



**TOWN OF OCCOQUAN**  
Circa 1734 • Chartered 1804 • Incorporated 1874

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**Occoquan Town Council**  
**Work Session Meeting**  
**June 20, 2017 | 7:00 p.m.**

1. Call to Order
2. Regular Items
  - a. Craft Show Report
  - b. Live Venues Legislation Discussion
  - c. Zoning and Subdivision Draft
  - d. Traffic/Parking Study Discussion
3. Adjournment



**OCCOQUAN  
MEETING**  
Agenda

<b>2. Work Session Regular Agenda</b>	<b>Meeting Date: June 20, 2017</b>
<b>2 A: Craft Show Report</b>	

**Explanation and Summary:**

The Events and Community Development Director will provide a preliminary report on the outcome of the Spring 2017 Occoquan Arts and Crafts Show.

**Attachments: (1) Spring 2017 Arts and Crafts Show Report**



**TOWN OF OCCOQUAN**  
**TOWN COUNCIL MEETING**  
Agenda Communication

<b>2. Work Session Regular Agenda</b>	<b>Meeting Date: June 20, 2017</b>
<b>2 B: Live Venues Legislation Discussion</b>	

**Explanation and Summary:**

During March, 2017 there were two large live events in Town that required response by several Town and County police officers. During the April 4, 2017 Town Council Regular Meeting Councilmember McGuire inquired about any existing ordinances that would allow the Town to regulate these events, which could potentially get out of hand or be deemed dangerous, before they occur. There are currently no ordinances in the Town that would allow an event to shut down before starting. Prince William County has developed proposed text amendments with regard to live entertainment certificates and the authority of the Chief of Police to require immediate closure of events when there is deemed an immediate threat to health, safety, and general welfare. The Town of Occoquan has the ability to implement a similar set of standards. This is an opportunity to review the proposed text amendment and discuss if the Town Council would like to proceed with similar live entertainment requirements.

**Attachments: (1) Prince William County Proposed Text Amendment**

**CHAPTER 20**  
**ARTICLE IV. – LIVE ENTERTAINMENT CERTIFICATE**

**Sec. 20-60. - General provisions for live entertainment certificates.**

- (a) Findings, purpose, interpretation, and severability. Live entertainment provides a benefit to County citizens and businesses, however, it can also significantly impact the public health, safety, and general welfare of the community. The purpose of this article is to establish reasonable regulations for live entertainment to ensure and protect the character of the various neighborhoods; the creation of a convenient, attractive, and harmonious community; and to protect the public health, safety, and general welfare, while providing entertainment opportunities for County citizens and encouraging economic development. This article strikes an appropriate balance that preserves ample channels of communication while still reducing and mitigating the extent of the potential impacts caused by live entertainment. This article shall be interpreted in a manner consistent with the United States and Virginia Constitutions, and applicable federal and State laws. If any provision of this article is found to be invalid by a court of competent jurisdiction, such finding shall not affect the validity of other provisions of this article which can be given effect without the invalid provision.
- (b) Live entertainment shall not be permitted on private property without a live entertainment certificate issued by the Chief of Police or designee. The applicant shall pay the fee established for the live entertainment certificate at the time the application is submitted. No live entertainment certificate shall be issued without zoning approval, however, this shall not prevent issuance of a live entertainment certificate contemporaneous with zoning approval. A live entertainment certificate shall be required regardless of the frequency of live entertainment (ex. one-time occurrence, weekly, monthly, or yearly) or the total number of times that live entertainment is provided at the establishment or location.
- (c) When used in this article, *live entertainment* shall mean entertainment provided in person including, but not limited to, a musical performance(s), music played by a disc-jockey, karaoke, dancing (including dancing solely by a patron(s) and/or attendee(s)), modeling, or comedy performance(s).
- (d) The activities listed in this subsection are not subject to this article, however, if there is an incident involving one or more of these activities which requires a law enforcement response, the Chief of Police or designee may require the establishment or individual(s) involved to comply with this article for any of these activities in the future. Any activity which is not subject to this article shall remain subject to any other applicable federal, state, and County laws, codes, ordinances, regulations, and requirements.
1. Ambient, incidental, and/or background music, such as a piano player(s), harpist(s), strolling violinist(s), guitarist(s), or mariachi band, which is provided for guests or patrons of an establishment at a volume and intensity which permits normal conversation. However, if any cover charge, admission fee(s), or other fee, charge, purchase, or donation is required for a guest or patron to observe or participate in such entertainment, it shall be subject to this article.
  2. Performances by a student or group of students at a public or private educational facility when the performance is part of an established educational/instructional curriculum or program.

3. Dance, theatrical, or performing arts lessons which are part of an established public or private educational/instructional curriculum or program.
4. Entertainment provided for specifically-invited guests at a wedding, reception, banquet, or party (ex. a birthday or graduation party) where there is no cover charge(s), admission fee(s), or any other required fee, charge, purchase, or donation.
5. Book or poetry readings.
6. Religious services, ceremonies, and events.
7. Theatrical performances/plays.
8. Any federal, state, County, or County schools-sponsored activity.
9. Live entertainment permitted by a special use permit or by-right as a primary use (examples include, but are not limited to, cultural arts center, theater, stadium, arena, and amphitheater).
10. Live entertainment provided by a business or other entity which was in existence prior to adoption of this ordinance and provided live entertainment prior to adoption of this ordinance, and which was not required by the County to have a live entertainment certificate.
11. Any activity which is regulated under article III of chapter 20 of the county code.

**Sec. 20-61. - Live entertainment application.**

- (a) The application for a live entertainment certificate shall include the following information.
1. The name of, and contact information for, all owners (including all principals if a business entity), operators, and managers of the establishment and/or property, and anyone materially involved in the live entertainment. Contact information shall include phone number, email, fax, and mailing address.
  2. Street address and GPIN where all live entertainment will occur.
  3. Building, property, and site layout.
  4. All proposed type(s) of live entertainment.
  5. All days of the week and hours that any live entertainment will be provided, and the frequency of all live entertainment.
  6. Detailed, proposed floor plans and the square footage of all live entertainment, including dance floor areas.
  7. Any proposed sound amplification of the live entertainment.
  8. Whether there is a cover charge, admission fee, or any other required fee, charge, purchase, or donation.
  9. The proposed audience size, and the number of patrons and/or attendees present, before, during, and after any live entertainment.
  10. The minimum age of any staff or patron, including whether the minimum age will change based on the date(s) and/or time(s) and/or if a legal guardian is present.
  11. Emergency evacuation plan and measures, and any signage related to the emergency evacuation plan.
  12. Whether alcohol will be served prior to, during, and/or after any live entertainment, and copies of any ABC licenses; any proposed measures to prevent underage consumption of alcohol; any proposed measures to prevent intoxicated individuals from entering or remaining in the establishment, and if they enter how

they will be safely and promptly removed; any measures to ensure that intoxicated individuals leave the establishment in a safe and prompt manner; signage related to authorized locations for alcohol consumption and/or discouraging drinking and driving; any prior ABC training and any required future ABC training.

(b) The Chief of Police or designee may require an applicant to submit a proposed security plan as part of an application for a live entertainment certificate. If required by the Chief of Police or designee, the proposed security plan shall address and include, at a minimum, sufficient information on the following issues.

1. Security guards, including the number that will be on-duty at all times during live entertainment; prior training and proposed training; where security guards will be positioned inside and/or outside of the facility; how guards will communicate with each other and the facility's management; how guards will be clearly identifiable to all patrons and all law enforcement officers.
2. How the inside and outside of the facility will be monitored, including, but not limited to any security cameras and inspections by security guards.
3. All access points, including emergency access, and how these points will be secured.
4. Any proposed measures to safely, quickly, and effectively respond to potential or actual criminal behavior and/or physical violence.
5. Any proposed "no loitering" signage.

(c) Minimum security and safety requirements.

1. All security guards must be certified and licensed by the Virginia Department of Criminal Justice Services (DCJS) at all times. All security guards shall present proof of DCJS certification when requested to do so by a police officer, fire marshal, or property code inspector.
2. The minimum number of security guards shall be one security guard for every 40 patrons.
3. All security guards shall wear the same or substantially similar uniforms which are readily identifiable to all patrons and law enforcement officers.
4. Security guards shall conduct a perimeter inspection(s) of the entire building and all related parking area(s) at least once every hour beginning at least one hour prior to any live entertainment and ending no earlier than one hour after any live entertainment concludes, unless modified by the Chief of Police or designee. Any customers lingering in these areas shall be told to move inside the building or to leave.
5. Identification checks shall be conducted on every customer entering the establishment at least two hours prior to and during any live entertainment.
6. There shall be an emergency evacuation plan, which has been approved by the county fire marshal's office.
7. A responsible party shall be available to the Police Department by phone at all times, including, but not limited to, nights, weekends, and all holidays.

**Sec. 20-62. - Live entertainment application approval, denial, and appeal.**

(a) Based on the information contained in the application and any other information which the Chief of Police or designee deems relevant, the Chief of Police or designee may approve the application and issue a live entertainment certificate. The Chief of Police or designee

may require an approved security plan as a condition of approving the application and issuing a live entertainment certificate. In deciding whether to approve the application and issue a live entertainment certificate, the Chief of Police or designee shall consider the public health, safety, and general welfare, including, but not limited to the following criteria.

1. Whether there will be a dance floor and dancing.
  2. Whether there will be amplification of the live entertainment.
  3. The duration and hours of operation of the establishment.
  4. Degree and nature of audience participation and interaction with the live entertainment.
  5. The size of the audience, and the number of patrons and/or attendees, present before, during, and after any live entertainment.
  6. Whether there is a cover charge, admission fee, or any other required fee, charge, purchase, or donation.
  7. Frequency and duration of all live entertainment.
  8. Number and/or severity of previous calls for service related to the establishment and/or property.
  9. Security plan.
  10. Whether the applicant, owner, principal, manager, and/or any other person who is materially involved in the application, the establishment, the property, and/or the proposed live entertainment has had a live entertainment certificate suspended and/or revoked in the past and if so, when it was suspended and/or revoked and the circumstances under which it was suspended and/or revoked.
  11. Prior violation(s) of any applicable federal, state, or County law, ordinance, code, regulation, or requirement.
- (b) The Chief of Police or designee may impose reasonable conditions as part of his/her approval and issuance of a live entertainment certificate regarding the health, safety, and welfare of the patrons of the establishment, anyone attending the live entertainment, and/or the general public, including, but not limited to, the security plan.
- (c) If the Chief of Police or designee denies an application for a live entertainment certificate, he/shall notify the applicant in writing of the decision. The applicant may appeal the decision to the Chief of Police or designee within 30 calendar days of hand-delivery of the notice or the date of mailing of the notice, whichever occurs first. The Chief of Police or designee shall hold a hearing on the appeal. At the hearing, the applicant will have an opportunity to provide oral testimony, to include witnesses, and/or other relevant documentation. After the hearing, the Chief of Police or designee shall issue a written decision within 30 calendar days of the hearing date. The Chief of Police or designee's decision shall be final and not appealable.
- (d) Any live entertainment certificate holder shall immediately notify the Chief of Police or designee if any information in the application or certificate materially changes, including, but not limited, ownership, security, ABC licensure, and floor plan/layout. Failure to comply with this requirement may result in denial of a live entertainment certificate application or immediate suspension of a live entertainment certificate.
- (e) All live entertainment certificate holders shall comply with, and ensure that the all live entertainment complies with, the County's noise ordinance at all times.

- (f) All live entertainment certificate holders shall comply with, and ensure that all establishments and locations where live entertainment takes places comply with, the County's ordinances regarding the County's curfew for minors ordinance(s). See County Code Sec. 16-3.1 et seq.
- (g) A live entertainment certificate shall not be transferred, conveyed, or sold to another person or corporate entity.

**Sec. 20-63. – Immediate closure.**

The Chief of Police or designee may order a live entertainment certificate holder, the property owner, and the establishment at which live entertainment is planned, being, or was performed, to immediately close down, cease all operations, and disburse anyone on the premises when he/she determines that there is an immediate threat to the health, safety, and general welfare of the patrons, attendees, and/or the general public.

**Sec. 20-64. – Suspension of a live entertainment certificate.**

- (a) The Chief of Police or designee may immediately suspend a live entertainment certificate when he/she deems it in the interest of the public health, safety, and general welfare to do so, including, but not limited to: (i) violations of any applicable federal, state, or County law, code, ordinance, regulation, or requirement by any live entertainment certificate holder or any owner, applicant, manager, principal, or any other person materially involved in the establishment; and (ii) the number and severity of calls for service involving the establishment. The Chief of Police or designee shall provide written notice of the suspension.
- (b) A live entertainment certificate may be suspended for a period not to exceed 180 calendar days. During the suspension period, the live entertainment certificate holder shall meet with the Chief of Police or designee, unless an appeal of the suspension is filed prior to the meeting.
- (c) As part of any suspension of a live entertainment certificate, the Chief of Police or designee may impose reasonable conditions (initial conditions or in addition to previously imposed conditions) on a live entertainment certificate which is suspended regarding the health, safety, and welfare of the patrons of the establishment, anyone attending the live entertainment, and/or the general public. The live entertainment certificate-holder shall comply with these conditions when the suspension period ends and if they are permitted to resume live entertainment.
- (d) A live entertainment certificate-holder may appeal the suspension of their live entertainment certificate to the Chief of Police or designee within 30 calendar days of hand-delivery of the notice or the date of mailing of the notice, whichever occurs first. The Chief of Police or designee will hold a hearing on the appeal. The holder of the suspended live entertainment certificate will be provided notice of the hearing date and time. At the hearing, the holder of the suspended live entertainment certificate will have an opportunity to provide oral testimony, to include witnesses, and/or other relevant documentation.
- (e) After the hearing, the Chief of Police or designee shall issue a written decision within 30 calendar days of the hearing date. As part of the decision, the Chief of Police or designee may impose reasonable conditions (initial conditions or in addition to previously imposed conditions) on a live entertainment certificate regarding the health, safety, and welfare of

the patrons of the establishment and/or the general public. The live entertainment certificate-holder shall comply with these conditions when the suspension period ends and if they are permitted to resume live entertainment. The Chief of Police's or designee's decision shall be final and not appealable.

**Sec. 20-65. – Revocation of a live entertainment certificate.**

- (a) The Chief of Police or designee may revoke a live entertainment certificate when he/she deems it in the interest of the public health, safety, and general welfare to do so, including, but not limited to: (i) violations of any applicable federal, state, or County law, code, ordinance, regulation, or requirement by any live entertainment certificate holder or any owner, applicant, manager, principal, or any other person materially involved in the establishment; and (ii) the number and severity of calls for service involving the establishment. The Chief of Police or designee shall provide written notice of the revocation.
- (b) A live entertainment certificate-holder may appeal the revocation of their live entertainment certificate to the Chief of Police or designee within 30 calendar days of hand-delivery of the notice or the date of mailing of the notice, whichever occurs first. The Chief of Police or designee shall hold a hearing on the appeal. At the hearing, the former holder of the revoked live entertainment certificate will have an opportunity to provide oral testimony, to include witnesses, and/or other relevant documentation.
- (c) After the hearing, the Chief of Police or designee shall issue a written decision within 30 calendar days of the hearing date. The Chief of Police or designee's decision shall be final and not appealable.

**Sec. 20-66. – Biennial review of live entertainment certificates**

- (a) Each live entertainment certificate shall be reviewed every two years. This review shall include, but not be limited to: (i) a review of any calls for service at the establishment and/or property; and (ii) violations of any applicable federal, state, or County law, code, ordinance, regulation, or requirement by any owner, applicant, manager, principal, or any other person materially involved in the establishment, property, or live entertainment.
- (b) At the conclusion of this review, the Chief of Police or designee may: (i) impose reasonable conditions regarding the health, safety, and general welfare of the patrons of the establishment, anyone attending the live entertainment, and the general public, including, but not limited to, the security plan; (ii) modify previously-imposed conditions; or (iii) revoke the live entertainment certificate.

**Sec. 20-67. – Live entertainment certificates issued prior to adoption of this ordinance.**

- (a) Any live entertainment certificate issued prior to adoption of this article, including any security plan associated with the live entertainment certificate, shall remain in effect after the adoption of this article, however, the holder of the live entertainment certificate shall be subject to and comply with all requirements of this article, including, but not limited to, the minimum security and safety, immediate closure, suspension, revocation, and biennial review provisions.
- (b) If there is an inconsistency between the live entertainment certificate issued prior to adoption of this article, including any security plan associated with the live entertainment certificate, and this article, the more stringent requirement shall take precedence.

- (c) The holder of a live entertainment certificate issued prior to adoption of this article shall not be required to apply for a new live entertainment certificate based only on the adoption of this article.
- (d) Anyone who held a live entertainment certificate which was issued prior to the adoption of this ordinance and has since been revoked shall be subject to all provisions and requirements of this article when they apply for a new live entertainment certificate.

**Sec. 20-68. - Violations of this article.**

- (a) Violation of any provision of this article shall constitute a class 3 misdemeanor.
- (b) A second or subsequent violation of this article, regardless of whether it is the same provision, shall constitute a class 2 misdemeanor.

# Attachment A – Proposed Text Amendment

## ARTICLE I. – TERMS DEFINED

### PART 100. – DEFINITIONS

*Live entertainment* shall mean entertainment provided in person including, but not limited to, musical performance(s), music played by disc-jockey(s), karaoke, dancing (including dancing done solely by patron(s) and/or attendee(s)), modeling, or comedy performance(s), that requires a live entertainment certificate in accordance with article IV of chapter 20 of the county code.

## ARTICLE II. - ADMINISTRATION, PUBLIC USES AND USES OF A PUBLIC NATURE, GENERAL STANDARDS FOR PLANNED DEVELOPMENT DISTRICTS

### PART 200. - INTRODUCTION; ADMINISTRATION; PURPOSE

#### Sec. 32-210.02. - General standards.

1. Temporary activity permits shall be issued in accordance with the following standards:
  - (a) Unless otherwise stated in section 32-210.01, each activity or event shall be separated by a minimum of 21 consecutive days; and
    - 
    - 
    -
  - (g) Adequate sanitary facilities shall be provided for the activity and, when necessary, shall be subject to approval by the health department. Documentation or permission statements shall be provided that state that restrooms or other sanitary facilities are available for the duration of the activity.
    - 
    - 
    -
8. Temporary activities authorized in accordance with section 32-210.01 shall be subject to all other applicable County permits and approvals including but not limited to schematic site plans, occupancy permits, hazardous use permits, itinerant vendor licenses, live entertainment certificates, sign permits and similar requirements.
9. Additional conditions may be required, as deemed necessary by the Zoning Administrator, for any temporary activity.

# Attachment A – Proposed Text Amendment

## ARTICLE III. - AGRICULTURAL AND RESIDENTIAL DISTRICTS

### PART 300. - GENERAL REGULATIONS

#### Sec. 32-351.04. - Secondary uses.

The following uses shall be permitted by right in the V District only in conjunction with, and secondary to, a permitted principal use, existing or proposed for concurrent construction in accordance with the provisions of section 32-400.~~143~~ herein:

1. Medical or dental laboratory, ancillary to medical or dental clinic.
2. Photographic processing laboratory, ancillary to retail store.
3. Live entertainment in accordance with the provisions of section 32-400.15.

#### Sec. 32-351.05. - Special uses.

The following uses shall be permitted in the V District with a Special Use Permit:

1. Attached single-family dwellings on lots in excess of one acre.
- ~~2.10:~~ Bed and breakfast, subject to the standards of section 32-300.15.
- ~~3.4:~~ Car wash, manned or self-service.
- ~~4.5:~~ Catering, commercial.
- ~~5.6:~~ Farmers' market.
- ~~7. — Live entertainment and dancing.~~
- ~~6.8:~~ Motor vehicle fuel station, retail.
- ~~7. 2:~~ Multi-family dwellings on lots in excess of one acre.
- ~~8. 3:~~ Nonresidential and mixed-use buildings that do not meet one or more of the development standards described in section 32-351.08 below.
9. Restaurant, drive-in, drive-up, drive-through or carry-out.

# Attachment A – Proposed Text Amendment

## ARTICLE IV. - COMMERCIAL, OFFICE AND INDUSTRIAL DISTRICTS

### PART 400. - GENERAL REGULATIONS

#### Sec. 32-400.15. - General provisions for live entertainment uses.

Live entertainment shall not be permitted without a live entertainment certificate issued in accordance with article IV of chapter 20 of the county code Section. ~~No live entertainment certificate shall be issued without zoning approval, however, this shall not prevent issuance of a live entertainment certificate contemporaneous with zoning approval. zoning approval. When live entertainment is proposed in conjunction with a restaurant, event center, or meeting hall, an application for a certificate of zoning approval shall be made by any property owner, any lessee, or contract purchaser with the Zoning Administrator on forms provided by the Planning Office. The applicant shall pay the fee established for such permits.~~

2. ~~The application for a live entertainment certificate of zoning approval shall include the following information:~~

~~(a) Name of owner and operator.~~

~~(b) Street address, GPIN.~~

~~(c) Building and site layout.~~

~~(d) Proposed live entertainment.~~

~~(e) Hours that the live entertainment will be provided.~~

~~(f) Proposed floor plans and square footage of entertainment and/or dance floor areas~~

~~(g) Sound amplification of the live entertainment.~~

~~(h) Whether there are cover charges or other admission fees.~~

~~(i) Size of audience or participants.~~

3. ~~Based on the information contained in the application, the Zoning Administrator shall determine whether the proposed live entertainment is likely to significantly affect the nature or character of the primary use. The Zoning Administrator shall consider the following factors:~~

~~(a) Impact on the surrounding properties and uses.~~

~~(b) The size and percentage of the floor area of the live entertainment, including the audience.~~

~~(c) The size and percentage of the floor area of the dance floor and dancing, including the audience.~~

~~(d) The degree of amplification of music or other live entertainment.~~

~~(e) The duration and hours of operation.~~

~~(f) Degree and nature of audience participation and interaction with the live entertainment.~~

~~(g) Size of audience or participants.~~

## Attachment A – Proposed Text Amendment

~~(h) Whether there is a cover charge or admission fee.~~

~~4. If the Zoning Administrator determines that the proposed live entertainment is not likely to significantly affect the nature or character of the primary use, he shall issue a live entertainment certificate of zoning approval. This zoning approval shall be limited to the live entertainment proposed in the application. Notwithstanding the issuance of a live entertainment certificate of zoning approval, if the Zoning Administrator determines that that the nature and character of the primary use has been significantly affected, he may withdraw live entertainment certificate of zoning approval, and require compliance with subsection 5., below.~~

~~5. If the Zoning Administrator determines that the proposed live entertainment is likely to significantly affect the nature or character of the primary use, he shall issue a live entertainment certificate of zoning approval that is conditioned upon full compliance unless specifically modified by the Zoning Administrator or upon recommendation by the Prince William County Police Department with the following security plan:~~

~~1. *Number of security guards:*~~

~~A. *Friday and Saturday:* The owner and operator shall provide, at a minimum, four security guards plus a manager, to provide security for the restaurant and the live entertainment area during the hours of live entertainment. The guards will be positioned as outlined in subsection 2., below.~~

~~B. *Sunday through Thursday:* The applicant shall provide, at minimum, one security guard plus a manager, to provide security for the restaurant and the live entertainment area during the hours of live entertainment. The applicant shall maintain a ratio of one security guard per 40 customers.~~

~~C. The number of security guards may be reduced or increased if the Prince William County Police Department District Commander (hereinafter, "the Commander"), or designee determines that the safety standards so require.~~

~~D. At no time shall be owner/manager allow the posted maximum occupancy limit (including employees and patrons) to be exceeded.~~

~~2. *Positioning of security guards:*~~

~~A. At all times during the hours of live entertainment, there shall be one security guard or manager at the establishment's entrance maintaining security and performing a visual and age/identification check of each customer entering the restaurant.~~

~~B. On Friday and Saturday two guards will be positioned at the entrance performing a visual and age/identification check of each customer entering the restaurant, and maintaining security; the additional guards will be positioned to maintain watch over the live entertainment and bar area. The duty manager shall assist with visual inspection and maintain a watch over the parking lot immediately in front of the restaurant during the times the second front entrance guard is performing perimeter checks of the building and parking areas in the rear. These checks will be performed periodically, but not less than once an hour.~~

## Attachment A – Proposed Text Amendment

- C. ~~From the time of "last call" until the parking lot is empty one guard will patrol and maintain watch of the parking area while one guard will remain at the front entrance, and the remaining guards will assist in clearing the business.~~
3. ~~*Additional security guards:* Notwithstanding item #1 above, the number of security guards shall increase as necessary during any special event or if a larger than normal crowd is expected. The applicant will notify the commander or designee in either case.~~
4. ~~*Minimum age and training of security guards:* Security guards shall be a minimum of 21 years of age, have received training in security measures and be certified and licensed by the Virginia Department of Criminal Justice Services (DCJS). Upon request by the police, Fire Marshal, or property code inspectors, security guards shall present proof of DCJS certification.~~
5. ~~*Communication among security guards:* The security guards and manager shall be able to hear each other's conversations and communicate with each other while on duty. This will enable them to be fully aware of any interaction between the guards and patrons of the restaurant in order to provide assistance when needed.~~
6. ~~*Searching patrons:* Security guards at door shall perform a visual inspection age/identification check of each customer entering the business.~~
7. ~~*Security guard dress:* Security guards shall wear the same type shirt or outer garment bearing "Security" in large letters printed on back of the shirts or uniforms so they can be easily distinguished and recognized by patrons as well as Prince William County Police officers call to the establishment.~~
8. ~~*Alcohol sales:*~~
- A. ~~Last call for alcohol sales shall be in conformance with the Virginia Department of Alcohol Beverage Control (ABC) regulations.~~
- B. ~~*Intoxicated individuals:* The security guards and the duty manager shall take every measure to prevent intoxicated individuals from entering or remaining at the establishment. The security guards and duty manager shall take every measure to ensure patrons are not intoxicated to a point of disturbing the peace when leaving the restaurant.~~
- C. ~~Signs that discourage drinking and driving shall be posted inside the restaurant.~~
- D. ~~Announcements shall be made near closing time that anyone who has been drinking alcoholic beverages should leave with a designated driver and or a cab can be called upon request.~~
- E. ~~*Training:* Wait staff, security and managers shall attend the responsible sellers and servers: Virginia Program (RSVP) or equivalent offered by the Virginia Department of Alcoholic Beverage Control.~~
9. ~~*No Loitering:* Signs stating "No Loitering" shall be clearly posted outside the restaurant. Regular announcements shall be made inside the restaurant to reinforce the no loitering policy. Security guards shall reinforce the no loitering policy and noise limitations in the parking lot.~~

## Attachment A – Proposed Text Amendment

- ~~10. *Age Restriction:* After 9:00 p.m., persons under 21 shall not be allowed to enter the establishment unless they are accompanied by their legal guardian. Any and all persons under 21 that are within the building at 9:00 p.m. will be compelled to leave unless they are accompanied by their legal guardian.~~
- ~~11. *Coordination with police department:* The owners/managers shall meet the commander to exchange ideas and trade feedback on security issues on a routine basis. The commander shall determine the form and frequency of these meetings.~~
- ~~12. *General security measures:*~~
  - ~~A. Perimeter inspections of the rear of the building and the rear parking area will be performed once every hour by one front entrance security guard. Any customers lingering in these areas will be asked to move inside the building or asked to leave. When inspections are being performed the duty manager will fill in at the front entrance to assist with ID check.~~
  - ~~B. An emergency evacuation plan will be established and practiced periodically.~~
  - ~~C. Telephone numbers for the Prince William County Police and Fire Departments will be posted at all cash register locations and employees will be made aware of their location.~~
  - ~~D. Customer behavior that could be threatening or intimidating, or that might lead to violence will be required to be reported by employees to the restaurant manager and/or security immediately.~~
  - ~~E. Appropriate employees will be trained in how to deal with unruly patrons.~~
- ~~13. *Lighting:* The owner/operator will review the outdoor lighting on a weekly basis to ensure the outdoor lights are clean, operating and providing the Prince William County Police Department's Crime Prevention Unit acceptable minimum standard of 2.0 footcandles throughout the parking area and around the building. The interior lighting shall be such that it provides the illumination requirements established by ABC.~~

# Attachment A – Proposed Text Amendment

## PART 402. - OFFICE DISTRICTS

### Sec. 32-402.20. - O(H), Office High-Rise District; purpose and intent.

### Sec. 32-402.23. - Special uses.

The following uses shall be permitted in the O(H) District with a Special Use Permit:

1. Bus station, commercial.
2. Continuing care retirement community.
3. Data Center outside the Data Center Opportunity Zone Overlay District.
4. Heliport, secondary only.
5. Helipad.
- ~~6. Live entertainment and dancing.~~
- ~~6. 7.~~ Radio or TV broadcasting station.
- ~~7. 8.~~ Railroad passenger station, secondary only.
- ~~8. 9.~~ Taxi or limousine dispatching.

### Sec. 32-402.30. - O(M), Office Mid-Rise District; purpose and intent.

### Sec. 32-402.32. - Secondary uses.

The following uses shall be permitted by right in the O(M) District only in conjunction with and secondary to a permitted principal use, existing or proposed for concurrent construction in accordance with the provisions of section 32-400.14:

- ~~1. (a)~~ Adult day care facility.
- ~~2. 1.~~ Art gallery (private).
- ~~3. 2.~~ Barber shop, beautician studio, or tanning salon.
- ~~4. 3.~~ Cafeteria/lunchroom/snack bar/automat.
- ~~5. 4.~~ Child care facility.
- ~~6. 5.~~ Commercial artist or photographer's studio.
- ~~7. 6.~~ Fraternity, sorority, secondary to college, university or seminary (on campus only).

## Attachment A – Proposed Text Amendment

~~8.7.~~ Helistop.

~~9.8.~~ Hotel.

~~10.9.~~ Live entertainment in accordance with the provisions of section 32-400.15.

~~11.10.~~ Office equipment sales, lease and service.

~~12.11.~~ Optical and eye care facility.

~~13.12.~~ Quick service food store (not freestanding).

~~14.13.~~ Recreation facility, commercial (indoor).

~~15.14.~~ Recreation facility for employees.

~~16.15.~~ Restaurant.

~~17.16.~~ Restaurant, carry-out.

~~18.17.~~ Retail store.

~~19.18.~~ School of special instruction.

~~20.19.~~ Recording studio.

~~21.20.~~ Travel agency.

~~22.21.~~ Watchman's dwelling.

### **Sec. 32-402.33. - Special uses.**

The following uses shall be permitted in the O(M) District with a Special Use Permit:

1. Bus station, commercial.
2. Continuing care retirement community.
3. Data Center outside the Data Center Opportunity Zone Overlay District.
4. Heliport, secondary only.
5. Helipad.
6. Hospital.
- ~~7. Live entertainment and dancing, secondary only.~~

## Attachment A – Proposed Text Amendment

~~7.~~ ~~8.~~ Parking, commercial.

~~8.~~ ~~9.~~ Taxi or limousine dispatching.

~~9.~~ ~~10.~~ Veterinary hospital.

### **Sec. 32-402.40 - O(F), Office/Flex District; purpose and intent**

### **Sec. 32-402.43. - Special uses.**

The following uses shall be permitted in the O(F) District with a Special Use Permit:

1. Bus station, commercial.
2. Crematory, secondary to hospital only.
3. Data Center outside the Data Center Opportunity Zone Overlay District.
4. Electronic equipment and component manufacturing, assembly, processing and distribution.
5. Heliport.
6. Hospital.
7. Janitorial service.
- ~~8. Live entertainment and dancing, secondary only.~~



**TOWN OF OCCOQUAN**  
**TOWN COUNCIL MEETING**  
Agenda Communication

<b>2. Work Session Regular Agenda</b>	<b>Meeting Date: June 20, 2017</b>
<b>2 C: Zoning and Subdivision Final Draft</b>	

**Explanation and Summary:**

The zoning and subdivision ordinance update is anticipated to be completed by July 18, 2017, with the recodification process to commence immediately afterwards and take approximately nine months to complete. The entire project is expected to be completed by April 2018 and result in a completely recodified town code with updated and legally compliant zoning and subdivision ordinances, all accessible and searchable in an online database. This is an opportunity to review the final draft before the Public Hearing on July 18, 2017.

**Summary of Issue**

The Town recently completed its 2016-2026 Comprehensive Plan. The plan included discussions on updating the zoning and subdivision ordinances of the Town Code to ensure appropriate land use within the town, specifically within the business district. Zoning within the Town of Occoquan is discussed throughout the document, but is specifically part of the overall vision for 2026. In addition, Action Items number 44, 45, 46, 51, 52, 53, and 54 are all related to the town's zoning and subdivision ordinances. Since the initial adoption of the Zoning Map in 1981, no significant changes have been made to zoning within the town. This is to discuss goals and priorities for the zoning and subdivision ordinances.

**Attachments: (1) Zoning and Subdivision Final Draft**

**Homestays**

Include Definition in 66-8

Homestays                    A home occupation use, which is accessory to the primary use of a residential dwelling unit or a 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.

Modify 66-10 to include Homestays requiring a Home Occupation Certificate and include conditions.

**Sec. 66-10. Home Occupation Certificate.**

A Home Occupation Certificate shall be required for all Home Business Occupations and Homestays.

(a) All Home Business Occupations are subject to the following standards:

1. No outside employees shall be permitted to work on the premises, except for family members residing in the dwelling.
2. No employee, agent, customer, or client shall be permitted to come to the dwelling unit for business related purposes.
3. No business signs, freestanding or otherwise, shall be permitted on site.
4. On-site storage of materials, merchandise, or equipment is limited to materials customarily found within a residential dwelling. Such as yarn, cloth, paint and cosmetic or similar nontoxic or nonhazardous material, and a telephone, computer or other typical light office equipment necessary to the home business occupation.
5. One company vehicle shall be permitted. 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 or trailer of a tractor-trailer truck, dump truck, tow truck, passenger bus, cement truck, and step vans. The company vehicle must be kept in a garage, accessory building or in designated parking spaces within off-street parking areas in such a manner that meets or exceeds other provisions of the Town Code.
6. The operation must be conducted entirely within the dwelling (not in any accessory structure, i.e., detached shed/garage) 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 use shall be limited to not more than one per day and shall be made only during business hours.

- 7. The area devoted to the home occupation shall not exceed 25 percent of the gross floor area of the dwelling unit.

(b) Homestay Home Occupation Certificates

- 1. Use shall remain residential.
- 2. No signage shall be permitted.
- 3. Registration shall be valid from January 1 through December 31 of each year.
- 4. Appropriate Transient Occupancy Taxes shall be paid to the Town.
- 5. Only one such Home Occupation shall be granted per property owner.
- 6. The maximum length of stay is 30 days in any 365 day period.

Create a Homestay Home Occupation Certificate application similar to the Home Business Certificate application, but require proof of insurance, emergency contact information, hosting website, and standards from the Ordinance. This will serve as the registry and can be updated yearly. Include a one-time fee, similar to the Home Business Certificate and either no renewal fee or minimal renewal fee.

An additional option is to build in penalty language – If an operator/property owner is found to be operating a homestay without registration, then they can be fined X amount per occurrence.

Include the use as an accessory use in residential districts. If it is the desire of the Town to permit the use within residential property in the business district, it can also be included as an accessory use or as a special exception use.

If the Town would like the use to be more regulated, then including it as a special exception use with a Homestay Home Occupation Certificate required in the residential district would give additional oversight.

**Vending Machines**

Consider vending machines for snacks, drinks, as well as movies and merchandise to be outdoor display and sales. Add outdoor display and sales as a special exception use within the B-1 District. Including the use as a special exception would permit such uses where adequately screened or appropriate.

With this, inclusion of a definition could be useful to note that vending machines are considered as outdoor display and sales. One option is as follows:

Outdoor display and sales	Display and sale of goods and services outside of a building or business, including vending machines for food, drinks, and products. This does not include temporary outdoor sales of goods incidental and accessory to the sales and services of an existing business.
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One potential adverse impact would be the use of outdoor areas for display and sales by businesses within the district. It is possible to consider sales by businesses to be temporary display or as being accessory and customarily incidental to the use itself.

**Seasonal Decorations**

Include temporary seasonal decorations, including lights and inflatables, as an accessory use within all districts with standards:

1. Temporary seasonal decorations may be on display for no more than 30 days, except for the period between Thanksgiving and January 15.
2. Outdoor displays must be turned off between the hours of 11:00 pm and 8:00 am.

**Food Trucks**

Food trucks could also be impacted by the inclusion of Outdoor Display and Sales. This could be interpreted to include vending from food trucks.

There are a number of different ways to tackle the Food Truck use.

As previously presented:

Including food trucks as a use within the B-1 District that is only permitted at events open to the public, Town sponsored or approved, and ticketed or non-ticketed.

Include food trucks as a use with additional standards:

Not within the public right of way/only on private property, or permit in right of way under certain circumstances (closed street, festival, special event)

X distance from specific uses (residential, business, restaurant, other food trucks)

Hours permitted (X number of hours or between the hours of X & X)

No dumping, all refuse must be removed from site and taken to an appropriate location

No free-standing signage

Regulate potential seating – is it permitted or is it all food that must be taken off site?

Zoning permit required, similar to a Home Occupation Certification to approve the location – minimal fee, require verification of appropriate health department permits and business license.

**Tiny Houses**

The argument can solidly be made that a so-called Tiny House would not meet the Ordinance definition of a Manufactured Home due to the requirement that it meet the HUD and ANSI standards for such a home.

Some of the issues with “tiny houses” is that they are not always permanently connected to utilities or a foundation, which creates little difference between them and a recreational vehicle. A recreational vehicle, by Ordinance definition, does not meet the definition of a manufactured home.

**Mixed Use**

At the beginning of the process, an additional overlay district was discussed and then it was decided that it would not be necessary due to the other overlays and the designation of residential uses as a special

exception, as well as the inclusion of Mixed Use Developments as a special exception. This residential designation allows the Town to maintain the Central Business District, while permitting the inclusion of residential uses and mixed use developments by special exception where it meets the intent of the area and the goals of the Comprehensive Plan.

To best meet the mixed-use development noted in the Comprehensive Plan, replacing the B-1 zoning district with a Mixed-Use Development (M-UD) district would be the best option. While that is consistent with the Future Land Use Map of the Comprehensive Plan (replacing the B-1 with a Mixed-Use district), it is not consistent with the goal of maintaining the businesses in the downtown corridor. One concern with replacing the B-1 district with a M-UD district is that it would remove the B-1 district from the ordinance. Though the uses would remain similar, the district would carry with it a requirement for a combination of uses and could discourage a single business from developing.

Based on the information we received from the Town and the desire to maintain the businesses within the “downtown”, modifying the B-1 district to be a M-UD district would be in conflict with maintaining more business than residential. The optimal solution may be to include a M-UD district that is a stand-alone district.

As with other modifications to the ordinance, the changes will not change the existing zoning of the property and existing uses will still be permitted within those zones.

Chapter 54

**SUBDIVISIONS\***

**ARTICLE I. IN GENERAL**

- Sec. 54-1. Definitions.
- Sec. 54-2. Purpose.
- Sec. 54-3. Exception.
- Sec. 54-4. Amendments.
- Sec. 54-5. Penalties.
- Secs. 54-6--54-35. Reserved.

**ARTICLE II. ADMINISTRATION**

**DIVISION 1. GENERALLY**

- Secs. 54-36--54-55. Reserved.

**DIVISION 2. AGENT**

- Sec. 54-56. Appointed.
- Sec. 54-57. Duties.
- Sec. 54-58. Consultation.
- Sec. 54-59. Additional authority.
- Secs. 54-60--54-90. Reserved.

**ARTICLE III. COMPLIANCE WITH CHAPTER**

- Sec. 54-91. Platting required.
- Sec. 54-92. Recordation required.
- Sec. 54-93. Appeals.
- Secs. 54-94--54-125. Reserved.

**ARTICLE IV. PREPARATION AND RECORDATION OF SUBDIVISION PLATS**

- Sec. 54-126. Draw and certify.
- Sec. 54-127. Owner's statement.

**\* Updated and approved by Town Council XX XX, 2017**

**Updated sections shall have the date of latest amendment noted at the start of modified section.**

~~—\* **Cross reference(s)**--Any ordinance pertaining to subdivision plats saved from repeal, § 1-9(12); buildings and building regulations, ch. 10; environment, ch. 18; floods, ch. 26; historic preservation, ch. 34; signs and advertising, ch. 42; site plan, ch. 46; streets, sidewalks and other public places, ch. 50; zoning, ch. 66.~~

~~—**State law Code of Virginia reference(s)**--Land subdivision and development, ~~Code of Virginia,~~ § 15.2-2240 et seq.; Virginia Public Records Act, ~~Code of Virginia,~~ § 42.1-76 et seq.; Subdivided Land Sales Act of 1978, ~~Code of Virginia,~~ § 55-336 et seq.~~

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## OCOCOQUAN CODE

- Sec. 54-128. No person exempt.
- Sec. 54-130. Changes.
- Sec. 54-131. Fees.
- Sec. 54-132. Transfer of areas for public use.
- Secs. 54-133--54-165. Reserved.

### ARTICLE V. GENERAL REGULATIONS

- Sec. 54-166. Mutual responsibility.
- Sec. 54-167. ~~Land must be suitable~~[Suitable land.](#)
- Sec. 54-168. Flooding.
- Sec. 54-169. Improvements.
- Sec. 54-170. Lots.
- Sec. 54-171. ~~Blocks~~[Repealed.](#)
- Secs. 54-172--54-200. Reserved.

### ARTICLE VI. APPROVAL OF PLATS

- Sec. 54-201. ~~Preliminary sketch~~[Repealed](#)
- Sec. 54-202. Preliminary plat.
- Sec. 54-203. Approval of preliminary plat.
- Sec. 54-204. No guarantee.
- Sec. 54-205. Six-month limit.
- Sec. 54-206. Final plat.
- Sec. 54-207. Approval of final plat.
- Sec. 54-208. Extension of subdivision plat approvals to address housing crisis.

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ARTICLE I. IN GENERAL

Sec. 54-1. Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Unless otherwise specified, all distances shall be measured horizontally and at right angles to the line in relation to which the distance is specified.

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~~Agent~~ means ~~the representative of the town council~~ Town Council who has been appointed to serve the Council in the processing, reviewing, and approving of preliminary subdivision plats.

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~~Alley~~ means ~~a~~ permanent service right-of-way providing a secondary means of access to abutting properties, which shall be construed to include, but not be limited to, rights-of-way known as Poplar Alley, Center Lane, Cooper's Alley, and Hill Alley.

~~Authorized representative~~ means ~~the individual appointed by the town council~~ Town Council for the day-to-day enforcement and inspection of this chapter.

~~Base Flood~~ means ~~A~~ flood that has a one percent chance of being equaled or exceeded in any given year. Also referred to as the 100-year flood.

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~~Base Flood Elevation (BFE)~~ means ~~the water surface elevation of the Base Flood in relation to the datum specified on the Flood Insurance Study and Flood Insurance Rate Map.~~

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~~Building~~ means ~~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. any structure having a roof, supported by columns or walls, for the housing or enclosure of persons, animals, vehicles or other personal property. The word "building" includes the word "structure."~~

~~Building/Code Official~~ means ~~the person appointed by the town council~~ 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/code official~~ means the building/code official for the Town of Ocequan.

~~Building permit~~ means ~~a~~ An approval statement signed by the zoning administrator Zoning Administrator and the code Building/Code Official authorizing the construction, alteration, reconstruction, repair, restoration, demolition or razing of all or a part of any building.

~~a document issued by the building/code official granting permission to another party to construct, extend, repair, remove or alter a structure.~~



~~—Lot \_\_\_\_\_~~ ~~aA parcel of land created by a metes and bounds description or plat of meeting minimum zoning requirements for area, coverage, setbacks and other spaces as required at time of recordation.~~ ~~means a piece or parcel of land within a "plot" and "parcel."~~

~~—Lot, corner, \_\_\_\_\_~~ ~~means aA~~ 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, depth of, \_\_\_\_\_~~ ~~means f~~The mean horizontal distance between the front and rear lot lines.

~~—Lot, double-frontage, \_\_\_\_\_~~ ~~means aA~~n interior lot having frontage on two streets.

~~—Lot, interior, \_\_\_\_\_~~ ~~means aA~~ lot other than a corner lot.

~~—Lot of record \_\_\_\_\_~~ ~~aA lot which has been legally recorded in the Clerk of the Court's Office~~ ~~means a~~ lot which has been recorded in the office of the clerk of the appropriate court.

~~—Lot, width of, \_\_\_\_\_~~ ~~means f~~The mean horizontal distance between the side lot lines, ~~measured at the building setback.~~

~~—Owner \_\_\_\_\_~~ ~~means aA~~ny person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to the land sought to be subdivided under this chapter.

~~\_\_\_\_\_~~ ~~Pedestrian way or crosswalk~~ ~~means aA~~ right-of-way across, along, or within a block, for use by pedestrian traffic, ~~or crosswalk~~ whether designated as a pedestrian way, crosswalk, or otherwise designated, ~~and~~ which may include utilities.

~~\_\_\_\_\_~~ ~~Planned unit development~~ ~~means p~~Parcels set aside for specialized purposes where tracts suitable in location, area ~~development~~ and character for the uses and structures proposed are to be planned and developed on a unified basis.

~~\_\_\_\_\_~~ ~~Plat, final, \_\_\_\_\_~~ ~~means f~~The map or plan of a subdivision of land that meets all the requirements of this chapter, including any accompanying material ~~which that~~ may be required.

~~\_\_\_\_\_~~ ~~Plat, preliminary, \_\_\_\_\_~~ ~~means f~~The ~~plan or a location~~ map of a property drawn to scale, submitted ~~as a cover sheet,~~ with all tentative plans ~~and plats~~ showing the relationship of the proposed subdivision to existing railroads, lakes, rivers, off-site drainage areas, creeks, public and semipublic facilities, ~~as well as to any existing or proposed adjacent subdivisions within 1,000 feet of the proposed subdivision boundary.~~

~~\_\_\_\_\_~~ ~~Plat, sketch,~~ means a map showing the salient features of a proposed subdivision, submitted for purposes of preliminary consideration.

Area (RPA)

[see definition in Chapter 66, Zoning Ordinance, Section 66-193.](#)

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~~Secretary~~ Secretary ~~means~~ means ~~the~~ secretary of the ~~planning commission~~ Planning Commission of the town.

~~Street~~ Street ~~means~~ means ~~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.

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~~Street, arterial~~ Street, arterial ~~means~~ means ~~a~~ Any existing or future street, identified in any adopted plan, ~~which carries~~ carrying traffic, or anticipated traffic, of more than 3,000 vehicles per day.

~~Street, major~~ Street, major ~~means~~ means ~~a~~ Any existing or future street, identified in an adopted plan, ~~which carries~~ carrying traffic, or anticipated traffic, of 500 to 3,000 vehicles per day.

~~Street, minor~~ Street, minor ~~means~~ means ~~a~~ Any existing or future street that is primarily used ~~primarily~~ as a means of public access to abutting properties, with anticipated traffic of less than 500 vehicles per day.

~~Street, service~~ Street, service ~~means~~ means ~~a~~ public street, generally parallel and contiguous to major streets, primarily designed to promote safety by properly spacing points of access to major streets.

~~Street width~~ Street width ~~means~~ means ~~the~~ total right-of-way width of the strip of land travel, including roadway, curb, gutter, sidewalk and planting strip.

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~~Subdivider~~ Subdivider ~~means~~ means ~~a~~ person owning any tract, lot or parcel of land to be subdivided, or a group of two or more persons owning any tract, lot or parcel of land to be subdivided, or a person given power of attorney to act on the owner's behalf in the subdivision of land.

~~Subdivision~~ Subdivision ~~means~~ means ~~the~~ The division of a parcel of land into two or more lots or parcels of less than three acres each for the purpose of transfer of ownership or building development; or, if a new street is involved in such division, any division of a parcel of land. The word "subdivision," or any derivative thereof, shall have reference to the term "subdivider."

~~Surveyor~~ Surveyor ~~means~~ means ~~a~~ land surveyor certified by the Commonwealth of Virginia.

Town Engineer The licensed engineer designated by the Town Council to furnish engineering assistance for the administration of this chapter.

The purpose of this chapter is to establish certain subdivision standards and procedures for the town as provided for by Code of Virginia, §§ 15.2-2240--15.2-2279. These regulations are part of a long-range plan to guide and facilitate the orderly, beneficial growth of the community, and to promote the public health, safety, convenience, comfort, prosperity, and general welfare. ~~Most~~ More specifically, the purposes of these standards and procedures are to provide a guide for the change that occurs when land is developed for residential, business, or industrial purposes; ~~to provide~~ assurance that the purchasers of lots are buying a commodity that is suitable for development and use; and to make possible the provision of public services in a safe, adequate, and efficient manner. Subdivided land eventually becomes a public responsibility because roads and streets must be maintained, and numerous public services customary to urban areas must be provided. This chapter assists the community in meeting these responsibilities.

(Code 1981, § 14-2)

Where the subdivider can show that a provision of these standards would cause unnecessary hardship if strictly adhered to, and where, because of topographical or other conditions peculiar to the site, and where, in the opinion of the agent, an exception may be made without destroying the intent of such provisions, the agent, with approval of the Council, may authorize an exception.

Any exception to be authorized shall be stated, in writing, by the agent, with the reasoning ~~set forth~~ upon which the exception is justified. No ~~such~~ exception to this chapter may be granted if it is opposed, in writing, by the ~~highway~~ Town engineer or health official.

(Code 1981, § 14-31)

This chapter may be amended, in whole or in part, by the Council, provided that any such amendment shall either originate with or be submitted to the ~~planning commission~~ Planning Commission for its recommendation; and further provided that no such amendment shall be adopted without a public hearing ~~having been~~ held by the ~~Council~~ Town Council. Notice of the time and place of the hearing shall have been given in accordance with the provisions of Code of Virginia, § 15.2-2204.

**Sec. 54-5. Penalties.**

Any person violating the provisions of this chapter shall be subject to a fine of not more than \$500.00 for each lot or parcel of land ~~so~~ subdivided, ~~or~~ transferred or sold, ~~and~~ ~~†~~ The description of such lot or parcel, by metes and bounds, in the instrument of transfer or other document used in the process of selling or transferring, shall not exempt the transaction from such penalties, or from the remedies provided in this chapter.

(Code 1981, § 14-32)

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OCCOQUAN CODE

§ 54-202

ARTICLE II. ADMINISTRATION\*

DIVISION 1. GENERALLY

Secs. 54-36--54-55. Reserved.

DIVISION 2. AGENT

Sec. 54-56. Appointed.

The agent appointed by the ~~town council~~Town Council is delegated the responsibility and authority to oversee ~~the~~ administration of this chapter and shall have the responsibility of approving or ~~disapproving~~denying the preliminary plat.

~~(Code 1981, § 14-4)~~

The agent and authorized representatives shall perform their duties regarding subdivisions and subdividing in accordance with this chapter and the Land Subdivision and Development Act, Code of Virginia, § 15.2-2240 et seq.

~~(Code 1981, § 14-5)~~

In the performance of their duties, the agent and authorized representatives may call for opinions or decisions, either oral or written, ~~upon~~from other departments in considering details of any submitted plat. This authority of the agent shall have particular reference to the resident highway engineer, health official, sanitary district, fire marshal and ~~planning commission~~Planning Commission.

~~(Code 1981, § 14-6)~~

In addition to the regulations contained in this chapter for the platting of subdivisions, the agent or authorized representatives may, from time to time, establish any reasonable additional administrative procedures deemed necessary for the administration of this chapter.

~~(Code 1981, § 14-7)~~

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ARTICLE III. COMPLIANCE WITH CHAPTER

**Sec. 54-91. Platting required.**

Any owner or developer of any tract of land situated within the town who subdivides ~~the a parcel of~~ land shall prepare a plat of such subdivision, in accordance with the provisions of this chapter, and shall record the plat in the office of the ~~e~~Clerk of the ~~appropriate e~~Court. No such subdivision plat shall be recorded unless it has been submitted to the agent, approved, and certified by the ~~town council~~Town Council in accordance with the regulations set forth in this chapter.

~~(Code 1981, § 14-8)~~

No lot shall be sold in any proposed subdivision, nor shall any building permit be granted, until a final plat for the subdivision ~~shall have been~~is approved and recorded.

**Sec. 54-93. Appeals.**

If a final plat of a subdivision is ~~disapproved denied~~ by ~~the town council~~Town Council, the subdivider may appeal the decision of the ~~town council~~Town Council to the circuit court of the county. If a preliminary plat has been ~~disapproved denied~~ by the agent, the subdivider may appeal the decision of the agent to the ~~town council~~Town Council.

~~(Code 1981, § 14-10)~~

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**Sec. 54-126. Draw and certify.**

Every subdivision plat intended for recordation ~~or the deed of dedication to which the plat is attached~~ shall be prepared by a surveyor or engineer, who shall endorse upon each plat a certificate, signed by him, setting forth the source of the title of the land subdivided and the place of record of the last instrument in the chain of title. When the plat is of land acquired from more than one source of title, the outlines of the several tracts shall be indicated upon such plats, within an inset block, or by means of a dotted line upon the plat.

~~(Code 1981, § 14-11)~~

Every subdivision plat intended for recording or ~~the~~ deed of dedication to which the plat is attached shall contain, in addition to the surveyor's or engineer's certificate, the following statement:

"The platting or dedication of the following described land (~~here~~ insert a correct description of the land being subdivided) is with the free consent and in accordance with the desire of the undersigned owners, proprietors and trustees, ~~if any.~~

~~The above. This statement~~ shall be signed by the owners, proprietors, and trustees, if any, and shall be duly ~~acknowledged before some officer authorized to take acknowledgements of deeds~~ notarized and, ~~when thus~~ executed and approved, shall be filed and recorded in the office of the clerk of the appropriate court and ~~indexed under the names of the landowners signing such statement and under the name of the subdivision.~~

**Sec. 54-128. No person exempt.**

No person shall subdivide any tract of land that is located within the town except in ~~conformity~~ conformance with the provisions of this chapter.

~~(Code 1981, § 14-13)~~

This chapter bears no relation to any private easement, covenant, agreement, or restriction, nor is the responsibility of enforcing such private easement, covenant, agreement, or restriction implied in this chapter to any public official. When this chapter calls for more restrictive standards than ~~are~~ required by a private contract, the provisions of this chapter shall ~~control~~ prevail.

~~(Code 1981, § 14-14)~~

No change, erasure, or revision shall be made on any subdivision plat intended for recording, nor on accompanying data sheets, after the written approval of the ~~town council~~ Town Council ~~has been endorsed, in writing,~~ on the plat or sheets, unless written authorization for such change has been granted, ~~in writing,~~ by the ~~town council~~ Town Council.

~~(Code 1981, § 14-15)~~

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There shall be a charge for the examination of every plat reviewed. At the time of filing the plat, the subdivider shall deposit with the town checks payable to the town in amounts specified by the adopted schedule of fees ~~adopted by the town~~.

**Sec. 54-132. Transfer of areas for public use.**

The recording of a plat shall operate to serve to transfer, in fee simple, to the town all portions of the area platted that are set apart for streets, alleys, easements, or other public use, and to create a public right-of-passage over them. No such areas dedicated to public use shall be encumbered by easements retained by the subdivider or granted to utility companies or other corporate or natural persons. Nothing contained herein, however, shall prevent the subdivider from constructing and maintaining improvements ~~as~~ required by this chapter.

(Code 1981, § 14-17)

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ARTICLE V. GENERAL REGULATIONS

Sec. 54-166. Mutual responsibility.

There is a mutual responsibility between the subdivider and the town to divide the land so as to improve the general use pattern of the land being subdivided.

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(Code 1981, § 14-18)

The ~~town council~~Town Council may not approve the subdivision of land if it has been determined that, from adequate investigations conducted by all public agencies concerned and, it has been determined that, in the best interest of the public, the site is not suitable for the platting and development purposes of the kind being proposed. The ~~town council~~Town Council may require the subdivider to furnish topographic maps, floodplain profile elevation information, or other relevant information.

(Code 1981, § 14-19)

(a) ~~(a)~~ All subdivision proposals shall be consistent with the need to minimize flood damage.

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(b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

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(c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and

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(d) In areas where a Base Flood Elevation has not been previously established, Base Flood Elevation data shall be obtained from other sources or developed using detailed methodologies, hydraulic and hydrologic analysis, comparable to those contained in a Flood Insurance Study for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty lots or five acres, whichever is the lesser.

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(e) Land in the 100-year floodplain, other land subject to flooding and land deemed to be topographically unsuitable shall not be platted for residential occupancy, or for such other uses in such a way as to endanger health, life or property, or aggravate erosion or flood hazard. Such land within the subdivision shall be set aside on the plat for such uses as shall neither be endangered by periodic or occasional inundation, nor produce conditions contrary to public welfare.

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(Code 1981, § 14-20; Ord. O 2016-01, § 54-168)

(a) ~~(a) Generally:~~ All required improvements shall be installed by the subdivider at his cost. Specifications that have been established either by the Virginia Depastate department of Transportation (VDOT) for streets, ~~curbs,~~ or town regulations, ordinances, and codes shall be followed. The subdivider's bond shall not be released until all construction has been completed

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and approved by the ~~chief engineering officer~~Town Engineer or appropriate official. All accordance with the requirements of this section.

~~(b) Streets.~~ All public streets in the proposed subdivision shall be designed and constructed in accordance with the standards set by ~~the state department of transportation~~VDOT for acceptance into the state secondary road system, and at no cost to the town.

1. ~~(1)~~ Alignment and layout.

a. The arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas ~~and~~ ~~and~~ proposed streets, as shown ~~on the approved site in the adopted plan.~~ The street arrangement must ~~be such as to cause no unnecessary hardship to owners of adjoining property when they plat their own land and seeking to provide for convenient access to their property to it.~~

b. Where, in the opinion of the agent, it is desirable to provide for street access to adjoining properties, the right-of-way of the proposed streets shall be extended to the boundary line of such properties.

c. Half streets along the boundary of land proposed for subdivision shall not be permitted.

d. Wherever possible, streets shall intersect at right angles. In all hillside areas, streets running with contours shall be required to meet the intersecting streets at angles of not less than 60 degrees unless approved by the agent upon recommendation of the highway engineer.

~~3.~~(7) Private streets.

~~Private streets and reserve strips.~~ Private streets shall not be allowed in any ~~new~~ subdivisions ~~platted after November 1, 1981;~~ except that townhouse, multifamily and apartment projects may have access to a publicly maintained road via a private street, provided that it meets the appropriate design standards as approved by the ~~town council~~Town Council of the town regulations. ~~In no case shall there~~ ~~There shall be~~ ~~no~~ reserve strips.

a. Proposed streets that are obviously in alignment with other existing and named streets shall bear the names of the duplicate existing street names, ~~irrespective regardless~~ of the

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use of the suffixes "street," "avenue," "boulevard," "road," "driveway," "place," "lane," or "court."

b. Street names shall be indicated on the preliminary and final plats and shall be approved by the council.

c. Names of existing streets shall not be changed, except by approval of the ~~council~~Town Council.

d. Street names shall be approved by Prince William County GIS for full use in the 9-1-1 system.

~~(9)5.~~ 5. *Identification signs.* Street identification signs shall be readable from either side, of a design approved by the ~~council~~Town Council, shall be and installed at all intersections by the subdivider ~~at all intersections~~.

~~(c)~~ (c) *Monuments.*

~~1.(1)~~ 1.(1) *Installation.* ~~As required by this chapter, a~~All monuments ~~must shall~~ be installed by the subdivider and shall meet the minimum specifications described in this subsection. Upon completion of subdivision streets, sewers, and other improvements, the subdivider shall make certain that all required monuments are clearly visible for inspection and use. Such monuments shall be inspected and approved before any improvements are accepted by the ~~council~~Town Council.

~~(2)2.~~ 2. *Location.*

~~a.~~ a. ~~Concrete. Concrete monuments four inches in diameter or four inches square, three feet long, with a flat top, shall be set at all street corners, at all points where the street line intersects the exterior boundaries of the subdivision, and at right angle points of curve in each street. The top of the monument shall have an appropriate mark to identify properly the location and shall be set flush with the finished grade.~~

~~(d)~~ (d) *Water facilities.* Public water service shall be extended by the subdivider to all lots within a subdivision, in accordance with the approved ~~design standards and specifications for water service, construction and improvements in the town~~site plan.

~~(e)~~ (e) *Sewerage facilities.* Public sewerage facilities shall be extended by the subdivider to all lots within a subdivision, and septic tanks will not be permitted. The subdivider shall provide each lot with a satisfactory and sanitary means of sewage collection and disposal in accordance with the approved site plan ~~in accordance with the approved design standards and specifications for sewage construction and improvements in the town.~~

~~(f)~~ (f) *Storm drainage facilities.* The subdivider shall provide all necessary information needed to determine what drainage improvements are necessary to develop properly such property. ~~Such information shall include but may not be limited to contour data and drainage plans. The subdivider shall also provide plans for all such improvements, together with an engineer's or surveyor's statement that such improvements, when properly installed, will be adequate for development. The highway engineer shall then approve or disapprove the plans. The subdivider~~

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~~shall also provide any other information required by the highway engineer.~~ The subdivider shall approved site plan.

(g) *Fire protection.* Fire hydrants shall be required in a subdivision at locations approved by the agent, provided adequate public water is available. The location and design of the fire hydrants shall meet the American Insurance Association's specifications and be in accordance with the approved site plan.

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(h) *Easements.* The ~~council~~Town Council may require the subdivider to provide ~~drainage~~ easements through adjoining property. The width of easement provided for drainage, water, sewer, power lines and other utilities in the subdivision shall be determined by the ~~council~~Town Council.

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(i) *Plans and specifications.* Six blue or black line prints of the plans and specifications, for all required physical improvements to be installed, shall be prepared by an engineer or land surveyor and shall be submitted with the final plat to the agent for approval ~~or disapproval~~ within 30 days. If approved, one copy, bearing certification of such approval, shall be returned to the subdivider. If ~~disapproved~~denied, all papers, except for one copy, shall be returned to the subdivider, with ~~the written~~ reason(s) for ~~disapproval~~stated in writingdenial.

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(j) *Bonding.*

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~~(1)~~1. *Performance bond.*

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a. The subdivider shall furnish a cash bond or equivalent, a surety bond of a surety company, or a certified check, payable to the town, in an amount equal to the total cost of the public improvements determined by the ~~Ce~~commission. Such bond or check shall guarantee that the improvements will be installed within a ~~designated~~ reasonable length of time in a manner acceptable to the ~~Ce~~council. The bond or check shall accompany the final plat. When construction has been completed, approved and accepted on sections of the required improvements, the ~~Ce~~council may release the bond submitted for the amount of the entire required improvements ~~or a portion thereof provided a bond is furnished in leaving an amount adequate the amount~~ to cover the constructed, approved, and accepted.

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b. Occupancy permits shall not be issued until all proposed public and private improvements on a site plan are completed; however, the ~~zoning administrator~~Zoning Administrator shall have the authority, in his discretion and in appropriate cases, to accept a completion bond in a satisfactory amount to ~~assure~~ensure completion of public or private improvements in lieu of actual completion where the ~~zoning administrator~~Zoning Administrator finds that a completion bond adequately protects future owners.

~~(2)~~2. *Maintenance bond.*

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The subdivider shall be required to file a maintenance bond with the ~~council~~Town Council in an amount considered adequate and in a form satisfactory to the ~~council~~Town Council, in order to assure the satisfactory condition of the required improvements, for a period of one year after the date of their acceptance by the ~~council~~Town Council.

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Commission may authorize submission of final plats by section or ~~stage~~-phase of subject to ~~such~~ requirements or guarantees for improvements in future sections or ~~stages~~ development ~~as it finds~~ essential for the protection of any approved section of development.

- ~~(4)~~4. *Absence of bond.* In the absence of a performance bond or check, no final plat shall be approved or recorded until the required improvements have been installed and approved by the agent or his authorized representative.
- ~~(5)~~5. *Final as-built drawings.* Final as-built drawings, showing all sub-surface utility conditions, shall be provided prior to release of the performance bond. One certified reproducible copy shall be provided to the Council, with accompanying letter certifying accuracy, submitted in sufficient time to permit review prior to release of performance bond.
- ~~(k)~~ *Sidewalks.* ~~In every subdivision developed after November 1, 1981, s~~Sidewalks ~~will~~ shall be constructed in all subdivisions in accordance with the specifications of ~~the state department of transportation~~ VDOT.
- ~~(l)~~ *Curb and gutter.* Where deemed necessary by the ~~council~~ Town Council, curbs and gutters shall be installed in accordance with the standards and specifications of the town and the state department of transportation.

~~(Code 1981, § 14-21)~~

~~Lots shall be arranged in order that the following considerations are satisfied. The following shall be taken into consideration when subdividing lots:~~

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- ~~(1)~~ *Lot size.* ~~The minimum lot size in any subdivision shall be in accordance with chapter 66 of this Code.~~
- ~~(3)~~b *Location.* Each lot shall abut ~~on~~ an existing or proposed dedicated public street, or on a street that has become public by right of use. If the existing streets are not 50 feet in width, the subdivider shall make provision, in the deeds to the lots, that all buildings be constructed so as to permit the widening of such roads or streets to a width of 50 feet by dedication ~~of such roads or streets to a width of 50 feet~~.
- ~~(4)~~c *Corner lots.* ~~Corner lots shall have width sufficient for adequate site distance on both streets, as determined by chapter 66.~~
- ~~(5)~~d *Side lines.* ~~Side lines of lots shall be approximately at right angles, or radial to the street~~
- ~~(6)~~e *Separate ownership.* Where the land covered by a subdivision includes two or more parcels in separate ownership; and ~~lot arrangement is such that a the~~ property ownership line divides one or more lots, the land in each divided lot ~~so divided~~ shall be transferred by deed to single ownership, simultaneously with the recording of the final plat. This deed is to be ~~deposited-recorded~~ with the clerk of the court and held with the final plat until the subdivider is ready to record same, and then both shall be recorded.

§ 54-201

SUBDIVISIONS

- (7) *Off-street parking and delivery facilities.* All subdivisions, including those intended for business and industrial uses, shall include space set aside for off-street parking and/or delivery facilities, ~~as required by~~ in accordance with Chapter 66.

~~(Code 1981, § 14-22)~~

~~Where created by the subdivision of land, all new blocks shall be designed to comply with the following general requirements:~~

ARTICLE VI. APPROVAL OF PLATS

Sec. 54-201. ~~Preliminary sketch~~Repealed.

~~(Code 1981, § 14-24)~~

The subdivider shall present to the authorized representative six prints of a preliminary layout, at a scale no larger than 100 feet ~~to the per~~ inch, as a preliminary plat. The preliminary plat shall include the following information:

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- ~~(a)~~ (a) *Identification.* Name of subdivision, owner, subdivider, person preparing drawing, date of drawing, number of sheets, north point and scale. If true north is used, method of determination must be shown.
- ~~(b)~~ (b) *Location of subdivision*Vicinity map. Location of proposed subdivision, by an inset map, at a scale of not less than two inches equal one mile, showing adjoining roads, ~~their~~ road names and numbers, towns, subdivisions, other landmarks ~~and, where appropriate, the existing zoning of the land and adjoining property.~~
- ~~(c)~~ (c) *Boundaries of subdivision.* ~~The~~ A boundary survey or existing survey of record ~~with reference to a known, permanent monument;~~ total acreage; acreage of subdivided area; number ~~and~~ and approximate area and frontage of all building sites; existing buildings within the boundaries of the tract; names of owners and ~~their~~ property lines within the boundaries of the tract and adjoining such boundaries.
- ~~(d)~~ (d) *Streets, utilities and other data.* All existing, platted and proposed streets, ~~their~~ names, numbers and widths; existing utility or other easements; public areas and parking spaces; culverts, drains and watercourses and their names; flood profile; and other pertinent data.
- ~~(e)~~ (e) *Drainage.* The storm drainage layout, including drainage easements and means the drainage to a well-defined open stream that is considered natural drainage, or to another approved drainage control facility.
- ~~(f)~~ (f) *Water and sewer.* Proposed connections with existing sanitary sewers and existing water supply or alternate means of sewage disposal and water supply. The location of all sewers shall be shown. The distance between manholes shall not exceed 400 feet. The location of all water lines shall be shown, as well as the location of necessary fire hydrants.
- ~~(7)~~ (7) *Street construction.* ~~A typical section showing the proposed street construction.~~
- ~~(h)~~ (h) *Location*~~Aerial or USGS map.~~ A location map tying the subdivision into the present road system, by using either aerial photographs or topographic maps of the United States Geological Survey.
- ~~(10)~~ (10) *Dedication.* ~~All parcels of land to be dedicated for public use and the condition of dedication.~~
- ~~(12)~~ (12) *Erosion and sediment control.* ~~A plat and/or plan showing the procedures that will be followed to ensure that all requirements of chapter 18, article II, shall be met. The~~

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~~preliminary plat shall not be approved until all agencies, commissions and departments defined by Chapter 66, Zoning, Article II, Division 7, Chesapeake Bay Preservation Overlay District. The delineation of all RPAS.~~

~~(Code 1981, § 14-25) (Ord. O 2012-03, § 54-202)~~

The agent shall discuss the preliminary plat with the subdivider in order to determine whether or not the preliminary plat generally conforms to the requirements of this chapter, ~~Article II of Chapter 18, Chapter 66, the state department of transportation~~VDOT, health department, and any other appropriate ordinance, rule, or regulation. Within 60 days of the preliminary plat submission, the subdivider shall be advised, in writing, by formal letter or by legible markings on the preliminary plat, of any additional data that may be required, and the character and extent of public improvements that will have to be made.

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~~(Code 1981, § 14-26)~~

Approval of the preliminary plat does not guarantee approval of the final plat.

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~~(Code 1981, § 14-27)~~

~~Within six months after receiving approval of the preliminary plat, the subdivider shall file with the agent a final subdivision plat in accordance with this chapter. Failure to do so shall make the preliminary approval null and void. The agent may, on written request by the subdivider, grant a one-time, six-month extension of this time limit.~~

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~~Within six months after receiving approval of the preliminary plat, the subdivider shall file with the agent a final subdivision plat in accordance with this chapter. Failure to do so shall make the preliminary approval null and void. The agent may, on written request by the subdivider, grant a one-time, six-month extension.~~

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The subdivision plat submitted for final approval and subsequent recording shall be clearly and legibly drawn, at a scale and sheet size acceptable to the Prince William County Clerk of the Circuit Court. ~~In addition to the requirements of the preliminary plat, t~~ The final plat shall conform to any approved site plan for the subdivision and include the following:-

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~~(a)~~ *Drainage.* The complete storm drainage layout, including all pipe sizes, types, drainage easements and means of transporting the drainage.

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~~(b)~~ *Water and sewer.* The location, type, profile, percentage of slope, pipe size and location of manholes for all sewers. The location, type and size of all water lines and the location of necessary control valves shall be shown.

~~(c)~~ *Street construction.* A cross section, showing the proposed street construction, depth and type of base, type of surface, etc.

~~(d)~~ *Grades.* A profile or contour map showing the proposed grades for streets and drainage facilities, including the elevations of existing and proposed ground surface at all street intersections, and at points of major grade change along the center of streets, together with the proposed connecting grade lines.

—(5e) *Approval space.* A blank space, three inches by five inches, reserved for the use authority.

—(6f) *Certificates of title.* Certificates signed by a surveyor or engineer, setting forth the source of title of the owners of the land subdivided and the place of record of the last instrument in the chain of title.

—(7g) *Owner's statement.* A statement as follows: "The platting or dedication of the following described land (insert a correct description of the land being subdivided) is with the free consent and in accordance with the desire of the undersigned owners, proprietors and trustees."

~~to the effect that the subdivision, as it appears on this plat, is with the free consent and in accordance with the desires of the owners, proprietors and trustees, if any, which statement shall be duly acknowledged before some officer authorized to take acknowledgments of deeds.~~

—(8h) *Identification of tracts.* When the subdivision consists of land acquired from more than one source of title, the outlines of the various tracts shall be indicated by dashes and the identification of the respective tracts shall be placed on the plat.

—(9i) *Streets, public uses, utilities.*

—————a1. The accurate location and dimensions by bearings and distances with all curve data on all lots and streets;

—————2b. Boundaries of all proposed or existing easements;

—————3e. Parks;

—————4d. School sites;

—————5e. All existing public and private streets, ~~the#~~including names, numbers, and widths;

—————6.f. Existing utilities, and those to be provided, such as sanitary sewers, storm drains, water mains, manholes and underground conduits, including ~~the#~~ sizes and types;

—————7g. Watercourses and ~~the#~~ names; and

—————8h. Names of owners and ~~the#~~ property lines, both within the boundary of the subdivision and adjoining such boundaries.

—(10j) *Street curves.* The data of all curves along the street frontage shall be shown in detail on the curve data table containing the following: delta, radius, arc, tangent, chord and chord bearings.

(11k) *CBPA.* ~~All~~ CBPA information required by Chapter 66, Zoning, Article II, Division 7, Chesapeake Bay Preservation Overlay District, as applicable.

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(12) *RPA's.* -The depiction of all resource protection area boundaries, including a notation to undisturbed and vegetative 100-foot-wide buffer area, as specified in Chapter 66, Zoning, Article II, Division 7, and a notation of the permissibility of only specified exemptions in resource protection areas, ~~including the 100-foot-wide buffer areas.~~

(13) *Wetlands.* - If the subdivided property contains wetlands, and/or resource protection areas, shall be a note on the plat which states the following: "Wetlands and land within resource protection areas shall remain in a natural and undisturbed state except for those activities and uses allowed by 9 VAC 10-20-130 of the Chesapeake Bay Preservation Area Designation and Management Regulations."

(Code 1981, § 14-29)(Ord. O 2013-02, §54-206)

~~The completed plat shall be submitted to the councilTown Council for approval.~~ The plat shall not be approved until the subdivider has complied with the general requirements and minimum standards of design in accordance with this chapter and has made satisfactory arrangements for performance bond, cash, or cash bond to cover the cost of necessary improvements, in lieu of construction, to the satisfaction of the ~~councilTown Council~~. ~~Approval of the final plat shall be written on the face of the plat by the council, and no plat shall be recorded until approval has been made. The completed plat shall be submitted to the council for approval.~~ Upon the approval by the ~~councilTown Council~~, the plat will be signed by the ~~councilTown Council~~ or its designated representative, marked "approved," and returned to the subdivider, who will cause the plat to be recorded in the clerk's office of the circuit court of the county. ~~No plat shall be recorded until approval has been made. If not approved the plat submission is denied,~~ the ~~councilTown Council~~ will return the plat to the subdivider, ~~with indicating~~ corrections to be made by the subdivider ~~indicated on the plat.~~

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(Code 1981, § 14-30)

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

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~~(1) Any valid final subdivision plat outstanding as of January 1, 2009, shall remain valid until July 1, 2014, or such later date provided for by the terms of the Town's approval, local ordinance, resolution of regulation, or for a longer period as agreed to by the Town Council by express action and recorded roll call vote. Any other plan or permit associated with such plat extended by this section shall likewise be extended for the same time period.~~

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**Chapter 66**

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**ZONING\***

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**ARTICLE I. IN GENERAL**

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- Sec. 66-1. Purpose and legislative authority.
- Sec. 66-2. Assumption of validity of conditions or limitations.
- Sec. 66-3. Relationship to other laws.
- Sec. 66-4. Scope of chapter.
- Sec. 66-5. Adoption of zoning map.
- Sec. 66-6. Interpretation of ~~comprehensive plan~~ Comprehensive Plan, this chapter, and map.
- Sec. 66-7. Zoning map.
- Sec. 66-8. Definitions.
- Sec. 66-9. Disclosure of interests.
- Sec. 66-10. Home Occupation Certificate
- Sec. 66-11. Extension of zoning approvals to address housing crisis.
- Sec. 66-12. Setback encroachments for ADA ramps, structures, and equipment.
- Secs. 66-13--66-40. Reserved.

**ARTICLE II. DISTRICTS**

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**DIVISION 1. GENERALLY**

- Sec. 66-41. Establishment of districts.
- Secs. 66-42--66-60. Reserved.

**DIVISION 2. R-1 DISTRICT**

- Sec. 66-61. Statement of intent.
- Sec. 66-62. Uses permitted.
- Sec. 66-63. Signs permitted.
- Sec. 66-64. Area regulations.
- Sec. 66-65. Setback regulations.
- Sec. 66-66. Frontage regulations.
- Sec. 66-67. Yard regulations.
- Sec. 66-68. Height regulations.
- Secs. 66-69--66-90. Reserved.

\* Updated and approved by Town Council **XX XX, 2017**

Updated sections shall have the date of latest amendment noted at the start of modified section.  
Code of Virginia reference(s)--Zoning § 15.2-2280 et seq.

OCCOQUAN CODE

DIVISION 3. R-2 DISTRICT

- Sec. 66-91. Statement of intent.
- Sec. 66-92. Uses permitted.
- Sec. 66-93. Signs permitted.
- Sec. 66-94. Area regulations.
- Sec. 66-95. Setback regulations.
- Sec. 66-96. Frontage regulations.
- Sec. 66-97. Yard regulations.
- Sec. 66-98. Height regulations.
- Secs. 66-99--66-110. Reserved.

DIVISION 4. R-3 DISTRICT

- Sec. 66-111. Statement of intent.
- Sec. 66-112. Uses permitted.
- Sec. 66-113. Signs permitted.
- Sec. 66-114. Area regulations.
- Sec. 66-115. Setback regulations.
- Sec. 66-116. Frontage regulations.
- Sec. 66-117. Yard regulations.
- Sec. 66-118. Height regulations.

DIVISION 4A, R-4 DISTRICT

- Sec. 66-119. Statement of intent.
- Sec. 66-120. Uses permitted.
- Sec. 66-121. Signs permitted.
- Sec. 66-122. Area regulations.
- Sec. 66-123. Setback regulations.
- Sec. 66-124. Frontage regulations.
- Sec. 66-125. Yard regulations.
- Sec. 66-126. Height regulations.
- Sec. 66-127--66-140. Reserved.

DIVISION 5. B-1 DISTRICT

- Sec. 66-141. Statement of intent.
- Sec. 66-142. Uses permitted.
- Sec. 66-143. Signs permitted.
- Sec. 66-144. Area regulations.
- Sec. 66-145. Setback regulations.
- Sec. 66-146. Height regulations.



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Secs. 66-147--66-165. Reserved.

DIVISION 6. OFF-STREET PARKING STANDARDS

- Sec. 66-166. Scope of division.
- Sec. 66-167. General provisions.
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**ARTICLE I. IN GENERAL**

**Sec. 66-1. 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~~ **Comprehensive Plan**. This chapter is established in accordance with the provisions of Code of Virginia, § 15.2-2280 et seq., to:

- a) ~~(1)~~ Provide for regulations governing ~~nonconform~~ **non-conforming** uses and structures;
- b) ~~(2)~~ Provide a board of zoning appeals and for its powers and duties;
- c) ~~(3)~~ Provide for permits;
- d) ~~(4)~~ Establish and provide for the collection of fees;
- e) ~~(5)~~ Provide for the administration of this chapter and for the official whose duty it shall be to enforce the provisions of this chapter;
- f) ~~(6)~~ Provide penalties for the violation of this chapter; and
- g) ~~(7)~~ Provide for conflicts with other ordinances or regulations.

**Sec. 66-2. 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, ~~or~~ 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.

**Sec. 66-3. 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.

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**Sec. 66-4. Scope of chapter.**

- (a) ~~(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) ~~(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 articles of this chapter.

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**Sec. 66-5. Adoption of zoning map.**

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.

Zoning Map is available at Town Hall and on the Town website.

**Sec. 66-6. Interpretation of ~~comprehensive plan~~ Comprehensive Plan, this chapter, and map.**

The ~~comprehensive land use plan~~ Town Comprehensive Plan of the town 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. This chapter, in addition to the Zoning ~~and m~~Map of the town comprise the only definitive statement of land use.

**Sec. 66-7. 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~~ Comprehensive Plan maps in existence on the effective date of the ordinance from which this section derives.

**Sec. 66-8. Definitions.**

For purposes of this chapter, the following definitions shall apply. Additional definitions specific to their application in a division may be found in sections 66-193 and 66-220. Sign definitions contained in section 42-36 of this Code 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.

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*Abattoir* ~~means~~ A commercial slaughterhouse.

*Abutting/adjoining* Having a common point or border ~~with~~; having property or district lines in common. Properties separated from such a common border by public street or railroad right-of-way, etc., shall be deemed adjacent but not be deemed abutting. Property separated by an alley shall be deemed to abut.

*Accessory building, use or structure* ~~means~~ A separate building, use or structure on the same lot with and of a nature customarily incidental to the principal use of the parcel or principal structure.

*Accessway* ~~means~~ Landscaped strip of land intended for the passage of pedestrians but not vehicles.

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*Acreage* ~~means~~ parcel of land, regardless of area, described by metes and bounds which is not a numbered lot on any recorded subdivision plat.

*Active storage* ~~means~~ The holding or safekeeping of goods in an area for use as a part of the routine operation of the business.

*Adult business* ~~means~~ 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* ~~means~~ A facility operated for the purpose of providing care, protection and guidance to adults during normal business hours. No overnight facilities permitted.

<i>Adult entertainment</i>	<del>means</del> 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-ROMs, DVD-ROMs, streaming video, or other media that are characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.
<i>Adult merchandise</i>	<del>means</del> Magazines, books, other periodicals, videotapes, films, motion pictures, photographs, slides, CD-ROMs, DVD-ROMs, 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.
	<i>Adult model studio</i> <del>means</del> 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.
<i>Adult motel</i>	<del>means</del> A motel, hotel, or similar commercial establishment that: (i) 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; or (ii) offers a sleeping room for rent for a time period less than ten hours; or (iii) allows a tenant or occupant to subrent the sleeping room for a time period of less than ten hours.
<i>Adult movie theater</i>	<del>means</del> 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.
<i>Adult nightclub</i>	<del>means</del> A restaurant, bar, club, or similar establishment that regularly features adult entertainment.

<i>Adult store</i>	<del>means</del> —An establishment dealing in adult merchandise as a principal portion of its business.
<i>Aerobic and dance studio</i>	<del>means</del> —A facility designed and operated to provide instruction within a classroom environment in the art of dance or physical body toning through movement to music, but not including a public dancehall.
<i>Alley</i>	A <u>permanent service right-of-way providing a secondary means of access to abutting properties. See Town Code § 1-2.</u>
<i>Alteration</i>	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.
<i>Apartment house</i>	<del>means the same as</del> <u>multi-family dwelling, multi-family.</u>
<i>Architect</i>	<del>means</del> —An individual who is qualified to engage in the practice of architecture as attested by the issuance <del>to such person</del> of a currently valid license <u>to such person</u> as an architect by the state board for architects, professional engineers, land surveyors, certified interior designers and landscape architects.
<i>Architectural features</i>	<del>mean</del> —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, <del>such items as</del> fanlights, cornice designs, corner boards, window trim, <del>and</del> gingerbread, <u>and similar such items.</u>
<i>Assembly or Assembling</i>	<del>means</del> —Conversion of finished material and/or subcomponents into a major product or component.
<i>Assembly Hall</i>	<del>means</del> —A place where members of the public are invited to gather for social, cultural, or entertainment events, and includes a theater, but not a dance hall or restaurant.
<i>Auto services</i>	<del>means</del> —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.

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- Bank* ~~means~~ Any establishment in which the primary business ~~of which~~ is concerned with ~~such~~ state regulated activities, ~~including as~~ banking, savings and loans, and consumer loan companies. A bank may not have a drive-in window.
- Basement* ~~means~~ 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~~ Any large single occupant building or unit used for retail or wholesale purposes exceeding eighty thousand (80,000) square feet of gross floor area located in a building or unit, or within a building group of less than five (5) 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* ~~means~~ 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,* ~~means~~ The vertical distance measured from the average elevation 10 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 "ground level" means the natural or pre-existing ground level as of the date of adoption of these zoning definitions. 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,* ~~means~~ A building in which the principal use of the lot is conducted ~~the principal use of the lot on which it is situated.~~
- Building/Code Official* ~~means~~ The person appointed by the ~~town council~~ Town Council who issues the building permits for the structural design, construction, alteration,

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reconstruction, repair, restoration, demolition or razing of all or part of any building. It includes a ~~Deputy Building/Code O~~fficial.

*Building permit* ~~means~~ An approval statement signed by the ~~zoning administrator~~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* ~~means~~ 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* ~~means~~ An aggregation of shows, amusements, concessions, eating places and riding devices, or any ~~of them~~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* ~~means~~ 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 ~~a~~ 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* ~~means~~ 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* ~~means~~ A building intended to be used primarily for purposes connected with the faith of a religious organization and the associated ministries and ancillary activities.

*Circus* ~~means~~ 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* ~~means~~ 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 non-profit status.

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<i>Commercial amusement/recreation facility</i>	<del>means</del> 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 are 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 semi-public agency.
<i>Condominium</i>	<del>means</del> 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 (Code of Virginia, § 55-79.39 et seq.) or any successor law.
<i>Congregate/continuing care facility</i>	<del>means</del> 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.
<i>Construction standards</i>	<del>mean</del> The technical design standards as outlined in this chapter, and the Prince William County design and construction standards manual, as adopted periodically.
<i>Dead storage</i>	<del>means</del> 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.
<i>Demolition</i>	<del>means</del> The dismantling or tearing down of all, or part, of any building and incidental accessory buildings.
<i>Domesticated animal</i>	<del>means</del> Any dog or cat over four months of age that is maintained for companionship on residential property.
<i>Driveway</i>	<del>means</del> That 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.
<i>Duplex</i>	<del>means</del> A building situated on a single lot and containing two dwelling units structurally attached, each having separate entrances.

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*Dwelling, attached,* ~~means~~ One of a series of three or more dwelling units separated from one another by common party walls without openings, i.e., townhouses.

*Dwelling, multi-family,* ~~means~~ 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.

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*Dwelling, semidetached,* ~~means~~ 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, detached single-family,* ~~means~~ A detached dwelling designed for occupancy by only one family and not attached, duplex, or semidetached.

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*Dwelling unit* ~~means~~ 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.

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

*Eating place* ~~means the same as~~ See ~~R~~Restaurant.

*Engineer* ~~means~~ 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* ~~means:~~ May be any of the following

- (1) An individual;
- (2) 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 nonrelated person;

(3) 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

(4) Not more than two unrelated persons and their dependent children living and cooking together as a single housekeeping unit.

Any family meeting one of the four definitions above may have up to four Residential Guests, as defined below in this section. Also see Group home.

*Family day center* means—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, above.

*Family day home* means—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, above.

*Floor area, leasable,* means—Gross floor area less area devoted to common corridors, stairs, elevators, utility spaces, enclosed parking areas and general maintenance spaces.

*Food truck* a motorized, wheeled vehicle including a self-contained kitchen where food is prepared or stored and from which food products are sold and dispensed.

*Frontage-* See "Lot Frontage."

*Funeral home* means—A structure designed specifically for the purpose of conducting the ritual ceremonies held in connection with the burial of the dead.

*Garage, private, means-* 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 multiple-unit multi-family 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* means—A facility for the retail sale and direct delivery to motor vehicles of fuel, lubricants, minor accessories, and including the sale of cigarettes,

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candy, soft drinks and related items for the convenience of the motoring public.

*Group home*

~~means~~—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 Code of Virginia § 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*

~~means~~—An area designated by the ~~town council~~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~~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*

~~means~~—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 § 66-10 of this Chapter.

*Hospital*

~~means~~—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,*

~~means~~—A building designed or occupied for the medical care of animals with ancillary overnight supervision of animals in recovery.

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<i>Hotel</i>	<del>means</del> 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.
<i>Junkyard</i>	<del>means</del> 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.
<i>Kennel</i>	<del>means</del> 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.
<i>Library</i>	<del>means</del> Any place where books are loaned, with or without compensation, as a major part of the enterprise operated on the premises.
<i>Lot</i>	<del>means</del> 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.
<i>Lot area</i>	<del>means</del> The total horizontal area included within lot lines.
<i>Lot, corner,</i>	<del>means</del> Means 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.
<i>Lot frontage</i>	<del>means</del> 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.
<i>Lot, interior,</i>	<del>means</del> Any lot other than a corner lot.
<i>Lot line</i>	<del>means</del> Any line or curve in the boundary of a lot.
<i>Lot line, front,</i>	<del>means</del> 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

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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, minor,* ~~means~~ A lot line which is less than ten feet in length. Such lot line shall not be considered in determining setbacks. For the purpose of measuring setbacks, a line extension shall be drawn from the preceding lot line that is greater than ten feet at the angle beginning the short line to intersect with the next irregular lot line that is greater than ten feet in length.

*Lot line, rear,* ~~means~~ That 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.
- (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.

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*Lot line, side,* ~~means~~ Any lot line not otherwise defined as a front or rear lot line.

*Lot of record* ~~means~~ A lot which has been legally recorded in the Clerk's Office.

*Lot, through,* ~~means~~ An interior lot, fronting on two parallel or approximately parallel streets.

*Low-intensity professional, medical office or facility* ~~means~~ A facility where there are no more than three clients on premises at a time.

*Manufactured home* ~~means~~ A structure subject to federal regulation ~~which 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

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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 CFR 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* ~~means~~—The processing and/or converting of raw, unfinished materials or products, ~~or either of them,~~ into articles or substances of different character, ~~or for use~~ for a different purpose.

*Medical Uses* ~~means~~—A facility providing emergency or non-emergency 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* ~~means~~ See ~~M~~manufactured home.

*Mobile or* ~~means~~—Any area designed to accommodate ten or more independent mobile or

*Manufactured home park or subdivision* manufactured homes intended for residential use where residence is in mobile or manufactured homes exclusively.

*Mortuary or morgue* ~~means~~—A place where dead human bodies are prepared or kept for identification prior to arrangement for burial.

*Motel-* See "Hotel."

~~Nonconform~~*Non-conforming lot* ~~means~~—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.

~~Nonconform~~*Non-conforming structure* ~~means~~—An otherwise legal building or structure ~~which does~~ 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.

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~~Nonconform~~Non-conforming use means—A use that was legal upon its inception but ~~which~~ 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* means—A facility in which the administrative activities, recordkeeping, 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* means—All area and structures ~~which do not fall~~ing within the boundary of the land to be developed or under review.

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*On-site* means—All land and structures ~~that are fall~~ing within the boundary of the land to be developed, or contiguous, under the same ownership, and with a common plan of development.

*Open space* means—Land area set aside for recreation, landscaping or natural preservation and not used for residences or business activities. ~~An~~ Open space may not be occupied by a patio ~~or by a~~ deck, or other structure. ~~“Landscaped open space” means~~ Open space on which an approved landscaping plan is in effect ~~effect it~~s considered Landscaped Open Space.

*Parking structure, multi-level, means*— A structure with multiple stories designed for the parking of passenger vehicles.

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*Patio* means—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. A patio 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* means—Any individual, firm, corporation, partnership, association, company, business, trust, joint venture, organization or other legal entity, by whatever term customarily known. See Town Code § 1-2.

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*Professional office* means—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* means—A right of ingress and egress granted by a property owner over his privately

*ereasement* 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 dancehall* ~~means~~—The use of any structure, or structure and premises, open to the general public on a regular basis ~~irrespective-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* ~~means~~—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, Commonwealth or any political subdivision, public authority, or school board, or any combination thereof.

*Public utility* ~~means~~—A business or service having an appropriate franchise from the Commonwealth, ~~which is~~ engaged in regularly supplying the public with ~~some a~~ commodity or service ~~which is~~ of public consequence and need such as electricity, gas, water, transportation or communications.

*Reconstruction* ~~means~~—Work ~~needed-required~~ to remake or rebuild all or a part of any building to a sound condition, but not necessarily using original materials.

*Recreational vehicle* ~~means~~—Any vehicle, trailer, or semi-trailer designed for human occupation and not meeting the definition of manufactured home and is not meant for permanent occupancy.

*Residential guest* ~~means~~—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* ~~means~~—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 dancehall restaurant” below. At no time shall a restaurant dispense food directly to persons in a vehicle.

*Restaurant, drive-through,* ~~means~~—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.

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*Restaurant, public dancehall,* ~~means~~ A formal or informal restaurant with an occupancy load of more than 50 persons and which meets the definition of "public dancehall" above.

*Restoration* ~~means~~ 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* ~~means~~ 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 § 14-157 of this Code, multilevel parking structure, restaurant, truck terminal.

*Roominghouse* ~~See means the same as B~~ Boardinghouse.

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

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- Site plan, final,* ~~means~~—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,* ~~means~~—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.
- Site plan, temporary,* ~~means~~—A site plan for a proposed development or land use that is to be established for a period not greater than six months. All structures shown thereon shall be of a temporary nature.
- Space, loading,* ~~means~~—Any off-street parking space designed, designated, and available for loading and unloading of bulk goods.
- Space, off-street parking,* ~~means~~—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* ~~means~~—A use or activity which is not permitted by the provisions of this chapter within a specific zoning district, ~~unless it is specifically~~without being reviewed and authorized by legislative action of the ~~town council~~Town Council through the issuance of a special use permit.
- Special use permit* ~~means~~—A permit issued by the ~~town council~~Town Council for a special exception after determining such permit to be in keeping with the provisions and intent of this chapter.
- Story* ~~means~~—That 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,* ~~means~~—A story under a gable, hip or gambrel roof, the wall plates of which least two opposite exterior walls are not more than two feet above the floor of such story.

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*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. See Town Code § 1 2.

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*Structure* ~~means~~ 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, storm water 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."

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*Structure, contributing,* ~~means~~ 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~~ Zoning Administrator.

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*Structure, historic,* ~~means~~ Any building or physical improvement built before 1900.

*Structure, non-contributing,* ~~means~~ Any structure found within an historic overlay district that has not been identified and listed on the historic district structures list ~~as~~ adopted by the ~~town council~~ Town Council.

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*Subdivision* ~~means~~ 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 ~~C~~chapter 54406, as amended.

*Townhouse* ~~means the same as~~ See d Dwelling, attached.

*Travel trailer* ~~See~~ R Recreational vehicle.

*Truck terminal* ~~means~~ A structure and site designed and used primarily for the loading, storage, refueling and maintenance (limited to the changing of tires, fuses and lights) of tractor trailers or other commercial vehicles.

<i>Veterinary</i>	See " <u>H</u> ospital, animal."
<i>Wellness facility</i>	<del>means</del> —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.
<i>Wholesale business</i>	<del>means</del> —A business <del>of</del> selling merchandise to retailers, <del>to</del> industrial, commercial, institutional, or professional business users, or to other wholesalers, but not including a Big Box, <u>as defined herein</u> .
<i>Yard</i>	<del>means</del> —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.
<i>Yard, front,</i>	<del>means</del> —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.
<i>Yard, rear, <del>means</del></i>	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.
<i>Yard, side,</i>	<del>means</del> —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.
<i>Yard sale, residential,</i>	<del>means</del> —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.
<del>Zoning administrator</del> <u>Zoning Administrator</u>	<del>means</del> —The public official charged with interpretation and enforcement of the articles of this chapter.
<i>Zoning certification</i>	An official document signed by the <del>zoning administrator</del> <u>Zoning</u> 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 Code of Virginia, § 15.2-2311 or successor statute.

~~(a)~~ ~~(a)~~ Any applicant for a special exception, a special use permit, an amendment to the zoning ordinance, 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 they own 10% or more of the units in the condominium.

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~~(b)~~ ~~(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.

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~~This A Home Occupation Certificate shall be required for all Home Business Occupations and subject to the following standards: represents zoning approval to conduct the Home Occupation~~

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1. No ~~outside~~ employees shall be permitted to work on the premises, except for family members residing in the dwelling.
2. No employee, agent, customer, or client shall be permitted to come to the dwelling unit for business related purposes.
3. No business signs, freestanding or otherwise, shall be permitted on site.
4. On-site storage of materials, merchandise, or equipment is limited to materials customarily found within a residential dwelling. Such as yarn, cloth, paint and cosmetic or similar nontoxic or nonhazardous material, and a telephone, computer or other typical light office equipment necessary to the home business occupation.
- ~~5.~~ One company vehicle shall be permitted. 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
6. The operation must be conducted entirely within the dwelling (not in any accessory structure, i.e., detached shed/garage) 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

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pickups of supplies associated with the use shall be limited to not more than one per day and shall be made only during business hours.

- 7. The area devoted to the home occupation shall not exceed 25 percent of the gross floor area of the dwelling unit.

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**Sec. 66-11. Extension of zoning approvals to address housing crisis.**

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

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(1) Notwithstanding any other provision of this chapter, for any valid special use permit outstanding as of January 1, 2009, and related to new residential or commercial development, any deadline in the permit or in the zoning ordinance that requires the landowner or developer to commence the project or to incur significant expenses related to improvements for the project within a certain time shall be extended until July 1, 2014, or longer as agreed to by the Town Council Town Council by express action and recorded roll call vote. The provisions of this subsection shall not apply to any requirement that a use authorized pursuant to a special use permit or other agreement of

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**Sec. 66-12. Setback encroachments for ADA ramps, structures, and equipment.**

(a) Notwithstanding the setback requirements set forth in this Ordinance, upon application and demonstration to the satisfaction of the ~~Zoning Administrator~~Zoning Administrator that the same is reasonably necessary to allow for access or egress or for emergency services ("Modification"), the ~~Zoning Administrator~~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.

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(b) The ~~Zoning Administrator~~Zoning Administrator may seek guidance from appropriate governmental building and life safety officials when considering the application for Modification. The ~~Zoning Administrator~~Zoning Administrator shall report approval of such Modification to the ~~Town Council~~Town Council at the next regularly scheduled meeting.

(c) Any such Modification approved by the ~~Zoning Administrator~~Zoning Administrator shall:

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1. Be constructed in accordance with the Virginia Uniform Statewide Building Code and is subject to all applicable review permitting and inspections requirements and fees, and-

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2. Be promptly removed and the setback restored to conform to this Ordinance upon discontinuance of the need.

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(d) The ~~Zoning Administrator~~Zoning Administrator may require reasonable documentation and access to the property to substantiate the extent of the need for the Modification.

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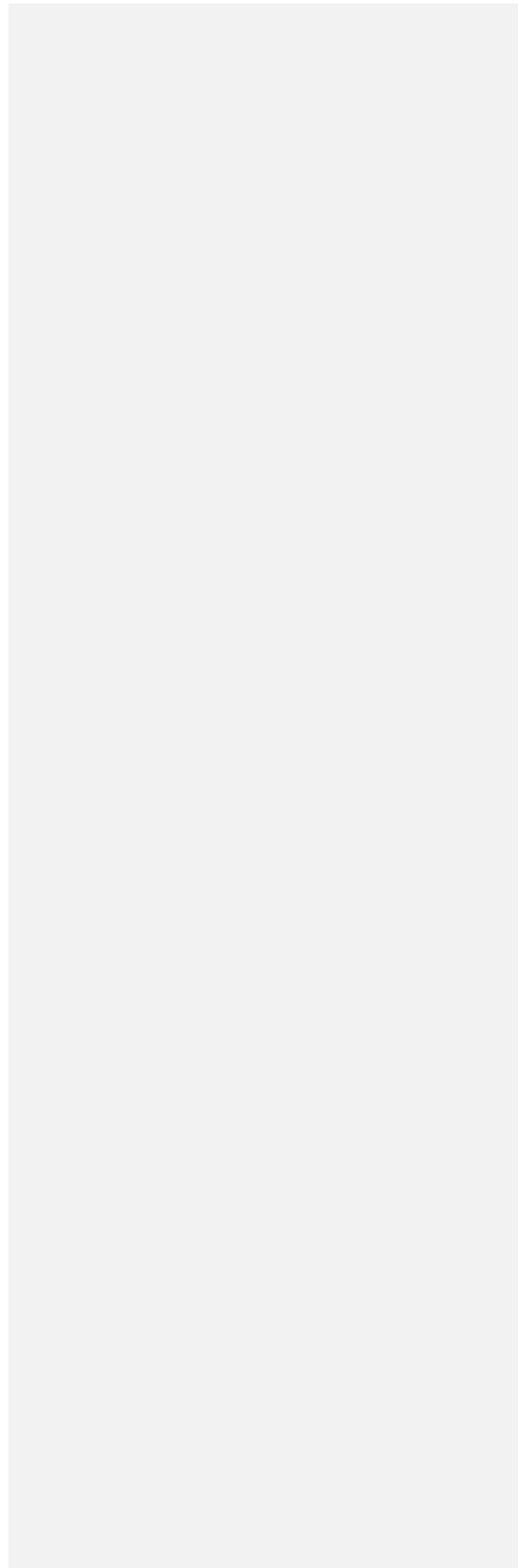
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**Secs. 66-13 - 66-40. Reserved.**



ARTICLE II. DISTRICTS

DIVISION 1. GENERALLY

Sec. 66-41. Establishment of districts.

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

- 1. District R-1, limited residential, low-density
- 2. District R-2, general residential, medium-density
- 3. District R-3, general residential, high-density
- 4. District R-4, residential, high-density

~~District B-1, generally business, with mixed-use components (1) District R-1, limited residential, low-density.~~

(b) The locations and boundaries of these districts are shown on the zoning map.

Secs. 66-42—66-60. Reserved.

DIVISION 2. R-1 DISTRICT

Sec. 66-61. Statement of intent.

The R-1 district consists of low-density residential areas, together with open areas, where 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 district R-1 is limited to low-concentration residential use, ~~essentially mostly to~~ detached single-family residences, together with certain additional uses that would serve the residents of this district, including schools, parks, churches and utilities. To preserve the character of this district, no commercial or industrial use is allowed.

Sec. 66-62. Uses permitted.

In the R-1 district, 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

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~~1. (1) Detached single-family dwellings.~~

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~~(2) Roominghouses and boardinghouses operated by a resident and occupant. No employees shall be permitted, except for family members residing in the dwelling unit. No employee, agents, customers, or client shall be permitted to come to the dwelling unit for business related purposes. No business signs, freestanding or otherwise, shall be permitted on site. On site storage of materials, merchandise or equipment is limited to materials customarily found within a residential dwelling, such as yarn, cloth, paint and cosmetic or similar nontoxic or nonhazardous material and a telephone, computer or other typical light office equipment necessary to the home business occupation.~~

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~~Accessory buildings; except that a garage or other accessory structure, such as a carport, porch or stoop, when attached to the main building, shall be considered part of the main building, subject to any property line or setback restrictions in effect within the town at the time of construction.~~

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~~4. (6) 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.~~

(b) Uses permitted by Special Exception Permit approved by Town Council

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1. Bed and Breakfast

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2. Professional offices within detached single-family dwellings, operated by a resident and occupant.

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3. Roominghouses and boarding houses operated by a resident and occupant.

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**Sec. 66-63. Signs permitted.**

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~~(a) In the R-1 district, the following signs are permitted:~~

**Sec. 66-64. Area regulations.**

(a) A residential lot containing or intended to contain a detached single-family dwelling, served by public water and sewage disposal, the minimum lot area shall be 10,000 square feet.

(b) A residential lot containing or intended to contain a detached single-family dwelling served by public water system but having individual sewage disposal, the minimum lot area shall be 15,000 square feet.

~~(c) A residential lot containing or intended to contain a detached single-family dwelling served by individual water and sewage disposal system, the minimum lot area shall be 20,000 square feet.~~

~~(d) Permitted uses utilizing an individual sewage disposal system, the required area for any such use shall be approved by an official of the county health department. The Zoning Administrator may require a greater area than prescribed in this section if considered necessary by the health official.~~

~~In the R-1 district, buildings shall be located 35 feet or more from any street right-of-way that is 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. For subdivisions platted after January 1962, each corner lot~~

#### Sec. 66-66. Frontage regulations.

~~In the R-1 district, 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. For subdivisions platted after January 1962, each corner lot shall have a minimum width at the setback line of 100 feet.~~

#### Sec. 66-67. Yard regulations.

~~(a) — (a) Side. In the R-1 district, 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) — (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~~ 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~~ 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.

#### Sec. 66-68. Height regulations.

~~(a) — (a) In the R-1 district, 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.~~

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~~(b) PA~~ public or ~~semipublic~~semi-public buildings, such as a school, church, library or 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)~~ ~~(e)~~ Church 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.

~~(ed)~~ No accessory building shall be closer than five feet to any ~~party~~ lot line, nor shall it be one story high. All accessory buildings shall be less than the main building in height.

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**Secs. 66-69--66-90. Reserved.**

DIVISION 3. R-2 DISTRICT

**Sec. 66-91. 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 insofar as~~ compatible ~~with the 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, ~~and~~ including institutions, are permitted, ~~plus 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, ~~and~~ semi-public, institutional and other related uses. However, it is ~~basically~~ mostly residential in character, and, as such, shall not be spotted with commercial and industrial uses.

**Sec. 66-92. Uses permitted.**

~~In the R-2 district, s~~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

—

2. ~~(2)~~ Two-family or duplex dwellings.

~~(3) Roominghouses and boardinghouses, operated by a resident and occupant.~~

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~~Home business occupations conducted by a resident and occupant, as an accessory use, subject to~~

~~5. (7) 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.~~

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~~(b) Uses permitted by Special Exception Permit approved by Town Council~~

~~1. Bed and breakfast.~~

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~~+2. Low-intensity professional and medical offices and facilities within detached single-family dwellings, not conducted by a resident and occupant.~~

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~~2-3. Roominghouses and boarding houses operated by a resident and occupant.~~

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~~4. Professional offices within detached single-family dwellings, operated by a resident and occupant.~~

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~~Signs shall be in conformance with Article VIII of this Chapter.~~

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**Sec. 66-94. Area regulations.**

~~(a) (a) Residential lots containing or intended to contain a detached single-family dwelling served by public water and sewage disposal, the minimum lot area shall be 10,000 square feet.~~

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~~(b) (b) Residential lots containing or intended to contain a detached single-family dwelling served by a public water system but having individual sewage disposal, the minimum lot area shall be 15,000 square feet.~~

~~(c) (c) Residential lots containing or intended to contain a detached single-family dwelling served by individual water and sewage disposal, the minimum lot area shall be 20,000 square feet.~~

~~(d) (d) Residential lots containing or intended to contain two-family or duplex dwellings served by public water and sewage disposal, the minimum lot area shall be 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.~~

~~(e)~~ Residential lots containing or intended to contain two-family or duplex dwellings served by public water, but having an individual sewage disposal system, the minimum lot area shall be 16,000 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 4,800 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 9,400 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.

~~(f)~~ Residential lots containing or intended to contain two-family or duplex dwellings served by an individual water and sewage disposal system, the minimum lot area shall be 22,000 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 6,600 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 13,600 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.

~~(g)~~ Permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by an official of the county health department. The Zoning Administrator may require a greater area than prescribed in this section if considered necessary by the health official.

**Sec. 66-95. Setback regulations.**

Dwellings ~~within the R-2 district~~ 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. ~~For subdivisions platted after January 1962, each corner lot shall have a minimum width, at the setback line, of 100 feet.~~

**Sec. 66-96. Frontage regulations.**

~~(a)~~ ~~(a)~~ In the R-2 district, ~~for d~~ Detached single-family dwelling, the minimum lot width at the setback line shall be 70 feet. ~~For subdivisions platted after January 1962, each corner lot shall have a minimum width, at the setback line, of 100 feet.~~

~~(b)~~ ~~(b)~~ For two-family or duplex dwellings, the minimum lot width at the setback line shall be 80 feet.

~~(c)~~ ~~(e)~~ The front of a corner lot shall be deemed to be the shorter of the two sides fronting on streets.

**Sec. 66-97. Yard regulations.**

~~(a)~~ ~~(a)~~ Side. ~~In the R-2 district, f~~ 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

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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)~~ ~~\_\_\_\_\_~~ ~~(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~~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~~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.

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**Sec. 66-98. Height regulations.**

- ~~(a)~~ ~~\_\_\_\_\_~~ ~~(a) In the R-2 district, b~~ 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)~~ ~~\_\_\_\_\_~~ ~~(b) P-A public or semipublic~~semi-public buildings, such as a school, church, 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)~~ ~~\_\_\_\_\_~~ ~~(c) Church 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, nor shall it be one story high. All accessory buildings shall be less than the main building in height.

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**Secs. 66-99—66-110. Reserved.**

DIVISION 4. R-3 DISTRICT

**Sec. 66-111. 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.

**Sec. 66-112. 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

- 1. Detached single-family dwellings.
- 2. Duplex dwellings.
- 3. Townhouse development, upon site plan approval by the Planning Commission.
- 4. Roominghouses 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 Section 66-10 of this Chapter.
- 6. Professional offices within detached single-family dwellings, operated by a resident and occupant.
- 7. Accessory buildings; except that a garage or other accessory structure, such as a carport, porch or stoop, when attached to the main building, shall be subject to any property line or setback restrictions in effect within the town.
- 8. 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.
- 9. 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

- 1. Bed and breakfast

~~— In the R-3 district, structures to be maintained or erected, or land to be used, shall be restricted to one or more of the following uses:~~

~~subject to the issuance of a special use permit.~~

~~, subject to the issuance of a special use permit.~~

- ~~4. (12) Private club facilities subject to the issuance of a special use permit.~~

**Sec. 66-113. Signs permitted.**

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~~Signs shall be in conformance with Article VIII of this Chapter.~~

~~For signs permitted in the R-3 district, refer to chapter 42, article II.~~

**Sec. 66-114. Area regulations.**

~~(a) Residential~~ ~~In the R-3 district, for residential~~ lots containing or intended to contain detached single-family dwellings served by public water and sewage disposal, the minimum lot area shall be 6,000 square feet.

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~~(b) Residential~~ For residential lots containing or intended to contain ~~two-family or~~ and sewage disposal, the minimum lot area shall be 12,000 square feet.

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~~(c) Residential~~ The average lot width for any group of townhouses shall be at least 20 feet. At least 40 percent 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~~ 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 section 54-169(b). The provisions of this subsection (c) may be modified by the ~~town council~~ Town Council as part of the approval of a rezoning or special use permit.

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

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~~(e) Residential~~ For permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by an official of the county health department. The ~~zoning administrator~~ Zoning Administrator may require a greater area than prescribed in this section if considered necessary by the health official.

**Sec. 66-115. Setback regulations.**

~~(a) Residential~~ 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.

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~~(b) Residential~~ 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, ~~or~~ travelways, or

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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) ~~Multi-family~~Multi-family 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.

**Sec. 66-116. Frontage regulations.**

~~In the R-3 district, the~~The front of a corner lot shall be deemed to be the shorter of the two sides fronting on streets.

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**Sec. 66-117. Yard regulations.**

~~(a) — (a) Side. In the R-3 district:~~

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

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~~2. — (2) —~~The minimum side yard for ~~two family or~~ duplex dwellings shall be ten feet on each side.

~~(3)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.

~~4.5. Multi-family~~Multi-family dwellings shall have a minimum side yard on each side of at least 25 feet.

~~6. —~~Decks are not permitted in the minimum side area.

~~2.7. 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 10 feet may be occupied by an uncovered deck.

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

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~~(e) Exception for historic district. The side yards required by this section shall not apply in the historic district.~~

~~(a) — (a) In the R-3 district, buildings~~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.

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- ~~(b)~~ ~~(b) PA~~ public or ~~semipublic~~semi-public buildings, such as a school, church, 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)~~ ~~(e)~~ Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, 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)~~ ~~(d) No accessory building shall be closer than five feet to any lot line, nor~~ Accessory buildings shall ~~it be not be~~ more than one story ~~high~~. All accessory buildings shall be less than the main building in height.
- ~~(f)~~ ~~(e)~~ The height limitations contained in this section may be modified as part of the approval of a special use permit or rezoning.

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DIVISION 4A. R-4 DISTRICT

Sec. 66-119. 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~~multi-family 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.

Sec. 66-120. Uses permitted.

~~In the R-4 district, structures~~Structures to be maintained or erected, or land to be used, shall be restricted to the following uses:

- ~~(a) Uses permitted by-right~~
- ~~2.~~ ~~(2)~~ Accessory buildings; except that a garage or other accessory structure, such as a carport, porch or stoop, when attached to the main building, shall be subject to any property line or setback restrictions in effect ~~within the town~~at the time of approval.
- ~~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 Section 66-10 of this Chapter.

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~~4. (3) 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.~~

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~~5. (4) Private or public recreation facilities - events shall be scheduled to complete all activity before or as near to 11:00 p.m. as practical.~~

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(b) Uses permitted by Special Exception Permit approved by Town Council

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~~1. Child care facilities subject to the issuance of a special use permit.~~

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~~2. Garden and high-rise apartment projects.~~

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~~3. Private club facilities subject to the issuance of a special use permit.~~

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~~(7) Home business occupations conducted by a resident and occupant, as an accessory use, subject to the issuance of a Home Occupation Certificate issued by the town. The use shall not change the character of the dwelling unit nor exhibit any exterior evidence of nonresidential use. No employees shall be permitted, except for family members residing in the dwelling unit. No employee, agents, customers, or client shall be permitted to come to the dwelling unit for business related purposes. No business signs, freestanding or otherwise, shall be permitted on site. On-site storage of materials, merchandise or equipment is limited to materials customarily found within a residential dwelling, such as yarn, cloth, paint and cosmetic or similar nontoxic or nonhazardous material and a telephone, computer or other typical light office equipment necessary to the home business occupation.~~

~~Signs shall be in conformance with Article VIII of this Chapter.  
For signs permitted in the R-4 district, refer to chapter 42, article II.~~

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**Sec. 66-122. Area regulations.**

~~(a) (a) The minimum lot area for any multifamily multi-family structure, served by both public water and sewage disposal shall be at least 10,000 square feet, and the minimum width shall be 100 feet. Not more than 16 multifamily multi-family units may be established per acre. At least 30 percent of the land area in any project shall be devoted to landscaped open space.~~

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~~(b) (b) For permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by an official of the county health department. The zoning administrator Zoning Administrator may require a greater area than prescribed in this section if considered necessary by the health official.~~

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**Sec. 66-123. Setback regulations.**

~~(a) (a) Multifamily Multi-family 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.~~

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~~(b) shall not apply in the historic district. The setback regulations in this section shall not apply in the Old and Historic Occoquan District~~

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**Sec. 66-124. Frontage regulations.**

~~In the R-4 district, the~~The front of a corner lot shall be deemed to be the shorter of the two sides fronting on streets.

**Sec. 66-125. Yard regulations.**

(a) *Side.* ~~Multi-family dwellings shall have a minimum side yard on each side of at least 25 feet.~~~~In the R-4 district:~~

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~~Multi-family dwellings shall have a minimum side yard on each side of at least 25 feet.~~

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

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~~(e) Exception for historic district.~~The side and rear yards required by this section shall not apply in the ~~historic district~~Old and Historic Occoquan District.

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**Sec. 66-126. Height regulations.**

~~(a) In the R-4 district, b~~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.

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~~(b) A p~~Public or ~~semipublic~~semi-public buildings, such as a school, church, 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.

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~~(c) (e)~~ Church 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.

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~~(d) (d)~~ ~~No accessory building shall be closer than five feet to any lot line, nor shall~~~~it~~No accessory structure shall be more than one story high. All accessory buildings shall be less than the main building in height.

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

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**Secs. 66-127—66-140. Reserved.**

§66-142

OCCOQUAN CODE

|

DIVISION 5. B-1 DISTRICT\*

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\*Cross reference(s)—Businesses, ch. 14.

- 5. ~~truck, tractor or trailer of a tractor-trailer truck, dump truck, tow truck, passenger bus, cement truck, and step vans. The company vehicle must be kept in a garage, accessory building or in designated parking spaces within off-street parking areas in such a manner that meets or exceeds other provisions of the Town Code.~~
- 6. The operation must be conducted entirely within the dwelling (not in any accessory structure, i.e., detached shed/garage) 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 use shall be limited to not more than one per day and shall be made only during business hours.
- 7. The area devoted to the home occupation shall not exceed 25 percent of the gross floor area of the dwelling unit.

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~~I hereby apply for approval to conduct the Home Occupation identified above and certify that this address is my legal residence. I have read, understand and will abide by the above conditions and restrictions on Home Occupations. This approval is based solely on the information provided herein. If such information should be proven inaccurate at a later date, approval may be revoked by order of the Zoning Administrator.~~

Signature: \_\_\_\_\_  
 Printed Name: \_\_\_\_\_  
 Date: \_\_\_\_\_  
 TOWN OF OCCOQUAN APPROVAL:  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Title: \_\_\_\_\_

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**Sec. 66-11. Extension of zoning approvals to address housing crisis.**

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

~~(1) Notwithstanding any other provision of this chapter, for any valid special use permit outstanding as of January 1, 2009, and related to new residential or commercial development, any deadline in the permit or in the zoning ordinance that requires the landowner or developer to commence the project or to incur significant expenses related to improvements for the project within a certain time shall be extended until July 1, 2014, or longer as agreed to by the Town Council Town Council by express action and recorded roll call vote. The provisions of this subsection shall not apply to any requirement that a use authorized pursuant to a special use permit or other agreement of~~

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**Sec. 66-12. Setback encroachments for ADA ramps, structures, and equipment.**

- (a) Notwithstanding the setback requirements set forth in this Ordinance, upon application and demonstration to the satisfaction of the ~~Zoning Administrator~~Zoning Administrator that the same is reasonably necessary to allow for access or egress or for emergency services (“Modification”), the ~~Zoning Administrator~~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.
- (b) The ~~Zoning Administrator~~Zoning Administrator may seek guidance from appropriate governmental building and life safety officials when considering the application for Modification. The ~~Zoning Administrator~~Zoning Administrator shall report approval of such Modification to the ~~Town Council~~Town Council at the next regularly scheduled meeting.
- (c) Any such Modification approved by the ~~Zoning Administrator~~Zoning Administrator shall:
  - 1. Be constructed in accordance with the Virginia Uniform Statewide Building Code and is subject to all applicable review permitting and inspections requirements and fees, ~~and~~.
  - 2. Be promptly removed and the setback restored to conform to this Ordinance upon discontinuance of the need.
- (d) The ~~Zoning Administrator~~Zoning Administrator may require reasonable documentation and access to the property to substantiate the extent of the need for the Modification.

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**Secs. 66-13 - 66-40. Reserved.**

ARTICLE II. DISTRICTS

DIVISION 1. GENERALLY

Sec. 66-41. Establishment of districts.

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

- 1. District R-1, limited residential, low-density
- 2. District R-2, general residential, medium-density
- 3. District R-3, general residential, high-density
- 4. District R-4, residential, high-density

~~District B-1, generally business, with mixed-use components (1) District R-1, limited residential, low-density.~~

(b) The locations and boundaries of these districts are shown on the zoning map.

Secs. 66-42—66-60. Reserved.

DIVISION 2. R-1 DISTRICT

Sec. 66-61. Statement of intent.

The R-1 district consists of low-density residential areas, together with open areas, where 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 district R-1 is limited to low-concentration residential use, ~~essentially mostly to~~ detached single-family residences, together with certain additional uses that would serve the residents of this district, including schools, parks, churches and utilities. To preserve the character of this district, no commercial or industrial use is allowed.

Sec. 66-62. Uses permitted.

In the R-1 district, 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

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~~1. (1) Detached single-family dwellings.~~

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~~(2) Roominghouses and boardinghouses operated by a resident and occupant. No employees shall be permitted, except for family members residing in the dwelling unit. No employee, agents, customers, or client shall be permitted to come to the dwelling unit for business related purposes. No business signs, freestanding or otherwise, shall be permitted on site. On site storage of materials, merchandise or equipment is limited to materials customarily found within a residential dwelling, such as yarn, cloth, paint and cosmetic or similar nontoxic or nonhazardous material and a telephone, computer or other typical light office equipment necessary to the home business occupation.~~

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~~Accessory buildings; except that a garage or other accessory structure, such as a carport, porch or stoop, when attached to the main building, shall be considered part of the main building, subject to any property line or setback restrictions in effect within the town at the time of construction.~~

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~~4. (6) 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.~~

(b) Uses permitted by Special Exception Permit approved by Town Council

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1. Bed and Breakfast

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2. Professional offices within detached single-family dwellings, operated by a resident and occupant.

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3. Roominghouses and boarding houses operated by a resident and occupant.

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**Sec. 66-63. Signs permitted.**

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~~(a) In the R-1 district, the following signs are permitted:~~

**Sec. 66-64. Area regulations.**

(a) A residential lot containing or intended to contain a detached single-family dwelling, served by public water and sewage disposal, the minimum lot area shall be 10,000 square feet.

(b) A residential lot containing or intended to contain a detached single-family dwelling served by public water system but having individual sewage disposal, the minimum lot area shall be 15,000 square feet.

~~(c) A residential lot containing or intended to contain a detached single-family dwelling served by individual water and sewage disposal system, the minimum lot area shall be 20,000 square feet.~~

~~(d) Permitted uses utilizing an individual sewage disposal system, the required area for any such use shall be approved by an official of the county health department. The Zoning Administrator may require a greater area than prescribed in this section if considered necessary by the health official.~~

~~In the R-1 district, buildings shall be located 35 feet or more from any street right-of-way that is 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. For subdivisions platted after January 1962, each corner lot~~

#### Sec. 66-66. Frontage regulations.

~~In the R-1 district, 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. For subdivisions platted after January 1962, each corner lot shall have a minimum width at the setback line of 100 feet.~~

#### Sec. 66-67. Yard regulations.

~~(a) — (a) Side. In the R-1 district, 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) — (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~~ 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~~ 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.

#### Sec. 66-68. Height regulations.

~~(a) — (a) In the R-1 district, 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.~~

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~~(b) PA~~ public or ~~semipublic~~semi-public buildings, such as a school, church, library or 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) (e)~~ Church 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.

~~(ed)~~ No accessory building shall be closer than five feet to any ~~party~~ lot line, nor shall it be one story high. All accessory buildings shall be less than the main building in height.

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Secs. 66-69--66-90. Reserved.

DIVISION 3. R-2 DISTRICT

Sec. 66-91. 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 insofar as~~ compatible ~~with the 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, ~~and~~ including institutions, are permitted, ~~plus 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, ~~and~~ semi-public, institutional and other related uses. However, it is ~~basically~~ mostly residential in character, and, as such, shall not be spotted with commercial and industrial uses.

Sec. 66-92. Uses permitted.

~~In the R-2 district, s~~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

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2. ~~(2)~~ Two-family or duplex dwellings.

~~(3) Roominghouses and boardinghouses, operated by a resident and occupant.~~

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~~Home business occupations conducted by a resident and occupant, as an accessory use, subject to~~

~~5. (7) 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.~~

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~~(b) Uses permitted by Special Exception Permit approved by Town Council~~

~~1. Bed and breakfast.~~

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~~+2. Low-intensity professional and medical offices and facilities within detached single-family dwellings, not conducted by a resident and occupant.~~

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~~2-3. Roominghouses and boarding houses operated by a resident and occupant.~~

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~~4. Professional offices within detached single-family dwellings, operated by a resident and occupant.~~

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~~Signs shall be in conformance with Article VIII of this Chapter.~~

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**Sec. 66-94. Area regulations.**

~~(a) (a) Residential lots containing or intended to contain a detached single-family dwelling served by public water and sewage disposal, the minimum lot area shall be 10,000 square feet.~~

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~~(b) (b) Residential lots containing or intended to contain a detached single-family dwelling served by a public water system but having individual sewage disposal, the minimum lot area shall be 15,000 square feet.~~

~~(c) (c) Residential lots containing or intended to contain a detached single-family dwelling served by individual water and sewage disposal, the minimum lot area shall be 20,000 square feet.~~

~~(d) (d) Residential lots containing or intended to contain two-family or duplex dwellings served by public water and sewage disposal, the minimum lot area shall be 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.~~

~~(e)~~ Residential lots containing or intended to contain two-family or duplex dwellings served by public water, but having an individual sewage disposal system, the minimum lot area shall be 16,000 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 4,800 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 9,400 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.

~~(f)~~ Residential lots containing or intended to contain two-family or duplex dwellings served by an individual water and sewage disposal system, the minimum lot area shall be 22,000 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 6,600 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 13,600 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.

~~(g)~~ Permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by an official of the county health department. The Zoning Administrator may require a greater area than prescribed in this section if considered necessary by the health official.

**Sec. 66-95. Setback regulations.**

Dwellings within the R-2 district 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. ~~For subdivisions platted after January 1962, each corner lot shall have a minimum width, at the setback line, of 100 feet.~~

**Sec. 66-96. Frontage regulations.**

~~(a)~~ ~~(a)~~ In the R-2 district, for ~~d~~ detached single-family dwelling, the minimum lot width at the setback line shall be 70 feet. ~~For subdivisions platted after January 1962, each corner lot shall have a minimum width, at the setback line, of 100 feet.~~

~~(b)~~ ~~(b)~~ For two-family or duplex dwellings, the minimum lot width at the setback line shall be 80 feet.

~~(c)~~ ~~(e)~~ The front of a corner lot shall be deemed to be the shorter of the two sides fronting on streets.

**Sec. 66-97. Yard regulations.**

~~(a)~~ ~~(a)~~ Side. ~~In the R-2 district, ~~f~~~~ 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

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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)~~ ~~\_\_\_\_\_~~ ~~(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~~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~~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.

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**Sec. 66-98. Height regulations.**

- ~~(a)~~ ~~\_\_\_\_\_~~ ~~(a)~~ In the R-2 district, ~~b~~ 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)~~ ~~\_\_\_\_\_~~ ~~(b)~~ P-A public or ~~semipublic~~semi-public buildings, such as a school, church, 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)~~ ~~\_\_\_\_\_~~ ~~(c)~~ Church 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, nor shall it be one story high. All accessory buildings shall be less than the main building in height.

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**Secs. 66-99—66-110. Reserved.**

DIVISION 4. R-3 DISTRICT

**Sec. 66-111. 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.

**Sec. 66-112. 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

- 1. Detached single-family dwellings.
- 2. Duplex dwellings.
- 3. Townhouse development, upon site plan approval by the Planning Commission.
- 4. Roominghouses 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 Section 66-10 of this Chapter.
- 6. Professional offices within detached single-family dwellings, operated by a resident and occupant.
- 7. Accessory buildings; except that a garage or other accessory structure, such as a carport, porch or stoop, when attached to the main building, shall be subject to any property line or setback restrictions in effect within the town.
- 8. 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.
- 9. 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

- 1. Bed and breakfast

~~— In the R-3 district, structures to be maintained or erected, or land to be used, shall be restricted to one or more of the following uses:~~

~~subject to the issuance of a special use permit.~~

~~, subject to the issuance of a special use permit.~~

- ~~4. (12) Private club facilities subject to the issuance of a special use permit.~~

**Sec. 66-113. Signs permitted.**

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~~Signs shall be in conformance with Article VIII of this Chapter.~~

~~For signs permitted in the R-3 district, refer to chapter 42, article II.~~

**Sec. 66-114. Area regulations.**

~~(a) Residential~~ ~~In the R-3 district, for residential~~ lots containing or intended to contain detached single-family dwellings served by public water and sewage disposal, the minimum lot area shall be 6,000 square feet.

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~~(b) Residential~~ For residential lots containing or intended to contain ~~two-family or~~ and sewage disposal, the minimum lot area shall be 12,000 square feet.

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~~(c) Residential~~ The average lot width for any group of townhouses shall be at least 20 feet. At least 40 percent 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~~ 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 section 54-169(b). The provisions of this subsection (c) may be modified by the ~~town council~~ Town Council as part of the approval of a rezoning or special use permit.

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

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~~(e) Residential~~ For permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by an official of the county health department. The ~~zoning administrator~~ Zoning Administrator may require a greater area than prescribed in this section if considered necessary by the health official.

**Sec. 66-115. Setback regulations.**

~~(a) Residential~~ 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.

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~~(b) Residential~~ 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, ~~or~~ travelways, or

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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~~Multi-family 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.

**Sec. 66-116. Frontage regulations.**

~~In the R-3 district, the~~The front of a corner lot shall be deemed to be the shorter of the two sides fronting on streets.

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**Sec. 66-117. Yard regulations.**

~~(a) — (a) Side. In the R-3 district:~~

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

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2. ~~(2)~~ — The minimum side yard for ~~two family or~~ duplex dwellings shall be ten feet on each side.

~~(3)~~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.

~~4.5.~~Multi-family dwellings shall have a minimum side yard on each side of at least 25 feet.

6. Decks are not permitted in the minimum side area.

2.7. 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 10 feet may be occupied by an uncovered deck.

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

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~~(e) Exception for historic district. The side yards required by this section shall not apply in the historic district.~~

(a) — (a) In the R-3 district, buildings 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.

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- ~~(b)~~ ~~(b) PA~~ public or ~~semipublic~~semi-public buildings, such as a school, church, 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)~~ ~~(e)~~ Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, 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)~~ ~~(d) No accessory building shall be closer than five feet to any lot line, nor~~ Accessory buildings shall ~~it be not be~~ more than one story ~~high~~. All accessory buildings shall be less than the main building in height.
- ~~(f)~~ ~~(e)~~ The height limitations contained in this section may be modified as part of the approval of a special use permit or rezoning.

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DIVISION 4A. R-4 DISTRICT

Sec. 66-119. 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~~multi-family 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.

Sec. 66-120. Uses permitted.

~~In the R-4 district, structures~~Structures to be maintained or erected, or land to be used, shall be restricted to the following uses:

- ~~(a) Uses permitted by-right~~
- ~~2.~~ ~~(2)~~ Accessory buildings; except that a garage or other accessory structure, such as a carport, porch or stoop, when attached to the main building, shall be subject to any property line or setback restrictions in effect ~~within the town~~at the time of approval.
- ~~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 Section 66-10 of this Chapter.

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4. ~~(3) P~~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.

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5. ~~(4) Private or public recreation facilities~~ - events shall be scheduled to complete all activity before or as near to 11:00 p.m. as practical.

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(b) Uses permitted by Special Exception Permit approved by Town Council

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1. Child care facilities ~~subject to the issuance of a special use permit.~~

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2. Garden and high-rise apartment projects.

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3. Private club facilities ~~subject to the issuance of a special use permit.~~

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~~(7) Home business occupations conducted by a resident and occupant, as an accessory use, subject to the issuance of a Home Occupation Certificate issued by the town. The use shall not change the character of the dwelling unit nor exhibit any exterior evidence of nonresidential use. No employees shall be permitted, except for family members residing in the dwelling unit. No employee, agents, customers, or client shall be permitted to come to the dwelling unit for business related purposes. No business signs, freestanding or otherwise, shall be permitted on site. On-site storage of materials, merchandise or equipment is limited to materials customarily found within a residential dwelling, such as yarn, cloth, paint and cosmetic or similar nontoxic or nonhazardous material and a telephone, computer or other typical light office equipment necessary to the home business occupation.~~

~~Signs shall be in conformance with Article VIII of this Chapter.  
For signs permitted in the R-4 district, refer to chapter 42, article II.~~

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**Sec. 66-122. Area regulations.**

~~(a) (a)~~ The minimum lot area for any ~~multifamily~~ multi-family structure, ~~served by both public water and sewage disposal~~ shall be at least 10,000 square feet, and the minimum width shall be 100 feet. Not more than 16 ~~multifamily~~ multi-family units may be established per acre. At least 30 percent of the land area in any project shall be devoted to landscaped open space.

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~~(b) (b)~~ For permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by an official of the county health department. The ~~zoning administrator~~ Zoning Administrator may require a greater area than prescribed in this section if considered necessary by the health official.

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**Sec. 66-123. Setback regulations.**

~~(a) (a)~~ Multifamily Multi-family 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.

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~~(b) shall not apply in the historic district. The setback regulations in this section shall not apply in the Old and Historic Occoquan District~~

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**Sec. 66-124. Frontage regulations.**

~~In the R-4 district, the~~The front of a corner lot shall be deemed to be the shorter of the two sides fronting on streets.

**Sec. 66-125. Yard regulations.**

(a) *Side.* ~~Multi-family dwellings shall have a minimum side yard on each side of at least 25 feet.~~~~In the R-4 district:~~

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~~Multi-family dwellings shall have a minimum side yard on each side of at least 25 feet.~~

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

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(d) ~~(e) Exception for historic district.~~ The side and rear yards required by this section shall not apply in the ~~historic district~~Old and Historic Occoquan District.

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**Sec. 66-126. Height regulations.**

(a) ~~(a) In the R-4 district, b~~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.

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(b) ~~(b) A p~~Public or ~~semipublic~~semi-public buildings, such as a school, church, 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.

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(c) ~~(e)~~ Church 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.

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(d) ~~(d) No accessory building shall be closer than five feet to any lot line, nor shall~~~~it~~No accessory structure shall be more than one story high. All accessory buildings shall be less than the main building in height.

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

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**Secs. 66-127—66-140. Reserved.**

§66-142

OCCOQUAN CODE

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DIVISION 5. B-1 DISTRICT\*

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\*Cross reference(s)—Businesses, ch. 14.

~~\_\_\_\_\_ (2) District R 2, general residential, medium density.~~

~~\_\_\_\_\_ (3) District R 3, general residential, high density.~~

~~5. \_\_\_\_\_ (4) District B 1, busi~~

~~(b) \_\_\_\_\_ (b)~~The locations and boundaries of these districts are shown on the zoning map.

**Secs. 66-42—66-60. Reserved.**

DIVISION 2. R-1 DISTRICT

**Sec. 66-61. Statement of intent.**

\_\_\_\_\_The R-1 district consists of low-density residential areas, together with open areas, where 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 district R-1 is limited to low-concentration residential use, ~~essentially mostly to~~ detached single-family residences, together with certain additional uses that would serve the residents of this district, including schools, parks, churches and utilities. To preserve the character of this district, no commercial or industrial use is allowed.

**Sec. 66-62. Uses permitted.**

~~In the R-1 district, s~~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

1. ~~\_\_\_\_\_ (1)~~ Detached single-family dwellings.

~~\_\_\_\_\_ (2) Roominghouses and boardinghouses operated by a resident and occupant.~~

~~\_\_\_\_\_ (3) Professional offices within detached single family dwellings, operated by a resident and occupant.~~

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~~2. (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 Section 66-10 of this Chapter, issued by the town. The use shall not change the character of the dwelling unit nor exhibit any exterior evidence of nonresidential use.~~

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~~No employees shall be permitted, except for family members residing in the dwelling unit. No employee, agents, customers, or client shall be permitted to come to the dwelling unit for business related purposes. No business signs, freestanding or otherwise, shall be permitted on site. On-site storage of materials, merchandise or equipment is limited to materials customarily found within a residential dwelling, such as yarn, cloth, paint and cosmetic or similar nontoxic or nonhazardous material and a telephone, computer or other typical light office equipment necessary to the home business occupation.~~

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~~(5)~~

~~Accessory buildings; except that a garage or other accessory structure, such as a carport, porch or stoop, when attached to the main building, shall be considered part of the main building, subject to any property line or setback restrictions in effect within the town at the time of construction.~~

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~~3.~~

~~4. (6) 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.~~

~~(b) Uses permitted by Special Exception Permit approved by Town Council~~

~~1. Bed and Breakfast~~

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~~2. Professional offices within detached single-family dwellings, operated by a resident and occupant.~~

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~~3. Roominghouses and boarding houses operated by a resident and occupant.~~

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**Sec. 66-63. Signs permitted.**

~~(a) In the R-1 district, the following signs are permitted:~~

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~~(1) Business signs that serve to advertise the sale or lease of the premises, not to exceed six square feet in total area.~~

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~~(2) Church signs, including bulletin boards, not to exceed 50 square feet in total area.~~

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~~(3) Directional signs, not to exceed two square feet in total area.~~

**Sec. 66-64. Area regulations.**

- (a) ~~A residential lot containing or intended to contain a detached single-family dwelling, served by public water and sewage disposal, the minimum lot area shall be 10,000 square feet.~~
- (b) ~~A residential lot containing or intended to contain a detached single-family dwelling served by public water system but having individual sewage disposal, the minimum lot area shall be 15,000 square feet.~~
- (c) ~~A residential lot containing or intended to contain a detached single-family dwelling served by individual water and sewage disposal system, the minimum lot area shall be 20,000 square feet.~~
- (d) ~~Permitted uses utilizing an individual sewage disposal system, the required area for any such use shall be approved by an official of the county health department. The Zoning Administrator may require a greater area than prescribed in this section if considered necessary by the health official.~~

~~In the R-1 district, buildings shall be located 35 feet or more from any street right-of-way that is 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. For subdivisions platted after January 1962, each corner lot~~

**Sec. 66-66. Frontage regulations.**

~~In the R-1 district, 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. For subdivisions platted after January 1962, each corner lot shall have a minimum width at the setback line of 100 feet.~~

**Sec. 66-67. Yard regulations.**

- (a) ~~(a) Side. In the R-1 district, 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) ~~(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~~ 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

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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~~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.

**Sec. 66-68. Height regulations.**

- (a) ~~(a) In the R-1 district, b~~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) ~~PA~~ public or ~~semipublic~~semi-public buildings, such as a school, church, library or 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) ~~(c)~~ Church 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 ~~party~~ lot line, nor shall it be one story high. All accessory buildings shall be less than the main building in height.

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**Secs. 66-69--66-90. Reserved.**

DIVISION 3. R-2 DISTRICT

**Sec. 66-91. 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 insofar as~~ compatible ~~with the intensity~~ 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, ~~and~~ including institutions, are permitted, ~~plus 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, ~~and~~ semi-public, institutional and other related uses. However, it is ~~basically~~ mostly residential in character, and, as such, shall not be spotted with commercial and industrial uses.

**Sec. 66-92. Uses permitted.**

~~In the R-2 district, s~~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

—

2. (2) Two-family or duplex dwellings.

~~(3) Roominghouses and boardinghouses, operated by a resident and occupant.  
Home business occupations conducted by a resident and occupant, as an accessory use, subject to~~

5. (7) 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.

(b) Uses permitted by Special Exception Permit approved by Town Council

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.~~

~~2-3. Roominghouses and boarding houses operated by a resident and occupant.~~

4. Professional offices within detached single-family dwellings, operated by a resident and occupant.

Signs shall be in conformance with Article VIII of this Chapter.

**Sec. 66-94. Area regulations.**

~~(a) (a)~~ Residential lots containing or intended to contain a detached single-family dwelling served by public water and sewage disposal, the minimum lot area shall be 10,000 square feet.

~~(b) (b)~~ Residential lots containing or intended to contain a detached single-family dwelling served by a public water system but having individual sewage disposal, the minimum lot area shall be 15,000 square feet.

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- (c) ~~(c)~~—Residential lots containing or intended to contain a detached single-family dwelling by individual water and sewage disposal, the minimum lot area shall be 20,000 square feet.
- (d) ~~(d)~~—Residential lots containing or intended to contain two-family or duplex dwellings served by public water and sewage disposal, the minimum lot area shall be 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.
- (e) ~~(e)~~—Residential lots containing or intended to contain two-family or duplex dwellings served by public water, but having an individual sewage disposal system, the minimum lot area shall be 16,000 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 4,800 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 9,400 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.
- (f) ~~(f)~~—Residential lots containing or intended to contain two-family or duplex dwellings served by an individual water and sewage disposal system, the minimum lot area shall be 22,000 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 6,600 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 13,600 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.
- (g) ~~(g)~~—Permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by an official of the county health department. The Zoning Administrator may require a greater area than prescribed in this section if considered necessary by the health official.

**Sec. 66-95. Setback regulations.**

Dwellings ~~within the R 2 district~~ 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. ~~For subdivisions platted after January 1962, each corner lot shall have a minimum width, at the setback line, of 100 feet.~~

**Sec. 66-96. Frontage regulations.**

- (a) ~~(a) In the R 2 district, for d~~Detached single-family dwelling, the minimum lot width at the setback line shall be 70 feet. ~~For subdivisions platted after January 1962, each corner lot shall have a minimum width, at the setback line, of 100 feet.~~

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~~(b)~~ ~~(b)~~ For two-family or duplex dwellings, the minimum lot width at the setback line shall be ten feet.

~~(c)~~ ~~(e)~~ The front of a corner lot shall be deemed to be the shorter of the two sides fronting on streets.

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**Sec. 66-97. Yard regulations.**

~~(a)~~ ~~(a)~~ ~~Side. In the R-2 district,~~ 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.

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~~(b)~~ ~~(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~~ 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~~ 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.

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**Sec. 66-98. Height regulations.**

~~(a)~~ ~~(a)~~ ~~In the R-2 district,~~ 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.

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~~(b)~~ ~~(b)~~ ~~P-A public or semipublics~~ semi-public buildings, such as a school, church, 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.

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~~(c)~~ ~~(e)~~ Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennas and radio aerials are exempt.

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

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~~(e)~~ ~~(e)~~ -No accessory building shall be closer than five feet to any lot line, nor shall it be one story high. All accessory buildings shall be less than the main building in height.

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**Secs. 66-99—66-110. Reserved.**

**Sec. 66-111. 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.

**Sec. 66-112. 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

- 1. Detached single-family dwellings.
- 2. Duplex dwellings.
- 3. Townhouse development, upon site plan approval by the Planning Commission.
- 4. Roominghouses 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 Section 66-10 of this Chapter.
- 6. Professional offices within detached single-family dwellings, operated by a resident and occupant.
- 7. Accessory buildings; except that a garage or other accessory structure, such as a carport, porch or stoop, when attached to the main building, shall be subject to any property line or setback restrictions in effect within the town.
- 8. 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.
- 9. 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

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1. Bed and breakfast

~~In the R-3 district, structures to be maintained or erected, or land to be used, shall be restricted to one or more of the following uses:~~

~~subject to the issuance of a special use permit.  
subject to the issuance of a special use permit.~~

4. ~~(12) Private club facilities subject to the issuance of a special use permit.~~

**Sec. 66-113. Signs permitted.**

~~Signs shall be in conformance with Article VIII of this Chapter.~~

~~For signs permitted in the R-3 district, refer to chapter 42, article II.~~

**Sec. 66-114. Area regulations.**

(a) ~~(a) Residential In the R-3 district, for residential~~ lots containing or intended to contain detached single-family dwellings served by public water and sewage disposal, the minimum lot area shall be 6,000 square feet.

(b) ~~(b) Residential For residential~~ lots containing or intended to contain ~~two family or~~ and sewage disposal, the minimum lot area shall be 12,000 square feet.

(c) ~~(c)~~ The average lot width for any group of townhouses shall be at least 20 feet. At least 40 percent 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~~ 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 section 54-169(b). The provisions of this subsection (c) may be modified by the ~~town council~~ Town Council as part of the approval of a rezoning or special use permit.

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

(e) ~~(e)~~ For permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by an official of the county health department. The ~~zoning administrator~~ Zoning Administrator may require a greater area than prescribed in this section if considered necessary by the health official.

**Sec. 66-115. Setback regulations.**

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- (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, ~~or~~ travelways, 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~~Multi-family 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.

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**Sec. 66-116. Frontage regulations.**

~~In the R-3 district, the~~The front of a corner lot shall be deemed to be the shorter of the two sides fronting on streets.

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**Sec. 66-117. Yard regulations.**

- (a) ~~Side. In the R-3 district:~~
  - 1. ~~(1)~~—The minimum side yard for detached single-family dwellings shall be ten feet on each side.
  - 2. ~~(2)~~—The minimum side yard for ~~two family or~~ duplex dwellings shall be ten feet on each side.
  - ~~(3)~~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. ~~5. Multifamily~~Multi-family dwellings shall have a minimum side yard on each side of at least 25 feet.
  - 6. Decks are not permitted in the minimum side area.
  - 7. Side yards within the Old and Historic Occoquan District shall be exempt

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

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

~~(e) Exception for historic district. The side yards required by this section shall not apply in the historic district.~~

(a) ~~(a) In the R-3 district, buildings~~ 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) ~~(b) PA public or semipublicsemi-public buildings,~~ such as a school, church, 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) ~~(e) Church spires, belfries, cupolas, monuments, water towers, chimneys, flues,~~ 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) ~~(d) No accessory building shall be closer than five feet to any lot line, nor~~ Accessory buildings shall ~~it be not be~~ more than one story ~~high~~. All accessory buildings shall be less than the main building in height.

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

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DIVISION 4A. R-4 DISTRICT

Sec. 66-119. 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~~ multi-family 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.

Sec. 66-120. Uses permitted.

~~In the R-4 district, structures~~ Structures to be maintained or erected, or land to be used, shall be restricted to the following uses:

(a) Uses permitted by-right

Commission.

- 2. ~~(2)~~ Accessory buildings; except that a garage or other accessory structure, such as a carport, porch or stoop, when attached to the main building, shall be subject to any property line or setback restrictions in effect ~~within the town~~ at the time of approval.
- 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 Section 66-10 of this Chapter.
- 4. ~~(3)~~ Public utilities, including poles, lines, distribution transformers, pipes, meters or facilities necessary for the provision and maintenance of public utilities, including water and sewerage facilities.
- 5. ~~(4)~~ Private or public recreation facilities - events shall be scheduled to complete all activity before or as near to 11:00 p.m. as practical.

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(b) Uses permitted by Special Exception Permit approved by Town Council

- 1. Child care facilities ~~subject to the issuance of a special use permit.~~
- 2. Garden and high-rise apartment projects.
- 3. Private club facilities ~~subject to the issuance of a special use permit.~~

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~~(7) Home business occupations conducted by a resident and occupant, as an accessory use, subject to the issuance of a Home Occupation Certificate issued by the town. The use shall not change the character of the dwelling unit nor exhibit any exterior evidence of nonresidential use. No employees shall be permitted, except for family members residing in the dwelling unit. No employee, agents, customers, or client shall be permitted to come to the dwelling unit for business related purposes. No business signs, freestanding or otherwise, shall be permitted on site. On site storage of materials, merchandise or equipment is limited to materials customarily found within a residential dwelling, such as yarn, cloth, paint and cosmetic or similar nontoxic or nonhazardous material and a telephone, computer or other typical light office equipment necessary to the home business occupation.~~

Signs shall be in conformance with Article VIII of this Chapter.

For signs permitted in the R-4 district, refer to chapter 42, article II.

**Sec. 66-122. Area regulations.**

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- (a) ~~(a)~~ The minimum lot area for any multifamily multi-family structure, served by both public water and sewage disposal shall be at least 10,000 square feet, and the minimum width shall be 100 feet. Not more than 16 multifamily multi-family units may be established

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per acre. At least 30 percent of the land area in any project shall be devoted to landscaped open space.

~~(b)~~ ~~(b)~~ For permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by an official of the county health department. The ~~zoning administrator~~ Zoning Administrator may require a greater area than prescribed in this section if considered necessary by the health official.

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**Sec. 66-123. Setback regulations.**

~~(a)~~ ~~(a)~~ ~~Multifamily~~ Multi-family 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.

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~~(b)~~ ~~shall not apply in the historic district.~~ The setback regulations in this section shall not apply in the Old and Historic Occoquan District

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**Sec. 66-124. Frontage regulations.**

~~In the R-4 district, the~~ The front of a corner lot shall be deemed to be the shorter of the two sides fronting on streets.

**Sec. 66-125. Yard regulations.**

~~(a)~~ ~~Side.~~ Multi-family dwellings shall have a minimum side yard on each side of at least 25 feet. ~~In the R-4 district:~~

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

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

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~~(d)~~ ~~(e)~~ ~~Exception for historic district.~~ The side and rear yards required by this section shall not apply in the ~~historic district~~ Old and Historic Occoquan District.

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**Sec. 66-126. Height regulations.**

~~(a)~~ ~~(a)~~ ~~In the R-4 district, b~~ 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.

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~~(b)~~ ~~(b)~~ ~~A p~~ Public or ~~semipublic~~ semi-public buildings, such as a school, church, 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.

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(c) ~~(e)~~ Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, 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.

~~— (3) Illumination of signs shall be such that the source of light is shielded from direct view. Signs shall be in conformance with Article VIII of this Chapter.~~

**Sec. 66-64. Area regulations.**

- ~~(a) A residential lot containing or intended to contain a detached single-family dwelling, served by public water and sewage disposal, the minimum lot area shall be 10,000 square feet.~~
- ~~(b) A residential lot containing or intended to contain a detached single-family dwelling served by public water system but having individual sewage disposal, the minimum lot area shall be 15,000 square feet.~~
- ~~(c) A residential lot containing or intended to contain a detached single-family dwelling served by individual water and sewage disposal system, the minimum lot area shall be 20,000 square feet.~~
- ~~(d) Permitted uses utilizing an individual sewage disposal system, the required area for any such use shall be approved by an official of the county health department. The Zoning Administrator may require a greater area than prescribed in this section if considered necessary by the health official.~~

~~— (a) In the R-1 district, for a residential lot containing or intended to contain a detached single-family dwelling, served by public water and sewage disposal, the minimum lot area shall be 10,000 square feet.~~

~~— (b) For a residential lot containing or intended to contain a detached single-family dwelling served by public water system but having individual sewage disposal, the minimum lot area shall be 15,000 square feet.~~

~~— (c) For a residential lot containing or intended to contain a detached single-family dwelling served by individual water and sewage disposal system, the minimum lot area shall be 20,000 square feet.~~

~~— (d) For permitted uses utilizing an individual sewage disposal system, the required area for any such use shall be approved by an official of the county health department. The zoning administrator may require a greater area than prescribed in this section if considered necessary by the health official.~~

**Sec. 66-65. Setback regulations.**

~~In the R-1 district, b~~ buildings shall be located 35 feet or more from any street right-of-way that is 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. ~~For subdivisions platted after January 1962, each corner lot~~

**Sec. 66-66. Frontage regulations.**

~~In the R-1 district, for d~~ 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. ~~For subdivisions platted after January 1962, each corner lot shall have a minimum width at the setback line of 100 feet.~~

**Sec. 66-67. Yard regulations.**

~~(a) — (a) Side. In the R-1 district, t~~ 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.

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~~(b) — (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~~ 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~~ 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.

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**Sec. 66-68. Height regulations.**

~~(a) — (a) In the R-1 district, b~~ 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.

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~~(b) PA public or semipublics~~ semi-public buildings, such as a school, church, library or 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) — (e) Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennas and radio aerials are exempt.~~

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

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~~(ed) ↪~~ No accessory building shall be closer than five feet to any party lot line, nor shall it be one story high. All accessory buildings shall be less than the main building in height.

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Secs. 66-69--66-90. Reserved.

DIVISION 3. R-2 DISTRICT

Sec. 66-91. 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 insofar as~~ compatible ~~with the 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, ~~and~~ including institutions, are permitted, ~~plus 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, ~~and~~ semi-public, institutional and other related uses. However, it is ~~basically mostly~~ residential in character, and, as such, shall not be spotted with commercial and industrial uses.

Sec. 66-92. Uses permitted.

~~In the R-2 district, s~~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

—

2. (2) Two-family or duplex dwellings.

~~(3) Roominghouses and boardinghouses, operated by a resident and occupant.~~

~~Home business occupations conducted by a resident and occupant, as an accessory use, subject to~~

5. (7) 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.

(b) Uses permitted by Special Exception Permit approved by Town Council

1. Bed and breakfast.

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~~1.2. Low-intensity professional and medical offices and facilities within detached single-family dwellings, not conducted by a resident and occupant.~~

~~2.3. Roominghouses and boarding houses operated by a resident and occupant.~~

~~4. Professional offices within detached single-family dwellings, operated by a resident and occupant.~~

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~~Signs shall be in conformance with Article VIII of this Chapter.~~

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**Sec. 66-94. Area regulations.**

~~(a) Residential lots containing or intended to contain a detached single-family dwelling served by public water and sewage disposal, the minimum lot area shall be 10,000 square feet.~~

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~~(b) Residential lots containing or intended to contain a detached single-family dwelling served by a public water system but having individual sewage disposal, the minimum lot area shall be 15,000 square feet.~~

~~(c) Residential lots containing or intended to contain a detached single-family dwelling by individual water and sewage disposal, the minimum lot area shall be 20,000 square feet.~~

~~(d) Residential lots containing or intended to contain two-family or duplex dwellings served by public water and sewage disposal, the minimum lot area shall be 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.~~

~~(e) Residential lots containing or intended to contain two-family or duplex dwellings served by public water, but having an individual sewage disposal system, the minimum lot area shall be 16,000 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 4,800 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 9,400 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.~~

~~(f) Residential lots containing or intended to contain two-family or duplex dwellings served by an individual water and sewage disposal system, the minimum lot area shall be 22,000 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 6,600 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 13,600 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.~~

~~(g) (g) Permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by an official of the county health department. The Zoning Administrator may require a greater area than prescribed in this section if considered necessary by the health official.~~

#### Sec. 66-95. Setback regulations.

Dwellings ~~within the R-2 district~~ 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. ~~For subdivisions platted after January 1962, each corner lot shall have a minimum width, at the setback line, of 100 feet.~~

#### Sec. 66-96. Frontage regulations.

~~(a) (a) In the R-2 district, for d~~ Detached single-family dwelling, the minimum lot width at the setback line shall be 70 feet. ~~For subdivisions platted after January 1962, each corner lot shall have a minimum width, at the setback line, of 100 feet.~~

~~(b) (b) For two-family or duplex dwellings, the minimum lot width at the setback line~~ feet.

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

#### Sec. 66-97. Yard regulations.

~~(a) (a) Side. In the R-2 district, f~~ 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) (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~~ 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~~

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~~administrator~~Zoning Administrator shall issue a zoning permit for a deck larger than 15 feet from the rear edge of the deck to the property line is at least 25 feet.

**Sec. 66-98. Height regulations.**

- ~~(a)~~ ~~(a) In the R-2 district, b~~ 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)~~ ~~(b) P-A public or semipublic~~semi-public buildings, such as a school, church, 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)~~ ~~(c) Church 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, nor shall it be one story high. All accessory buildings shall be less than the main building in height.

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**Secs. 66-99—66-110. Reserved.**

DIVISION 4. R-3 DISTRICT

**Sec. 66-111. 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.

**Sec. 66-112. 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
  - 1. Detached single-family dwellings.
  - 2. Duplex dwellings.
  - 3. Townhouse development, upon site plan approval by the Planning Commission.

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- 4. Roominghouses 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 Section 66-10 of this Chapter.
- 6. Professional offices within detached single-family dwellings, operated by a resident and occupant.
- 7. Accessory buildings; except that a garage or other accessory structure, such as a carport, porch or stoop, when attached to the main building, shall be subject to any property line or setback restrictions in effect within the town.
- 8. 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.
- 9. 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

1. Bed and breakfast

~~In the R-3 district, structures to be maintained or erected, or land to be used, shall be restricted to one or more of the following uses:~~

~~subject to the issuance of a special use permit.  
subject to the issuance of a special use permit.~~

- 4. ~~(12) Private club facilities subject to the issuance of a special use permit.~~

**Sec. 66-113. Signs permitted.**

~~Signs shall be in conformance with Article VIII of this Chapter.  
For signs permitted in the R-3 district, refer to chapter 42, article II.~~

**Sec. 66-114. Area regulations.**

- (a) ~~(a) Residential In the R-3 district, for residential~~ lots containing or intended to contain detached single-family dwellings served by public water and sewage disposal, the minimum lot area shall be 6,000 square feet.
- (b) ~~(b) Residential For residential~~ lots containing or intended to contain ~~two-family or~~ and sewage disposal, the minimum lot area shall be 12,000 square feet.

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~~(c)~~ ~~(e)~~ The average lot width for any group of townhouses shall be at least 20 feet. At percent 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~~ 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 section 54-169(b). The provisions of this subsection (c) may be modified by the ~~town council~~ Town Council as part of the approval of a rezoning or special use permit.

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

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~~(e)~~ ~~(e)~~ For permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by an official of the county health department. The ~~zoning administrator~~ Zoning Administrator may require a greater area than prescribed in this section if considered necessary by the health official.

**Sec. 66-115. 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, ~~or~~ travelways, 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.

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~~(c)~~ ~~Multi-family~~ Multi-family 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~~ Historic Occoquan District.

**Sec. 66-116. Frontage regulations.**

~~In the R-3 district, the~~The front of a corner lot shall be deemed to be the shorter of the two sides fronting on streets.

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Sec. 66-117. Yard regulations.

~~(a) Side. In the R-3 district:~~

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

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

~~(3)~~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.

~~4.5. Multifamily~~Multi-family dwellings shall have a minimum side yard on each side of at least 25 feet.

6. Decks are not permitted in the minimum side area.

~~7. 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 feet may be occupied by an uncovered deck.

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

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~~(e) Exception for historic district. The side yards required by this section shall not apply in the historic district.~~

~~(a)~~ ~~(a) In the R-3 district, buildings~~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.

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~~(b) PA public or semipublic~~semi-public buildings, such as a school, church, 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.

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~~(c)~~ ~~(e)~~ Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, television antennas and radio aerials are exempt.

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

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~~(e) (d) No accessory building shall be closer than five feet to any lot line, nor~~ Accessory than the main building in height.

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

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DIVISION 4A. R-4 DISTRICT

**Sec. 66-119. 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~~ multi-family 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.

**Sec. 66-120. Uses permitted.**

~~In the R-4 district, structures~~ Structures to be maintained or erected, or land to be used, shall be restricted to the following uses:

(a) Uses permitted by-right

Commission.

~~2. (2)~~ Accessory buildings; except that a garage or other accessory structure, such as a carport, porch or stoop, when attached to the main building, shall be subject to any property line or setback restrictions in effect ~~within the town~~ at the time of approval.

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~~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 Section 66-10 of this Chapter.~~

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~~4. (3) P~~Public utilities, including poles, lines, distribution transformers, pipes, meters or facilities necessary for the provision and maintenance of public utilities, including water and sewerage facilities.

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~~5. (4) Private or public recreation facilities~~ - events shall be scheduled to complete all activity before or as near to 11:00 p.m. as practical.

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(b) Uses permitted by Special Exception Permit approved by Town Council

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1. Child care facilities ~~subject to the issuance of a special use permit.~~

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2. Garden and high-rise apartment projects.

3. Private club facilities ~~subject to the issuance of a special use permit.~~

~~(7) Home business occupations conducted by a resident and occupant, as an accessory use, subject to the issuance of a Home Occupation Certificate issued by the town. The use shall not change the character of the dwelling unit nor exhibit any exterior evidence of nonresidential use. No employees shall be permitted, except for family members residing in the dwelling unit. No employee, agents, customers, or client shall be permitted to come to the dwelling unit for business related purposes. No business signs, freestanding or otherwise, shall be permitted on site. On site storage of materials, merchandise or equipment is limited to materials customarily found within a residential dwelling, such as yarn, cloth, paint and cosmetic or similar nontoxic or nonhazardous material and a telephone, computer or other typical light office equipment necessary to the home business occupation.~~

~~Signs shall be in conformance with Article VIII of this Chapter.  
For signs permitted in the R-4 district, refer to chapter 42, article II.~~

**Sec. 66-122. Area regulations.**

~~(a) (a) The minimum lot area for any multifamily/multi-family structure, served by both public water and sewage disposal shall be at least 10,000 square feet, and the minimum width shall be 100 feet. Not more than 16 multifamily/multi-family units may be established per acre. At least 30 percent of the land area in any project shall be devoted to landscaped open space.~~

~~(b) (b) For permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by an official of the county health department. The zoning administrator/Zoning Administrator may require a greater area than prescribed in this section if considered necessary by the health official.~~

**Sec. 66-123. Setback regulations.**

~~(a) (a) Multifamily/Multi-family 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) shall not apply in the historic district. The setback regulations in this section shall not apply in the Old and Historic Occoquan District~~

**Sec. 66-124. Frontage regulations.**

~~In the R-4 district, the~~The front of a corner lot shall be deemed to be the shorter of the two sides fronting on streets.

**Sec. 66-125. Yard regulations.**

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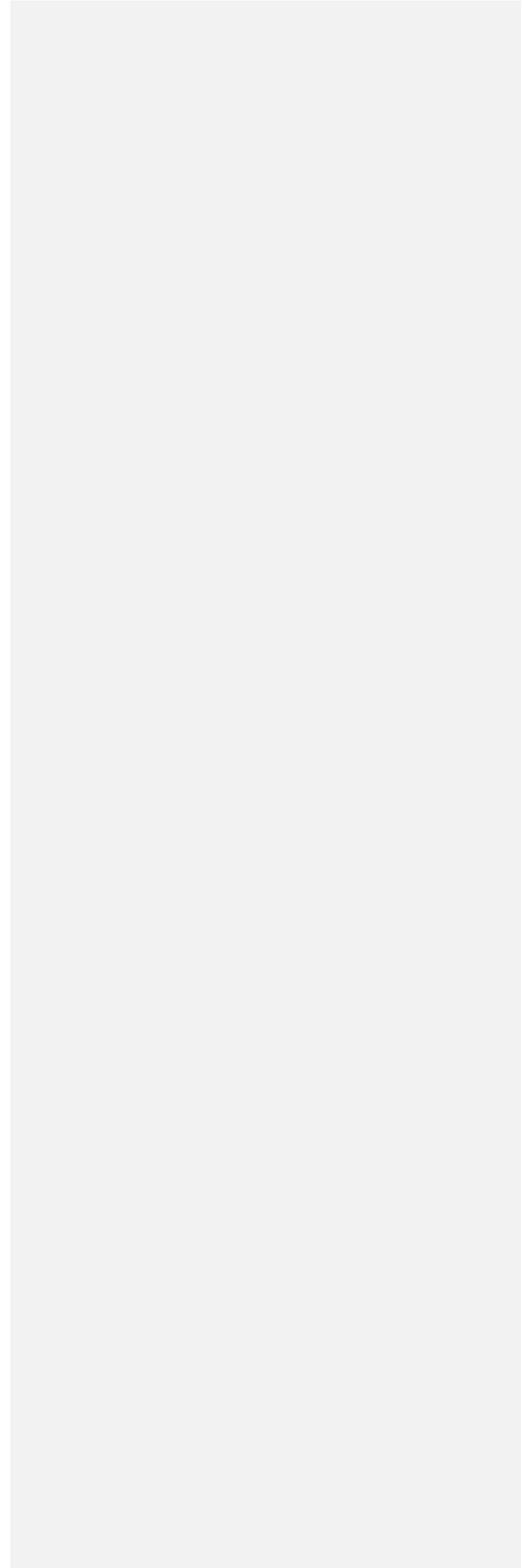
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~~— (b) For residential lots containing or intended to contain a detached single family dwelling served by a public water system but having individual sewage disposal, the minimum lot area shall be 15,000 square feet.~~

~~— (c) For residential lots containing or intended to contain a detached single family dwelling served by individual water and sewage disposal, the minimum lot area shall be 20,000 square feet.~~

~~— (d) For residential lots containing or intended to contain two family or duplex dwellings served by public water and sewage disposal, the minimum lot area shall be 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.~~

~~— (e) For residential lots containing or intended to contain two family or duplex dwellings served by public water, but having an individual sewage disposal system, the minimum lot area shall be 16,000 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 4,800 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 9,400 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.~~

~~— (f) For residential lots containing or intended to contain two family or duplex dwellings served by an individual water and sewage disposal system, the minimum lot area shall be 22,000 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 6,600 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 13,600 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.~~

~~— (g) For permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by an official of the county health department. The zoning administrator may require a greater area than prescribed in this section if considered necessary by the health official.~~

#### **Sec. 66-95. Setback regulations.**

~~Dwellings within the R-2 district 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. For subdivisions platted after January 1962, each corner lot shall have a minimum width, at the setback line, of 100 feet.~~

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Sec. 66-96. Frontage regulations.

- (a) ~~(a) In the R-2 district, for d~~ Detached single-family dwelling, the minimum lot width at the setback line shall be 70 feet. For subdivisions platted after January 1962, each corner lot shall have a minimum width, at the setback line, of 100 feet.
- (b) ~~(b)~~ For two-family or duplex dwellings, the minimum lot width at the setback line feet.
- (c) ~~(c)~~ The front of a corner lot shall be deemed to be the shorter of the two sides fronting on streets.

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Sec. 66-97. Yard regulations.

- (a) ~~(a) Side. In the R-2 district, f~~ 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) ~~(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~~ 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~~ Zoning Administrator shall issue a zoning permit for a deck larger than 15 feet from the rear edge of the deck to the property line is at least 25 feet.

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Sec. 66-98. Height regulations.

- (a) ~~(a) In the R-2 district, b~~ 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) ~~(b) P-A public or semipublic~~ semi-public buildings, such as a school, church, 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) ~~(c)~~ Church 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.

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~~(e4)~~ -No accessory building shall be closer than five feet to any lot line, nor shall it be one story high. All accessory buildings shall be less than the main building in height.

**Secs. 66-99—66-110. Reserved.**

DIVISION 4. R-3 DISTRICT

**Sec. 66-111. 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.

**Sec. 66-112. 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

1. Detached single-family dwellings.
2. Duplex dwellings.
3. Townhouse development, upon site plan approval by the Planning Commission.
4. Roominghouses 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 Section 66-10 of this Chapter.
6. Professional offices within detached single-family dwellings, operated by a resident and occupant.
7. Accessory buildings; except that a garage or other accessory structure, such as a carport, porch or stoop, when attached to the main building, shall be subject to any property line or setback restrictions in effect within the town.
8. 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.

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9. ~~Private or public recreation facilities~~ - events shall be scheduled to complete all activity before or as near to 11:00 p.m. as practical.

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(b) Uses permitted by Special Exception Permit approved by Town Council

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1. Bed and breakfast

~~In the R-3 district, structures to be maintained or erected, or land to be used, shall be restricted to one or more of the following uses:~~

~~subject to the issuance of a special use permit.  
subject to the issuance of a special use permit.~~

4. ~~(12)~~ Private club facilities ~~subject to the issuance of a special use permit.~~

Sec. 66-113. Signs permitted.

~~Signs shall be in conformance with Article VIII of this Chapter.~~

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~~For signs permitted in the R-3 district, refer to chapter 42, article II.~~

Sec. 66-114. Area regulations.

(a) ~~(a) Residential~~ In the R-3 district, for residential lots containing or intended to contain detached single-family dwellings served by public water and sewage disposal, the minimum lot area shall be 6,000 square feet.

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(b) ~~(b) Residential~~ For residential lots containing or intended to contain ~~two family or~~ and sewage disposal, the minimum lot area shall be 12,000 square feet.

(c) ~~(e)~~ The average lot width for any group of townhouses shall be at least 20 feet. At percent 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~~ 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 section 54-169(b). The provisions of this subsection (c) may be modified by the ~~town council~~ Town Council as part of the approval of a rezoning or special use permit.

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

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~~(e)~~ ~~(e)~~ For permitted uses utilizing individual sewage disposal systems, the required area such use shall be approved by an official of the county health department. The ~~zoning Administrator~~ may require a greater area than prescribed in this section if considered necessary by the health official.

**Sec. 66-115. 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, ~~or~~ travelways, 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~~ Multi-family 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.

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**Sec. 66-116. Frontage regulations.**

~~In the R-3 district, the~~ The front of a corner lot shall be deemed to be the shorter of the two sides fronting on streets.

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**Sec. 66-117. Yard regulations.**

- ~~(a)~~ ~~(a)~~ Side. ~~In the R-3 district:~~
  - ~~1.~~ ~~(1)~~ The minimum side yard for detached single-family dwellings shall be ten feet on each side.
  - ~~2.~~ ~~(2)~~ The minimum side yard for ~~two family or~~ duplex dwellings shall be ten feet on each side.
  - ~~(3)~~ ~~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.

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~~1.5. Multifamily~~Multi-family dwellings shall have a minimum side yard on each side of at

6. Decks are not permitted in the minimum side area.

2-7. 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 feet may be occupied by an uncovered deck.

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

~~(c) Exception for historic district. The side yards required by this section shall not apply in the historic district.~~

(a) ~~(a) In the R-3 district, buildings~~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) ~~(b) PA public or semipublics~~semi-public buildings, such as a school, church, 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) ~~(e)~~Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, television antennas and radio aeriels are exempt.

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

(e) ~~(d) No accessory building shall be closer than five feet to any lot line, nor~~Accessory than the main building in height.

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

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DIVISION 4A. R-4 DISTRICT

Sec. 66-119. 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~~multi-family 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.

Sec. 66-120. Uses permitted.

~~In the R-4 district, structures~~Structures to be maintained or erected, or land to be used, shall be uses:

(a) Uses permitted by-right

Commission.

~~2. (2)~~ Accessory buildings; except that a garage or other accessory structure, such as a carport, porch or stoop, when attached to the main building, shall be subject to any property line or setback restrictions in effect ~~within the town~~at the time of approval.

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~~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 Section 66-10 of this Chapter.

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~~4. (3) P~~Public utilities, including poles, lines, distribution transformers, pipes, meters or facilities necessary for the provision and maintenance of public utilities, including water and sewerage facilities.

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~~5. (4) Private or public recreation facilities~~ - events shall be scheduled to complete all activity before or as near to 11:00 p.m. as practical.

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(b) Uses permitted by Special Exception Permit approved by Town Council

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~~1. Child care facilities~~subject to the issuance of a special use permit.

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~~2. Garden and high-rise apartment projects.~~

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~~3. Private club facilities~~subject to the issuance of a special use permit.

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~~(7) Home business occupations conducted by a resident and occupant, as an accessory use, subject to the issuance of a Home Occupation Certificate issued by the town. The use shall not change the character of the dwelling unit nor exhibit any exterior evidence of nonresidential use. No employees shall be permitted, except for family members residing in the dwelling unit. No employee, agents, customers, or client shall be permitted to come to the dwelling unit for business related purposes. No business signs, freestanding or otherwise, shall be permitted on site. On-site storage of materials, merchandise or equipment is limited to materials customarily found within a residential dwelling, such as yarn, cloth, paint and cosmetic or similar nontoxic or nonhazardous material and a telephone, computer or other typical light office equipment necessary to the home business occupation.~~

Signs shall be in conformance with Article VIII of this Chapter.

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~~For signs permitted in the R-4 district, refer to chapter 42, article II.~~

**Sec. 66-122. Area regulations.**

(a) ~~(a)~~ The minimum lot area for any ~~multifamily~~ multi-family structure, served by both public water and sewage disposal shall be at least 10,000 square feet, and the minimum width shall be 100 feet. Not more than 16 ~~multifamily~~ multi-family units may be established per acre. At least 30 percent of the land area in any project shall be devoted to landscaped open space.

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(b) ~~(b)~~ For permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by an official of the county health department. The ~~zoning administrator~~ Zoning Administrator may require a greater area than prescribed in this section if considered necessary by the health official.

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Sec. 66-123. Setback regulations.

(a) ~~(a)~~ Multifamily Multi-family 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.

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(b) ~~shall not apply in the historic district. The setback regulations in this section shall not apply in the Old and Historic Occoquan District~~

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Sec. 66-124. Frontage regulations.

~~In the R-4 district, the~~ The front of a corner lot shall be deemed to be the shorter of the two sides fronting on streets.

Sec. 66-125. Yard regulations.

(a) ~~Side.~~ Multi-family dwellings shall have a minimum side yard on each side of at least 25 feet. ~~In the R-4 district:~~

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

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

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(d) ~~(e)~~ Exception for historic district. The side and rear yards required by this section shall not apply in the ~~historic district~~ Old and Historic Occoquan District.

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Sec. 66-126. Height regulations.

(a) ~~(a)~~ In the R-4 district, ~~b~~ 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.

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ZONING

§66-144

(b) ~~(b) A public or semipublic~~ semi-public buildings, such as a school, church, library, 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.

~~(6) Home business occupations conducted by a resident and occupant, as an accessory use, subject to the issuance of a Home Occupation Certificate issued by the town. The use shall not change the character of the dwelling unit nor exhibit any exterior evidence of nonresidential use. No employees shall be permitted, except for family members residing in the dwelling unit. No employee, agents, customers, or client shall be permitted to come to the dwelling unit for business related purposes. No business signs, freestanding or otherwise, shall be permitted on site. On site storage of materials, merchandise or equipment is limited to materials customarily found within a residential dwelling, such as yarn, cloth, paint and cosmetic or similar nontoxic or nonhazardous material and a telephone, computer or other typical light office equipment necessary to the home business occupation.~~

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~~(7) Accessory buildings; except that a garage or other accessory structure, such as a carport, porch or stoop, when attached to the main building, shall be subject to any property line or setback restrictions in effect within the town.~~

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~~(8) 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.~~

~~2. (9) Child care facilities~~

~~subject to the issuance of a special use permit.~~

~~(10) Private or public recreation facilities.~~

~~3. (11) Professional offices within townhouse dwellings, operated by a resident and occupant~~

~~, subject to the issuance of a special use permit.~~

~~4. (12) Private club facilities subject to the issuance of a special use permit.~~

**Sec. 66-113. Signs permitted.**

~~Signs shall be in conformance with Article VIII of this Chapter.  
For signs permitted in the R-3 district, refer to chapter 42, article II.~~

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**Sec. 66-114. Area regulations.**

~~(a) Residential In the R-3 district, for residential lots containing or intended to contain detached single-family dwellings served by public water and sewage disposal, the minimum lot area shall be 6,000 square feet.~~

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- ~~(b)~~ ~~(b)~~ ~~Residential~~ For residential lots containing or intended to contain ~~two family~~ of and sewage disposal, the minimum lot area shall be 12,000 square feet.
- ~~(c)~~ ~~(e)~~ The average lot width for any group of townhouses shall be at least 20 feet. At percent 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~~ 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 section 54-169(b). The provisions of this subsection (c) may be modified by the ~~town council~~ Town Council as part of the approval of a rezoning or special use permit.
- ~~(d)~~ ~~(d)~~ The minimum lot area for any multi-family structure shall be at least 10,000 square feet, and the minimum width shall be 100 feet. Not more than 16 ~~multifamily~~ multi-family units may be established per acre. At least 30 percent of the land area in any project shall be devoted to landscaped open space.
- ~~(e)~~ ~~(e)~~ For permitted uses utilizing individual sewage disposal systems, the required area such use shall be approved by an official of the county health department. The ~~zoning~~ Administrator may require a greater area than prescribed in this section if considered necessary by the health official.

#### Sec. 66-115. 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, ~~or~~ travelways, 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~~ Multi-family 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.

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Sec. 66-116. Frontage regulations.

~~In the R-3 district, the~~The front of a corner lot shall be deemed to be the shorter of the two sides fronting on streets.

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Sec. 66-117. Yard regulations.

(a) ~~Side. In the R-3 district:~~

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

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2. ~~(2)~~ The minimum side yard for ~~two-family or~~ duplex dwellings shall be ten feet on each side.

~~(3)~~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.

~~4.5. Multifamily~~Multi-family dwellings shall have a minimum side yard on each side of at

6. Decks are not permitted in the minimum side area.

~~2-7. 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 feet may be occupied by an uncovered deck.

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

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~~(c) Exception for historic district. The side yards required by this section shall not apply in the historic district.~~

(a) ~~In the R-3 district, buildings~~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.

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(b) ~~PA public or semipublic~~semi-public buildings, such as a school, church, 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.

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(c) ~~(e)~~ Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, television antennas and radio aerials are exempt.

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

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~~(e) (d) No accessory building shall be closer than five feet to any lot line, nor~~ Accessory  
than the main building in height.

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

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DIVISION 4A. R-4 DISTRICT

**Sec. 66-119. 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~~ multi-family 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.

**Sec. 66-120. Uses permitted.**

~~In the R-4 district, structures~~ Structures to be maintained or erected, or land to be used, shall be uses:

(a) Uses permitted by-right

Commission.

~~2. (2)~~ Accessory buildings; except that a garage or other accessory structure, such as a carport, porch or stoop, when attached to the main building, shall be subject to any property line or setback restrictions in effect ~~within the town~~ at the time of approval.

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~~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 Section 66-10 of this Chapter.~~

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~~4. (3) P~~Public utilities, including poles, lines, distribution transformers, pipes, meters or facilities necessary for the provision and maintenance of public utilities, including water and sewerage facilities.

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~~5. (4) Private or public recreation facilities~~ - events shall be scheduled to complete all activity before or as near to 11:00 p.m. as practical.

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(b) Uses permitted by Special Exception Permit approved by Town Council

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1. Child care facilities ~~subject to the issuance of a special use permit.~~

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2. Garden and high-rise apartment projects.

3. Private club facilities ~~subject to the issuance of a special use permit.~~

~~(7) Home business occupations conducted by a resident and occupant, as an accessory use, subject to the issuance of a Home Occupation Certificate issued by the town. The use shall not change the character of the dwelling unit nor exhibit any exterior evidence of nonresidential use. No employees shall be permitted, except for family members residing in the dwelling unit. No employee, agents, customers, or client shall be permitted to come to the dwelling unit for business related purposes. No business signs, freestanding or otherwise, shall be permitted on site. On site storage of materials, merchandise or equipment is limited to materials customarily found within a residential dwelling, such as yarn, cloth, paint and cosmetic or similar nontoxic or nonhazardous material and a telephone, computer or other typical light office equipment necessary to the home business occupation.~~

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~~Signs shall be in conformance with Article VIII of this Chapter.~~

~~For signs permitted in the R-4 district, refer to chapter 42, article II.~~

Sec. 66-122. Area regulations.

~~(a) (a) The minimum lot area for any multifamily/multi-family structure, served by both public water and sewage disposal shall be at least 10,000 square feet, and the minimum width shall be 100 feet. Not more than 16 multifamily/multi-family units may be established per acre. At least 30 percent of the land area in any project shall be devoted to landscaped open space.~~

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~~(b) (b) For permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by an official of the county health department. The zoning administrator/Zoning Administrator may require a greater area than prescribed in this section if considered necessary by the health official.~~

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Sec. 66-123. Setback regulations.

~~(a) (a) Multifamily/Multi-family 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) shall not apply in the historic district. The setback regulations in this section shall not apply in the Old and Historic Occoquan District~~

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Sec. 66-124. Frontage regulations.

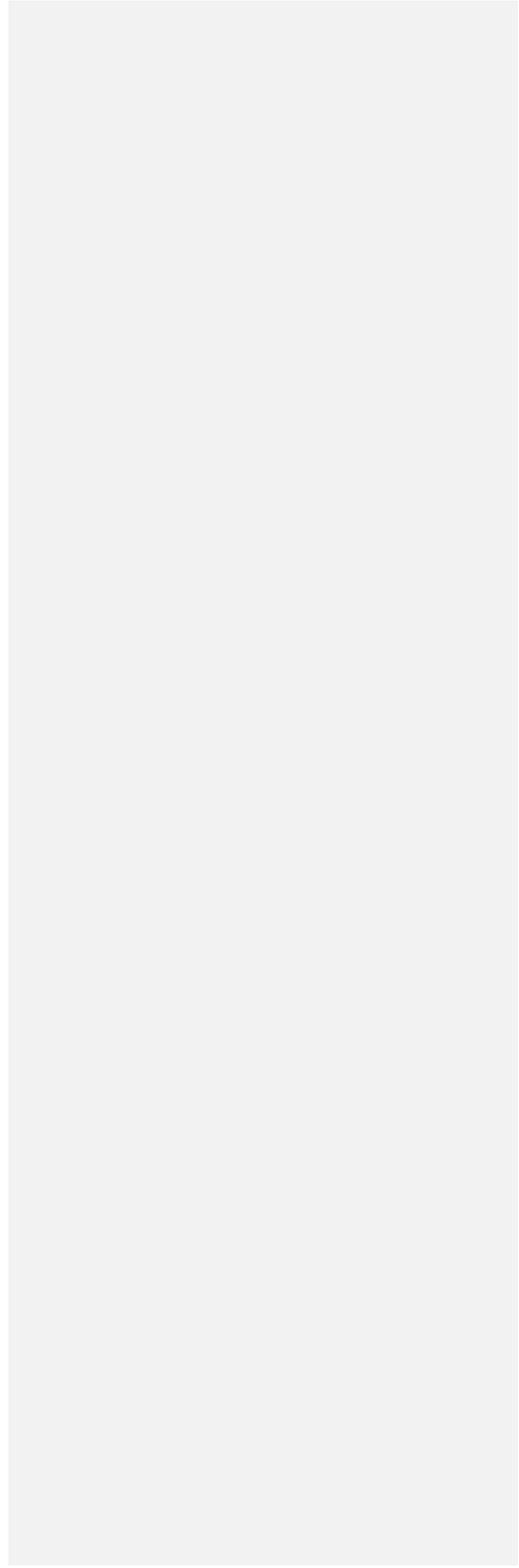
~~In the R-4 district, the~~The front of a corner lot shall be deemed to be the shorter of the two sides fronting on streets.

Sec. 66-125. Yard regulations.

ZONING

§66-144

|



Sec. 66-122. Area regulations.

(a) ~~(a)~~ The minimum lot area for any ~~multifamily~~ multi-family structure, served by both public water and sewage disposal shall be at least 10,000 square feet, and the minimum width shall be 100 feet. Not more than 16 ~~multifamily~~ multi-family units may be established per acre. At least 30 percent of the land area in any project shall be devoted to landscaped open space.

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(b) ~~(b)~~ For permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by an official of the county health department. The ~~zoning administrator~~ Zoning Administrator may require a greater area than prescribed in this section if considered necessary by the health official.

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Sec. 66-123. Setback regulations.

(a) ~~(a)~~ Multifamily Multi-family 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.

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~~(b)~~ The setback regulations in this section shall not apply in the historic district. The setback regulations in this section shall not apply in the Old and Historic Occoquan District

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Sec. 66-124. Frontage regulations.

~~In the R-4 district, the~~ The front of a corner lot shall be deemed to be the shorter of the two sides fronting on streets.

Sec. 66-125. Yard regulations.

(a) ~~Side.~~ Multi-family dwellings shall have a minimum side yard on each side of at least 25 feet. ~~In the R-4 district:~~

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

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

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

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(d) ~~(e)~~ Exception for historic district. The side and rear yards required by this section shall not apply in the ~~historic district~~ Old and Historic Occoquan District.

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Sec. 66-126. Height regulations.

~~(a)~~ ~~(a)~~ ~~In the R-4 district, b~~ 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.

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~~(b)~~ ~~(b)~~ A pPublic or ~~semipublic~~semi-public buildings, such as a school, church, library, 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)~~ ~~(c)~~ Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, 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)~~ ~~(d)~~ ~~No accessory building shall be closer than five feet to any lot line, nor shall~~ ~~it~~No accessory structure shall be more than one story high. All accessory buildings shall be less than the main building in height.

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

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**Secs. 66-127—66-140. Reserved.**

DIVISION 5. B-1 DISTRICT\*

**Sec. 66-141. 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 ~~which~~ is not characterized either by constant heavy trucking, other than stocking and delivery of light retail goods, or by any nuisance factors, other than ~~occasioned by~~ 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.

**Sec. 66-142. Uses permitted.**

~~In the B-1 district, s~~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

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~~(1)~~ Auto and

\*Cross reference(s)—Businesses, ch. 14.

~~1.~~ ~~h~~Home appliance services.

~~2.~~ ~~(2)~~ ~~B~~Bakeries.

~~3.~~ ~~(3)~~ Banks.

~~4.~~ ~~(4)~~ Barbershops and beauty shops.

~~5.~~ Bed and breakfasts.

~~6.~~ ~~(5)~~ Churches and other places of worship.

~~7.~~ ~~(6)~~ Clubs and lodges.

~~8.~~ ~~(7)~~ Drugstores.

~~9.~~ Festivals, Town sponsored.

~~(8)~~ ~~Funeral homes.~~

~~11.~~ ~~(11)~~ Laundry facilities.

~~12.~~ ~~(12)~~ Libraries.

~~(13)~~ Lumber and building supply stores (with storage under cover).

~~14.~~ ~~(15)~~ Medical uses.

~~15.~~ ~~(16)~~ Office buildings.

~~16.~~ ~~(17)~~ Plumbing and electrical supply stores (with storage under cover).

~~17.~~ ~~(18)~~ 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 ~~Public utilities.~~

~~18.~~ ~~(19)~~ Restaurants, eating places.

~~19.~~ ~~(20)~~ Retail food stores.

~~20.~~ ~~(21)~~ Retail stores.

~~21.~~ ~~(22)~~ Theaters, assembly halls.

~~22.~~ ~~(23)~~ Waterfront business activities:

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~~a.~~ ~~a.~~ Wholesale and retail marine, such as boat docks, piers, small boat docks, yacht clubs and marine servicing facilities;

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~~b.~~ Dock and areas for receipt, storage and transshipment of waterborne commerce; and

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~~c.~~ ~~e.~~ Recreational activities, primarily conducted on or about a waterfront. All such uses shall be contiguous to a waterfront.

~~(24) Wearing apparel stores.~~

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**(b) Uses permitted by Special Exception Permit approved by Town Council**

1. Auto services

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2. ~~(26)~~ Child Care Facilities ~~subject to the issuance of a special use permit.~~

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3. Funeral homes.

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4. General residential uses - low, medium and high density.

4.5. Lumber and building supply stores (with storage under cover).

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2.6. Mixed Use Development

7. Wholesale businesses.

**Sec. 66-143. Signs permitted.**

Signs shall be in conformance with Article VIII of this Chapter.

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~~(a) In the B-1 district, the following signs are permitted:~~

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The area required for In the B-1 district, for ppermitted uses utilizing individual sewage disposal systems, ~~the required area for any such use~~ shall be approved by an official of the county health department. The ~~zoning administrator~~ Zoning Administrator may require a greater area if considered necessary by the health official.

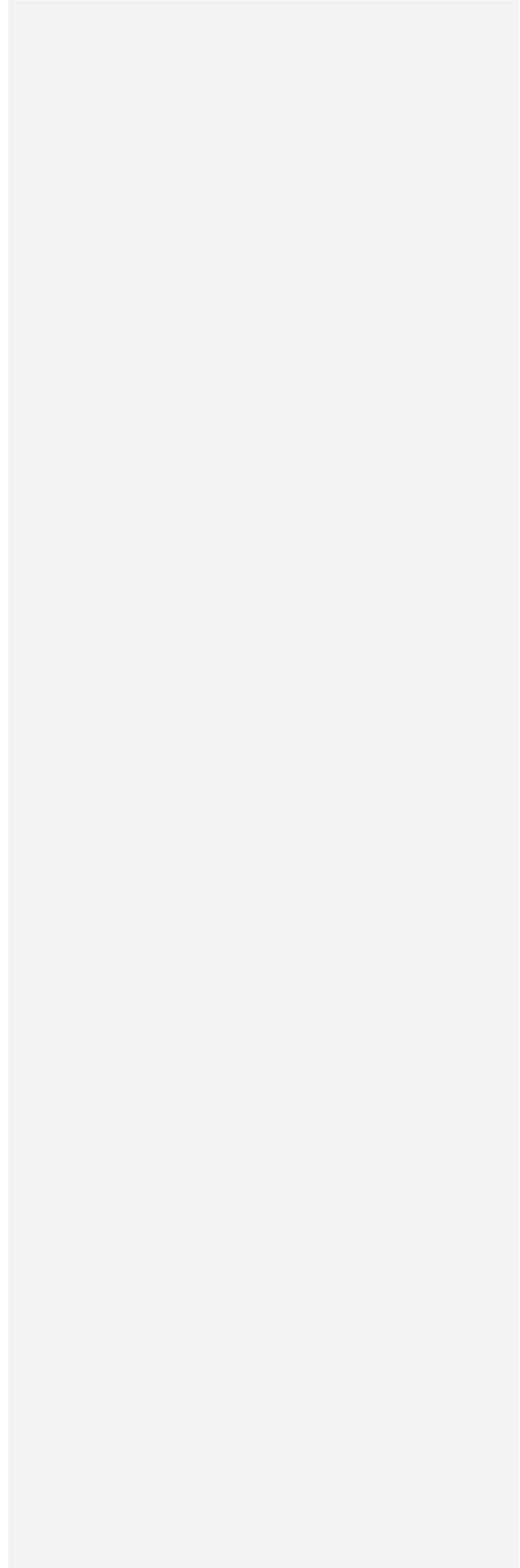
**Sec. 66-145. Setback regulations.**

~~In the B-1 district, buildings~~ 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.

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.

§66-142

OCCOQUAN CODE



**Sec. 66-143. Signs permitted.**

Signs shall be in conformance with Article VIII of this Chapter.

~~(a) In the B-1 district, the following signs are permitted:~~

~~(1) Business.~~

~~(2) General advertising.~~

~~(3) Location.~~

~~(b) Further, all signs within the district shall conform to the following regulations:~~

~~(1) All outdoor signs that are closer to the street than the setback line shall require a zoning permit.~~

~~(2) All signs shall be subject to the same setback, height and yard requirements as other structures except business signs advertising sale or rent of premises, which may be erected up to the property line.~~

~~(3) Illumination of all signs shall be indirect, with the light source shielded from direct view.~~

~~(Code 1981, § 11-8-28)~~

**Sec. 66-144. Area regulations.**

The area required for In the B-1 district, for ppermitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by an official of the county health department. The zoning administrator Zoning Administrator may require a greater area if considered necessary by the health official.

**Sec. 66-145. Setback regulations.**

In the B-1 district, buildingsBuildings 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.

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.

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**Sec. 66-146. Height regulations.**

~~In the B-1 district, b~~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) ~~————— (1) ———~~A public or ~~semipublic~~semi-public building, such as a school, church, 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) ~~————— (2) ———~~Church 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) ~~————— (3) ———~~No accessory building may be more than one story tall.

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**Secs. 66-147—66-165. Reserved.**

**DIVISION 6. OFF-STREET PARKING STANDARDS\***

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**Sec. 66-166. ~~Scope of division~~Statement of intent.**

~~This~~The intent of this division is to regulate ~~s~~ off-street parking ~~spaces~~ in all zoning districts.

**Sec. 66-167. General provisions.**

- (a) ~~————— (a) ———~~Parking spaces ~~as required~~ shall be located on the same parcel as the principal use. However, with approval of the ~~zoning administrator~~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 ~~so as~~ to ensure the perpetual availability of the parking spaces for the principal use.
- (b) ~~————— (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 division 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 division for an increase in parking spaces of ten percent 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.

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\*Cross reference(s)—Traffic and vehicles, ch. 62.

~~(c)~~ ~~(e)~~ 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.

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~~(d)~~ ~~(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~~ Zoning Administrator. The amount of such combined space shall equal the sum of the amounts required for the separate uses; however, the ~~zoning administrator~~ 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.

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~~(e)~~ ~~(e)~~ If a question shall arise regarding the classification of a use for application of this division, the ~~zoning administrator~~ Zoning Administrator shall determine the classification/basis of the number of spaces to be provided.

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~~(f)~~ ~~(f)~~ Due to the unique character of existing structures and amenities in the ~~Old and Historic Occoquan historic~~ District, the ~~zoning administrator~~ Zoning Administrator shall have the authority to waive the requirements of sections 66-168 and 66-169 ~~and to~~ approve non-standard spaces.

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~~(g)~~ For the purposes of this section, net floor space is equal to 75 percent of the gross floor area.

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Sec. 66-168. ~~Design standards~~ Required parking.

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~~(a)~~ Residential uses: ~~require the following parking spaces per unit:~~

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1. ~~a.~~ One bedroom ~~unit:~~ 2.0 spaces

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2. ~~b.~~ Units with two or more bedrooms shall have one (1) additional parking space per bedroom (i.e.: three bedroom unit is required to have 4 parking spaces).

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~~(b)~~ ~~(b)~~ Business uses (other than public assembly uses) 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 (~~net~~):

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1. ~~(1)~~ Commercial: 1.0 space

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~~2.~~ ~~(2)~~ Office: ~~.....~~ 1.0 space

~~(c)~~ ~~(e)~~ Public assembly uses (restaurants, clubs, theaters, churches, etc.) require one space ~~for each~~ per four seats; except that in the ~~Old and Historic Occoquan~~ Old and Historic Occoquan District, the ~~number of~~ number of spaces shall be one per eight seats or portion thereof, except that no parking spaces shall be required for restaurants and houses of worship in the Old and Historic Occoquan District with fewer than old and historic district until they reach a threshold of 50 seats.

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~~(d)~~ ~~(d)~~ ~~(e)~~ For ~~m~~ixed use developments shall provide spaces, ~~spaces shall be provided~~ in accordance with the percentage of floor space devoted to each use.

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~~(e)~~ ~~(f)~~ 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~~ Zoning Administrator.

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~~(f)~~ ~~(g)~~ Parking areas shall be graded at a slope ~~preferably~~ not to exceed five percent. Slope may be up to Maximum slope shall be ten percent, with approval of the town engineer.

~~(g)~~ ~~(h)~~ Parking computations yielding fractional spaces of 0.5 and above shall be rounded up to the next whole number, and fractional yields below 0.5 shall be rounded down to the nearest whole number.

~~(h)~~ ~~(i)~~ 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 percent of the entire parking space requirements and meet the minimum dimensions outlined in table B.

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

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

The following tables ~~shall~~ represent the minimum size requirements for required automobile spaces (see section 66-168(a)-(c) for the required number of parking spaces per use):

TABLE A. STANDARD SIZE CAR SPACES

Parking Angle (degrees)	Stall Width (feet)	Depth of Stall Perpendicular to Aisle (feet)	One-Way Aisle <u>Width</u> (feet)	Two-Way Aisle <u>Width</u> (feet)

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30	9	16.8	11	22	←
45	9	19.0	11	22	←
60	9	20.0	11	22	←
90	9	18.0	17	22	←
Parallel	9	22.0 <del>(length)</del>	11	22	←

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TABLE B. COMPACT CAR SPACES

Parking Angle (degrees)	Stall Width (feet)	Depth of Stall Perpendicular to Aisle (feet)	One-Way Aisle <u>Width</u> (feet)	Two-Way Aisle <u>Width</u> (feet)	←
30	8	15.0	11	22	←
45	8	16.0	11	22	←
60	8	17.0	11	22	←
90	8	15.5	17	22	←
Parallel	9	22.0 <del>(length)</del>	11	22	←

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Sec. 66-170. Disabled parking provisions.

~~(a)~~ ~~(a)~~ Disabled parking and building or sidewalk accessibility shall be provided in accordance with the current adopted edition of the Virginia Uniform Statewide Building Code.

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~~(b)~~ ~~(b)~~ Disabled parking spaces shall be identified by above-grade signs and demarcated as per typical detail HP-1 and HP-2 of the Virginia Uniform Statewide Building Code.

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

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~~(d)~~ ~~(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.

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Secs. 66-171—66-190. Reserved.

DIVISION 7. CHESAPEAKE BAY PRESERVATION OVERLAY DISTRICT\*

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Sec. 66-191. Findings of fact.

(a) ~~(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 commonwealth. The health of the bay is vital to maintaining the town's economy and the welfare of its citizens.

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(b) ~~(b)~~ The Chesapeake Bay waters have been degraded significantly by many sources of pollution, including non-point-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, ~~they offer~~ significant ecological benefits can be achieved by providing water quality maintenance and pollution control, as well as flood and shoreline erosion control. ~~These lands together,~~ lands designated by the ~~town council~~ 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 commonwealth.

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Sec. 66-192. Purpose and intent.

(a) ~~(a)~~ This division is enacted to implement the requirements of Code of Virginia, et seq. (The Chesapeake Bay Preservation Act), and 9VAC25-830-20 et seq. Chesapeake Bay Preservation Area Designation and Management Regulations.

(b) ~~(b)~~ The intent of the ~~town council~~ Town Council and the purpose of the overlay district is to:

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~~(1)~~ 1. Protect existing high-quality state waters;

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\*Cross reference(s)—Environment, ch. 18.

~~(2)~~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)~~3. Safeguard the clean waters of the commonwealth from pollution;

~~(4)~~4. Prevent any increase in pollution;

~~(5)~~5. Reduce existing pollution; and

~~(6)~~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)~~ ~~(e)~~ 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 chapter 14, article II; chapter 18, article II; and chapters 26 and 54 of this code shall be followed in reviewing and approving development, redevelopment, and uses governed by this division.

~~(d)~~ ~~(d)~~ This division is enacted under the authority of Code of Virginia, §62.1-44.15:7 et seq. (The Chesapeake Bay Preservation Act), and 9VAC25-830-20, and Code of Virginia, §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 §62.1-255."

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Sec. 66-193. Definitions.

The following words and terms used in ~~the~~ this overlay district have the following meanings unless the context clearly indicates otherwise. Words and terms not defined in this division but defined in this chapter shall be given the meanings previously set forth in this chapter.

*Applicant* means A person seeking any determination under this part or permit required by this division.

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*Best management practices* ~~or (BMPs)~~ means 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 non-point-sources to a level compatible with water quality goals.

*Buffer area* ~~means an area of~~ Natural or established vegetation managed to protect other components of a resource protection area and state waters from significant degradation due to land disturbances.

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*Chesapeake Bay Preservation Area*  
~~(CBPA)~~

~~means~~ Any land designated by the ~~town council~~ **Town Council** pursuant to part III of the Chesapeake Bay Preservation Area Designation and Management Regulations, 9VAC25-830-70 et. Seq and §62.1-44.15:72. A CBPA shall consist of a resource protection area and a resource management area.

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*Construction footprint*

~~means~~ 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.

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*Development*

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

*Diameter at breast height* ~~(or dbh)~~

~~means~~ The diameter of a tree measured outside the bark at a point 4.5 feet above ground.

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*Dripline*

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

*Floodplain*

~~means~~ All lands that would be inundated by flood water as a result of a storm event of a 100 year return interval. ~~f~~The limits of the floodplain shall be established in accordance with the Design and Construction Standards Manual.~~f~~

*Highly erodible soils*

~~means~~ Soils (excluding vegetation) with an erodibility index (EI) from sheet and rill erosion equal to or greater than eight (8). 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*

~~means~~ 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 (6) inches of water movement per hour in any part of the soil profile to a depth of seventy-two (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* ~~means~~—A surface composed of any material that significantly impedes or natural infiltration of water into the soil. Impervious surfaces include but are not limited to roofs, buildings, streets, parking areas, and any concrete, asphalt or compacted gravel surface.

*Intensely developed areas ~~(-or- IDAs)~~* A portion of a resource protection area or a resource management area designated by the ~~town council~~Town Council where development is concentrated and little of the natural environment remains.

*Non-point source pollution* ~~means~~—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.

*Non-tidal wetlands* ~~means those~~—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 section 404 of the Federal Clean Water Act, in 33 CFR 328.3b.

*Noxious weeds* ~~means~~—Weeds that are difficult to control effectively, such as Johnson grass, kudzu, and multi-flora rose.

*Plan of development* ~~means~~—The process for site plan or subdivision plat review to ensure compliance with 9VAC25-830, and this division prior to any clearing or grading of a site or the issuance of a building permit.

*Private road* ~~means~~—A privately owned and maintained road designed and constructed in accordance with the Design and Construction Standards Manual.

*Public road* ~~means~~—A publicly owned road designed in accordance with the Virginia Department of Transportation standards.

*Redevelopment* ~~means~~—The process of developing land that is or has been previously including in-fill development in intensely developed areas.

*Resource management area ~~(-or- RMA)~~* ~~means~~—That 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.

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*Resource protection area* ~~(or RPA)~~

~~means~~ That 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 Section 66-194 for areas of applicability.

*Substantial alteration*

~~The means~~ expansion or modification of a building or development within the Resource Management Area that would result in land a disturbance ~~of land~~ exceeding ~~an area of~~ 2,500 square feet ~~in the Resource Management Area only~~.

*Tidal shore or shore*

~~means~~ Land contiguous to a tidal body of water between the mean low water level and the mean high water level.

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*Tidal wetlands*

~~means~~ Vegetated and non-vegetated wetlands as defined in Code of Virginia, §28.2-1300.

*Water-dependent facility*

~~means a~~ Development of land that cannot exist outside of the RPA and must be located on the shoreline ~~by reason of~~ due to the intrinsic nature of its operation. These facilities include, but are not limited to:

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1. Ports;
  2. The intake and outfall structures of power plants, water treatment plants, sewage treatment plants, and storm sewers;
  3. Marinas and other boat docking structures;
  4. Beaches and other public water-oriented recreation areas;
- ~~5. (5)~~ - Fisheries or other marine resources facilities.

*Wetlands*

~~means~~ Tidal and non-tidal wetlands.

**Sec. 66-194. Areas of applicability.**

~~(a)~~ (a) The Chesapeake Bay Preservation Area Overlay District shall apply to all lands identified as CBPAs as designated by the ~~town council~~ 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 division.

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~~1.~~ (1) The RPA includes:

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~~a.~~ ~~a.~~ Tidal wetlands;

~~a-b.~~ Non-tidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow;

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

~~2.~~ ~~(2)~~ The RMA is composed of concentrations of the following land categories:

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a. Floodplains;

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~~—~~ b. Highly erodible soils, including steep slopes;

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~~—~~ c. Highly permeable soils;

~~—~~ d. Non-tidal wetlands not included in the RPA; and

~~d-e.~~ Other lands, including all areas in the town necessary to protect the quality of state waters.

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~~(b)~~ ~~(b)~~ The 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 section 66-199 of this division.

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~~(c)~~ ~~(e)~~ 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 section 66-200.

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**Sec. 66-195. 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 division.

**Sec. 66-196. 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 section 66-200, when such development is not otherwise allowed in the RPA.

**Sec. 66-197. Required conditions.**

~~(a)~~ ~~(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 this chapter or a subdivision plat in accordance with chapter 54 of this code.

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~~(b)~~ ~~(b)~~ Development in RPAs may be allowed only when permitted by the ~~zoning administrator~~ Zoning Administrator and if it is (i) water-dependent, (ii) constitutes redevelopment; or (iii) constitutes development or redevelopment in the IDA.

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1. A new or expanded water-dependent facility must meet the following criteria:

- a. It does not conflict with the ~~comprehensive plan~~ Comprehensive Plan,
- b. It complies with all performance standards of section 66-200 of this division,
- c. All non-water-dependent components must be located outside of the RPA, and
- d. Access to the water-dependent facility will be provided with the minimum disturbance necessary. Where practicable, a single point of access will be provided.

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~~(2)~~ 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 section 66-200(b)(7) of this division.

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~~(c)~~ ~~(e)~~ 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~~ Zoning Administrator because of the unique characteristics of the site or intensity of development, in accordance with the provisions of section 66-201.

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**Sec. 66-198. Conflict with other regulations.**

In any case where the requirements of this division 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.

**Sec. 66-199. Interpretation of RPA boundaries.**

~~(a)~~ ~~(a)~~ Delineation by the applicant. The site-specific boundaries of the RPA shall be determined by the applicant through the performance of an environmental site assessment,

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subject to approval by the ~~zoning administrator~~Zoning Administrator and in accordance with through the submission of a Water Quality Impact Assessment in accordance with section 66-201 of this division. The Occoquan Chesapeake Bay Preservation Area Map shall be used as a guide to the general location of RPAs.

~~(b)~~ ~~\_\_\_\_\_~~ (b) Delineation by the ~~zoning administrator~~Zoning Administrator. The ~~zoning administrator~~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~~Zoning Administrator may use hydrology, soils, plant species and other data, and consult other appropriate resources as needed to perform the delineation.

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~~(c)~~ ~~\_\_\_\_\_~~ (c) ~~Where conflict arises over delineation.~~ Where the applicant has provided a site-specific delineation of the RPA, the ~~zoning administrator~~Zoning Administrator will verify the accuracy of the boundary delineation. In determining the site-specific RPA boundary, the ~~zoning administrator~~Zoning Administrator may render adjustments to the applicant's boundary delineation, in accordance with section 66-202 or section 66-201 (Water Quality Impact Assessment) of this division. 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).

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Sec. 66-200. Performance standards.

(a) Purpose and intent.

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~~1. The purpose and intent of this division is to prevent a net increase in non-point-source pollution from new development and achieve a ten percent reduction in non-point-source pollution from redevelopment~~

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~~2. (1)~~ 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.

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~~(2) The purpose and intent of this division is also to implement the following objectives: prevent a net increase in non point source pollution from new development and achieve a ten percent reduction in non point source pollution from redevelopment~~

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

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~~a. 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.

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~~b. b-~~Ingress and egress during construction shall be limited to one access point unless otherwise approved by the ~~zoning administrator~~Zoning Administrator.

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~~2. (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.

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~~a. 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.

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~~b. 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~~Zoning Administrator.

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~~c. 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 ~~so~~ 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.

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

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~~4. (4)~~ Notwithstanding any other provisions of this division or exceptions or exemptions to this division, any land disturbing activity exceeding 2,500 square feet, including construction of all single-family houses, shall comply with the requirements of ~~C~~chapter 18, ~~A~~article II of this ~~C~~code.

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~~5. (5)~~ All existing sewage disposal systems not requiring a VPDES permit shall be pumped 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.

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

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~~a. a-~~ For development, the post-development non-point-source pollution runoff load shall not exceed the pre-development load, based on a Chesapeake Bay watershed-wide average impervious surface cover of 16%.

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~~b. b.~~ For any redevelopment site and for sites within IDAs, the non-point-source load shall be reduced by at least ten percent. The ~~zoning administrator~~Zoning Administrator modify this requirement for redevelopment sites that originally incorporated BMPs for stormwater runoff quality control, provided the following provisions are satisfied:

~~i. 1.~~ In no case may the post-development non-point-source pollution runoff load exceed the pre-development load;

~~ii. 2.~~ Runoff pollution loads must have been calculated and the BMPs selected for the expressed purpose of controlling non-point-source pollution;

~~iii. 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~~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

~~c. e.~~ 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 non-point-source pollution loadings can be substituted for the existing development loadings.

~~7. (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~~Zoning Administrator, in accordance with section 66-202.

~~8. (8)~~ Clearing, land disturbance or development exceeding 500 square feet, ~~per recorded lot on a recorded lot of record~~ as of the date of this ordinance amendment, on slopes 20 percent or greater is prohibited.

~~(c.)~~ Buffer area requirements.

~~1. (1)~~ To minimize the adverse effects of human activities on the other components of state waters, and aquatic life, a 100-foot buffer area of vegetation that is effective in retarding runoff, preventing erosion, and filtering non-point-source pollution from runoff shall be retained if present and established where it does not exist.

~~2. (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 66-194 and 66-202.

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

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

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~~a. a-~~ In order to maintain the functional value of the buffer area, indigenous vegetation may be removed only, as permitted by the ~~zoning administrator~~ 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:

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~~i. 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 non-point-source pollution from runoff.

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~~ii. 2-~~ Any path shall be constructed and surfaced ~~so as~~ to effectively control erosion.

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~~iii. 3-~~ Dead, diseased, or dying trees or shrubbery and noxious weeds (such as Johnson grass, kudzu, and multi-flora rose) may be removed and thinning of trees may be allowed pursuant to sound horticulture practice as recommended by the town.

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~~iv. 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.

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~~b. 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~~ Zoning Administrator may allow encroachments into the buffer area in accordance with section 66-202 and the following criteria:

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

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~~ii. 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; and

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

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~~c. e.~~ Redevelopment within IDAs may be exempt from the buffer area, in accordance section 66-202. 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~~ Zoning Administrator.

**Sec. 66-201. Water quality impact assessment.**

(a) ~~Purpose and intent.~~ 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 ~~located on those portions of a site and~~ 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 ~~proposed for location~~ on lands ~~not unsuited~~ 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 division when warranted and in accordance with the requirements contained in this division; and
5. Specify mitigation that will address water quality protection.

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~~(b)~~ ~~(b) Water quality impact assessment required.~~ 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 section 66-200; and any development in an RMA, ~~in the~~ floodplain, ~~or~~ area of highly erodible soils, or 20 percent or greater slopes.

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~~(c)~~ There shall be two levels of water quality impact assessments, ~~a~~ minor ~~assessment~~ and major ~~assessment~~.

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~~1.~~ ~~(e)~~ Minor water quality impact assessment.

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RPA and its 100-foot buffer strip under the following conditions:

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~~a.i.~~ No more than 6,000 square feet of land disturbance.

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~~b.ii.~~ No disturbance of the seaward 50 feet of the 100-foot buffer area.

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~~(2)b.~~ A minor assessment must demonstrate that the undisturbed buffer area, enhanced vegetative plantings and any required BMPs will result in removal of no

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less than 75 percent of sediments and 40 percent of nutrients from post-development stormwater runoff. ~~It must also demonstrate and~~ that it will retard runoff, prevent erosion, and filter non-point 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:

- ~~a.i.~~ Location of the components of the RPA, including the 100-foot buffer area.
  - ~~b.ii.~~ 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.
  - ~~e.iii.~~ Type and location of proposed BMPs to mitigate the proposed encroachment.
  - ~~d.iv.~~ If development is in an IDA, proposed measures to restore all or part of the buffer strip, if possible.
  - ~~e.v.~~ 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.
  - ~~f.vi.~~ Re-vegetation plan that supplements the existing buffer vegetation in a manner that provides for pollutant removal, erosion, and runoff control.
  - ~~(d)~~ ~~(e)2.~~ Major water quality impact assessment.
    - ~~(1)a.~~ A major water quality impact assessment shall be required for any development that:
      - ~~a.i.~~ Exceeds 6,000 square feet of land disturbance within an RPA or its buffer strip;
      - ~~b.ii.~~ Disturbs any portion of the seaward 50 feet of the 100-foot buffer area; or
      - ~~e.iii.~~ Is located in an RMA and includes areas of floodplain, highly erodible soils, or 20 percent or greater slopes.
- Administrator determines that some of the elements are unnecessary due to the scope and nature of the proposed use and development of land.
- ~~(2)b.~~ The following elements shall be included in the preparation and submission of a major water quality assessment:

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- i. All of the information required in a minor water quality impact assessment, as specified in subsection (c) of this section.
- ii. A hydrogeological element that:
  - a) Describes the existing topography, soils, hydrology and geology of the site and adjacent lands.
  - b) Describes the impacts of the proposed development on topography, soils, hydrology and geology on the site and adjacent lands.
  - iii. Indicates the following:
    - a) Disturbance or destruction of wetlands and justification for such action.
    - ii. Disruptions or reductions in the supply of water to wetland, streams, lakes, rivers or other water bodies.
    - iii. Disruptions to existing hydrology, including wetland and stream circulation patterns.
    - iv. Source location and description of proposed fill material.
    - v. Location of dredge material and location of dumping area for such material.
    - vi. Location of and impacts on shellfish beds, submerged aquatic vegetation, and fish spawning areas.
    - vii. Estimation of pre- and post-development pollutant loads in runoff.
    - viii. Estimation of percentage of increase in impervious surface on the site and types of surfacing materials used.
    - ix. Percentage of site to be cleared for the project.
    - x. Anticipated duration and phasing schedule of the project.
    - xi. Listing of all requisite permits from all applicable agencies necessary to develop the project.
- iv. Describes the proposed mitigation measures for the potential hydrogeological impacts. Potential mitigation measures include:

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- a) ~~i.~~ Proposed erosion and sediment control concepts; concepts may 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) ~~ii.~~ Proposed stormwater management system.
  - c) ~~iii.~~ Creation of wetlands to replace those lost.
  - d) ~~iv.~~ Minimizing cut and fill.
- ~~c.~~ \_\_\_\_\_ ~~e.~~ \_\_\_\_\_ A landscape element that:
- i. ~~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.
  - ii. ~~2.~~ Describes the impacts of the development or use ~~will have~~ on the existing vegetation. ~~Information shall include:~~
    - a) ~~i.~~ General limits of clearing, based on all anticipated improvements, including buildings, drives and utilities.
    - b) ~~ii.~~ Clear delineation of all trees ~~that will to~~ be removed.
    - c) ~~iii.~~ Description of plant species to be disturbed or removed.
  - iii. ~~3.~~ Describes the potential measures for mitigation. ~~Possible mitigation measures include:~~
    - a) ~~i.~~ Replanting schedule for trees and other significant vegetation removed for construction, including a list of possible plants and trees to be used.
    - b) ~~ii.~~ 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.
    - c) ~~iii.~~ Demonstration that indigenous plants are to be used to the greatest extent possible.
- ~~d.~~ \_\_\_\_\_ (e) \_\_\_\_\_ Submission and review requirements.

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i. ~~(1)~~ Ten copies of all site drawings and other applicable information as required subsections (c) 1. and ~~(c)~~ 2. of this section shall be submitted to the ~~zoning Administrator~~ Zoning Administrator for review.

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

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iii. ~~(3)~~ A water quality impact assessment shall be prepared and submitted to and reviewed by the ~~zoning administrator~~ Zoning Administrator in conjunction with section 66-202.

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iv. ~~(4)~~ As part of any major water quality impact assessment submittal, the ~~zoning administrator~~ 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~~ 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~~ Zoning Administrator, provided that such comments are provided by CBLAD within 90 days of the request.

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e. ~~(f)~~ Evaluation procedure.

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

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

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b. Impervious surface is minimized.

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

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

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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.

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ii. ~~(2)~~ Upon the completed review of a major water quality impact assessment, the ~~zoning administrator~~ Zoning Administrator will determine if the proposed

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Sec. 66-202. Plan of development process.

~~(a) (a)~~ ~~Required.~~ 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 division.

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~~(b) (b)~~ ~~Required information.~~ In addition to the requirements of this section and chapter 46 ~~or and~~ 54 of this Code, the plan of development process shall consist of the plans and studies identified in this subsection. These required plans and studies may be coordinated or combined, as deemed appropriate by the ~~zoning administrator~~ Zoning Administrator. The ~~zoning administrator~~ 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:

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1. A site plan in accordance with the provisions of chapter 46 of this code or a subdivision plan in accordance with the provisions of chapter 54 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 18, Article II of this Code.

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

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

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- a. Tidal wetlands;~~;~~
- b. Tidal shores;~~;~~
- c. Non-tidal 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 subsections (c)(1)a.-c. of this section and along both sides of any water body with perennial flow; and

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~~d.~~

~~(2)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,

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

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~~(4)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~~ Zoning Administrator when the proposed use or development would result in less than 5,000 square feet of disturbed area.

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~~(5)5.~~ Any request for exemption from the buffer requirements for properties contained wholly within designated IDAs, as allowed by section 66-200(c)(3), must be submitted in writing with the assessment.

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~~(d) (d)~~ Landscaping plan. 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.

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~~1. (1)~~ Contents of the plan.

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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 ~~on the landscaping plan.~~

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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 division shall be shown ~~on the landscaping plan.~~

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

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

e. ~~The plan shall depict~~ grade changes or other work adjacent to trees that would Specifications shall be provided as to how grade, drainage and aeration ~~would will~~ maintained around trees to be preserved.

f. ~~The landscaping plan will include~~ Specifications for the protection of existing trees during clearing, grading, and all ~~other~~ phases of construction.

~~2.~~ ~~(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 American Association of Nurserymen.

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 1.5 inches dbh at the time of planting.

~~3.~~ ~~(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 division.

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 division.

~~(e) Stormwater management plan. A~~ stormwater management plan shall be submitted ~~as part of the plan of development process required by this division and~~ in conjunction with site plan or subdivision plan approval.

~~1.~~ At a minimum, the stormwater management plan must contain the following:

~~a.~~ ~~a.~~ Location and design of all ~~planned-proposed~~ stormwater control devices.

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~~b. — b.~~ Procedures for implementing non-structural stormwater control practices and techniques.

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~~c. — e.~~ Pre- and post-development non-point-source pollutant loadings with supporting documentation of all utilized coefficients and calculations.

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~~d. — d.~~ For facilities, verification of structural soundness, including a professional engineer certification.

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

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~~3. (3)~~ The plan shall establish a long-term schedule for inspection and maintenance of stormwater management facilities that includes 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.

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~~(f) — (f) Erosion and sediment control plan.~~ An erosion and sediment control plan shall be submitted that satisfies the requirements of this division and in accordance with chapter 18, article II of this code, in conjunction with site plan or subdivision plan approval.

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~~(g) — (g) Final plan.~~ Final plans for property within CBPAs shall be final plats for land to be subdivided or site plans for land not to be subdivided as required in chapters 46 and 54 of this code.

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~~1. — (1)~~ Final plans for all lands within CBPAs shall include the following additional information:

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a. The delineation of the RPA boundary;

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b. The delineation of required buffer areas;

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c. All wetlands permits required by law;

~~d.~~ A maintenance agreement, as deemed necessary and appropriate by Administrator, to ensure proper maintenance of BMPs in order to continue their functions; and

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:

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~~i. 1.~~ All existing vegetation within the RPA shall remain in its undisturbed natural state, except as allows by the Code of the Town of Occoquan.

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~~ii. 2.~~ "Permissible development in the RPA is limited to water dependent facilities, redevelopment, or other uses specifically allowed by the Code of the Town of Occoquan."

~~f.~~ Gross acreages of the following physical land units shall be tabulated and computed by accurate planimetric methods at the final plan scale:

- ~~i. 1.~~ 100-year floodplains;
- ~~ii. 2.~~ Wetlands;
- ~~iii. 3.~~ Existing water features (bodies of water, drainage channels, streams, etc.); and
- ~~iv. 4.~~ Resource protection areas and resource management areas as specified by Chapter 66, Article II, Division 7, Chesapeake Bay Preservation, of the Town Code.

~~g.~~ Buildable areas allowed on each lot based on the performance criteria specified in the Chesapeake Bay Preservation Area Regulations in this Chapter; 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:

~~The delineation of the buildable areas that are allowed on each lot. The delineation of the buildable areas shall be based on the performance criteria specified in the Chesapeake Bay Preservation Area Regulations in this Chapter; front, side, and rear yard setback requirements established pursuant to this Chapter, and any other relevant easements or limitations regarding lot coverage.~~

~~2. (2)~~ Installation and bonding requirements.

~~a. 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~~ 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.

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- 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~~Zoning Administrator, such unexpended or unobligated portion of the surety held shall be refunded in accordance with chapters 46 and 54 of this code. The ~~zoning administrator~~Zoning Administrator may require a certificate of substantial completion from a professional engineer before making a final inspection.

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~~(h) (h) Administrative responsibility.~~ Administration of the plan of development process shall be in accordance with chapter 46 ~~or~~and 54 of this code.

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~~2. (2) Administrative responsibility.~~

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~~2. (2)~~—The appeal shall be made in writing to the ~~planning commission~~Planning Commission. The ~~planning commission~~Planning Commission shall review the appeal and make recommendation to the ~~town council~~Town Council. In reviewing the appeal, the ~~planning commission~~Planning Commission shall determine if:

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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

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

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~~3. (3)~~—If the ~~planning commission~~Planning Commission finds that the applicant's plan does not meet the criteria stated in subsection (i)(2) of this section, they shall recommend denial of the plan to the ~~town council~~Town Council. If the applicant's plan is found to meet the criteria stated in subsection (i)(2) of this section, the ~~planning commission~~Planning Commission shall recommend approval of the plan to the ~~town council~~Town Council.

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4. ~~(4)~~ The ~~town council~~Town Council shall consider the findings and rationale of the when voting to deny or approve the applicant's appeal.

Sec. 66-203. ~~Noneconform~~Non-conforming uses and non-complying structures.

(a) ~~(a)~~ —The lawful use of a building or structure ~~which existed~~existing on the effective date of the ordinance from which this section derives or which exists at the time of any amendment to this division, and which is not in conformity with the provisions of the overlay district may be continued in accordance with article III of this chapter.

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

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1. ~~(1)~~ The ~~town council~~Town Council may grant a ~~noneconform~~non-conforming use and development waiver for structures on legal ~~noneconform~~non-conforming lots or parcels to provide for remodeling and alterations to such ~~noneconform~~non-conforming structures, provided that:

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1. ~~a-~~ There will be no increase in non-point-source pollution load; ~~and-~~

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2. ~~b-~~ Any development or land disturbance exceeding ~~an area of~~ 2,500 square feet ~~in~~ area complies with all erosion and sediment control requirement of this division.

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2. ~~(2)~~ An application for a ~~noneconform~~non-conforming use and development waiver shall be made to and upon forms furnished by the ~~zoning administrator~~Zoning Administrator and shall include, for the purpose of proper enforcement of this division, the following information:

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a. Name and address of the applicant and the property owner.

b. Legal description of the property

~~c. and~~ c. Type of proposed use and development.

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~~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.

~~e.~~ Location and description of any existing private water supply or sewerage system.

3. ~~(3)~~ Requests for a ~~noneconform~~non-conforming use and development waiver shall be reviewed by the ~~planning commission~~Planning Commission, who shall forward a recommendation to the ~~town council~~Town Council.

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4. ~~(4)~~ A ~~nonconform~~non-conforming use and development waiver shall become null and from the date issued if no substantial work has commenced.

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5. ~~(5)~~ An application for the expansion of a ~~nonconform~~non-conforming principal structure may be approved by the ~~town council~~Town Council after an administrative review process provided that the following findings are made:

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a. The request for the waiver is the minimum necessary to afford relief:

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b. ~~a.~~ Granting the waiver will not confer upon the applicant any specific privileges that are denied by this division to other property owners in similar situations;

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c. ~~b.~~ The waiver is in harmony with the purpose and intent of this division and does not result in water quality degradation;

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d. ~~e.~~ The waiver is not based on conditions or circumstances that are self-created or self-imposed;

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f. ~~d.~~ Reasonable and appropriate conditions are imposed, as warranted, that will prevent the waiver from causing degradation of water quality;

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e.g. Other findings, as appropriate and required by the town, are met; and-

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f.h. In no case shall this provision apply to accessory structures.

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Sec. 66-204. Exemptions.

~~(a)~~ ~~(a)~~ Exemptions for utilities and public roads. Construction, installation, and maintenance of water, sewer, roads, natural gas lines, and underground telecommunications, and ~~and~~ cable television lines owned, permitted ~~or both~~ by the town, shall be exempt from the overlay district provided that:

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~~(1)~~1. To the ~~degree extent~~ possible, the location of such utilities and facilities shall be outside RPAs;

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~~(2)~~2. No more land shall be disturbed than is necessary to provide for the proposed utility installation;

3. ~~(3)~~ 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; and

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4. ~~(4)~~ Any land disturbance exceeding ~~an area of~~ 2,500 square feet ~~in area shall~~ comply with all town erosion and sediment control requirements.

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~~(b) (b) Exemptions in RPAs. The following land disturbances in RPAs may be exempted from the overlay district: w~~Water wells; passive recreation facilities such as boardwalks, trails and pathways; and historic preservation and archaeological activities within the RPAs may be exempted from the overlay district, provided that it is demonstrated to the satisfaction of the ~~zoning administrator~~Zoning Administrator that:

1. ~~(1)~~Any required permits, except those to which this exemption specifically applies, shall have been issued;
- ~~(2)~~2. Sufficient and reasonable proof is submitted that the intended use will not deteriorate water quality;
- ~~(3)~~3. The intended use does not conflict with nearby planned or approved uses; and
- ~~(4)~~4. Any land disturbance exceeding ~~an area of~~ 2,500 square feet in area shall comply with all town erosion and sediment control requirements.

#### Sec. 66-205. Exceptions [Repealed]

~~PU mp 1592, line drawing~~

#### DIVISION 8. OLD AND HISTORIC OCCOQUAN DISTRICT

#### Sec. 66-220. Definitions.

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

Board                      The Architectural Review Board.

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.

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**Sec. 66-222. 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 ~~on the attached~~ 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 Chapter 2, Article IV, Division 4. 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.

**Historic Occoquan Landmarks**

~~Attachment to Occoquan Code Section 66-222~~

**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

**Washington Street:** 202, 203, 205, 206, 207, 209

**Union Street:** 201, 202, 203, 204, 205, 206

**Sec. 66-223. Application for certificate of appropriateness.**

Application for a certificate of appropriateness shall be made through the town clerk for any modifications described in Section 66-224 within the boundaries of the Old and Historic Occoquan District.

**Sec. 66-224. Matters to be considered by the ~~B~~board ~~in acting on the appropriateness of the erection, reconstruction, alteration, restoration or demolition of a building or structure.~~**

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, and~~ shall not make any requirements, except for the purpose of preventing developments obviously incongruous to the old and historic aspect of the surroundings. The Board shall consider the following in ~~passing~~ passing upon the appropriateness of architectural features:

- (a) Exterior architectural features, including all signs ~~,~~ that are subject to public view from a public street, way or place~~;~~
- (b) General design and arrangement~~;~~
- (c) Texture, material~~,~~ and color~~;~~
- (d) The relation of the factors, (1), (2) and (3) of this section, to similar features of the buildings and structures in the immediate surroundings~~;~~

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- (e) The extent to which the building or structure would be ~~harmonious-in harmony~~ with ~~or obviously incongruous to~~ the old and historic aspect of the surroundings:-
- (f) 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-~~

(g) The extent to which the building or structure will promote the general welfare by:

1. ~~Preserving and protecting historic places and areas:~~
2. ~~\_\_\_\_\_ a. \_\_\_\_\_~~ Maintaining and increasing real estate value;
3. ~~g~~ Generating business;
4. ~~\_\_\_\_\_~~ Creating new positions;
5. ~~\_\_\_\_\_~~ Attracting tourists, students, writers, historians, artists and artisans, and new residents;
6. ~~\_\_\_\_\_~~ Encouraging study of and interest in American history;
7. ~~\_\_\_\_\_~~ Stimulating interest in and study of architecture and design;
8. ~~\_\_\_\_\_~~ Educating citizens in American culture and heritage; and
9. ~~\_\_\_\_\_~~ Making the town a more attractive and desirable place in which to live.

**Sec. 6-225. Issuance of certificate of appropriateness.**

~~Decisions of Approval by~~ the Board will be incorporated into ~~approved~~ certificates of appropriateness ~~or written reasons for disapproval~~. 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 chairman of the Board and bearing the date of issuance, shall be made available to the applicant. The ~~zoning administrator~~ 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.

**Sec. 66-226. Right of appeal.**

Whenever the Board shall ~~disapprove~~ deny an application for a certificate of appropriateness, ~~it shall be done in writing.~~ aAny person shall have the right to appeal and be heard before the ~~town council~~ Town Council provided the person files, with the ~~zoning administrator~~ Zoning Administrator,

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on or before 14 days after the decision of the Board, a written notice of intention to appeal. Upon receipt of such notice, the ~~zoning administrator~~Zoning Administrator shall schedule a public hearing before the ~~town council~~Town Council, at a time not more than 30 days after the receipt of such notice of appeal. Such hearing shall be advertised in accordance with Code of Virginia, § 15.2-2204.

**Sec. 66-227. Appeal to Circuit Court.**

Any person, following the final decision of the ~~town council~~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~~Town Council and must otherwise comply with the requirements of Code of Virginia, §15.2-2306.A.3.

DIVISION 9. PARKS AND PUBLIC UTILITY DISTRICT (PPU)

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**Sec. 66-228 Statement of Intent.**

The ~~P~~arks and ~~P~~ublic ~~U~~tility district (PPU) covers the portion of the Town located along the Occoquan River and ~~formerly~~ used as a ~~former~~ water treatment facility. This district is intended to provide for public water utility uses, as well as a riverfront public park.

**Sec. 66-229 Uses Permitted.**

~~S~~~~in the PPU district,~~ structures to be maintained or erected or land to be used shall be restricted to the following:

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~~(a)~~ Public park;

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~~(b)~~ ~~T~~rails/boardwalk

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~~(a)(c)~~ ~~,~~ and ~~o~~Open space.

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~~(b)(d)~~ ~~Public Water Utilities~~ ~~to~~including~~de~~, 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 ~~above in this paragraph which may include~~including poles, structures, wires, conduits, cables or other similar equipment.

~~(e)(e)~~ Uses ancillary to ~~either or both of~~ the permitted uses, including, but not limited to, service roads and storage.

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**Sec. 66-236. 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 ~~noneonform~~non-conformingities 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.

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**Sec. 66-237. ~~Noneonform~~Non-conforming 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.

**Sec. 66-238. ~~Noneonform~~Non-conforming 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, ~~its~~ 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) Such ~~non~~-conforming structure may be enlarged or altered to an extent not to exceed 20 percent of its original size. Such enlargement or alteration may be done only with approval from the ~~Zoning Administrator~~Zoning Administrator and only if such action shall not increase the degree of ~~non~~-conformance.
- (b) Should such ~~non~~-conforming structure or ~~noneonform~~non-conforming portion of structure be destroyed or damaged by any means, it may be reconstructed, but not to an extent exceeding 50 percent of the current replacement cost of the original structure and only if such reconstruction shall not increase the degree of ~~noneonform~~non-conformance.

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- (c) Where a ~~nonconform~~non-conforming structure devoted to a ~~nonconform~~non-conforming activity is damaged less than 50 percent of the cost of reconstructing the entire structure, or where a ~~nonconform~~non-conforming structure is damaged less than 75 percent 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 ~~nonconform~~non-conforming structure be changed to a more limited ~~nonconform~~non-conforming use, such newly created use may be changed only to an even more limited use.

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**Sec. 66-239. ~~Nonconform~~Non-conforming uses; permits required.**

All operators or owners of ~~nonconform~~non-conforming uses, lots or structures shall, within six months after the adoption of the ordinance from which this section derives obtain from the ~~zoning administrator~~Zoning Administrator a ~~nonconform~~non-conforming use permit; and such ~~nonconform~~non-conforming use, lot or structure shall be recorded as part of the records of the town. Whenever the boundaries of a district are changed, any uses of land or buildings that become ~~nonconform~~non-conforming as a result of such change shall be recorded as part of the records of the town.

**Secs. 66-240—66-270. Reserved.**

ZONING

§66

ARTICLE IV. ENFORCEMENT OF ZONING BY ~~ZONING ADMINISTRATOR~~ZONING ADMINISTRATOR\*

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\*Cross reference(s)—Administration, ch. 2.

~~b-c~~ Tidal shores;

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

~~2. (2)~~ The RMA is composed of concentrations of the following land categories:

a. Floodplains;

— b. Highly erodible soils, including steep slopes;

— c. Highly permeable soils;

— d. Non-tidal wetlands not included in the RPA; and

~~d-e~~ Other lands, including all areas in the town necessary to protect the quality of state waters.

~~(b)~~ ~~(b)~~ The 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 section 66-199 of this division.

~~(c)~~ ~~(e)~~ 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 section 66-200.

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**Sec. 66-195. 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 division.

**Sec. 66-196. 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 section 66-200, when such development is not otherwise allowed in the RPA.

**Sec. 66-197. Required conditions.**

~~(a)~~ ~~(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 this chapter or a subdivision plat in accordance with chapter 54 of this code.

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~~(b)~~ ~~(b)~~ Development in RPAs may be allowed only when permitted by the ~~zoning administrator~~ Zoning Administrator and if it is (i) water-dependent, (ii) constitutes redevelopment; or (iii) constitutes development or redevelopment in the IDA.

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1. A new or expanded water-dependent facility must meet the following criteria:

- a. It does not conflict with the ~~comprehensive plan~~ Comprehensive Plan,
- b. It complies with all performance standards of section 66-200 of this divisions,
- c. All non-water-dependent components must be located outside of the RPA, and
- d. Access to the water-dependent facility will be provided with the minimum disturbance necessary. Where practicable, a single point of access will be provided.

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~~(2)~~ 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 section 66-200(b)(7) of this division.

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~~(c)~~ ~~(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~~ Zoning Administrator because of the unique characteristics of the site or intensity of development, in accordance with the provisions of section 66-201.

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**Sec. 66-198. Conflict with other regulations.**

In any case where the requirements of this division 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.

**Sec. 66-199. Interpretation of RPA boundaries.**

~~(a)~~ ~~(a)~~ Delineation by the applicant. 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~~ Zoning Administrator and in accordance with through the submission of a Water Quality Impact Assessment in accordance with section 66-201 of this division. The Occoquan Chesapeake Bay Preservation Area Map shall be used as a guide to the general location of RPAs.

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~~(b)~~ ~~(b)~~ Delineation by the ~~zoning administrator~~ Zoning Administrator. The ~~zoning administrator~~ 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~~ Zoning Administrator may use hydrology, soils, plant species and other data, and consult other appropriate resources as needed to perform the delineation.

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~~(c)~~ ~~(c)~~ ~~Where conflict arises over delineation.~~ Where the applicant has provided a site-specific delineation of the RPA, the ~~zoning administrator~~ Zoning Administrator will verify the accuracy of the boundary delineation. In determining the site-specific RPA boundary, the ~~zoning administrator~~ Zoning Administrator may render adjustments to the applicant's boundary delineation, in accordance with section 66-202 or section 66-201 (Water Quality Impact Assessment) of this division. 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).

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**Sec. 66-200. Performance standards.**

~~(a)~~ Purpose and intent.

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1. The purpose and intent of this division is to prevent a net increase in non-point-source pollution from new development and achieve a ten percent reduction in non-point-source pollution from redevelopment

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~~2.~~ ~~(1)~~ 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.

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~~(2) The purpose and intent of this division is also to implement the following objectives: prevent~~

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

~~a. 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. b-~~ Ingress and egress during construction shall be limited to one access point unless otherwise approved by the ~~zoning administrator~~ Zoning Administrator.

~~2. (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. 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. 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~~ Zoning Administrator.

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

~~4. (4)~~ Notwithstanding any other provisions of this division or exceptions or exemptions to this division, any land disturbing activity exceeding 2,500 square feet, including construction of all single-family houses, shall comply with the requirements of ~~C~~chapter 18, ~~A~~article II of this ~~C~~code.

~~5. (5)~~ All existing sewage disposal systems not requiring a VPDES permit shall be pumped 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. (6)~~ For any development or redevelopment, stormwater runoff shall be controlled by the use of BMPs that achieve the following:

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~~a. a-~~ For development, the post-development non-point-source pollution runoff load shall not exceed the pre-development load, based on a Chesapeake Bay watershed-wide average impervious surface cover of 16%.

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~~b. b-~~ For any redevelopment site and for sites within IDAs, the non-point-source load shall be reduced by at least ten percent. The ~~zoning administrator~~ Zoning Administrator modify this requirement for redevelopment sites that originally incorporated BMPs for stormwater runoff quality control, provided the following provisions are satisfied:

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~~i. 1-~~ In no case may the post-development non-point-source pollution runoff load exceed the pre-development load;

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~~ii. 2-~~ Runoff pollution loads must have been calculated and the BMPs selected for the expressed purpose of controlling non-point-source pollution;

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~~iii. 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~~ 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.

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~~c. e-~~ 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 non-point-source pollution loadings can be substituted for the existing development loadings.

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~~7. (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~~ Zoning Administrator, in accordance with section 66-202.

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~~8. (8)~~ Clearing, land disturbance or development exceeding 500 square feet, ~~per recorded lot on a recorded lot of record~~ as of the date of this ordinance amendment, on slopes 20 percent or greater is prohibited.

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~~(c) 4-~~ Buffer area requirements.

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~~1. (1)~~ To minimize the adverse effects of human activities on the other components of state waters, and aquatic life, a 100-foot buffer area of vegetation that is effective in retarding runoff, preventing erosion, and filtering non-point-source pollution from runoff shall be retained if present and established where it does not exist.

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2. ~~(2)~~ The buffer area shall be located adjacent to and landward of other RPA components 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 66-194 and 66-202.

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

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

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a. ~~a~~ In order to maintain the functional value of the buffer area, indigenous vegetation may be removed only, as permitted by the ~~zoning administrator~~ 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:

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i. ~~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 non-point-source pollution from runoff.

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ii. ~~2~~ Any path shall be constructed and surfaced ~~so as~~ to effectively control erosion

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iii. ~~3~~ Dead, diseased, or dying trees or shrubbery and noxious weeds (such as Johnson grass, kudzu, and multi-flora rose) may be removed and thinning of trees may be allowed pursuant to sound horticulture practice as recommended by the town.

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iv. ~~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.

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b. ~~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~~ Zoning Administrator may allow encroachments into the buffer area in accordance with section 66-202 and the following criteria:

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

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ii. ~~2~~ Where practicable, a vegetated area that will maximize water quality protection, mitigate the effects of the buffer encroachment, and is equal to the

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area of encroachment into the buffer area shall be established elsewhere on the lot or parcel; and

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

~~c. e.~~Redevelopment within IDAs may be exempt from the buffer area, in accordance section 66-202. 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~~Zoning Administrator.

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Sec. 66-201. Water quality impact assessment.

(a) ~~Purpose and intent.~~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 ~~located on those portions of a site and~~ 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 ~~proposed for location~~ on lands ~~not unsuited~~ 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 division when warranted and in accordance with the requirements contained in this division; and
5. Specify mitigation that will address water quality protection.

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~~(b)~~ ~~(b) Water quality impact assessment required.~~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 section 66-200; and any development in ~~an~~ RMA, ~~in the~~ floodplain, ~~or~~ area of highly erodible soils, or 20 percent or greater slopes.

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~~(c)~~ There shall be two levels of water quality impact assessments, ~~a~~ minor ~~assessment~~ and ~~a~~ major ~~assessment~~.

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~~1.~~ ~~(e)~~ Minor water quality impact assessment.

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RPA and its 100-foot buffer strip under the following conditions:

~~a.i.~~ No more than 6,000 square feet of land disturbance.

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~~b~~.ii. No disturbance of the seaward 50 feet of the 100-foot buffer area.

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~~(2)~~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 percent of sediments and 40 percent of nutrients from post-development stormwater runoff. It must also demonstrate ~~and~~ that it will retard runoff, prevent erosion, and filter non-point 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:

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~~a~~.i. Location of the components of the RPA, including the 100-foot buffer area.

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~~b~~.ii. 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.

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~~e~~.iii. Type and location of proposed BMPs to mitigate the proposed encroachment.

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

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~~e~~.v. 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.

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

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~~(d)~~

~~(e)~~2. Major water quality impact assessment.

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

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~~a~~.i. Exceeds 6,000 square feet of land disturbance within an RPA or its buffer strip;

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~~b~~.ii. Disturbs any portion of the seaward 50 feet of the 100-foot buffer area; or

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~~e~~.iii. Is located in an RMA and includes areas of floodplain, highly erodible soils, or 20 percent or greater slopes.

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Administrator determines that some of the elements are unnecessary due to the scope and nature of the proposed use and development of land.

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- ~~(2)~~b. The following elements shall be included in the preparation and submission of a major water quality assessment:
  - i. All of the information required in a minor water quality impact assessment, as specified in subsection (c) of this section.
  - ii. A hydrogeological element that:
    - a) Describes the existing topography, soils, hydrology and geology of the site and adjacent lands.
    - b) Describes the impacts of the proposed development on topography, soils, hydrology and geology on the site and adjacent lands.
  - ~~(3)~~iii. Indicates the following:
    - ~~(i)~~a) Disturbance or destruction of wetlands and justification for such action.
    - ~~(ii)~~b) Disruptions or reductions in the supply of water to wetland, streams, lakes, rivers or other water bodies.
    - ~~(iii)~~c) Disruptions to existing hydrology, including wetland and stream circulation patterns.
    - ~~(iv)~~d) Source location and description of proposed fill material.
    - ~~(v)~~e) Location of dredge material and location of dumping area for such material.
    - ~~(vi)~~f) Location of and impacts on shellfish beds, submerged aquatic vegetation, and fish spawning areas.
    - ~~(vii)~~g) Estimation of pre- and post-development pollutant loads in runoff.
    - ~~(viii)~~h) Estimation of percentage of increase in impervious surface on the site and types of surfacing materials used.
    - ~~(ix)~~i) Percentage of site to be cleared for the project.
    - ~~(x)~~j) Anticipated duration and phasing schedule of the
    - ~~(xi)~~k) Listing of all requisite permits from all applicable agencies necessary to develop the project.

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

~~a) i.~~ Proposed erosion and sediment control concepts; concepts may 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) ii.~~ Proposed stormwater management system.

~~c) iii.~~ Creation of wetlands to replace those lost.

~~d) iv.~~ Minimizing cut and fill.

~~c.~~ ~~e.~~ A landscape element that:

~~i. 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.

~~ii. 2.~~ Describes the impacts of the development or use ~~will have~~ on the existing vegetation. ~~Information shall include:~~

~~a) i.~~ General limits of clearing, based on all anticipated improvements, including buildings, drives and utilities.

~~b) ii.~~ Clear delineation of all trees ~~that will to~~ be removed.

~~c) iii.~~ Description of plant species to be disturbed or removed.

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

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

~~b) ii.~~ 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.

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

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d. ~~(e)~~ Submission and review requirements.

i. ~~(1)~~ Ten copies of all site drawings and other applicable information as required subsections (c) 1. and ~~(c)~~ 2. of this section shall be submitted to the zoning Administrator for review.

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

iii. ~~(3)~~ A water quality impact assessment shall be prepared and submitted to and reviewed by the ~~zoning administrator~~ Zoning Administrator in conjunction with section 66-202.

iv. ~~(4)~~ As part of any major water quality impact assessment submittal, the ~~zoning administrator~~ 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~~ 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~~ Zoning Administrator, provided that such comments are provided by CBLAD within 90 days of the request.

e. ~~(f)~~ Evaluation procedure.

i. ~~(1)~~ Upon the completed review of a minor water quality impact assessment, the ~~zoning administrator~~ Zoning Administrator will determine if any proposed modification or reduction to the buffer area is consistent with the provisions of this division 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 division.
- 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.

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

- a. ~~T~~Within any RPA, 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 ~~to 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~~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~~Zoning Administrator based on the criteria listed in subsections of this section.
- l. The ~~zoning administrator~~Zoning Administrator shall find the proposal to be inconsistent with the purpose and intent of this division when the impacts created by the proposal cannot be mitigated. Evaluation of the impacts will

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be made by the ~~zoning administrator~~Zoning Administrator based on the subsections ~~e. i. and e. ii. (f)(1) and (2)~~ of this section.

**Sec. 66-202. Plan of development process.**

~~(a) (a)~~ **Required.** 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 division.

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~~(b) (b)~~ **Required information.** In addition to the requirements of ~~this section and~~ chapter 46 ~~or and~~ 54 of this ~~Ce~~code, the plan of development process shall consist of the plans and studies identified in this subsection. These required plans and studies may be coordinated or combined, as deemed appropriate by the ~~zoning administrator~~Zoning Administrator. The ~~zoning administrator~~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:

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1. A site plan in accordance with the provisions of chapter 46 of this code or a subdivision plat in accordance with the provisions of chapter 54 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 ~~Ce~~chapter 18, ~~A~~article II of this ~~Ce~~code.

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~~(c) (e)~~ **Environmental site assessment.** An environmental site assessment shall be submitted in conjunction with preliminary site plan or preliminary subdivision plan approval.

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

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- a. Tidal wetlands~~;~~;
- b. Tidal shores~~;~~;
- c. Non-tidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow~~;~~;

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d. A 100-foot buffer area located adjacent to and landward of the components listed in subsections (c)(1)a.-c. of this section and along both sides of any water body with perennial flow; ~~and~~

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~~d.~~

~~(2)~~ 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,

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

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~~(4)~~ 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~~ Zoning Administrator when the proposed use or development would result in less than 5,000 square feet of disturbed area.

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~~(5)~~ 5. Any request for exemption from the buffer requirements for properties contained wholly within designated IDAs, as allowed by section 66-200(c)(3), must be submitted in writing with the assessment.

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~~(d)~~ ~~(d)~~ ~~Landscaping plan.~~ 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.

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1. ~~(1)~~ Contents of the plan.

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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 ~~on the landscaping plan.~~

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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 division shall be shown ~~on the landscaping plan.~~

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

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- d. Trees to be removed for shoreline stabilization projects and any replacement vegetation required by this division shall be shown on the landscaping plan.
- e. ~~G~~The plan shall depict grade changes or other work adjacent to trees that would Specifications shall be provided as to how grade, drainage and aeration ~~would will~~ maintained around trees to be preserved.
- f. ~~The landscaping plan will include s~~Specifications for the protection of existing trees during clearing, grading, and all ~~other~~ phases of construction.

~~2.~~ ~~(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 American Association of Nurserymen.
- 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 1.5 inches dbh at the time of planting.

~~3.~~ ~~(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 division.
- 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 division.

~~(e) Stormwater management plan. A~~ stormwater management plan shall be submitted ~~as part of the plan of development process required by this division and~~ in conjunction with site plan or subdivision plan approval.

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

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~~a. a.~~ Location and design of all ~~planned-proposed~~ stormwater control devices.

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~~b. b.~~ Procedures for implementing non-structural stormwater control practices and techniques.

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~~c. c.~~ Pre- and post-development non-point-source pollutant loadings with supporting documentation of all utilized coefficients and calculations.

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

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

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~~3. (3)~~ The plan shall establish a long-term schedule for inspection and maintenance of stormwater management facilities that ~~includes~~ 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.

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~~(f) (f) Erosion and sediment control plan.~~ An erosion and sediment control plan shall be submitted that satisfies the requirements of this division and in accordance with chapter 18, article II of this code, in conjunction with site plan or subdivision plan approval.

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~~(g) (g) Final plan.~~ Final plans for property within CBPAs shall be final plats for land to be subdivided or site plans for land not to be subdivided as required in chapters 46 and 54 of this code.

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~~1. (1)~~ Final plans for all lands within CBPAs shall include the following additional information:

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a. The delineation of the RPA boundary;

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b. The delineation of required buffer areas;

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c. All wetlands permits required by law;

~~d.~~ A maintenance agreement, as deemed necessary and appropriate by Administrator, to ensure proper maintenance of BMPs in order to continue their functions; ~~and-~~

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:-

i. ~~1.~~ "All existing vegetation within the RPA shall remain in its undisturbed natural state, except as allows by the Code of the Town of Occoquan.

ii. ~~2.~~ "Permissible development in the RPA is limited to water dependent facilities, redevelopment, or other uses specifically allowed by the Code of the Town of Occoquan."

~~f.~~ Gross acreages of the following physical land units shall be tabulated and computed by accurate planimetric methods at the final plan scale:

i. ~~1.~~ 100-year floodplains:-

ii. ~~2.~~ Wetlands:-

iii. ~~3.~~ Existing water features (bodies of water, drainage channels, streams, etc.); and

iv. ~~4.~~ Resource protection areas and resource management areas as specified by Chapter 66, Article II, Division 7, Chesapeake Bay Preservation, of the Town Code.

g. ~~Buildable areas allowed on each lot based on the performance~~ ~~g.~~ ~~criteria specified in the Chesapeake Bay Preservation Area Regulations in this Chapter; 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:~~

~~The delineation of the buildable areas that are allowed on each lot. The delineation of the buildable areas shall be based on the performance criteria specified in the Chesapeake Bay Preservation Area Regulations in this Chapter; front, side, and rear yard setback requirements established pursuant to this Chapter, and any other relevant easements or limitations regarding lot coverage.~~

~~2.~~ (2) Installation and bonding requirements.

a. ~~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~~ Zoning

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~~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~~Zoning Administrator, such unexpended or unobligated portion of the surety held shall be refunded in accordance with chapters 46 and 54 of this code. The ~~zoning administrator~~Zoning Administrator may require a certificate of substantial completion from a professional engineer before making a final inspection.

~~(h)~~ (h) ~~Administrative responsibility.~~ Administration of the plan of development process shall be in accordance with chapter 46 ~~or and~~ 54 of this code.

~~2. Appeal of a plan of development process~~

~~2.~~ (2)—The appeal shall be made in writing to the ~~planning commission~~Planning Commission. The ~~planning commission~~Planning Commission shall review the appeal and make recommendation to the ~~town council~~Town Council. In reviewing the appeal, the ~~planning commission~~Planning Commission shall 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.~~ b. Such plan meets the purpose and intent of the performance standards in this division.

~~3.~~ (3) If the ~~planning commission~~Planning Commission finds that the applicant's plan does not meet the criteria stated in subsection (i)(2) of this section, they shall recommend denial of the plan to the ~~town council~~Town Council. If the applicant's plan is found to meet the criteria stated in subsection (i)(2) of this section, the ~~planning~~

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~~commission~~ Planning Commission shall recommend approval of the plan to the ~~town~~

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4. ~~(4)~~ The ~~town council~~ Town Council shall consider the findings and rationale of the when voting to deny or approve the applicant's appeal.

Sec. 66-203. ~~Noneonform~~ Non-conforming uses and non-complying structures.

~~(a)~~ ~~(a)~~ The lawful use of a building or structure ~~which existed~~ existing on the effective date of the ordinance from which this section derives or which exists at the time of any amendment to this division, and which is not in conformity with the provisions of the overlay district may be continued in accordance with article III of this chapter.

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

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1. ~~(1)~~ The ~~town council~~ Town Council may grant a ~~noneonform~~ non-conforming use and development waiver for structures on legal ~~noneonform~~ non-conforming lots or parcels to provide for remodeling and alterations to such ~~noneonform~~ non-conforming structures, provided that:

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1. ~~a-~~ There will be no increase in non-point-source pollution load; ~~and-~~

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2. ~~b-~~ Any development or land disturbance exceeding ~~an area of~~ 2,500 square feet ~~in~~ area complies with all erosion and sediment control requirement of this division.

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2. ~~(2)~~ An application for a ~~noneonform~~ non-conforming use and development waiver shall be made to and upon forms furnished by the ~~zoning administrator~~ Zoning Administrator and shall include, for the purpose of proper enforcement of this division, the following information:

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a. Name and address of the applicant and the property owner.

b. Legal description of the property

~~c. and-~~ Type of proposed use and development.

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~~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.

~~e.~~ Location and description of any existing private water supply or sewerage system.

3. ~~(3)~~ Requests for a ~~noneonform~~ non-conforming use and development waiver shall be reviewed by the ~~planning commission~~ Planning Commission, who shall forward a recommendation to the ~~town council~~ Town Council.

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4. ~~(4)~~ A ~~nonconform~~non-conforming use and development waiver shall become null and void from the date issued if no substantial work has commenced.

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5. ~~(5)~~ An application for the expansion of a ~~nonconform~~non-conforming principal structure may be approved by the ~~town council~~Town Council after an administrative review process provided that the following findings are made:

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a. The request for the waiver is the minimum necessary to afford relief:

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b. a. Granting the waiver will not confer upon the applicant any specific privileges that are denied by this division to other property owners in similar situations;

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c. b. The waiver is in harmony with the purpose and intent of this division and does not result in water quality degradation;

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d. e. The waiver is not based on conditions or circumstances that are self-created or self-imposed;

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f. d. Reasonable and appropriate conditions are imposed, as warranted, that will prevent the waiver from causing degradation of water quality;

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g. Other findings, as appropriate and required by the town, are met; and

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h. In no case shall this provision apply to accessory structures.

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Sec. 66-204. Exemptions.

~~(a)~~ Exemptions for utilities and public roads. Construction, installation, and maintenance of water, sewer, roads, natural gas lines, and underground telecommunications, and cable television lines owned, permitted or both by the town, shall be exempt from the overlay district provided that:

1. To the degree extent possible, the location of such utilities and facilities shall be outside RPAs;

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2. No more land shall be disturbed than is necessary to provide for the proposed utility installation;

3. 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; and

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~~4. (4)~~ Any land disturbance exceeding ~~an area of~~ 2,500 square feet in area shall comply with erosion and sediment control requirements.

~~(b) (b) Exemptions in RPAs. The following land disturbances in RPAs may be exempted from the overlay district:~~ Water wells; passive recreation facilities such as boardwalks, trails and pathways; and historic preservation and archaeological activities within the RPAs may be exempted from the overlay district, provided that it is demonstrated to the satisfaction of the ~~zoning administrator~~ Zoning Administrator that:

1. ~~(1)~~ Any required permits, except those to which this exemption specifically applies, shall have been issued;

~~(2)~~ 2. Sufficient and reasonable proof is submitted that the intended use will not deteriorate water quality;

~~(3)~~ 3. The intended use does not conflict with nearby planned or approved uses; and

~~(4)~~ 4. Any land disturbance exceeding ~~an area of~~ 2,500 square feet in area shall comply with all town erosion and sediment control requirements.

**Sec. 66-205. Exceptions [Repealed]**

~~PU mp 1592, line drawing~~

DIVISION 8. OLD AND HISTORIC OCCOQUAN DISTRICT

**Sec. 66-220. Definitions.**

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

Board. The Architectural Review Board.

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.

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**Sec. 66-222. 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 ~~on the attached~~ 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 Chapter 2, Article IV, Division 4. 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.

**Historic Occoquan Landmarks**

~~Attachment to Occoquan Code Section 66-222~~

**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

**Washington Street:** 202, 203, 205, 206, 207, 209

**Union Street:** 201, 202, 203, 204, 205, 206

**Sec. 66-223. Application for certificate of appropriateness.**

Application for a certificate of appropriateness shall be made through the town clerk for any modifications described in Section 66-224 within the boundaries of the Old and Historic Occoquan District.

**Sec. 66-224. Matters to be considered by the ~~B~~board in acting on the appropriateness of the erection, reconstruction, alteration, restoration or demolition of a building or structure.**

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, and~~ shall not make any requirements, except for the purpose of preventing developments obviously incongruous to the old and historic aspect of the surroundings. The Board shall consider the following in ~~passing~~ passing upon the appropriateness of architectural features:

- (a) Exterior architectural features, including all signs, that are subject to public view from a public street, way or place;
- (b) General design and arrangement;
- (c) Texture, material, and color;
- (d) The relation of the factors, (1), (2) and (3) of this section, to similar features of the buildings and structures in the immediate surroundings;

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- (e) The extent to which the building or structure would be ~~harmonious-in harmony with or obviously incongruous to~~ the old and historic aspect of the surroundings:-
- (f) 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-~~

(g) The extent to which the building or structure will promote the general welfare by:

1. ~~Preserving and protecting historic places and areas;~~
2. ~~\_\_\_\_\_ a. \_\_\_\_\_~~ Maintaining and increasing real estate value;
3. ~~g~~ Generating business;
4. ~~\_\_\_\_\_~~ Creating new positions;
5. ~~\_\_\_\_\_~~ Attracting tourists, students, writers, historians, artists and artisans, and new residents;
6. ~~\_\_\_\_\_~~ Encouraging study of and interest in American history;
7. ~~\_\_\_\_\_~~ Stimulating interest in and study of architecture and design;
8. ~~\_\_\_\_\_~~ Educating citizens in American culture and heritage; and
9. ~~\_\_\_\_\_~~ Making the town a more attractive and desirable place in which to live.

**Sec. 6-225. Issuance of certificate of appropriateness.**

~~Decisions of Approval by~~ the Board will be incorporated into ~~approved~~ certificates of appropriateness ~~or written reasons for disapproval~~. 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 chairman of the Board and bearing the date of issuance, shall be made available to the applicant. The ~~zoning administrator~~ 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.

**Sec. 66-226. Right of appeal.**

Whenever the Board shall ~~disapprove~~ deny an application for a certificate of appropriateness, ~~it shall be done in writing.~~ aAny person shall have the right to appeal and be heard before the ~~town council~~ Town Council provided the person files, with the ~~zoning administrator~~ Zoning Administrator,

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on or before 14 days after the decision of the Board, a written notice of intention to appeal. Upon receipt of such notice, the ~~zoning administrator~~Zoning Administrator shall schedule a public hearing before the ~~town council~~Town Council, at a time not more than 30 days after the receipt of such notice of appeal. Such hearing shall be advertised in accordance with Code of Virginia, § 15.2-2204.

**Sec. 66-227. Appeal to Circuit Court.**

Any person, following the final decision of the ~~town council~~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~~Town Council and must otherwise comply with the requirements of Code of Virginia, §15.2-2306.A.3.

DIVISION 9. PARKS AND PUBLIC UTILITY DISTRICT (PPU)

**Sec. 66-228 Statement of Intent.**

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

**Sec. 66-229 Uses Permitted.**

~~S~~In the PPU district, structures to be maintained or erected or land to be used shall be restricted to the following:

~~(a)~~ (a) Public park;

~~(b)~~ (b) Trails/boardwalk

~~(c)~~ (c) Open space.

~~(d)~~ (d) Public Water Utilities ~~to include~~ 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 ~~above in this paragraph which may include~~ including poles, structures, wires, conduits, cables or other similar equipment.

~~(e)~~ (e) Uses ancillary to ~~either or both of~~ the permitted uses, including, but not limited to service roads and storage.

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**Sec. 66-236. 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 ~~noneconform~~non-conformingities 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.

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**Sec. 66-237. ~~Noneconform~~Non-conforming 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.

**Sec. 66-238. ~~Noneconform~~Non-conforming 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, ~~its~~ 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) Such ~~non-conforming~~ structure may be enlarged or altered to an extent not to exceed 20 percent of its original size. Such enlargement or alteration may be done only with approval from the ~~Zoning Administrator~~Zoning Administrator and only if such action shall not increase the degree of ~~non-conformance~~.
- (b) Should such ~~non-conforming~~ structure or ~~noneconform~~non-conforming portion of structure be destroyed or damaged by any means, it may be reconstructed, but not to an extent exceeding 50 percent of the current replacement cost of the original structure and only if such reconstruction shall not increase the degree of ~~noneconform~~non-conformance.

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- (c) Where a ~~nonconform~~non-conforming structure devoted to a ~~nonconform~~non-conforming activity is damaged less than 50 percent of the cost of reconstructing the entire structure, or where a ~~nonconform~~non-conforming structure is damaged less than 75 percent 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 ~~nonconform~~non-conforming structure be changed to a more limited ~~nonconform~~non-conforming use, such newly created use may be changed only to an even more limited use.

**Sec. 66-239. ~~Nonconform~~Non-conforming uses; permits required.**

All operators or owners of ~~nonconform~~non-conforming uses, lots or structures shall, within six months after the adoption of the ordinance from which this section derives obtain from the ~~zoning administrator~~Zoning Administrator a ~~nonconform~~non-conforming use permit; and such ~~nonconform~~non-conforming use, lot or structure shall be recorded as part of the records of the town. Whenever the boundaries of a district are changed, any uses of land or buildings that become ~~nonconform~~non-conforming as a result of such change shall be recorded as part of the records of the town.

**Secs. 66-240—66-270. Reserved.**

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§66

OCCOQUAN CODE

ARTICLE IV. ENFORCEMENT OF ZONING BY ~~ZONING ADMINISTRATOR~~ZONING ADMINISTRATOR\*

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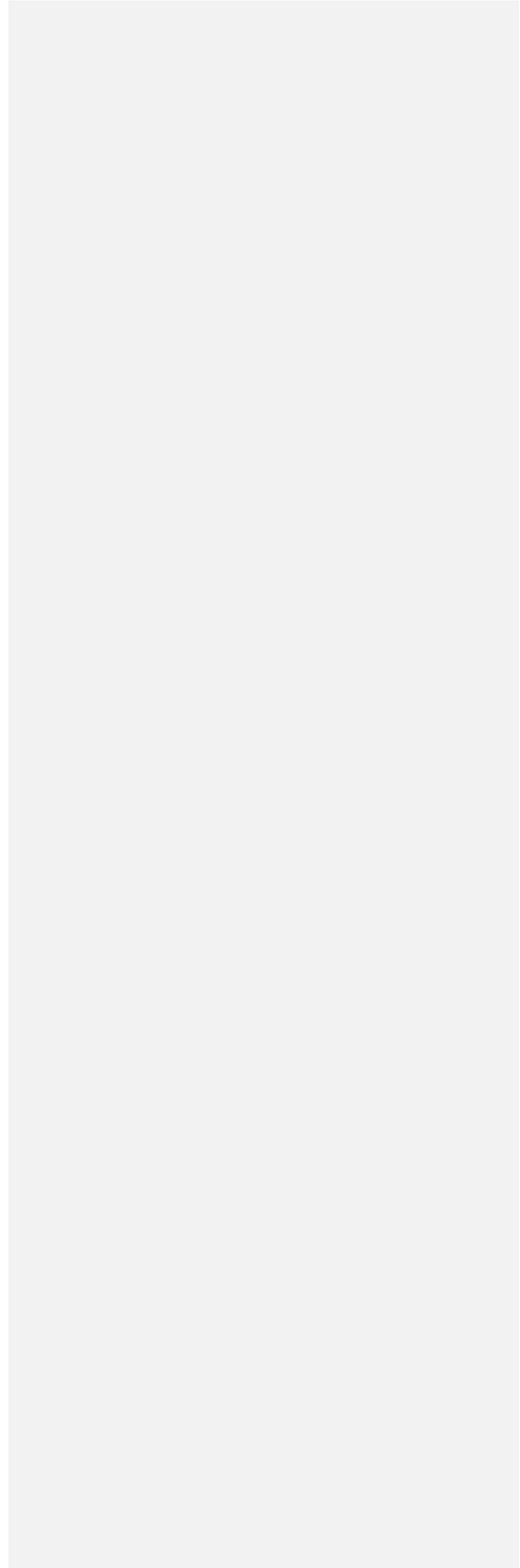
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\*Cross reference(s)—Administration, ch. 2.

ZONING

§66-201

5. Specify mitigation that will address water quality protection.



~~(b)~~ ~~(b) Water quality impact assessment required.~~ 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 section 66-200; and any development in an RMA, ~~in the floodplain,~~ ~~or~~ area of highly erodible soils, or 20 percent or greater slopes.

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~~(c)~~ There shall be two levels of water quality impact assessments, ~~a~~ minor ~~assessment~~ and ~~a~~ major ~~assessment~~.

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1. ~~(e)~~ Minor water quality impact assessment.

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~~(1)~~a. A minor water quality impact assessment pertains only to development within an RPA and its 100-foot buffer strip under the following conditions:

~~a~~-i. No more than 6,000 square feet of land disturbance.

~~b~~-ii. No disturbance of the seaward 50 feet of the 100-foot buffer area.

~~(2)~~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 percent of sediments and 40 percent of nutrients from post-development stormwater runoff. ~~It must also demonstrate and~~ that it will retard runoff, prevent erosion, and filter non-point 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:

~~a~~-i. Location of the components of the RPA, including the 100-foot buffer area.

~~b~~-ii. 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.

~~e~~-iii. Type and location of proposed BMPs to mitigate the proposed encroachment.

~~d~~-iv. If development is in an IDA, proposed measures to restore all or part of the buffer strip, if possible.

~~e~~-v. 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.

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

~~(d)~~

~~(e)~~2. Major water quality impact assessment.

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

~~a~~-i. Exceeds 6,000 square feet of land disturbance within an RPA or its buffer strip;

~~b~~-ii. Disturbs any portion of the seaward 50 feet of the 100-foot buffer area; or

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e.iii. Is located in an RMA and includes areas of floodplain, highly erodible soils, or 20 percent or greater slopes.

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Administrator determines that some of the elements are unnecessary due to the scope and nature of the proposed use and development of land.

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

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i. All of the information required in a minor water quality impact assessment, as specified in subsection (c) of this section.

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ii. A hydrogeological element that:

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a) -Describes the existing topography, soils, hydrology and geology of the site and adjacent lands.

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

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e)iii. -Indicates the following:

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i) a) -Disturbance or destruction of wetlands and justification for such action.

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ii) -Disruptions or reductions in the supply of water to wetland, streams, lakes, rivers or other water bodies.

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iii) -Disruptions to existing hydrology, including wetland and stream circulation patterns.

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iv) -Source location and description of proposed fill material.

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v) -Location of dredge material and location of dumping area for such material.

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vi) -Location of and impacts on shellfish beds, submerged aquatic vegetation, and fish spawning areas.

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vii) -Estimation of pre- and post-development pollutant loads in runoff.

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viii) -Estimation of percentage of increase in impervious surface on the site and types of surfacing materials used.

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- ~~i) ix.~~ Percentage of site to be cleared for the project.
- ~~j) x.~~ Anticipated duration and phasing schedule of the
- ~~k) xi.~~ Listing of all requisite permits from all applicable agencies necessary to develop the project.
- ~~iv.)~~ Describes the proposed mitigation measures for the potential hydrogeological impacts. Potential mitigation measures include:
  - ~~a) i.~~ Proposed erosion and sediment control concepts; concepts may 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) ii.~~ Proposed stormwater management system.
  - ~~c) iii.~~ Creation of wetlands to replace those lost.
  - ~~d) iv.~~ Minimizing cut and fill.
- ~~c.)~~ ~~e.)~~ A landscape element that:
  - ~~i.) 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.
  - ~~ii.) 2.~~ Describes the impacts of the development or use ~~will have~~ on the existing vegetation. ~~Information shall include:~~
    - ~~a) i.~~ General limits of clearing, based on all anticipated improvements, including buildings, drives and utilities.
    - ~~b) ii.~~ Clear delineation of all trees ~~that will to~~ be removed.
    - ~~c) iii.~~ Description of plant species to be disturbed or removed.
  - ~~iii.) 3.~~ Describes the potential measures for mitigation. ~~Possible mitigation~~ measures include:
    - ~~a) i.~~ Replanting schedule for trees and other significant vegetation removed for construction, including a list of possible plants and trees to be used.

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

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c) ~~iii.~~—Demonstration that indigenous plants are to be used to the greatest extent possible.

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d. ~~(e)~~—Submission and review requirements.

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i. ~~(1)~~—Ten copies of all site drawings and other applicable information as required subsections (c) 1. and ~~(c)~~ 2. of this section shall be submitted to the zoning Administrator for review.

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ii. ~~(2)~~—All information required in this section shall be certified as complete and accurate by a professional engineer.

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iii. ~~(3)~~—A water quality impact assessment shall be prepared and submitted to and reviewed by the ~~zoning administrator~~ Zoning Administrator in conjunction with section 66-202.

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iv. ~~(4)~~—As part of any major water quality impact assessment submittal, the ~~zoning administrator~~ 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~~ 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~~ Zoning Administrator, provided that such comments are provided by CBLAD within 90 days of the request.

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e. ~~(f)~~—Evaluation procedure.

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

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

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b. Impervious surface is minimized.

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

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- d. The development, as proposed, meets the purpose and intent of this division.
- 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.

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

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- a. ~~T~~Within any RPA, 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 ~~to 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~~ Zoning Administrator shall require additional mitigation where potential impacts have not been adequately addressed. Evaluation of mitigation measures will be made by the ~~zoning~~

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~~administrator~~Zoning Administrator based on the criteria listed in subsections of this section.

- 1. The ~~zoning administrator~~Zoning Administrator shall find the proposal to be inconsistent with the purpose and intent of this division when the impacts created by the proposal cannot be mitigated. Evaluation of the impacts will be made by the ~~zoning administrator~~Zoning Administrator based on the subsections ~~e. i. and e. ii. (f)(1) and (2)~~ of this section.

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**Sec. 66-202. Plan of development process.**

~~(a) (a) Required.~~ 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 division.

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~~(b) (b) Required information.~~ In addition to the requirements of ~~this section and~~ chapter 46 ~~or and~~ 54 of this ~~Ce~~ode, the plan of development process shall consist of the plans and studies identified in this subsection. These required plans and studies may be coordinated or combined, as deemed appropriate by the ~~zoning administrator~~Zoning Administrator. The ~~zoning administrator~~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:

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- 1. A site plan in accordance with the provisions of chapter 46 of this code or a subdivision plan in accordance with the provisions of chapter 54 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 ~~C~~chapter 18, ~~A~~article II of this ~~Ce~~ode.

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

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

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- a. Tidal wetlands;~~;~~
- b. Tidal shores;~~;~~

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- c. Non-tidal 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 subsections (c)(1)a.-c. of this section and along both sides of any water body with perennial flow; and
- ~~d.~~
- ~~(2)~~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,
- ~~(3)~~3. The environmental site assessment shall delineate the site-specific geographic extent of the RPA.
- ~~(4)~~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~~ Zoning Administrator when the proposed use or development would result in less than 5,000 square feet of disturbed area.
- ~~(5)~~5. Any request for exemption from the buffer requirements for properties contained wholly within designated IDAs, as allowed by section 66-200(c)(3), must be submitted in writing with the assessment.
- ~~(d)~~ ~~(d)~~ Landscaping plan. 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. ~~(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 ~~on the landscaping plan.~~
    - 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 division shall be shown ~~on the landscaping plan.~~

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- c. Within the buffer area, trees to be removed for sight lines, vistas, access paths and BMPs, as provided for in this division, shall be shown ~~on the plan~~. Vegetation required by this division to replace any existing trees within the buffer area shall also be shown ~~on the landscaping plan~~.
- d. Trees to be removed for shoreline stabilization projects and any replacement vegetation required by this division shall be shown on the landscaping plan.
- e. ~~The plan shall depict~~ grade changes or other work adjacent to trees that would Specifications shall be provided as to how grade, drainage and aeration ~~would will~~ maintained around trees to be preserved.
- f. ~~The landscaping plan will include~~ Specifications for the protection of existing trees during clearing, grading, and all ~~other~~ phases of construction.

2. ~~(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 American Association of Nurserymen.
- 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 1.5 inches dbh at the time of planting.

3. ~~(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 division.
- 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 division.

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~~(e) Stormwater management plan.~~ ~~A~~ stormwater management plan shall be submitted ~~as part~~ subdivision plan approval. graphs, tables, photographs, narrative descriptions, explanations, and citations to supporting references as appropriate to communicate the information required by this division.

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

- a. ~~a.~~ Location and design of all ~~planned-proposed~~ stormwater control devices.
- b. ~~b.~~ Procedures for implementing non-structural stormwater control practices and techniques.
- c. ~~c.~~ Pre- and post-development non-point-source pollutant loadings with supporting documentation of all utilized coefficients and calculations.
- d. ~~d.~~ For facilities, verification of structural soundness, including a professional engineer certification.

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

3. ~~(3)~~ The plan shall establish a long-term schedule for inspection and maintenance of stormwater management facilities that ~~includes~~ 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) Erosion and sediment control plan.~~ An erosion and sediment control plan shall be submitted that satisfies the requirements of this division and in accordance with chapter 18, article II of this code, in conjunction with site plan or subdivision plan approval.

~~(g) Final plan.~~ Final plans for property within CBPAs shall be final plats for land to be subdivided or site plans for land not to be subdivided as required in chapters 46 and 54 of this code.

1. ~~(1)~~ Final plans for all lands within CBPAs shall include the following additional information:

- a. The delineation of the RPA boundary;
- b. The delineation of required buffer areas;
- c. All wetlands permits required by law;

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~~\_\_\_\_\_d.~~ A maintenance agreement, as deemed necessary and appropriate by Administrator, to ensure proper maintenance of BMPs in order to continue their functions; ~~and-~~

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:-

i. ~~1.~~ "All existing vegetation within the RPA shall remain in its undisturbed natural state, except as allows by the Code of the Town of Occoquan.

ii. ~~2.~~ "Permissible development in the RPA is limited to water dependent facilities, redevelopment, or other uses specifically allowed by the Code of the Town of Occoquan."<sup>22</sup>

~~\_\_\_\_\_f.~~ Gross acreages of the following physical land units shall be tabulated and computed by accurate planimetric methods at the final plan scale:

i. ~~\_\_\_\_\_ 1.~~ 100-year floodplains:-

ii. ~~\_\_\_\_\_ 2.~~ Wetlands:-

iii. ~~\_\_\_\_\_ 3.~~ Existing water features (bodies of water, drainage channels, streams, etc.); ~~and~~

iv. ~~\_\_\_\_\_ 4.~~ Resource protection areas and resource management areas as specified by Chapter 66, Article II, Division 7, Chesapeake Bay Preservation, of the Town Code.

~~g.~~ Buildable areas allowed on each lot based on the performance \_\_\_\_\_ g. \_\_\_\_\_ criteria specified in the Chesapeake Bay Preservation Area Regulations in this Chapter; 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;

~~The delineation of the buildable areas that are allowed on each lot. The delineation of the buildable areas shall be based on the performance criteria specified in the Chesapeake Bay Preservation Area Regulations in this Chapter; front, side, and rear yard setback requirements established pursuant to this Chapter, and any other relevant easements or limitations regarding lot coverage.~~

2. (2) Installation and bonding requirements.

~~a.~~ 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.

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- 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~~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~~Zoning Administrator, such unexpended or unobligated portion of the surety held shall be refunded in accordance with chapters 46 and 54 of this code. The ~~zoning administrator~~Zoning Administrator may require a certificate of substantial completion from a professional engineer before making a final inspection.

~~(h) (h) Administrative responsibility.~~ Administration of the plan of development process shall be in accordance with chapter 46 ~~or and~~ 54 of this code.

**2. Appeal of conditions of subdivision**

~~2. (2)~~—The appeal shall be made in writing to the ~~planning commission~~Planning Commission. The ~~planning commission~~Planning Commission shall review the appeal and make recommendation to the ~~town council~~Town Council. In reviewing the appeal, the ~~planning commission~~Planning Commission shall 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. ~~b.~~ Such plan meets the purpose and intent of the performance standards in this division.

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~~3. (3)~~ If the ~~planning commission~~ Planning Commission finds that the applicant's plan does stated in subsection (i)(2) of this section, they shall recommend denial of the plan to the ~~town council~~ Town Council. If the applicant's plan is found to meet the criteria stated in (i)(2) of this section, the ~~planning commission~~ Planning Commission shall recommend the ~~town council~~ Town Council.

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~~4. (4)~~ The ~~town council~~ Town Council shall consider the findings and rationale of the when voting to deny or approve the applicant's appeal.

**Sec. 66-203. ~~Nonconform~~ Non-conforming uses and non-complying structures.**

~~(a) (a)~~ —The lawful use of a building or structure ~~which existed~~ existing on the effective date of the ordinance from which this section derives or which exists at the time of any amendment to this division, and which is not in conformity with the provisions of the overlay district may be continued in accordance with article III of this chapter.

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

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~~1. (1)~~ The ~~town council~~ Town Council may grant a ~~nonconform~~ non-conforming use and development waiver for structures on legal ~~nonconform~~ non-conforming lots or parcels to provide for remodeling and alterations to such ~~nonconform~~ non-conforming structures, provided that:

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~~1. a-~~ There will be no increase in non-point-source pollution load; ~~and-~~

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~~2. b-~~ Any development or land disturbance exceeding ~~an area of~~ 2,500 square feet ~~in~~ area complies with all erosion and sediment control requirement of this division.

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~~2. (2)~~ An application for a ~~nonconform~~ non-conforming use and development waiver shall be made to and upon forms furnished by the ~~zoning administrator~~ Zoning Administrator and shall include, for the purpose of proper enforcement of this division, the following information:

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a. Name and address of the applicant and the property owner.

b. Legal description of the property

~~c. and-~~ Type of proposed use and development.

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~~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.

~~e.~~ Location and description of any existing private water supply or sewerage system.

3. ~~(3)~~ Requests for a ~~nonconform~~non-conforming use and development waiver shall be reviewed by the ~~planning commission~~Planning Commission, who shall forward a recommendation to the ~~town council~~Town Council.

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4. ~~(4)~~ A ~~nonconform~~non-conforming use and development waiver shall become null and from the date issued if no substantial work has commenced.

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5. ~~(5)~~ An application for the expansion of a ~~nonconform~~non-conforming principal structure may be approved by the ~~town council~~Town Council after an administrative review process provided that the following findings are made:

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a. The request for the waiver is the minimum necessary to afford relief:

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b. ~~a.~~ Granting the waiver will not confer upon the applicant any specific privileges that are denied by this division to other property owners in similar situations.;

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c. ~~b.~~ The waiver is in harmony with the purpose and intent of this division and does not result in water quality degradation.;

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d. ~~e.~~ The waiver is not based on conditions or circumstances that are self-created or self-imposed.;

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f. ~~d.~~ Reasonable and appropriate conditions are imposed, as warranted, that will prevent the waiver from causing degradation of water quality.;

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e-g. Other findings, as appropriate and required by the town, are met; and-

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f-h. In no case shall this provision apply to accessory structures.

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Sec. 66-204. Exemptions.

~~(a)~~ ~~(a)~~ Exemptions for utilities and public roads. Construction, installation, and maintenance of water, sewer, roads, natural gas lines, ~~and~~ underground telecommunications, ~~and~~ ~~and~~ cable television lines owned, permitted ~~or both~~ by the town, shall be exempt from the overlay district provided that:

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~~(1)~~ 1. To the ~~degree extent~~ possible, the location of such utilities and facilities shall be outside RPAs;

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~~(2)~~ 2. No more land shall be disturbed than is necessary to provide for the proposed utility installation;

~~3. (3)~~ All construction, installation and maintenance of such utilities and facilities shall be compliance with all applicable state and federal requirements and permits and designed and conducted in a manner that protects water quality; and

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~~4. (4)~~ Any land disturbance exceeding ~~an area of~~ 2,500 square feet in area shall comply erosion and sediment control requirements.

~~(b) (b) Exemptions in RPAs. The following land disturbances in RPAs may be exempted from the overlay district: w~~Water wells; passive recreation facilities such as boardwalks, trails and pathways; and historic preservation and archaeological activities within the RPAs may be exempted from the overlay district, provided that it is demonstrated to the satisfaction of the ~~zoning administrator~~Zoning Administrator that:

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1. ~~(1)~~ Any required permits, except those to which this exemption specifically applies, shall have been issued;

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~~(2)~~ Sufficient and reasonable proof is submitted that the intended use will not deteriorate water quality;

~~(3)~~ The intended use does not conflict with nearby planned or approved uses; and

~~(4)~~ Any land disturbance exceeding ~~an area of~~ 2,500 square feet in area shall comply with all town erosion and sediment control requirements.

**Sec. 66-205. Exceptions [Repealed]**

~~PU mp 1592, line drawing~~

**DIVISION 8. OLD AND HISTORIC OCCOQUAN DISTRICT**

**Sec. 66-220. Definitions.**

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

Board                      The Architectural Review Board.

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.

**Sec. 66-222. 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 ~~on the attached~~ 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 Chapter 2, Article IV, Division 4. 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.

**Historic Occoquan Landmarks**

~~Attachment to Occoquan Code Section 66-222~~

**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

**Washington Street:** 202, 203, 205, 206, 207, 209

**Union Street:** 201, 202, 203, 204, 205, 206

**Sec. 66-223. Application for certificate of appropriateness.**

Application for a certificate of appropriateness shall be made through the town clerk for any modifications described in Section 66-224 within the boundaries of the Old and Historic Occoquan District.

**Sec. 66-224. Matters to be considered by the ~~B~~board ~~in acting on the appropriateness of the erection, reconstruction, alteration, restoration or demolition of a building or structure.~~**

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, and~~ shall not make any requirements, except for the purpose of preventing developments obviously incongruous to the old and historic aspect of the surroundings. The Board shall consider the following in ~~passing~~ passing upon the appropriateness of architectural features:

- (a) Exterior architectural features, including all signs ~~that~~ are subject to public view from a public street, way or place~~;~~
- (b) General design and arrangement~~;~~
- (c) Texture, material~~,~~ and color~~;~~
- (d) The relation of the factors, (1), (2) and (3) of this section, to similar features of the buildings and structures in the immediate surroundings~~;~~

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- (e) The extent to which the building or structure would be ~~harmonious-in harmony with or obviously incongruous to~~ the old and historic aspect of the surroundings:-
- (f) 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-~~

(g) The extent to which the building or structure will promote the general welfare by:

1. ~~Preserving and protecting historic places and areas;~~
2. ~~\_\_\_\_\_ a. \_\_\_\_\_~~ Maintaining and increasing real estate value;
3. ~~g~~ Generating business;
4. ~~\_\_\_\_\_~~ Creating new positions;
5. ~~\_\_\_\_\_~~ Attracting tourists, students, writers, historians, artists and artisans, and new residents;
6. ~~\_\_\_\_\_~~ Encouraging study of and interest in American history;
7. ~~\_\_\_\_\_~~ Stimulating interest in and study of architecture and design;
8. ~~\_\_\_\_\_~~ Educating citizens in American culture and heritage; and
9. ~~\_\_\_\_\_~~ Making the town a more attractive and desirable place in which to live.

**Sec. 6-225. Issuance of certificate of appropriateness.**

~~Decisions of Approval by~~ the Board will be incorporated into ~~approved~~ certificates of appropriateness ~~or written reasons for disapproval~~. 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 chairman of the Board and bearing the date of issuance, shall be made available to the applicant. The ~~zoning administrator~~ 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.

**Sec. 66-226. Right of appeal.**

Whenever the Board shall ~~disapprove~~ deny an application for a certificate of appropriateness, ~~it shall be done in writing.~~ aAny person shall have the right to appeal and be heard before the ~~town council~~ Town Council provided the person files, with the ~~zoning administrator~~ Zoning Administrator,

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on or before 14 days after the decision of the Board, a written notice of intention to appeal. Upon receipt of such notice, the ~~zoning administrator~~Zoning Administrator shall schedule a public hearing before the ~~town council~~Town Council, at a time not more than 30 days after the receipt of such notice of appeal. Such hearing shall be advertised in accordance with Code of Virginia, § 15.2-2204.

**Sec. 66-227. Appeal to Circuit Court.**

Any person, following the final decision of the ~~town council~~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~~Town Council and must otherwise comply with the requirements of Code of Virginia, §15.2-2306.A.3.

DIVISION 9. PARKS AND PUBLIC UTILITY DISTRICT (PPU)

**Sec. 66-228 Statement of Intent.**

The ~~P~~Parks and ~~P~~ublic ~~U~~tility district (PPU) covers the portion of the Town located along the Occoquan River and ~~formerly~~ used as a ~~former~~ water treatment facility. This district is intended to provide for public water utility uses, as well as a riverfront public park.

**Sec. 66-229 Uses Permitted.**

~~S~~~~in the PPU district,~~ structures to be maintained or erected or land to be used shall be restricted to the following:

~~(a)~~ Public park;

~~(b)~~ ~~T~~rails/boardwalk

~~(a)(c)~~ ~~,~~ and ~~o~~Open space.

~~(b)(d)~~ Public Water Utilities ~~to~~includingde, 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 ~~above in this paragraph which may include~~including poles, structures, wires, conduits, cables or other similar equipment.

~~(e)(e)~~ Uses ancillary to ~~either or both of~~ the permitted uses, including, but not limited to service roads and storage.

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**Sec. 66-236. 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 ~~noneconform~~non-conformities 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.

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**Sec. 66-237. ~~Noneconform~~Non-conforming 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.

**Sec. 66-238. ~~Noneconform~~Non-conforming 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, ~~its~~ 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) Such ~~non~~non-conforming structure may be enlarged or altered to an extent not to exceed 20 percent of its original size. Such enlargement or alteration may be done only with approval from the ~~Zoning Administrator~~Zoning Administrator and only if such action shall not increase the degree of ~~non~~non-conformance.
- (b) Should such ~~non~~non-conforming structure or ~~noneconform~~non-conforming portion of structure be destroyed or damaged by any means, it may be reconstructed, but not to an extent exceeding 50 percent of the current replacement cost of the original structure and only if such reconstruction shall not increase the degree of ~~noneconform~~non-conformance.

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- (c) Where a ~~nonconform~~non-conforming structure devoted to a ~~nonconform~~non-conforming activity is damaged less than 50 percent of the cost of reconstructing the entire structure, or where a ~~nonconform~~non-conforming structure is damaged less than 75 percent 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 ~~nonconform~~non-conforming structure be changed to a more limited ~~nonconform~~non-conforming use, such newly created use may be changed only to an even more limited use.

**Sec. 66-239. ~~Nonconform~~Non-conforming uses; permits required.**

All operators or owners of ~~nonconform~~non-conforming uses, lots or structures shall, within six months after the adoption of the ordinance from which this section derives obtain from the ~~zoning administrator~~Zoning Administrator a ~~nonconform~~non-conforming use permit; and such ~~nonconform~~non-conforming use, lot or structure shall be recorded as part of the records of the town. Whenever the boundaries of a district are changed, any uses of land or buildings that become ~~nonconform~~non-conforming as a result of such change shall be recorded as part of the records of the town.

**Secs. 66-240—66-270. Reserved.**

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ARTICLE IV. ENFORCEMENT OF ZONING BY ~~ZONING ADMINISTRATOR~~ZONING ADMINISTRATOR\*

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\*Cross reference(s)—Administration, ch. 2.

The information required in this subsection 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.

~~(2)~~b. The following elements shall be included in the preparation and submission of a major water quality assessment:

- i. All of the information required in a minor water quality impact assessment, as specified in subsection (c) of this section.
- ii. A hydrogeological element that:
  - a) Describes the existing topography, soils, hydrology and geology of the site and adjacent lands.
  - b) Describes the impacts of the proposed development on topography, soils, hydrology and geology on the site and adjacent lands.
- iii. Indicates the following:
  - a) Disturbance or destruction of wetlands and justification for such action.
  - b) ii. Disruptions or reductions in the supply of water to wetland, streams, lakes, rivers or other water bodies.
  - c) iii. Disruptions to existing hydrology, including wetland and stream circulation patterns.
  - d) iv. Source location and description of proposed fill material.
  - e) v. Location of dredge material and location of dumping area for such material.
  - f) vi. Location of and impacts on shellfish beds, submerged aquatic vegetation, and fish spawning areas.
  - g) vii. Estimation of pre- and post-development pollutant loads in runoff.
  - h) viii. Estimation of percentage of increase in impervious surface on the site and types of surfacing materials used.
  - i) ix. Percentage of site to be cleared for the project.

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- j) ~~x.~~ Anticipated duration and phasing schedule of the
- k) ~~xi.~~ Listing of all requisite permits from all applicable agencies necessary to develop the project.
- d) ~~iv.~~ Describes the proposed mitigation measures for the potential hydrogeological impacts. Potential mitigation measures include:
  - a) ~~i.~~ Proposed erosion and sediment control concepts; concepts may 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) ~~ii.~~ Proposed stormwater management system.
  - c) ~~iii.~~ Creation of wetlands to replace those lost.
  - d) ~~iv.~~ Minimizing cut and fill.
- c. ~~e.~~ A landscape element that:
  - i. ~~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.
  - ii. ~~2.~~ Describes the impacts of the development or use ~~will have~~ on the existing vegetation. ~~Information shall include~~
    - a) ~~i.~~ General limits of clearing, based on all anticipated improvements, including buildings, drives and utilities.
    - b) ~~ii.~~ Clear delineation of all trees ~~that will to~~ be removed.
    - c) ~~iii.~~ Description of plant species to be disturbed or removed.
  - iii. ~~3.~~ Describes the potential measures for mitigation. ~~Possible mitigation measures include:~~
    - a) ~~i.~~ Replanting schedule for trees and other significant vegetation removed for construction, including a list of possible plants and trees to be used.
    - b) ~~ii.~~ Demonstration that the design of the plan will preserve, to the possible, any significant trees and vegetation on the site and will provide maximum erosion control and overland flow benefits from such vegetation.

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

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~~d. (e)~~ Submission and review requirements.

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~~i. (1)~~ Ten copies of all site drawings and other applicable information as required subsections ~~(c) 1.~~ and ~~(c) 2.~~ of this section shall be submitted to the ~~zoning Administrator~~ for review.

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

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~~iii. (3)~~ A water quality impact assessment shall be prepared and submitted to and reviewed by the ~~zoning administrator~~ Zoning Administrator in conjunction with section 66-202.

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~~iv. (4)~~ As part of any major water quality impact assessment submittal, the ~~zoning administrator~~ 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~~ 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~~ Zoning Administrator, provided that such comments are provided by CBLAD within 90 days of the request.

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~~e. (f)~~ Evaluation procedure.

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

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

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b. Impervious surface is minimized.

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

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

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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.

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

a. ~~Within any RPA,~~ 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 ~~to~~ 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~~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~~Zoning Administrator based on the criteria listed in subsections of this section.

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- 1. The ~~zoning administrator~~Zoning Administrator shall find the proposal to be inconsistent with the purpose and intent of this division when the impacts created by the proposal cannot be mitigated. Evaluation of the impacts will be made by the ~~zoning administrator~~Zoning Administrator based on the subsections ~~e. i. and e. ii. (1) and (2)~~ of this section.

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Sec. 66-202. Plan of development process.

~~(a) (a)~~ Required. 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 division.

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~~(b) (b)~~ Required information. In addition to the requirements of this section and chapter 46 or and 54 of this Code, the plan of development process shall consist of the plans and studies identified in this subsection. These required plans and studies may be coordinated or combined, as deemed appropriate by the ~~zoning administrator~~Zoning Administrator. The ~~zoning administrator~~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:

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- 1. A site plan in accordance with the provisions of chapter 46 of this code or a subdivision plan in accordance with the provisions of chapter 54 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 18, Article II of this Code.

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

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

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- a. Tidal wetlands;
- b. Tidal shores;

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c. Non-tidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow:-

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d. A 100-foot buffer area located adjacent to and landward of the components listed in subsections (c)(1)a.-c. of this section and along both sides of any water body with perennial flow: and

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~~d. --~~

~~(2)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,

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

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~~(4)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~~ Zoning Administrator when the proposed use or development would result in less than 5,000 square feet of disturbed area.

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~~(5)5.~~ Any request for exemption from the buffer requirements for properties contained wholly within designated IDAs, as allowed by section 66-200(c)(3), must be submitted in writing with the assessment.

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~~(d) (d)~~ ~~Landscaping plan.~~ 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.

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1. ~~(4)~~ Contents of the plan.

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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 ~~on the landscaping plan.~~

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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 division shall be shown ~~on the landscaping plan.~~

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- c. Within the buffer area, trees to be removed for sight lines, vistas, access paths and BMPs, as provided for in this division, shall be shown ~~on the plan~~. Vegetation required by this division to replace any existing trees within the buffer area shall also be shown ~~on the landscaping plan~~.
- d. Trees to be removed for shoreline stabilization projects and any replacement vegetation required by this division shall be shown on the landscaping plan.
- e. ~~The plan shall depict~~ grade changes or other work adjacent to trees that would be required by this division to be replaced. Specifications shall be provided as to how grade, drainage and aeration ~~would will~~ be maintained around trees to be preserved.
- f. ~~The landscaping plan will include~~ specifications for the protection of existing trees during clearing, grading, and all ~~other~~ phases of construction.

2. ~~(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 American Association of Nurserymen.
- 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 1.5 inches dbh at the time of planting.

3. ~~(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 division.
- 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 division.

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~~(e) Stormwater management plan. A~~ stormwater management plan shall be submitted ~~as part~~ subdivision plan approval. graphs, tables, photographs, narrative descriptions, explanations, and citations to supporting references as appropriate to communicate the information required by this division.

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

- a. ~~a.~~ Location and design of all ~~planned-proposed~~ stormwater control devices.
- b. ~~b.~~ Procedures for implementing non-structural stormwater control practices and techniques.
- c. ~~c.~~ Pre- and post-development non-point-source pollutant loadings with supporting documentation of all utilized coefficients and calculations.
- d. ~~d.~~ For facilities, verification of structural soundness, including a professional engineer certification.

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

3. ~~(3)~~ The plan shall establish a long-term schedule for inspection and maintenance of stormwater management facilities that ~~includes~~ 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) Erosion and sediment control plan.~~ An erosion and sediment control plan shall be submitted that satisfies the requirements of this division and in accordance with chapter 18, article II of this code, in conjunction with site plan or subdivision plan approval.

~~(g) Final plan.~~ Final plans for property within CBPAs shall be final plats for land to be subdivided or site plans for land not to be subdivided as required in chapters 46 and 54 of this code.

1. ~~(1)~~ Final plans for all lands within CBPAs shall include the following additional information:

- a. The delineation of the RPA boundary;
- b. The delineation of required buffer areas;
- c. All wetlands permits required by law;

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~~\_\_\_\_\_d. A maintenance agreement, as deemed necessary and appropriate by Administrator, to ensure proper maintenance of BMPs in order to continue their functions; and-~~

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:-

i. 1. ~~“All existing vegetation within the RPA shall remain in its undisturbed natural state, except as allows by the Code of the Town of Occoquan.~~

ii. 2. ~~“Permissible development in the RPA is limited to water dependent facilities, redevelopment, or other uses specifically allowed by the Code of the Town of Occoquan.”~~

~~\_\_\_\_\_f. Gross acreages of the following physical land units shall be tabulated and computed by accurate planimetric methods at the final plan scale:~~

i. \_\_\_\_\_ 1. ~~\_\_\_\_\_ 100-year floodplains;-~~

ii. \_\_\_\_\_ 2. ~~\_\_\_\_\_ Wetlands;-~~

iii. \_\_\_\_\_ 3. ~~\_\_\_\_\_ Existing water features (bodies of water, drainage channels, streams, etc.); and~~

iv. \_\_\_\_\_ 4. ~~\_\_\_\_\_ Resource protection areas and resource management areas as specified by Chapter 66, Article II, Division 7, Chesapeake Bay Preservation, of the Town Code.~~

g. Buildable areas allowed on each lot based on the performance \_\_\_\_\_ g. \_\_\_\_\_ criteria specified in the Chesapeake Bay Preservation Area Regulations in this Chapter; 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;

~~The delineation of the buildable areas that are allowed on each lot. The delineation of the buildable areas shall be based on the performance criteria specified in the Chesapeake Bay Preservation Area Regulations in this Chapter; front, side, and rear yard setback requirements established pursuant to this Chapter, and any other relevant easements or limitations regarding lot coverage.~~

2. (2) Installation and bonding requirements.

a. 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.~~

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- 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~~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~~Zoning Administrator, such unexpended or unobligated portion of the surety held shall be refunded in accordance with chapters 46 and 54 of this code. The ~~zoning administrator~~Zoning Administrator may require a certificate of substantial completion from a professional engineer before making a final inspection.

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~~(h) (h) Administrative responsibility.~~ Administration of the plan of development process shall be in accordance with chapter 46 ~~or~~and 54 of this code.

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**2. Appeal of conditions of subdivision**

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~~2. (2)~~The appeal shall be made in writing to the ~~planning commission~~Planning Commission. The ~~planning commission~~Planning Commission shall review the appeal and make recommendation to the ~~town council~~Town Council. In reviewing the appeal, the ~~planning commission~~Planning Commission shall determine if:

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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

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b. ~~b.~~Such plan meets the purpose and intent of the performance standards in this division.

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3. (3) If the ~~planning commission~~ Planning Commission finds that the applicant's plan does stated in subsection (i)(2) of this section, they shall recommend denial of the plan to the ~~town council~~ Town Council. If the applicant's plan is found to meet the criteria stated in (i)(2) of this section, the ~~planning commission~~ Planning Commission shall recommend the ~~town council~~ Town Council.

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4. (4) The ~~town council~~ Town Council shall consider the findings and rationale of the when voting to deny or approve the applicant's appeal.

Sec. 66-203. ~~Nonconform~~ Non-conforming uses and non-complying structures.

(a) (a) —The lawful use of a building or structure ~~which existed~~ existing on the effective date of the ordinance from which this section derives or which exists at the time of any amendment to this division, and which is not in conformity with the provisions of the overlay district may be continued in accordance with article III of this chapter.

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

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1. (1) The ~~town council~~ Town Council may grant a ~~nonconform~~ non-conforming use and development waiver for structures on legal ~~nonconform~~ non-conforming lots or parcels to provide for remodeling and alterations to such ~~nonconform~~ non-conforming structures, provided that:

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1. ~~a.~~ There will be no increase in non-point-source pollution load; and,

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

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2. (2) An application for a ~~nonconform~~ non-conforming use and development waiver shall be made to and upon forms furnished by the ~~zoning administrator~~ Zoning Administrator and shall include, for the purpose of proper enforcement of this division, the following information:

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a. Name and address of the applicant and the property owner.

b. Legal description of the property

~~c. and~~ c. Type of proposed use and development.

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~~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.

~~e.~~ Location and description of any existing private water supply or sewerage system.

3. ~~(3)~~ Requests for a ~~nonconform~~non-conforming use and development waiver shall be reviewed by the ~~planning commission~~Planning Commission, who shall forward a recommendation to the ~~town council~~Town Council.

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4. ~~(4)~~ A ~~nonconform~~non-conforming use and development waiver shall become null and from the date issued if no substantial work has commenced.

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5. ~~(5)~~ An application for the expansion of a ~~nonconform~~non-conforming principal structure may be approved by the ~~town council~~Town Council after an administrative review process provided that the following findings are made:

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a. The request for the waiver is the minimum necessary to afford relief:

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b. ~~a.~~ Granting the waiver will not confer upon the applicant any specific privileges that are denied by this division to other property owners in similar situations.;

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c. ~~b.~~ The waiver is in harmony with the purpose and intent of this division and does not result in water quality degradation.;

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d. ~~e.~~ The waiver is not based on conditions or circumstances that are self-created or self-imposed.;

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f. ~~d.~~ Reasonable and appropriate conditions are imposed, as warranted, that will prevent the waiver from causing degradation of water quality.;

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e-g. Other findings, as appropriate and required by the town, are met; and-

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f-h. In no case shall this provision apply to accessory structures.

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Sec. 66-204. Exemptions.

~~(a)~~ ~~(a)~~ Exemptions for utilities and public roads. Construction, installation, and maintenance of water, sewer, roads, natural gas lines, ~~and~~ underground telecommunications, ~~and~~ ~~and~~ cable television lines owned, permitted ~~or both~~ by the town, shall be exempt from the overlay district provided that:

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~~(1)~~ 1. To the ~~degree extent~~ possible, the location of such utilities and facilities shall be outside RPAs;

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~~(2)~~ 2. No more land shall be disturbed than is necessary to provide for the proposed utility installation;

~~3. (3)~~ 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; and

~~4. (4)~~ Any land disturbance exceeding ~~an area of~~ 2,500 square feet in area shall comply with erosion and sediment control requirements.

~~(b) (b) Exemptions in RPAs. The following land disturbances in RPAs may be exempted from the overlay district: w~~Water wells; passive recreation facilities such as boardwalks, trails and pathways; and historic preservation and archaeological activities within the RPAs may be exempted from the overlay district, provided that it is demonstrated to the satisfaction of the ~~zoning administrator~~Zoning Administrator that:

1. ~~(1)~~ Any required permits, except those to which this exemption specifically applies, shall have been issued;

~~(2)~~ Sufficient and reasonable proof is submitted that the intended use will not deteriorate water quality;

~~(3)~~ The intended use does not conflict with nearby planned or approved uses; and

~~(4)~~ Any land disturbance exceeding ~~an area of~~ 2,500 square feet in area shall comply with all town erosion and sediment control requirements.

**Sec. 66-205. Exceptions [Repealed]**

~~PU mp 1592, line drawing~~

**DIVISION 8. OLD AND HISTORIC OCCOQUAN DISTRICT**

**Sec. 66-220. Definitions.**

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

Board                      The Architectural Review Board.

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.

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**Sec. 66-222. 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 ~~on the attached~~ 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 Chapter 2, Article IV, Division 4. 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.

**Historic Occoquan Landmarks**

~~Attachment to Occoquan Code Section 66-222~~

**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

**Washington Street:** 202, 203, 205, 206, 207, 209

**Union Street:** 201, 202, 203, 204, 205, 206

**Sec. 66-223. Application for certificate of appropriateness.**

Application for a certificate of appropriateness shall be made through the town clerk for any modifications described in Section 66-224 within the boundaries of the Old and Historic Occoquan District.

**Sec. 66-224. Matters to be considered by the ~~B~~board in acting on the appropriateness of the erection, reconstruction, alteration, restoration or demolition of a building or structure.**

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, and~~ shall not make any requirements, except for the purpose of preventing developments obviously incongruous to the old and historic aspect of the surroundings. The Board shall consider the following in ~~passing~~ passing upon the appropriateness of architectural features:

- (a) Exterior architectural features, including all signs, that are subject to public view from a public street, way or place;
- (b) General design and arrangement;
- (c) Texture, material, and color;
- (d) The relation of the factors, (1), (2) and (3) of this section, to similar features of the buildings and structures in the immediate surroundings;

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- (e) The extent to which the building or structure would be ~~harmonious-in harmony~~ with ~~or obviously incongruous to~~ the old and historic aspect of the surroundings:-
- (f) 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-~~

(g) The extent to which the building or structure will promote the general welfare by:

1. ~~Preserving and protecting historic places and areas;~~
2. ~~\_\_\_\_\_ a. \_\_\_\_\_~~ Maintaining and increasing real estate value;
3. ~~g~~ Generating business;
4. ~~\_\_\_\_\_~~ Creating new positions;
5. ~~\_\_\_\_\_~~ Attracting tourists, students, writers, historians, artists and artisans, and new residents;
6. ~~\_\_\_\_\_~~ Encouraging study of and interest in American history;
7. ~~\_\_\_\_\_~~ Stimulating interest in and study of architecture and design;
8. ~~\_\_\_\_\_~~ Educating citizens in American culture and heritage; and
9. ~~\_\_\_\_\_~~ Making the town a more attractive and desirable place in which to live.

**Sec. 6-225. Issuance of certificate of appropriateness.**

~~Decisions of Approval~~ by the Board will be incorporated into ~~approved~~ certificates of appropriateness ~~or written reasons for disapproval~~. 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 chairman of the Board and bearing the date of issuance, shall be made available to the applicant. The ~~zoning administrator~~ 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.

**Sec. 66-226. Right of appeal.**

Whenever the Board shall ~~disapprove~~ deny an application for a certificate of appropriateness, ~~it shall be done in writing.~~ a Any person shall have the right to appeal and be heard before the ~~town council~~ Town Council provided the person files, with the ~~zoning administrator~~ Zoning Administrator,

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on or before 14 days after the decision of the Board, a written notice of intention to appeal. Upon receipt of such notice, the ~~zoning administrator~~Zoning Administrator shall schedule a public hearing before the ~~town council~~Town Council, at a time not more than 30 days after the receipt of such notice of appeal. Such hearing shall be advertised in accordance with Code of Virginia, § 15.2-2204.

**Sec. 66-227. Appeal to Circuit Court.**

Any person, following the final decision of the ~~town council~~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~~Town Council and must otherwise comply with the requirements of Code of Virginia, §15.2-2306.A.3.

DIVISION 9. PARKS AND PUBLIC UTILITY DISTRICT (PPU)

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**Sec. 66-228 Statement of Intent.**

The ~~P~~arks and ~~P~~ublic ~~U~~tility district (PPU) covers the portion of the Town located along the Occoquan River and ~~formerly~~ used as a ~~former~~ water treatment facility. This district is intended to provide for public water utility uses, as well as a riverfront public park.

**Sec. 66-229 Uses Permitted.**

~~S~~~~in the PPU district,~~ structures to be maintained or erected or land to be used shall be restricted to the following:

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~~(a)~~ Public park;

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~~(b)~~ ~~T~~rails/boardwalk

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~~(a)(c)~~ ~~,~~ and ~~o~~pen space.

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~~(b)(d)~~ ~~Public Water Utilities~~ ~~to~~includingde, 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 ~~above in this paragraph which may include~~including poles, structures, wires, conduits, cables or other similar equipment.

~~(e)(e)~~ Uses ancillary to ~~either or both of~~ the permitted uses, including, but not limited to, service roads and storage.

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**Sec. 66-236. 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 ~~noneconform~~non-conformingities 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.

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**Sec. 66-237. ~~Noneconform~~Non-conforming 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.

**Sec. 66-238. ~~Noneconform~~Non-conforming 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, ~~its~~ 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) Such ~~non~~-conforming structure may be enlarged or altered to an extent not to exceed 20 percent of its original size. Such enlargement or alteration may be done only with approval from the ~~Zoning Administrator~~Zoning Administrator and only if such action shall not increase the degree of ~~non~~-conformance.
- (b) Should such ~~non~~-conforming structure or ~~noneconform~~non-conforming portion of structure be destroyed or damaged by any means, it may be reconstructed, but not to an extent exceeding 50 percent of the current replacement cost of the original structure and only if such reconstruction shall not increase the degree of ~~noneconform~~non-conformance.

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- (c) Where a ~~nonconform~~non-conforming structure devoted to a ~~nonconform~~non-conforming activity is damaged less than 50 percent of the cost of reconstructing the entire structure, or where a ~~nonconform~~non-conforming structure is damaged less than 75 percent 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 ~~nonconform~~non-conforming structure be changed to a more limited ~~nonconform~~non-conforming use, such newly created use may be changed only to an even more limited use.

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**Sec. 66-239. ~~Nonconform~~Non-conforming uses; permits required.**

All operators or owners of ~~nonconform~~non-conforming uses, lots or structures shall, within six months after the adoption of the ordinance from which this section derives obtain from the ~~zoning administrator~~Zoning Administrator a ~~nonconform~~non-conforming use permit; and such ~~nonconform~~non-conforming use, lot or structure shall be recorded as part of the records of the town. Whenever the boundaries of a district are changed, any uses of land or buildings that become ~~nonconform~~non-conforming as a result of such change shall be recorded as part of the records of the town.

**Secs. 66-240—66-270. Reserved.**

ZONING

§66

ARTICLE IV. ENFORCEMENT OF ZONING BY ~~ZONING ADMINISTRATOR~~ZONING ADMINISTRATOR\*

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\*Cross reference(s)—Administration, ch. 2.

Sec. 66-202. Plan of development process.

~~(a) (a)~~ ~~Required.~~ 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 division.

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~~(b) (b)~~ ~~Required information.~~ In addition to the requirements of this section and chapter 46 ~~or and~~ 54 of this Code, the plan of development process shall consist of the plans and studies identified in this subsection. These required plans and studies may be coordinated or combined, as deemed appropriate by the ~~zoning administrator~~ Zoning Administrator. The ~~zoning administrator~~ 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:

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1. A site plan in accordance with the provisions of chapter 46 of this code or a subdivision plan in accordance with the provisions of chapter 54 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 18, Article II of this Code.

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

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

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- a. Tidal wetlands;

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- b. Tidal shores;
- c. Non-tidal 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 subsections (c)(1)a.-c. of this section and along both sides of any water body with perennial flow; and
- d. —.

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~~e.~~ Other sensitive environmental features as determined by the ~~zoning administrator~~Zoning Administrator.

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~~(2)~~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,

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

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~~(4)~~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~~Zoning Administrator when the proposed use or development would result in less than 5,000 square feet of disturbed area.

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~~(5)~~5. Any request for exemption from the buffer requirements for properties contained wholly within designated IDAs, as allowed by section 66-200(c)(3), must be submitted in writing with the assessment.

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~~(d) (d)~~ ~~Landscaping plan.~~ 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.

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1. ~~(1)~~ Contents of the plan.

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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 ~~on the landscaping plan~~.

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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 division shall be shown ~~on the landscaping plan~~.

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

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- d. Trees to be removed for shoreline stabilization projects and any replacement vegetation required by this division shall be shown on the landscaping plan.
- e. ~~The plan shall depict~~ grade changes or other work adjacent to trees that would Specifications shall be provided as to how grade, drainage and aeration ~~would will~~ maintained around trees to be preserved.
- f. ~~The landscaping plan will include~~ specifications for the protection of existing trees during clearing, grading, and all ~~other~~ phases of construction.

~~2.~~ ~~(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 American Association of Nurserymen.
- 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 1.5 inches dbh at the time of planting.

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~~3.~~ ~~(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 division.
- 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 division.

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~~(e) Stormwater management plan. A~~ stormwater management plan shall be submitted ~~as part~~ subdivision plan approval. graphs, tables, photographs, narrative descriptions, explanations, and citations to supporting references as appropriate to communicate the information required by this division.

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

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~~a. a.~~ Location and design of all ~~planned-proposed~~ stormwater control devices.

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~~b. b.~~ Procedures for implementing non-structural stormwater control practices and techniques.

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~~c. c.~~ Pre- and post-development non-point-source pollutant loadings with supporting documentation of all utilized coefficients and calculations.

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

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

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~~3. (3)~~ The plan shall establish a long-term schedule for inspection and maintenance of stormwater management facilities that ~~includ~~inges 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.

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~~(f) (f) Erosion and sediment control plan.~~ An erosion and sediment control plan shall be submitted that satisfies the requirements of this division and in accordance with chapter 18, article II of this code, in conjunction with site plan or subdivision plan approval.

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~~(g) (g) Final plan.~~ Final plans for property within CBPAs shall be final plats for land to be subdivided or site plans for land not to be subdivided as required in chapters 46 and 54 of this code.

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~~1. (1)~~ Final plans for all lands within CBPAs shall include the following additional information:

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a. The delineation of the RPA boundary<sub>;</sub>

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b. The delineation of required buffer areas<sub>;</sub>

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c. All wetlands permits required by law<sub>;</sub>

~~d.~~ A maintenance agreement<sub>;</sub> as deemed necessary and appropriate by Administrator, to ensure proper maintenance of BMPs in order to continue their functions; ~~and-~~

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:-

~~i. 1.~~ "All existing vegetation within the RPA shall remain in its undisturbed natural state, except as allows by the Code of the Town of Occoquan.

~~ii. 2.~~ "Permissible development in the RPA is limited to water dependent facilities, redevelopment, or other uses specifically allowed by the Code of the Town of Occoquan."

~~f.~~ Gross acreages of the following physical land units shall be tabulated and computed by accurate planimetric methods at the final plan scale:

~~i. 1.~~ 100-year floodplains:-

~~ii. 2.~~ Wetlands:-

~~iii. 3.~~ Existing water features (bodies of water, drainage channels, streams, etc.); and

~~iv. 4.~~ Resource protection areas and resource management areas as specified by Chapter 66, Article II, Division 7, Chesapeake Bay Preservation, of the Town Code.

~~g. Buildable areas allowed on each lot based on the performance ~~g.~~ criteria specified in the Chesapeake Bay Preservation Area Regulations in this Chapter; 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:~~

~~The delineation of the buildable areas that are allowed on each lot. The delineation of the buildable areas shall be based on the performance criteria specified in the Chesapeake Bay Preservation Area Regulations in this Chapter; front, side, and rear yard setback requirements established pursuant to this Chapter, and any other relevant easements or limitations regarding lot coverage.~~

~~2. (2) Installation and bonding requirements.~~

~~a. 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~~ Zoning

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~~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~~Zoning Administrator, such unexpended or unobligated portion of the surety held shall be refunded in accordance with chapters 46 and 54 of this code. The ~~zoning administrator~~Zoning Administrator may require a certificate of substantial completion from a professional engineer before making a final inspection.

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~~(h) (h) Administrative responsibility.~~ Administration of the plan of development process shall be in accordance with chapter 46 ~~or and~~ 54 of this code.

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~~2. Appeal of a plan of development process~~

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~~2. (2)~~—The appeal shall be made in writing to the ~~planning commission~~Planning Commission. The ~~planning commission~~Planning Commission shall review the appeal and make recommendation to the ~~town council~~Town Council. In reviewing the appeal, the ~~planning commission~~Planning Commission shall determine if:

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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

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~~b. b.~~—Such plan meets the purpose and intent of the performance standards in this division.

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~~3. (3)~~—If the ~~planning commission~~Planning Commission finds that the applicant's plan does stated in subsection (i)(2) of this section, they shall recommend denial of the plan to the ~~town council~~Town Council. If the applicant's plan is found to meet the criteria stated in

(i)(2) of this section, the ~~planning commission~~ Planning Commission shall recommend the ~~town council~~ Town Council.

4. ~~(4)~~ The ~~town council~~ Town Council shall consider the findings and rationale of the when voting to deny or approve the applicant's appeal.

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**Sec. 66-203. ~~Nonconform~~ Non-conforming uses and non-complying structures.**

~~(a)~~ (a) —The lawful use of a building or structure ~~which existed~~ existing on the effective date of the ordinance from which this section derives or which exists at the time of any amendment to this division, and which is not in conformity with the provisions of the overlay district may be continued in accordance with article III of this chapter.

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

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1. ~~(1)~~ The ~~town council~~ Town Council may grant a ~~nonconform~~ non-conforming use and development waiver for structures on legal ~~nonconform~~ non-conforming lots or parcels to provide for remodeling and alterations to such ~~nonconform~~ non-conforming structures, provided that:

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1. ~~a-~~ There will be no increase in non-point-source pollution load; ~~and-~~

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2. ~~b-~~ Any development or land disturbance exceeding ~~an area of~~ 2,500 square feet ~~in~~ area complies with all erosion and sediment control requirement of this division.

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2. ~~(2)~~ An application for a ~~nonconform~~ non-conforming use and development waiver shall be made to and upon forms furnished by the ~~zoning administrator~~ Zoning Administrator and shall include, for the purpose of proper enforcement of this division, the following information:

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a. Name and address of the applicant and the property owner.

b. Legal description of the property

~~c. and~~ c. Type of proposed use and development.

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~~d.~~ 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.

~~e.~~ e. Location and description of any existing private water supply or sewerage system.

3. ~~(3)~~ Requests for a ~~nonconform~~non-conforming use and development waiver shall be ~~planning commission~~Planning Commission, who shall forward a recommendation to the

4. ~~(4)~~ A ~~nonconform~~non-conforming use and development waiver shall become null and from the date issued if no substantial work has commenced.

5. ~~(5)~~ An application for the expansion of a ~~nonconform~~non-conforming principal structure may be approved by the ~~town council~~Town Council after an administrative review process provided that the following findings are made:

a. The request for the waiver is the minimum necessary to afford relief:

b. ~~a.~~ Granting the waiver will not confer upon the applicant any specific privileges that are denied by this division to other property owners in similar situations;

c. ~~b.~~ The waiver is in harmony with the purpose and intent of this division and does not result in water quality degradation;

d. ~~e.~~ The waiver is not based on conditions or circumstances that are self-created or self-imposed;

f. ~~d.~~ Reasonable and appropriate conditions are imposed, as warranted, that will prevent the waiver from causing degradation of water quality;

~~e.g.~~ Other findings, as appropriate and required by the town, are met; ~~and~~

~~f.h.~~ In no case shall this provision apply to accessory structures.

Sec. 66-204. Exemptions.

~~(a)~~ ~~(a)~~ Exemptions for utilities and public roads. Construction, installation, and maintenance of water, sewer, roads, natural gas lines, ~~and~~ underground telecommunications, ~~and~~ ~~and~~ cable television lines owned, permitted ~~or both~~ by the town, shall be exempt from the overlay district provided that:

~~(1)~~ 1. To the ~~degree~~extent possible, the location of such utilities and facilities shall be outside RPAs;

~~(2)~~ 2. No more land shall be disturbed than is necessary to provide for the proposed utility installation;

3. ~~(3)~~ All construction, installation and maintenance of such utilities and facilities shall be compliance with all applicable state and federal requirements and permits and designed and conducted in a manner that protects water quality; and

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~~4. (4)~~ Any land disturbance exceeding ~~an area of~~ 2,500 square feet in area shall comply with erosion and sediment control requirements.

~~(b) (b) Exemptions in RPAs. The following land disturbances in RPAs may be exempted from the overlay district: w~~Water wells; passive recreation facilities such as boardwalks, trails and pathways; and historic preservation and archaeological activities within the RPAs may be exempted from the overlay district, provided that it is demonstrated to the satisfaction of the ~~zoning administrator~~Zoning Administrator that:

1. ~~(1)~~ Any required permits, except those to which this exemption specifically applies, shall have been issued;

~~(2)~~ Sufficient and reasonable proof is submitted that the intended use will not deteriorate water quality;

~~(3)~~ The intended use does not conflict with nearby planned or approved uses; and

~~(4)~~ Any land disturbance exceeding ~~an area of~~ 2,500 square feet in area shall comply with all town erosion and sediment control requirements.

**Sec. 66-205. Exceptions [Repealed]**

~~PU mp 1592, line drawing~~

DIVISION 8. OLD AND HISTORIC OCCOQUAN DISTRICT

**Sec. 66-220. Definitions.**

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

Board                      The Architectural Review Board.

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.

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**Sec. 66-222. 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 ~~on the attached~~ 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 Chapter 2, Article IV, Division 4. 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.

**Historic Occoquan Landmarks**

~~Attachment to Occoquan Code Section 66-222~~

**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

**Washington Street:** 202, 203, 205, 206, 207, 209

**Union Street:** 201, 202, 203, 204, 205, 206

**Sec. 66-223. Application for certificate of appropriateness.**

Application for a certificate of appropriateness shall be made through the town clerk for any modifications described in Section 66-224 within the boundaries of the Old and Historic Occoquan District.

**Sec. 66-224. Matters to be considered by the ~~B~~board ~~in acting on the appropriateness of the erection, reconstruction, alteration, restoration or demolition of a building or structure.~~**

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, and~~ shall not make any requirements, except for the purpose of preventing developments obviously incongruous to the old and historic aspect of the surroundings. The Board shall consider the following in ~~passing~~ passing upon the appropriateness of architectural features:

- (a) Exterior architectural features, including all signs ~~,~~ that are subject to public view from a public street, way or place~~;~~
- (b) General design and arrangement~~;~~
- (c) Texture, material~~,~~ and color~~;~~
- (d) The relation of the factors, (1), (2) and (3) of this section, to similar features of the buildings and structures in the immediate surroundings~~;~~

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- (e) The extent to which the building or structure would be ~~harmonious-in harmony~~ with ~~or obviously incongruous to~~ the old and historic aspect of the surroundings:-
- (f) 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-~~

(g) The extent to which the building or structure will promote the general welfare by:

1. ~~Preserving and protecting historic places and areas;~~
2. ~~\_\_\_\_\_ a. \_\_\_\_\_~~ Maintaining and increasing real estate value;
3. ~~g~~ Generating business;
4. ~~\_\_\_\_\_~~ Creating new positions;
5. ~~\_\_\_\_\_~~ Attracting tourists, students, writers, historians, artists and artisans, and new residents;
6. ~~\_\_\_\_\_~~ Encouraging study of and interest in American history;
7. ~~\_\_\_\_\_~~ Stimulating interest in and study of architecture and design;
8. ~~\_\_\_\_\_~~ Educating citizens in American culture and heritage; and
9. ~~\_\_\_\_\_~~ Making the town a more attractive and desirable place in which to live.

**Sec. 6-225. Issuance of certificate of appropriateness.**

~~Decisions of Approval~~ by the Board will be incorporated into ~~approved~~ certificates of appropriateness ~~or written reasons for disapproval~~. 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 chairman of the Board and bearing the date of issuance, shall be made available to the applicant. The ~~zoning administrator~~ 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.

**Sec. 66-226. Right of appeal.**

Whenever the Board shall ~~disapprove~~ deny an application for a certificate of appropriateness, ~~it shall be done in writing.~~ aAny person shall have the right to appeal and be heard before the ~~town council~~ Town Council provided the person files, with the ~~zoning administrator~~ Zoning Administrator,

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on or before 14 days after the decision of the Board, a written notice of intention to appeal. Upon receipt of such notice, the ~~zoning administrator~~Zoning Administrator shall schedule a public hearing before the ~~town council~~Town Council, at a time not more than 30 days after the receipt of such notice of appeal. Such hearing shall be advertised in accordance with Code of Virginia, § 15.2-2204.

**Sec. 66-227. Appeal to Circuit Court.**

Any person, following the final decision of the ~~town council~~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~~Town Council and must otherwise comply with the requirements of Code of Virginia, §15.2-2306.A.3.

DIVISION 9. PARKS AND PUBLIC UTILITY DISTRICT (PPU)

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**Sec. 66-228 Statement of Intent.**

The ~~P~~arks and ~~P~~ublic ~~U~~tility district (PPU) covers the portion of the Town located along the Occoquan River and ~~formerly~~ used as a ~~former~~ water treatment facility. This district is intended to provide for public water utility uses, as well as a riverfront public park.

**Sec. 66-229 Uses Permitted.**

~~S~~~~in the PPU district,~~ structures to be maintained or erected or land to be used shall be restricted to the following:

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~~(a)~~ Public park;

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~~(b)~~ ~~T~~rails/boardwalk

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~~(a)(c)~~ ~~,~~ and ~~o~~Open space.

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~~(b)(d)~~ Public Water Utilities ~~to~~includingde, 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 ~~above in this paragraph which may include~~including poles, structures, wires, conduits, cables or other similar equipment.

~~(e)(e)~~ Uses ancillary to ~~either or both of~~ the permitted uses, including, but not limited to, service roads and storage.

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**Sec. 66-236. 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 ~~noneonform~~non-conformingities 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.

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**Sec. 66-237. ~~Noneonform~~Non-conforming 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.

**Sec. 66-238. ~~Noneonform~~Non-conforming 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, ~~its~~ 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) Such ~~non~~-conforming structure may be enlarged or altered to an extent not to exceed 20 percent of its original size. Such enlargement or alteration may be done only with approval from the ~~Zoning Administrator~~Zoning Administrator and only if such action shall not increase the degree of ~~non~~-conformance.
- (b) Should such ~~non~~-conforming structure or ~~noneonform~~non-conforming portion of structure be destroyed or damaged by any means, it may be reconstructed, but not to an extent exceeding 50 percent of the current replacement cost of the original structure and only if such reconstruction shall not increase the degree of ~~noneonform~~non-conformance.

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- (c) Where a ~~nonconform~~non-conforming structure devoted to a ~~nonconform~~non-conforming activity is damaged less than 50 percent of the cost of reconstructing the entire structure, or where a ~~nonconform~~non-conforming structure is damaged less than 75 percent 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 ~~nonconform~~non-conforming structure be changed to a more limited ~~nonconform~~non-conforming use, such newly created use may be changed only to an even more limited use.

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**Sec. 66-239. ~~Nonconform~~Non-conforming uses; permits required.**

All operators or owners of ~~nonconform~~non-conforming uses, lots or structures shall, within six months after the adoption of the ordinance from which this section derives obtain from the ~~zoning administrator~~Zoning Administrator a ~~nonconform~~non-conforming use permit; and such ~~nonconform~~non-conforming use, lot or structure shall be recorded as part of the records of the town. Whenever the boundaries of a district are changed, any uses of land or buildings that become ~~nonconform~~non-conforming as a result of such change shall be recorded as part of the records of the town.

**Secs. 66-240—66-270. Reserved.**

ARTICLE IV. ENFORCEMENT OF ZONING BY ~~ZONING ADMINISTRATOR~~ZONING ADMINISTRATOR\*

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Sec. 66-271. Right of entry.

The provisions of this chapter shall be enforced by the ~~zoning administrator~~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~~Zoning Administrator or any of his 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.

Sec. 66-272. Questions of interpretation ~~of chapter to be presented to zoning administrator.~~

- (a) Unless otherwise provided in this chapter, the ~~zoning administrator~~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~~Zoning Administrator may appeal as provided in section 2-281. Decisions of the ~~zoning administrator~~Zoning Administrator shall be final and ~~not~~ not appealable if not appealed within 30 days.

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Sec. 66-273. ~~Written order, requirement, decision or determination by the Zoning Administrator~~Zoning Administrator ~~issuance of a written order, requirement, decision or determination regarding the permissibility of a specific use or density.~~

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- (a) Notwithstanding the provisions of Town Code § 66-272, the ~~Zoning Administrator~~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~~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 the Town's zoning ordinance. Such an inconsistency, if it occurs, shall be considered non-discretionary error.
- (c) The ~~Zoning Administrator~~Zoning Administrator is hereby authorized and directed to establish a written policy which governs the issuance of written orders, requirements,

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\*Cross reference(s)—Administration, ch. 2.

decisions or determinations regarding the permissibility of a specific use or density of a landowner's property.

- (d) The ~~Zoning Administrator~~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. The ~~Zoning Administrator~~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) 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. 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.

**Secs. 66-274—66-300. Reserved.**

ARTICLE V. SPECIAL USE PERMITS

Sec. 66-301. Generally.

Special use permits, as specified in this chapter, may be authorized by the ~~town council~~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.

Sec. 66-302. 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~~Town Council deems necessary to carry out the intent of this chapter.

**State law reference(s)**—Advertisement of plans, ordinances, etc., joint public hearings, written notice of certain amendments, Code of Virginia, § 15.2-2204.

Sec. 66-303. Review and approval process.

~~(a)~~ ~~(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~~Zoning Administrator concerning the proposal and shall provide, at or before that conference, a concept plan that specifies the following:

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

~~(b)~~ ~~(b)~~ Within fifteen days after the conference, the ~~Zoning Administrator~~Zoning Administrator shall meet with the applicant with a summary of the meeting.

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~~(ix)~~i. Topography of the site (using Town maps if alternative sources of topography are not available);

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~~(x)~~j. A traffic impact analysis (TIA) if ~~so~~ deemed necessary by the ~~zoning administrator~~Zoning Administrator at the pre-application meeting;

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~~(xi)~~k. Wetlands on site, and their source of delineation;

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~~(xii)~~l. Resource Protection Areas on site and their source of delineation;

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~~(xiii)~~m. Locations of floodplains; and

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~~(xiv)~~n. Location of the Old and Historic Occoquan District adjoining or encompassing the site.

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3. ~~(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.

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

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~~(d)~~ (d) The ~~zoning administrator~~Zoning Administrator shall report to the ~~Planning Commission~~Planning Commission regarding the application before the opening of the public hearing and provide a recommendation, citing to appropriate principles of zoning practice and applicable provisions of the ~~Comprehensive Plan~~Comprehensive Plan; however, failure of the ~~zoning administrator~~Zoning Administrator to perform this duty shall not affect the authority of the ~~Planning Commission~~Planning Commission or ~~Town Council~~Town Council to take action or the validity of that action. The ~~Planning Commission~~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~~Planning Commission may take any of the following actions:

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1. ~~(1)~~ Require additional information from the applicant and schedule a further hearing for other action after receipt of the additional information;

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~~(2)~~2. Recommend that the ~~Town Council~~Town Council approve the application as requested by the applicant;

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~~(3)~~3. Recommend that the ~~Town Council~~Town Council approve the application with duration, or conditions; or

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~~(4)~~4. Recommend that the ~~Town Council~~Town Council ~~reject~~deny the application.

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~~(e)~~ ~~(e)~~ After the ~~Planning Commission~~ Planning Commission makes its ~~a~~ recommendation regarding the application, the ~~Town Council~~ 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~~ Town Council may refer the application back to the ~~Planning Commission~~ Planning Commission for review and a new recommendation. After the public hearing is closed, the ~~Town Council~~ Town Council may take any of the following actions:

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1. ~~(1)~~ Require additional information from the applicant and schedule a further hearing for other action after receipt of the additional information;

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2. ~~(2)~~ Approve the application as requested by the applicant;

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3. ~~(3)~~ Approve the application with changes to the scope, duration, or conditions; or

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~~(4)~~ 4. ~~Rejeet~~ Deny the application.

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A failed motion to ~~rejeet~~ deny the application does not result in its approval, and a failed motion to approve does not result in its ~~rejection~~ denial. Only an affirmative majority vote in favor of an action can result in a decision by the ~~Town Council~~ Town Council to take action on the application.

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

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**Sec. 66-304. Re-filing following denial.**

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

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**Sec. 66-305. 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~~ Zoning Administrator shall ~~rejeet~~ not accept as untimely any application that includes 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.

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**Sec. 66-306. Deferral of application by applicant.**

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

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~~(b)~~ ~~(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~~ Town Council. In that case, the applicant shall bear the additional ~~advertising~~ costs to re-advertise the public hearing.

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

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**Sec. 66-307. Duration and expiration of permit.**

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~~(a)~~ ~~(a)~~ If a special use permit application is approved by the ~~Town Council~~ Town Council, ~~but~~ the applicant ~~does not~~ has one within a 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) ~~does not~~ 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 ~~begins but~~ 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~~ Zoning Administrator will notify the ~~Town Council~~ Town Council of that fact.

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~~(b)~~ ~~(b)~~ Unless otherwise specified by the ~~Town Council~~ Town Council in the permit, the duration of any special use permit shall be five (5) years, renewable at the ~~Town Council~~ Town Council's sole discretion upon application by the then-owner or contract purchaser. However, the expiration or non-renewal 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 non-conforming 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.

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**Sec. 66-308. Revocation of special use permits.**

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~~(a)~~ ~~(a)~~ The ~~Town Council~~ 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.

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~~(b)~~ ~~(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~~ Zoning Administrator advising them of the violations of the permits and giving them a reasonable time to comply, not to exceed thirty (30) days.

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~~(c)~~ ~~(e)~~ 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~~ Town Council on the consideration of revocation of the permit.

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~~(d)~~ ~~(d)~~ After the ~~Town Council~~ 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.

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**ARTICLE VI. ZONING AMENDMENTS**

**Sec. 66-331. Initiation of amendments.**

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~~Town Council. Proceedings for any amendment shall be initiated only ~~in the following manner:~~

- ~~(a)~~ ~~(a)~~ By the adoption of a resolution by the ~~planning commission~~Planning Commission of intention to propose an amendment;
- ~~(b)~~ ~~(b)~~ 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~~Planning Commission; or
- ~~(c)~~ ~~(c)~~ By the filing of a petition by the owner or contract purchaser of the land proposed to be rezoned (zoning map amendment).

**Sec. 66-332. Application requirements.**

All applications for amendments to the zoning map ~~or rezoning~~, initiated in the manner prescribed by section 66-331, shall be filed with the ~~zoning administrator~~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~~Zoning Administrator for later submission, or unless otherwise provided for in this section in accordance with the provisions of this article. ~~The application shall not be scheduled for a public hearing until all required data have been filed.~~

~~Applications and supplemental information, unless qualified below, shall be filed on forms provided by the town and shall include the following elements:~~

- ~~(a)~~ ~~(a)~~ Two copies of a completed application for zoning map amendment (rezoning) application form:
  - ~~(1)~~ 1. 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)~~ ~~The complete form should be printed or typed.~~
- ~~(b)~~ ~~(b)~~ Two copies of a plat of the property proposed for rezoning. ~~The plat shall~~ showing:
  - 1. ~~(1)~~ Bearings and distances for all ~~existing~~ property lines ~~and existing~~ and proposed

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~~(g)~~ ~~(g)~~ Nonrefundable filing fee set forth by the uncodified ordinance of the town in a check or money order payable to the town treasurer.

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~~(h)~~ ~~A minimum of two copies of all written statements, plans, profiles, evaluation and other illustrative materials shall be filed in a scale no less than one inch equals 50 feet. If prepared on more than one sheet, match lines shall clearly indicate where the several sheets join.~~ Based on the size and scale of the parcel, or complexity of the proffers submitted, the ~~zoning administrator~~ Zoning Administrator may require ~~additional~~ additional copies of all submitted ~~materials~~ materials as needed for ~~additional~~ supplemental reviewing agencies.

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**Sec. 66-333. Generalized development plans (GDP).**

Generalized development plans shall include the following:

~~(a)~~ ~~(a)~~ Topography shown with contour lines on an interval not exceeding two feet.

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~~(b)~~ ~~(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.

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~~(c)~~ ~~(c)~~ ~~The~~ 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.

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~~(d)~~ ~~(d)~~ A landscape plan indicating the general location and type of significant or specimen trees located within the limits of the planned development area.

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~~(e)~~ ~~(e)~~ A plan showing sensitive environmental features including steep slopes (those over 25%), highly permeable soils, highly erodible soils, Resource Protection Areas, wetlands, floodplains, and other such features as may be designated by the ~~zoning administrator~~ Zoning Administrator.

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~~(f)~~ Location of any overlay district boundaries adjoining or encompassing the site.

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~~(g)~~ ~~(g)~~ Location of any portion of the Old and Historic Occoquan District encompassing the site.

**Sec. 66-334. Proffer declaration.**

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In accordance with the Code of Virginia, 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. One of the following statements should accompany any application for zoning modification:

(a) ~~\_\_\_\_\_ (a)~~ 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~~ Town Council and the undersigned."

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(b) ~~\_\_\_\_\_ (b)~~ Non-commitment 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."

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**Sec. 66-335. Validity and conformance with proffered conditions.**

(a) ~~\_\_\_\_\_ (a)~~ If an amendment to the zoning map is adopted subject to the conditions proffered by the applicant as set forth in section 66-334, the property in question shall be appropriately annotated on the zoning map and all other land records referencing the conditions as adopted.

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(b) ~~\_\_\_\_\_ (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.

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(c) ~~\_\_\_\_\_ (e)~~ Upon approval, any site plan, subdivision plat, or general development plan submitted for the ~~development of 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.

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(d) ~~\_\_\_\_\_ (d)~~ For the purpose of this section, substantial ~~conformity-conformance~~ shall allow ~~for~~ ~~mean that conformity which leaves~~ a reasonable margin ~~for~~ ~~of~~ adjustment due to final engineering data, but conforms ~~with~~ 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.

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**Sec. 66-336. Public hearing requirements.**

(a) ~~\_\_\_\_\_~~ The ~~planning commission~~ Planning Commission shall not recommend, nor the ~~Town Council~~ Town Council adopt, any zoning ordinance or zoning map amendment (rezoning) to ~~change~~ ing district boundaries or classification of property until notice of intention to do so has been published and/or mailed in accordance with the law.

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(b) The cost of any such notice shall be paid by the applicant.

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(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.

Sec. 66-337. Referral to ~~planning commission~~ Planning Commission.

(a) ~~(a)~~ In accordance with Code of Virginia, 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~~ Town Council, or the ~~zoning administrator~~ Zoning Administrator (in cases of amendments proposed by the property owner, contract purchaser with the owner's written consent, or owner's agent ~~therefore~~), to the ~~planning commission~~ Planning Commission for its recommendations.

(b) ~~(b)~~ In accordance with Code of Virginia, § 15.2-2214, the ~~planning commission~~ 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 chairman, or vice chairman if the chairman 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) ~~(c)~~ The ~~planning commission~~ Planning Commission shall hold a public hearing on such application or resolution with advertising as provided by section 66-336.

(d) ~~(d)~~ At the conclusion of the ~~planning commission~~ Planning Commission public hearing, the ~~planning commission~~ Planning Commission shall report to the ~~Town Council~~ 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~~ Planning Commission and the scheduling of another public hearing.

(e) ~~(e)~~ The ~~planning commission~~ Planning Commission need not confine its 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:

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~~(h)a.~~ The commission is of the opinion that such revision is in accordance with zoning practice and is in furtherance of the purpose of this chapter.

~~(h)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.

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~~(f)~~ ~~(f)~~ In recommending the adoption of any amendment to this chapter, the ~~planning commission~~ 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~~ Comprehensive Plan and would be in furtherance of the purposes of this chapter.

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~~(g)~~ ~~(g)~~ The ~~planning commission~~ 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.

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**Sec. 66-338. ~~Town Council~~ Town Council action.**

~~(a)~~ ~~(a)~~ Following the report to the ~~Town Council~~ Town Council by the ~~planning commission~~ 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~~ Town Council shall hold at least one public hearing thereon, pursuant to public notice as required by law.

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~~(a)(b)~~ ~~(b)~~ In order to approve an application, ~~An amendment to this chapter or the zoning map shall not be effective until the application has been processed in accordance with town and state laws and the~~ Town Council ~~has must acted~~ upon the request finding the following conditions have been addressed:

~~(1)~~ ~~(1)~~ The fees for zoning requests, as established by an un-codified ordinance, have been paid.

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~~(2)~~ ~~(2)~~ Proposed amendments have been considered with reasonable ~~consideration 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 to consider include:

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~~(i)a.~~ Various purposes as determined by population and economic studies and studies.

~~(ii)b.~~ ~~The T~~ransportation requirements of the community and the town,

~~c. and the R~~requirements for schools, parks, playgrounds, recreation areas, and other public services.

~~(iii)d.~~ ~~The C~~onservation of natural resources, and preservation of floodplains.

~~(iv)e.~~ ~~The C~~onservation of properties and their values and the encouragement of the most appropriate use of land throughout the town; ~~and-~~

~~(c)~~ ~~(e)~~ ~~The Town Council~~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. (1) Relationship to comprehensive plan~~Comprehensive Plan. The requested zoning district shall be in general conformance with the adopted ~~comprehensive plan~~Comprehensive Plan that s that includes the area of the parcel which is the subject of ~~to~~ the requested change.

~~2. (2) Relationship to major transportation corridors and services.~~ Parcels which are the subject of requests for changes of zoning classification shall ~~have direct access to~~ be so located with respect to arterial, thoroughfare or collector streets ~~as to provide direct access to such parcel~~ without creating unsafe traffic conditions along minor streets. Rezoning requests ~~which require~~ing enlargement or extension of new or existing arterial thoroughfare and collector streets ~~in order~~ to provide proper access to the parcel under proposed zoning district shall:

~~(i)a.~~ Be ~~consistent with the improvements and timing of the Comprehensive plan and protect against danger and congestion in travel and transportation.~~ located such that the necessary street improvements and timing thereof are consistent with the adopted comprehensive plan~~Comprehensive Plan~~. The applicant shall provide, where necessary to protect against danger and congestion in travel and transportation.

~~(ii)b.~~ Provide for the enlargement or extension of new or existing arterial, thoroughfare or collector streets to serve the parcel.

~~3. (3)~~Relation to utilities:

~~(i)a.~~ Parcels ~~which are the~~ subject of ~~to~~ requests for changes of zoning classification shall be so 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

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with local and regional water quality management plans, the adopted capital improvements program, and the adopted ~~comprehensive plan~~ Comprehensive Plan for the area in which the subject parcel is located.

~~(ii)~~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)~~4. Relationship to public facilities:

~~(i)~~a. Parcels ~~which are the subject of 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.

~~(ii)~~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.

**Sec. 66-339. Re-filing following denial.**

Upon denial of any petition to change a zoning district boundary, ~~amendment to~~ proffers, or property, ~~applications no further petition concerning for~~ any or all of the same property for or use as applied for in the ~~petition previously denied~~ application shall not be filed within one year of original denial.

**Sec. 66-340. Withdrawal of application.**

~~(a)~~ (a) An application for an amendment of this chapter may be withdrawn at any time; ~~provided that if~~ the request for withdrawal is made after publication of the notice of public hearing before ~~the Town Council~~ Town Council, then no application for all or any part of the same property ~~shall may~~ be filed within six months of the withdrawal date.

~~(b)~~ (b) There shall be no refund of rezoning fees in the case of withdrawal, regardless of the time of withdrawal.

**Sec. 66-341. Deferral of application by applicant.**

~~(a)~~ (a) ~~Petitioner may request~~ Deferral of consideration of ~~any petition~~ the application for rezoning ~~may be requested by the petitioner.~~

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~~(b)~~ ~~(b)~~ If the request for deferral is made after publication of the notice of hearing, such shall ~~only~~ ~~be~~ ~~only~~ with the consent of either the ~~planning commission~~ Planning Commission whichever body advertised the hearing.

~~(c)~~ ~~(e)~~ ~~In either case,~~ The applicant shall bear the ~~additional advertising~~ costs to re-advertise the ~~proposed rezoning~~ application.

~~(d)~~ ~~(d)~~ Applications deferred by the ~~planning commission~~ Planning Commission at the request of the petitioner will not be deemed as being referred to the ~~planning commission~~ Planning Commission until such time as the matter has been rescheduled on the commission's agenda.

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ARTICLE VII. OUTDOOR LIGHTING REQUIREMENTS

Sec. 66-350. 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 the public safety by preventing glare from outdoor luminaires, and to limit the intensity of light on certain adjacent areas, roadways and properties as provided herein.

(b) Conformance with Applicable Codes and Ordinances

All outdoor artificial illuminating devices shall be installed in conformance with the provisions of this Article, and applicable provisions of the Zoning Ordinance. The most restrictive shall govern.

(c) General Requirements

1. Shielding – All outdoor light fixtures except those exempted by §66-350 (d) and those otherwise regulated by §66-352 shall be fully shielded as identified in §66-352. A fully shielded fixture must be a full cutoff luminaire or a decorative luminaire with full cutoff optics, and is 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).

2. Spillover Light – Spillover light, vertical or horizontal, shall not exceed one half (1/2) footcandles at the property line.

3. Building and pole-mounted luminaires shall not have adjustable features.

(d) Exemptions

1. Non-conforming fixtures – Outdoor light fixtures installed prior to the effective date of this Article are exempt from the provisions of this Article, provided, however, that no change in use, and no replacement increase in lumen output, or structural alteration of outdoor light fixtures shall be made unless it thereafter conforms to the provisions of this Article. 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 Article.

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~~(2)2.~~ Lighting required by State or Federal law, to the extent that compliance with State or Federal law is inconsistent with compliance with this Article.

~~(3)3.~~ Roadway lighting and security lighting controlled and activated by motion sensor devices for a duration of fifteen (15) minutes or less.

~~(4)4.~~ Lighting of the U.S. or Commonwealth of Virginia flags and other non-commercial flags expressing constitutionally-protected speech.

~~(6)6.~~ Construction and Emergency Lighting ~~—Lighting necessary for construction or emergencies is exempt from the provisions of this Article~~ provided that said lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency necessitating said lighting.

~~(a) Outdoor Light Fixtures —Outdoor artificial illuminating devices, outdoor fixtures, lamps or other devices, permanent or portable, used for illumination, direction, or advertisement. Such devices shall include, but are not limited to, search spot, or floodlights for:~~

~~(d) —Footcandle~~ A quantitative unit of measure referring to the light source. One footcandle is equal to one lumen uniformly distributed over an area of one square foot.

~~(e) —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).

~~(f)(b) —Installed~~ The initial installation of outdoor light fixtures defined herein, following the effective date of this Article.

~~Initial lumens~~ The lumens emitted from a lamp as specified by the manufacturer of the lamp.

~~(g) —Lamp~~ The component of a luminaire that produces light. A lamp is also commonly referred to as a bulb.

~~(h) 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.

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(+) Luminaire A complete lighting unit consisting of a lamp or lamps 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.

(+) (a) Outdoor Light Fixtures Outdoor artificial illuminating devices, outdoor fixtures, lamps or other devices, permanent or portable, used for illumination, direction, or advertisement. Such devices shall include, but are not limited to, search, spot, or floodlights for:

- (1) Buildings and structures including canopies and overhangs.
- (2) Recreational areas.
- (3) Parking lot lighting.
- (4) Landscape lighting.
- (7) Signs, including billboards; and
- (6) 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)

Temporary Not used more than seven consecutive days and not used more than fifteen days in any calendar year.

(+) Sec. 66-352. 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 sectionhe regulations in this section isare 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.

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~~2.(2)~~ —Lighting plans shall comply with special provisions listed in §66-353.

~~3.(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.

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(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, multi-family, educational, institutional, commercial recreation, public, commercial business and retail, motor vehicle related, wholesaling, and industrial uses identified in the Zoning Ordinance.

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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 shall be confined to the object intended to be illuminated.

2. Directional control shields shall be used where necessary to limit stray light.

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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 2.5 footcandles. 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 non-residential uses. Height is measured from the ground surface to the bottom of the lighting fixture (See Figure 34).

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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 as shown in Figure 5.

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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.

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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.

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7. The lighting for new facilities (pump islands and under canopies) shall have a minimum of 1.0 footcandle at grade, and the average horizontal illumination cannot exceed 10

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footcandles at grade level, subject to a uniformity ratio (ratio of average to minimum illuminance) no greater than 4:1. The standards herein are based on the Illuminating Engineering Society of America (IESNA) RP-33, Lighting for Exterior Environments.

~~(7)8.~~ Lamps shall not exceed 400 watts.

(c) ~~Requirements 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.

**Sec. 66-353. Site plan requirements.**

(a) Application Requirements

1. Any person applying for a site plan in accordance with Chapter 46 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 Article.

~~(2)2.~~ The lighting plan application shall include ~~at least~~ 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.

~~d.~~ A photometric plan indicating the minimum and maximum footcandle 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 footcandles, that the fixtures will produce on the ground. ~~(photometric report).~~

3. The ~~above~~ required plans and descriptions shall be sufficiently complete to enable the ~~Planning Commission~~ ~~Planning Commission~~, ~~Zoning Administrator~~ ~~Zoning Administrator~~, Building Official, or their designee to readily determine ~~whether~~ compliance with the requirements of this Article ~~will be secured~~. 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 ~~who certifyingies~~ that the tests were conducted according to the standards of the Illuminating Engineering Society of North America (IESNA).

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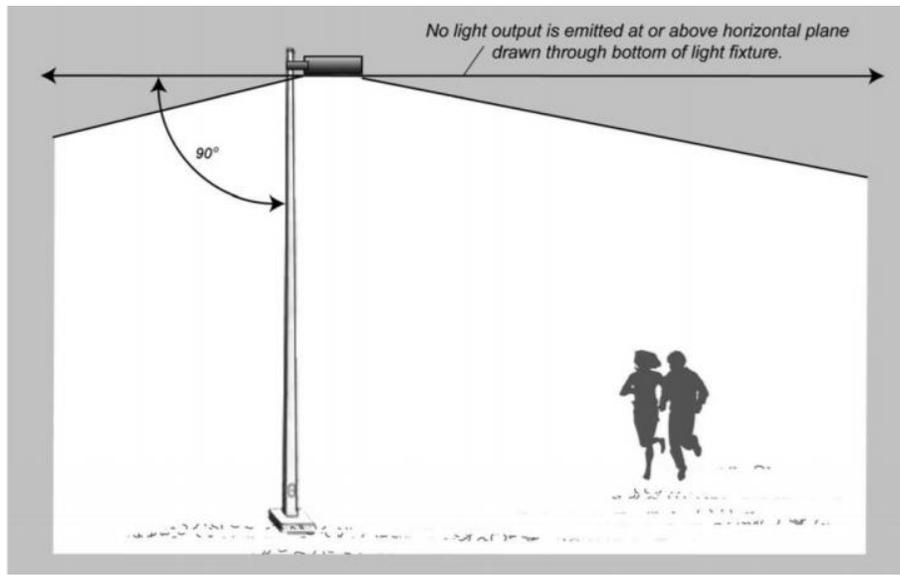
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- (b) ~~Lighting Plan Approval~~—Prior to issuance of a building, electrical or sign permit, the designee shall determine that the submitted plans and details for said permit are in conformance with this Article. The stamping of the plans and the signature of the Building Official or ~~his~~ designated representative and the date of the signature shall indicate that plans are in conformance.
- (c) ~~Amendments to Approved Lighting Plan~~—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 ~~all said~~ changes to the ~~Zoning Administrator~~Zoning Administrator or designee for approval, with adequate information to assure compliance with this Article.
- (d) Special Requirements for Public or Private Outdoor Recreational Facilities
  - 1. For each athletic field or complex to be illuminated, a lighting ~~design~~ plan shall be submitted ~~which demonstrates in detailing~~ the property lighting installation. The ~~design~~ 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 ~~shall be included~~may be required.
  - ~~(2)~~2. All applications for lighted outdoor recreational facilities shall include an accurate ~~light level grid~~photometric plan in conjunction with a site plan for the proposed field and associated facilities.

FIGURES 1-4 FOLLOW

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FIGURES 1-6 FOLLOW Figure 1: Full cut-off lighting fixture



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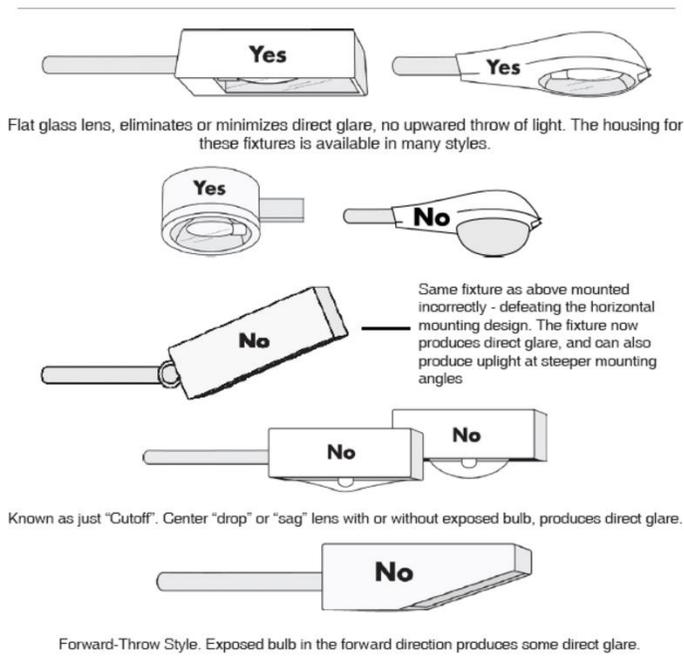
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Source: Fairfax County, Virginia Zoning Ordinance – Appendix 2 (Illustrations)

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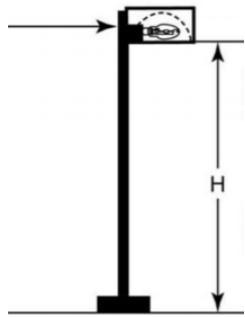
**Figure 2: Full Cut-Off Light Fixtures**



Source: International Dark-Sky Association (IDA Inc.), [www.darksky.org](http://www.darksky.org).

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**Figure 3: Mounting Height**



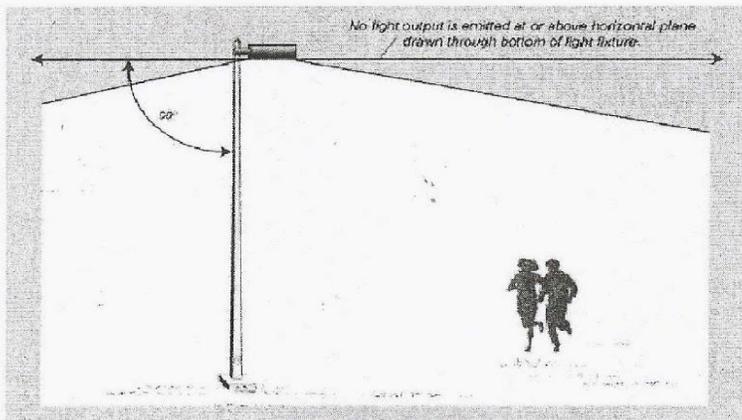
Source: Fairfax County, Virginia Zoning Ordinance – Appendix 2 (Illustrations)

**Figure 4: Photometric Plan**

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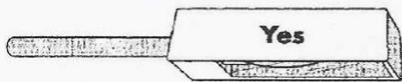
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**Figure 1: Fully Shielded Outdoor Light Fixture**

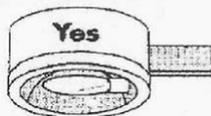


Source: Fairfax County, Virginia Zoning Ordinance (June 2003)

**Figure 2: Illustrations of Full Cut-Off Outdoor Light Fixtures**



Flat glass lens, eliminates or minimizes direct glare, no upward throw of light. The housing for these fixtures are available in many styles.



Source: [Hubbell Outdoor Lighting](#)

DIVISION 1. GENERAL PROVISIONS

Sec. 66-360. 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 article 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 article allows adequate communication through signage while encouraging aesthetic quality in the design, location, size and purpose of all signs. This article shall be interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision of this article is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this article 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 article, by specific requirements in another portion of this chapter, or otherwise expressly allowed by the ~~Town Council~~ 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 article 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 subsection (a) of this section.
- (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.

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(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.

**Sec. 66-361. Definitions**

*A-Frame sign* a two-faced chalk board sign with supports that are connected at the top and separated at the base, forming an “A” shape. These are also referred to as “sandwich board” signs. They are included in the term “portable sign.”

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

*Animated sign* a sign or part of a sign that is designed to rotate, move or appear to rotate or move.

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

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

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

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

*Canopy sign* a sign attached to a canopy.

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

*Comprehensive sign plan* a plan for the signage of a property that includes multiple tenants or owners with shared parking or other facilities, with Special Use Permit (SUP) from ~~Town Council~~Town Council.

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

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

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*Flashing sign* a sign that includes lights that flash, blink, or turn on and off intermittently.

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

*Height* the maximum vertical distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of:

(1) Existing grade immediately prior to construction of the sign; or

(2) 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 article.

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

*Inflatable sign* any sign which uses compressed or forced gas to provide support.

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

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

*Minor sign* a wall or freestanding sign, as per Division 2 tables 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.

~~Nonconform~~*Non-conforming 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 of the zoning ordinance and which fails to conform to current standards and restrictions of the zoning ordinance.

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*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.

**Sec. 66-362. Signs requiring a permit.**

(a) A sign permit is required prior to the display and erection of any sign except as provided in Section 66-363 of this Article.

(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 the zoning ordinance 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~~Zoning Administrator or designee shall promptly process the sign permit application and approve the application, ~~reject~~deny the application, or notify the applicant of deficiencies in the application within 20 business days after receipt. Any application that complies with all provisions of this zoning ordinance, the building code, and other applicable laws, regulations, and ordinances shall be approved.

3. If the application is ~~rejected~~denied, the Town shall provide a list of the reasons for the ~~rejection~~denial in writing. An application shall be ~~rejected~~denied for non-compliance with the terms of the zoning ordinance, building code, or other applicable law, regulation, or ordinance.

(c) A nonrefundable fee as set forth in the uncodified fee schedule adopted by the ~~Town Council~~Town Council shall accompany all sign permit applications.

(d) If a sign is not installed within one year following the issuance of a sign permit (or within 20 days in the case of a temporary sign permit), the permit shall be void. The permit for a temporary sign shall state its duration, not to exceed 20 days unless another time is provided in the zoning ordinance. 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;

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2. The sign as installed does not conform to the sign permit application; or

3. The sign violates the zoning ordinance, building code, or other applicable law, regulation, or ordinance.

(e) All signs in the Old and Historic Occoquan Overlay District (HOD) require compliance with Architectural Review Board (ARB) guidelines except when a sign permit is not required as provided in §66-363.

(f) The ~~Town Council~~ **Town Council** shall approve Comprehensive sign plans in the B-1 district. The comprehensive sign plan shall establish the time, manner, and placement of signs, frequency of message changes, the materials, the hours of lighting, the height of signs, the total number of square feet of sign surface, and the number of signs to be placed on a site. Height of signs shall not be modified above the height permitted in the Zoning Ordinance.

**Sec. 66-363. Signs not requiring a permit.**

A sign permit is not required for the following:

1. Signs erected by a governmental body or required by law.

2. Flags up to 16 square feet in size not containing any advertising; provided, that no freestanding pole shall be erected in the public right-of-way nor be within five (5) feet of a service drive, travel lane or adjoining street.

3. The changing of messages on marquees and the repair of an existing permitted sign, except that repair of a ~~nonconforming~~ **non-conforming** sign must comply with § 66-368 (e).

4. Temporary signs as follows:

a. One (1) sign, no more than sixteen (16) square feet in area, located on property where a building permit is active.

b. On any property for sale or rent, not more than one sign with a total area of up to sixteen (16) square feet and a maximum height of six (6) feet when the sign abuts a road with a speed limit of 25 miles per hour or less, and when the sign abuts a road with a speed limit greater than 25 miles per hour not more than one sign with a total area of up to thirty-two (32) square feet and a maximum height of eight (8) feet.

c. Official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of his official or directed duties; provided, that all such signs shall be removed no more than ten (10) days after their purpose has been accomplished.

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- d. On residential use property, one or more temporary signs with a total area of no more than eight (8) square feet, and which are removed within 90 days after being erected. Once removed, temporary signs may not be erected again.
- e. 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.
- 5. Not more than four minor signs per parcel, consistent with Division 2 tables. Additional minor signs are permitted in certain districts with a permit.
- 6. A-frame signs not in the public right of way, consistent with Division 2 tables.
- 7. A permanent window sign, provided that the aggregate area of all window signs on each window or door does not exceed twenty-five percent (25%) of the total area of the window or door.
- 8. Box signs, consistent with Division 2 tables.

**Sec. 66-364. 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.**

- 1. Signs that violate any law of the Commonwealth 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. Any sign displayed without complying with all applicable regulations of this chapter.

**(b) Prohibitions based on materials.**

- 1. Signs painted directly on a building, driveway or road, except where expressly permitted by this chapter.

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2. Animated signs.

3. Flashing signs.

4. Signs consisting of illuminated tubing or strings of lights outlining property lines or open sales areas, rooflines, doors, windows or wall edges of any building, except for temporary decorations not to exceed three months per year or not to exceed 60 consecutive days.

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 6 feet in height.

10. Feather signs.

11. Inflatables signs.

12. Illuminated signs, except for Box Signs.

13. Neon signs

(c) Prohibitions based on location.

1. Off-premises signs.

2. Signs erected on public land other than those approved by an authorized Town official in writing, required by law without such approval, or permitted under Virginia 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.

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5. Window signs whose aggregate area on a window or door exceed twenty-five percent (25%) of the total area of the window or door.

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**Sec. 66-365. Measurements of sign area and height.**

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(a) Supports, uprights or structure on which any sign is supported shall not be included in determining the sign area unless such supports, uprights or structure 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.**

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1. Sign area is calculated under the following principles:

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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.

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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.

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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.

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

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3. Maximum Sign Area is 16 square feet unless otherwise specified within this chapter.

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**Sec. 66-366. Maintenance and removal.**

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

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

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(c) The building official may take action under the Virginia Maintenance Code, after such notice as is provided by law, to address any sign which, in his 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 10 and 30 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.

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(e) Sign condition, safety hazard, nuisance abatement, and abandonment.

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1. Any sign which becomes a safety hazard or which is not kept in a reasonably good state of repair shall be put in a safe and good state of repair within 30 days of a written notice to the owner and permit holder.

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2. Any sign which constitutes a nuisance may be abated by the Town under the requirements of Virginia Code §§ 15.2-900, 15.2-906, and/or 15.2-1115.

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**Sec. 66-367. General requirements.**

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(a) *Placement.* Except as otherwise permitted, all freestanding signs shall leave a vertical clearance over any sidewalk of at least seven (7) feet and shall not overhang any vehicular right-of-way.

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

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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 Town Code § 66-352. No sign shall be permitted to have an illumination spread of more than .05 foot candle at the lot line, shine into on-coming 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

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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 Article VII of this Chapter 66.

(c) Waterfront signs – see chart in Division 2.

(d) Banners - In the Old and Historic Occoquan District, banner colors shall be consistent with the ARB guidelines.

1. A banner shall not contain more than four colors.
2. Such banners shall be attached to an existing principal structure (with a clearance of at least 12” from the edge of the store or building) or sign pole. They must not obscure architectural features of the building (such as windows, railings or ornamentation) and shall not exceed 16 square feet in total area. They may be hung in a horizontal or vertical manner and shall be attached at all four corners in a taut manner.
3. Banner permits shall be for 20 consecutive days and no more than twice in one calendar year per property.
4. Banners installed and used for special events and festivals sponsored by the Town of Occoquan may be erected without a permit and shall be removed within two days after the event.

**Sec. 66-368. ~~Noneconform~~Non-conforming 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 ~~noneconform~~non-conforming use shall be deemed to be ~~noneconform~~non-conforming signs and may remain except as qualified below. The burden of establishing ~~noneconform~~non-conforming 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~~Zoning Administrator, a property 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 ~~noneconform~~non-conforming sign shall be enlarged nor shall any feature of a ~~noneconform~~non-conforming sign, such as illumination, be increased.

(c) Nothing in this section shall be deemed to prevent keeping in good repair a ~~noneconform~~non-conforming sign. ~~Noneconform~~Non-conforming 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.

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(d) No ~~nonconform~~non-conforming 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 article.

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(e) A ~~nonconform~~non-conforming sign that is destroyed or damaged by any casualty to an extent not exceeding fifty (50) percent of its area may be restored within two (2) years after such destruction or damage but shall not be enlarged in any manner. If such sign is so destroyed or damaged to an extent exceeding fifty (50) percent, it shall not be reconstructed but may be replaced with a sign that is in full accordance with the provisions of this article.

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(f) A ~~nonconform~~non-conforming sign which is changed to becoming conforming or is replaced by a conforming sign shall no longer be deemed ~~nonconform~~non-conforming, and thereafter such sign shall be in accordance with the provisions of this article.

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(g) A ~~nonconform~~non-conforming sign structure shall be subject to the provisions of section 66-238. In addition, a ~~nonconform~~non-conforming sign structure shall be removed if the use to which it is accessory has not been in operation for a period of two years or more. Such sign structure shall be removed by the owner or lessee of the property. If the owner or lessee fails to remove the sign structure, the ~~zoning administrator~~Zoning Administrator or designee shall give the owner fifteen (15) days' written notice to remove it. Upon failure to comply with this notice, the ~~zoning administrator~~Zoning Administrator or designee may enter the property upon which the sign is located and remove any such sign or may initiate such action as may be necessary to gain compliance with this provision. The cost of such removal shall be chargeable to the owner of the property.

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**Sec. 66-369. Non-commercial signs.**

Wherever this Article permits a sign with commercial content, non-commercial content is also permitted subject to the same requirements of size, color, illumination, movement, materials, location, height and construction.

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**Sec. 66-370. – 390 Reserved.**

**DIVISION 2. SIGN REGULATION BY USE AND DISTRICT**

**Sec. 66-391. Residential district signs (R-1, R-2, R-3 & R-4).**

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

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(b) Except as provided otherwise in this Article, Table 2 includes signs are permitted as accessory to non-residential uses in residential districts. Animated signs are prohibited as accessory uses for non-residential uses in all residential districts.

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<b>Table 1: Residential Signs</b>						
<b>Type</b>	<b>Flags</b>	<b>Temporary</b>	<b>Permanent-Box, Freestanding, Monument, Pole, Projecting, &amp; Wall</b>	<b>Minor</b>	<b>Waterfront</b>	
Size (each/total)	16 s.f./no limit	16 s.f./16 s.f. 1 total	3 s.f./3 s.f.	1 s.f./ 4 s.f.	16 s.f.	
Illumination	As required by law	None	Indirect	None	Indirect	
Setback	See 66-363 (2)	None	None	None	None	
Max.Height	15 ft.	6 ft.	6 ft.	6 ft.	6 ft	
Location	See 66-363 (2)	See 66-363 (4)	Wall, window sign, freestanding or affixed to mailbox	Wall, window sign, freestanding or affixed to mailbox	Wall, window sign, freestanding or affixed to mailbox.	
Duration	Unlimited	90 days	Unlimited	Unlimited	Unlimited	

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

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**Sec. 66-304. Re-filing following denial.**

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

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**Sec. 66-305. 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~~ Zoning Administrator shall ~~reject~~ not accept ~~as untimely~~ any application that includes 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.

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**Sec. 66-306. Deferral of application by applicant.**

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

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~~(b)~~ ~~(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~~ Town Council. In that case, the applicant shall bear the additional ~~advertising~~ costs to re-advertise the public hearing.

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

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**Sec. 66-307. Duration and expiration of permit.**

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~~(a)~~ ~~(a)~~ If a special use permit application is approved by the ~~Town Council~~ Town Council, ~~but~~ the applicant ~~does not~~ has one within a 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) ~~does not~~ 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 ~~begins but~~ lapses for a period of one year or more on the property, then the permit shall terminate without further

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action by the Town. The ~~zoning administrator~~Zoning Administrator will notify the ~~Town~~

~~(b)~~ ~~(b)~~ Unless otherwise specified by the ~~Town Council~~Town Council in the permit, the duration of any special use permit shall be five (5) years, renewable at the ~~Town Council~~Town Council's sole discretion upon application by the then-owner or contract purchaser. However, the expiration or non-renewal 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 non-conforming 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.

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**Sec. 66-308. Revocation of special use permits.**

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~~(a)~~ ~~(a)~~ The ~~Town Council~~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.

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~~(b)~~ ~~(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~~Zoning Administrator advising them of the violations of the permits and giving them a reasonable time to comply, not to exceed thirty (30) days.

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~~(c)~~ ~~(e)~~ 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~~Town Council on the consideration of revocation of the permit.

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~~(d)~~ ~~(d)~~ After the ~~Town Council~~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.

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**ARTICLE VI. ZONING AMENDMENTS**

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**Sec. 66-331. Initiation of amendments.**

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~~Town Council. Proceedings for any amendment shall be initiated only ~~in the following manner~~:

- (a) ~~\_\_\_\_\_~~ (a) By the adoption of a resolution by the ~~planning commission~~Planning Commission of intention to propose an amendment;
- (b) ~~\_\_\_\_\_~~ (b) 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~~Planning Commission; or
- (c) ~~\_\_\_\_\_~~ (c) By the filing of a petition by the owner or contract purchaser of the land proposed to be rezoned (zoning map amendment).

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**Sec. 66-332. Application requirements.**

All applications for amendments to the zoning map ~~or rezoning~~, initiated in the manner prescribed by section 66-331, shall be filed with the ~~zoning administrator~~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~~Zoning Administrator for later submission, or unless otherwise provided for in this section in accordance with the provisions of this article. ~~The application shall not be scheduled for a public hearing until all required data have been filed.~~

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~~\_\_\_\_\_~~ Applications and supplemental information, unless qualified below, shall ~~be filed on forms provided by the town and shall include the following elements:~~ [REDACTED]

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- (a) ~~\_\_\_\_\_~~ (a) Two copies of a completed application for zoning map amendment (rezoning) application form:

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- ~~(1)~~1. 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.

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~~(2) The complete form should be printed or typed.~~

- (b) ~~\_\_\_\_\_~~ (b) Two copies of a plat of the property proposed for rezoning. ~~The plat shall~~ showing:

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- 1. ~~(1)~~ Bearings and distances for all ~~existing~~ property lines ~~and existing~~ and proposed ~~zoning~~

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~~(g)~~ ~~(g)~~ Nonrefundable filing fee set forth by the uncodified ordinance of the town in a check or money order payable to the town treasurer.

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~~(h)~~ ~~A minimum of two copies of all written statements, plans, profiles, evaluation and other illustrative materials shall be filed in a scale no less than one inch equals 50 feet. If prepared on more than one sheet, match lines shall clearly indicate where the several sheets join.~~ Based on the size and scale of the parcel, or complexity of the proffers submitted, the ~~zoning administrator~~ Zoning Administrator may require ~~additional~~ additional copies of all submitted materials as needed for ~~additional~~ supplemental reviewing agencies.

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**Sec. 66-333. Generalized development plans (GDP).**

Generalized development plans shall include the following:

~~(a)~~ ~~(a)~~ Topography shown with contour lines on an interval not exceeding two feet.

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~~(b)~~ ~~(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.

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~~(c)~~ ~~(e)~~ ~~The~~ 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.

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~~(d)~~ ~~(d)~~ A landscape plan indicating the general location and type of significant or specimen trees located within the limits of the planned development area.

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~~(e)~~ ~~(e)~~ A plan showing sensitive environmental features including steep slopes (those over 25%), highly permeable soils, highly erodible soils, Resource Protection Areas, wetlands, floodplains, and other such features as may be designated by the ~~zoning administrator~~ Zoning Administrator.

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~~(f)~~ Location of any overlay district boundaries adjoining or encompassing the site.

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~~(g)~~ ~~(f)~~ Location of any portion of the Old and Historic Occoquan District encompassing the site.

**Sec. 66-334. Proffer declaration.**

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In accordance with the Code of Virginia, 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. One of the following statements should accompany any application for zoning modification:

(a) ~~\_\_\_\_\_ (a)~~ 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~~ Town Council and the undersigned."

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(b) ~~\_\_\_\_\_ (b)~~ Non-commitment 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."

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**Sec. 66-335. Validity and conformance with proffered conditions.**

(a) ~~\_\_\_\_\_ (a)~~ If an amendment to the zoning map is adopted subject to the conditions proffered by the applicant as set forth in section 66-334, the property in question shall be appropriately annotated on the zoning map and all other land records referencing the conditions as adopted.

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(b) ~~\_\_\_\_\_ (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.

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(c) ~~\_\_\_\_\_ (c)~~ Upon approval, any site plan, subdivision plat, or general development plan submitted for the ~~development of 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.

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(d) ~~\_\_\_\_\_ (d)~~ For the purpose of this section, substantial ~~conformity-conformance~~ shall allow ~~for~~ ~~mean that conformity which leaves~~ a reasonable margin ~~for~~ ~~of~~ adjustment due to final engineering data, but conforms ~~with~~ 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.

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**Sec. 66-336. Public hearing requirements.**

(a) ~~\_\_\_\_\_ (a)~~ The ~~planning commission~~ Planning Commission shall not recommend, nor the ~~Town Council~~ Town Council adopt, any zoning ordinance or zoning map amendment (rezoning) to ~~change~~ ing district boundaries or classification of property until notice of intention to do so has been published and/or mailed in accordance with the law.

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(b) The cost of any such notice shall be paid by the applicant.

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(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.

Sec. 66-337. Referral to ~~planning commission~~ Planning Commission.

(a) ~~(a)~~ In accordance with Code of Virginia, 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~~ Town Council, or the ~~zoning administrator~~ Zoning Administrator (in cases of amendments proposed by the property owner, contract purchaser with the owner's written consent, or owner's agent ~~—therefore~~), to the ~~planning commission~~ Planning Commission for its recommendations.

(b) ~~(b)~~ In accordance with Code of Virginia, § 15.2-2214, the ~~planning commission~~ 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 chairman, or vice chairman if the chairman 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) ~~(c)~~ The ~~planning commission~~ Planning Commission shall hold a public hearing on such application or resolution with advertising as provided by section 66-336.

(d) ~~(d)~~ At the conclusion of the ~~planning commission~~ Planning Commission public hearing, the ~~planning commission~~ Planning Commission shall report to the ~~Town Council~~ 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~~ Planning Commission and the scheduling of another public hearing.

(e) ~~(e)~~ The ~~planning commission~~ Planning Commission need not confine its 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:

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~~(h)a.~~ The commission is of the opinion that such revision is in accordance with zoning practice and is in furtherance of the purpose of this chapter.

~~(h)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)~~ ~~(f)~~ In recommending the adoption of any amendment to this chapter, the ~~planning commission~~ 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~~ Comprehensive Plan and would be in furtherance of the purposes of this chapter.

~~(g)~~ ~~(g)~~ The ~~planning commission~~ 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.

**Sec. 66-338. ~~Town Council~~ Town Council action.**

~~(a)~~ ~~(a)~~ Following the report to the ~~Town Council~~ Town Council by the ~~planning commission~~ 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~~ Town Council shall hold at least one public hearing thereon, pursuant to public notice as required by law.

~~(a)(b)~~ ~~(b)~~ In order to approve an application, ~~An amendment to this chapter or the zoning map shall not be effective until the application has been processed in accordance with town and state laws and the Town Council~~ Town Council ~~has must acted~~ upon the request finding the following conditions have been addressed:

~~(1)~~ ~~(1)~~ The fees for zoning requests, as established by an un-codified ordinance, have been paid.

~~(2)~~ ~~(2)~~ Proposed amendments have been considered with reasonable ~~consideration 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 to consider include:

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(i)a. Various purposes as determined by population and economic studies and studies.

(ii)b. ~~The T~~ransportation requirements of the community and the town,

c. ~~and the R~~requirements for schools, parks, playgrounds, recreation areas, and other public services.

(iii)d. ~~The C~~onservation of natural resources, and preservation of floodplains.

(iv)e. ~~The C~~onservation of properties and their values and the encouragement of the most appropriate use of land throughout the town; ~~and-~~

(c) ~~(e) The Town Council~~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. ~~(1) Relationship to comprehensive plan~~Comprehensive Plan. The requested zoning district shall be in general conformance with the adopted ~~comprehensive plan~~Comprehensive Plan that s that includes the area of the parcel which is the subject of to the requested change.

2. ~~(2) Relationship to major transportation corridors and services.~~Parcels which are the subject of requests for changes of zoning classification shall have direct access to ~~be so located with respect to~~ arterial, thoroughfare or collector streets ~~as to provide direct access to such parcel~~ without creating unsafe traffic conditions along minor streets. Rezoning requests which requireing enlargement or extension of new or existing arterial thoroughfare and collector streets ~~in order~~ to provide proper access to the parcel under proposed zoning district shall:

(i)a. ~~Be consistent with the improvements and timing of the Comprehensive plan and protect against danger and congestion in travel and transportation. located such that the necessary street improvements and timing thereof are consistent with the adopted comprehensive plan~~Comprehensive Plan. The applicant shall provide, where necessary to protect against danger and congestion in travel and transportation.

(ii)b. ~~Provide for the enlargement or extension of new or existing arterial, thoroughfare or collector streets to serve the parcel.~~

3. ~~(3)~~Relation to utilities:

(i)a. ~~Parcels which are the subject of to~~ requests for changes of zoning classification shall be ~~so~~ 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

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with local and regional water quality management plans, the adopted capital improvements program, and the adopted ~~comprehensive plan~~ Comprehensive Plan for the area in which the subject parcel is located.

~~(ii)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)4.~~ Relationship to public facilities:

~~(i)a.~~ Parcels ~~which are the subject of 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.

~~(ii)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.

**Sec. 66-339. Re-filing following denial.**

Upon denial of any petition to change a zoning district boundary, ~~amendment to~~ proffers, or property, ~~applications no further petition concerning for~~ any or all of the same property for or use as applied for in the ~~petition previously denied~~ application shall not be filed within one year of original denial.

**Sec. 66-340. Withdrawal of application.**

~~(a)~~ ~~(a)~~ An application for an amendment of this chapter may be withdrawn at any time, ~~provided that if~~ the request for withdrawal is made after publication of the notice of public hearing before ~~the Town Council~~ Town Council, then no application for all or any part of the same property ~~shall may~~ be filed within six months of the withdrawal date.

~~(b)~~ ~~(b)~~ There shall be no refund of rezoning fees in the case of withdrawal, regardless of the time of withdrawal.

**Sec. 66-341. Deferral of application by applicant.**

~~(a)~~ ~~(a)~~ Petitioner may request ~~Deferral of consideration of any petition the application~~ for rezoning ~~may be requested by the petitioner.~~

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~~(b)~~ ~~(b)~~ If the request for deferral is made after publication of the notice of hearing, such shall ~~only~~ ~~be~~ ~~only~~ with the consent of either the ~~planning commission~~ Planning Commission whichever body advertised the hearing.

~~(c)~~ ~~(e)~~ ~~In either case,~~ The applicant shall bear the ~~additional advertising~~ costs to re-advertise the ~~proposed rezoning~~ application.

~~(d)~~ ~~(d)~~ Applications deferred by the ~~planning commission~~ Planning Commission at the request of the petitioner will not be deemed as being referred to the ~~planning commission~~ Planning Commission until such time as the matter has been rescheduled on the commission's agenda.

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ARTICLE VII. OUTDOOR LIGHTING REQUIREMENTS

Sec. 66-350. 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 the public safety by preventing glare from outdoor luminaires, and to limit the intensity of light on certain adjacent areas, roadways and properties as provided herein.

(b) Conformance with Applicable Codes and Ordinances

All outdoor artificial illuminating devices shall be installed in conformance with the provisions of this Article, and applicable provisions of the Zoning Ordinance. The most restrictive shall govern.

(c) General Requirements

1. Shielding - All outdoor light fixtures except those exempted by §66-350 (d) and those otherwise regulated by §66-352 shall be fully shielded as identified in §66-352. A fully shielded fixture must be a full cutoff luminaire or a decorative luminaire with full cutoff optics, and is 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).

2. Spillover Light - Spillover light, vertical or horizontal, shall not exceed one-half (1/2) footcandles at the property line.

3. Building and pole-mounted luminaires shall not have adjustable features.

(d) Exemptions

1. Non-conforming fixtures - Outdoor light fixtures installed prior to the effective date of this Article are exempt from the provisions of this Article, provided, however, that no change in use, and no replacement increase in lumen output, or structural alteration of outdoor light fixtures shall be made unless it thereafter conforms to the provisions of this Article. 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 Article.

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~~(2)~~2. Lighting required by State or Federal law, to the extent that compliance with State or Federal law is inconsistent with compliance with this Article.

~~(3)~~3. Roadway lighting and security lighting controlled and activated by motion sensor devices for a duration of fifteen (15) minutes or less.

~~(4)~~4. Lighting of the U.S. or Commonwealth of Virginia flags and other non-commercial flags expressing constitutionally-protected speech.

~~(6)~~6. Construction and Emergency Lighting ~~—Lighting necessary for construction or emergencies is exempt from the provisions of this Article~~ provided that said lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency necessitating said lighting.

~~(a) Outdoor Light Fixtures —Outdoor artificial illuminating devices, outdoor fixtures, lamps or other devices, permanent or portable, used for illumination, direction, or advertisement. Such devices shall include, but are not limited to, search, spot, or floodlights for:~~

~~(d) —Footcandle~~ A quantitative unit of measure referring to the a single point. One footcandle is equal to one lumen uniformly distributed over an area of one square foot.

~~(e) —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).

~~(f)(b) —Installed~~ The initial installation of outdoor light fixtures defined herein, following the effective date of this Article.

~~Initial lumens~~ The lumens emitted from a lamp as specified by the manufacturer of the lamp.

~~(g) —Lamp~~ The component of a luminaire that produces light. A lamp is also commonly referred to as a bulb.

~~(h)~~ 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.

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(+) ~~—~~ *Luminaire* A complete lighting unit consisting of a lamp or lamps 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.

(+) ~~(a) Outdoor Light~~  
*Fixtures* ~~Outdoor artificial illuminating devices, outdoor fixtures, lamps or other devices, permanent or portable, used for illumination, direction, or advertisement. Such devices shall include, but are not limited to, search, spot, or floodlights for:~~

- ~~(1) Buildings and structures including canopies and overhangs.~~
- ~~(2) Recreational areas.~~
- ~~(3) Parking lot lighting.~~
- ~~(4) Landscape lighting.~~
- ~~(7) Signs, including billboards; and~~
- ~~(6) 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)~~

*Temporary* Not used more than seven consecutive days and not used more than fifteen days in any calendar year.

(+) ~~—~~  
**Sec. 66-352. 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~~ ~~the regulations in 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.

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~~2.(2)~~ —Lighting plans shall comply with special provisions listed in §66-353.

~~3.(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.

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(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, multi-family, educational, institutional, commercial recreation, public, commercial business and retail, motor vehicle related, wholesaling, and industrial uses identified in the Zoning Ordinance.

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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 shall be confined to the object intended to be illuminated.

2. Directional control shields shall be used where necessary to limit stray light.

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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 2.5 footcandles. 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 non-residential uses. Height is measured from the ground surface to the bottom of the lighting fixture (See Figure 34).

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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 as shown in Figure 5.

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.

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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.

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7. The lighting for new facilities (pump islands and under canopies) shall have a minimum of 1.0 footcandle at grade, and the average horizontal illumination cannot exceed 10

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footcandles at grade level, subject to a uniformity ratio (ratio of average to minimum illuminance) no greater than 4:1. The standards herein are based on the Illuminating Engineering Society of America (IESNA) RP-33, Lighting for Exterior Environments.

~~(7)8.~~ Lamps shall not exceed 400 watts.

(c) ~~Requirements 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.

**Sec. 66-353. Site plan requirements.**

(a) Application Requirements

1. Any person applying for a site plan in accordance with Chapter 46 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 Article.

~~(2)2.~~ The lighting plan application shall include ~~at least~~ 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.

~~d.~~ A photometric plan indicating the minimum and maximum footcandle 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 footcandles, that the fixtures will produce on the ground. ~~(photometric report).~~

3. The ~~above~~ required plans and descriptions shall be sufficiently complete to enable the ~~Planning Commission~~ ~~Planning Commission~~, ~~Zoning Administrator~~ ~~Zoning Administrator~~, Building Official, or their designee to readily determine ~~whether~~ compliance with the requirements of this Article ~~will be secured~~. 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 ~~who certifies~~ that the tests were conducted according to the standards of the Illuminating Engineering Society of North America (IESNA).

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(b) ~~Lighting Plan Approval~~—Prior to issuance of a building, electrical or sign permit, the designee shall determine that the submitted plans and details for said permit are in conformance with this Article. The stamping of the plans and the signature of the Building Official or ~~his~~ designated representative and the date of the signature shall indicate that plans are in conformance.

(c) ~~Amendments to Approved Lighting Plan~~—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 ~~all said~~ changes to the ~~Zoning Administrator~~Zoning Administrator or designee for approval, with adequate information to assure compliance with this Article.

(d) Special Requirements for Public or Private Outdoor Recreational Facilities

1. For each athletic field or complex to be illuminated, a lighting ~~design~~ plan shall be submitted ~~which demonstrates in detailing~~ the property lighting installation. The ~~design~~ 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 ~~shall be included~~may be required.

~~(2)~~2. All applications for lighted outdoor recreational facilities shall include an accurate ~~light level grid~~photometric plan in conjunction with a site plan for the proposed field and associated facilities.

FIGURES 1-4 FOLLOW

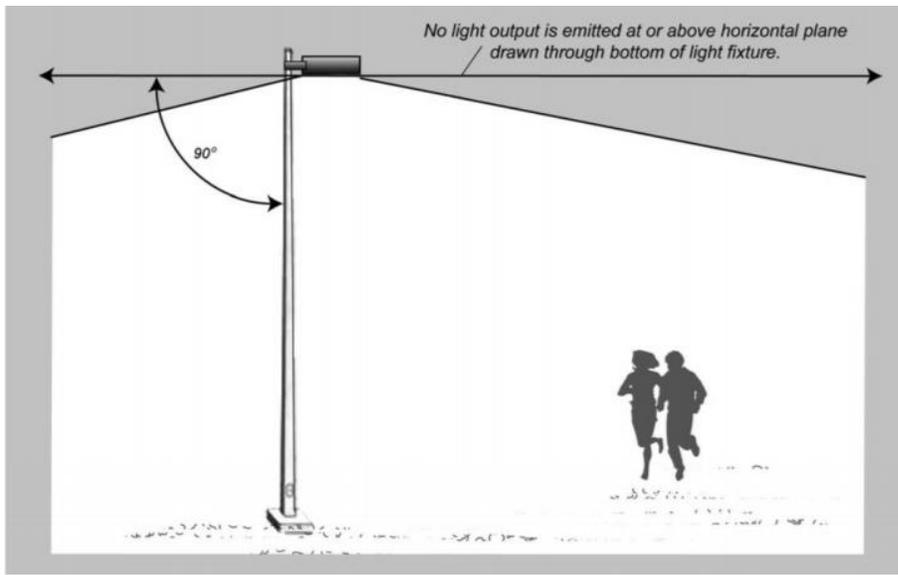
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**FIGURES 1-6 FOLLOW** Figure 1: Full cut-off lighting fixture



Source: Fairfax County, Virginia Zoning Ordinance – Appendix 2 (Illustrations)

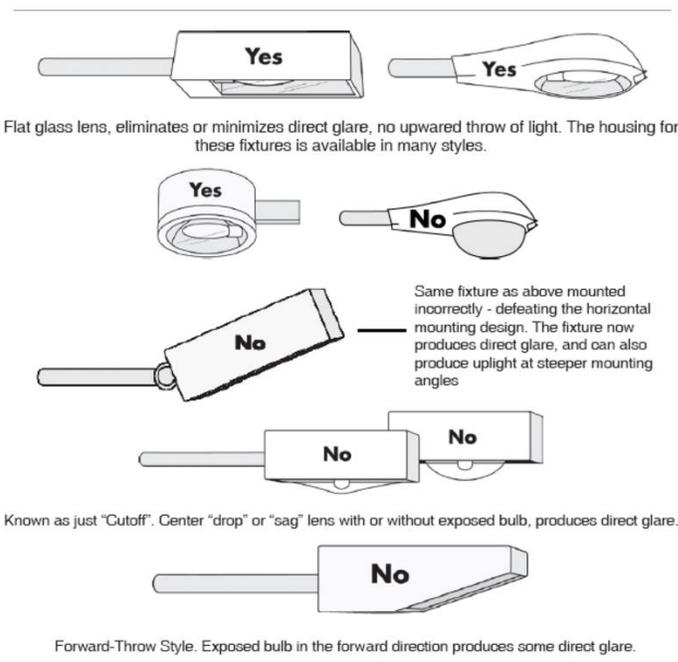
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**Figure 2: Full Cut-Off Light Fixtures**



Flat glass lens, eliminates or minimizes direct glare, no upward throw of light. The housing for these fixtures is available in many styles.

Same fixture as above mounted incorrectly - defeating the horizontal mounting design. The fixture now produces direct glare, and can also produce uplight at steeper mounting angles

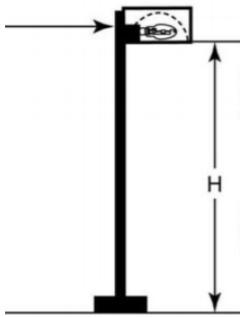
Known as just "Cutoff". Center "drop" or "sag" lens with or without exposed bulb, produces direct glare.

Forward-Throw Style. Exposed bulb in the forward direction produces some direct glare.

Source: International Dark-Sky Association (IDA Inc.), [www.darksky.org](http://www.darksky.org).

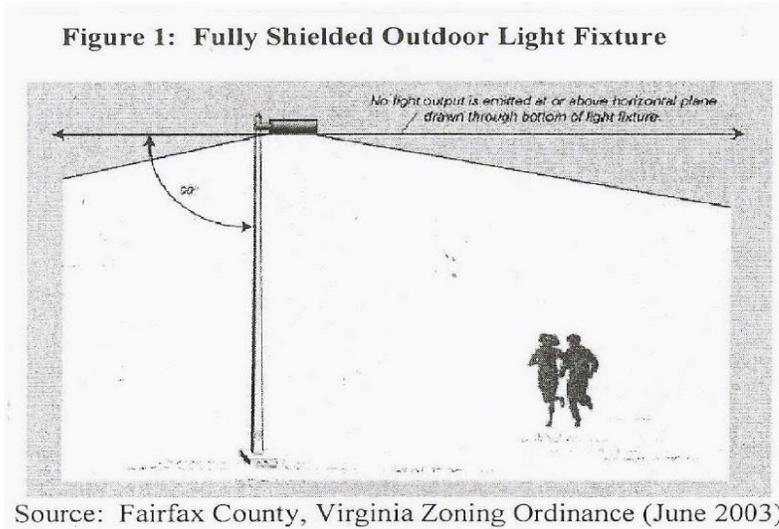
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**Figure 3: Mounting Height**



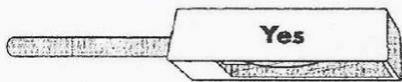
Source: Fairfax County, Virginia Zoning Ordinance – Appendix 2 (Illustrations)

**Figure 4: Photometric Plan**

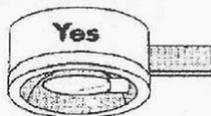


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**Figure 2: Illustrations of Full Cut-Off Outdoor Light Fixtures**



Flat glass lens, eliminates or minimizes direct glare, no upward throw of light. The housing for these fixtures are available in many styles.



Source: [Hubbell Outdoor Lighting](#)

DIVISION 1. GENERAL PROVISIONS

Sec. 66-360. 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 article 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 article allows adequate communication through signage while encouraging aesthetic quality in the design, location, size and purpose of all signs. This article shall be interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision of this article is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this article 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 article, by specific requirements in another portion of this chapter, or otherwise expressly allowed by the ~~Town Council~~ 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 article 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 subsection (a) of this section.

(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.

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Flashing sign a sign that includes lights that flash, blink, or turn on and off intermittently.

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

Height the maximum vertical distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of:

(1) Existing grade immediately prior to construction of the sign; or

(2) 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 article.

Illuminated sign a sign that is backlit, internally lighted, or indirectly lighted, but does not include a neon sign.

Inflatable sign any sign which uses compressed or forced gas to provide support.

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

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

Minor sign a wall or freestanding sign, as per Division 2 tables 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.

~~Nonconform~~Non-conforming 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 of the zoning ordinance and which fails to conform to current standards and restrictions of the zoning ordinance.

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<i>Off-premises sign</i>	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.
<i>Pole sign</i>	a sign that is mounted on one (1) or more freestanding poles.
<i>Portable sign</i>	any temporary sign not affixed to a building, structure, vehicle or the ground. It does not include a flag or banner.
<i>Projecting sign</i>	any sign, other than a wall, awning or marquee sign, affixed to a building and supported only by the wall on which it is mounted.
<i>Public area</i>	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.
<i>Roof sign</i>	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.
<i>Sign</i>	any device (writing, letter work or numeral, pictorial presentation, illustration or decoration, emblem, device, symbol or trademark, flag, banner or pennant or any other device, figure or character) visible to and designed to communicate information to persons in a public area. However, the term "sign" does not include architectural features, except those that identify products or services or advertise a business use. The term "sign" also does not include the display of merchandise for sale on the site of the display.
<i>Sign face</i>	the portion of a sign structure bearing the message.
<i>Sign structure</i>	any structure bearing a sign face.
<i>Temporary sign</i>	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.
<i>Vehicle or trailer sign</i>	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.

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*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.

**Sec. 66-362. Signs requiring a permit.**

(a) A sign permit is required prior to the display and erection of any sign except as provided in Section 66-363 of this Article.

(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 the zoning ordinance 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~~Zoning Administrator or designee shall promptly process the sign permit application and approve the application, ~~reject~~deny the application, or notify the applicant of deficiencies in the application within 20 business days after receipt. Any application that complies with all provisions of this zoning ordinance, the building code, and other applicable laws, regulations, and ordinances shall be approved.

3. If the application is ~~rejected~~denied, the Town shall provide a list of the reasons for the ~~rejection~~denial in writing. An application shall be ~~rejected~~denied for non-compliance with the terms of the zoning ordinance, building code, or other applicable law, regulation, or ordinance.

(c) A nonrefundable fee as set forth in the uncodified fee schedule adopted by the ~~Town~~CouncilTown Council shall accompany all sign permit applications.

(d) If a sign is not installed within one year following the issuance of a sign permit (or within 20 days in the case of a temporary sign permit), the permit shall be void. The permit for a temporary sign shall state its duration, not to exceed 20 days unless another time is provided in the zoning ordinance. 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;

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2. The sign as installed does not conform to the sign permit application; or

3. The sign violates the zoning ordinance, building code, or other applicable law, regulation, or ordinance.

(e) All signs in the Old and Historic Occoquan Overlay District (HOD) require compliance with Architectural Review Board (ARB) guidelines except when a sign permit is not required as provided in §66-363.

(f) The ~~Town Council~~ **Town Council** shall approve Comprehensive sign plans in the B-1 district. The comprehensive sign plan shall establish the time, manner, and placement of signs, frequency of message changes, the materials, the hours of lighting, the height of signs, the total number of square feet of sign surface, and the number of signs to be placed on a site. Height of signs shall not be modified above the height permitted in the Zoning Ordinance.

**Sec. 66-363. Signs not requiring a permit.**

A sign permit is not required for the following:

1. Signs erected by a governmental body or required by law.

2. Flags up to 16 square feet in size not containing any advertising; provided, that no freestanding pole shall be erected in the public right-of-way nor be within five (5) feet of a service drive, travel lane or adjoining street.

3. The changing of messages on marquees and the repair of an existing permitted sign, except that repair of a ~~nonconforming~~ **non-conforming** sign must comply with § 66-368 (e).

4. Temporary signs as follows:

a. One (1) sign, no more than sixteen (16) square feet in area, located on property where a building permit is active.

b. On any property for sale or rent, not more than one sign with a total area of up to sixteen (16) square feet and a maximum height of six (6) feet when the sign abuts a road with a speed limit of 25 miles per hour or less, and when the sign abuts a road with a speed limit greater than 25 miles per hour not more than one sign with a total area of up to thirty-two (32) square feet and a maximum height of eight (8) feet.

c. Official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of his official or directed duties; provided, that all such signs shall be removed no more than ten (10) days after their purpose has been accomplished.

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- d. On residential use property, one or more temporary signs with a total area of no more than eight (8) square feet, and which are removed within 90 days after being erected. Once removed, temporary signs may not be erected again.
- e. 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.
- 5. Not more than four minor signs per parcel, consistent with Division 2 tables. Additional minor signs are permitted in certain districts with a permit.
- 6. A-frame signs not in the public right of way, consistent with Division 2 tables.
- 7. A permanent window sign, provided that the aggregate area of all window signs on each window or door does not exceed twenty-five percent (25%) of the total area of the window or door.
- 8. Box signs, consistent with Division 2 tables.

**Sec. 66-364. 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.**

- 1. Signs that violate any law of the Commonwealth 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. Any sign displayed without complying with all applicable regulations of this chapter.

**(b) Prohibitions based on materials.**

- 1. Signs painted directly on a building, driveway or road, except where expressly permitted by this chapter.

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5. Window signs whose aggregate area on a window or door exceed twenty-five percent (25%) of the total area of the window or door.

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**Sec. 66-365. Measurements of sign area and height.**

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(a) Supports, uprights or structure on which any sign is supported shall not be included in determining the sign area unless such supports, uprights or structure 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.**

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1. Sign area is calculated under the following principles:

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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.

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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.

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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.

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

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3. Maximum Sign Area is 16 square feet unless otherwise specified within this chapter.

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**Sec. 66-366. Maintenance and removal.**

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

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

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(c) The building official may take action under the Virginia Maintenance Code, after such notice as is provided by law, to address any sign which, in his 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 10 and 30 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.

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(e) Sign condition, safety hazard, nuisance abatement, and abandonment.

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1. Any sign which becomes a safety hazard or which is not kept in a reasonably good state of repair shall be put in a safe and good state of repair within 30 days of a written notice to the owner and permit holder.

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2. Any sign which constitutes a nuisance may be abated by the Town under the requirements of Virginia Code §§ 15.2-900, 15.2-906, and/or 15.2-1115.

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**Sec. 66-367. General requirements.**

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(a) *Placement.* Except as otherwise permitted, all freestanding signs shall leave a vertical clearance over any sidewalk of at least seven (7) feet and shall not overhang any vehicular right-of-way.

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

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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 Town Code § 66-352. No sign shall be permitted to have an illumination spread of more than .05 foot candle at the lot line, shine into on-coming 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

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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 Article VII of this Chapter 66.

(c) Waterfront signs – see chart in Division 2.

(d) Banners - In the Old and Historic Occoquan District, banner colors shall be consistent with the ARB guidelines.

1. A banner shall not contain more than four colors.
2. Such banners shall be attached to an existing principal structure (with a clearance of at least 12” from the edge of the store or building) or sign pole. They must not obscure architectural features of the building (such as windows, railings or ornamentation) and shall not exceed 16 square feet in total area. They may be hung in a horizontal or vertical manner and shall be attached at all four corners in a taut manner.
3. Banner permits shall be for 20 consecutive days and no more than twice in one calendar year per property.
4. Banners installed and used for special events and festivals sponsored by the Town of Occoquan may be erected without a permit and shall be removed within two days after the event.

**Sec. 66-368. ~~Noneconform~~Non-conforming 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 ~~noneconform~~non-conforming use shall be deemed to be ~~noneconform~~non-conforming signs and may remain except as qualified below. The burden of establishing ~~noneconform~~non-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~~Zoning Administrator, a property 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 ~~noneconform~~non-conforming sign shall be enlarged nor shall any feature of a ~~noneconform~~non-conforming sign, such as illumination, be increased.

(c) Nothing in this section shall be deemed to prevent keeping in good repair a ~~noneconform~~non-conforming sign. ~~Noneconform~~Non-conforming 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.

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(d) No ~~nonconform~~non-conforming 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 article.

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(e) A ~~nonconform~~non-conforming sign that is destroyed or damaged by any casualty to an extent not exceeding fifty (50) percent of its area may be restored within two (2) years after such destruction or damage but shall not be enlarged in any manner. If such sign is so destroyed or damaged to an extent exceeding fifty (50) percent, it shall not be reconstructed but may be replaced with a sign that is in full accordance with the provisions of this article.

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(f) A ~~nonconform~~non-conforming sign which is changed to becoming conforming or is replaced by a conforming sign shall no longer be deemed ~~nonconform~~non-conforming, and thereafter such sign shall be in accordance with the provisions of this article.

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(g) A ~~nonconform~~non-conforming sign structure shall be subject to the provisions of section 66-238. In addition, a ~~nonconform~~non-conforming sign structure shall be removed if the use to which it is accessory has not been in operation for a period of two years or more. Such sign structure shall be removed by the owner or lessee of the property. If the owner or lessee fails to remove the sign structure, the ~~zoning administrator~~Zoning Administrator or designee shall give the owner fifteen (15) days' written notice to remove it. Upon failure to comply with this notice, the ~~zoning administrator~~Zoning Administrator or designee may enter the property upon which the sign is located and remove any such sign or may initiate such action as may be necessary to gain compliance with this provision. The cost of such removal shall be chargeable to the owner of the property.

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**Sec. 66-369. Non-commercial signs.**

Wherever this Article permits a sign with commercial content, non-commercial content is also permitted subject to the same requirements of size, color, illumination, movement, materials, location, height and construction.

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**Sec. 66-370. – 390 Reserved.**

**DIVISION 2. SIGN REGULATION BY USE AND DISTRICT**

**Sec. 66-391. Residential district signs (R-1, R-2, R-3 & R-4).**

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

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(b) Except as provided otherwise in this Article, Table 2 includes signs are permitted as accessory to non-residential uses in residential districts. Animated signs are prohibited as accessory uses for non-residential uses in all residential districts.

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<b>Table 1: Residential Signs</b>					
<b>Type</b>	<b>Flags</b>	<b>Temporary</b>	<b>Permanent-Box, Freestanding, Monument, Pole, Projecting, &amp; Wall</b>	<b>Minor</b>	<b>Waterfront</b>
Size (each/total)	16 s.f./no limit	16 s.f./16 s.f. 1 total	3 s.f./3 s.f.	1 s.f./ 4 s.f.	16 s.f.
Illumination	As required by law	None	Indirect	None	Indirect
Setback	See 66-363 (2)	None	None	None	None
Max.Height	15 ft.	6 ft.	6 ft.	6 ft.	6 ft
Location	See 66-363 (2)	See 66-363 (4)	Wall, window sign, freestanding or affixed to mailbox	Wall, window sign, freestanding or affixed to mailbox	Wall, window sign, freestanding or affixed to mailbox.
Duration	Unlimited	90 days	Unlimited	Unlimited	Unlimited

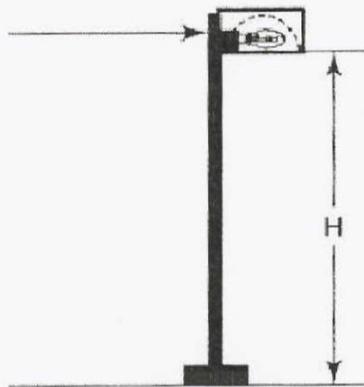
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Figure 4: Mounting Height

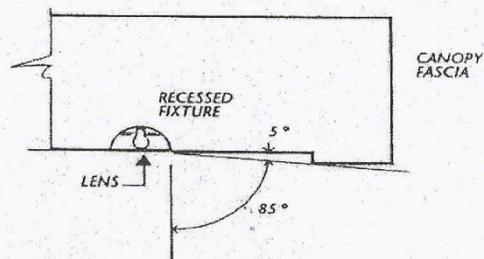


Source: Fairfax County, Va. Zoning Ordinance, June 2003, Illustration 4, Plate 4

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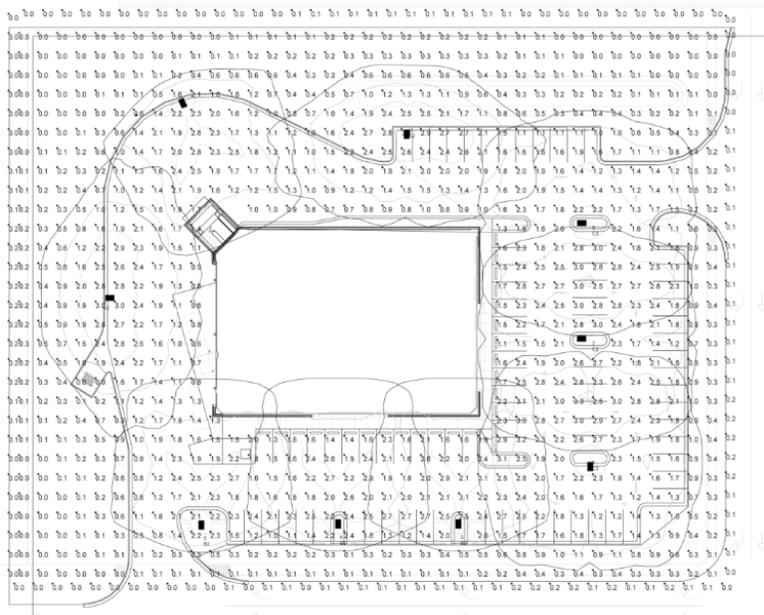
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Figure 5: Gasoline Station/Convenience Store Canopies



Gas pump canopy.

Source: Outdoor Lighting Manual for Vermont Municipalities, Chittendon County Regional Planning Commission, May 1996, PTI Publications Center (Publication Order Number DG/95-308).



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Source: Hubbell Outdoor Lighting

1.0	1.1	1.0	0.8	0.7	0.6	0.7	1.0	1.2	1.2	1.0
1.1	1.2	1.0	0.8	0.7	0.6	0.7	1.0	1.4	1.6	1.0
1.5	1.5	1.1	0.8	0.7	0.7	0.8	1.1	1.7	2.5	2.0
2.4	2.0	1.3	0.9	0.7	0.7	0.9	1.2	2.1	3.5	3.0
3.9	2.6	1.5	1.0	0.8	0.8	1.0	1.5	2.7	5.2	6.9
6.2	3.3	1.8	1.1	0.8	0.8	1.0	1.6	3.0	5.8	8.0
7.9	3.7	2.0	1.2	0.8	0.8	1.0	1.6	2.9	5.7	7.9
6.0	3.4	1.9	1.1	0.8	0.7	0.9	1.5	2.3	4.4	5.3
5.0	2.9	1.5	0.9	0.7	0.6	0.7	1.1	1.6	2.9	2.2
2.9	2.1	1.2	0.8	0.6	0.5	0.6	0.9	1.4	1.0	1.5
1.7	1.5	1.0	0.6	0.5	0.3	0.5	0.7	0.8	0.8	0.8
1.0	1.0	0.8	0.5	0.4	0.4	0.4	0.4	0.4	0.4	0.4
0.6	0.7	0.6	0.4	0.4	0.3	0.4	0.4	0.4	0.4	0.4
0.4	0.5	0.4	0.4	0.3	0.3	0.3	0.3	0.3	0.3	0.3

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Computer generated light level grid, with readings in tenths of footcandles.

DIVISION 1. GENERAL PROVISIONS

Sec. 66-360. 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 article 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 article allows adequate communication through signage while encouraging aesthetic quality in the design, location, size and purpose of all signs. This article shall be interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision of this article is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this article 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 article, by specific requirements in another portion of this chapter, or otherwise expressly allowed by the ~~Town Council~~ 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 article 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 subsection (a) of this section.
- (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

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<i>Freestanding Sign</i>	a non-portable sign that is supported by structures or supports in or upon the ground and independent of any support from any building or wall.
<i>Height</i>	the maximum vertical distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of:  (1) Existing grade immediately prior to construction of the sign; or  (2) The newly established grade after construction, exclusive of any filling, berming, mounding or excavating primarily for the purpose of mounting or elevating the sign.
<i>Illegal sign</i>	any sign erected without a required permit or which otherwise does not comply with any provisions of this article.
<i>Illuminated sign</i>	a sign that is backlit, internally lighted, or indirectly lighted, but does not include a neon sign.
<i>Inflatable sign</i>	any sign which uses compressed or forced gas to provide support.
<i>Marquee</i>	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.
<i>Marquee sign</i>	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.
<i>Minor sign</i>	a wall or freestanding sign, as per Division 2 tables and not illuminated.
<i>Monument sign</i>	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.
<i>Neon sign</i>	a sign containing exposed tubes filled with light-emitting gas.
<del>Nonconform</del> <i>Non-conforming sign</i>	Any sign which was lawfully erected in compliance with applicable regulations of the Town and maintained prior to the effective date of this chapter of the zoning ordinance and which fails to conform to current standards and restrictions of the zoning ordinance.
<i>Off-premises sign</i>	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.

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*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.

**Sec. 66-362. Signs requiring a permit.**

(a) A sign permit is required prior to the display and erection of any sign except as provided in Section 66-363 of this Article.

(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 the zoning ordinance 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~~Zoning Administrator or designee shall promptly process the sign permit application and approve the application, ~~reject~~deny the application, or notify the applicant of deficiencies in the application within 20 business days after receipt. Any application that complies with all provisions of this zoning ordinance, the building code, and other applicable laws, regulations, and ordinances shall be approved.

3. If the application is ~~rejected~~denied, the Town shall provide a list of the reasons for the ~~rejection~~denial in writing. An application shall be ~~rejected~~denied for non-compliance with the terms of the zoning ordinance, building code, or other applicable law, regulation, or ordinance.

(c) A nonrefundable fee as set forth in the uncodified fee schedule adopted by the ~~Town Council~~Town Council shall accompany all sign permit applications.

(d) If a sign is not installed within one year following the issuance of a sign permit (or within 20 days in the case of a temporary sign permit), the permit shall be void. The permit for a temporary sign shall state its duration, not to exceed 20 days unless another time is provided in the zoning ordinance. 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

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3. The sign violates the zoning ordinance, building code, or other applicable law, regulation, or ordinance.

(e) All signs in the Old and Historic Occoquan Overlay District (HOD) require compliance with Architectural Review Board (ARB) guidelines except when a sign permit is not required as provided in §66-363.

(f) The ~~Town Council~~ Town Council shall approve Comprehensive sign plans in the B-1 district. The comprehensive sign plan shall establish the time, manner, and placement of signs, frequency of message changes, the materials, the hours of lighting, the height of signs, the total number of square feet of sign surface, and the number of signs to be placed on a site. Height of signs shall not be modified above the height permitted in the Zoning Ordinance.

**Sec. 66-363. Signs not requiring a permit.**

A sign permit is not required for the following:

- 1. Signs erected by a governmental body or required by law.
- 2. Flags up to 16 square feet in size not containing any advertising; provided, that no freestanding pole shall be erected in the public right-of-way nor be within five (5) feet of a service drive, travel lane or adjoining street.
- 3. The changing of messages on marquees and the repair of an existing permitted sign, except that repair of a ~~nonconforming~~ non-conforming sign must comply with § 66-368 (e).
- 4. Temporary signs as follows:
  - a. One (1) sign, no more than sixteen (16) square feet in area, located on property where a building permit is active.
  - b. On any property for sale or rent, not more than one sign with a total area of up to sixteen (16) square feet and a maximum height of six (6) feet when the sign abuts a road with a speed limit of 25 miles per hour or less, and when the sign abuts a road with a speed limit greater than 25 miles per hour not more than one sign with a total area of up to thirty-two (32) square feet and a maximum height of eight (8) feet.
  - c. Official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of his official or directed duties; provided, that all such signs shall be removed no more than ten (10) days after their purpose has been accomplished.
  - d. On residential use property, one or more temporary signs with a total area of no more than eight (8) square feet, and which are removed within 90 days after being erected. Once removed, temporary signs may not be erected again.

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e. 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.

5. Not more than four minor signs per parcel, consistent with Division 2 tables. Additional minor signs are permitted in certain districts with a permit.

6. A-frame signs not in the public right of way, consistent with Division 2 tables.

7. A permanent window sign, provided that the aggregate area of all window signs on each window or door does not exceed twenty-five percent (25%) of the total area of the window or door.

8. Box signs, consistent with Division 2 tables.

Sec. 66-364. 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.

1. Signs that violate any law of the Commonwealth 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. Any sign displayed without complying with all applicable regulations of this chapter.

(b) Prohibitions based on materials.

1. Signs painted directly on a building, driveway or road, except where expressly permitted by this chapter.

2. Animated signs.

3. Flashing signs.

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4. Signs consisting of illuminated tubing or strings of lights outlining property lines or open sales areas, rooflines, doors, windows or wall edges of any building, except for temporary decorations not to exceed three months per year or not to exceed 60 consecutive days.

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5. Signs that emit smoke, flame, scent, mist, aerosol, liquid, or gas.

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6. Signs that emit sound.

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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.

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8. Strings of flags (two or more connected together) visible from, and within 50 feet of, any public right-of-way.

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9. Pole signs less than 6 feet in height.

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10. Feather signs.

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11. Inflatables signs.

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12. Illuminated signs, except for Box Signs.

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13. Neon signs

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(c) Prohibitions based on location.

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1. Off-premises signs.

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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 Virginia 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.

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

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4. Any sign which obstructs visibility for motorists or pedestrians at an intersection.

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5. Window signs whose aggregate area on a window or door exceed twenty-five percent (25%) of the total area of the window or door.

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**Sec. 66-365. Measurements of sign area and height.**

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

**(b) Sign area.**

1. Sign area is calculated under the following principles:

- a. With signs that are regular polygons or circles, the area can be calculated by the mathematical formula for that polygon or circle. With signs that are not regular polygons or circles, the sign area is calculated using all that area within a maximum of three abutting or overlapping rectangles that enclose the sign face.
- b. The permitted area of a double-faced sign shall be considered to be the area on one side only. If one face contains a larger sign area than the other, the larger face shall be used in calculating the sign area. A double-faced sign must have an internal angle between its two faces of no more than 45 degrees.
- c. For projecting signs with a thickness of four inches or more, the sign area also includes the area of the visible sides of the sign, calculated as a rectangle enclosing each entire side view.

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

3. Maximum Sign Area is 16 square feet unless otherwise specified within this chapter.

**Sec. 66-366. Maintenance and removal.**

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

(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 Virginia Maintenance Code, after such notice as is provided by law, to address any sign which, in his 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

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emergency removal or repair shall be at the expense of the owner or lessee thereof as provided in chapters 10 and 30 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.

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(e) Sign condition, safety hazard, nuisance abatement, and abandonment.

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1. Any sign which becomes a safety hazard or which is not kept in a reasonably good state of repair shall be put in a safe and good state of repair within 30 days of a written notice to the owner and permit holder.

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2. Any sign which constitutes a nuisance may be abated by the Town under the requirements of Virginia Code §§ 15.2-900, 15.2-906, and/or 15.2-1115.

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**Sec. 66-367. General requirements.**

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(a) *Placement.* Except as otherwise permitted, all freestanding signs shall leave a vertical clearance over any sidewalk of at least seven (7) feet and shall not overhang any vehicular right-of-way.

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

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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 Town Code § 66-352. No sign shall be permitted to have an illumination spread of more than .05 foot candle at the lot line, shine into on-coming 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.

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3. All illumination for signs shall comply with provisions of Article VII of this Chapter 66.

(c) Waterfront signs – see chart in Division 2.

(d) Banners - In the Old and Historic Occoquan District, banner colors shall be consistent with the ARB guidelines.

1. A banner shall not contain more than four colors.
2. Such banners shall be attached to an existing principal structure (with a clearance of at least 12” from the edge of the store or building) or sign pole. They must not obscure architectural features of the building (such as windows, railings or ornamentation) and shall not exceed 16 square feet in total area. They may be hung in a horizontal or vertical manner and shall be attached at all four corners in a taut manner.
3. Banner permits shall be for 20 consecutive days and no more than twice in one calendar year per property.
4. Banners installed and used for special events and festivals sponsored by the Town of Occoquan may be erected without a permit and shall be removed within two days after the event.

**Sec. 66-368. ~~Noneconform~~Non-conforming 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 ~~noneconform~~non-conforming use shall be deemed to be ~~noneconform~~non-conforming signs and may remain except as qualified below. The burden of establishing ~~noneconform~~non-conforming 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~~Zoning Administrator, a property 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 ~~noneconform~~non-conforming sign shall be enlarged nor shall any feature of a ~~noneconform~~non-conforming sign, such as illumination, be increased.

(c) Nothing in this section shall be deemed to prevent keeping in good repair a ~~noneconform~~non-conforming sign. ~~Noneconform~~Non-conforming 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 ~~noneconform~~non-conforming 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 article.

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(e) A ~~nonconform~~non-conforming sign that is destroyed or damaged by any casualty to an extent not exceeding fifty (50) percent of its area may be restored within two (2) years after such destruction or damage but shall not be enlarged in any manner. If such sign is so destroyed or damaged to an extent exceeding fifty (50) percent, it shall not be reconstructed but may be replaced with a sign that is in full accordance with the provisions of this article.

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(f) A ~~nonconform~~non-conforming sign which is changed to becoming conforming or is replaced by a conforming sign shall no longer be deemed ~~nonconform~~non-conforming, and thereafter such sign shall be in accordance with the provisions of this article.

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(g) A ~~nonconform~~non-conforming sign structure shall be subject to the provisions of section 66-238. In addition, a ~~nonconform~~non-conforming sign structure shall be removed if the use to which it is accessory has not been in operation for a period of two years or more. Such sign structure shall be removed by the owner or lessee of the property. If the owner or lessee fails to remove the sign structure, the ~~zoning administrator~~Zoning Administrator or designee shall give the owner fifteen (15) days' written notice to remove it. Upon failure to comply with this notice, the ~~zoning administrator~~Zoning Administrator or designee may enter the property upon which the sign is located and remove any such sign or may initiate such action as may be necessary to gain compliance with this provision. The cost of such removal shall be chargeable to the owner of the property.

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**Sec. 66-369. Non-commercial signs.**

Wherever this Article permits a sign with commercial content, non-commercial content is also permitted subject to the same requirements of size, color, illumination, movement, materials, location, height and construction.

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**Sec. 66-370. – 390 Reserved.**

**DIVISION 2. SIGN REGULATION BY USE AND DISTRICT**

**Sec. 66-391. Residential district signs (R-1, R-2, R-3 & R-4).**

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

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(b) Except as provided otherwise in this Article, Table 2 includes signs are permitted as accessory to non-residential uses in residential districts. Animated signs are prohibited as accessory uses for non-residential uses in all residential districts.

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**Table 1: Residential Signs**

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Type	Flags	Temporary	Permanent-Box, Freestanding, Monument, Pole, Projecting, & Wall	Minor	Waterfront
Size (each/total)	16 s.f./no limit	16 s.f./16 s.f. 1 total	3 s.f./3 s.f.	1 s.f./ 4 s.f.	16 s.f.
Illumination	As required by law	None	Indirect	None	Indirect
Setback	See 66-363 (2)	None	None	None	None
Max. Height	15 ft.	6 ft.	6 ft.	6 ft.	6 ft
Location	See 66-363 (2)	See 66-363 (4)	Wall, window sign, freestanding or affixed to mailbox	Wall, window sign, freestanding or affixed to mailbox	Wall, window sign, freestanding or affixed to mailbox.
Duration	Unlimited	90 days	Unlimited	Unlimited	Unlimited

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**Table 2: Non-Residential Signs**

Type	Flags	Temporary	Variable Message Signs	Permanent-Box, Freestanding, Monument, Pole, Projecting, & Wall	Minor	Monument	Waterfront
Size (each/total)	16sf/ no limit	8sf/8sf	16sf/16sf	16sf/16sf	1 sf ea./ 4 sf total	16 s.f.	16 s.f.
Illumination	As required by law	None	indirect	Indirect	none	Indirect	Indirect
Setback	See 66-363 (2)	None	None	None	None	None	None
Max. Height	15ft	6ft	6ft	6ft	6ft	6ft	6ft
Materials	See flag definition	See 66-363 (4)					
Duration	Unlimited	20 Days	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited

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**Sec. 66-392. Commercial district signs (B-1)**

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- (a) *Generally.* Except as provided otherwise in Table 3 of this Article, the following signs are permitted as accessory uses in commercial districts. In addition, up to one minor sign per business is permitted as a wall sign.
- (b) Window signs are permitted up to 25% of the area of a window and count toward the maximum square footage of wall signs. Window signs are permitted only on the first floor of a building unless the business advertised is only on the floor where the window sign is displayed.

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Table 3: Commercial Signs						
Type	Permanent-Box, Freestanding, Monument, Pole, Projecting, & Wall	Temporary	Flags	Minor	Waterfront	Marquee
Size (each)	16 s.f. (except box signs, which are limited to 4.5 s.f. by definition)	16 s.f. total for commercial use property; 8 s.f. total for residential use property	16 s.f.	1 s.f. total	Total: two square feet per linear foot of the building's riverfront width, divided into as many signs as occupant wishes	SUP Req.
Location	Wall, window sign, freestanding or affixed to mailbox	See 66-363(4)	See 66-363(2)	Wall, window sign, freestanding or affixed to mailbox	Wall, window sign, freestanding or affixed to mailbox	SUP Req.
Maximum Number	4 (with no flags)*	unlimited	4 (with no signs)*	4 signs total without a permit; up to 2 additional with a permit	Unlimited up to maximum size	1
Illumination	Indirect	None	As required by law	None	Indirect	Backlit, internally or indirectly
Setback	None	See 66-363(4)	See 66-363(2)	None	None	None
Maximum Height	6ft	6ft	15ft	6ft	Height of building	Height of building
Duration	Unlimited	20 days	Unlimited	Unlimited	Unlimited	Unlimited
SUP Req.	No	No	No	No	No	Yes

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\*Maximum number is a combination of signs and flags. There shall be no more than four signs and/or flags on any one property at a given time.

**Sec. 66-393. Historic District signs.**

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In the Old and Historic Occoquan District, a certificate of appropriateness is required before erection or alteration of any structure. Repair of an existing sign, or replacement of an existing sign with like materials and colors, does not require a certificate of appropriateness.

Secs. 66-394 – 66-400 Reserved.

DIVISION 3. ADMINISTRATION

Sec. 66-401. Sign permit procedures.

- (a) *Applicability.* A sign permit shall be required for all signs erected after December 12, 1995, except for those signs specifically excluded from the sign permit requirements as provided in section 66-367.
- (b) *Filing of application; fees.* Applications for sign permits shall be filed on a form provided by the town by the applicant or his agent. Applications for permits for signs in the ~~Old and Historic District~~ Old and Historic Occoquan District shall be subject to review and approval by the architectural review board. All applications for permits for signs outside the ~~Old and Historic District~~ Old and Historic Occoquan District shall be subject to the review and approval of the Town ~~Zoning Administrator~~ Zoning Administrator, and shall contain information required in subsection (c) of this section, and shall be accompanied by a fee, as established from time to time by resolution of the ~~town council~~ Town Council.
- (c) *Information required.* All applications for sign permits shall contain or have attached thereto the following information in either written or graphic form:
  1. Name, address and telephone number of the sign erector and the sign owner.
  2. Positions of the sign in relation to adjacent lot lines, buildings, sidewalks, streets and intersections.
  3. Type of sign and general description of structural design and construction materials to be used.
  4. Reserved.
  5. Drawings of the proposed sign, which shall contain specifications indicating the height, perimeter and area dimensions, means of support, method of illumination, colors, and other significant aspects of the proposed sign.
- (d) Reserved.
- (e) *Inspections.* A final inspection shall be completed after installation of approved signs. Any discrepancies between the approved sign and the sign as constructed shall be identified and may result in the halt of construction or sign removal, if so ordered by the Town.

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(f) *Revocations.* The Town may revoke a permit or approval if it is found that there has been concealment or misrepresentation of material facts in either the application or plans.

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**Sec. 66-402. Temporary sign permit procedures.**

(a) All applications for signs requiring the issuance of a temporary sign permit, as established in section 66-368, shall contain all information requested by the architectural review board prior to the issuance of such permit. The approved permit shall include the expiration date of the temporary permit. The applicant may request extensions of the permit for good cause. Temporary signs remaining after the expiration of the permit shall be considered obsolete.

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(b) All applications for banners, as established in section 66-368, shall contain all information requested by the Town prior to the issuance of such permit. The approved permit shall include the expiration date of the temporary permit. The applicant may request extensions of the permit for good cause. Banners remaining after the expiration of the permit shall be considered obsolete.

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

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

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

**Sec. 66-405. Removal of signs.**

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

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

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**TOWN OF OCCOQUAN**  
**TOWN COUNCIL MEETING**  
Agenda Communication

<b>2. Work Session Regular Agenda</b>	<b>Meeting Date: June 20, 2017</b>
<b>2 D: Traffic/Parking Study Discussion</b>	

**Explanation and Summary:**

Occoquan's 2016-2026 Comprehensive Plan recommends that the Town develop a parking strategy to address the challenges facing the historic business district. It further calls for a traffic and parking study to identify peak hours, parking solutions and traffic control considerations focused on the downtown and adjacent areas. The FY17 CIP budget has a \$10,000 line item for this study. The purpose of this discussion is to explore the proposed scope and potential cost of this study.

**Attachments: (None)**