CUTOFF ANGLE. The angle formed by a line drawn from the light source and a line perpendicular to the ground from the light source, beyond which no light is emitted. (See Figure 1 in § 157.288.)

FULLY SHIELDED. Fixtures that are shielded in such a manner that light emitted by the fixture, either directly from the lamp or indirectly from the fixture, is projected below a horizontal plane running through the lowest point on the fixture where light is emitted. This means that a **FULLY SHIELDED** fixture is one used in a way that allows no direct or internally reflected light to shine above the fixture. (See Figure 1 in § 157.288.)

INITIAL LUMENS. The lumens emitted from a lamp as specified by the manufacturer of the lamp.

LAMP. The component of a luminaire that produces light. **A LAMP** is also commonly referred to as a bulb.

LUMEN. A standard unit of measurement referring to the amount of light energy emitted by a light source without regard to the effectiveness of its distribution.

LUMINAIRE. A complete lighting unit consisting of a lamp or lamps together with the components designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply. A **LUMINAIRE** is also commonly referred to as a fixture.

OUTDOOR LIGHT. Outdoor artificial illuminating devices, outdoor fixtures, lamps, or other fixture devices, permanent or portable, used for illumination, direction, or advertisement. Such devices shall include, but are not limited to, search, spot, or floodlights for: buildings and structures including canopies and overhangs; recreational areas; parking lot lighting; landscape lighting; signs, including billboards; and display and service areas.

OUTDOOR LUMINAIRE. A luminaire which is permanently installed outdoors including, but not limited to, devices used to illuminate any site, structure, or sign.

PHOTOMETRIC PLAN. A point by point plan depicting the intensity and location of lighting on the property. (See Figure 4 in § 157.288.)

TEMPORARY. Not used more than seven consecutive days and not used more than 15 days in any calendar year.

(1998 Code, § 66-351) (Ord. passed 9-5-2017)

§ 157.287 USE AND ZONING DISTRICT SPECIFIC REQUIREMENTS.

(A) *Public or private outdoor recreational facilities.* Outdoor night-time recreational events have unique and site specific lighting needs. This section is intended to permit adequate illumination for such events, while minimizing sky-glow and reducing glare and lighting spillover onto surrounding streets and properties.

(1) *Primary playing areas with the exception of residential accessory uses.* Where playing fields or other recreational areas are to be illuminated, lighting fixtures shall be specified, mounted, and aimed so that their beams fall within the primary playing area. Direct illumination shall be confined to within the property lines of the recreational use. External shields may be required in order to reduce spillover light.

(2) *Lighting plans.* Lighting plans shall comply with special provisions listed in §157.288.

(3) *Event hours.* Under no circumstances shall any illumination of the playing field, court, or track be permitted after

11:00 p.m. except to conclude an event that was reasonably scheduled to conclude prior to 11:00 p.m. All newly lighted fields, or existing fields being upgraded or refitted (public or private) shall be equipped with override timing devices which will automatically cut off the lights to ensure curfew compliance.

(B) *Outdoor lighting of buildings, parking lots, loading areas, sales areas, display areas, aprons/canopies, landscaping, signs, flags, statues, and other objects.* The following lighting requirements apply to single-family attached, multifamily, educational, institutional, commercial recreation, public, commercial business and retail, motor vehicle related, wholesaling, and industrial uses identified in this chapter.

(1) Lighting of the aforementioned uses shall consist of fully cut-off or directionally shielded lighting fixtures that are aimed and controlled so that the directed light is confined to the object intended to be illuminated.

(2) Directional control shields shall be used where necessary to limit stray light.

(3) No light from any illuminated sign shall cause or direct non-reflected light from the fixture to shine onto any adjoining property or public right-of-way.

(4) Lighting for all parking, display, and loading areas shall not exceed an average horizontal illumination level of two and one-half foot-candles. All lighting fixtures serving these areas shall be fully cut-off fixtures.

(5) Maximum mounting height is 20 feet for residential uses and 25 feet for nonresidential uses. Height is measured from the ground surface to the bottom of the lighting fixture. (See Figure 3 in § 157.288.)

(6) The lighting fixture bulbs in aprons and canopies shall be recessed into a canopy ceiling so that the bottom of the fixture is flush with the ceiling so that light is restrained to no more than 85 degrees from vertical.

(a) As an alternative to recessed ceiling lights, indirect lighting may be used where the light is directed upward and then reflected down from the underside of the canopy. In this case, light fixtures shall be shielded so that direct illumination is focused exclusively on the underside of the canopy.

(b) Lights shall not be mounted on the top or sides (facial) of the canopy and the sides of the canopy shall not be illuminated.

(7) The lighting for pump islands and under canopies shall have a minimum of one foot-candle at grade, and the average horizontal illumination cannot exceed ten foot-candles at grade level, subject to a uniformity ratio (ratio of average to minimum illuminance) no greater than four to one. The standards herein are based on the Illuminating Engineering Society of America (IESNA) RP-33, Lighting for Exterior Environments.

(8) Lamps shall not exceed 400 watts.

(C) *Outdoor fixtures for single-family detached residential structures.* Outdoor fixtures for single-family detached residential structures shall be limited to lamps with a maximum of 180 watts per fixture and shall be installed so that light does not spill onto an adjoining property.

(1998 Code, § 66-352) (Ord. passed 9-5-2017) Penalty, see § 10.99

§ 157.288 SITE PLAN REQUIREMENTS.

(A) *Application requirements.*

(1) Any person applying for a site plan in accordance with Chapter 155 of this code or applying for a building, electrical, or sign permit to install outdoor lighting fixtures shall, as a part of said application, submit evidence that the proposed work will comply with this subchapter.

(2) The lighting plan application shall include the following:

(a) A site plan drawn to scale showing building(s), landscaping, parking areas, and proposed exterior lighting fixtures;

(b) Location of all post, canopy, supports, and light fixtures, including the height of each fixture, relative to the buildings, structures, parking, and display and loading areas;

(c) Specifications of the illuminating devices, lamps, supports, and other devices including designation as Illuminating Engineering Society of North America (IESNA) "cut-off" fixtures. This description may include, but is not limited to, manufacturers catalog cuts, and drawings including sections where required; and

(d) A photometric plan indicating the minimum and maximum foot-candle levels within the lighted area of the site. Such plan shall show locations of all pole mounted and building mounted fixtures and a numerical 25 foot by 25 foot grid of lighting levels, in foot-candles, that the fixtures will produce on the ground. (See Figure 4 below.)

(3) The required plans and descriptions shall be sufficiently complete to enable the Planning Commission, Zoning Administrator, Building Official, or their designee to readily determine compliance with the requirements of this subchapter. If such plans and descriptions cannot enable this ready determination by reason of the nature or configuration of the devices, fixtures, or lamps proposed, the applicant shall submit evidence of compliance by test reports performed by a testing lab certifying that the tests were conducted according to the standards of the Illuminating Engineering Society of North America (IESNA).

(B) *Conformance with this subchapter.*

(1) Prior to issuance of a building, electrical, or sign permit, the Zoning Administrator or designee shall determine that the submitted plans and details for said permit are in conformance with this subchapter.

(2) The stamping of the plans and the signature of the Building Official or designated representative and the date of the signature shall indicate that the plans are in conformance.

(C) *Changes after approval.* Should the applicant desire to substitute outdoor light fixtures or lamps to be installed on private property after a lighting plan has been approved, the applicant shall submit said changes to the Zoning Administrator or designee for approval, with adequate information to assure compliance with this subchapter.

(D) *Special requirements for public or private outdoor recreational facilities.*

(1) For each athletic field or complex to be illuminated, a lighting plan shall be submitted detailing the property lighting installation. The plan shall include the lighting requirements for each sports field, the lighting specifications, and technical measures showing how those requirements will be achieved. Special tree planting and/or buffering to assist in light control and protection of adjacent properties and roadways may be required.

(2) All applications for lighted outdoor recreational facilities shall include an accurate photometric plan in conjunction with a site plan for the proposed field and associated facilities.

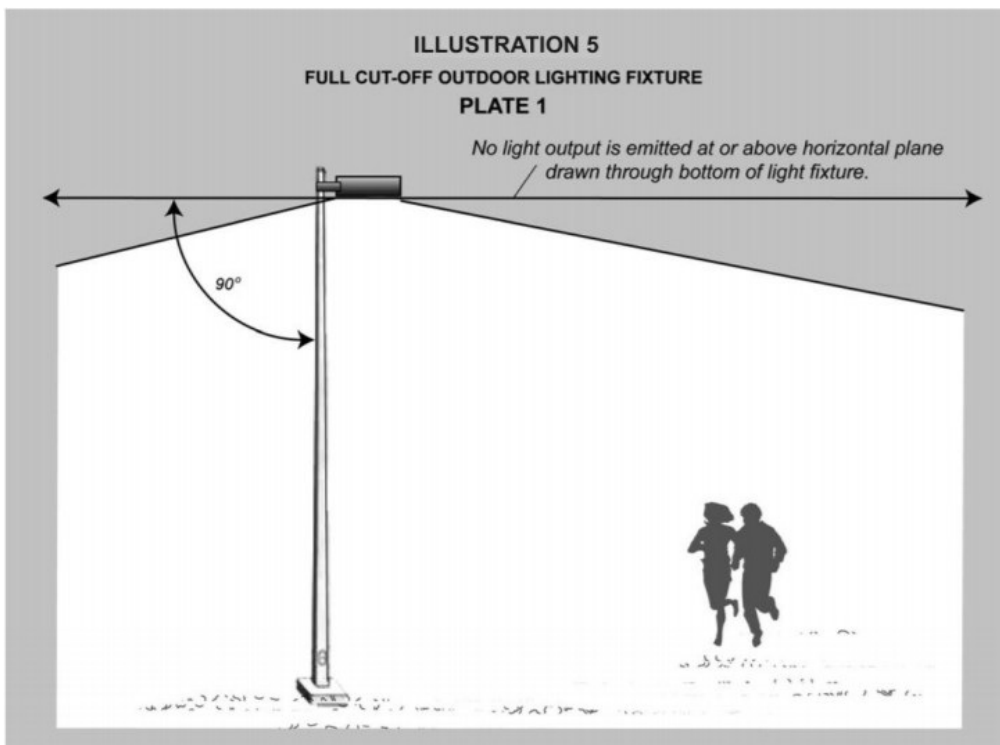


Figure 1: Full Cut-off Lighting Fixture

Source: Fairfax County, Virginia Zoning Ordinance - Appendix 2 (Illustrations)

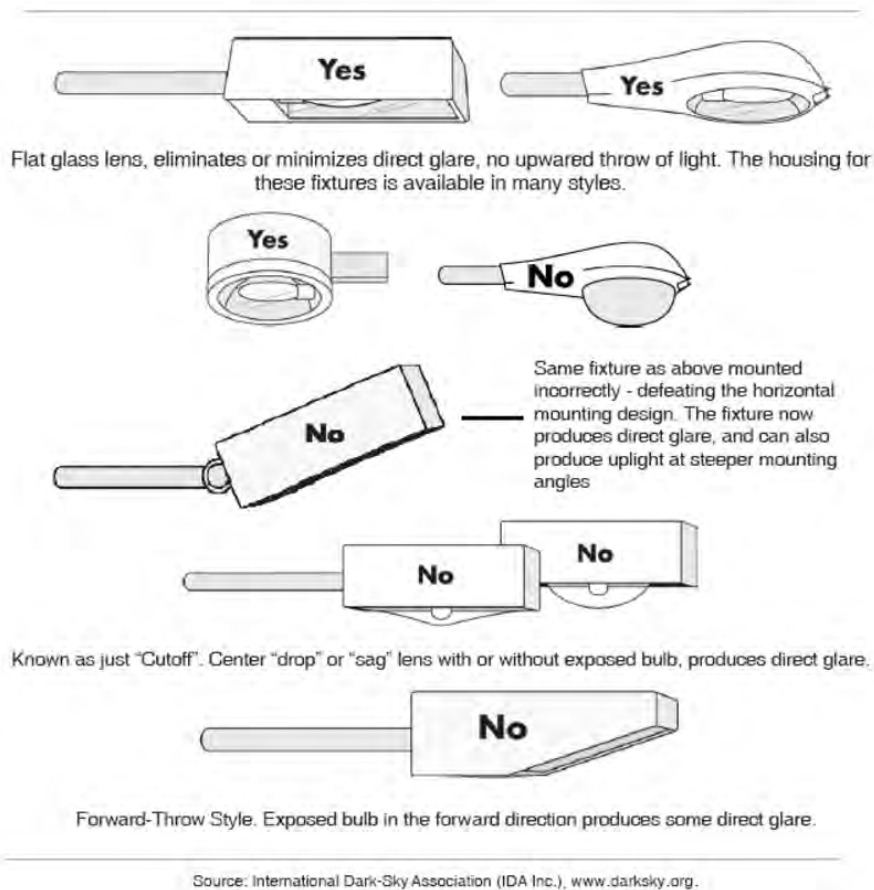


Figure 2: Full Cut-Off Light Fixtures

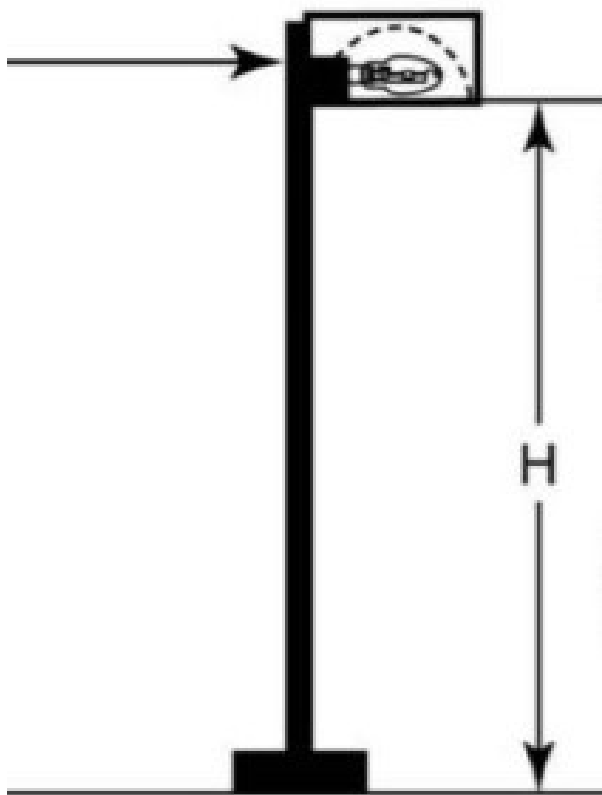


Figure 3: Mounting Height

Source: Fairfax County, Virginia Zoning Ordinance - Appendix 2 (Illustrations)

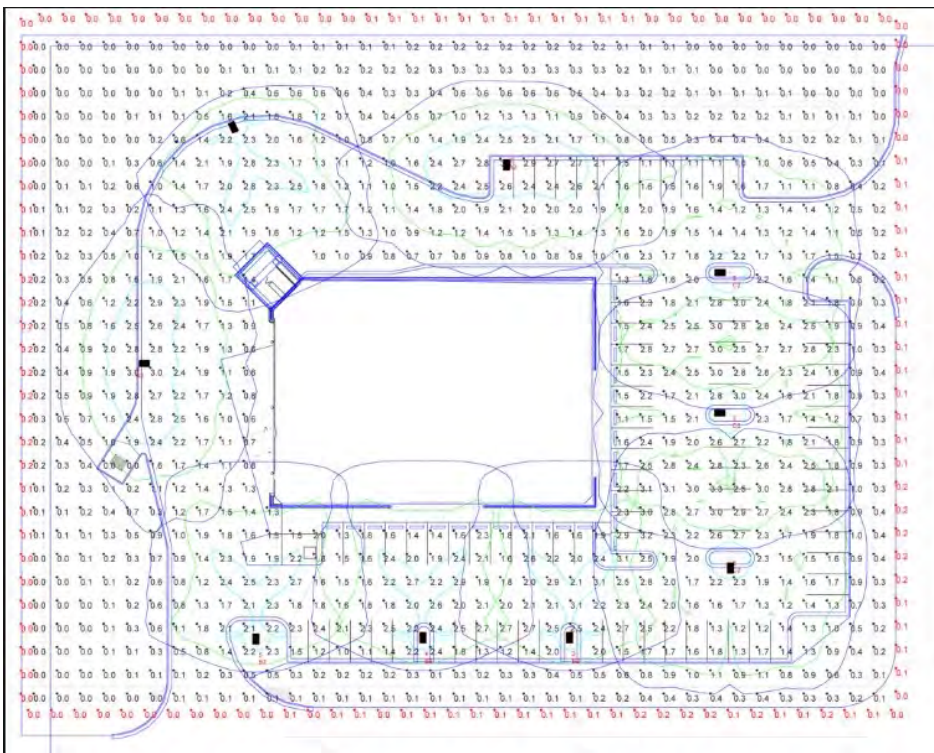


Figure 4: Photometric Plan

Source: Hubbell Outdoor Lighting

(1998 Code, § 66-353) (Ord. passed 9-5-2017)

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; Ord. O-2025-12, passed 10-21-2025)

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. An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable.

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.

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.

COMPREHENSIVE SIGN PLAN. A plan for the signage of a property that includes multiple tenants or owners with shared parking or other facilities.

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, such as a fence or retaining wall, 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 temporary, wall, projecting, or freestanding sign, as per the tables in §§ 157.320 and 157.321, 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 object, device, display, or structure, or part thereof, visible from a public place, a public right-of-way, any parking area or right-of-way open to use by the general public, or any navigable body of water which is designed and used to attract attention to an institution, organization, business, product, service, event, or location by any means involving words, letters, figures, designs, symbols, fixtures, logos, colors, illumination, or projected images. 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.

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 and 157.321.

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 placed upon or supported by the ground independently of any other structure, but not including any A-frame sign or banner.

(1998 Code, § 66-361) (Ord. passed 9-5-2017; Ord. 2020-06, passed 11-4-2020; Ord. O-2023-12, passed 6-6-2023; Ord. O-2025-12, passed 10-21-2025)

§ 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 30 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 uncoded 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 consecutive days, once per calendar year, 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 Historic Overlay District.* All signs in the Historic Occoquan Overlay District (HOD) require compliance with Architectural Review Board (ARB) guidelines except as provided in division (H) below or 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 with a special use permit. The comprehensive sign plan shall establish the time, manner, and placement of signs, frequency of message changes, the materials, the hours of lighting, intensity 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.

(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 signs;

(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 signs.

(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 five inches.

(I) *Permits for strings of colored light.* Upon application, the town shall issue a permit, in the same manner as it does temporary signage, for colored illuminated tubing or colored strings of lights during the period February 16 through the following October 14. Such permits shall be for 30 consecutive days. No more than one permit shall be issued per non-residential unit or residential unit in a calendar year.

(1998 Code, § 66-362) (Ord. passed 9-5-2017; Ord. 2020-06, passed 11-4-2020; Ord. O-2023-12, passed 6-6-2023; Ord. O-2025-12, passed 10-21-2025) Penalty, see § 10.99

§ 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, 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, consistent with the tables in §§157.320 and 157.321. Additional minor signs are permitted in certain districts with a permit;

(F) Two A-frame signs, consistent with § 157.307 and the tables in §§ 157.320 and 157.321;

(G) 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 and 157.321.

(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, unless colored and installed outside of October 1 through March 31.

(1998 Code, § 66-363) (Ord. passed 9-5-2017; Ord. 2020-06, passed 11-4-2020; Ord. O-2023-12, passed 6-6-2023; Ord. O-2025-12, passed 10-21-2025)

§ 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 private road, except where expressly permitted by this chapter;
- (2) Animated signs;
- (3) Flashing signs;
- (4) Signs consisting of colored illuminated tubing or strings of lights, except during the period October 1 through March 31 or with a permit as provided in § 157.302(I);
- (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;
- (13) Neon signs; and
- (14) A-frame signs made of plastic, vinyl, and/or non-durable materials.

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

- (1) Off-premises signs placed in a manner inconsistent with the standards provided in §157.307(F);
- (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 of a public street;
- (5) Window signs whose aggregate area on a window or door exceed 25% of the total area of the window or door; and
- (6) 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; Ord. O-2023-12, passed 6-6-2023; Ord. O-2025-12, passed 10-21-2025) 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 freestanding sign or sign structure measured from the average of the finished ground elevation of the base of the sign or bottom of a wall or fence 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; Ord. O-2025-12, passed 10-21-2025) 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 by the Zoning Administrator 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; Ord. O-2025-12, passed 10-21-2025) Penalty, see § 10.99

§ 157.307 GENERAL REQUIREMENTS.

(A) *Placement.* Except for a public sign or as otherwise permitted, all 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 lit, unless such lighting is specifically prohibited in this subchapter. Box signs may be internally lit.

(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 tables in §§ 157.320 through 157.322.

(D) *Temporary signs.* Signs that meet the standards of this division (D) are exempt from the standards for permanent signs and are not counted in the total amount of signage allowed on any particular property or site. Signs that do not meet the standards of this division (D) are subject to the standards for permanent signs.

(1) *Temporary banners.* 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.

(2) *Temporary wall, freestanding, or portable signs* Signs may not extend above roof lines. Extensions into the right-of-way are prohibited.

(3) *A-frame signs.* A-frame signs may be used if they meet the following requirements:

(a) The sign is entirely outside the vehicular travel portion of a street or roadway;

(b) The sign is no larger than eight square feet per sign face;

(c) The sign is no taller than three and one-half feet;

(d) If located on public or private sidewalks or similar pedestrian pathways, the sign shall leave a continuous through pedestrian zone of at least three feet in width;

(e) The sign does not obstruct pedestrian and wheelchair access from the sidewalk to any of the following: transit stop areas, designated disabled parking spaces, disabled access ramps, or building exits including fire escapes; and

(f) The sign is displayed outdoors only during operating hours of the establishment which owns the sign.

(4) Temporary signs shall not contain more than four colors.

(5) *Duration.* Temporary signs shall be displayed as set out in the tables in §§157.320 through 157.322.

(6) 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).

(F) *Off-premises signs.* Off-premises signs shall be allowed only in the B-1 business district and only as A-frame signs, subject to the sign standards specified for them in this subchapter.

(1) Off-premises signs shall not result in an individual business or parcel exceeding the maximum number of A-frame signs allowed by this subchapter.

(2) Consent of the property owner where the sign is to be placed shall be provided as part of the requirements for approval for sign permits.

(3) An off-premises sign must not be placed more than 150 feet from the business which owns the sign.

(1998 Code, § 66-367) (Ord. passed 9-5-2017; Ord. 2020-06, passed 11-4-2020; Ord. O-2023-12, passed 6-6-2023; Ord. O-

§ 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.
- (H) After making a reasonable attempt to notify the property owner, the Zoning Administrator may order the removal of a nonconforming sign structure that has been abandoned. For purposes of this division (H), a sign shall be considered abandoned if the business for which the sign was erected has not been in operation for a period of at least six months. If the property owner has refused to remove the sign after the Zoning Administrator has made a reasonable attempt to notify the property owner that the sign must be removed within 15 days of the notice, the Zoning Administrator may enter the property upon which the sign is located and remove any such sign or may initiate such legal 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; Ord. O-2025-12, passed 10-21-2025) 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; Ord. O-2025-12, passed 10-21-2025) 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.
- (B) Except as provided otherwise in this subchapter, Table 2 below includes signs that are permitted as accessory to nonresidential uses in residential districts.

Table 1: Residential District Residential Use Property Signs							
Type	Flags	Temporary	Permanent : Box, Projecting, and Wall	Permanent : Awning, Freestanding, Monument , and Pole	Window	Minor	Waterfront

Table 1: Residential District Residential Use Property Signs							
Type	Flags	Temporary	Permanent : Box, Projecting, and Wall	Permanent : Awning, Freestanding, Monument , and Pole	Window	Minor	Waterfront
Duration	Unlimited	90 days	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited
Illumination	As required by law	None	Indirect	Indirect	None	None	Indirect
Location	See § 157.303(B)	See §§ 157.303(D) and 157.307	Wall, fence, bracket, awning, or affixed to mailbox	Wall, freestanding, or awning	Attached to or within 18 inches in front of or behind the surface of a window or door	Wall, fence, bracket, freestanding, awning, or affixed to mailbox	Wall, fence, bracket, freestanding, awning, or affixed to mailbox
Max. height	15 ft.	15 ft. (if freestanding)	None	15 ft.	None	None	None
Setback	See § 157.303(B)	None	None	None	None	None	None
Size (each/total)	16 sf/no limit	16 sf/no limit	3 sf/3 sf	3 sf/3 sf	Aggregate cannot exceed 25% or more of the area of the window	1 sf/4 sf	16 sf

Table 2: Residential District Non-residential Use Property Signs							
Type	Flags	Temporary	Permanent : Box, Projecting, and Wall	Permanent : Awning, Freestanding, Monument , and Pole	Window	Minor	Waterfront
Table 2: Residential District Non-residential Use Property Signs							
Type	Flags	Temporary	Permanent : Box, Projecting, and Wall	Permanent : Awning, Freestanding, Monument , and Pole	Window	Minor	Waterfront
Duration	Unlimited	20 days	Unlimited	Unlimited		Unlimited	Unlimited
Illumination	As required by law	None	Indirect	Indirect		None	Indirect
Materials	See flag definition	See §§ 157.303(D) and 157.307					
Max. height	15 ft	6 ft	None	15 ft		None	None
Setback	See § 157.303(B)	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

(1998 Code, § 66-391) (Ord. passed 9-5-2017; Ord. 2020-06, passed 11-4-2020; Ord. O-2023-12, passed 6-6-2023; Ord. O-

§ 157.321 BUSINESS DISTRICT SIGNS (B-1).

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

(B) Window signs are permitted up to 25% of the area of a window. 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) Box signs do not count towards the maximum number of signs and flags as outlined in Table 3.

Table 3: Business District Property (All Uses) Signs								
Type	Permanent: Box, Projecting, and Wall	Permanent : Awning, Free-standing, Monument, and Pole	Window	Temporary	Flags	Minor	Waterfront	Marquee ***
Table 3: Business District Property (All Uses) Signs								
Type	Permanent: Box, Projecting, and Wall	Permanent : Awning, Free-standing, Monument, and Pole	Window	Temporary	Flags	Minor	Waterfront	Marquee ***
Duration	Unlimited	Unlimited	Unlimited	20 days	Unlimited	Unlimited	Unlimited	Unlimited
Illumination	Indirect	Indirect	None	None	As required by law	None	Indirect	Backlit, internally or indirectly
Location	Wall, fence, bracket, or affixed to mailbox	Wall, bracket, awning, freestanding or affixed to mailbox	Attached to or within 18 inches in front of or behind the surface of a window or door	See §§ 157.303(D) and 157.307	See §§ 157.303(B) and 157.307	Wall, fence, bracket, awning, freestanding, or affixed to mailbox	Wall, fence, bracket, awning, freestanding, or affixed to mailbox	SUP req.
Maximum number	4*		None	Unlimited **	4*	4 signs total without a permit; up to 2 additional with a permit	Unlimited up to maximum size	1
Maximum height	None	15 ft	None	15 ft (if freestanding)	15 ft	None	Height of building	Height of building
Size (each)	16 sf (except box signs, which are limited to 4.5 sf by definition)	16 sf	Aggregate cannot exceed 25% or more of the area of the window	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 notes:

* Maximum number is a combination of permanent signs and flags. There shall be no more than four signs and/or flags on any one business per parcel at a given time.

** Yard signs are not permitted in business districts.

*** SUP required prior to install.

(1998 Code, § 66-392) (Ord. passed 9-5-2017; Ord. 2020-06, passed 11-4-2020; Ord. O-2023-12, passed 6-6-2023; Ord. O-2025-12, passed 10-21-2025) Penalty, see § 10.99



TOWN OF OCCOQUAN PLANNING COMMISSION

Agenda Communication

5. Discussion Items	Meeting Date: September 22, 2026
5B. Department of Environmental Quality (DEQ) Comments on Comprehensive Plan 2036	

Attachments: a. Department of Environmental Quality (DEQ) Comments

Submitted by: Eliot Perkins, Chairperson

Explanation and Summary:

Over the past several months, the Planning Commission has conducted an extensive review and update of the Town of Occoquan Comprehensive Plan. The Planning Commission believes the document is sufficiently complete to be transmitted for governmental review and comment.

The Planning Commission forwarded the draft 2026-2036 Comprehensive Plan to the Virginia Department of Environmental Quality (DEQ) for review and comment.

The Department of Environmental Quality provided comments, and now the Planning Commission will discuss their comments and recommendations to make consider them.

TOWN OF OCCOQUAN
REVIEW OF DRAFT COMPREHENSIVE PLAN 202-2036
CBPA COMPLIANCE

CBPA Comprehensive Plan Requirement	Regulatory Citation	Text	Map	Analysis/Policy Discussion	Implementation Measures/Timeline
Location & Extent of CBPAs	9VAC25-830-170 1 (a)	See <i>Chesapeake Bay Preservation Ordinance</i> section – pp. 72-74. The text describes the required BA ordinance, and the general locations of RPA and RMA lands in Town.	Map 8 (Chesapeake Bay Preservation Areas), p. 73 <i>The current map has been in use for quite some time. Is it current based on site-specific determinations? Map scale could be larger for clarity.</i>	No A/PD or Recommended Actions	No Implementation Measures or Timelines
Physical Constraints to Development, Including Soil Limitations	9VAC25-830-170 1 (b) & 2 (b)(1)	See <i>Sensitive Natural Resources and Constraints to Development</i> section, pp. 64-67. See Table 7: <i>Soil Characteristics</i> . Text indicates erosion potential of soils as the primary soil limitation affecting potential development.	<i>The current CP does not include a map specifically showing constraints to development. The CP should include a Soils Map, with special consideration of the 3 identified soil types that are <u>poorly and moderately well drained</u>, as these areas warrant attention. (Making display and supporting text re: CBPA lands even more important.)</i>	No A/PD or Recommended Actions	No Implementation Measures or Timelines
Character & Location of Commercial &	9VAC25-830-170 1 (c) & 2 (b)(3)	See <i>Fisheries</i> section pp. 67-68. The Town does not have any designated	<i>No map required at present but if Town develops public fishing</i>	No A/PD or Recommended Actions	No Implementation Measures or Timelines

Recreational Fisheries		public or commercial fishing areas but does note the desire to expand “safe and environmentally responsible public fishing access along the river.”	<i>facilities, a map would be required.</i>	(not required if there are no plans for future public fishing facilities.)	
Shoreline & Streambank Erosion Problems	9VAC25-830-170 1 (d) & (2)(b)(7)	P. 66, under <i>Sensitive Natural Resources and Constraints to Development</i> , text references Ballywhack Branch, Boundary Branch and Furnace Branch Park as all having stream buffers (should be identified as RPA buffers) but there is no discussion of the status of the existing streambanks.	Map 7 (Town of Occoquan Streams) is too small a scale to provide useful information. (Names of streams not legible and stream crossings not legible.) Enlarged, the map could be used to provide information regarding the location of areas with streambank erosion.	No A/PD or Recommended Actions	No Implementation Measures or Timelines
Existing & Future Land Use	9VAC25-830-170 1 (c)				
Catalog – Existing & Potential Pollution Sources	9VAC25-830-170 1 (f) & (2)(b)(6)	See <i>Existing and Potential Sources of Pollution</i> , p.67. The text references negative impacts to NPS pollutants (stormwater runoff) and importance of use of BMPs, adherence to BA and ESC ordinances but does not identify any Point Source pollution or potential pollution.	If there are no known locations of PS pollutants, no map is required.	No A/PD or Recommended Actions	No Implementation Measures or Timelines
Public & Private Waterfront Access	9VAC25-830-170 2 (a)	See <i>River Access and Waterfront Vision</i> section, pp. 68-69.	<i>The CP does not include a map showing identified public waterfront access. The Town Riverwalk, the</i>	See p. 69 - A/PD: CP calls for five Recommended Actions: 1. <i>continue implementation/expansion</i>	The CP does not include implementation measures or a

			<i>Occoquan Water Trail, River Mill Park and the Town's Public Kayak and Paddleboard Launch should all be shown on a Public River Access Map.</i>	<i>of Riverwalk; 2. maintain and enhance public access point to the river; 3. improve pedestrian connections between waterfront facilities and Historic Business District; 4. encourage river-oriented design in appropriate redevelopment projects; 5. strengthen connections between waterfront amenities, parks, trails, and public gathering spaces.</i>	timeline or timelines for any of the RAs.
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The draft CP has five distinct sections dedicated to Recommended Actions under the heading “River Access and Waterfront Vision” (see pages 69-72.) These RA sections reference public access, (p. 69), recreation and outdoor experiences (p. 70), environmental education and river awareness (p. 70), community gathering and waterfront life (p. 71) and stewardship and resilience (p. 72.)

The draft CP does not include RA sections for any of the other CP elements listed in the above table. 9VAC25-830-170 2 of the Regulations requires local governments to “clearly indicate local policy on land use issues relative to water quality protection based on an analysis of the data referred to in...” 9VAC25-830-170 1.