Berryville Town Council

MEETING AGENDA

Berryville-Clarke County Government Center
101 Chalmers Court, Second Floor
Main Meeting Room
Regular Session

June 9, 2026

7:00 PM

Item Page

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Approval of Agenda**
4. **Presentations/Awards and Recognitions**
5. **Public Hearings**

   Public Hearing: Beach Carpenter Properties LLC, Jon K. Erickson, agent, is requesting a Special Use Permit in order to allow vehicle sales (§609.3(k) of the Town of Berryville Zoning Ordinance) on property located at 29 Cattleman's Lane, identified as Tax Map Parcel number 14A3-((A))-17A, zoned L-1 Industrial. SUP 02-26

   Public Hearing: Belfort Furniture, Inc., is requesting a Special Use Permit in order to allow a retail sales (§609.3(h) of the Town of Berryville Zoning Ordinance) on the property located at 351 Station Road, identified as Tax Map Parcel number 14A5-((7))-1, 14A5-((7))-2, and 14A5-((A))-56 zoned L-1 Industrial. SUP 01-26

6. **Discussion of Public Hearing Items**
7. **Citizens' Forum**
8. **Consent Agenda**

   Town Council Minutes May 12, 2026 Draft

   Personnel Committee Minutes May 18, 2026 Draft

   Community Development and Streets & Utilities Minutes May 26, 2026 Draft

9. Unfinished Business

Proposed Fiscal Year 2026-2027 Budget

Review/Award Berryville Wastewater Treatment Plant Influent Screen Project

10. New Business

Re-adoption of Town Policy- Electronic Participation in Meetings from Remote Location

11. Council Member Reports

Mayor

Vice Mayor

Ward 1

Ward 2

Ward 3

Ward 4

12. Staff Reports

Public Works

Public Utilities

Police Department

Community Development

Set Public Hearing: Text amendments to the Subdivision Ordinance Articles I, II, III, IV, V, VI, VII, VIII, IX, and X, and related amendments to the Zoning Ordinance Articles I, II, III, IV, and V, to comply with changes to the Code of Virginia that removes Planning Commission and Governing Body approval authority for the administrative review process for plats and plans and assigns such authority to a designated agent; and administrative amendments to otherwise update the Subdivision Ordinance.

Administration and Finance

Deputy Town Manager

Town Manager

13. Committee Updates

Budget and Finance

Community Development

Pedestrian Bridge in Rose Hill Park

Personnel, Appointments, and Policy

Planning Commission Appointment

Tree Board Appointment

Public Safety

Streets and Utilities

Town Code section 10.49 and 10.50- Parking of oversized and commercial vehicles

14. **Other**
15. **Closed Session**

    The Council of the Town of Berryville will conduct a closed session in accordance with §2.2-3711.A.1 to consider prospective candidates for employment.

16. **Adjourn**

Town Council Agenda Item Report Summary

June 9, 2026

Item Title
Public Hearing - Special Use Permit

Prepared By
Terry Russell

Beach Carpenter Properties LLC, Jon K. Erickson, agent, is requesting a Special Use Permit in order to allow vehicle sales (Section 609.3(k) of the Town of Berryville Zoning Ordinance) on the property located at 29 Cattleman's Lane, identified as Tax Map Parcel number 14A3-((A))-17A, zoned L-1 Industrial. SUP 02-26

Background/History/General Information

Beach Carpenter Properties LLC is requesting a Special Use Permit in order to allow vehicle sales in the L-1 Industrial Zoning District at the location referenced above. Section 609.3(k) of the Berryville Zoning Ordinance allows for *vehicle and machinery sales and rentals* with an approved Special Use Permit.

The Special Use Permit process allows for the ability to set conditions on specific uses and parcels which may include hours of operation, site requirements, and items deemed appropriate as recommended by the Planning Commission and approved by the Town Council.

Findings/Current Activity

The parcel is located at the end of Cattleman's Lane, a private road owned by Norfolk-Southern Railroad.

Customers would come to the site to view and test drive the vehicles. No vehicle repair would take place here. The applicant does not propose to make any physical improvements to the site but rather park the vehicles on the lot as it exists.

Schedule/Deadlines

The Town Council, at its meeting on May 12, 2026, set a public hearing to be held on June 9, 2026.

Other Considerations

N/A

Planning Commission Recommendation

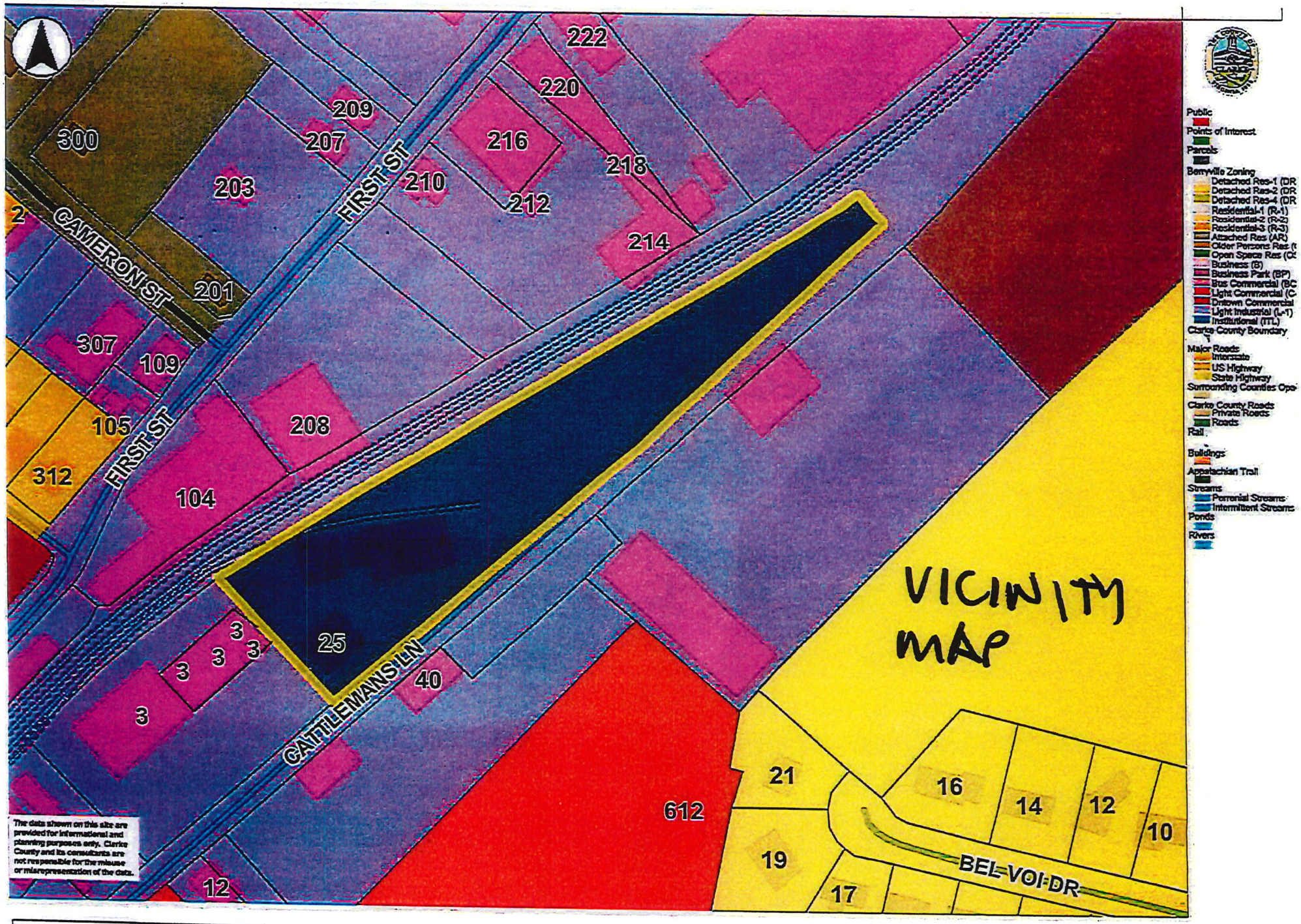
The Planning Commission held a public hearing on April 28, 2026, and recommended that the Town Council approve the Special Use Permit with the condition that the entrance corner be clearly delineated.

Sample Motion

I move that the Town Council of Berryville, VA approve a Special Use Permit in order to allow vehicle sales, with the condition that the entrance corner be clearly delineated, at 29 Cattleman's Lane.

Attachments:

- Vicinity map
- Site plan
- Section 607 L-1 Industrial District Berryville Zoning Ordinance
- Section 503 Special Use Permit Berryville Zoning Ordinance


VICINITY MAP
300
203
207
209
216
222
220
218
210
212
214
2
CAMERON ST
201
FIRST ST
307
109
105
312
104
208
FIRST ST
25
3
3
3
3
3
40
CATTLEMANS LN
612
12
21
19
17
16
14
12
10
BEL-VOI-DR
Public
Points of Interest
Parcels
Berryville Zoning
Detached Res-1 (DR
Detached Res-2 (DR
Detached Res-4 (DR
Residential-1 (R-1)
Residential-2 (R-2)
Residential-3 (R-3)
Attached Res (AR)
Older Persons Res (
Open Space Res (O
Business (B)
Business Park (BP)
Bus Commercial (BC
Light Commercial (C
Dntown Commercial
Light Industrial (L-1)
Institutional (ITL)
Clarke County Boundary
Major Roads
Interstate
US Highway
State Highway
Surrounding Counties Ope
Clarke County Roads
Private Roads
Roads
Rail
Buildings
Appalachian Trail
Streams
Perennial Streams
Intermittent Streams
Ponds
Rivers
The data shown on this site are provided for informational and planning purposes only. Clarke County and its consultants are not responsible for the misuse or misrepresentation of the data.
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200
400 ft
Printed on 01/24/2023 at 11:46 AM
Clarke County MapsOnline

February 18, 2026

Beach Carpenter Properties

49 Catoctin Circle SE

Leesburg, VA 20175

Terry Russell

Town of Berryville

101 Chalmers Court, Ste A

Berryville, Virginia 22611

Dear Town of Berryville,

I am the owner of the property located at 29 Cattleman's Lane identified as Tax Map Number 14A3-A-17A, within the L-1 Industrial Zoning District in the Town of Berryville.

This letter serves as a formal request for approval of a Special Use Permit to allow vehicle and machinery sales and rentals on the subject property, as permitted under Section 609.3 of the Berryville Zoning Ordinance.

The proposed use is consistent with the intent of the L-1 Industrial District and is compatible with surrounding properties and existing land uses. Operations will comply with all applicable zoning ordinance requirements and operational standards established by the Town.

Sincerely,

Scott N. Carpenter, Owner, Beach Carpenter Properties

LAND DEVELOPMENT APPLICATION TOWN OF BERRYVILLE

(Please print or type)

Current Property Owner Beach Carpenter Properties LLC

Owner's Address 49 Catoctin CIR SE, Leesburg, VA 20175

Phone 703-475-7814

Agent (Contact Person) Jon K. Erickson

Agent's Address 205 E Hirst Rd, Suite 106, Purcellville VA 20132

Phone 540-974-5334

Check Appropriate Request:

_____ Subdivision - creating more than 2 lots

_____ Minor Subdivision - single lot divided into 2 lots

_____ Boundary Line Adjustment

_____ Site Plan

_____ Rezoning

_____ Text Amendment: _____Zoning or _____Subdivision Ordinance

_____ ARB Certificate of Appropriateness

_____ Town of Berryville Utilities

X Other: Special Use Permit

Complete As Applicable:

Nature of Request/Proposal: SUP For Automobile Sales

Tax Map & Parcel Number(s): 3 14A3-A-17A

Size of Project Site: 3.5378 AC

Proposed # of Lots: 1 Existing Zoning L-1

Owner or Agent: The information provided is accurate to the best of my knowledge. I understand that the Town may deny, approve, or conditionally approve the request for which I am applying. I certify that all property corners have been clearly staked and flagged.

Signature: _____ Date: 2-18-26

Owner: I have read this completed application, understand its intent, and freely consent to its filing. Furthermore, I grant permission to the Town Planning Department and other government agents to enter the property and make such investigations and tests, as they deem necessary. I acknowledge that in accordance with Article X of the Subdivision Ordinance I am responsible for costs incurred for review of subdivision and/or development plans by the Town's engineer and that any other required tests or studies will be carried out at owner/agent expense

Signature: _____ Date: 2-18-26

OFFICE USE ONLY

Public Hearing Required? _____ Dates Advertised _____

Adjoining Property Owners Notified? _____

Action Taken: _____

_____

P:\FORMS\LANDDEV.DOC 3/05

SECTION 609 L-1 INDUSTRIAL DISTRICT

609.1 PURPOSE AND INTENT

The L-1 Industrial District is established to provide locations within the Town of Berryville for a broad range of general light-industrial uses, recreational and event venues, infill development, and employment-related businesses operating under well-governed performance standards. The specific uses permitted within the L-1 District must be in harmony with the cultural and environmental character of the Town of Berryville. No use should be permitted that might be harmful to the adjoining land uses and the residential ambience of the community at large. Adaptive reuse is encouraged in the L-1 District. Outdoor storage and heavy industrial uses are discouraged but may be permitted by special use and environmental performance review. The L-1 District recognizes and is to be applied to existing conforming industry in the Town of Berryville as of the date of adoption of this District. Existing industrial uses shall be considered as satisfying the purpose and intent of the L-1 District, but expansion of existing industrial uses shall conform to the provisions herein. **(08/16)**

609.2 PERMITTED USES (12/94)

(a) Auction establishments (indoor only) **(5/95)**
(b) Business and professional offices **(7/99)**
(c) Business service, supply and delivery establishments
(d) Contractor's establishments without outdoor storage
(e) Establishments for the production, processing, assembly, manufacturing, compounding, cleaning, servicing, testing and repair of materials, goods or products which conform to applicable Federal, State and local environmental performance standards or other standards referenced by the Town as related to (a) air pollution; (b) fire and explosion hazards; (c) radiation hazards; (d) electromagnetic radiation and interference hazards; (e) liquid and solid wastes hazards; (f) noise and odor standards; and (g) vibration standards.
(f) Existing or expansion of existing industrial uses in operation as of the date of adoption of this Ordinance which conform to the previous industrial zoning district requirements.
(g) Farm supply establishments
(h) Financial institutions
(i) Indoor mini-storage facilities
(j) Light manufacturing, fabrication, testing or repair establishments without outdoor storage
(k) Light warehousing establishments, without outdoor storage
(l) Light wholesale trade establishments, without outdoor storage
(m) Printing and publishing establishments
(n) Private training and vocational schools
(o) Public utilities (sub-stations, pump stations, transmission/receiving facilities and lines for telecommunications and similar uses, storage tanks, etc.)
(p) Sheet metal shops
(q) Small animal veterinary hospitals, exclusive of boarding kennels
(r) Vehicle and machinery service, and parts sales ("service" including but not limited to internal and external repair, body work, paint, car washes, etc.)

(s) Welding shops
(t) Craft beverage manufacturing **(03/18)**

609.3 SPECIAL PERMIT USES

(a) All above permitted uses requiring outdoor storage **(10/94)**
(b) Day care centers **(12/94)**
(c) Eating establishments including microbreweries, wineries, and distilleries **(05/95, 08/16)**
(d) Heliports
(e) Laundry and dry cleaning establishments
(f) Lumber yards and building materials establishments
(g) Motor freight terminals
(h) Retail sales incidental to a manufacturing, production or related use, provided that: a) the gross floor area used for retail purposes (excluding storage) shall not occupy more than five-thousand (5,000) square feet of gross floor area on any one lot, and shall not exceed twenty-five (25) percent of the total floor area for the site; and b) the areas dedicated for retail uses must be indicated on an approved site plan. The provisions of this Section shall not apply to those permitted or special permit uses for which retail sales are a primary activity. **(12/07)**
(i) Scientific research, development, and training establishments
(j) Service stations
(k) Vehicle and machinery sales and rentals
(l) Recreation, commercial indoor **(06/10)**
(m) Retreat and conference centers **(08/16)**
(n) Residential lofts and apartments **(08/16)**
(o) Wholesale/retail food hubs **(08/16)**
(p) Commercial kitchens **(08/16)**
(q) Hotels, motels, and accommodations **(08/16)**

609.4 PROHIBITED USES

The specific uses which follow shall not be permitted in the L-1 District:

(a) Asphalt mixing plants
(b) Blast furnaces
(c) Boiler works
(d) Bulk storage of flammable materials
(e) Coal, wood or wood distillation
(f) Concrete mixing and batching products
(g) Extraction or mining of rocks and minerals
(h) Garbage incineration
(i) Junk yards
(j) Landfills
(k) Manufacture of ammonia, chlorine, fertilizer, lime, cement, fireworks, explosives, soaps, acids, pesticides, herbicides or insecticides
(l) Metal foundries and smelting
(m) Petroleum, asphalt or related product refining
(n) Rendering plants
(o) Slaughterhouses
(p) Stockyards

(q) Tanning and curing of skins
(r) Any other similar use which in the opinion of the Town Council might be injurious or noxious by reason of odor, fumes, dust, smoke, vibration, noise or other cause

609.5 MAXIMUM LOT COVERAGE
(12/91) The maximum lot coverage—including buildings, streets, parking spaces, driveways, loading areas and all other impervious surfaces—shall not be greater than seventy-five percent (75%) of the area of an L-1 lot.

609.6 MINIMUM DISTRICT SIZE
The minimum district size shall be four (4) acres.

609.7 LOT SIZE REQUIREMENTS AND BULK REGULATIONS
(a) Minimum lot area: 30,000 square feet
(b) Minimum lot width: 125 feet
(c) The maximum building height shall be forty (40) feet, except in particular instances the Town Council may, upon recommendation from the Planning Commission or its agent, modify the maximum building height.
(d) Minimum yard requirements
(1) Front yard: 50 feet
(2) Side yard: 25 feet (except where side yard abuts a public right-of-way the side yard shall be 50 feet) **(5/94)**
(3) Rear yard: 50 feet **(5/94)**

609.8 OPEN SPACE
(a) An open space plan and landscape design program shall be submitted with applications for any land use governed by this District.
(b) Twenty five percent (25%) of the site shall be landscaped open space. Landscaping may be limited to setback areas and unused portions.

609.9 PARKING, PARKING ACCESS AND DRIVEWAYS
(a) No parking space shall be located closer than fifteen (15) feet from any common property line.
(b) Where lot is contiguous to property located in any district other than the L-1, I, C-1 or C-2 District, no parking space shall be closer than 40 feet from such property line. **(5/94)**
(c) All parking requirements shall be met by off-street, on-site spaces and shall include designated spaces for the handicapped and elderly.
(d) Refer to Section 305 for additional off-street parking requirements.

609.10 SETBACK, BUFFERING AND LANDSCAPING
(a) Where an L-1 lot is contiguous to property located in a district other than an L-1, I, C-1 or C-2 District, all buildings shall have a minimum 60-foot setback from lot lines. In particular instances the Town Council may waive the 60-foot setback requirement, upon recommendation from the Planning Commission. **(5/94)**
(b) Where an L-1 lot is contiguous to property located in a district other than an L-1, I, C-1 or C-2 District, a landscaped buffer strip of 30 feet in width shall be provided,

with landscape materials and placement subject to final plan approval. Where contiguous to a C-1 or C-2 District property, the landscaped buffer strip shall be 15 feet. Approved fencing or additional buffering may be used in lieu of landscaping. (5/94)

609.11 STORAGE OF GOODS, MATERIALS, FUEL AND REFUSE

(a) The outdoor area devoted to storage, loading and display of goods shall be limited to that area so designated on an approved site plan.

(b) All equipment and materials shall be contained entirely within a building or screened from public rights-of-way and contiguous properties that are in land uses other than industrial in nature.

(c) Any establishment involved with the storage of fuel for sale, or for other purposes, shall be permitted only if the fuel is stored underground, except where otherwise permitted under provisions granted and stipulations required by the Town Council.

(d) All refuse shall be contained in completely enclosed facilities and shall be screened.

609.12 STREET ENTRANCES

(a) On a corner lot, no street entrance shall be located closer than 60-feet to the curb line extended from the intersecting street. This distance may be increased with respect to the types and turning radii of vehicles using the site.

(b) No street entrance shall be located closer than 30 feet to a side or rear lot line, unless a common street entrance serves adjacent uses, and in no instance shall the distance between separate street entrances serving adjacent uses be less than 60 feet. The maximum width of such street entrances shall not exceed thirty feet (30').

(c) A freestanding use shall have no more than two street entrances on any single right-of-way, and such street entrances shall have a minimum distance of 90 feet between them.

609.13 SITE PLAN REQUIREMENTS AND PERFORMANCE STANDARDS

(a) All uses shall be subject to final site plan approval.

(b) Any L-1 District land use application which is not in strict compliance with the pre-existing approved master site plan and preliminary plat for the district shall require an amendment to that master site plan and preliminary plat prior to site plan approval of the specific use.

(c) Master site plans and preliminary plats for L-1 Districts shall include provisions for:

(1) adequate public facilities;
(2) development phasing;
(3) stormwater management facilities to address the ultimate development coverage within the district;
(4) lighting and signing; and
(5) other special features and land use considerations deemed necessary to serve the industrial district.

(d) Applications for all uses subject to special use permits shall be accompanied by a report indicating the compliance with and use compatibility issues related to the Town's applicable performance standards.

609.14 ADDITIONAL REQUIREMENTS

(a) Public Streets within the L-1 District shall be constructed to industrial road standards as determined by the Town Council or its agent. Sidewalks may be required on one or both sides of the street.

(b) Common property ownership agreements and covenants for L-1 District developments shall be reviewed and approved by the Town Council or its agent.

(c) Refer to Section 306 for off-street loading requirements.

(d) Refer to Sections 301-304 for general regulations and other provisions which may supplement those cited herein.

(e) Refer to specific Overlay Zoning districts, where applicable.

502.2 Prior to the issuance of a Certificate of Occupancy for a new structure, the Zoning Administrator will verify that all property corners have been set with permanent markers by a land surveyor licensed under the laws of the Commonwealth of Virginia. (11/00)

502.3 In addition to any other requirements for the issuance of a Certificate of Occupancy, a Certificate of Occupancy for a structure will not be issued unless (1) the structure is served by public water and sewer, (2) required curb and gutter and sidewalks are in place on the lot on which the structure is located and in place between said lot and an existing publicly maintained street, (3) a functional fire hydrant is located within three hundred (300) feet of the lot on which the structure is located, and (4) the lot on which the structure is located fronts on an existing publicly maintained street or street meeting Town requirements for a publicly maintained street. (8/01)

502.4 In addition to any other requirements for the issuance of a Certificate of Occupancy, after issuance of certificates of occupancy for structures on eighty percent (80%) of the lots in a section of a subdivision, a Certificate of Occupancy for a structure in the section will not be issued unless all public improvements in the section have been completed to Town requirements and all streets have been accepted for maintenance by the Virginia Department of Transportation (VDOT), or a complete application for acceptance thereof has been filed with VDOT. (8/01)

502.5 Upon written application, delayed installation of public improvements described in 502.3 and 502.4 may be considered by the Zoning Administrator. Approval of the application shall only be granted by the Zoning Administrator after consultation with the respective departments or agencies charged with the inspection, acceptance, and maintenance of the improvements, and only upon a further finding that the delayed installation will not be detrimental to the safety and welfare of the residents in the subdivision and the public. A written request for such delayed installation shall set forth the specific improvements sought to be delayed, the justification for the delay, and a committed date for completion of the improvements. A fifty-dollar ($50.00) fee shall be paid with the request. If the Zoning Administrator approves the application for delayed installation of public improvements, the approval shall be subject to the applicant executing an agreement to hold harmless the town for any loss or liability occasioned by the lack of the improvements delayed. (8/01)

SECTION 503 - SPECIAL USE PERMIT

503.1 PROVISIONS FOR SPECIAL USE PERMITS

(a) In consideration of an application filed with the Zoning Administrator, the Council may, after a public hearing, authorize the establishment of those uses that are expressly listed as Special Permit uses in a particular zoning district.

(b) In addition to all applicable conditions and requirements of this Ordinance, the Council may impose any conditions deemed appropriate in the public interest to secure compliance with the provisions of this Ordinance.

(c) Once a Special Use Permit is granted, the use shall not be enlarged, extended, increased in intensity or relocated unless authorized by the Council.

(d) Whenever a Special Use Permit is granted by the Council, the authorized activities shall be established within two (2) years of the date of approval with an extension of one (1) additional year with Council approval, or such Special Use Permit shall expire without notice. **(4/08)**

(e) Should the owner or operator of the use covered by the Special Permit fail to observe all requirements of law with respect to the maintenance and conduct of the use and all permit conditions, the Council may, after due notice to permit holder and a public hearing, revoke the Special Use Permit.

503.2 APPLICATIONS

An application for a Special Use Permit may be submitted by the property owner of record, tenant, or contractor owner.

503.3 APPLICATION REQUIREMENTS

Applications for Special Use Permits shall be accompanied by seven (7) copies of the following items:

(a) Letter of request, signed by property owner and applicant, outlining complete details of special use desired.
(b) Site development plan.
(c) Floor plan, front, side, and rear elevations of proposed new buildings.
(d) Certified house location plat.
(e) Information deemed necessary by the Zoning Administrator.
(f) Applicable filing fee.

503.4 APPLICATION PROCEDURE

(a) Application submitted to Zoning Administrator, which shall be referred to the Planning Commission for recommendation, and a public hearing shall be scheduled by the Town Council.
(b) Review by the Planning Commission (public hearing if desired) and recommendation to Town Council.
(c) Public hearing by Town Council.
(d) Town Council action (In acting upon the application, the Town Council shall consider the following, among other relevant factors):
    1. The health, safety, and welfare of the general public.
    2. Physical and visual impact on adjoining and abutting properties.
    3. Adequate utilities, drainage, parking, and other necessary facilities to serve the proposed use.
    4. Compliance with the adopted master plan.
    5. Environmental compatibility.
    6. Community sentiment.
(e) Applicant to be notified by Zoning Administrator of Town Council action.

Town Council of BERRYVILLE, VA

PUBLIC HEARING NOTICE

The Town Council of Berryville, VA will hold the following public hearings at 7:00 p.m., or as soon after as these matters may be heard, on **Tuesday, June 9, 2026**, in the Main Meeting Room, Second Floor, of the Berryville/Clarke County Government Center, 101 Chalmers Court, Berryville, Virginia to consider the following:

Beach Carpenter Properties LLC, Jon K. Erickson, agent, is requesting a Special Use Permit in order to allow vehicle sales (Section 609.3(k) of the Town of Berryville Zoning Ordinance) on the property located at 29 Cattleman's Lane, identified as Tax Map Parcel number 14A3-((A))-17A, zoned L-1 Industrial. SUP 02-26

Belfort Furniture, Inc., is requesting a Special Use Permit in order to allow a retail sales (Section 609.3(h) of the Town of Berryville Zoning Ordinance) on the property located at 351 Station Road, identified as Tax Map Parcel number 14A5-((7))-1, 14A5-((7))-2, and 14A5-((A))-56 zoned L-1 Industrial. SUP 01-26

Copies of the applications, amendments, and maps may be examined at the Town Business Office, Berryville/Clarke County Government Center (101 Chalmers Court), First Floor, Berryville, Virginia during regular business hours. Additional information may be obtained by calling Community Development Director Terry Russell at 540 955-4081. Any person desiring to be heard on these matters should appear at the appointed time and place.

The Town of Berryville does not discriminate against disabled persons in admission or access to its programs and activities. Accommodations will be made for disabled persons upon prior request.

By order of the Town Council of Berryville, VA
Terry Russell, Community Development Director

Town Council Agenda Item Report Summary

June 9, 2026

Item Title
Public Hearing – Special Use Permit

Prepared By
Terry Russell

Belfort Furniture, Inc., is requesting a Special Use Permit in order to allow a retail sales (Section 609.3(h) of the Town of Berryville Zoning Ordinance) on the property located at 351 Station Road, identified as Tax Map Parcel number 14A5-((7))-1, 14A5-((7))-2, and 14A5-((A))-56 zoned L-1 Industrial. SUP 01-26

Background/History/General Information

Belfort Furniture is requesting a Special Use Permit in order to allow retail sales in the L-1 Industrial Zoning District at the location referenced above. Section 609.2(h) of the Berryville Zoning Ordinance allows "*Retail sales incidental to a manufacturing, production or related use, provided that: a) the gross floor area used for retail purposes (excluding storage) shall not occupy more than five-thousand (5,000) square feet of gross floor area on any one lot, and shall not exceed twenty-five (25) percent of the total floor area for the site; and*
b) the areas dedicated for retail uses must be indicated on an approved site plan. The provisions of this Section shall not apply to those permitted or special permit uses for which retail sales are a primary activity."

The Special Use Permit process allows for the ability to set conditions on specific uses and parcels which may include hours of operation, site requirements, and items deemed appropriate as recommended by the administrative body and approved by the governing body.

Findings/Current Activity

The parcel is approximately 22 acres and is located at 351 Station Road, a private road owned by Norfolk-Southern Railroad.

There is one building on the parcel. Public water and sewer are on-site.

Belfort furniture is a furniture retailer. It intends to use most of facility for the warehousing of furniture to be sold in its main store. The Special Use Permit request is for a 5,000 square foot retail store in conjunction with the warehouse.

Schedule/Deadlines

The application was filed on March 19, 2026.

Other Considerations

N/A

Planning Commission Recommendation

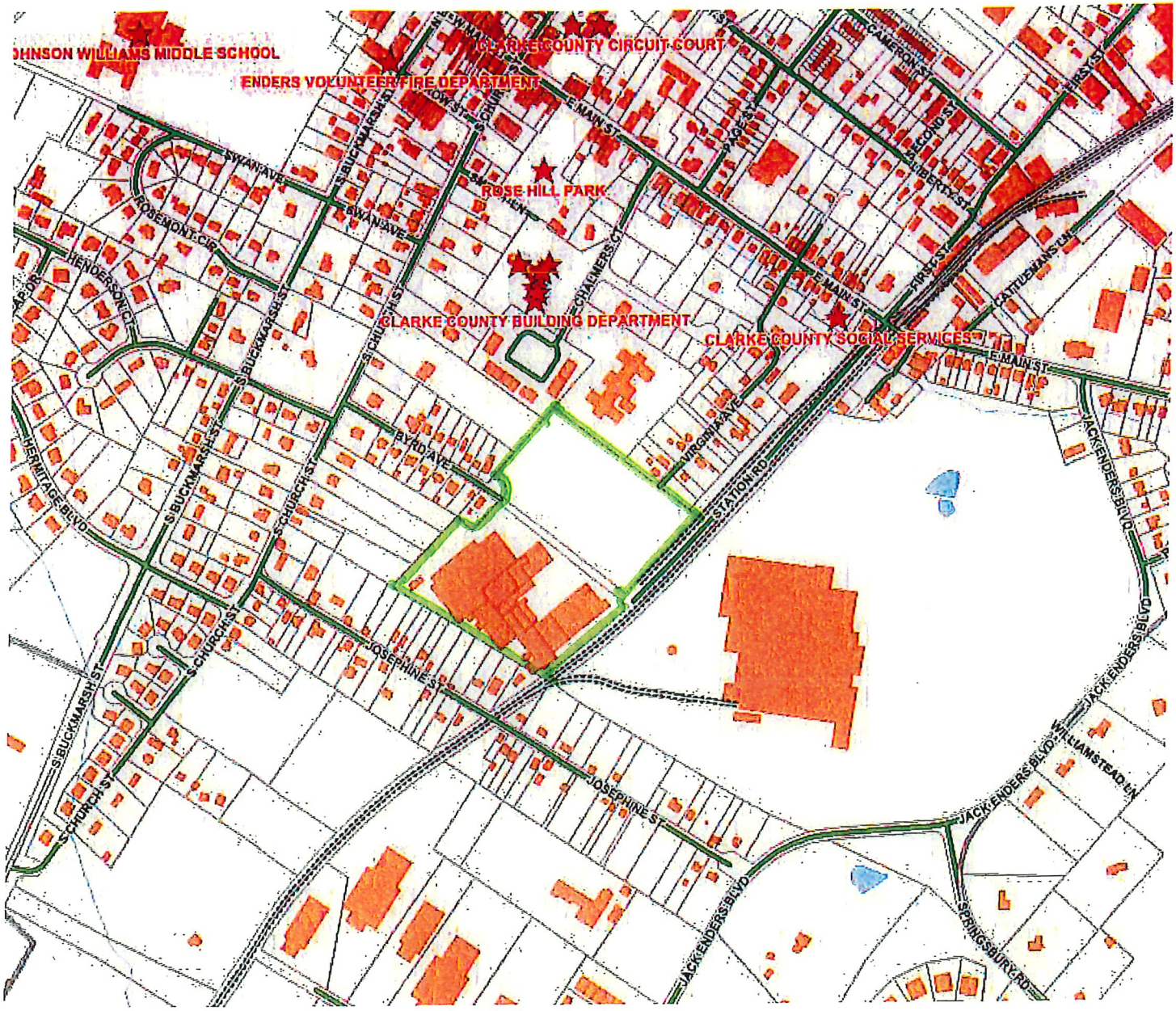
The Planning Commission, at its public hearing held on April 28, 2026, recommended that the Town Council approve the Special Use Permit with hours of operation 8:00 am – 8:00 pm.

Sample Motion

I move that the Town Council of Berryville, VA approve a Special Use Permit in order to allow retail sales, with hours of operation 8:00 am – 8:00 pm, at 351 Station Road.

Attachments:

- Vicinity map
- Application
- Site Plan
- Section 609 L-1 Industrial District Berryville Zoning Ordinance
- Section 503 Special Use Permit Berryville Zoning Ordinance


JOHNSON WILLIAMS MIDDLE SCHOOL
ENDERS VOLUNTEER FIRE DEPARTMENT
CLARKE COUNTY CIRCUIT COURT
ROSE HILL PARK
CLARKE COUNTY BUILDING DEPARTMENT
CLARKE COUNTY SOCIAL SERVICES
E MAIN ST
SWAN AVE
ROSEMONT CIR
HENDERSON CT
S BUCKMARSH ST
S CHURCH ST
BYRD AVE
HERMITAGE BLVD
JOSEPHINE ST
STATION RD
VIRGINIA AVE
JACK ENDERS BLVD
WILLIAMSTEAD LN
SPRINGSBURY RD
CAMERON ST
FIRST ST
SECOND ST
LIBERTY ST
CHALMERS ST
PAGE ST
LATTIMER ST LN

Town of Berryville
101 Chalmers Court – Suite A
Berryville, Virginia 22611
Phone: (540) 955-4081 Fax: (540) 955-4524 E-mail: planner@berryvilleva.gov

SPECIAL USE PERMIT APPLICATION

Please Note: This is an application only. The permit will be issued only if approved by the Berryville Town Council after review and recommendation from the Planning Commission.

To be completed by Applicant: Date: MARCH 17, 2026

Applicant's Name: BELFORT FURNITURE INC.

Applicant's Address: 22250 SHAW RD, STERLING VA 20166

Use Applied For: RETAIL SALES INCIDENTAL TO WAREHOUSING USE (609.3(h))

At the following address: 351 STATION RD, SUITE #1, BERRYVILLE, VA 22611

Special Conditions: 5,000 SQ.FT. RETAIL USE PLANNED TO BE ADJACENT TO CUSTOMER PICK UP AREA of DISTRIBUTION CENTER. THIS IS LESS THAN 5% (UNDER THE 25% LIMIT) OF TOTAL WAREHOUSING USE.

Property Owner's Name: STERLING DAVIS PROPERTIES, LLC

Property Owner's Address: 22250 SHAW RD, STERLING, VA 20166

Owner or Agent: The information provided is accurate to the best of my knowledge. I understand that the Town may deny, approve, or conditionally approve the request for which I am applying. I certify that all property corners have been clearly staked and flagged.
Signature: [signature] Date: 3/17/2026

Owner: I have read this completed application, understand its intent, and freely consent to its filing. Furthermore, I grant permission to the Town Planning Department and other government agents to enter the property and make such investigations and tests, as they deem necessary. I acknowledge that in accordance with Article X of the Subdivision Ordinance I am responsible for costs incurred for review of subdivision and/or development plans by the Town's engineer and that any other required tests or studies will be carried out at owner/agent expense
Signature: [signature] Date: 3/19/2026

TO BE COMPLETED BY ZONING ADMINISTRATOR

Special Use: RETAIL SALES 609.3(h) Zone: I-1

Street Address: 351 STATION RD. Tax Map #:

Special Use Permit Fee: $2500.00 Paid: 3-19-26

Site Plan Fee: NA Paid: 14A5((1))2 + 1; 14A5((A))56

Signature of Zoning Administrator: Jerry Russell Date: 3-19-26

Belfort Furniture Outlet Retail Special Use Permit Application

Purpose:

To serve as an Outlet retail location to support the primary use of 351 Station Road as Belfort Furniture's warehouse and distribution center. The product will be incidental to Belfort's receiving, assembly, delivery and repair shop operations.

Location within the Complex:

The proposed Outlet location is in the part of the complex closest to the Station Road entrance that will allow for the required parking and ramp access.

The entrance for the Outlet is designed to also serve as the entry point for customer "pick-ups" of furniture purchased at Belfort's retail location or online. This keeps the public-facing areas of the building focused on a single, identifiable entrance, to reduce confusion and minimize customer interaction with the other commercial and warehousing uses.

Adaptive Reuse: *"Adaptive reuse is encouraged in the L-1 District."*

The structure proposed for the Outlet is the original building built for apple packing and storage in the early 1940s. This brick building is framed with wood beams rather than the metal columns used in the rest of the complex. Narrow spacing due to the wood beams and columns limits its utility for modern industrial uses, However, use as an Outlet, Pick-Up and storage for "out-of-box", oversized and "one-of-a-kind" products allows us to maintain the existing structure with minimal intervention. We propose adding an air-lock structure at the entrance, and adding/re-introducing windows for more daylight. The design also proposes to celebrate the industrial heritage of the site by relocating an existing sawdust storage element for use as a landmark to help define the entrance (pending feasibility study.)

Size: *"... the gross floor area used for retail purposes (excluding storage) shall not occupy more than 5,000 square feet of gross floor area on any one lot, and shall not exceed 25 percent of the total floor area for the site..."*

We propose 5,000 square feet of gross floor area for retail use. Belfort's initial lease will be no less than 135,000 square feet, putting the 25% total floor area as 33,750 sq. ft.

Proposed Hours of Operation:

Monday-Saturday: 10am-6pm

Sunday: 12-6pm

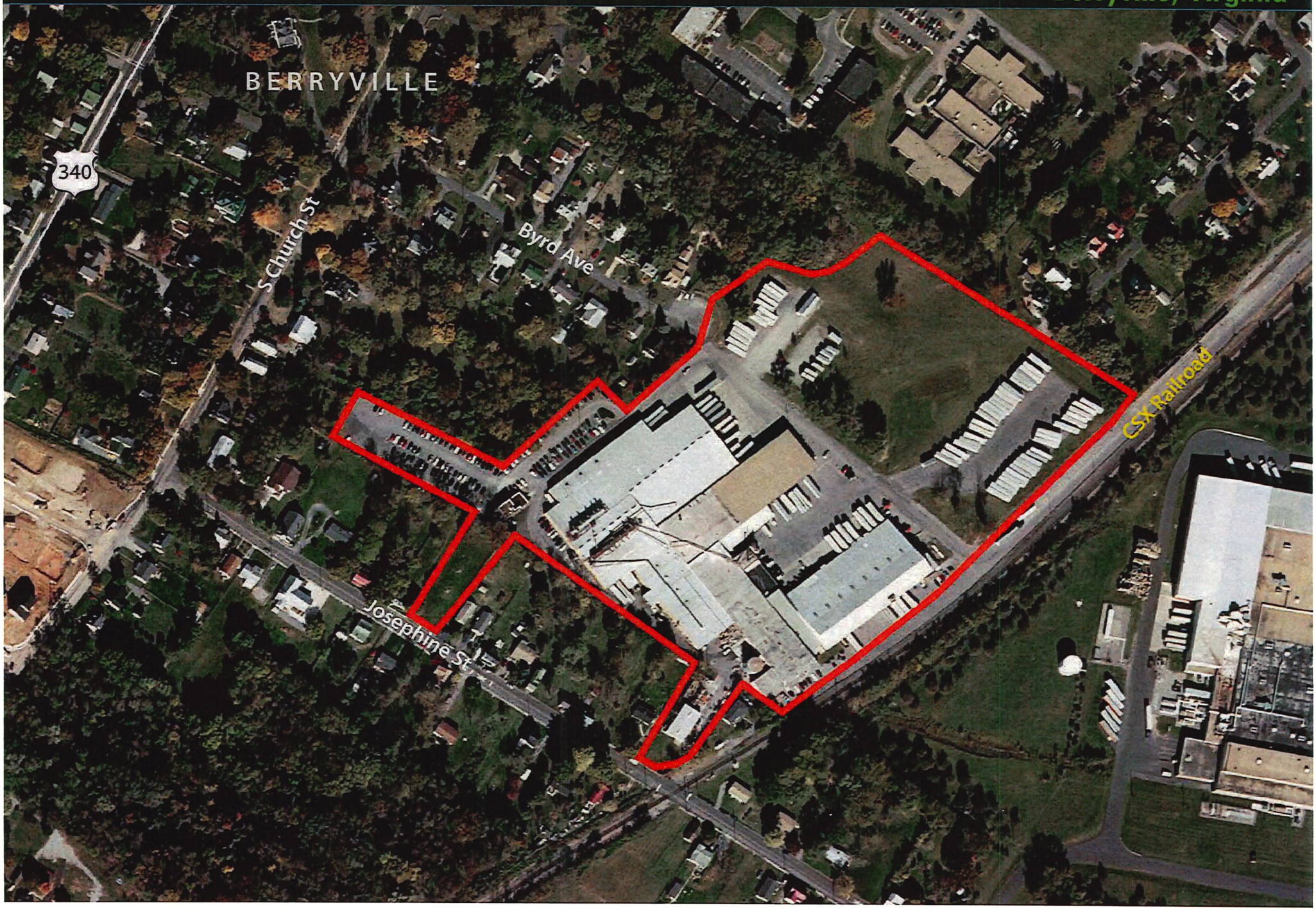
Note: these preliminary hours will be subject to business conditions, foot traffic patterns and staffing needs. We may not be open 7 days a week at this Outlet.

Parking: ***305.20 Off-Street Parking Space Requirements- Business Uses***

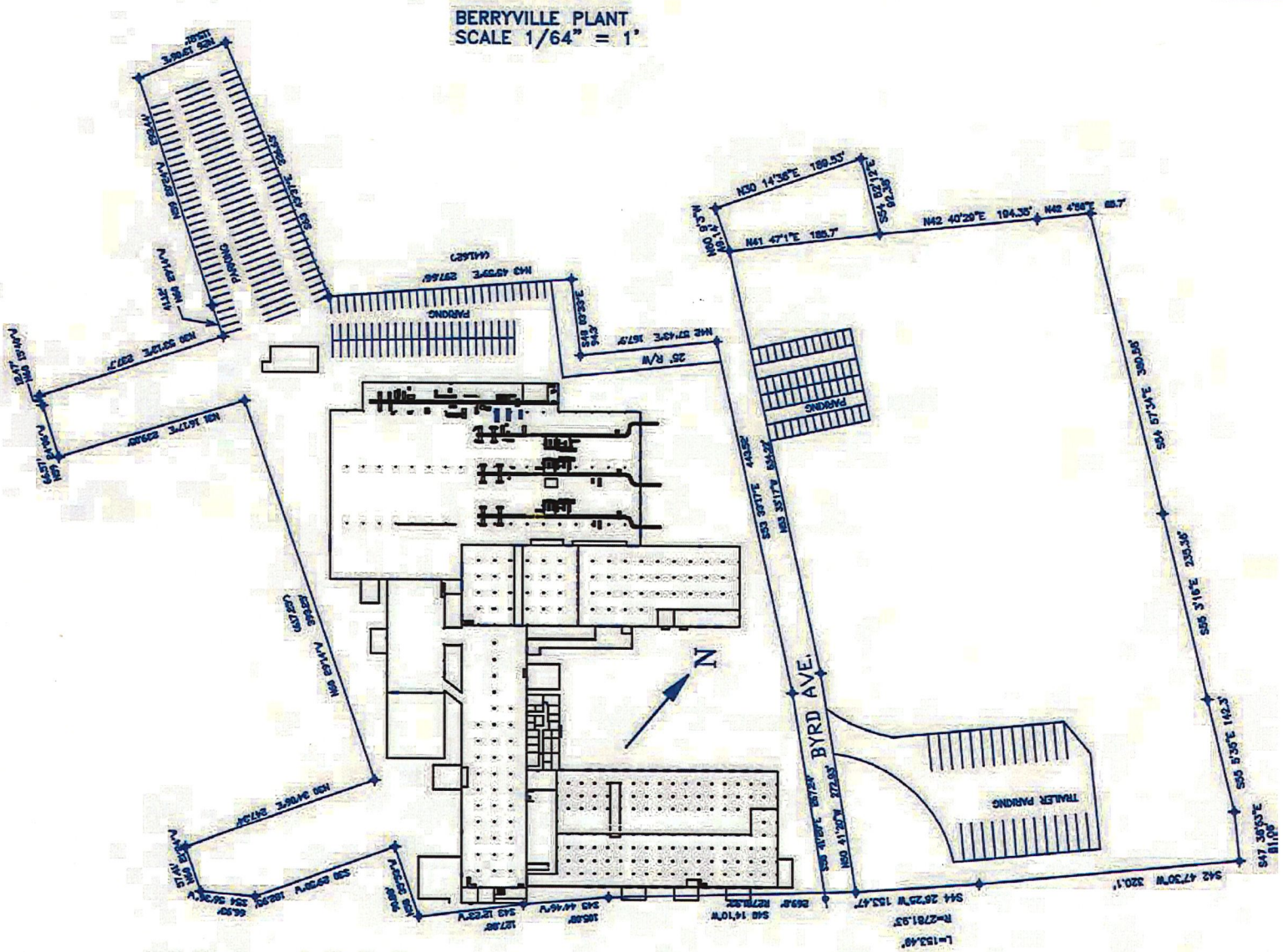
"Furniture, Hardware, Home Furnishings and Similar Establishments" require 1 off-street parking space *"for each 400 square feet of floor area",*

5000 sq. ft / 400 = 12.5 required spaces. The plan provides for at least 13 parking spaces, including an accessible space. Employees will park in the existing employee parking areas. The 13 new spaces use paved areas previously used for trailer loading and/or storage.

288,000 SF Warehouse/Manufacturing Facility
19.95 Acre Industrial Property For Sale
Berryville, Virginia



FLOOR PLAN


BERRYVILLE PLANT
SCALE 1/64" = 1'
BYRD AVE.
PARKING
TRAILER PARKING
N

BELFORT OUTLET

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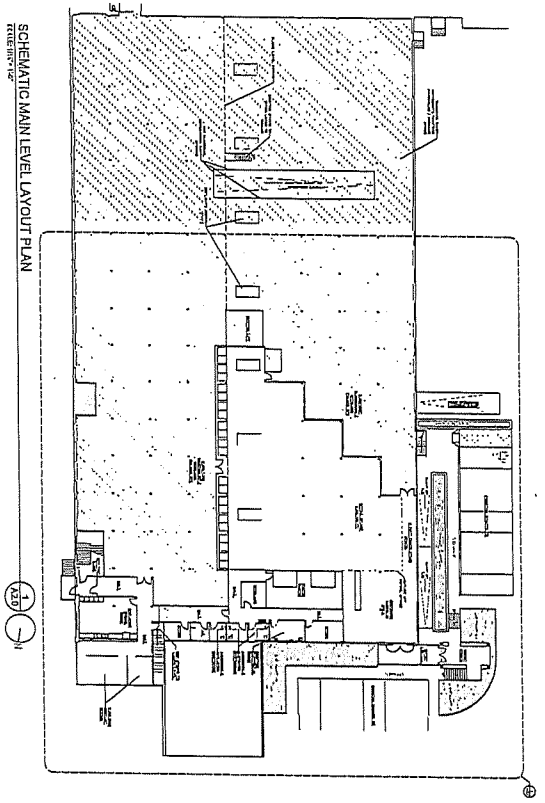
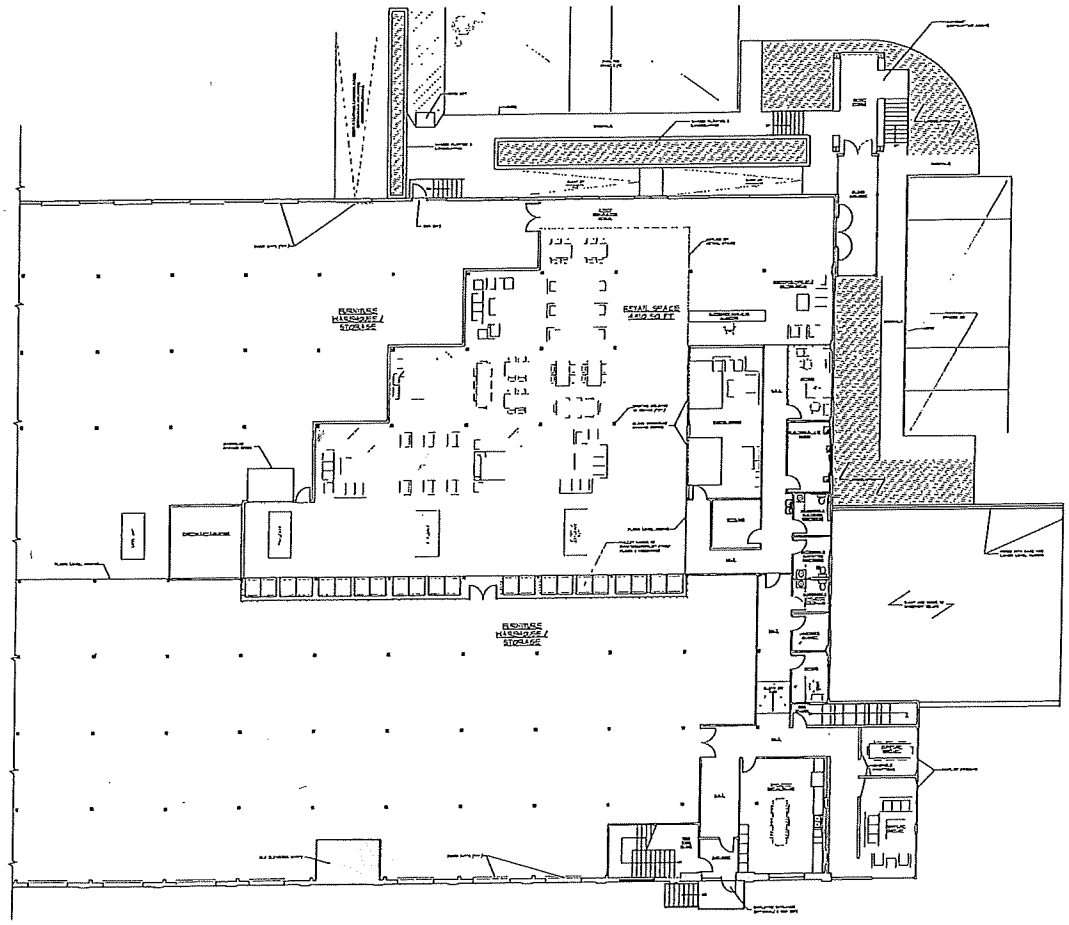


PRELIMINARY NOT FOR CONSTRUCTION

A2.0

READER & SWARTZ
ARCHITECTS, P.C.
213 N. CAMERON ST. • WINCHESTER, VA 22601 • TEL. 540-665-9212

BELFORT OUTLET & WAREHOUSE
351 STATION RD
BERRYVILLE VA



SCHEMATIC FIRST LEVEL FLOOR PLAN

BELFORT OUTLET & WAREHOUSE
351 STATION RD
BERRYVILLE VA

READER & SWARTZ
ARCHITECTS, P.C.
213 N. CAMERON ST. · WINCHESTER, VA. 22601 · TEL. 540-662-0212

PRELIMINARY NOT FOR CONSTRUCTION

A2.1

NOTES

1. THE PROPERTIES SHOWN HEREON ARE LOCATED ON CLARKE COUNTY TAX MAP #'s: 14A5-7-2 AND 14-A5-8-A-9 (AS TO TITLE PARCEL 1), 14A5-A-58 (AS TO TITLE PARCEL 2), 14A5-8-A-12B (AS TO TITLE PARCEL 3), AND 14A5-7-1 (AS TO TITLE PARCEL 4), AND ARE ZONED L-1 (LIGHT INDUSTRIAL) AND OR-A (DETACHED RES-A). NO TAX MAP # AVAILABLE FOR TITLE PARCEL 5.

2. THE PROPERTIES SHOWN HEREON ARE NOW IN THE NAMES OF PLEASANT ACRES APARTMENTS, LLC (AS TO A 33% UNDIVIDED INTEREST) AND JOEY T. LLC (AS TO 67% UNDIVIDED INTEREST) RECORDED IN DEED BOOK 701 AT PAGE 432 (AS TO TITLE PARCEL 1) AND PLEASANT ACRES APARTMENTS, LLC (AS TO A 33% UNDIVIDED INTEREST) AND JOEY T. LLC (AS TO 67% UNDIVIDED INTEREST) RECORDED IN DEED BOOK 709 AT PAGE 418 (AS TO TITLE PARCELS 2, 3, 4, AND 5), ALL AMONG THE LAND RECORDS OF CLARKE COUNTY, VIRGINIA.

3. THIS PLAT WAS BEEN PREPARED WITH THE BENEFIT OF A CERTIFIED TITLE REPORT PROVIDED BY AMERICAN LAND TITLE ASSOCIATION, FILE NO. 25VA21132-CP, WITH AN EFFECTIVE DATE OF 7/22/2025, 2025 AT 8:00AM.

4. BOUNDARY AND NORTH MERIDIAN INFORMATION SHOWN HEREON ARE BASED ON EXISTING LAND RECORDS OF CLARKE COUNTY, VIRGINIA AND A FIELD RUN SURVEY PERFORMED BY THIS FIRM IN AUGUST 2025.

5. PLANIMETRICAL FEATURES SHOWN WERE COMPILED FROM CONVENTIONAL SURVEY METHODS.

6. THE PROPERTIES SHOWN HEREON ARE LOCATED IN ZONE ZONE "X" (AREAS OF MINIMAL FLOOD HAZARD) AS SHOWN ON THE CURRENT FLOOD INSURANCE RATE MAPS (FIRM) OF CLARKE COUNTY, VIRGINIA COMMUNITY PANEL NUMBER 51043C0083D, EFFECTIVE DATE 9/28/2007.

7. THE PARCELS SHOWN HEREON ARE CONTIGUOUS WITHOUT ANY GAPS, GORE OR OVERLAPS, AND THE SUBJECT PROPERTY FORMS A MATHEMATICALLY CLOSED FIGURE.

8. AT TIME OF SURVEY, THERE WAS NO EVIDENCE OF CEMETERIES LOCATED WITHIN THE SURVEYED LIMITS OR EVIDENCE PROVIDED TO THE SURVEYOR.

9. THERE WAS NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELD WORK.

10. THERE IS NO EVIDENCE OF ANY PROPOSED CHANGES IN STREET RIGHT-OF-AY LINES, AND NO EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS.

11. THE PROPERTIES SHOWN HEREON HAVE DIRECT ACCESS TO STATION ROAD AND BYRD AVENUE (AS TO TITLE PARCELS 1, 2, 4 AND 5) AND JOSEPHINE STREET (AS TO TITLE PARCEL 3).

12. THERE ARE VISIBLE OBSERVED ENCROACHMENTS SHOWN ON THE SURVEY, THE TERM ENCROACHMENT IS A LEGAL CONDITION, NOT A MATTER OF SURVEY AND, AS A RESULT, THERE MAY BE OTHER POSSIBLE ENCROACHMENTS AFFECTING THE PROPERTY, THAT ARE NOT SHOWN.

13. ZONING INFORMATION SHOWN HEREON IS PER THE CLARKE COUNTY GIS ONLINE MAPPING SYSTEM. AT TIME THE SURVEY WAS COMPLETED, BOWMAN CONSULTING GROUP, LTD WAS NOT PROVIDED WITH A CURRENT ZONING REPORT OR LETTER.

14. UNABLE TO DETERMINE IF TITLE PARCEL 4 HAS BEEN FORVALLY CONSOLIDATED BY DEED INTO TITLE PARCEL 5.

SCHEDULE B, PART II - EXCEPTIONS

THE TITLE DOCUMENTS FOR THE SURVEYED PROPERTIES HEREON DESCRIBED ARE PROVIDED BY AMERICAN LAND TITLE ASSOCIATION, FILE NUMBER:25VA21132-CP, WITH AN EFFECTIVE DATE OF 7/22/2025, AT 8:00 A.M., AND WITH RESPECT TO THE ITEMS IDENTIFIED AS SPECIAL EXCEPTIONS ON SCHEDULE B, PART II OF THE TITLE INSURANCE COMMITMENT AS PERTAINING TO THE SURVEYED PROPERTY.

(A) THE FOLLOWING ITEMS OF THE SPECIAL EXCEPTIONS ARE NOT SURVEY MATTERS: EXCEPTION ITEMS 2, 6, 7, AND 8.

(B) THE FOLLOWING ITEMS OF THE SPECIAL EXCEPTIONS ARE SURVEY RELATED MATTERS, PERTAIN TO THE SURVEYED PROPERTY AND ARE SHOWN ON THE SURVEY UNLESS OTHERWISE NOTED AS TO HOW THEY AFFECT THE SURVEYED PROPERTY: EXCEPTION ITEMS 1, 3, 4, AND 5

9. EASEMENT(S) GRANTED POTOMAC EDISON BY INSTRUMENTS RECORDED IN DEED BOOK 88 AT PAGE 98(a), III DEED BOOK 96 AT PAGE 420(b), III DEED BOOK 96 AT PAGE 430(c), IN DEED BOOK 105 AT PAGE 194(d), AND III DEED BOOK 118 AT PAGE 88(e).

(C) (a) DEED BOOK 88, PAGE 98: AFFECTS TITLE PARCEL 1 (AS TO TM 14A5-8-A-8) AND IS SHOWN HEREON.

(b) DEED BOOK 88, PAGE 420: MAY AFFECT TITLE PARCEL 1 (AS TO TM 14A5-7-2), AND IS NOT PLOTTABLE, INSUFFICIENT INFORMATION IN RECORD DOCUMENT. DOCUMENT DOES DESCRIBES A 15' EASEMENT BUT THERE ARE MULTIPLE POLES AND POLE LINES LOCATED ON THE PROPERTY.

(c) DEED BOOK 88, PAGE 430: MAY AFFECT TITLE PARCEL 4, AND IS NOT PLOTTABLE, INSUFFICIENT INFORMATION IN RECORD DOCUMENT.

(d) DEED BOOK 105, PAGE 194: MAY AFFECT TITLE PARCEL 1 (AS TO TM 14A5-7-2), AND IS NOT PLOTTABLE, INSUFFICIENT INFORMATION IN RECORD DOCUMENT. THERE ARE MULTIPLE POLES AND POLE LINES LOCATED ON THE PROPERTY.

(e) DEED BOOK 118, PAGE 88: MAY AFFECT TITLE PARCEL 1 (AS TO TM 14A5-7-2), AND IS NOT PLOTTABLE, INSUFFICIENT INFORMATION IN RECORD DOCUMENT. THERE ARE MULTIPLE POLES AND POLE LINES LOCATED ON THE PROPERTY.

(D1) 10. RIGHT OF WAY AGREEMENT RECORDED IN DEED BOOK 101 AT PAGE 17 AND IN DEED BOOK 226 AT PAGE 639. AFFECTS TITLE PARCEL 1 (AS TO TM 14A5-7-2) AND TITLE PARCEL 5, 25' INGRESS-EGRESS EASEMENT IS SHOWN

11. EASEMENT(S) GRANTED CHESAPEAKE AND POTOMAC TELEPHONE COMPANY BY INSTRUMENTS RECORDED IN DEED BOOK 168 AT PAGE 277(a) AND IN DEED BOOK 244 AT PAGE 123(b).
(a) DEED BOOK 168, PAGE 277: MAY AFFECT TITLE PARCEL 4, THERE IS NO POLE LOCATED IN AREA SHOWN ON RECORD EXHIBIT.

(U1) (b) DEED BOOK 244, PAGE 123: AFFECTS TITLE PARCEL 1 (AS TO TM 14A5-7-2) AND TITLE PARCEL 5, APPROXIMATE LOCATION OF UTILITY EASEMENT IS SHOWN.

(D1) 12. EASEMENT GRANTED SHENANDOAH GAS COMPANY BY INSTRUMENT RECORDED IN DEED BOOK 266 AT PAGE 393. AFFECTS TITLE PARCEL 5, 15' SHENANDOAH GAS COMPANY EASEMENT IS SHOWN.

13. TERMS, CONDITIONS AND/OR EASEMENTS PER ORDER TO CLASS CORRIDOR, LLC RECORDED IN DEED BOOK 428 AT PAGE 648.
DOES NOT AFFECT THE SURVEYED PROPERTY, MAY AFFECT LANDS WITHIN THE NORFOLK & WESTERN RAILROAD RIGHT-OF-WAY.

(D2) 14. REC EASEMENT RECORDED IN DEED BOOK 612 AT PAGE 131.
AFFECTS TITLE PROPERTIES 1 (AS TO TM 14A5-7-2 & TM 14A5-8-A-8), 2, 4, AND 5, 40' ELECTRIC COOPERATIVE EASEMENT IS SHOWN.

15. SUBJECT TO TERMS, PROVISIONS AND CONDITIONS CONTAINED IN UNRECORDED LEASE(S) (AND ALL AMENDMENTS AND ASSIGNMENTS THERETO) AND ALL RIGHTS THEREUNDER OR AND ALL ACTS DONE OR SUFFERED THEREUNDER OF SAID LESSEE OR ANY PARTIES CLAIMING BY, THROUGH OR UNDER SAID LESSEE. NOTE: AMENDMENT TO COMMERCIAL GROUND LEASE RECORDED IN DEED BOOK 710 AT PAGE 284. (ORIGINAL LEASE NOT OF RECORD).
AFFECTS TITLE PROPERTY 1 (AS TO TM 14A5-7-2), LEASE AREA IS NOT PLOTTABLE AND IS NOT SHOWN HEREON.

(TE) 16. TERMS, CONDITIONS, AND/OR EASEMENTS PER COMMONWEALTH OF VIRGINIA CERTIFICATE OF TAKE RECORDED IN DEED BOOK 89 AT PAGE 198, IN DEED BOOK 90 AT PAGE 398 WITH ORDER RECORDED IN DEED BOOK 90 AT PAGE 720.
TEMPORARY CONSTRUCTION AND GRADING EASEMENT MAY AFFECT TITLE PARCELS 1 (AS TO TM 14A5-8-A-8) AND 3, APPROXIMATE LOCATION OF EASEMENT IS SHOWN.

(D3) 17. TERMS, CONDITIONS, AND/OR EASEMENTS PER CUL-DE-SAC DEDICATION RECORDED IN DEED BOOK 238 AT PAGE 635.

18. TERMS, PROVISIONS, RESTRICTIONS, CONDITIONS, EASEMENTS, LIENS, ASSESSMENTS, DEVELOPER RIGHTS, OPTIONS, RIGHTS OF FIRST REFUSAL AND RESERVATIONS CONTAINED IN DEEDS IN THE CHAIN INCLUDING BUT NOT LIMITED TO DEED BOOK 703 AT PAGE 417(a), DEED BOOK 701 AT PAGE 432(b), DEED BOOK 701 AT PAGE 428(c), DEED BOOK 118 AT PAGE 114(d), AND DEED BOOK 49 AT PAGE 101(e), AS AMENDED, BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW.

(E4) (a) DEED BOOK 703, PAGE 417: AFFECTS TITLE PARCEL 1 (AS TO TM 14A5-7-2) AND BENEFITS TITLE PARCEL 2, 25' INGRESS-EGRESS EASEMENT IS SHOWN HEREON.

(b) DEED BOOK 701, PAGE 432: DOES NOT AFFECT THE SURVEYED PROPERTY, DOCUMENT DOES NOT CREATE ANY EASEMENTS OR RESTRICTIONS.

(E4 & E5) (c) DEED BOOK 701, PAGE 428: AFFECTS TITLE PARCEL 1 (AS TO TM 14A5-7-2) AND BENEFITS TITLE PARCEL 2, 25' INGRESS-EGRESS EASEMENT IS SHOWN HEREON. DOCUMENT ALSO AFFECTS TITLE PARCEL 5, 30' INGRESS-EGRESS EASEMENT IS SHOWN HEREON

(d) DEED BOOK 118, PAGE 114: DOES NOT AFFECT TITLE PARCEL 1, EASEMENT RESTRICTION TERMINATED 10 YEARS AFTER DOCUMENT WAS RECORDED.

(e) DEED BOOK 49, PAGE 101: DOES NOT AFFECT TITLE PARCEL 1.

TITLE DESCRIPTION

ALL THAT CERTAIN PROPERTY SITUATE, LYING AND BEING IN THE COUNTY OF CLARKE, COMMONWEALTH OF VIRGINIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1 (TM14A5-7-2 AND 14A5-8-A-9)

ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATE ON THE SOUTHWEST SIDE OF BYRD AVENUE AND ON THE NORTHWEST SIDE OF THE NORFOLK & WESTERN RAILROAD, IN THE TOWN OF BERRYVILLE, CLARKE COUNTY, VIRGINIA, AND MORE PARTICULARLY DESCRIBED ON THAT CERTAIN PLAT AND SURVEY DATED FEBRUARY 5, 1971, MADE BY RICHARD U. GOODE, CERTIFIED LAND SURVEYOR, OF RECORD IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF CLARKE COUNTY, VIRGINIA IN DEED BOOK 101 AT PAGE 24 THROUGH 26, INCLUSIVE, AND BY REFERENCE MADE PART OF THIS CONVEYANCE AS FOLLOWS:

BEGINNING AT (1) AN IRON PEG AT A FENCE CORNER IN THE REAR LOT LINE OF THE LOTS FACING ON JOSEPHINE STREET, AT ITS INTERSECTION WITH THE REAR LOT LINE FACING ON SOUTH CHURCH STREET; THENCE WITH THE REAR LOT LINE OF THE LOTS FACING ON SOUTH CHURCH STREET N 43° 45' 59" E 441.02 FEET TO (2) AN IRON PEG; THENCE WITH PARCEL S 48° 03' 33" E 84.30 FEET TO (3) AN IRON PEG; THENCE N 42° 57' 43" E 167.80 FEET TO (4) AN IRON PEG ON THE SOUTHWEST SIDE OF BYRD AVENUE; THENCE WITH BYRD AVENUE FOR THE FOLLOWING 2 COURSES S 53° 33' 17" E 443.52 FEET TO (5) AN IRON PEG; THENCE S 36° 41' 20" E 267.24 FEET TO (6) AN IRON PEG ON THE NORTHWEST SIDE OF THE NORFOLK & WESTERN RAILROAD RIGHT-OF-WAY; THENCE WITH THE RAILROAD RIGHT-OF-WAY, AND WITH A CURVE TO THE RIGHT THE RADIUS OF WHICH IS 2,761.93 FEET FOR A DISTANCE OF 269.8 FEET TO (7) AN IRON PEG; THENCE S 43° 44' 46" W 105.06 FEET TO (8) AN IRON PEG THENCE COURSES S 43° 12' 23" W 127.06 FEET TO (9) AN IRON PEG THENCE WITH AN OFFSET IN THE RAILROAD RIGHT-OF-WAY AND THEN WITH THE LAND OF UCONS N 28° 33' 33" W 80.88 FEET TO (10) AN IRON PEG; THENCE WITH UCONS S 30° 29' 50" W 102.05 FEET TO (11) AN IRON PEG; THENCE WITH THE RAILROAD RIGHT-OF-WAY S 34° 36' 38" W 80.93 FEET TO (12) AN IRON PEG ON THE NORTH SIDE OF JOSEPHINE STREET (ROAD 110.014) THENCE WITH THE NORTHSIDE OF JOSEPHINE STREET N 89° 31' 24" W 37.41 FEET TO (13) AN IRON PEG A CORNER TO THE PAIGE LOT THENCE WITH THE PAIGE LOT N 39° 34' 00" E 249.24 FEET TO (14) AN IRON PEG AT THE NORTHEAST CORNER OF THE PAIGE LOT; THENCE WITH THE REAR LOT LINE OF THE LOTS FACING ON JOSEPHINE STREET N 39° 29' 14" W 617.2, FEET TO THE POINT OF BEGINNING CONTAINING 9.851 ACRES, MORE OR LESS, BEING A PART OF THE SAME PROPERTY CONVEYED TO H.F. BYRD, INCORPORATED, BY DEED OF H.F. BYRD, ET UX, DATED DECEMBER 31,1947, OF RECORD IN THE CLERK'S OFFICE OF THE CLARKE COUNTY, VIRGINIA IN DEED BOOK98, PAGE131, BEING THE SAME TRACT OF AND CONVEYED TO H.F. BYRD, INCORPORATED, BY DEED OF NORFOLK & WESTERN RAILROAD COMPANY, BY DEED DATED SEPTEMBER 27, 1955, OF RECORD IN THE AFORESAID CLERK'S OFFICE IN DEED BOOK98, PAGE101 AND THE SAME PROPERTY CONVEYED TO H.F. BYRD, INCORPORATED BY DEED OF LIZZIE B. CARTER, DATED MARCH25,1949, OF RECORD IN THE AFORESAID CLERK'S OFFICE, IN DEED BOOK 97, PAGE 392, TO WHICH DEEDS AND THE REFERENCES THEREIN CONTAINED, REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF THE PROPERTY, AND BEING THE SAME PROPERTY CONVEYED TO BOSC CASCADE CORPORATION, A DELAWARE CORPORATION, BY DEED OF H.F. BYRD, INCORPORATED, DATED JUNE 7TH, 1972, OF RECORD IN THE AFORESAID CLERK'S OFFICE IN DEED BOOK 101 PAGE 21.

TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS ON PARCEL B, CONTAINING 28,944 SQUARE FEET FROM THE CUL-DE-SAC DESIGNATED AS PARCEL A TO THE PROPERTY OF NORFOLK & WESTERN RAILROAD AS SHOWN ON PLAT OF SURVEY BY H. BRUCE COCHS, L.L., DATED APRIL 27, 1992 OF RECORD IN THE AFORESAID CLERK'S OFFICE IN DEED BOOK 246 AT PAGE 524 WITH THIS PARCEL B BEING A PART OF THE MERGED TM14A5-7-1, CONTAINING 9.030 ACRES AS GRANTED AND CREATED IN THE DEED RECORDED IN DEED BOOK 701 AT PAGE 428 FROM VIRGINIA MARINE INVESTMENTS, LLC, DATED MAY 19, 2022, FOR THE BENEFIT OF THE ABOVE DESCRIBED PARCEL 1.

PARCEL 2 (TM14A5-A-58):

THAT CERTAIN TRACT OF REAL PROPERTY WHICH IS LOCATED IN THE TOWN OF BERRYVILLE, COUNTY OF CLARKE, STATE OF VIRGINIA BEGINNING AT (1) AN IRON PEG ON THE EAST SIDE OF SOUTH CHURCH STREET AND IN LINE WITH THE NORTH FENCE LINE OF THE JAMES LOT; THENCE WITH THE EAST SIDE OF SOUTH CHURCH STREET N 28 DEG.10 MIN 00 SEC. E 71.32 FEET TO (2) AN IRON PEG AT THE SOUTHWEST CORNER OF THE GINN LOT III THE FORCE WITH GINN FOR THE FOLLOWING TWO COURSES: S 62 DEG. 43 MIN. 37 SEC. E 250.00 FEET TO (3) AN IRON PEG; THENCE N 28 DEG.10 MIN. 00 SEC. E 24.00 FEET TO (4) AN IRON PEG AT THE NORTHEAST COMER OF THE GINN LOT III FENCE LINE OF THE LAND OF DR. YORK; THENCE WITH DR. YORK S 62 DEG. 43 MIN. 37SEC. E 330.83 FEET TO (5) AN IRON PEG AT THE SOUTHEAST COMER OF THE LAND OF DR. YORK AND IN THE NORTHWEST LINE OF THE LAND OF BOISE CASCADE; THENCE WITH THE SAID LAND S 43 DEG. 45 MIN. 59 SEC. W 148.57 FEET TO 6) AN IRON PEG AT A FENCE CORNER IN THE NORTH LINE OF THE LAND OF HOLMES; THENCE WITH HOLMES AND THEN WITH THE NORTH LINE OF OTHER LOTS FACING ON JOSEPHINE STREET N 59 DEG. 02 MIN. 24 SEC. W 544.30 FEET TO THE POINT OF BEGINNING CONTAINING1.40 ACRES, MORE OR LESS.

LESS AND EXCEPT, THAT PORTION CONVEYED TO DAVID L. BLOUNT AND SUSANNE H. BLOUNT, BY DEED DATED MAY 22, 1977 AND RECORDED IN DEED BOOK 122, PAGE 372.

PARCEL 3 (TM14A5-8-A-12B):

ALL THAT CERTAIN LOT OR PARCEL OF LAND TOGETHER WITH THE IMPROVEMENTS THEREON BELONGING CONTAINING ONE HALF ACRE, MORE OR LESS, BOUNDED ON THE SOUTH BY JOSEPHINE STREET ON THE NORTH BY PROPERTY OF BOUSE CASCADE CORPORATION, AND ON THE WEST BY ANNIE ELIZABETH HOOFF, BEING THE SAME PROPERTY DEVISED TO ROBERT H. GREEN FROM SHIRLEY B. NELSON BY WILL OF RECORD IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF CLARKE COUNTY, VIRGINIA WILL BOOK27, PAGE 567, THE SAID SHIRLEY B. NELSON BEING THE SOLE HEIR AT LAW OF HUGH H. NELSON, WHO ACQUIRED THE IDENTICAL REAL PROPERTY BY DEED FROM FRANK A. NTAN, NOT. LEWIS AND JOSEPH F. HOOFF, SPECIAL COMMISSIONERS, DATED JUNE 7, 1923, OF RECORD III THE AFORESAID CLERK'S OFFICE IN DEED BOOK 14, PAGE 549.

LESS AND EXCEPT: ANY PORTION CONVEYED TO JAMES R. NICHOLS BY DEED OF BOUNDARY LINE ADJUSTMENT DATED JUNE7, 1990, RECORDED JUNE13,1991 OF RECORD III THE AFORESAID CLERK'S OFFICE IN DEED BOOK 214 AT PAGE 488.

PARCEL 4: (TM14A5-7-1):

AL THAT CERTAIN LOT OR PARCEL OF LAND, TOGETHER WITH THE IMPROVEMENTS THEREON BELONGING LOCATED ON THE NORTHEAST SIDE OF BYRD AVENUE AND ON THE NORTHWEST SIDE OF THE NORFOLK AND WESTERN RAILROAD IN THE TOWN OF BERRYVILLE, CLARKE COUNTY, VIRGINIA, CONTAINING 0.532 ACRES, AS DESCRIBED IN THE SURVEY OF MAYIO, 1984 BY RICHARD U. GOODE, C.L.S., OF RECORD III THE AFORESAID CLERK'S OFFICE III DEED BOOK155 PAGE708.

LESS AND EXCEPT: PARCEL A, CONTAINING 5,131 SQUARE FEET THAT WAS DEDICATED TO THE TOWN OF BERRYVILLE AS A CUL-DE-SAC FOR BYRD AVENUE BY DEED OF DEDICATION DATED JULY 14, 1993 OF RECORD III THE AFORESAID CLERK'S OFFICE IN DEED BOOK 226 AT PAGE 635 FROM AMERICAN WOODMARK CORPORATION TO THE TOWN OF BERRYVILLE.

PARCEL 5: (ABANDONED PORTION OF BYRD AVENUE):

ALL THAT PORTION OF BYRD AVENUE DESCRIBED AS PARCEL B, CONTAINING 28,944 SQUARE FEET, AND MORE PARTICULARLY DESCRIBED ON PLAT OF SURVEY OF H. BRUCE COCHS, C.L.S., DATED APRIL 27, 1992 OF RECORD IN THE AFORESAID CLERK'S OFFICE III DEED BOOK 246 AT PAGE 524, BEING THAT SECTION OF SECONDARY ROUTE 7-1012 KNOWN AS BYRD AVENUE FROM 0.10 MILES EAST OF ROUTE 610 TO 0.31 MILES EAST OF ROUTE 610, A DISTANCE OF 0.13 MILES.

BY THIS PLAT OF SURVEY OF H. BRUCE COCHS, C.L.S., DATED APRIL 27, 1992 OF RECORD III THE AFORESAID CLERK'S OFFICE III DEED BOOK 238 AT PAGE 638 ATTACHED TO SAID DEED OF DEDICATION DATED JULY14, 1993 OF RECORD IN THE AFORESAID CLERK'S OFFICE IN DEED BOOK 226 AT PAGE 635 THE ABOVE DESCRIBED PARCEL B (THE ABANDONED PORTION OF BYRD AVENUE), PARCEL B, CONTAINING 28,944 SQUARE FEET, WAS ADDED TO THE REMAINING PORTION OF PARCEL 4 (TM14A-5-7-1) TO FORM THE RESULTING AREA LOT CONTAINING 9.030 ACRES.

TOGETHER WITH A RIGHT OF WAY OR EASEMENT FOR INGRESS AND EGRESS TWENTY-FIVE (25') FEET IN WIDTH COINCIDING AT THE CUL-DE-SAC ON BYRD AVENUE (SEE PLAT OF SURVEY OF H. BRUCE EDCHS DATED APRIL 27, 1992 OF RECORD IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF CLARKE COUNTY, VIRGINIA IN DEED BOOK 238 AT PAGE 641) THENCE ALONG THE NORTHERLY BOUNDARY, THENCE EASTERLY BOUNDARY AND BOUNDARY (ADJACENT TO LOTS FACING SOUTH CHURCH STREET) OF PARCEL 1 CONVEYED TO THE PART OF THE FIRST PART BY THE BELOW REFERENCE DEED DATED JULY 17, 2012 AND TERMINATING AT THE WESTERN BOUNDARY OF SAID PARCEL 1 (LOTS FACING JOSEPHINE STREET) (FOR REFERENCE TO THESE BOUNDARY LINES SEE PLAT OF SURVEY OF RICHARD U. GOODE C.L.S. DATED FEBRUARY 5, 1971 OF RECORD III THE AFORESAID CLERK'S OFFICE III DEED BOOK 101 AT PAGE 25), WITH THIS RIGHT OF WAY OR EASEMENT FOR INGRESS AND EGRESS BEING LOCATED ON PARCEL 1 (TM 14A5-7- 1) AND FOR THE BENEFIT OF PARCEL 2 (TM 14A5-58) CONVEYED TO THE PART OF FIRST PART BY THE ABOVE DESCRIBED DEED DATED JULY 17, 2012. THIS TWENTY- FIVE (25') FOOT EASEMENT FOR INGRESS AND EGRESS WAS RESERVED BY THE PARTY OF THE FIRST PART III DEED DATED MAY19, 2022.

OBSERVATION TABLE (SEE NOTE #12)

1. ADJACENT OWNER 4' CHAIN-LINK FENCE ON PROPERTY 7.7'
2. ADJACENT OWNER 6' WOOD FENCE ON PROPERTY 3.3'
3. ADJACENT OWNER 6' WOOD FENCE ON PROPERTY 4.5'
4. ADJACENT OWNER 4' WOOD WIRE FENCE ON PROPERTY 21.7' & 36.5'
5. PORTION OF VIRGINIA AVENUE ON PROPERTY 1.6' NOT LOCATED WITHIN AN EASEMENT
6. ADJACENT OWNER 5' WOOD WIRE FENCE ON PROPERTY 4.4'

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 56°13'51" W	13.17'
L2	S 20°52'08" W	26.18'
L3	S 30°17'11" W	36.74'

CURVE TABLE

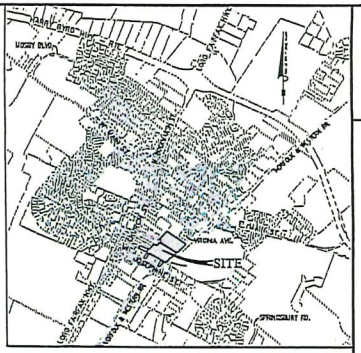
CURVE	RADIUS	LENGTH	CHORD BEARING	CHORD	DELTA ANGLE	TANGENT
C1	2761.93'	153.49'	S 44°36'25" W	153.47'	3°09'40"	76.76'
C2	2761.93'	39.39'	N 45°23'14" E	39.39'	0°49'00"	19.19'
C3	2761.93'	269.85'	S 49°14'00" W	269.76'	5°35'55"	135.04'
C4	50.00'	149.65'	S 43°39'43" E	89.72'	171°28'31"	671.31'

EASEMENT LEGEND

- (E1) EX. 25' INGRESS-EGRESS EASEMENT D.B. 123, PG. 559
- (E2) EX. 25' INGRESS-EGRESS EASEMENT D.B. 238, PG. 635 D.B. 701, PG. 428
- (E3) EX. 25' INGRESS-EGRESS EASEMENT D.B. 238, PG. 639
- (E4) EX. 25' INGRESS-EGRESS EASEMENT D.B. 701, PG. 428 D.B. 703, PG. 817
- (D) EX POLE LINE EASDIENT D.B. 89, PG. 99
- (D2) EX. 40' RAPPAHANNOCK ELECTRIC COOPERATIVE EASEMENT D.B. 612, PG. 131
- APPROX. LOC.
- (U1) EX. 15' CHESAPEAKE AND POTOMAC TELEPHONE COMPANY EASEMENT D.B. 244, PG. 123
- (D1) EX. 15' SHENANDOAH GAS COMPANY EASEMENT D.B. 266, PG. 393
- (TE) EX. TEMPORARY CONSTRUCTION AND GRADING EASEMENT D.B. 89, PG. 198 D.B. 90, PG. 398 D.B. 90, PG. 720

PARKING TABULATION

47 REGULAR PARKING SPACES
0 MARKED HANDICAP PARKING SPACES
47 TOTAL SPACES



VICINITY MAP
SCALE: 1"=2,000'

SURVEYOR'S CERTIFICATE

TO: PLEASANT ACRES APARTMENTS, LLC AND JOEY T. LLC, MICHAEL HUBER AND AMERICAN LAND TITLE ASSOCIATION

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS ITEMS 1, 2, 3, 4, 7(a), 8, 9, 13, AND 14 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED IN AUGUST, 2025.

DATE OF PLAT OR MAP: AUGUST 13, 2025
LAST REVISED:

WILLIAM C. BRADFORD II
LAND SURVEYOR
LICENSE NO: 002514
BILL.BRADFORD@BOWMAN.COM

COMMONWEALTH OF VIRGINIA
WILLIAM C. BRADFORD II
LICENSE NO. 002514
LAND SURVEYOR

NOT FOR RECORDATION

Bowman

Bowman Consulting Group Ltd.
11 S. 12th Street, Suite 400
Richmond, VA 23219
Phone: 804.200.6500
www.bowman.com

BCG PROJECT NO: 032366-01-001 TASK: 00001

DWG: V:\032366-001 Station Road Burg\Survey\Plat\032366-01-001 SURVEY.dwg LAYOUT: 24x36 ANSI D XREF: 032366-01-001-B-ALTA.dwg

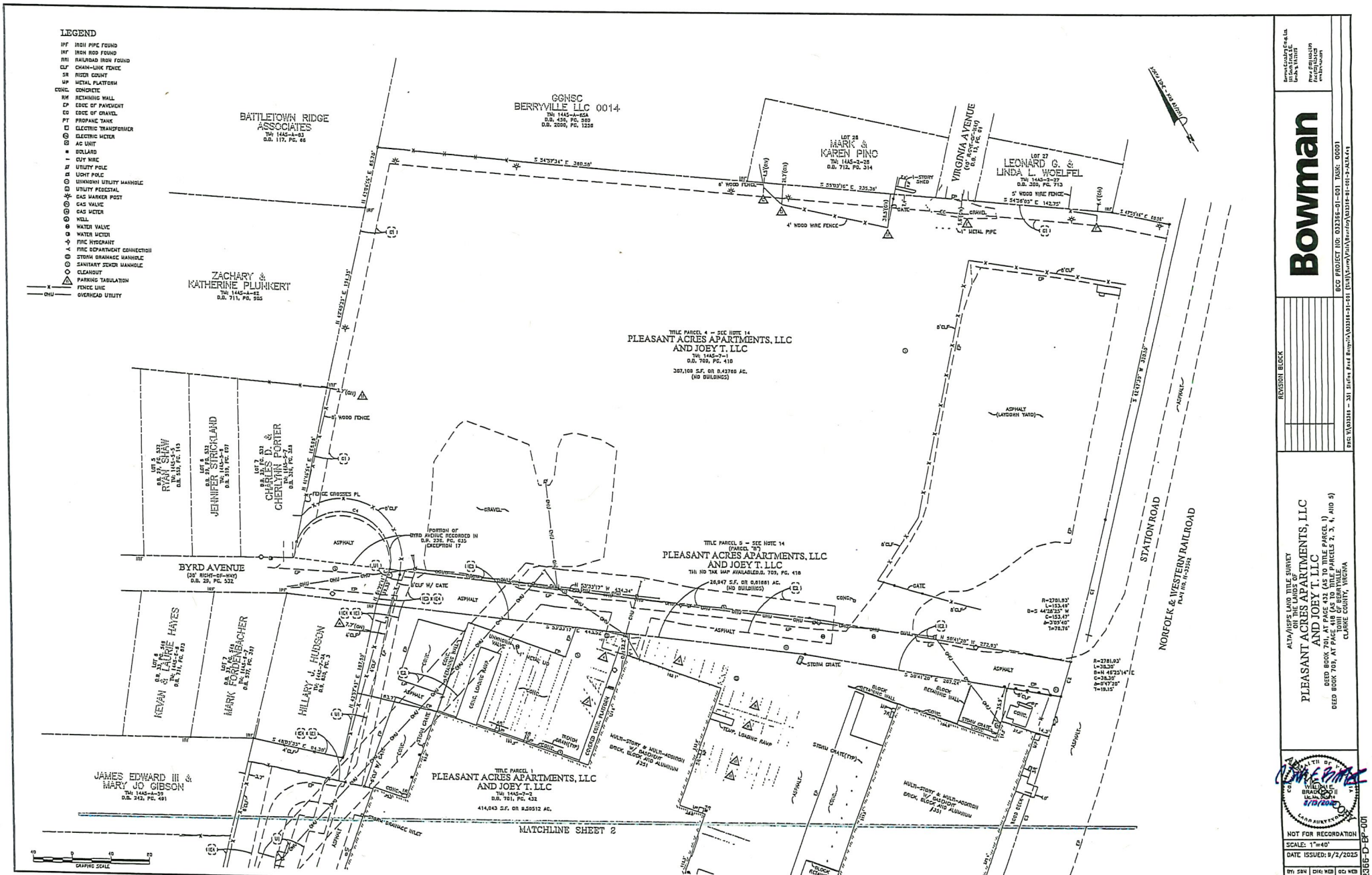
REVISION BLOCK

ALTA/NSPS LAND TITLE SURVEY
ON THE LANDS OF
PLEASANT ACRES APARTMENTS, LLC
AND JOEY T. LLC
DEED BOOK 701, AT PAGE 432 (AS TO TITLE PARCEL 1)
DEED BOOK 709, AT PAGE 418 (AS TO TITLE PARCELS 2, 3, 4, AND 5)
BERRYVILLE DISTRICT
CLARKE COUNTY, VIRGINIA

SCALE: AS NOTED
DATE ISSUED: 9/2/2025
BY: SBH CHK: WEB DCI: WEB
SHEET 1 OF 3

032366-D-ESP-001

ALTA/NSPS LAND TITLE SURVEY
OF THE LANDS OF
PLEASANT ACRES APARTMENTS, LLC
AND JOEY T. LLC
DEED BOOK 709, AT PAGE 418 (AS TO TRACTS 2, 3, 4, AND 5)
DEED BOOK 701, AT PAGE 432 (AS TO TRACT PARCEL 1)
TOWN OF BERRYVILLE
CLARKE COUNTY, VIRGINIA
NOT FOR RECORDATION
SCALE: 1"=40'
DATE ISSUED: 9/3/2025
SHEET 2 OF 3
REVISION BLOCK
Bowman
BGC PROJECT NO: 023256-01-001 TASK: 00001
LEGEND
MATCHLINE SHEET 3
NORFOLK & WESTERN RAILROAD
DEBORAH HAURER
MARIE B. PAIGE
WILLIAM J. WOODRUFF
JACOB NELSON ESTATE
BRIAN & KIMBERLY ROBEY
ALDEN & MICHELE CLAY ROMAN
DEBORAH A. DOLEMAN
ROMERO QUIJADAS
MILTON M. MATA
MARY LITCHFIELD & ERIC NICHOL REID
PLEASANT ACRES APARTMENTS, LLC AND JOEY T. LLC
JOSEPHINE STREET
BRIANNA GOODWIN
ZION BAPTIST CHURCH & PARSONAGE
THOMAS M. & ELISABETH J. SEDITA
JAMES EDWARD III & MARY JO GIBSON
JOHN E. & KATHLEEN HUDSON
ANNA YAN CHEN
COLIN R. & DEVENY WOLFORD BROWN
KENAN
HILLARY L. HUDS
MARK TOMASENSEN
GRAPHIC SCALE



Bowman

REVISION BLOCK

ALTA/NSPS LAND TITLE SURVEY
PLEASANT ACRES APARTMENTS, LLC AND JOEY T. LLC
DEED BOOK 701, AT PAGE 432 (AS TO TITLE PARCEL 1)
DEED BOOK 709, AT PAGE 418 (AS TO PARCELS 2, 3, 4, AND 5)
TOWN OF BERRYVILLE
CLARKE COUNTY, VIRGINIA

WILLIAM C. BRADFORD II
LICENSED LAND SURVEYOR
9/15/2025

NOT FOR RECORDATION
SCALE: 1"=40'
DATE ISSUED: 9/2/2025
BY: SBN | CHK: WCB | QC: WCB
SHEET 3 OF 3

BCG PROJECT NO: 032366-01-001 TASK: 00001

DWG V:\032366 - 331 Stirrup Pond Bridge\Survey\Drawings\032366-01-001-3-ALTA.dwg

032366-D-BP-001

SECTION 609 L-1 INDUSTRIAL DISTRICT

609.1 PURPOSE AND INTENT

The L-1 Industrial District is established to provide locations within the Town of Berryville for a broad range of general light-industrial uses, recreational and event venues, infill development, and employment-related businesses operating under well-governed performance standards. The specific uses permitted within the L-1 District must be in harmony with the cultural and environmental character of the Town of Berryville. No use should be permitted that might be harmful to the adjoining land uses and the residential ambience of the community at large. Adaptive reuse is encouraged in the L-1 District. Outdoor storage and heavy industrial uses are discouraged but may be permitted by special use and environmental performance review. The L-1 District recognizes and is to be applied to existing conforming industry in the Town of Berryville as of the date of adoption of this District. Existing industrial uses shall be considered as satisfying the purpose and intent of the L-1 District, but expansion of existing industrial uses shall conform to the provisions herein. **(08/16)**

609.2 PERMITTED USES **(12/94)**

(a) Auction establishments (indoor only) **(5/95)**
(b) Business and professional offices **(7/99)**
(c) Business service, supply and delivery establishments
(d) Contractor's establishments without outdoor storage
(e) Establishments for the production, processing, assembly, manufacturing, compounding, cleaning, servicing, testing and repair of materials, goods or products which conform to applicable Federal, State and local environmental performance standards or other standards referenced by the Town as related to (a) air pollution; (b) fire and explosion hazards; (c) radiation hazards; (d) electromagnetic radiation and interference hazards; (e) liquid and solid wastes hazards; (f) noise and odor standards; and (g) vibration standards.
(f) Existing or expansion of existing industrial uses in operation as of the date of adoption of this Ordinance which conform to the previous industrial zoning district requirements.
(g) Farm supply establishments
(h) Financial institutions
(i) Indoor mini-storage facilities
(j) Light manufacturing, fabrication, testing or repair establishments without outdoor storage
(k) Light warehousing establishments, without outdoor storage
(l) Light wholesale trade establishments, without outdoor storage
(m) Printing and publishing establishments
(n) Private training and vocational schools
(o) Public utilities (sub-stations, pump stations, transmission/receiving facilities and lines for telecommunications and similar uses, storage tanks, etc.)
(p) Sheet metal shops
(q) Small animal veterinary hospitals, exclusive of boarding kennels
(r) Vehicle and machinery service, and parts sales ("service" including but not limited to internal and external repair, body work, paint, car washes, etc.)

(s) Welding shops
(t) Craft beverage manufacturing **(03/18)**

609.3 SPECIAL PERMIT USES

(a) All above permitted uses requiring outdoor storage **(10/94)**
(b) Day care centers **(12/94)**
(c) Eating establishments including microbreweries, wineries, and distilleries **(05/95, 08/16)**
(d) Heliports
(e) Laundry and dry cleaning establishments
(f) Lumber yards and building materials establishments
(g) Motor freight terminals
(h) Retail sales incidental to a manufacturing, production or related use, provided that: a) the gross floor area used for retail purposes (excluding storage) shall not occupy more than five-thousand (5,000) square feet of gross floor area on any one lot, and shall not exceed twenty-five (25) percent of the total floor area for the site; and b) the areas dedicated for retail uses must be indicated on an approved site plan. The provisions of this Section shall not apply to those permitted or special permit uses for which retail sales are a primary activity. **(12/07)**
(i) Scientific research, development, and training establishments
(j) Service stations
(k) Vehicle and machinery sales and rentals
(l) Recreation, commercial indoor **(06/10)**
(m) Retreat and conference centers **(08/16)**
(n) Residential lofts and apartments **(08/16)**
(o) Wholesale/retail food hubs **(08/16)**
(p) Commercial kitchens **(08/16)**
(q) Hotels, motels, and accommodations **(08/16)**
(r) Short-term rentals **(10/23)**

609.4 PROHIBITED USES

The specific uses which follow shall not be permitted in the L-1 District:

(a) Asphalt mixing plants
(b) Blast furnaces
(c) Boiler works
(d) Bulk storage of flammable materials
(e) Coal, wood or wood distillation
(f) Concrete mixing and batching products
(g) Extraction or mining of rocks and minerals
(h) Garbage incineration
(i) Junk yards
(j) Landfills
(k) Manufacture of ammonia, chlorine, fertilizer, lime, cement, fireworks, explosives, soaps, acids, pesticides, herbicides or insecticides
(l) Metal foundries and smelting
(m) Petroleum, asphalt or related product refining
(n) Rendering plants
(o) Slaughterhouses

(p) Stockyards
(q) Tanning and curing of skins
(r) Any other similar use which in the opinion of the Town Council might be injurious or noxious by reason of odor, fumes, dust, smoke, vibration, noise or other cause

609.5 MAXIMUM LOT COVERAGE

(12/91) The maximum lot coverage—including buildings, streets, parking spaces, driveways, loading areas and all other impervious surfaces—shall not be greater than seventy-five percent (75%) of the area of an L-1 lot.

609.6 MINIMUM DISTRICT SIZE

The minimum district size shall be four (4) acres.

609.7 LOT SIZE REQUIREMENTS AND BULK REGULATIONS

(a) Minimum lot area: 30,000 square feet
(b) Minimum lot width: 125 feet
(c) The maximum building height shall be forty (40) feet, except in particular instances the Town Council may, upon recommendation from the Planning Commission or its agent, modify the maximum building height.
(d) Minimum yard requirements
  (1) Front yard: 50 feet
  (2) Side yard: 25 feet (except where side yard abuts a public right-of-way the side yard shall be 50 feet) **(5/94)**
  (3) Rear yard: 50 feet **(5/94)**

609.8 OPEN SPACE

(a) An open space plan and landscape design program shall be submitted with applications for any land use governed by this District.
(b) Twenty five percent (25%) of the site shall be landscaped open space. Landscaping may be limited to setback areas and unused portions.

609.9 PARKING, PARKING ACCESS AND DRIVEWAYS

(a) No parking space shall be located closer than fifteen (15) feet from any common property line.
(b) Where lot is contiguous to property located in any district other than the L-1, I, C-1 or C-2 District, no parking space shall be closer than 40 feet from such property line. **(5/94)**
(c) All parking requirements shall be met by off-street, on-site spaces and shall include designated spaces for the handicapped and elderly.
(d) Refer to Section 305 for additional off-street parking requirements.

609.10 SETBACK, BUFFERING AND LANDSCAPING

(a) Where an L-1 lot is contiguous to property located in a district other than an L-1, I, C-1 or C-2 District, all buildings shall have a minimum 60-foot setback from lot lines. In particular instances the Town Council may waive the 60-foot setback requirement, upon recommendation from the Planning Commission. **(5/94)**

(b) Where an L-1 lot is contiguous to property located in a district other than an L-1, I, C-1 or C-2 District, a landscaped buffer strip of 30 feet in width shall be provided, with landscape materials and placement subject to final plan approval. Where contiguous to a C-1 or C-2 District property, the landscaped buffer strip shall be 15 feet. Approved fencing or additional buffering may be used in lieu of landscaping. **(5/94)**

609.11 STORAGE OF GOODS, MATERIALS, FUEL AND REFUSE

(a) The outdoor area devoted to storage, loading and display of goods shall be limited to that area so designated on an approved site plan.

(b) All equipment and materials shall be contained entirely within a building or screened from public rights-of-way and contiguous properties that are in land uses other than industrial in nature.

(c) Any establishment involved with the storage of fuel for sale, or for other purposes, shall be permitted only if the fuel is stored underground, except where otherwise permitted under provisions granted and stipulations required by the Town Council.

(d) All refuse shall be contained in completely enclosed facilities and shall be screened.

609.12 STREET ENTRANCES

(a) On a corner lot, no street entrance shall be located closer than 60-feet to the curb line extended from the intersecting street. This distance may be increased with respect to the types and turning radii of vehicles using the site.

(b) No street entrance shall be located closer than 30 feet to a side or rear lot line, unless a common street entrance serves adjacent uses, and in no instance shall the distance between separate street entrances serving adjacent uses be less than 60 feet. The maximum width of such street entrances shall not exceed thirty feet (30').

(c) A freestanding use shall have no more than two street entrances on any single right-of-way, and such street entrances shall have a minimum distance of 90 feet between them.

609.13 SITE PLAN REQUIREMENTS AND PERFORMANCE STANDARDS

(a) All uses shall be subject to final site plan approval.

(b) Any L-1 District land use application which is not in strict compliance with the pre-existing approved master site plan and preliminary plat for the district shall require an amendment to that master site plan and preliminary plat prior to site plan approval of the specific use.

(c) Master site plans and preliminary plats for L-1 Districts shall include provisions for:

(1) adequate public facilities;
(2) development phasing;
(3) stormwater management facilities to address the ultimate development coverage within the district;
(4) lighting and signing; and
(5) other special features and land use considerations deemed necessary to serve the industrial district.

(d) Applications for all uses subject to special use permits shall be accompanied by a report indicating the compliance with and use compatibility issues related to the Town's applicable performance standards.

609.14 ADDITIONAL REQUIREMENTS

(a) Public Streets within the L-1 District shall be constructed to industrial road standards as determined by the Town Council or its agent. Sidewalks may be required on one or both sides of the street.

(b) Common property ownership agreements and covenants for L-1 District developments shall be reviewed and approved by the Town Council or its agent.

(c) Refer to Section 306 for off-street loading requirements.

(d) Refer to Sections 301-304 for general regulations and other provisions which may supplement those cited herein.

(e) Refer to specific Overlay Zoning districts, where applicable.

SECTION 503 - SPECIAL USE PERMIT

503.1 PROVISIONS FOR SPECIAL USE PERMITS

(a) In consideration of an application filed with the Zoning Administrator, the Council may, after a public hearing, authorize the establishment of those uses that are expressly listed as Special Permit uses in a particular zoning district.

(b) In addition to all applicable conditions and requirements of this Ordinance, the Council may impose any conditions deemed appropriate in the public interest to secure compliance with the provisions of this Ordinance.

(c) Once a Special Use Permit is granted, the use shall not be enlarged, extended, increased in intensity or relocated unless authorized by the Council.

(d) Whenever a Special Use Permit is granted by the Council, the authorized activities shall be established within one (1) year of the date of approval, or such Special Use Permit shall expire without notice.

(e) Should the owner or operator of the use covered by the Special Permit fail to observe all requirements of law with respect to the maintenance and conduct of the use and all permit conditions, the Council may, after due notice to permit holder and a public hearing, revoke the Special Use Permit.

503.2 APPLICATIONS

An application for a Special Use Permit may be submitted by the property owner of record, tenant, or contractor owner.

503.3 APPLICATION REQUIREMENTS

Applications for Special Use Permits shall be accompanied by seven (7) copies of the following items:

(a) Letter of request, signed by property owner and applicant, outlining complete details of special use desired.

(b) Site development plan.

(c) Floor plan, front, side, and rear elevations of proposed new buildings.

(d) Certified house location plat.

(e) Information deemed necessary by the Zoning Administrator.

(f) Applicable filing fee.

503.4 APPLICATION PROCEDURE

(a) Application submitted to Zoning Administrator, which shall be referred to the Planning Commission for recommendation, and a public hearing shall be scheduled by the Town Council.

(b) Review by the Planning Commission (public hearing if desired) and recommendation to Town Council.

(c) Public hearing by Town Council.

(d) Town Council action (In acting upon the application, the Town Council shall consider the following, among other relevant factors):

1. The health, safety, and welfare of the general public.
2. Physical and visual impact on adjoining and abutting properties.
3. Adequate utilities, drainage, parking, and other necessary facilities to serve the proposed use.

4. Compliance with the adopted master plan.
5. Environmental compatibility.
6. Community sentiment.

(e) Applicant to be notified by Zoning Administrator of Town Council action.

SECTION 504 - SCHEDULE OF FEES, CHARGES, AND EXPENSES

504.1 The Town Council shall establish, by resolution, a schedule of fees, charges, and expenses and collection procedures for zoning permits, certificates of use and occupancy, special permits, variances, appeals, amendments, and other matters pertaining to this Ordinance.

504.2 The schedule of fees shall be available for inspection in the office of the Zoning Administrator and may be altered or amended by the Governing Body by resolutions. Until all application fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

April 27, 2026

Mr. & Mrs. Zachary Plunkert
214 South Church St
Berryville, VA 22611

Town of Berryville Planning Commission
101 Chalmers Court, Ste A
Berryville, VA 22611

Dear Town of Berryville Planning Commission,

We are writing to express our opposition to the proposed special use permit for Belfort Furniture. One of the defining qualities of Berryville is its small, close-knit character—something that many of us chose deliberately and work hard to preserve.

As past customers of Belfort Furniture, we are familiar with their business and appreciate what they offer. However, we do not believe this proposal is a good fit for our town. We are fortunate to have already many well-loved local furniture options, including Hip & Humble, which reflect the unique character and scale of our community.

What makes our town special is the everyday sense of community—children riding their bikes downtown, families walking together, and neighbors who know and engage with one another. This is the environment we value and intentionally chose when we moved here from Loudoun County several years ago. Having lived in Loudoun for 25 years, I saw firsthand how increased commercial development and traffic can change the character of a place, often permanently.

Approving this permit would likely bring a significant increase in vehicle traffic, particularly from delivery trucks and out-of-town customers. Our roads are not designed to handle that level of congestion, and the resulting traffic would diminish safety, increase noise, and erode the quiet, walkable environment that residents value.

Growth and development should be carefully aligned with our community's scale and infrastructure. This proposal, in contrast, risks altering the very character that makes our town special.

We respectfully urge the Commission to consider these impacts and deny the special use permit.

Sincerely,

Mr. & Mrs. Zachary Plunkert

Town Council of BERRYVILLE, VA

PUBLIC HEARING NOTICE

The Town Council of Berryville, VA will hold the following public hearings at 7:00 p.m., or as soon after as these matters may be heard, on **Tuesday, June 9, 2026**, in the Main Meeting Room, Second Floor, of the Berryville/Clarke County Government Center, 101 Chalmers Court, Berryville, Virginia to consider the following:

Beach Carpenter Properties LLC, Jon K. Erickson, agent, is requesting a Special Use Permit in order to allow vehicle sales (Section 609.3(k) of the Town of Berryville Zoning Ordinance) on the property located at 29 Cattleman's Lane, identified as Tax Map Parcel number 14A3-((A))-17A, zoned L-1 Industrial. SUP 02-26

Belfort Furniture, Inc., is requesting a Special Use Permit in order to allow a retail sales (Section 609.3(h) of the Town of Berryville Zoning Ordinance) on the property located at 351 Station Road, identified as Tax Map Parcel number 14A5-((7))-1, 14A5-((7))-2, and 14A5-((A))-56 zoned L-1 Industrial. SUP 01-26

Copies of the applications, amendments, and maps may be examined at the Town Business Office, Berryville/Clarke County Government Center (101 Chalmers Court), First Floor, Berryville, Virginia during regular business hours. Additional information may be obtained by calling Community Development Director Terry Russell at 540 955-4081. Any person desiring to be heard on these matters should appear at the appointed time and place.

The Town of Berryville does not discriminate against disabled persons in admission or access to its programs and activities. Accommodations will be made for disabled persons upon prior request.

By order of the Town Council of Berryville, VA
Terry Russell, Community Development Director

MINUTES

BERRYVILLE TOWN COUNCIL

Regular Meeting
May 12, 2026
7:00 p.m.

A meeting of the Berryville Town Council was held on Tuesday, May 12, 2026, at 7:00 p.m. at the Berryville-Clarke County Government Center in Berryville.

Town Council

Present: Harry Lee Arnold, Jr., Mayor; Erecka L. Gibson, Vice Mayor; William Steinmetz; Paul Perez; Grant Mazzarino; Ryan Tibbens.

Absent:

Staff

Present: Keith Dalton, Town Manager; Jean Petti, Deputy Town Manager; Brandel Kelsey, Town Clerk; Terry Russell, Community Development Director; Cindy Poulin, Director of Finance; Chief Jason Winner, Berryville Police Department

Press Mickey Powell, Winchester Star

Other David Frank, Pennoni Engineering; Mike Artz, Pennoni Engineering

1. Call to Order
Mayor Harry Lee Arnold, Jr. called the meeting to order at 7:00 p.m.

2. Pledge of Allegiance
Mayor Arnold invited all those assembled to stand for the Pledge of Allegiance.

3. Approval of Agenda
William Steinmetz moved to approve the agenda as presented. The motion passed by voice vote.

4. Presentations, Awards, and Recognitions
None.

5. Public Hearings
Proposed Fiscal Year 2026-2027 Budget

Director of Finance Cindy Poulin reviewed the highlights of the proposed Fiscal Year 2026-2027 Budget which is attached.
No public comment was received.

Proposed renewal of lease with New Cingular Wireless PCS, LLC for improvements on and around the elevated water tower at 201 Tom Whitacre Circle
Town Manager Keith Dalton reviewed the proposed fourth amendment to the lease with New Cingular Wireless PCS, LLC on the elevated water tower at 201 Tom Whitacre Circle. The proposed monthly rental amount would $4,525.00 with annual increase over the next five years as follows: $150 for the first year, followed by increases of $155, $160, $165, $170 in the subsequent years.
No public comment was received.

Proposed text amendment to Zoning Ordinance 509 TA26-02
Director of Community Development Terry Russell reviewed the proposed text amendment to Section 509 of the Zoning Ordinance, TA26-06 witched is attached.
No public comment was received.

6. Discussion of Public Hearing Items
Proposed Fiscal Year 2026-2027 Budget
No action was taken.

Proposed renewal of lease with New Cingular Wireless PCS, LLC for improvements on and around the elevated water tower at 201 Tom Whitacre Circle
Mr. Steinmetz moved that the Council of the Town of Berryville approve the attached water tank site lease agreement between the Town of Berryville and New Cingular Wireless OCS, LLC—Northwest Elevated Tower and authorize the town manager to execute the agreement on behalf of the Town. Motion passed by voice vote.

Proposed text amendment to Zoning Ordinance 509 TA26-02
Paul Perez moved that the Council of the Town of Berryville adopt the attached ordinance amending Section 509 of the Zoning Ordinance. Motion passed by voice vote.

7. Citizens' Forum
Rick Figert who lives in Hermitage addressed the Council regarding concerns with the bioretention area on his property. He stated he has been communicating with Deputy Town Manager Jean Petti. He expressed concerns about having features on his property over which he has no control. He questioned why the area was not designated as a common area rather than included within individual property boundaries and expressed concern about paying taxes on property he cannot use. He also inquired about what would occur if the homeowners association (HOA) were dissolved. Mrs. Petti explained that the Virginia Department of Environmental Quality (DEQ) approved both the bioretention plan and the forebay as it exists. They have released DR Horton from their construction permit obligations in January. Per DEQ, site meets all required design standards. Once the

construction permit was released, maintenance responsibility transferred to the HOA. Mayor Arnold stated that the HOA would not be able to dissolve without approval from the Town Council and indicated that the Council generally does not support such requests.

8. Consent Agenda
Ryan Tibbens moved to approve the consent agenda as presented. The motion passed by voice vote.

9. Unfinished Business
Discussion/Action- West Fairfax Improvement TAP Project
Mr. Russell provided an overview of the West Fairfax Improvement Transportation Alternatives Program (TAP) project which includes construction of curb, gutter and sidewalk improvements along the north side of West Fairfax Street.
Mr. Dalton spoke about the increase in project costs since the original award. At the time the project was awarded, the total estimated cost was approximately $1,301,875 under an 80/20 funding split. TAP funding in the amount of $1,041,500 was committed, with the Town responsible for approximately $260,375. The revised project estimate has increased to $1,781,398, increasing the Town's share to approximately $739,898. Mr. Dalton stated there is a possibility that VDOT may identify additional funding assistance; however, the process is highly competitive. VDOT requires certification from the Town acknowledging awareness of the revised project budget and the Town's willingness to fund its portion of the project. He also noted there may be an opportunity to add a turn lane to the project at an estimated additional cost of approximately $60,000, which is not included in the current estimate and would be at Town expense.
David Frank of Pennoni discussed the updated budget estimate, explaining that the original estimate was based on a 20% design plan, while current estimate reflects an approximately 88% completed design. He noted that stormwater improvements, right-of-way acquisition, and rock removal are the three primary factors contributing to the increased costs.

Mr. Tibbens moved that the Council of the Town of Berryville authorize the town manager to sign and send the attached letter evidencing the Town's commitment to fund its portion of the West Fairfax Street Sidewalk Improvements Project. Motion passed by voice vote. Mayor Arnold abstained.

10. New Business
None.

11. Council Member Reports
Mayor Arnold called on members of the Council and provided them an opportunity to speak on non-agenda items of their choosing.

Mr. Perez stated that the Public Works Department has done an outstanding job with maintenance efforts in Ward 2, particularly at Rose Hill Park, and noted that staff are consistently friendly and professional.

Mr. Tibbens thanked Chief Jason Winner and Police Officer Amy Hernandez Benavides for speaking with the Cub Scouts. He also commented that the cleanup efforts on Dorsey Street looked excellent and thanked Public Works, Town staff and FUOG-Interbuild for their efforts.

Vice Mayor Gibson stated that she participated in the Apple Blossom Parade representing the Town of Berryville.

Mayor Arnold noted that the first Farmers Market of the season was held the previous weekend and was very successful.

12. Staff Reports

Public Works

Mr. Dalton stated that recruitment efforts are underway for the position of Public Works Director.

Community Development

Set public hearing: Beach Carpenter Properties LLC, Jon K. Erickson, agent, is requesting a Special Use Permit in order to allow vehicle sales (§609.3(k) of the Town of Berryville Zoning Ordinance) on the property located at 29 Cattleman's Lane, identified as Tax Map Parcel number 14A3-((A))-17A, zoned L-1 Industrial. SUP 02-26

Mr. Perez moved that the Council of the Town of Berryville set a public hearing on the Beach Carpenter Properties (29 Cattleman's Lane) special use permit request for June 9, 2026 at 7:00 p.m., or as soon thereafter as the matter may be heard. Motion passed by voice vote.

Set a public hearing: Belfort Furniture, Inc., is requesting a Special Use Permit in order to allow retail sales (§609.3(h) of the Town of Berryville Zoning Ordinance) on the property located at 351 Station Road, identified as Tax Map Parcel number 14A5-((7))-1, 14A5-((7))-2, and 14A5-((A))-56 zoned L-1 Industrial. SUP 01-26

Mr. Russell explained the basis for the request. Matt Hubert, President of Belfort Furniture, addressed the Council and answered questions regarding the proposal.

Vice Mayor Gibson moved that the Council of the Town of Berryville set a public hearing on the Belfort Furniture, Inc. (351 Station Road) special use permit request for June 9, 2026 at 7:00 p.m., or as soon thereafter as the matter may be heard. Motion passed by voice vote.

Administration and Finance

Discussion/Action: Investment of Town Reserves

Mrs. Poulin reviewed the proposed investment of Town reserves. Mr. Dalton discussed the balance between long-term and short-term investment strategies related to the General Fund and responded to questions from Council members. The overview of the investment plan is attached.

Vice Mayor Gibson moved that the Council of the Town of Berryville approve the attached investment plan. She further moved that the town manager be authorized to open accounts as needed to implement the

plan; provided that the Council receive a comprehensive report providing information on account changes by May 29, 2026. Motion passed by voice vote.

Town Manager
Discussion/Action- Pedestrian Bridge in Rose Hill Park
The matter was referred to the Community Development Committee for further review and recommendation. The committee was directed to provide Council with a recommended course of action at their September 9, 2026 meeting.

13. Committee Updates
Mayor Arnold recognized the chairs of the standing committees of the Town Council for updates.

Budget and Finance Committee

Community Development Committee & Streets and Utilities Committee
Mr. Tibbens stated the next meeting is scheduled for May 26, 2026.
Mr. Perez commented that the Public Works crew did an excellent job painting curbs and parking spaces throughout Town.

Personnel, Appointments, and Policy
Brandel Kelsey stated the next meeting is scheduled for May 18, 2026, and will include interviews with potential applicants for the Planning Commission and Tree Board.

Public Safety

14. Other
None.

15. Closed Session
None.

16. Adjourn
The Council adjourned at 8:56 p.m. on a motion by Vice Mayor Gibson.

_____ _____
Erecka L. Gibson, Vice Mayor Brandel Kelsey, Town Clerk

BERRYVILLE TOWN COUNCIL PERSONNEL, APPOINTMENTS, AND POLICY COMMITTEE
Berryville-Clarke County Government Center
MINUTES
May 18, 2026

A meeting of the Berryville Town Council Personnel, Appointments, and Policy Committee occurred at 2:00 p.m. in the Berryville-Clarke County Government Center, located at 101 Chalmers Court in Berryville, Virginia.

Attendance:
Members of the committee: Mayor Jay Arnold, Chair; Vice Mayor Erecka Gibson

Staff participating: Terry Russell, Community Development Director

1. Call to Order
Mayor Arnold called the meeting to order at 2:00 p.m.

2. Approval of Agenda
Vice Mayor Gibson moved to approve the agenda. The motion passed by consensus.

3. Closed Session
Vice Mayor Gibson moved that the Personnel Committee of the Council of the Town of Berryville enter closed session in accordance with §2.2-3711-A-1 of the Code of Virginia, for discussion, consideration, or interviews of prospective candidates for appointment. The motion passed by consensus.

The committee returned to open session at 3:00 p.m. upon the approval of the attached motion read by Vice Mayor Gibson.

The consensus of the committee was to recommend to the full Town Council that Mr. Skillman be appointed to the Planning Commission, and that Mr. Donner be appointed to the Tree Board.

6. Other
None.

7. Adjourn
The meeting adjourned by consensus at 3:12 p.m. on a motion by Vice Mayor Gibson.

Town of Berryville

Personnel, Appointments, and Policy Committee

MOTION TO ENTER CLOSED SESSION

Date: May 18, 2026

MOTION BY:

I move that the Personnel Committee of the Council of the Town of Berryville enter closed session in accordance with §2.2-3711.A.1 of the Code of Virginia, for discussion, consideration, or interviews of prospective candidates for appointment.

VOTE:

Aye:

Nay:

Absent:

Abstain:

ATTEST

_____

Erecka Gibson, Vice Mayor

Town Council

Motion

CLOSED SESSION RESOLUTION

DATE: May 18, 2026

MOTION BY:

I move that the Personnel Committee of the Council of the Town of Berryville adopt the following resolution certifying it has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act:

Resolution

WHEREAS, Section 2.2-3712.D of the Code of Virginia requires a certification by this Council that such closed meeting was conducted in conformity with Virginia law,

NOW, THERFORE, BE IT RESOLVED that the Council hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Council.

VOTE:

AYE:

NAY:

ABSENT:

ABSTAIN:

ATTEST:

_____

Erecka Gibson, Vice Mayor

BERRYVILLE TOWN COUNCIL COMMUNITY DEVELOPMENT / STREETS AND UTILITIES COMMITTEE MINUTES

Berryville-Clarke County Government Center
101 Chalmers Court, Berryville, VA 22611
Tuesday
May 26, 2026
3:30 pm

Members of the committee present: Ryan Tibbens; Paul Perez

Absent: None

Staff present: Jean Petti, Deputy Town Manager; Terry Russell, Community Development Director; Brandel Kelsey, Town Clerk

Press: None

1. Call to Order
Paul Perez called the meeting to order at 3:31 p.m.

2. Approval of Agenda
The agenda was approved by consensus on a motion by Ryan Tibbens.

3. Unfinished Business
John Rixey Moore municipal parking lot and Livery Stable update
Deputy Town Manager Jean petti gave updates on the John Rixey Moore municipal parking lot and Livery Stable

Pedestrian Bridge in Rose Hill Park
Mrs. Petti updated the Committee on the planned bridge replacement project in Rose Hill Park.

4. New Business
Special Events regulations
Committee asked that staff make a few new changes to the regulations and then bring back to committee for additional review.

Sec. 10-49. Parking of commercial vehicles in residential areas.

Sec. 10-50. Parking and storage of travel trailers, boats etc., in residential areas.
Mr. Tibbens moved to have the updated Sec. 10-49 and 10-50 be presented to Council.

Southern gateway speeding concerns
Committee asked to have updates made and brought back to committee.

Donations-gifts acceptance policy
Mrs. Petti explained that staff would like a protocol for accepting or denying gifts given to the Town.

Drought response
Mrs. Petti said the river levels have no impact on the Town's water system, there are two intakes that are working as designed.

5. Other
None.

7. Adjournment
The meeting adjourned at 5:48 p.m. on a motion by Mr. Tibbens.

Town Council Report
9 June 2026

Item Title
Budget FY 2026-2027

Prepared By
Jean Petti

Attachments

1. Draft budget FY 2026-2027
2. Motion to adopt budget FY 2026-2027

Recommendation

Approve the draft budget as presented.

FY 26-27 BUDGET REVENUES

Account Number	Account Description	FY25-26 APPROVED 2025-2026	FY26-27 DRAFT 2026-2027
	GENERAL FUND		
	FUND BALANCE		
100-3000000-0000	FUND BALANCE FORWARD	$ 535,000.00	$ 546,750.00
	TOTAL FUND BALANCE	$ 535,000.00	$ 546,750.00
	REVENUE FROM LOCAL SOURCES		
100-3110101-0000	CURRENT REAL ESTATE TAXES	$ 1,365,000.00	$ 1,390,000.00
100-3110102-0000	DEL REAL ESTATE TAXES	$ -	$ -
100-3110201-0000	UTILITY REAL ESTATE TAXES	$ 11,500.00	$ 11,500.00
100-3110301-0000	CURRENT PERS PROP TAXES	$ 650,000.00	$ 660,000.00
100-3110302-0000	DEL PERS PROP TAXES	$ -	$ -
100-3110303-0000	REFUSE COLLECTION(EXTRA TOTERS)	$ 14,000.00	$ 15,000.00
100-3110401-0000	MACHINERY & TOOLS	$ 240,000.00	$ 325,000.00
100-3110601-0000	TAX PENALTIES	$ 8,000.00	$ 8,000.00
100-3110602-0000	TAX INTEREST	$ 4,000.00	$ 4,000.00
	TOTAL REV FROM LOCAL SOURCES	$ 2,292,500.00	$ 2,413,500.00
	OTHER LOCAL TAXES		
100-3120101-0000	LOCAL SALES TAX	$ 375,000.00	$ 395,000.00
100-3120201-0000	CONSUMER UTILITY TAX	$ 110,000.00	$ 120,000.00
100-3120300-0000	BUSINESS LICENSE	$ 290,000.00	$ 240,000.00
100-3120402-0000	REC FRANCHISE FEES	$ 43,000.00	$ 43,000.00
100-3120501-0000	AUTO LICENSE	$ 110,000.00	$ 110,000.00
100-3120601-0000	BANK FRANCHISE TAXES	$ 225,000.00	$ 250,000.00
100-3120801-0000	CIGARETTE TAX (10¢)	$ 14,000.00	$ 10,000.00
100-3121001-0000	LODGING TAX (2%)	$ 12,000.00	$ 13,000.00
100-3121101-0000	MEALS TAX (4%)	$ 440,000.00	$ 475,000.00
	TOTAL OTHER LOCAL TAXES	$ 1,619,000.00	$ 1,656,000.00
	PERMITS, FEES & LICENSES		
100-3130304-0000	LAND USE APPLICATION FEES	$ 1,000.00	$ 1,000.00
100-3130307-0000	ZONING & SUBDIVISION FEES	$ 12,000.00	$ 12,000.00
	TOTAL PERMITS, FEES & LICENSES	$ 13,000.00	$ 13,000.00
	FINES & FORFEITURES		
100-3140101-0000	COURT FINES	$ 14,000.00	$ 15,000.00
100-3140102-0000	PARKING METER FINES	$ 1,000.00	$ 2,000.00
100-3140103-000	ESUMMONS	$ 500.00	$ 500.00
	TOTAL FINES & FORFEITURES	$ 15,500.00	$ 17,500.00
	REVENUE FROM MONEY OR PROP		
100-3150101-0000	INTEREST ON DEPOSITS/INVESTMENTS	$ 160,000.00	$ 150,000.00

DRAFT

Account Number	Account Description	FY25-26 APPROVED 2025-2026	FY26-27 DRAFT 2026-2027
100-3150201-0000	RENTAL OF PROPERTY	$ 14,000.00	$ 14,500.00
100-3150205-0000	WATER TANK SITE LEASE	$ 100,000.00	$ 102,000.00
100-3150206-0000	CHARGE CARD REBATE	$ 20,000.00	$ 18,000.00
	TOTAL FROM MONEY OR PROP	$ 294,000.00	$ 284,500.00
	CHARGES FOR SERVICES		
100-3160703-0000	PARKING METERS	$ 11,000.00	$ 10,000.00
100-3161502-0000	SALE OF PUBLICATIONS	$ -	$ -
	TOTAL CHARGES FOR SERVICES	$ 11,000.00	$ 10,000.00
	MISCELLANEOUS REVENUES		
100-3189905-0000	SALE OF SURPLUS	$ 5,000.00	$ 5,000.00
	TOTAL MISC REVENUES	$ 5,000.00	$ 5,000.00
	TOTAL LOCAL REVENUES	$ 4,785,000.00	$ 4,946,250.00
	REVENUE FROM THE COMMONWEALTH		
	NON-CATEGORICAL AID		
100-3220107-0000	ROLLING STOCK TAX	$ 2,000.00	$ 2,100.00
100-3189999-0000	PPTRA	$ 209,917.00	$ 209,917.00
100-3220110-0000	CAR RENTAL DISTRIBUTION	$ -	$ 3,000.00
100-3220201-0000	COMMUNICATION TAX	$ 62,000.00	$ 62,000.00
	TOTAL NON-CATEGORICAL AID	$ 273,917.00	$ 277,017.00
	CATEGORICAL AID		
100-3220108-0000	599 LAW ENFORCEMENT GRANT	$ 98,000.00	$ 100,000.00
100-3240103-0000	LE BLOCK GRANT	$ 1,000.00	$ 1,000.00
100-3240201-0000	FIRE FUND PROGRAM	$ 15,250.00	$ 15,000.00
100-3240300-0000	VDOT LANE MILE ALLOWANCE	$ 725,000.00	$ 750,000.00
100-3240301-0000	VDOT PRIM RD SNOW REMOVAL REIMB	$ 60,000.00	$ 60,000.00
100-3240302-0000	LITTER CONTROL GRANT	$ 4,500.00	$ 4,100.00
100-3240312-0000	VA COMMISSION FOR THE ARTS	$ 4,500.00	$ 4,500.00
100-3240710-0000	DMV ANIMAL FRIENDLY PLATES	$ -	$ -
	TOTAL CATEGORICAL AID	$ 908,250.00	$ 934,600.00
	TOTAL FROM THE COMMONWEALTH	$ 1,182,167.00	$ 1,211,617.00
	REVENUE FROM THE FEDERAL GOVERNMENT		
	CATEGORICAL AID		
100-3340102-0000	FEDERAL FIRE FUND PROGRAM	$ -	$ -
100-3340311-0000	FEDERAL EMERGENCY R&R	$ -	$ -

DRAFT

Account Number	Account Description	FY25-26 APPROVED 2025-2026	FY26-27 DRAFT 2026-2027
	TOTAL CATEGORICAL AID	$ -	$ -
	TOTAL FROM FEDERAL GOVERNMENT	$ -	$ -
	REVENUE FROM OTHER SOURCES		
	NON-REVENUE RECEIPTS		
100-3410201-0000	MISCELLANEOUS REVENUES	$ 1,000.00	$ 1,000.00
	TOTAL FROM OTHER SOURCES	$ 1,000.00	$ 1,000.00
	TOTAL FROM OTHER SOURCES	$ 1,000.00	$ 1,000.00
	TOTAL GENERAL FUND REVENUES	$ 5,968,167.00	$ 6,158,867.00
	WATER FUND		
	FUND BALANCE		
501-3000000-0000	FUND BALANCE	$ -	$ 341,942.00
	TOTAL FUND BALANCE	$ -	$ 341,942.00
	REVENUE FROM MONEY OR PROP		
501-3150102-0000	INTEREST ON DEPOSITS/INVESTMENTS	$ 150,000.00	$ 160,000.00
	TOTAL FROM USE OF MONEY OR PROP	$ 150,000.00	$ 160,000.00
	CHARGES FOR SERVICES		
501-3160110-0000	TREATMENT FEES	$ 1,635,000.00	$ 1,790,000.00
501-3160111-0000	DELINQUENT ACCT PENALTIES	$ 45,000.00	$ 45,000.00
501-3160113-0000	AVAILABILITY CHARGES	$ 172,000.00	$ 88,750.00
501-3160114-0000	CONNECTION CHARGES	$ -	$ -
501-3160115-0000	METER FEES	$ 3,250.00	$ 1,625.00
501-3160116-000	LOAN PROCEEDS	$ 5,000,000.00	$ 7,150,000.00
	TOTAL CHARGES FOR SERVICES	$ 6,855,250.00	$ 9,075,375.00
	TOTAL WATER FUND	$ 7,005,250.00	$ 9,577,317.00
	SEWER FUND		
	FUND BALANCE		
502-3000000-0000	FUND BALANCE	$ 390,000.00	$ 500,213.00
	TOTAL FUND BALANCE	$ 390,000.00	$ 500,213.00
	REVENUE FROM MONEY OR PROP		

DRAFT

Account Number	Account Description	FY25-26 APPROVED 2025-2026	FY26-27 DRAFT 2026-2027
502-3150101-0000	INTEREST ON DEPOSITS/INVESTMENTS	$ 110,000.00	$ 150,000.00
	TOTAL REVENUE FROM MONEY OR PROP	$ 110,000.00	$ 150,000.00
	CHARGES FOR SERVICES		
502-3160110-0000	TREATMENT FEES	$ 2,145,000.00	$ 2,225,000.00
502-3160112-0000	SECURITY DEPOSITS	$ -	$ -
502-3160113-0000	AVAILABILITY CHARGES	$ 184,680.00	$ 92,295.00
	TOTAL CHARGES FOR SERVICES	$ 2,329,680.00	$ 2,317,295.00
	REVENUE FROM OTHER SOURCES		
	NON-REVENUE RECEIPTS		
502-3410401-0000	VRA LOAN	$ -	$ -
502-3410402-0000	WQIF Grant	$ -	$ -
502-3410404-0000	NUTRIENT CREDIT REBATE	$ 500.00	$ 500.00
	TOTAL NON-REVENUE RECEIPTS	$ 500.00	$ 500.00
	TOTAL FROM OTHER SOURCES	$ 500.00	$ 500.00
	TOTAL SEWER FUND	$ 2,830,180.00	$ 2,968,008.00
	TOTAL REVENUES ALL FUNDS	**$ 15,803,597.00**	**$ 18,704,192.00**

DRAFT

FY 26-27 BUDGET EXPENSES

Account Number	Account Description	FY25-26 APPROVED 2025-2026	FY26-27 DRAFT 2026-2027
	GENERAL FUND		
	TOWN COUNCIL		
100-4011100-1111	EXPENSE COMPENSATION	$ 18,900.00	$ 18,900.00

Account Number	Account Description	FY25-26 APPROVED 2025-2026	FY26-27 DRAFT 2026-2027
100-4011100-2100	MATCHING FICA EXPENSE (7.65 %)	$ 1,450.00	$ 1,450.00
100-4011100-5540	TRAINING	$ 1,000.00	$ 1,000.00
100-4011100-5699	LOCAL CONTRIBUTIONS	$ 2,500.00	$ 2,500.00
100-4011100-5800	MISCELLANEOUS	$ 2,500.00	$ 2,500.00
100-4011100-5810	DUES	$ 3,500.00	$ 4,300.00
100-4011100-6017	TOWN CODE SUPPLEMENTS	$ 2,000.00	$ 2,000.00
100-4011100-6018	STATE CODE SUPPLEMENTS	$ -	$ -
	TOTAL TOWN COUNCIL	$ 31,850.00	$ 32,650.00
	TOWN CLERK		
100-4011200-1114	SALARIES/WAGES/TNCLK	$ 50,000.00	$ 55,000.00
100-4011200-2100	MATCHING FICA EXPENSE (7.65 %)	$ 3,950.00	$ 4,200.00
100-4011200-5510	MILEAGE	$ 250.00	$ 250.00
100-4011200-5540	EDUCATION/TRAINING	$ 1,000.00	$ 1,000.00
100-4011200-5810	DUES	$ 100.00	$ 100.00
	TOTAL TOWN CLERK	$ 55,300.00	$ 60,550.00
	OFFICE OF TOWN MANAGER/DEP TM		
100-4012110-1112	COMPENSATION	$ 252,000.00	$ 269,000.00
100-4012110-2100	MATCHING FICA EXPENSE (7.65 %)	$ 19,500.00	$ 21,000.00
100-4012110-3399	BLIGHT ABATEMENT	$ -	$ -
100-4012110-5230	TELECOMMUNICATIONS	$ 1,800.00	$ 1,800.00
100-4012110-5510	MILEAGE	$ 150.00	$ 150.00
100-4012110-5540	TRAINING	$ -	$ -
100-4012110-5810	DUES	$ 750.00	$ 750.00
	TOTAL TOWN MANAGER	$ 274,200.00	$ 292,700.00
	PROFESSIONAL SERVICES		
100-4012210-3150	LEGAL SERVICES	$ 65,000.00	$ 70,000.00
100-4012600-3140	ENGINEERING SERVICES	$ 5,000.00	$ 5,000.00
100-4081100-3190	PROFESSIONAL SERVICES	$ 8,000.00	$ 5,000.00
	TOTAL PROFESSIONAL SERVICES	$ 78,000.00	$ 80,000.00
	PERSONNEL		
100-4012220-2210	VRS	$ 190,000.00	$ 165,000.00
100-4012220-2220	VMLIP - STD	$ 725.00	$ 725.00
100-4012220-2230	VMLIP - LTD	$ 9,500.00	$ 10,500.00
100-4012220-2250	LINE OF DUTY ACT	$ 8,500.00	$ 8,500.00
100-4012220-2300	HEALTH INSURANCE	$ 315,000.00	$ 360,000.00
100-4012220-2400	LIFE INSURANCE	$ 22,400.00	$ 20,000.00
100-4012220-2600	UNEMPLOYMENT INSURANCE	$ 150.00	$ 200.00
100-4012220-2700	WORKER'S COMPENSATION	$ 30,000.00	$ 30,000.00
100-4012220-3110	RANDOM DRUG SCREENING	$ 750.00	$ 500.00
100-4012220-9001	EMPLOYEE RECOGNITION	$ 2,000.00	$ 2,000.00

DRAFT

Account Number	Account Description	FY25-26 APPROVED 2025-2026	FY26-27 DRAFT 2026-2027
	TOTAL PERSONNEL	$ 579,025.00	$ 597,425.00
	INDEPENDENT AUDITOR		
100-4012240-3120	CONTRACTUAL SERVICES	$ 21,250.00	$ 21,500.00
	TOTAL INDEPENDENT AUDITOR	$ 21,250.00	$ 21,500.00
	TOWN TREASURER		
100-4012410-1113	COMPENSATION	$ 94,500.00	$ 102,500.00
100-4012410-2100	MATCHING FICA EXPENSE (7.65 %)	$ 7,400.00	$ 7,900.00
100-4012410-3130	PROFESSIONAL SER/TAX CONV	$ 2,500.00	$ 2,500.00
100-4012410-3150	PROFESSIONAL SER/VEC	$ -	$ -
100-4012410-5306	SURETY BONDS	$ 500.00	$ 500.00
100-4012410-5540	TRAINING	$ 1,000.00	$ 500.00
100-4012410-5810	DUES	$ 1,100.00	$ 500.00
	TOTAL TOWN TREASURER	$ 107,000.00	$ 114,400.00
	FINANCE/ACCOUNTING		
100-4012430-1113	COMPENSATION	$ 132,000.00	$ 137,000.00
100-4012430-2100	MATCHING FICA EXPENSE (7.65 %)	$ 10,500.00	$ 10,500.00
100-4012430-5540	TRAINING	$ 2,500.00	$ 1,500.00
	TOTAL FINANCE/ACCOUNTING	$ 145,000.00	$ 149,000.00
	CENTRAL ADM/PURCHASING		
100-4012530-3320	MAINTENANCE CONTRACTS	$ 75,000.00	$ 80,000.00
100-4012530-3400	WEB SITE	$ 1,000.00	$ 1,000.00
100-4012530-3450	DIGITIZING	$ 5,000.00	$ 5,000.00
100-4012530-3501	NEWSLETTER	$ 1,000.00	$ 1,000.00
100-4012530-3600	ADVERTISING	$ 9,000.00	$ 9,000.00
100-4012530-5210	POSTAGE	$ 17,000.00	$ 17,000.00
100-4012530-5230	TELECOMMUNICATIONS	$ 7,000.00	$ 7,000.00
100-4012530-5250	SOCIAL MEDIA ARCHIVING	$ 3,300.00	$ 3,300.00
100-4012530-5540	TRAINING	$ 1,500.00	$ 1,500.00
100-4012530-5810	DUES	$ 500.00	$ 500.00
100-4012530-6001	OFFICE SUPPLIES	$ 17,000.00	$ 17,000.00
	TOTAL CENTRAL ADM/PURCHASING	$ 137,300.00	$ 142,300.00
	RISK MANAGEMENT		
100-4012550-5304	BLANKET EXCESS LIABILITY	$ 16,000.00	$ 16,000.00
100-4012550-5305	AUTOMOBILE INSURANCE	$ 16,500.00	$ 18,000.00
100-4012550-5308	SEMI-MULTI PERIL INS	$ 47,000.00	$ 47,000.00
100-4012550-5800	INSURANCE DEDUCTABLES	$ -	$ -
	TOTAL RISK MANAGEMENT	$ 79,500.00	$ 81,000.00
	ELECTIONS		
100-4013100-1125	ELECTION OFFICIALS	$ 7,500.00	$ 7,500.00
100-4013100-6001	OFFICE SUPPLIES	$ -	$ -
	TOTAL ELECTIONS	$ 7,500.00	$ 7,500.00
	PUBLIC DEFENDER FEES		

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Account Number	Account Description	FY25-26 APPROVED 2025-2026	FY26-27 DRAFT 2026-2027
100-4021500-3150	PUBLIC DEFENDER FEES	$ 2,000.00	$ 2,000.00
	TOTAL PUBLIC DEFENDER FEES	$ 2,000.00	$ 2,000.00
	POLICE DEPARTMENT		
100-4031100-1139	COMPENSATION	$ 924,100.00	$ 990,000.00
100-4031100-2100	MATCHING FICA EXPENSE (7.65 %)	$ 74,000.00	$ 76,000.00
100-4031100-3110	MEDICAL EXAMINATIONS	$ 500.00	$ 500.00
100-4031100-3115	PRE EMPLOYMENT SCREENING	$ 2,000.00	$ 3,000.00
100-4031100-3190	INTERPRETER	$ 400.00	$ 400.00
100-4031100-3310	VEHICLE REPAIR & MAINTENANCE	$ 16,000.00	$ 18,000.00
100-4031100-3320	MAINTENANCE CONTRACTS	$ 43,000.00	$ 55,000.00
100-4031100-4081	RICH RAU SAFETY EQUIP & EDUCATION	$ 5,000.00	$ 5,000.00
100-4031100-4082	WILDLIFE MANAGEMENT	$ 250.00	$ 250.00
100-4031100-5210	POSTAGE	$ 500.00	$ 500.00
100-4031100-5230	TELECOMMUNICATIONS	$ 6,600.00	$ 12,600.00
100-4031100-5540	TRAINING	$ 18,000.00	$ 19,500.00
100-4031100-5545	OFFICE ACCREDIATION	$ 2,500.00	$ 500.00
100-4031100-5810	DUES	$ 850.00	$ 850.00
100-4031100-5815	COMMUNITY RELATIONS	$ 2,000.00	$ 2,000.00
100-4031100-6001	OFFICE SUPPLIES	$ 1,800.00	$ 1,800.00
100-4031100-6008	GASOLINE & OIL	$ 26,000.00	$ 21,000.00
100-4031100-6010	POLICE SUPPLIES	$ 14,000.00	$ 19,000.00
100-4031100-6011	UNIFORMS	$ 6,500.00	$ 7,000.00
100-4031100-6012	RECRUITMENT/ADVERTISING	$ 2,000.00	$ 1,000.00
	TOTAL POLICE DEPARTMENT	$ 1,146,000.00	$ 1,233,900.00
	TRAFFIC CONTROL		
100-4031300-5699	COUNTY CONT/CROSSING GD	$ 2,500.00	$ 2,500.00
	TOTAL TRAFFIC CONTROL	$ 2,500.00	$ 2,500.00
	EMERGENCY SERVICES		
100-4031400-5699	CONTRIBUTION/CC CENT ALRM	$ 5,000.00	$ 5,000.00
	TOTAL EMERGENCY SERVICES	$ 5,000.00	$ 5,000.00
	VOLUNTEER FIRE DEPARTMENT		
100-4032200-5699	CONTRIBUTION/JHEVFD	$ 30,000.00	$ 30,000.00
100-4032200-5707	FIRE FUND PROGRAM	$ 23,000.00	$ 20,000.00
100-4032200-8411	ENDERS CAPITAL PROJECT	$ 10,000.00	$ 10,000.00
	TOTAL VOLUNTEER FIRE DEPT	$ 63,000.00	$ 60,000.00
	PUBLIC WORKS ADMINISTRATION		
100-4041100-1140	COMPENSATION	$ 80,800.00	$ 33,000.00
100-4041100-2100	MATCHING FICA EXPENSE (7.65 %)	$ 6,700.00	$ 2,500.00
100-4041100-3110	MEDICAL EXAMS	$ 1,000.00	$ 1,000.00
100-4041100-3310	VEHICLE REP & MAINTENANCE	$ 11,000.00	$ 15,000.00
100-4041100-5120	PROPANE	$ 3,000.00	$ 3,000.00
100-4041100-5230	TELECOMMUNICATIONS	$ 7,000.00	$ 8,000.00
100-4041100-5415	COPIER LEASE	$ -	$ -
100-4041100-5540	TRAINING	$ 2,000.00	$ 6,000.00
100-4041100-6001	OFFICE SUPPLIES	$ 1,000.00	$ 1,500.00

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Account Number	Account Description	FY25-26 APPROVED 2025-2026	FY26-27 DRAFT 2026-2027
	TOTAL PUBLI WKS ADMINISTRATION	$ 112,500.00	$ 70,000.00
	HWYS, STS BRIDGES & SDWLKS		
100-4041200-1183	COMPENSATION	$ 225,000.00	$ 250,000.00
100-4041200-2100	MATCHING FICA EXPENSE (7.65 %)	$ 17,300.00	$ 19,000.00
100-4041200-3310	EQUIPMENT MAINTENANCE	$ 18,000.00	$ 18,000.00
100-4041200-3311	STREET TREES/SIDEWALKS	$ 2,000.00	$ 4,000.00
100-4041200-3315	SIDEWALKS	$ 16,000.00	$ 16,000.00
100-4041200-5425	NORFOLK/SOUTHERN R-O-W'S	$ 1,200.00	$ 1,200.00
100-4041200-6007	MATERIALS & SUPPLIES	$ 8,000.00	$ 10,000.00
100-4041200-6008	GASOLINE & OIL	$ 24,000.00	$ 26,000.00
100-4041200-6011	UNIFORMS	$ 6,000.00	$ 8,000.00
	TOTAL HWYS, STS BRIDGES & SWLKS	$ 317,500.00	$ 352,200.00
	VDOT REIMBURSEMENT		
100-4041250-3140	VDOT SECONDARY STREETS	$ 725,000.00	$ 750,000.00
	TOTAL VDOT REIMBURSEMENT	$ 725,000.00	$ 750,000.00
	STREET LIGHTS		
100-4041320-5110	ELECTRICITY	$ 90,000.00	$ 90,000.00
	TOTAL STREET LIGHTS	$ 90,000.00	$ 90,000.00
	SNOW REMOVAL - DOWNTOWN		
100-4041330-3220	CONTRACTUAL SERVICES	$ 20,000.00	$ 20,000.00
100-4041330-6007	MATERIALS & SUPPLIES	$ 2,000.00	$ 2,000.00
	TOTAL SNOW REMOVAL-DOWNTOWN	$ 22,000.00	$ 22,000.00
	PARKING METERS & LOTS		
100-4041340-6007	MATERIALS & SUPPLIES	$ 3,000.00	$ 3,000.00
	TOTAL PARKING METERS & LOTS	$ 3,000.00	$ 3,000.00
	REFUSE COLLECTION		
100-4042300-3220	CONTRACTUAL SERVICES	$ 265,000.00	$ 285,000.00
100-4042300-6225	RECYCLING SERVICES	$ 125,000.00	$ 125,000.00
	TOTAL REFUSE COLLECTION	$ 390,000.00	$ 410,000.00
	REFUSE DISPOSAL		
100-4042400-3800	FCO LANDFILL CHARGES	$ 45,000.00	$ 50,000.00
	TOTAL REFUSE DISPOSAL	$ 45,000.00	$ 50,000.00
	GENERAL PROPERTIES		
100-4043200-3310	IMPROVEMENT,REPAIR,MAINTENANCE	$ 50,000.00	$ 40,000.00
100-4043200-3325	HERMITAGE SWPOND MAINT	$ 4,500.00	$ 7,000.00

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Account Number	Account Description	FY25-26 APPROVED 2025-2026	FY26-27 DRAFT 2026-2027
100-4043200-6007	MATERIALS & SUPPLIES	$ 500.00	$ 600.00
100-4043200-6017	CHRISTMAS WREATHS	$ 500.00	$ 500.00
	TOTAL GENERAL PROPERTIES	$ 55,500.00	$ 48,100.00
	BUILDING SERVICES		
100-4064200-3150	PROFESSIONAL SERVICES	$ 1,000.00	$ 1,000.00
100-4064200-3200	CONTRACTURAL SERVICES	$ 15,000.00	$ 16,000.00
100-4064200-5110	ELECTRICITY	$ 24,000.00	$ 28,000.00
100-4064200-5120	NATURAL GAS/HEAT	$ 4,700.00	$ 5,500.00
100-4064200-5130	WATER/SEWER	$ 1,100.00	$ 900.00
100-4064200-5230	TELECOMMUNICATIONS	$ 1,100.00	$ 1,200.00
100-4064200-5304	LIABILITY INSURANCE	$ 1,500.00	$ 1,500.00
100-4064200-7113	IN KIND COSTS	$ 7,000.00	$ 7,000.00
100-4064200-7115	SHARED MAINTENANCE	$ 25,000.00	$ 31,000.00
100-4064200-8411	CAPITAL ASSET RESERVES	$ 10,000.00	$ 10,000.00
	TOTAL BUILDING SERVICES	$ 90,400.00	$ 102,100.00
	PARKS & RECREATION		
100-4071310-3160	CONTRACTURAL SER/JN BLUE	$ 1,000.00	$ 800.00
100-4071310-6017	CHRISTMAS LIGHTS	$ 3,500.00	$ 3,500.00
100-4071310-6018	ROSE HILL PARK MAINTENANCE	$ 5,000.00	$ 8,000.00
	TOTAL PARKS & RECREATION	$ 9,500.00	$ 12,300.00
	PLANNING		
100-4081100-1155	COMPENSATION	$ 92,000.00	$ 98,000.00
100-4081100-2100	MATCHING FICA EXPENSE (7.65 %)	$ 7,000.00	$ 7,500.00
100-4081100-3500	PRINTING	$ 250.00	$ 250.00
100-4081100-5510	MILEAGE	$ 100.00	$ 100.00
100-4081100-5540	TRAINING	$ 3,000.00	$ 1,500.00
100-4081100-5810	DUES	$ -	$ -
	TOTAL PLANNING	$ 102,350.00	$ 107,350.00
	BOARD OF ZONING APPEALS		
100-4081400-1110	EXPENSE COMPENSATION	$ 500.00	$ 500.00
100-4081400-5540	TRAINING	$ 750.00	$ 750.00
	TOTAL BOARD OF ZONING APPEALS	$ 1,250.00	$ 1,250.00
	ECONOMIC DEVELOPMENT		
100-4081500-5411	WAYFINDING SIGNS	$ -	$ -
100-4081500-5693	VA COMMISSION FOR ARTS FUNDING	$ 4,500.00	$ 4,500.00
100-4081500-5695	TOWN/COUNTY ECONOMIC DEV	$ 21,500.00	$ 21,500.00
100-4081500-5696	ECONOMIC DEVELOPMENT RESERVE	$ -	$ -
100-4081500-5699	DBI/ECO DEV PROF SERVICES	$ 2,000.00	$ 2,000.00
100-4081500-5700	ANNEXATION AREA PROF SERVICES	$ -	$ -
	TOTAL ECONOMIC DEVELOPMENT	$ 28,000.00	$ 28,000.00

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Account Number	Account Description	FY25-26 APPROVED 2025-2026	FY26-27 DRAFT 2026-2027
	PLANNING COMMISSION		
100-4081600-1111	EXPENSE COMPENSATION	$ 5,000.00	$ 3,000.00
100-4081600-5540	TRAINING	$ 2,000.00	$ 2,000.00
100-4081600-5810	DUES	$ -	$ -
	TOTAL PLANNING COMMISSION	$ 7,000.00	$ 5,000.00
	B'VILLE AREA DEV AUTHORITY		
100-4081700-1111	EXPENSE COMPENSATION	$ 2,500.00	$ 1,500.00
100-4081700-5540	TRAINING	$ 1,000.00	$ 1,000.00
100-4081700-5810	DUES	$ -	$ -
	TOTAL B'VILLE AREA DEV AUTHORITY	$ 3,500.00	$ 2,500.00
	ARCHITECTURAL REVIEW BOARD		
100-4081800-5540	TRAINING	$ 500.00	$ 500.00
	TOTAL ARCHITECTURAL REVIEW BD	$ 500.00	$ 500.00
	TREE BOARD		
100-4081900-5800	MISCELLANEOUS	$ -	$ -
	TOTAL TREE BOARD	$ -	$ -
	CAPITAL OUTLAY		
100-4094200-8225	COMPUTER REPLACEMENT/UPGRADE	$ 15,000.00	$ 9,000.00
100-4094200-8231	PATROL VEHICLE	$ 67,000.00	$ 70,000.00
100-4094200-8340	MOWER	$ -	$ -
100-4094200-8341	TOWN PROPERTY IMPROVEMENTS	$ 675,000.00	$ 730,000.00
100-4094200-8362	SERVICE WEAPONS	$ 10,000.00	$ -
100-4094200-8411	CAPITAL RESERVE	$ 143.25	$ 564.25
100-4094200-8702	WAYFINDING SIGNS RESERVE	$ 50,000.00	$ -
100-4094200-8916	RADAR FEEDBACK SIGNS, CROSSWALK SIGNALS	$ -	$ 48,000.00
100-4094200-9005	TAPP RESERVE	$ 50,000.00	$ 50,000.00
100-4094200-9009	TOWN STREET REPAIRS	$ 40,000.00	$ -
100-4094200-9010	BCCGC IMPROVEMENTS	$ 60,000.00	$ 45,000.00
	TOTAL CAPITAL OUTLAY	$ 967,143.25	$ 952,564.25
	CONTINGENCY		
100-4094300-5800	CONTINGENCY (3.00%)	$ 142,122.75	$ 148,101.75
	TOTAL CONTINGENCY	$ 142,122.75	$ 148,101.75
	DEBT SERVICE		
100-4095000-9110	RDA PRINCIPAL	$ 50,359.00	$ 52,476.21
100-4095000-9120	RDA INTEREST	$ 71,117.00	$ 68,999.79
100-4095000-9130	RDA DEBT SER RESERVE	$ -	$ -
	TOTAL DEBT SERVICE	$ 121,476.00	$ 121,476.00
	TOTAL GENERAL FUND OPERATIONAL	$ 4,737,425.00	$ 4,936,725.00
	TOTAL GENERAL FUND CONTINGENCY	$ 142,122.75	$ 148,101.75
	TOTAL GENERAL FUND CAP OUTLAY	$ 967,143.25	$ 952,564.25

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Account Number	Account Description	FY25-26 APPROVED 2025-2026	FY26-27 DRAFT 2026-2027
	TOTAL GENERAL FUND DEBT SERVICE	$ 121,476.00	$ 121,476.00
	TOTAL GENERAL FUND EXPENSES	$ 5,968,167.00	$ 6,158,867.00
	WATER FUND		
	PERSONNEL		
501-4012220-1140	COMPENSATION	$ 61,000.00	$ 48,000.00
501-4012220-2100	MATCHING FICA EXPENSE (7.65 %)	$ 4,700.00	$ 4,000.00
501-4012220-2210	VRS	$ 52,000.00	$ 40,000.00
501-4012220-2220	VMLIP - STD	$ 235.00	$ 225.00
501-4012220-2230	VMLIP - LTD	$ 2,225.00	$ 2,200.00
501-4012220-2300	HEALTH INSURANCE	$ 69,000.00	$ 76,000.00
501-4012220-2400	LIFE INSURANCE	$ 6,175.00	$ 4,600.00
501-4012220-2600	UNEMPLOYMENT INSURANCE	$ 50.00	$ 56.00
501-4012220-2700	WORKER'S COMPENSATION	$ 20,000.00	$ 20,000.00
501-4012220-3170	MISS UTILITY	$ 1,750.00	$ 2,000.00
501-4012220-3320	HANDHELD MAINT	$ 5,000.00	$ 5,000.00
501-4012220-3450	DIGITIZING	$ 4,000.00	$ 4,000.00
501-4012220-5210	POSTAGE	$ 6,000.00	$ 6,000.00
501-4012220-5540	TRAINING	$ 2,000.00	$ 2,000.00
501-4012220-6001	OFFICE SUPPLIES	$ 6,000.00	$ 5,000.00
	TOTAL PERSONNEL	$ 240,135.00	$ 219,081.00
	TREATMENT		
501-4012222-1147	COMPENSATION	$ 224,000.00	$ 195,000.00
501-4012222-2100	MATCHING FICA EXPENSE (7.65 %)	$ 17,200.00	$ 15,000.00
501-4012222-2830	CERTIFICATION FEES	$ 650.00	$ 650.00
501-4012222-2840	STATE CONNECTION FEES	$ 9,025.00	$ 9,025.00
501-4012222-2850	LAB TESTING	$ 16,250.00	$ 16,250.00
501-4012222-3110	MEDICAL EXAMS	$ 200.00	$ 200.00
501-4012222-3145	PROFESSIONAL SERVICES	$ 17,500.00	$ 25,000.00
501-4012222-3210	SLUDGE REMOVAL	$ 26,000.00	$ 26,000.00
501-4012222-3220	CLEAN RIVER INTAKE	$ 4,000.00	$ 4,000.00
501-4012222-3310	REPAIR & MAINTENANCE	$ 125,000.00	$ 125,000.00
501-4012222-5110	ELECTRICITY	$ 70,000.00	$ 70,000.00
501-4012222-5120	PROPANE HEAT WTP	$ 4,000.00	$ 4,000.00
501-4012222-5230	TELECOMMUNICATIONS	$ 4,700.00	$ 5,000.00
501-4012222-5415	COPIER LEASE	$ 900.00	$ -
501-4012222-5540	TRAINING	$ 3,500.00	$ 2,000.00
501-4012222-5690	DISCHARGE PERMIT RENEWAL	$ -	$ -
501-4012222-5810	DUES	$ 450.00	$ 900.00
501-4012222-6001	OFFICE SUPPLIES	$ 500.00	$ 1,500.00
501-4012222-6004	LAB SUPPLIES	$ 60,000.00	$ 60,000.00
501-4012222-6005	JANITORIAL SUPPLIES	$ 1,000.00	$ 1,000.00
501-4012222-6008	GASOLINE & OIL	$ 6,200.00	$ 5,000.00
501-4012222-6011	UNIFORMS	$ 1,500.00	$ 1,500.00
501-4012222-6014	TOOLS	$ 500.00	$ 500.00
501-4012222-6019	SAFETY EQUIPMENT	$ 1,000.00	$ 1,000.00

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Account Number	Account Description	FY25-26 APPROVED 2025-2026	FY26-27 DRAFT 2026-2027
501-4012222-6025	CHEMICALS	$ 65,000.00	$ 65,000.00
	TOTAL TREATMENT	$ 659,075.00	$ 633,525.00
	DISTRIBUTION & MAINTENANCE		
501-4012224-1183	COMPENSATION	$ 225,300.00	$ 250,000.00
501-4012224-2100	MATCHING FICA EXPENSE (7.65 %)	$ 17,300.00	$ 19,000.00
501-4012224-3330	LINE REPAIR & MAINTENANCE	$ 50,000.00	$ 50,000.00
501-4012224-6007	MATERIALS & SUPPLIES	$ 30,000.00	$ 30,000.00
501-4012224-6019	SAFETY EQUIPMENT	$ 700.00	$ 750.00
501-4012224-6030	NEW SERVICE SUPPLIES	$ 1,000.00	$ 1,000.00
501-4012224-9008	STORAGE TANK MAINT CONTRACT	$ 25,000.00	$ 12,000.00
	TOTAL DISTRIBUTION & MAINT	$ 349,300.00	$ 362,750.00
	CAPITAL OUTLAY		
501-4094200-8105	1/2 TON PICK UP TRUCK	$ -	$ 22,000.00
501-4094200-8144	WATER TREATMENT PLANT UPGRADES	$ 5,000,000.00	$ 7,150,000.00
501-4094200-8211	CAPITAL RESERVES	$ 515,284.70	$ 0.32
501-4094200-8225	COMPUTER REPLACEMENT/UPGRADE	$ 10,000.00	$ 3,500.00
501-4094200-8345	PW ONE TON DUMP TRUCK	$ -	$ -
501-4094200-8361	WATER DIST SYSTEM UPGRADES	$ 125,000.00	$ 1,100,000.00
501-4094200-8602	3/4 TON TRUCK	$ 15,000.00	$ -
501-4094200-9007	WTP LAB EQUIPMENT	$ 50,000.00	$ -
501-4094200-9009	HYDRAULIC THUMB(PW)	$ 4,000.00	$ -
501-4094200-9010	SCADA	$ -	$ 50,000.00
	TOTAL CAPITAL OUTLAY	$ 5,719,284.70	$ 8,325,500.32
	CONTINGENCY		
501-4094300-5800	CONTINGENCY (3.00%)	$ 37,455.30	$ 36,460.68
	TOTAL CONTINGENCY	$ 37,455.30	$ 36,460.68
	TOTAL WATER FUND OPERATIONAL	$ 1,248,510.00	$ 1,215,356.00
	TOTAL WATER FUND CONTINGENCY	$ 37,455.30	$ 36,460.68
	TOTAL WATER FUND CAP OUTLAY	$ 5,719,284.70	$ 8,325,500.32
	TOTAL WATER FUND EXPENSES	$ 7,005,250.00	$ 9,577,317.00
	SEWER FUND		
	PERSONNEL		
502-4012220-1114	COMPENSATION	$ 62,000.00	$ 49,000.00
502-4012220-2100	MATCHING FICA EXPENSE (7.65 %)	$ 4,700.00	$ 4,000.00
502-4012220-2210	VRS	$ 43,600.00	$ 39,000.00

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Account Number	Account Description	FY25-26 APPROVED 2025-2026	FY26-27 DRAFT 2026-2027
502-4012220-2220	VMLIP - STD	$ 200.00	$ 215.00
502-4012220-2230	VMLIP - LTD	$ 1,975.00	$ 2,200.00
502-4012220-2300	HEALTH INSURANCE	$ 51,500.00	$ 78,500.00
502-4012220-2400	LIFE INSURANCE	$ 5,150.00	$ 4,000.00
502-4012220-2600	UNEMPLOYMENT INSURANCE	$ 40.00	$ 51.00
502-4012220-2700	WORKER'S COMPENSATION	$ 10,000.00	$ 11,000.00
502-4012220-3320	HANDHELD MAINT	$ 5,000.00	$ 5,000.00
502-4012220-3450	DIGITIZING	$ 4,000.00	$ 4,000.00
502-4012220-5210	POSTAGE	$ 4,000.00	$ 4,500.00
502-4012220-6001	OFFICE SUPPLIES	$ 5,500.00	$ 3,500.00
	TOTAL PERSONNEL	$ 197,665.00	$ 204,966.00
	TREATMENT		
502-4012222-1147	COMPENSATION	$ 224,000.00	$ 195,000.00
502-4012222-2100	MATCHING FICA EXPENSE (7.65 %)	$ 17,100.00	$ 15,000.00
502-4012222-2830	CERTIFICATION FEES	$ 640.00	$ 600.00
502-4012222-2850	LAB TESTING	$ 33,000.00	$ 33,000.00
502-4012222-3145	PROFESSIONAL SERVICES	$ 240,000.00	$ 240,000.00
502-4012222-3210	LANDFILL-SOLIDS DISPOSAL	$ 100,000.00	$ 110,000.00
502-4012222-3310	REPAIR & MAINTENANCE	$ 290,000.00	$ 250,000.00
502-4012222-5110	ELECTRICITY	$ 140,000.00	$ 140,000.00
502-4012222-5230	TELECOMMUNICATIONS	$ 5,000.00	$ 5,000.00
502-4012222-5415	COPIER LEASE	$ 2,000.00	$ -
502-4012222-5540	TRAINING	$ 500.00	$ 500.00
502-4012222-5690	DISCHARGE PERMIT RENEWAL	$ 3,500.00	$ 3,600.00
502-4012222-5810	DUES	$ 625.00	$ 625.00
502-4012222-6001	OFFICE SUPPLIES	$ 1,000.00	$ 2,000.00
502-4012222-6004	LAB SUPPLIES	$ 4,500.00	$ 14,500.00
502-4012222-6005	JANITORIAL SUPPLIES	$ 1,750.00	$ 1,500.00
502-4012222-6008	DIESEL FUEL	$ 7,500.00	$ 5,000.00
502-4012222-6011	UNIFORMS	$ -	$ -
502-4012222-6014	TOOLS	$ 250.00	$ 250.00
502-4012222-6019	SAFETY EQUIPMENT	$ 1,000.00	$ 1,000.00
502-4012222-6025	CHEMICALS	$ 190,000.00	$ 175,000.00
	TOTAL TREATMENT	$ 1,262,365.00	$ 1,192,575.00
	DISTRIBUTION & MAINTENANCE		
502-4012224-1183	COMPENSATION	$ 113,000.00	$ 125,000.00
502-4012224-1183	MATCHING FICA EXPENSE (7.65 %)	$ 8,650.00	$ 9,500.00
502-4012224-3310	EQUIPMENT MAINTENANCE	$ 5,000.00	$ 5,000.00
502-4012224-3330	REPAIR & MAINTENANCE	$ 25,000.00	$ 25,000.00
502-4012224-6007	MATERIALS & SUPPLIES	$ 3,000.00	$ 3,000.00
502-4012224-6019	SAFETY EQUIPMENT	$ 500.00	$ 500.00
502-4012224-6030	NEW SERVICE SUPPLIES	$ -	$ -

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Account Number	Account Description	FY25-26 APPROVED 2025-2026	FY26-27 DRAFT 2026-2027
	TOTAL DISTRIBUTION & MAINT	$ 155,150.00	$ 168,000.00
	CAPITAL OUTLAY		
502-4094200-8105	1/2 TON PICK UP TRUCK	$ -	$ 22,000.00
502-4094200-8109	SANITARY/STORM SEWER UPGRADE	$ 5,000.00	$ -
502-4094200-8134	SEWER COLLECTION SYSTEM IMPROVEMENTS	$ -	$ 130,000.00
502-4094200-8225	COMPUTER REPLACEMENT/UPGRADE	$ 10,000.00	$ 3,500.00
502-4094200-8345	PW ONE TON DUMP TRUCK	$ -	$ -
502-4094200-8411	CAPITAL RESERVES	$ 15,544.60	$ 0.77
502-4094200-8602	3/4 TON PICKUP (1/3 VDOT)	$ 15,000.00	$ -
502-4094200-9007	WWTP PERMEATE PUMPS R/R	$ 20,000.00	$ -
502-4094200-9009	WWTP BAR SCREEN	$ 170,000.00	$ -
502-4094200-9010	WWTP MEMBRANE GANTRY	$ 160,000.00	$ -
502-4094200-9011	HYDRAULIC THUMB(PW)	$ 4,000.00	$ -
502-4094200-9012	WWTP SCREENING REHAB	$ 200,000.00	$ 620,000.00
502-4094200-9013	WWTP SLUICE GATE REP/MODIFY	$ 100,000.00	$ 60,000.00
502-4094200-9014	SCADA	$ -	$ 50,000.00
	TOTAL CAPITAL OUTLAY	$ 699,544.60	$ 885,500.77
	CONTINGENCY		
502-4094300-5800	CONTINGENCY (3.00%)	$ 45,455.40	$ 46,966.23
	TOTAL CONTINGENCY	$ 45,455.40	$ 46,966.23
	DEBT SERVICE		
502-4095000-9118	VRA PRINCIPAL	$ 470,000.00	$ 470,000.00
	TOTAL DEBT SERVICE	$ 470,000.00	$ 470,000.00
	TOTAL SEWER FUND OPERATIONAL	$ 1,615,180.00	$ 1,565,541.00
	TOTAL SEWER FUND CONTINGENCY	$ 45,455.40	$ 46,966.23
	TOTAL SEWER FUND CAP OUTLAY	$ 699,544.60	$ 885,500.77
	TOTAL SEWER FUND DEBT SERVICE	$ 470,000.00	$ 470,000.00
	TOTAL SEWER FUND EXPENSES	$ 2,830,180.00	$ 2,968,008.00
	TOTAL EXPENSES ALL FUNDS	**$ 15,803,597.00**	**$ 18,704,192.00**

DRAFT

Motion for Approval
2026-2027 Fiscal Year Budget
of the Town of Berryville

Date: June 9, 2026

Motion By:

I hereby move that the Council of the Town of Berryville adopt the attached budget for fiscal year 2026-2027, an approved copy of which shall be incorporated into and become a part of the official minutes of this meeting, and further as set forth in this approved budget shall hereby be appropriated for fiscal year 2026-2027.

VOTE

Aye:

Nay:

Absent:

Abstain:

ATTEST

_____
Erecka Gibson, Vice Mayor

June 9, 2026
Review/Award

IFB Wastewater Treatment Plant Bar Screen

June 9, 2026 Report

Update

The bid in question was issued on April 6, 2026.

Bids were received on May 20, 2026.

The lowest responsive responsible bidder's bid was $488,000. That bid was submitted by CPP Construction Company of Gaithersburg, MD.

The FY26 budget included $175,000 for this project and $200,000 for screening upgrades in general. It was anticipated that the FY27 budget would include $250,000 to be used for screening system maintenance/upgrade, including the bar screen in question.

The significant difference between the estimate and the actual bid appears to result from a sharp increase in the expected cost of the screening equipment and electrical, plumbing, site, and concrete work that far exceeded estimates.

In order to provide the Council with the ability to award this contact if it chooses, the unspent funds that were dedicated to wastewater plant screening work from FY26 are being shown in the proposed FY27 budget. Those funds, combined with the $250,000 that had been proposed for FY27, will provide $620,000 in FY27 for this project and other screening system work. The remaining funds would be used, as needed to repair/modify/replace portions of the treatment plant's existing screening system.

Town staff recommends approving the bid because the new bar screen will act as the first line of defense against inorganic material entering the treatment plant system. It is expected that this improvement will:

- reduce wet well cleaning costs,
- reduce wear and tear on raw sewage pumps,
- reduce maintenance costs/time, and
- provide another level of protection for the wastewater treatment plant's biological process equipment, including the membrane system.

Attachments:

- Bid tabulation form
- FY27 CIP Narrative section on Wastewater Treatment Plant Screening Rehabilitation

Recommended action
Approve the bid from CPP Construction Company and authorize the town manager to execute all documents associated with project.

Sample motion
I move that the Council of the Town of Berryville approve the bid for purchase and installation of a bar screen system at the wastewater treatment plant to CPP Construction Company of Gaithersburg, MD.

March10, 2026 Report
Overview
The wastewater treatment plant was constructed without any screening equipment prior to the raw water pumping station. Accordingly, inorganic material enters the pumping station and is either deposited in the wet well or are picked up by the raw pumps. Inorganic material deposited in the wet well must be manually removed. At present, this removal occurs at least two times per year. Inorganic material that is pumped, either clogs the pumps, is collected by screening equipment in the wastewater treatment plant's headworks, or enters the plant's biological process. Inorganic material that enters the biological process may damage the plant's membranes.

A bar screen installed upstream of the wastewater plant's raw water pumping station would:
- reduce wet well cleaning costs,
- reduce wear and tear on raw sewage pumps,
- reduce maintenance costs/time, and
- provide another level of protection for the wastewater treatment plant's biological process equipment.

Proposal
The Town Council budgeted $170,000 for the design and installation of a bar screen prior to the raw wastewater plant pumping station. The improvement has been designed and Town staff seeks authorization to issue an offering for the purchase and installation of a bar screen and associated improvements.

Attachment
- Plans for the wastewater treatment plant bar screen

Recommended Action
Authorize the Town Manager to issue an IFB for the purchase and installation of a bar screen for the wastewater treatment plant.

Sample Motion

The Council of the Town of Berryville authorizes the Town Manager to issue an IFB for the purchase and installation of a bar screen for the wastewater treatment plant.

BID TABULATION for

TOWN OF BERRYVILLE, VA
WASTEWATER TREATMENT PLANT
INFLUENT SCREEN
Pennoni #TBVLL24002

BIDS DUE: 3:30 PM, WEDNESDAY, MAY 20, 2026
BIDS OPENED: 3:30 PM, WEDNESDAY, MAY 20, 2026
BID OFFICIALS: CINDY POULIN & KARL SCHAEFFER
ENGINEER: PENNONI ASSOCIATES INC.

GENERAL CONTRACTOR	BIDDER INFORMATION					TOTAL BASE BID
	VA. REGISTRATION NO.	ADDENDA REC.'D (2 ISSUED)	BID FORM SIGNED	BID BOND / CERT. CHECK	WORK PAPERS SUBMITTED	
LANTZ CONSTRUCTION WINCHESTER 221 AVIATION DRIVE WINCHESTER, VA 22602	2701027775	2	YES	BB	NO	$531,985.00
PATTERSON CONSTRUCTION COMPANY 12315 McCLAIN STREET FREDERICKSBURG, VA 22407	2705032726	2	YES	BB	NO	$594,744.00
CPP CONSTRUCTION COMPANY 26 NORTH SUMMIT AVENUE GAITHERSBURG, MD 20877	2705135552A	2	YES	BB	NO	$488,000.00
J.S. HAREN COMPANY 1175 HIGHWAY 11, NORTH ATHENS, TN 37303	2705155076	2	YES	BB	NO	$727,000.00

The project in question would upgrade the SCADA system to one that utilizes cellular communications. This new system will be supported by the Town's vendor and will be more reliable than the current system.

The annual cost of cellular service is likely to fall between $5,000 and $6,000. The benefits of the new system should include:

- Reduced SCADA system maintenance costs
- Improved system reliability
- Reduced after-hour call outs

Collection System Upgrades $130,000

Public Works

This item provides funds to be utilized to complete sewer collection system upgrades during the subject fiscal year. Funds that remain unspent at the end of the fiscal year are placed in the sewer fund's sewer collection system reserve.

In early 2023, a contractor working for the Town completed an I&I study in the Town's sewer collection system. The results of the study were presented to the Streets and Utilities Committee in March 2023. The results of the study will provide areas for more detailed examination and ultimately a framework for rehabilitation projects in the sewer collection system.

Wastewater Treatment Plant Screening Rehabilitation $620,000

Public Utilities

This item provides funds that will be utilized to improve screening facilities at the wastewater treatment plant.

At present, there are three screening facilities in the Headworks Building. The internal bar screen and the two drum screens serve to protect the downstream treatment system from inorganic debris. Plans are in place to install an external bar screen upstream of the raw sewage pumps. The cost of the external screen project is estimated at $500,000.

These funds would be used to complete the exterior bar screen project and perform needed work on the existing screens.

Funding source for these items is as follows:

- *FY26 Funds Allocated for Screen work* *$370,000*
- *FY27 Sewer Fund Revenues* *$119,787*
- *Monies from the SF Treatment Plant Reserve* *$130,213*

Town Council Report
9 June 2026

Item Title
Electronic Participation in Meetings

Prepared By
Jean Petti

Background/History/General Information

Revisions to VA State Code §2.2-3708 remove requirements for annual reporting on the number of virtual meetings and virtual attendance at physical meetings.

Attachments

1. Draft of Town Council policy regarding electronic participation in meetings

Recommendation

Code requires that the Town Council annually review and adopt a policy regarding virtual meetings and virtual attendance at physical meetings. Staff requests the Town Council adopt the attached draft or recommend revisions.

Electronic Participation in Meetings from Remote Locations, amended June 2026

Except as provided hereinafter, Town public bodies do not conduct meetings wherein the public business is discussed or transacted through telephonic, video, electronic, or other communication means where the members are not physically assembled.

I. Quorum Physically Assembled

A member of a Town public body may participate in a meeting through electronic communication means from a remote location that is not open to the public no more than two (2) times per calendar year or twenty-five percent (25%) of the meetings held per calendar year, as described in VA Code §2.2-3708.3.

II. Quorum Not Physically Assembled

The public body may meet by electronic communication means without a quorum physically assembled at one location when the Governor has declared a state of emergency in accordance with Va. Code § 44-146.17, and that said meeting is held in accordance with Va. Code § 2.2-3708.2.

~~**III. Reporting**~~

~~If the public body meets by electronic means, it shall make a written report of the following to the Virginia Freedom of Information Advisory Council and the Joint Commission on Technology and Science by December 15 of each year:~~

~~• the total number of electronic communication meetings held that year~~

~~• the dates and purposes of the meetings~~

~~• a copy of the agenda for each meeting~~

~~• the number of sites for each meeting~~

~~• the types of electronic communication means by which the meetings were held~~

~~• the number of participants, including members of the public, at each meeting location~~

~~• the identity of the members of the public body recorded as absent and those recorded as present at each meeting location~~

~~• a summary of any public comment received about the electronic communication meetings~~

~~• a summary of the public body's experience using electronic communication meetings, including its logistical and technical experience~~

IV. Review of Policy

The Council shall review and readopt this policy annually. Accordingly, the Council will review and re-adopt this policy at its regular meeting in ~~January~~ June of each year.

V. EXCEPTIONS

Nothing in this policy shall prevent the Council from acting in accordance with special provisions of emergency declarations of the President of the United States or the Governor of Virginia and determinations of the Council made in accordance with said declarations. Where provisions of this policy conflict with such emergency declarations, the provisions of said declaration of the President or Governor made in accordance with said declarations shall apply.

~~Legal Ref.: Code of Virginia, 1950, as amended, 2.2-3708.2, 2.2-3708.3, 2.2-3710, 44-146.17.~~

Public Works Department Report
9 June 2026

Item Title: Department Update
Prepared By: Jean Petti

Public Works Activity

Street patching and repaving continues through June. Please observe and abide by posted parking restrictions. A schedule and list of streets is posted on the Town website and any updates/revisions to the schedule will be posted as they become available.

Underground fiber installation activities by Verizon are underway in the southwest portion of Town. Traffic delays are expected.

Meter inspections are being conducted throughout Town.

New street signs and traffic signs are being installed where needed.

VDOT will be replacing six areas of the sidewalks along Buckmarsh Street and Main Street.

The John Rixey Moore municipal parking lot renovations continue. Electrical work is completed, paving and line striping is scheduled for June, and new lights are to be installed in July.

Public Utilities Department Report

9th of June 2026

Item Title: Department Update
Prepared By: Frank Kelsey

Water Treatment Plant Activity

All water quality results are available at https://vadwv.gecsws.com/

The Water Treatment Plant is running well and in accordance with state regulations. VDH has issued the termination of the Consent Order that was in place due to disinfection byproducts.

Town staff and Engineers are working to finalize the Water Treatment Plant upgrade design.

Wastewater Treatment Plant Activity

Inboden continues to operate the facility with care and consideration, completing monthly preventative maintenance on equipment to ensure pumps and motors are operating efficiently.

BERRYVILLE POLICE DEPARTMENT

101 Chalmers Ct., Suite A, Berryville VA 22611
(T) 540.955.3863 (F) 540.955.0207
policeadmin@berryvilleva.gov
Jason Winner – Chief of Police

MEMO

DATE: 6/3/2026

TO: Town Council

FROM: Jason Winner, Chief of Police

RE: Police Department Monthly Report – May 2026

Activity Report

The activity report for the month of May 2026 is attached to this report.

Public Safety Committee

The Public Safety Committee did not meet this month.

Department Status Update

- May 12, 2026, Sgt. Bristol and Chief Winner attended the Ninth Annual Law Enforcement Memorial Service hosted by Skyline Regional Criminal Justice Academy in Winchester, VA.
- May 22, 2026, Berryville Police Officers assisted with the senior tour conducted by Clarke County High School.
- May 24, 2026, Chief Winner attended the Memorial Day celebration event hosted at Enders Fire Hall.
- May 27, 2026, Detective Shoremount and Chief Winner attended the Town of Berryville employee picnic and then traveled to Laurel Ridge for the Skyline Regional Academy for the law enforcement basic academy graduation.

The two recent graduate recruits are now entering field training and will likely be released on their own at the beginning of September. The Department still has one patrol officer opening to fill and anticipates filling that vacancy at the end of June by sending a recruit through the basic academy commencing in mid-July.

Town Council Agenda Item Report Summary

June 9, 2026

Item Title
Community Development Update

Prepared By
Terry Russell

Planning Commission
The Planning Commission met on March 26, 2026. It held a public hearing on the Friant property rezoning request submitted by Christopher Cos. The Commission voted 6-1 with one abstention to recommend that the Town Council deny the request. The Planning Commission also held a public hearing on Subdivision Ordinance and Zoning Ordinance Text Amendments related to changes in the Code of Virginia. The Commission recommended that the Town Council approve the proposed amendments.

Berryville Area Development Authority
The BADA has not met since the last Town Council meeting.

Architectural Review Board
The ARB met on May 18, 2026 and approved a Certificates of Appropriateness for structural modifications to an accessory structure for Timothy J. and Kimberly A. Chambers, owners, at 122 West Main Street.

Tree Board
The Tree Board has not met since the last Town Council meeting.

Board of Zoning Appeals
The BZA has not met since the last Town Council meeting.

Wayfinding
FASTSIGNS of Glen Allen, VA has completed final engineering and will begin fabrication of the gateway signs and parking directional signs. The signs are expected to be erected in the summer.

East Fairfax Street and Mosby Boulevard Sidewalks
Imperio Construction has constructed sidewalks on most of the Mosby Boulevard project. Construction is scheduled to begin on East Fairfax Street on June 5, 2026 with completion of both projects at the beginning of July.

West Fairfax Street Sidewalks

The design of the West Fairfax Street sidewalks, curb and gutter, and storm sewer project continues under review by the Virginia Department of Transportation (VDOT). The design phase is projected to be finished by July with the right-of-way acquisition phase to begin immediately after that.

Town Council Agenda Item Report Summary

June 9, 2026

Item Title

Set Public Hearing – Subdivision Ordinance and Zoning Ordinance Text Amendments

Prepared By

Terry Russell

Background/History/General Information

Senate Bill 974 was approved by the General Assembly and signed into law by the Governor as part of the 2025 General Assembly Session. The changes to the Code of Virginia became effective July 1, 2025. The legislation removes planning commission and governing body approval authority for the administrative review process for plats and plans and assigns authority solely to a designated agent, defined in the bill. However, the bill provides that the local planning commission may serve as the designated agent of any locality with a population of 5000 or less. The bill also expedites the review process by shortening the timeframe for forwarding plats and plans to state agencies for review. Senate Bill 974 is attached to this report.

Discussion

The Town Staff briefed the Town Council on the changes to the Code of Virginia at its meeting on June 10, 2025. The Planning Commission voted to sponsor review of the Subdivision Ordinance July 2, 2025. The Planning Commission held a public hearing on the proposed text amendments on May 26, 2026. Clarke County has amended its ordinances. Although the Town may have a population less than 5000 at this time, it is likely to exceed this threshold in the near future. A google search produced estimates of Berryville's population at 4,782 in 2023, and an estimate of 4,911 in 2025. If these are even approximately accurate, the plat of Hillson Grove subdivision for 20 lots currently under construction may produce enough new residents to take the population over the threshold. Development of the Friant property on Battlefield Drive would surely exceed the threshold at the densities proposed by the current potential developer. Draft Subdivision Ordinance and Zoning Ordinance text amendments are attached to this report.

Planning Commission Recommendation

The Planning Commission held a public hearing on the proposed text amendments on May 26, 2026. It voted to recommend that the Town Council approve the Subdivision Ordinance and Zoning Ordinance Text Amendments as recommended. In addition, the Commission recommended that a data base be provided on the Town website that lists development applications under review.

Recommendation

Set a Public Hearing on the proposed Subdivision Ordinance and Zoning Ordinance amendments for the Town Council meeting to be held on July 14, 2026.

Sample Motion

I move that the Town Council of Berryville, Virginia set a public hearing on proposed text amendments to the Subdivision Ordinance and the Zoning Ordinance to be held on July 14, 2026

Attachments:

- Draft Subdivision Ordinance Text Amendments
- Senate Bill 974 (2025)

ARTICLE I. CONSTITUTION AND PURPOSE

A. TITLE AND APPLICATION

The regulations embraced in this Article shall be known, cited, and referred to as the "Subdivision Ordinance of the Berryville Area, Virginia~~.~~", hereinafter "Ordinance". The provisions of this subdivision ordinance shall apply to all land which is under the incorporated jurisdiction of the Town of Berryville and to that land identified as "Area B" in the Clarke County/Town of Berryville Annexation Agreement.

B. PURPOSE AND INTENT

The Subdivision Ordinance of the Berryville Area, Virginia ~~(hereinafter "Ordinance")~~ is intended to guide and facilitate the orderly and beneficial growth of the community, to assure the orderly subdivision of land and its development and for the general purpose of promoting the health, safety, and general welfare of the public and of further accomplishing the objectives of Section 15.2-2240 et seq.~~15.1-465~~ of the Code of Virginia~~, as amended~~.

It is hereby declared to be the policy of the Town of Berryville to consider the subdivision of land as subject to the power of the Town to implement the Berryville Area Plan and the Town Comprehensive Plan. ~~This Ordinance is adopted for the following purposes:~~

~~1. To ensure the growth of the community is consonant with the efficient and economical use of public funds;~~
~~2. To ensure that residential areas are provided healthful surroundings for family life;~~
~~3. To improve the public health, safety, convenience, and welfare of the citizens of the County and Town;~~
~~4. To clearly establish the procedures which must be followed in order to subdivide land in the County and Town, subject to this Ordinance; and~~
~~5. To ensure that this process includes appropriate and applicable reviews.~~

C. AUTHORITY FOR ORDINANCE

The Berryville Town Council~~,~~ ~~pursuant to recommendation of the Berryville Planning Commission and public hearings held in accordance with Section 15.1-431 of the Code of Virginia, does,~~ by the adoption of this Ordinance, hereby exercise the ~~police~~ power conferred by Sections ~~15.1-465 through 15.1-485~~15.2-2240 et seq. of the Code of Virginia to assure the orderly subdivision of land~~,~~ and ~~the police power conferred by Section 15.1-447 of the Code of Virginia~~ to implement the comprehensive plans of the County and Town~~, and the general police power as conferred by Section 15.1-510 of the Code of Virginia~~.

D. SEVERABILITY AND VALIDITY

Should any article, section, or part of this Ordinance be decided by the courts to be invalid or unconstitutional, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part held unconstitutional or invalid.

E. CONFLICTING ORDINANCES

All other County/Town ordinances, or parts thereof, which are inconsistent with the provisions of this Ordinance are hereby repealed. If another state or federal statute or Town/County ordinance or regulation contains conflicting provisions with this Ordinance, the more restrictive of the provisions, ordinances, or regulations shall govern.

F. MINIMUM REQUIREMENTS

In interpreting and applying this Ordinance, the provisions herein shall be considered as the minimum requirements for the promotion of the public safety, health, or general welfare. It is not the purpose of this Ordinance to interfere with, abrogate, or annul any subdivisions, recorded lots, easements, covenants, or other agreements between parties, provided however, that where this Ordinance imposes a greater restriction upon the subdivision and use of land, buildings, or required larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements, covenants, or agreements, the provisions of this Ordinance shall govern.

G. EFFECTIVE DATE

This Ordinance was adopted on March 27, 1990 by the Town Council of Berryville, Virginia, and became effective at 12:00 a.m. on March 28, 1990, at which time all previous subdivision provisions and ordinances applicable to the Town of Berryville and Area B were repealed. A certified copy of the Ordinance, as may be amended from time to time, shall be filed in the Office of the Town Manager and in the Office of the Clarke County Director of Planning.

ARTICLE II. GENERAL REGULATIONS

A. GENERAL EFFECT

The effects of this Ordinance shall be consonant with the objectives of the Town to assure the orderly subdivision of land and its development, to coordinate the development of streets within and contiguous to any subdivision, to establish adequate provisions for drainage, flood control and other public purposes, to ensure acceptable physical standards and criteria for subdivision improvements, to provide for the dedication of public rights-of-way, and to serve in implementing the Berryville Comprehensive Plan and Berryville Area Plan, as adopted.

B. PRIOR APPROVALS

Nothing in this Ordinance shall be deemed to require any change in or invalidation of plats previously approved and of record prior to the effective date of this Ordinance.

C. ADMINISTRATION AND ENFORCEMENT

The administration and enforcement of this Ordinance shall be vested in the ~~Berryville Town Council.~~Designated Agent of the Town of Berryville.

1. The Town Council shall authorize the Designated Agent to review and act on subdivision plats, site plans, and plans of development.
2. Whenever the owner or proprietor of any tract of land located within the Town of Berryville desires to subdivide the tract, a plat of the proposed subdivision shall be submitted to the Designated Agent for such purpose (Code of Virginia 15.2-2258).
3. No plat of any subdivision shall be recorded unless and until it has been submitted to and approved by the Designated Agent (Code of Virginia 15.2-2254~~()~~.

~~1. The Administrative~~ Body

~~The Berryville Area Development Authority is hereby designated as the Administrative Body of the Town Council for the subdivision of land in that area known as Area B which is the subject of the subdivision application and for which no final certificates of occupancy have been granted. The Berryville Planning Commission is hereby designated as the Administrative Body of the Town Council for the subdivision of all other land subject to this Ordinance. In so doing, the Berryville Area Development Authority and the Berryville Planning Commission (hereinafter collectively referred to as the "Administrative Body") are hereby delegated the power to administer this Ordinance in their respective areas as indicated above. The Administrative Body shall review and act to approve or disapprove preliminary and final plats and plans within its jurisdiction as noted above. In the performance of its duties, the Administrative Body shall request and consider the review and comments of the Town, selected County staff, and applicable public agencies in making recommendations on all subdivision plats and plans. The Administrative Body may employ or engage additional assistance required for the technical review of subdivision plats and plans.~~

~~2. The Administrative Body Agent~~

~~The Administrative Body may act through the Town's Subdivision Administrator (hereinafter referred to as the "Agent") and/or planning staff duly appointed as provided in Section 15.1-442 of the Code of Virginia, to the extent that the Administrative Body finds appropriate for the administration of this Ordinance; provided, however, that no person may act for the Administrative Body in approving, conditionally approving, or disapproving any preliminary plan, final plan, preliminary plat or final plat.~~

D. APPLICATION AND COMPLIANCE

1. Subdivision conformance with this Ordinance

No person shall divide or subdivide, or cause a subdivision to be made, by deed or plat, of any tract of land located within the Berryville Area (Town of Berryville or Area B), except in conformity with the provisions of this Ordinance. No land shall be subdivided for any use if the ~~Administrative Body~~ Designated Agent, in consideration of applicable criteria, deems such land unsuitable for such purposes.

2. ~~Administrative Body~~Designated Agent approval required

Whenever the owner of any tract of land located within the Berryville Area desires to subdivide the same, the owner shall submit a plat of the proposed subdivision with reference to known or permanent monuments to the ~~Administrative Body~~Designated Agent ~~or its Agent~~ in accordance with the requirements of this Ordinance. No owner shall subdivide land without making and recording a plat of such subdivision in the Office of the Clerk of the Circuit Court of Clarke County, and no such plat of any subdivision shall be recorded unless and until it shall have been submitted to and approved by the ~~Administrative Body~~ Designated Agent, in accordance with the regulations set forth in this Ordinance.

3. Subdivision approval required before sale of lots

No person shall sell or transfer any land of a subdivision before a plat of such subdivision has been duly approved and recorded as provided herein. The Town adopts by reference enforcement and penalty provisions of VA §15.2-2254, including civil penalties, injunction authority, and voidability of unlawful transfers.

4. Ordinance relationship with private agreements

This Ordinance bears no relation to any private easement, covenant, agreement, or restriction. The responsibility of enforcing such private easement, covenant, agreement, or restriction is not implied to any public official.

E. WAIVER OF ORDINANCE REQUIREMENTS

1. Division of single lot or parcel of land

Where a single lot or parcel of land is proposed to be divided into not more than two (2) parcels, any one or more of the requirements of this Ordinance may be waived by the ~~Administrative Body~~ Designated Agent, and be subject to staff approval, provided that such subdivision:

a. conforms in area and street frontage to the regulations and requirements of the zoning district regulations of the governmental entity wherein the land lies;
b. does not involve any new public street, road, or easement of access;
c. does not, in the opinion of the County, Town or state, obstruct any natural drainage or planned transportation facility;
d. does not adversely affect any part of any adopted Comprehensive Plan and/or the Berryville Area Plan, as adopted; and

e. does not in any way violate the intent of this Ordinance, the Zoning Ordinance of the County/Town., ~~or the Virginia Stormwater Management Handbook. the Berryville Erosion and Sediment Control Handbook, or the Berryville Area Stormwater Management Facilities Plan.~~

2. Unusual situations

The ~~Administrative Body~~ Designated Agent may permit variations in or exceptions to the general regulations of this Ordinance in cases of unusual situations or when strict adherence to the general regulations would result in substantial injustice or hardship, provided, however, that no such variations or exceptions shall be permitted by the ~~Administrative Body~~ Designated Agent unless it is found ~~it finds:~~

a. that the strict application of this Ordinance would produce undue hardship;
b. that the hardship is not shared generally by other properties in the same vicinity;
c. that the authorization of such variation or exception will not be of substantial detriment to adjacent property and that the character of the zoning district will not be changed by the granting of the variation or exception; and
d. that the condition or situation of the property covered is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Ordinance.

F. CLUSTER SUBDIVISIONS

The purpose of the cluster method of subdivision is to permit an alternative to standard subdivision design which will promote flexibility of layout and variety of type in residential dwellings, without sacrificing existing per-acre dwelling densities or changing the character of the neighborhood, and at the same time, preserve scenic and useful open space for common enjoyment. Procedures for plat filing and review shall be the same as for standard subdivisions.

1. However, the application of the cluster method of subdivision shall be subject to the requirements of the applicable Town/County Zoning Ordinance pertaining to:

a. cluster development in the respective zoning classifications and
b. site plan regulations.

2. A detailed proposal setting forth the post-development utilization of open space areas must be submitted and approved before final plat approval. The detailed proposal shall include covenants, agreements, or other specific documents, showing the ownership of and maintenance and utilization of those areas within the subdivision which are declared to be open spaces for common use. The proposed method of ownership and maintenance in perpetuity of all common spaces must be acceptable to and approved by the Town, and must be set forth in the deed of dedication which shall be recorded with the final plat.

G. CONDOMINIUMS

Insofar as the relationship of condominium development to the provisions of this Ordinance is concerned, condominium development shall comply with ~~under~~provisions of the Virginia Condominium Act 55.1, Chapter 19, including unit owner rights, plat recordation standards, and common area ownership. Additionally, condominium development ~~Condominium Laws of Virginia~~ shall be subject to the following:

1. Minimum lot size and yard requirements of the district shall be met as if lot lines existed.
2. A Master Development Plan shall be required and subject to review and approval by the ~~Administrative Body~~ ~~Designated Agent~~ and shall govern the location of all site structures and improvements on final plats and plans.
3. Setback, density, and other zoning district provisions shall be met.

H. EROSION AND SEDIMENTATION CONTROL REGULATIONS

1. ~~For the purpose of alleviating the adverse effects of on- and off-site erosion, siltation and sedimentation before, during, and after development, a~~Adequate erosion and sediment controls, both temporary and permanent, shall be subject to final subdivision plat and plan approval, reflect applicable regulations and best practices, and shall comply with Virginia Department of Environmental Quality stormwater requirements,~~the~~ Virginia Erosion and Stormwater Management Regulations (9VAC25-875), ~~and Management Handbook~~ and Berryville's Construction Standards and Specifications Manual. ~~Erosion and Sediment Control Handbook and the guidelines set forth by the applicable Town or County Erosion and Sediment control Ordinance~~.
2. No site improvements may be initiated prior to (a) posting of a performance bond, and (b) approval of the construction and maintenance methods for all vegetative and structural erosion and sediment control measures. ~~, which shall be in accordance with the minimum standards and specifications of the Virginia Erosion and Sediment Control Handbook, the Virginia Department of Transportation, and the standards set forth by the applicable Town or County Erosion and Sediment Control Ordinance.~~

I. PARKS, SCHOOLS, OPEN SPACE, AND PUBLIC LAND

In the subdividing of land, consideration should be given to suitable sites for parks, schools, and other areas of public use as described in the Berryville Area Plan. Such areas should be located and indicated on the preliminary master plan, preliminary plat, and final plat in order that it may be determined if, when, and in what manner such areas will be dedicated to, reserved for, or acquired by the Town/County for that use. This provision shall not be construed to preclude the dedication of property for public use not included in the Berryville Area Plan, provided such property is acceptable to the Town/County for such dedication and maintenance.

J. DEDICATION FOR PUBLIC USE

No plat of a subdivision showing any public lands, easements, or rights-of-way shall be recorded, nor shall any such lands, easements, or rights-of-way otherwise be accepted for dedication to public use until such dedication shall meet requirements of VA §15.2-2265, ~~first~~ be approved and accepted by the Town Council/Board of Supervisors, and evidence of such approval is shown on the instrument to be recorded. Such approval shall not be given by the Town Council/Board of Supervisors until any such easement or right-of-way complies with all requirements as the Town Council/Board of Supervisors and the Virginia Department of Transportation may impose.

K. PHASING

1. Once the design and development plans of a proposed subdivision project have been approved by the Town, the developer may construct the project in phases. The developer shall provide a construction bond for each phase of construction.
2. The developer must provide a schedule of work. If not completed on schedule, the bond for that phase shall be called.
3. After five years, any further work and/or improvements installed shall be subject to review by the Town and may be placed under updated requirements, specifications, and standards, subject to vested rights under VA §15.2-2307.

L. BOUNDARY LINE ADJUSTMENTS

1. The boundary lines of any lot or parcel of land may be relocated or otherwise altered as a part of an otherwise valid and properly recorded plat of subdivision or re-subdivision and executed by the owner or owners of such land as provided in Section ~~15.1-477~~15.2-2264 of the Code of Virginia ~~(1950, as amended),~~ provided:
   a. that such action does not involve the relocation or alteration of streets, alleys, easements for public passage, or other public areas;
   b. that no easements or utility rights-of-way shall be relocated or altered without the express consent of all persons holding any interest therein;
   c. that such action does not create a nonconforming situation according to the Town Zoning Ordinance;
   d. that such action does not alter a boundary line that is coincident with a zoning district boundary; and

e. that such action does not create additional lots beyond those already approved.

2. Boundary line adjustments involving plats approved under the Town Subdivision Ordinance must be approved by the ~~Administrative Body~~ Designated Agent.

M. APPEAL PROCEDURES

1. An applicant may appeal any adverse decision or failure to act by the Designated Agent according to the provisions of Section 15.2-2259 of the Code of Virginia.

ARTICLE III. SUBDIVISION IMPROVEMENTS REQUIRED

A. GENERAL

1. Design and specification approval

~~a.~~ No subdivider shall begin the clearing of land, including tree removal, or the construction of any improvements without first submitting plans and specifications to the Town. Such improvements may require the written approval of the Virginia Department of Transportation, or other applicable state or local agency.

~~b.~~ Installation and materials shall conform to Town of Berryville Constructions Standards and Specifications Manual ~~adopted Town Design and Construction Standards~~ in effect at the time of construction.

2. Installation of improvements

The ~~Administrative Body~~ Designated Agent shall require that the subdivider show all improvements on the plat as specified herein for final plat approval. Said improvements shall be installed in compliance with the requirements of any or all plans and plats approved by the ~~Administrative Body~~ Designated Agent, Virginia Department of Transportation, or any other applicable state or local agency.

3. Cost of improvements

All required on-site public improvements shall be installed at the expense of the subdivider, unless County/Town cost-sharing or other means of County/Town participation are indicated by the Director of Planning and Town Manager. Such agreements shall be formally entered into prior to final plat approval.

4. Requirements for easements

Easements and lines for water and sewer services shall be subject to approval by the ~~Town Council or its Agent~~Town Engineer, Director of Community Development, and Director of Public Works. In cases where specifications have been established, either by the Virginia Department of Transportation for streets, etc., or by this Ordinance, such specifications shall be followed. Drainage easements shall be subject to Town approval and acceptance.

5. Penalties

Any subdivider initiating any construction in violation of this Section shall be guilty of a misdemeanor~~,~~ and punishable by a fine of not more than that which is allowed by State statute. Any person who should knowingly continue construction after the issuance of a STOP WORK Order by the Zoning Administrator, Building Inspector, or other authorized representative of the Town shall be subject to a penalty of ~~five hundred dollars ($500)~~ the maximum permitted by state law for each day of said construction which should continue after issuance of the STOP WORK Order. The Town Council may require that any construction done after a STOP WORK Order be removed and the area restored to its original condition

6. Bond release
Any required subdivision bond shall not be released until all required construction has been satisfactorily completed and approved by the Town Council, wherein discharge and release of the subdivision bond shall be executed.

7. Clearing for surveying
Limited clearing for the purpose of surveying may be done before preliminary plat application, if the Town is given prior notification in writing and approves such clearing.

8. Public Improvements
All public improvements shall be completed within one year of recordation of the final plat unless otherwise specified by the Town Council, or bond funds may be utilized to install public improvements as indicated on approved final plat or plan.~~,~~

B. TRANSPORTATION IMPROVEMENTS

No final plat or plan shall be approved until the ~~Administrative Body~~ Designated Agent is assured that the following will have been provided:

1. Construction of, and right-of-way dedication for, required vehicular travel lanes, service drives, driveway entrances, or other access connections, which will permit vehicular travel within the subdivision~~,~~ and to and from adjacent properties.
2. Construction of, or fee dedication for, widening of existing roads, existing roads on new alignments, and proposed roads, all as indicated on the adopted Berryville Area Plan and where the need for such roads are substantially generated by the proposed subdivision.
3. Subdividers shall be required to reserve right-of-way for major highways and interstate highways where applicable. Dedication of rights-of-way for any major public transportation improvements shall be as indicated on the transportation element of the adopted Berryville Area Plan.
4. Subdividers shall be required to dedicate and construct off-site streets, or to improve existing streets if, in the opinion of the Town, the subdivision does not have adequate ingress or egress.
5. Where the adopted Berryville Area Plan indicates a right-of-way greater than that existing along a border of a subdivision or lot, such additional right-of-way shall be shown on the plat as dedicated to public use. Where a subdivision has occurred on public streets with less than ~~fifty feet right-of-way width~~, the right-of-way width required in Section IV.B.4 of this ordinance, additional right-of-way shall be dedicated in order that the total public right-of-way shall equal ~~fifty feet in~~ the required width.
~~5.~~6. All street and utility improvements shall be constructed in accordance with the Town of Berryville Construction Standards and Specifications Manual.
~~6.~~7. Curb and gutter (CG-6, or approved equivalent) shall be required on all new public streets. The ~~Administrative Body~~ Designated Agent may require curb and gutter on private streets and/or private parking areas where traffic

conditions warrant and on recommendation from ~~staff~~ Town Engineer, Director of Community Development, and Director of Public Works. Construction of curb and gutter may be required around all medians that separate travel lanes and service drives from existing streets and that separate off-street parking areas from streets, service drives, and travel lanes. However, the ~~Administrative Body~~ Designated Agent may waive~~, upon recommendation from staff,~~ the construction of curb and gutter on a travel lane where it would be in keeping with the existing/proposed design of the travel lane or parking aisle on adjacent properties so that adequate and safe traffic circulation between sites can be obtained without curb and gutter.

~~7.~~8. ~~At its discretion, the~~The ~~Administrative Body~~ Designated Agent may waive curb and gutter in any residential subdivision where average lot size exceeds 15,000 square feet and the average lot frontage exceeds 100 feet.

C. CONSTRUCTION OF SIDEWALKS AND TRAILS

1. Sidewalks shall be constructed, at no cost to the Town, as required by Article III, Section 319 of the Berryville Zoning Ordinance. All sidewalks shall be constructed in accordance with Virginia Department of Transportation standards. ~~**(09/05)**~~

~~2. The subdivider shall provide all improvements necessary to sidewalks in the subdivision in conformity with Section 15.2-381 of the Code of Virginia, as amended, requiring curb ramps for the handicapped.~~

~~3.~~2. The subdivider shall construct trails or walkways in accordance with the general location shown on the adopted Berryville Area Plan, together with such other connecting trails or walkways within the limits of the subdivision plan.

D. UTILITIES

All necessary utilities shall be provided and constructed by the subdivider or utility company to serve the proposed subdivision and shall be installed underground in accordance with adopted County/Town standards, and standards and regulations issued by the appropriate regulatory agency; provided, however that

1. Equipment ~~such as the electric distribution transformers, switchgear, meter pedestals, and telephone pedestals, which are~~which is normally installed above ~~-~~ground, may continue to be so installed, in accordance with accepted utility practices for underground distribution.
2. Meters, service connections and similar equipment normally attached to the outside wall of the premises they serve may be so installed.
3. Temporary facilities required for construction purposes may be permitted. The removal of such facilities shall be subject to a schedule approved by the Town of Berryville.
4. Easements and/or rights-of-way shall be dedicated for all utilities and other facilities within subdivisions that are intended to be publicly maintained. Such easements or rights-of-way shall be clearly defined on the plat or plan for the purposes intended.

E. STORMWATER MANAGEMENT FACILITIES

~~The Town may develop a Comprehensive Stormwater Management Facilities Plan to be applied in conjunction with the Berryville Area Stormwater Management Facilities Plan which addresses development and compliance within the Berryville Area. The plan will assist in determining the necessary structures, easements and costs to provide ultimate drainage facilities to serve County and Town drainage sheds at full development of those sheds. Such facilities plans shall be designed in accordance with the adopted Berryville Area Plan.~~

~~1. The facilities cost shall be updated annually by applying the Engineering News-Record cost index factor. The facilities plan shall be adopted by the Town Council.~~

~~2.~~1. ~~Subject to the adoption of a Comprehensive Stormwater Management Facilities Plan, a~~A subdivider or developer of land shall be required to pay a prorata share of the cost of providing reasonable and necessary drainage facilities which may be outside the property limits of the land owned or controlled by the subdivider or developer, but necessitated or required, at least in part, by the construction or improvement of such land~~, in accordance with the intent and provisions of Section 15.1-466(j) of the Code of Virginia and the adopted Comprehensive Plan, the adopted Berryville Area Plan, the Comprehensive Stormwater Management Facilities Plan, as adopted, and this Ordinance.~~.

~~3.~~2. The policy and criteria for determination of a prorata share of total cost, financial, and implementation procedures and other related matters shall be the responsibility of the ~~Director of Planning~~Town Engineer, Director of Community Development, Director of Public Works, Director of Public Utilities, and Town Manager~~ and adopted by the Town Council as part of the Comprehensive Stormwater Management Facilities Plan, as adopted.~~.

~~4.~~3. The installation of an adequate drainage system for the disposition of storm runoff shall be in accordance with ~~adopted Town Design and Construction Standards and compatible with the adopted Berryville Area Comprehensive Stormwater Management Facilities Plan, for the watershed as defined in the Berryville Area Comprehensive Stormwater Management Facilities Plan, or other state and federal agencies, if applicable.~~the Virginia Stormwater Management Handbook, the Construction Standards and Specifications Manual, and established best practices as determined by Town Engineer, Director of Community Development, Director of Public Works, Director of Public Utilities, and Town Manager.

~~5.~~4. The developer shall install adequate temporary and/or permanent erosion and sedimentation control measures meeting local, state, and federal requirements.

F. WATER AND SEWERAGE FACILITIES

All subdivisions of land in the Berryville Area ~~(Town of Berryville and Area B)~~ under the terms of this Ordinance, shall be approved for connection to the Town's water and sewer systems prior to final subdivision approval. No waiver shall be granted where there exists an adopted comprehensive facilities plan to provide future water and

sewer service to the area in which the subdivision is located. All easements required by the Town shall be provided for by the subdivider.

1. Extension of service

   Generally, where public water or sewer service is reasonably accessible, such service shall be extended by the developer to all lots within a subdivision. ~~, and s~~Specifications, easements, and dedications shall be in conformity with requirements of the Berryville Construction Standards and Specifications Manual, established best practices as determined by Town Engineer, Community Development Director, and Director of Public Works, and all applicable local, state, and Federal regulation,~~the Town~~.

2. ~~Facilities plans~~

~~Water and sewerage facilities shall be designed in accordance with facilities plans adopted by the Town of Berryville.~~

~~a. The Town may develop a Capital Facilities Plan in conjunction with the Berryville Area Plan: Water and Sewerage Program, as adopted, to determine the projected sewage flow, collection mains and facilities, easements, and costs to provide ultimate sewerage service to the Berryville Area drainage sheds at full development of those sheds within the Town of Berryville and Area B.~~

~~b. The Town may develop a Capital Facilities Plan in conjunction with the Berryville Area Plan: Water and Sewerage Program, as adopted, to determine the projected water requirements, mains and facilities, easements, and costs to provide ultimate water service to the Berryville Area sub-areas, at full development of those sub-areas, within the Town of Berryville and Area B.~~

3. Cost sharing policies

   a. ~~Subject to the adoption of comprehensive water and sewerage facilities plans, a~~A subdivider or developer of land shall be required to pay the full cost under a reimbursement policy, or a prorata share of, the cost of providing reasonable and necessary water and sewerage facilities which may be outside the property limits of the land owned or controlled by the subdivider or developer, but necessitated or required, at least in part, by the construction or improvement of such land. ~~Such reimbursement policies shall be adopted by the Town of Berryville.~~

   b. The policy and criteria for determination of a prorata share of total costs, financial and implementation procedures, and other related matters shall be the responsibility of the Town.

   c. The cost of such facilities shall be updated annually by applying the Engineering News-Record cost index factor.

4. Private septic systems

   a. No subdivision shall be approved in the Berryville Area where individual private septic tank systems are to be used.

   b. ~~Such subdivisions recognizing the utilization of septic systems are not conforming to the provisions of this Ordinance.~~

   c. Where, for the convenience of the Town of Berryville, a public sewer line has not been located within 500 feet of a building requiring sewage disposal, or where it is unreasonable or financially impractical

to the Town to extend such public sewer lines, said building may be exempted from the requirements of this section. Such exemption may be granted only if it can be shown that the property can be properly served by an on-site septic system. Such exemption shall be authorized by the ~~Town Council~~Director of Community Development, Director of Public Works, Town Engineer, and Town Manager.

5. Private water systems

No subdivision shall be approved in the Berryville Area where individual private water systems are to be used.

G. MISCELLANEOUS IMPROVEMENTS

1. ~~Street lights~~

~~Street lights shall be installed to light streets and other public ways.~~

~~Street lights shall be completed in accordance with plans prepared for the subdivider or developer and approved by the Town as meeting the required specifications for street lighting.~~

~~2. Other improvements **(09/05)**~~

Subdivision plat approval may be subject to the installation of other improvements as specified in this Ordinance or the Zoning Ordinance to include, where applicable, but not to be limited to, off-street parking and loading facilities, driveways, private streets, fences, walls, screening, and landscaping.

a. In the unlikely situation where the ~~Administrative Body~~ Designated Agent has determined that residential lots with reverse frontages are warranted on roadways, or where stormwater management facilities have been planned adjacent to roadways, a landscaped buffer area shall provide for plant material screening between adjacent land uses and along public rights-of-way. The buffer areas are required to run the length of adjacent property boundaries and public rights-of-way. Buffer areas shall not be used for buildings, the storage of materials, or vehicular parking. ~~Except for mulched areas adjacent to plant material, buffer areas shall have a living ground cover.~~

i. buffer area widths for reverse frontage lots shall consist of the following:

(a) 15 foot buffer area adjacent to streets with rights-of-way less than fifty (50) feet; ~~,~~

~~(b)~~ 25 foot buffer area adjacent to streets with rights-of-way between fifty (50) and sixty (60) feet; ~~,~~

~~(c)~~ and 30 foot buffer area adjacent to streets with rights-of-way greater than sixty (60) feet~~,~~ and any streets classified as State Primary Roads.

ii. Quantity

(a) Plant material is required per square foot of buffer area as listed below:

1. 15-foot buffer areas
   - A. Large canopy tree 1/500 square feet and
   - B. Medium canopy tree none required and
   - C. Small canopy tree 1/1000 square feet and
   - D. Shrub 1/50 square feet.
2. 25 foot buffer areas
   - A. Large canopy tree 1/1500 square feet and
   - B. Medium canopy tree 1/1500 square feet and
   - C. Small canopy tree 1/1500 square feet and
   - D. Shrub 1/50 square feet.
3. 30 foot buffer areas
   - A. Large canopy tree 1000 square feet and
   - B. Medium canopy tree 1000 square feet and
   - C. Small canopy tree 1000 square feet and
   - D. Shrub 1/50 square feet.
4. Buffer area trees ~~in 15-, 25-, 30-foot buffers~~ shall be at least fifty percent (50%) evergreens.

iii. Utility Lines

Small canopy trees ~~shall be substituted for large canopy trees where buffer areas are under and parallel to overhead utility lines. In other buffer areas, small canopy trees~~ should be used whenever trees are placed under overhead utility lines.

iv. Plant Material Type and Location Specifications

(a) Schedule: All plans shall contain a schedule of plants proposed, indicating the number proposed, caliper or gallon size, and both common and botanical names.

(b) Condition: All plant material shall comply with the American Standard for Nursery Stock (ANSI Z60.1~~-1996~~). All plants shall be well formed, vigorous, healthy and free of disease, sunscald, windburn and insects or their eggs.

(c) Diversity: No single species of tree or shrub shall comprise more than 1/3 of the total number of trees or shrubs to be planted.

(d) Sight Distance: No tree, shrub, hedge or existing vegetation shall be planted or maintained in a way that interferes with prescribed sight distances.

(e) Size:

Minimum Caliper/Size

1. Large canopy tree two (2) inch caliper
2. Medium canopy tree two (2) inch caliper

3. Evergreen tree	six (6) feet tall
4. Small canopy tree	six (6) feet tall
5. All shrubs	eighteen (18) inches tall

(f) Planting: All plant material shall be installed in accordance with good trade practices. Trees shall be planted at least ten (10) feet apart. The Standardized Landscape Specifications for the Commonwealth of Virginia will serve as the basis for minimum acceptable plant installations (Plates 1 and 2). The Zoning Administrator or designee shall be notified seventy-two (72) hours prior to plant installation. The zoning Administrator will schedule a site visit to inspect all plant material to confirm minimum standards. Upon inspection, the Zoning Administrator may reject any plant material due to non-conformance.

(g) Selection: Disturbed areas not covered by paving, stone, or other solid materials shall be revegetated with plant species that are compatible with the natural vegetation and tree cover that have low water and nutrient requirements. All trees and shrubs will be based on their listing in the Manual of Woody Landscape Plants (Dirr), latest edition, and shall be native to the region, if possible; non-native species are allowed if they will grow in this region's environmental conditions and are non-invasive;.

1. Large canopy trees shall:
   A) Have a mature height over forty-five (45) feet as described in the Manual of Woody Landscape Plants;
   B) ~~be native to the region, if possible; non-native species are allowed if they will grow in this region's environmental conditions and are non-invasive;~~
   C) be typical of, but not limited to, maples or oaks;
   D) not include: Female Ginkgo (ginkgo biloba), Poplar (Poplus spp.), Silver Maple (Acer saccharinum), Tree of Heaven (Ailanthus altissima) or Black Locust (Robinia pseudoaciaca).
2. Medium canopy trees shall:
   A) Have a mature height between thirty (30) and forty-five (45) feet with a spread of

thirty feet as described in the Manual of Woody Landscape Plants;

B) ~~be native to the region, if possible; non-native species are allowed if they will grow in this region's environmental conditions and are non-invasive;~~

C) be typical of, but not limited to, Honeylocusts (Glaeditisa triacanthos), Blackguns (Nyssa sylvatica) or American Hornbeams (Ostrya virginiana).

3. Small canopy trees shall:

A) Have a mature height up to thirty (30) feet with an equal spread as described in the Manual of Woody Landscape Plants;

B) ~~be native to the region, if possible; non-native species are allowed if they will grow in this region's environmental conditions and are non-invasive;~~

C) be typical of, but not limited to, American Arborvitae (Thujaoccidentalis), American Holly (Ilex opaca), or upright Juniper (Juniperus sp.).

4. Shrubs shall:

A) include evergreen varieties for at least 50% of the shrubs planted;

B) have a mature height of at least three feet as described in the Manual of Woody Landscape Plants;

C) ~~be native to the region, if possible; non-native species are allowed if they will grow in this region's environmental conditions and are non-invasive;~~

D) be typical of, but not limited to, Inkberry (Ilex glabra), Sweetshrub (Claycanthis floridus), Juniperus sp.), and Cherrylaural (Prunus caroliniana).

v. ~~Enforcement~~

~~The enforcement of this Ordinance shall be the responsibility of the Zoning Administrator or designee.~~

The property owner or their agent on which the buffer is located shall be responsible for the general maintenance of all landscape buffer areas.

c. Subdivision plat approval may be subject to the installation of other improvements as specified by local, state, or Federal regulation, established best practices as determined by Town Engineer, Director of Community Development, and Director of Public Works, and ~~other Town/County ordinances or as may be required to conform to~~ standards of the Virginia Department of Transportation. ~~If no such standards exist, such improvements shall conform to good standard engineering practice and are subject to approval by the Town.~~

d. Enforcement

The enforcement of this Ordinance shall be the responsibility of the Zoning Administrator or designee.

IV. SUBDIVISION DESIGN STANDARDS

A. GENERAL

~~The quality of a community is dependent on the quality of the individual subdivisions that are a part of it. A high-quality community is made possible by a well-designed infrastructure, which requires the cooperation of each subdivider and developer of land. Therefore, the~~The design of each subdivision in the Berryville Area shall be prepared in accordance with the principles and recommendations established by the Berryville Area Plan for land use, traffic circulation, community facilities and public services, and in accordance with the following general principles:

1. Size of lots and blocks

   The size of lots and blocks and other areas for residential, commercial, industrial, and public uses shall be designed to provide adequate light, air, open space, landscaping, and off-street parking and loading facilities.

2. Solar access and preservation of natural features

   The arrangements of lots and blocks and the street system shall be designed to protect solar access and to make the most advantageous use of topography and natural physical features. Tree masses and large individual trees shall, whenever possible and consistent with the provisions of this Ordinance, be preserved. Any system of sidewalks and roadways and lot layout shall be designed to take advantage of the visual qualities of the area.

3. Materials and construction techniques

   ~~a. It is the intent of this Ordinance that all plat work, design, and construction work, normally done by Surveyors, Engineers, and Contractors, be performed in accordance with good standard practices, whether specifically addressed in this Ordinance or not. Such "standard practice" shall refer not only to work performed in the installation of necessary improvements and facilities, but also to the work of restoration of existing features and underground facilities.~~

   ~~b. All construction shall conform to the standards of the Town or, in the event no Town standards exist, to the standards of the Virginia Department of Transportation. Unless otherwise shown, all material and construction technique specifications shall be in accordance with the requirements of the Virginia Department of Transportation in effect at the time of the plan and specification submission.~~

   ~~c.~~a. All ~~other~~ design criteria and construction standards shall be in accordance with applicable Town ~~Design and Construction Standards~~Constructions Standards and Specifications Manual. Where standards and criteria are not provided or are found not applicable, the Community Development Director, Director of Public Works, Town Engineer, and/or Town Manager shall provide the governing standards or shall rule upon those standards proposed by the developer.

~~In furtherance of the purposes of this Ordinance, the following minimum subdivision design standards, as applicable, shall be required and delineated on final subdivision plats.~~

B. STREETS

1. Street standards and design

~~a. All street and highway construction standards and geometric design standards shall be in accordance with those specified by the Virginia Department of Transportation and applicable Town Design and Construction Standards. In certain cases, the Town may modify street geometric design standards for local, collector, and minor loop streets with the provision that sufficient off-street parking be provided to complement the street system and approval for modification is obtained from the Virginia Department of Transportation where applicable.~~

~~b.~~a. Specifications for improvements to proposed and planned streets shall be in accordance with ~~the~~ Virginia Department of Transportation and/or Town ~~design standards and criteria established by the Town~~Construction Standards and Specifications Manual.

~~c.~~b. All subdivisions must have direct access to publicly dedicated and publicly maintained roads, except that private roads may be permitted in accordance with the provisions in this Ordinance.

~~d.~~c. Subdivisions shall be designed so that lots will not front any arterial road unless the physiography, shape, or size of the tract would preclude other methods of providing access.

2. Street classifications

The classification of proposed streets shall be determined by an estimate of the anticipated vehicular traffic volume as currently prescribed, or as revised, by the Virginia Department of Transportation and shall apply to streets proposed by a subdivider and to all streets shown on the transportation element of the Berryville Area Plan. Costs of traffic count and estimates shall be borne by Owner or Developer.

3. ~~Street layout~~

~~Streets in predominantly residential subdivisions shall be designed to discourage through traffic, but offset or jog streets shall be avoided.~~

4. Street width ~~(06/24)~~

Public street rights of way shall conform to the following requirements:

ROW WIDTH	ADT	Design Speed	Road Width (Parking 2 sides)	Curb & Gutter	Buffer Strip	Sidewalk Width
55’	Up to 2,000	25 mph	30’	CG-6	5’	5’
65’	2,001 to 4,000	25 mph	36’	CG-6	7’	5’

5. Street right-of-way lines
Right-of-way lines shall conform to the property lines of lots and shall be parallel to the street center line.

6. Street grades
a. A minimun street grade of 0.5 percent shall be required. The grade of streets shall not exceed eight (8) percent unless approved by ~~the Town Council, and in no case shall a street grade exceed ten (10) percent.~~Virginia Department of Transportation.

~~b. A minimum street grade of 0.5 percent shall be required.~~

7. Street approach angle
Streets shall intersect a~~t~~n near right angles, and ~~of~~ not less than 80 degrees, unless otherwise approved by the ~~Town Council or its agent~~ Director of Community Development, Director of Public Works, and Town Engineer, or upon recommendation from the Virginia Department of Transportation for specific reasons of contour, terrain, or matching of existing patterns.

8. Curb and gutter requirements
Curb and gutter shall be required as provided in ~~Article III Section 320 of~~ the Berryville Zoning Ordinance. All curb and gutter sections shall be constructed in accordance with Virginia Department of Transportation Standards. ~~**(9/05)**~~

9. Half-street sections
Half-street sections (streets of less than the full right-of-way required) along the property line of land proposed for subdivision shall not be permitted, unless approved by the Virginia Department of Transportation. When a new subdivision abuts one side of an existing or platted street, the subdivider shall dedicate at least half of the right-of-way necessary to make such street comply with the minimum width fixed for the same by this section. However, where half-streets exist on adjoining property, the provisions of the section may be satisfied by the dedication of the remaining required right-of-way upon which the subdivision in question abuts. No building shall be permitted without such dedication.

10. Cul-de-sacs
Cul-de-sacs ~~(minor neighborhood streets designed to have one end permanently closed)~~ shall not be longer than 600 feet. All cul-de-sacs must be terminated by a turnaround having a right-of-way radius of 50 feet and a paved radius (face of curb to face of curb) of 43 feet.

11. Coordination and continuation of streets adjacent to subdivision
a. Subdivision street layout shall allow for the planned continuation of existing streets in adjoining areas, and must not be such as to cause unnecessary hardship to owners of adjoining property which may be susceptible to future subdivision planning.
b. Subdivision streets shall be provided and designed to give access to adjoining acreage in conformance with the Berryville Area Plan and to the satisfaction of the Town.
~~c. Any proposed street that will extend an existing street shall be improved in like manner as the existing street unless as otherwise~~

~~directed by the Virginia Department of Transportation (VDOT). The type of improvement and the construction materials shall be in accordance with VDOT and/or applicable Town standards and criteria or as otherwise established by the Town.~~

~~d.~~c. There shall be no buffer or reserve ~~strips ("hate strips" or "spite strips")~~ limiting access from existing or planned through streets, except under such limitations and conditions as may be in the form of a written approval from the ~~Administrative Body~~Designated Agent. Such limitations and conditions in effect shall secure removal of the buffer or reserve strip whenever it is in the public interest that such be converted into a public street as an access or additional access to adjacent lands.

12. Street signs and names
    a. At each street intersection within or adjacent to the proposed subdivision one street identification sign of a design approved by the Town shall be installed by, and at the expense of, the subdivider/developer.
    b. The Town shall approve all new subdivision street names.
    c. Proposed streets that are obviously in alignment with other already existing and named streets shall bear the name of the existing streets. In no case shall the names of proposed streets duplicate existing streets irrespective of the use of the suffix street, avenue, boulevard, drive, way, place, lane, or court.
13. Subdivision entrances
    a. No subdivision shall be approved unless the principle means of access thereto, and all streets within, shall conform to the standards of the Virginia Department of Transportation.
    b. Each entrance onto any public road for vehicular traffic to and from such subdivision shall be subject to the approval of the ~~Administrative Body~~ Designated Agent ~~upon the advice of the Virginia Department of Transportation Highway Engineer and shall be constructed in accordance with the applicable design standards of the Town of Berryville and/or the Virginia Department of Transportation.~~
    c. Where traffic generated from a subdivision exceeds 2,000 vehicle-trips per day, such subdivision shall provide connectors to any existing public road(s) at two locations. Where only one connection is feasible, the entrance roadway must be a four-lane divided road with a length of not less than 250 feet or as otherwise recommended by the Virginia Department of Transportation. There shall be no curb cuts along this four-lane divided entrance road.
14. Alleys
    a. Dead-end alleys and alleys in residential areas will not be permitted.
    b. Privately maintained and properly documented alley easements in commercial zones may be permitted at the discretion of the ~~town, provided there is documentation acceptable to the Town ensuring the~~

~~maintenance and upkeep of the alley easement.~~ Designated Agent. No such alley easement shall be less than 24 feet in width.

15. Service drives

~~a.~~ Service drives are discouraged except where required by Virginia Department of Transportation standard or regulation.~~Whenever a proposed subdivision contains, or is adjacent to a minor or major arterial, sufficient land shall be reserved so as to provide for subsequent construction of service drives or service streets approximately parallel to such right-of-way; but the Administrative Body may, when consistent with the public convenience and necessity, waive the requirement of such provision.~~

~~b. Except where impractical by reason of topographic hardship, the area between the drive and the major highway shall be sufficient to provide for scenic planting and screening. The dimension of the area between the service drive and a major highway and the points of access between the same shall be determined after due consideration of traffic safety requirements.~~

16. Streetlights ~~**(06/24)**~~

The placement of street lights shall follow the guidelines below.

a. Residential

- *At intersections:*

  In order to provide lighting within the intersection area of two local streets, a light ball shall be installed on one corner of any intersection or opposite the intersection in the case of a T-intersection.

- *Within cul-de-sac bulbs:*

  A light pole will be installed within the cul-de-sac bulb when the cul-de-sac street is longer than 200 feet measured from the intersection of the intersection local streets to the center of the cul-de-sac bulb.

- *Mid-block streetlights:*

  A minimum number of mid-block streetlights shall be installed in order to achieve a desired pole spacing of approximately 250 feet. The maximum spacing between lights should not exceed 300 feet and the minimum spacing between lights should not be less than 200 feet unless otherwise approved by the Community Development Director, Director of Public Works, and Town Engineer. Lights should desirably be located on or near property lines and not in front of structures when possible.

b. Commercial

Commercial street lighting will be reviewed ~~on a performance-based review~~ as part of the site plan review and based on guidelines established above.

c. Collector Street Lighting

Street lights on collector streets with rights-of-way of sixty 60 feet or more with ~~ADT's~~average daily traffic of 2,001 vehicles or more shall

maintain separation based on the guidelines established above. Cobra head fixtures may be installed on these roadways.

C. BLOCKS

1. Block length

The length of a block in a proposed subdivision shall be neither less than 400 feet nor more than 800 feet.

2. Block width

The width of a proposed subdivision block shall be sufficient to allow two tiers of lots of minimum depth, except where fronting on arterial streets. The ~~Administrative Body~~Designated Agent, upon recommendation by the ~~Planning~~ Community Development Director and/or Town Manager, may approve a single tier of lots of minimum depth wherever physiography or Berryville Area ~~Master~~ Plan matters so dictate.

~~3. Block orientation~~

~~Where a proposed subdivision adjoins an arterial street or a collector street the Administrative Body may require service streets or driveways parallel to such arterial or collector street, or reverse frontage lots, to facilitate safe ingress or egress to the subdivision.~~

4. Nonconforming blocks

Any proposed blocks of irregular shape or not conforming to the dimensions required in this Ordinance may be accepted upon special approval of the ~~Administrative Body~~Designated Agent.

D. LOTS

1. Relationship to street

Each lot shall abut on~~-~~ an existing public street or a street dedicated by the subdivision plat or deed of dedication.~~, or on an existing public street~~.

2. Lot width and area

The minimum width and area of a proposed subdivision lot shall be as set forth in the adopted Zoning Ordinance.

3. Lot frontage

a. Except for lots fronting on a cul-de-sac, frontage shall not be less than that required by the Zoning Ordinance and~~. This regulation may be reduced for frontage on a public street or private road cul-de-sacs, provided that driveway separation shall be in accordance with~~ Virginia Department of Transportation standards.

b. In establishing the required cul-de-sac lot frontage configurations, the minimum lot frontage as specified for any given zoning district shall be applied at the front setback line of the cul-de-sac lot.

4. Corner lots

~~a. Corner lots shall have extra width sufficient for maintenance of required building lines on both streets upon which the corner lot abuts.~~

~~b.~~a. Corner lots shall conform to required building setback lines and Zoning Ordinance requirements.

~~c.~~b. Corner lots at intersections shall be rounded, with a minimum 25-foot radius.

5. Out-parcels

A subdivision shall be designed to preclude any remnant or out-parcel of land below minimum lot size unless such remnant or out-parcel is intended for a specific accessory use or common open space for the subdivision or as otherwise approved by the ~~Administrative Body~~Designated Agent. ~~Otherwise, out-parcels shall be added to adjacent lots or common open space rather than remain as unbuildable or peculiarly shaped parcels.~~

6. "Flag" lots

Flag lots or "pipestem" lots shall not be permitted.

7. Double frontage and reverse frontage lots

Double frontage or reverse frontage lots shall only be permitted where essential to minimize the frontage of residential lots on arterial streets, to overcome disadvantage of topography, or where exceptional site design permits.

E. MONUMENTS AND CORNERS

1. Monument location and type

a. Permanent reference monuments shall be placed at all boundary points, points of curvature, points of tangency, points of compound curves, reverse curves, and along tangents at intervals of hundred 660 linear feet per block.

b. Permanent reference markers shall be constructed using a minimum No. 4 re-bar not less than 28 inches in length set in four (4) ~~-~~ inch by four (4) ~~4~~-inch concrete and shall be placed no less than four (4) inches, nor more than sixe (6) inches above finished grade.

2. Corner location and type

All lot corners other than those with permanent reference monuments shall be marked with solid metal pins (or pins of a material approved by the Town) of not less than 5/8-inch in diameter and 24 inches long and driven so as to be flush with the finished grade. When rock is encountered, the solid metal monument shall be set and secured in a hole drilled at leas~~t~~e 1/2-inch deep in the rock.

3. Visibility

Upon completion of streets and other public improvements in the subdivision, all reference monuments and pins required shall be clearly visible for inspection and use prior to release of subdivision land.

F. EASEMENT WIDTHS

Minimum easement width shall be delineated on the plat and the width designated as follows, unless otherwise specified by the ~~Administrative Body~~Designated Agent~~.~~

The width of an easement containing a combination of utilities shall be the maximum of the overlay of the combined easements.

1.	Water mains and Sanitary sewer:	20 feet
2.	~~Water mains:~~	~~15 feet; 20 feet if lines are in excess of 5 feet in depth.~~
3.	Storm sewer:	20 feet
4.	Underground telephone, television cable, gas or electric:	10 feet unless otherwise stipulated by applicable utility agency
5.	~~Alleys:~~	~~24 feet~~
6.	Stormwater drainage:	20 feet, except that an easement of sufficient width shall be required for the provision of adequate access for maintenance purposes.

G. STORM DRAINAGE SYSTEMS

All storm drainage systems shall be constructed in accordance with ~~the~~ Virginia Stormwater Management Program (VSMP) regulations, Virginia Stormwater Management Handbook, Berryville's Construction Standards and Specifications Manual, Virginia Department of Transportation requirements, and best practices as determined by the Town Engineer, Director of Community Development, and Director of Public Works. ~~The Town's stormwater management goal is to limit the rate of stormwater run-off from a developed area to that which existed before development occurred. The policies for attaining this goal are more specifically addressed in the adopted "Berryville Area Stormwater Management Facilities Plan." In general, on-site stormwater management structures shall be constructed in conjunction with site development activities. In watersheds where the "Berryville Area Stormwater Management Facilities Plan" has required off-site watershed management measures, a prorata monetary contribution towards such comprehensive drainage improvements shall be substituted for on-site stormwater management. All the provisions of this section shall be enforced unless specifically waived by the Administrative Body~~Designated Agent~~.~~

1. Storm drainage facilities - adequacy, size and capacity

~~a. In general, adequate drainage facilities possess the hydraulic characteristics necessary to accommodate the expected flow of stormwater from a given watershed, or portion thereof, for a specified duration and intensity of rainfall.~~

a. Adequate drainage should be designed to:

b. Remedy any existing conditions which contribute to flooding or other stormwater-related damage;

i. account for both off-site and on-site stormwater;

ii. honor natural drainage divides;

~~iii.~~ convey ~~said stormwater to a stream, water channel, natural drainage way, or existing facility;~~and

~~iv.~~iii. discharge said stormwater into the natural drainage way by tying into the drainage way at natural elevations or by

discharging the stormwater into an existing facility of sufficient capacity to receive the same; and

~~v. not to increase flow which would cause more harm than formerly to subservient (downstream) landowners.~~

c. The determination of the size and capacity of an adequate drainage system shall take into account the planned development in the watershed or affected portions thereof. The design should not adversely affect adjacent or neighboring properties.

2. ~~Basic design criteria~~

~~The basic design criteria for stormwater management facilities employ the 10-year frequency, 2-hour duration storm to determine pre- and post-development flows. Required storage shall be computed using unit hydrograph methods. Emergency spillways shall be designed to withstand the 100-year frequency, 2-hour storm. Hydrographs, spillway design, embankment design and flow computations shall be submitted with the site plan. Where existing flooding problems are known to exist, the Town may require the subdivider to design its stormwater detention facilities for the 100-year storm event.~~

3. ~~General design guidelines~~

~~Refer to "The Berryville Area Plan: Stormwater Management."~~

4. Drainage construction standards

~~Drainage structures should be constructed in such a manner that they can be maintained at a reasonable cost.~~ To facilitate design, construction, and maintenance, said drainage structures must meet or conform to the Virginia Stormwater Management Handbook~~Town~~ and Virginia Department of Transportation standards and include provisions for maintenance.

5. Drainage easements and fencing

Dedicated easements shall be provided for access and maintenance stormwater management facilities. Fencing of storm facilities that retain or detain runoff may be required upon final determination of the Director of ~~Planning~~ Community Development and/or ~~Town Manager~~Director of Public Works.

6. Off-site stormwater management

~~The most recent state guidelines require that properties and waterways downstream from new development sites be protected from erosion due to increases in the volume, velocity, and peak flow rate of storm runoff. To satisfy these requirements, the following criteria, as a minimum, shall apply:~~

a. Concentrated storm run-off leaving a development site must be discharged directly into a well-defined, natural or man-made~~,~~ off-site receiving channel or pipe. If there is no well-defined off-site receiving channel or pipe, one must be constructed to convey stormwater to the nearest adequate channel.

b. ~~Newly constructed channels shall be adequately designed.~~ An adequate channel shall be defined as a natural or man-made channel or pipe which is capable of conveying the run-off from a 10-year, 2-

hour storm, without over-topping its banks or eroding, after development of the site in question. A receiving channel may also be considered adequate at any point where the total contributing drainage area is at least 100 times greater than the drainage area of the development site in question or if it can be shown that the peak rate of run-off from the site generated by storms to the 10-year, 2-hour storm will not be increased after development.

c. Run-off rate and channel adequacy must be verified with engineering calculations on standard design forms suitable to the ~~Planning Director~~Director of Community Development, Director of Public Works, Town Engineer, and/or Town Manager.

~~d. If an existing off-site receiving channel is not an adequate channel, the applicant must choose one of the following options:~~

~~i. Obtain permission from downstream property owners to improve the receiving channel to an adequate condition. Such drainage improvements shall extend downstream until an adequate channel section is reached. (See chapter 5 of the 1980 Virginia Erosion and Sediment Control Handbook.)~~

~~ii. Develop a site design that will not cause the predevelopment peak run-off rate from storms up to the 10-year, 2-hour storm to increase. Such a design may be accomplished by enhancing the infiltration capability of the site or by providing on-site stormwater detention measures. The estimation of pre-development and post-development peak run-off rates must be verified by engineering calculations.~~

~~iii. Provide a combination of channel improvement, stormwater detention, or other measures that are satisfactory to the Town to prevent downstream channel erosion.~~

~~iv. All channel improvements or modifications must comply with all applicable laws and regulations. Modifications to flowing streams should be done in accordance with "Best Management Practices for Hydrologic Modifications," Virginia SWCB Planning Bulletin 319, 1979.~~

~~v. Increased volumes of unconcentrated sheet flows that will cause erosion or sedimentation of adjacent property must be diverted to a stable outlet or detention facility.~~

H. WATER SUPPLY

~~As per Town Code, the Town Council shall have authority over water connections beyond the corporate limits (Annexation Area "B").~~

1. ~~General requirements~~

~~Standards for water system design, construction and materials for the Town and the Berryville Area, as approved by the Berryville Town Council, shall be followed for all water systems, unless specific deviation thereof is authorized, in writing, by the Town Council. All standards referenced in this section shall refer to the latest revision or revised edition of the referenced material.~~

2. General design guidelines for the water supply

Design guidelines for the water system shall meet Berryville's Construction Standards and Specifications Manual, Virginia Department of Health requirements, and best practices as determined by the Town Engineer, Director of Community Development, and Director of Public Works. ~~, as a minimum, the standards set forth in the "Berryville Area Plan: Water and Sewerage Program." The authority for discretionary provisions for water system designs shall rest with the Director of Public Works of the Town of Berryville.~~

3. Materials and construction

All materials and construction shall meet those requirements as specified in the Town of Berryville's ~~"Construction Specifications and Standard Details."~~Construction Standards and Specifications Manual.

~~a.~~ In cases where there are no Town specifications covering proposed materials to be used by the developer, all such materials shall conform to the latest edition of AWWA specifications or their approved equivalent.

~~b. All construction shall conform to standards approved by the Town. In cases where there are no Town specifications covering construction, all work shall conform to the latest edition of the AWWA specifications or other standard test procedures.~~

4. ~~Minimum test pressure~~

~~Minimum test pressure for all water lines and appurtenances shall be a minimum of 1.5x working pressure or 150 psi, whichever is greater.~~

I. SEWERAGE FACILITIES

~~As per Town Code, the Town Council shall have authority over sewer connections beyond the corporate limits (Annexation Area "B").~~

1. ~~General requirements~~

~~Standards for sewer system design, construction, and materials for the Town and the Berryville Area, as approved by the Berryville Town Council, shall be followed for all sewer systems, unless specific deviation thereof is authorized, in writing, by the Town Council. All standards referenced in this section shall refer to the latest revision or revised edition of the referenced material.~~

2. General design guidelines

Design guidelines for the water system shall meet Berryville's Construction Standards and Specifications Manual, Virginia Department of Environmental Quality requirements, and best practices as determined by the Town Engineer, Director of Community Development, and Director of Public Works. ~~For information concerning contributing population, design quantities, hydraulic design criteria, and the location of sewers and appurtenances refer to the "Berryville Area Plan: Water and Sewerage Program."~~

3. Materials and construction

All materials and construction shall meet those requirements as specified in the Town of Berryville's Construction Standards and Specifications Manual. In cases where there are no Town specifications covering proposed materials

to be used by the developer, all such materials shall conform to the latest edition of AWWA specifications or their approved equivalent.

~~All materials and construction shall meet those requirements as specified in the Town of Berryville's "Construction Specifications and Standard Details." The authority for discretionary provisions for sewer system materials and construction shall rest with the Director of Public Works of the Town of Berryville.~~

~~a. In cases where there are no Town specifications covering proposed materials to be used by the developer, all such material shall conform to the latest edition of the ASTM, ANSI or other applicable specifications and testing procedures.~~

~~b. All construction shall conform with standards approved by the Town. In cases where there are no Town specifications covering construction, all work shall conform to the latest edition of the Virginia Department of Health's Sewerage Regulations.~~

J. FIRE PROTECTION

~~For fire flow requirements refer to "Berryville Area Plan: Water and Sewerage Program."~~

1. Fire hydrant location

Where public water is available, the installation of adequate fire hydrants ~~by the developer in a subdivision at locations approved by the Town Council, or its agent,~~ shall be required as necessary to provide adequate fire protection. In the event that sufficient water supply for fire flow is not available, the engineer shall design the development as if sufficient fire flow were available. ~~Refer to the "Berryville Area Plan: Water and Sewerage Program" for additional information regarding fire hydrant locations.~~

2. Fire hydrant installation

a. Fire hydrants shall be installed in accordance with the Town's ~~"Construction Specifications and Standard Details."~~ Construction Standards and Specifications Manual.

~~b. For locations where fire hydrants are required but not yet ready for installation, the contractor shall install an assembly, which shall be made ready for future hydrant installation when water is made available. The fire hydrant itself shall be delivered to the Town's material yard and stored. The Town will install the hydrant when appropriate.~~

K. FLOODPLAINS

~~The Administrative Body, in the interest of health, safety, and general welfare of the present and future inhabitants of the Berryville Area shall control the subdivision for development of any property that lies in a floodplain in accordance with the following provisions:~~

~~1. Floodplain studies~~

a. Floodplain studies shall be prepared for drainage areas exceeding 100 acres. The 100-year rainfall curve shall be used, with a one-foot

freeboard easement added to the computed water level. Flood- plain computations shall be performed using the standard-step method or an equivalent method to achieve a balance of energy. Cross-sections, stream profiles, and support calculations shall be submitted.

b. If a proposed subdivision is situated along a ~~river, stream, or other~~ watercourse that is subject to periodic flooding and has not had a floodplain specifically delineated by the United States Corps of Engineers or the United States Geological Survey, the subdivider shall be required to show the floodplain on the plat of the property to be subdivided. The limits of such floodplain shall be located by a floodplain study prepared by ~~an engineer~~a professional engineer registered in the Commonwealth of Virginia, in accordance with *Title 54.1, Chapter 3 of the Code of Virginia*, as amended ~~or by such other qualified person or method as approved by the Administrative Body~~Designated Agent~~.~~

2. Floodplain easement and uses

a. In a proposed subdivision which includes property within a flood-plain ~~along a stream or other watercourse that is to be left in its natural state,~~ the floodplain shall be shown on the plat of the subdivision as a floodplain easement across the lots located in such floodplain.

b. No use will be permitted in the floodplain easement area that will obstruct the flow of water or alter flood heights in other areas. The floodplain area may be used for utility lines, storm drainage facilities, and other such facilities as are authorized by the adopted Zoning Ordinance, so long as other such uses do not obstruct the flow of water or alter flood heights in other areas.

c. Land within the floodplain easement area may be designated and used as a public park or recreation area, provided it is dedicated to, and accepted by, a responsible public authority or maintained by a means acceptable to the Town Council.

d. In determining whether a lot which contains a floodplain easement satisfies the requirements of the adopted Zoning Ordinance with respect to lot size or open space or yard requirements (building set-backs), the area within the floodplain easement may be included if the lot includes a suitable site for a flood-free building (a building in which the lowest floor, including the basement, is above the level of a 100-year flood).

L. SINKHOLES AND KARST FEATURES ~~(07/04)~~

The purpose of this section is to establish review ~~procedures, use limitations,~~ design standards and performance standards applicable to land development activities that encompass or affect sinkholes or other karst features in accordance with Virginia Department of Transportation Part II. B., BMP Design Manual of Practice, and the Virginia Stormwater Management Handbook~~. The intent of this section is to protect the public health, safety and welfare by requiring the development and use of karst~~

~~areas to proceed in a manner that promotes safe and appropriate construction and stormwater management.~~

1. Definitions
   a. Geotechnical Engineer – a Virginia-Registered Professional Engineer (PE) engaged in the practice of Geotechnical Engineering, or a Virginia-Registered Professional Geologist (PG) who is engaged in the practice of Engineering Geology.
   b. Karst feature – karst topography is a landscape created by groundwater dissolving sedimentary rock such as limestone. Features include sinkholes, fissures enlarged by dissolution and caves.
   c. spring – any spring that is depicted on the most recent version of the Virginia Department of Mineral Resources Publication 102, Plate 2, Hydrogeologic Components of Clarke County, Virginia.
   d. stream, intermittent or perennial – any stream that is depicted as intermittent or perennial on the most recent U.S. Geological Survey 71/2 minute topographic quadrangle (scale 1:24,000).
2. Site Review
   a. Investigation by a Geotechnical Engineer

      Whenever an application for development is filed, the applicant will hire a Geotechnical Engineer to undertake an inspection of the subject area~~. The PE or PG shall review available geologic and engineering data and air-photographs relevant to the site and shall make on-site observations, photographs, and measurements as appropriate. The PE or PG shall provide a written summary of his or her initial findings~~ A written summary of findings shall be provided to the Town, along with a recommendation to perform a fracture trace analysis, electrical resistivity, cone sounding, core samples, microgravity, and/or other geophysical or intrusive studies as appropriate to determine if the action requested may have a negative impact. The examination for karst features by the engineer shall take place prior to any public hearing process applicable to the parcel in question. ~~The PE or PG will report to the planning staff any findings as to whether there may be significant karst features that apply to the site.~~

      ~~i. No evidence of karst features. If the PE or PG finds that the site has no evidence of karst features, they shall so indicate in a written report provided to the reviewing body.~~

      ~~ii. Evidence of karst features. In cases where the PE or PG finds evidence that karst features do exist and which would be impacted by development, electrical resistivity testing, core drilling, microgravity tests or tests as recommended by a PE or PG shall be required within a 100-foot radius of all locations on the property where karst features were identified, and along any linear trend of three or more features. For sinkholes, the 100-foot radius shall be measured from the discernable edge. At the completion of the tests, the applicant shall submit a~~

~~Karst Plan to the Town's Zoning Administrator and follow specific development procedures.~~

~~iii. The presence of karst features on the site which are not impacted. At the discretion of the planning staff, the karst plan may be simplified if the environmental constraint found to be present on the site is not impacted by the proposed site development.~~

b. Karst Plan

A karst plan shall be developed for property identified as having evidence of karst ~~features (i.e., sites upon which sinkholes are fully or partially located and/or which drain to sinkholes)~~. The burden of proof for establishing that there will be no significant impacts shall rest with the applicant. A karst plan shall include the following:

i. An engineering audit that identifies and maps karst features and the limitations that such features impose on site development. The audit shall include:

a) the physical location and limits of the area of sinkhole depressions as determined by field survey and review of pertinent Town, County, and/or State public record~~, the "Soil Survey of Clarke County" (1982), or the "Map of Selected Hydrogeologic Components of Clarke County, Virginia" (1990), or other reliable sources as may be approved by Town's Zoning Administrator;~~

b) locations of other karst features ~~(fissures enlarged by dissolution and caves);~~

c) topographic contours at maximum intervals of two feet, and spot elevations sufficient to determine low points and discernable edges; and

d) identification of a one-hundred (100) foot zone from the discernable edge of each sinkhole.

ii. A plan prepared by a PE to ensure structural stability for principal structures proposed within one-hundred (100) feet of the discernable edge of sinkholes or other karst features. Such plan shall identify tests that will be completed to determine sub-surface conditions.

iii. The Karst Plan developed for the property shall be reviewed and approved by the Town's Engineer and the Town's Zoning Administrator prior to approval to the development plan or subdivision.

c. Requirements and Restrictions

i. All sinkholes or other karst features identified prior to construction shall be either mitigated or separated from construction in accordance with Section 317 of the Berryville Zoning Ordinance.

ii. Sinkholes or karst features identified during construction shall be mitigated in accordance with Virginia Department of Transportation Part II. B., BMP Design Manual of Practice, and the Virginia Stormwater Management Handbook and best practices as determined by the Town Engineer, Director of Community Development, and Director of Public Works. ~~as described in the Virginia Department of Transportation's Location and Design Division Instructional and Informational Memorandum 228 (IIM-LD-228), or other applicable standard as recommended by a PG or PE and approved by the Town's Engineer and the Town's Zoning Administrator.~~

iii. Stormwater discharge into a karst feature shall not be increased over its predevelopment rate.

~~iv. Stormwater runoff from paved areas or structures shall not directly enter a mitigated sinkhole or other karst features. Stormwater facilities shall be designed to route runoff through approved vegetative filters or other filtration measures before it enters a mitigated sinkhole or other karst features.~~

~~v. After necessary testing to determine if sinkholes are present on the location of a proposed stormwater basin, stormwater basins in karst areas shall be lined with either impermeable soil or a synthetic membrane to prevent sudden loss of the contents of the basin into the groundwater due to induced collapse. Where native materials are deemed adequate for the purpose, the Geotechnical Engineer shall verify conditions, establish the required parameters, and monitor placement.~~

~~vi.~~iv. Construction plans shall contain a narrative describing stormwater drainage design, retention, erosion control, and where appropriate, stormwater quality mitigation measures, as these provisions relate to karst features.

~~vii.~~v. ~~Underground utilities located within 100 feet of sinkholes and karst features shall be laid out so that they do not intersect those features. Along all such underground utilities, a dike of clay or other suitable material shall be constructed across the trench of the transmission lines and pipelines at intervals of 20 feet or less, or as directed by a PE or PG.~~

~~viii.~~vi. ~~For any tests requiring boreholes, such as air track drilling, the boreholes must be grouted upon completion. Grouting should be done with a mixture of 50% bentonite and 50% Portland cement.~~

~~ix.~~vii. If air track drilling is used to determine the depth of overburden and continuity of bedrock, then these operations must be monitored full time by a geotechnical engineer to confirm the findings of the driller. For any tests requiring boreholes, ~~such as air track drilling~~, the boreholes must be grouted upon completion.

~~x. Storage tanks shall have impervious secondary containment. Underground fuel storage tanks shall have interstitial monitoring of tanks and piping systems.~~

~~xi.~~viii. Where applicable, the following Consumer Disclosure Statement that provides information on what review occurred and what was discovered shall be included in the Deed of Dedication and record plat:

This property is located in an area identified as having karst features. Karst features are created by groundwater dissolving sedimentary rock such as limestone. Features include sinkholes, fissures enlarged by dissolution, and caves. Geologic tests were conducted and one or more of these features were identified on this property. Karst features are unstable and collapse may occur. Measures have been taken to ensure structural stability in this area; however, karst areas are dynamic and geologic changes may cause future structural instability. Fertilizers, herbicides, and pesticides should not be applied within 100 feet of any karst feature, whether it has been mitigated or not.

~~xii.~~ix. Measures to permanently protect karst features that have not been mitigated shall be identified on the site plan. These measures may include fencing and/or signage.

ARTICLE V. PRELIMINARY AND FINAL PLATS

A. SKETCH PLAN CONFERENCE

~~2.~~ 1. Prior to the submission of the preliminary plat, the ~~applicant shall The~~ applicant shall provide sketches, exhibits, or other materials as necessary to adequately describe the proposed subdivision The~~and .~~

2. ~~contact the Agent to~~ schedule a sketch plan conference with the ~~Administrative Body~~Designated Agent~~. The purpose of the conference is~~ to establish the following:

   a. Use, scope, type, density, physical characteristics, and phasing of the proposed subdivision

   b. Coordination of the proposed subdivision with the ~~adopted~~ Berryville Area ~~Master Facilities~~ Plan~~s~~, the ~~capital improvements program~~Berryville Comprehensive Plan, and plans for development of neighboring properties

   c. Coordination of transportation improvements with existing and planned streets within the vicinity of the proposed subdivision

   d. Reasonable regulations and provisions uniquely applicable to the proposed subdivision as related to physiography, public utilities~~y~~ and facilities service, drainage and flood control, ~~transportation~~, environmental and historic impact, economic development, and facilitation of the creation of a convenient, attractive, and harmonious development

~~3. The applicant shall provide sketches, exhibits, or other materials as necessary to adequately describe the proposed subdivision.~~

~~4. The Agent, upon completion of the sketch plan conference, shall identify those comprehensive planning issues, subdivision and site planning considerations, reasonable regulations, and other provisions which are found to be supportive of the purposes of this Ordinance, as well as contributive to the applicant's understanding of the general requirements fur subdivision approval.~~

~~5.~~4. The sketch plan conference does not negate the requirement for the submission of a preliminary subdivision plat, a final plat, or any other provisions of this Ordinance or the Zoning Ordinance.

B. APPLICATION PROCEDURES FOR PRELIMINARY AND FINAL PLATS

No property shall be transferred or offered for sale, nor shall a permit be issued on the basis of an approved preliminary plat.

1. Whenever the owner of any tract of land in the Berryville Area desires to apply to subdivide the same, the applicant shall submit a preliminary plat of the proposed subdivision to the Designated Agent. This plat shall be in compliance with the provisions of this Ordinance and in accordance with the proceedings of the sketch plan conference.

2. The subdivider shall pay a fee when preliminary and final plats are filed~~. The fee shall be~~ in the form of cash or check, ~~the amount thereof to be determined~~ in accordance with a fee schedule set ~~and adopted~~ by ~~resolution of~~ the Town Council. The fee amount cannot be waived by the Designated Agent.

3. ~~An applicant shall file 15 blue-line or black-line prints of preliminary and final plats with the Agent of the Administrative Body~~Designated Agent~~.~~ Preliminary and final plats shall be prepared by a professional engineer or land surveyor licensed in the State of Virginia. The plat and other documents comprising an application shall be provided in both digital and print form to the Designated Agent and made available for public viewing in an office designated by the Designated Agent.
4. Preliminary or final subdivision plats that lack any information required by this Ordinance shall be deemed to be incomplete and shall be rejected by the Designated Agent within ten (10) working days of submittal.
5. Upon receipt of the application, the Designated Agent shall act on any proposed plat, site plan, or plan of development ~~submit the request to the Administrative Body~~Designated Agent ~~at its next regular monthly meeting for formal determination of completeness. At the regular meeting of the Administrative Body~~Designated Agent ~~at which the application is formally deemed complete, the Administrative Body shall schedule a public hearing~~ within 60 days by either approving or disapproving the plat in writing, and giving with the latter specific reason therefor. The Designated Agent shall act on any proposed plat, site plan, or plan of development that it has previously disapproved within 45 days after the plat or plan has been modified, corrected, and resubmitted for approval.

C. ~~PUBLIC NOTICE AND HEARING REQUIREMENTS FOR PRELIMINARY AND FINAL SUBDIVISION PLATS~~

~~1. A public hearing shall be held by the Administrative Body on all preliminary and final subdivision applications. At said hearing, all interested persons may appear and state their views.~~

~~2. Notice by Administrative Body~~

~~The Administrative Body shall give public notice of a public hearing to consider a proposed subdivision that results in five or more lots or parcels; otherwise, no notice shall be required. Such notice shall be given as required by Section 15.1-431, Code of Virginia, as amended.~~

~~3. Notice to abutting owners~~

~~a. At least 15 days preceding the Administrative Body's public hearing, the applicant shall mail written notices of said public hearing to the owner or owners, or their agent, of abutting properties and properties immediately across a street or road from the property sought to be subdivided. Said notices shall state the date, time, and place of the hearing and shall give a brief location and description of the proposed subdivision.~~

~~b. At the public hearing, the applicant shall submit an affidavit that he has fully complied with the requirements of this section as to written notice to abutting landowners.~~

~~4. Posting of property~~

~~At least 15 days preceding the Administrative Body's public hearing, the applicant shall erect on the property proposed to be subdivided a sign or signs in such number as are furnished by the Agent, indicating that a subdivision of the property is proposed and stating the date, time, and place of the public hearing.~~

~~a. The sign or signs shall be erected by the applicant within 10 feet of whatever boundary line of such land abuts a public road and shall be so~~

~~placed as to be clearly visible from the road, with the bottom of the sign not less than 2-1/2 feet above the ground. If more than one such road abuts the property, then a sign shall be erected in the same manner as above for each abutting road. If no public road abuts thereon, then signs shall be erected in the same manner as above on at least two boundaries of the property abutting land not owned by the applicant.~~

~~b. Any sign erected in compliance with this section shall be reasonably maintained from natural hazards until the time of the hearing. The applicant shall not be responsible for the willful destruction or removal of such signs by acts of vandalism. All signs erected under this section shall be removed by the applicant within 15 days following the public hearing for which it was erected.~~

D. AGENCY REVIEW PROCEDURES FOR PRELIMINARY AND FINAL PLATS

1. Within ~~three~~ five (5) working days from the date the ~~Administrative Body~~Designated Agent ~~considers the plat to be formally complete, the~~receives the officially submitted plat, the Agent shall distribute a copy of the plat to the reviewing agencies for their review and comment on the technical compliance of the plat and its provisions with all applicable standards.
2. The following is a list of reviewing agencies or individuals that may submit comments regarding a proposed subdivision:
   a. Clarke County Department of Planning
   b. Town of Berryville Public Works Department
   c. Berryville Town Manager
   d. State Fire Marshall
   e. Virginia Department of Health
   f. Virginia Department of Transportation
   g. ~~United States Soil and Conservation Service~~United States Natural Resources Conservation Service
   h. Architectural Review Board (where applicable)
   i. Historic Preservation Commission (where applicable)
3. All agency review and comments shall be completed within 45 calendar days of the agency's receipt of the preliminary or final plat.
4. The Designated Agent shall provide the applicant with a copy of all agency review comments and recommendations. In cases where modifications in the plat are necessary to satisfy regulations of the various agencies, the applicant shall be so notified in writing within five working days after the Agent receives agency comments.
5. The developer shall respond to all requirements of the reviewing agencies and shall submit any revisions by a date prescribed by the Designated Agent.
6. Nothing contained herein shall obligate the developer to revise the plat to include recommendations of the reviewing agencies. However, the developer shall submit in writing to the Designated Agent, by the revision date, a statement as to the reasons and justification for not incorporating such recommendations into the revised plat.

~~7. At such time as the Agent determines that the plat is in compliance with the requirements of this section, the Agent shall forward the plat, along with the recommendations of reviewing agencies and the Agent's comments and recommendations to the Administrative Body.~~

E. PRELIMINARY PLAT APPROVAL PROCEDURES

1. The ~~Administrative Body~~Designated Agent shall approve or disapprove preliminary plats within 60~~45~~ calendar days from the date that the Agent receives the officially submitted plat. ~~approvals from all state agencies, except that preliminary plats shall be approved or disapproved within 90 days of formal acceptance by the Administrative Body~~Designated Agent~~.~~
2. The approval of the preliminary plat by the ~~Administrative Body~~Designated Agent does not guarantee approval of the final plat; neither does preliminary approval constitute acceptance of the subdivision, or public dedications of areas within, by the Town Council, or establish authorization to proceed with construction or improvements within the subdivision.
3. Applicants shall have not more than twelve (12) months after receiving the preliminary plat approval to submit a final plat for a portion or all of the subdivision. Failure to do so shall render the preliminary plat approval null and void. The ~~Administrative Body~~Designated Agent may, upon written request by the subdivider, grant an extension beyond the twelve (12) months. Only one such extension shall be granted for any preliminary subdivision plat.

F. FINAL PLAT APPROVAL AND RECORDATION PROCEDURES

1. The ~~Administrative Body~~Designated Agent shall act to approve or disapprove a final plat within 60 days of submission; however, the final plat shall not be approved until the subdivider has complied with the requirements and standards of design in accordance with this Ordinance.
2. Nothing herein shall require the approval of any subdivision or any part or feature thereof, that shall be found to constitute a nuisance, or to constitute a danger to the public health, safety, or general welfare, or that shall be determined by the ~~Administrative Body~~Designated Agent, or by its Agent, to be a departure from or a violation of sound engineering design or standards.
3. The approval of the final plat by the ~~Administrative Body~~Designated Agent does not constitute acceptance of the public dedications of areas within the subdivision by the Town Council.
4. Approval of the final plat shall be indicated by attaching a certificate of approval from the ~~Administrative Body~~Designated Agent to the final plat. Subdivider must post a performance bond prior to construction to cover the cost of necessary improvements. The bond shall be to the satisfaction of the Town Council, or its Agent if such authority has been so delegated.

5. Approval by the ~~Administrative Body~~Designated Agent of a final plat submitted under the provisions of this Ordinance~~,~~ shall expire six (6) months after the date of such approval, unless:
   a. the final plat has been recorded in the Office of the Clerk of the Circuit Court and a subdivision bond acceptable to the Town Council has been posted with the Town.
   b. an extension has been granted by the ~~Administrative Body~~Designated Agent upon receipt of written request by applicant. Such extension granted shall not exceed a period of six (6)months.
   c. a major final plat revision has been submitted. Such revision shall be processed in the same manner as originally approved. Minor plat revisions may be processed administratively, based on the review and recommendations of the Agent.
6. The right of a developer to record approved final plats of sections of a subdivision based on the approval of a preliminary plat expires five (5) years from the recordation of the final plat of the first section of the subdivision. This right to record is subject to the full review and approval process in effect at the time each remaining section is to be recorded.

G. APPEAL PROCEDURES
1. An applicant may appeal any adverse decision or failure to act by the ~~Administrative Body~~Designated Agent according to the provisions of Section ~~15.1-475~~15.2-2259 of the Code of Virginia~~, 1950, as amended~~.

H. PRELIMINARY PLAT INFORMATION
~~Preliminary plats shall include the following:~~
1. Preliminary Plat Title Sheet
   a. Title block
      i. subdivision or site name;
      ~~ii. Town of Berryville file number;~~
      ~~iii.~~ii. name and address of surveying or engineering firm;
      ~~iv.~~iii. Magisterial District, Town, County, and State;
      ~~v.~~iv. scale of preliminary plat;
      ~~vi.~~v. date of preparation; and
      ~~vii.~~vi. subdivision land use description.
   b. Fees in accordance with fee schedule
   c. Surveying and mapping control information
   d. A vicinity map at a scale of one inch equals not more than two thousand (2000) feet showing the relationship of the proposed subdivision to the adjoining property and the area within one mile radius, Town corporate limits, neighboring subdivisions, and other landmarks, and describing all adjoining roads and their names and numbers
   e. Sheets comprising the preliminary plat and an index showing the location of the various sheets

f. A copy of proffers, Special Use Permit conditions, and waivers or variances granted
g. Seal and signature (on each sheet) by a Virginia registered professional engineer or land surveyor
h. Title under which the subdivision is proposed to be recorded and the names, addresses, and signatures of the owner(s) and subdivider
i. Name and address of the individual or firm who prepared the preliminary plat

2. General information on preliminary plats
   a. North arrow, match lines and sheet numbers
   b. Certified boundary survey and topographic mapping with a horizontal scale of one inch equals not more than one hundred feet
   c. Contour intervals of not greater than two feet describing the area covered by the proposed subdivision
   d. Boundary survey of record
   e. Property owners, Town Tax Map and Parcel Number, present zoning and use of the area being subdivided and all abutting or contiguous parcels
   f. Number of lots, total site acreage of each lot, approximate acreage of each lot, approximate dimensions of all lots and approximate right-of-way acreage
   g. Estimated average daily trips and typical street sections
   h. Anticipated water requirements and sewerage flows (gallons per day)
   i. Distance to nearest school or school site
   j. Typical front, side, and rear building setback lines
   k. Holders of any easements affecting the property
   l. Sources of data used in the preliminary plat, including, but not limited to, plats of record and the deed book and page number citation of the last instrument in the chain of title
   m. Location and dimension of proposed streets, rights-of-way, alleys, and lot lines
   n. Location of all pertinent natural and historic features and landmarks
   o. When the subdivision consists of a tract acquired from more than one source of title, the outlines of the various parcels indicated by dashed lines, and identification of the respective parcels
   ~~p. County Tax Map and Parcel Number, zoning classifications, and proposed use for the area being subdivided~~
3. Existing features to be shown on preliminary plats
   a. Existing sanitary sewer, waterlines, fire hydrants and other existing utilities (gas, electric, etc.)
   b. Existing easements showing width and use
   c. Existing stormwater management and BMP locations
   d. Watercourses and their names
   e. 100-year HUD/FEMA floodplain limits

f. 100-year floodplain boundaries with bearings and distances
g. Open spaces, recreation areas and buffer areas
h. Location, width and names of all existing or platted streets within or adjacent to the subdivision
i. Location of all existing lot lines and total acreage in each use
j. Location of all existing buildings within the subdivision

4. Proposed features to be shown on preliminary plats
   a. Proposed travel ways, pedestrian systems and bike trails
   b. Proposed major drainage structures
   c. Proposed stormwater management and BMP location(s)
   d. Location, width and names of all proposed streets to be platted within or adjacent to the subdivision
   e. ~~Adequate utility~~Utility and drainage easements
   f. ~~Satisfactory lot~~ Lot arrangement, design and shape
   g. Parcels of land and their acreages intended to be dedicated or reserved for public use or to be reserved in deed for the common use of property owners in the subdivision
   h. Preliminary sketch plans indicating the provisions for utilities, ~~accomplishing the water supply, sewerage disposal,~~and stormwater management.~~, and preliminary sketch plans for any bridges or culverts that may be required~~

5. Berryville Area Plan recommendations to be shown on preliminary plats
   a. Berryville Area Plan recommendations for the subject property
   b. Highway Tourism Corridor setbacks and design review applicability
   c. Historic Design Review applicability
   d. Additional setbacks reserved in keeping with the Berryville Area Plan
   e. Dedication of 50 feet right-of-way or greater if required
   f. Areas presented in the Berryville Area Plan, as adopted, as proposed sites for schools, trails, parks, or other public uses, which are located wholly or in part within the property to be subdivided
   g. Proposed phasing plan of the subdivision, indicating the location of those land areas and improvements to be sequentially developed and the anticipated timing to achieve the same
   h. Gross acreages of various physical and environmental-related characteristics shall be graphically identified for every property subject to this Ordinance and shall be computed to the nearest tenth-acre. These shall include, among others, the following:
      i. Slopes in the fifteen (15) to twenty-five (25) percent range
      ii. Slopes greater than twenty-five (25) percent
      iii. Sinkholes
      iv. Flood plains
      v. Established drainage channels
      vi. Flood plain soils
      vii. Existing water bodies
      viii. Stormwater management facilities
      ix. Utilities
      x. Other sensitive areas defined by the Town or its Agent

xi. Net developable area

i. Computation of "net developable acres" as needed to meet zoning requirements. Net developable acreage is the area of a parcel that results following application of "Effective Capacity Ratings" to the parcel's gross acreage. The effective capacity ratings are ratios establishing the percentage of the physical land unit qualifying for allocable density credit and are as follows:

i.	Flood plains and established drainage channels	0.0
ii.	Slopes (15 percent to 25 percent)	0.5
iii.	Slopes greater than 25 percent	0.1
iv.	Sinkholes and major outcroppings	0.1
v.	Public rights-of-way	0.0
vi.	Public facilities	Performance-based
vii.	Utility easements	Performance-based
viii.	Stormwater retention	Performance-based

I. FINAL PLAT AND PLAN INFORMATION REQUIREMENTS

The final subdivision plat and related improvements plan shall be submitted ~~-~~in both digital and print form to the Designated Agent,~~to the Agent in clearly legible blue- or black-line copies and shall indicate the following information:~~

1. Final plat title sheet
   a. Title block
      i. Subdivision or site name (~~must be same as preliminary~~indicating if it is changed from preliminary plat submission)
      ~~ii. Town of Berryville file number~~
      ~~iii.~~ii. Name and address of surveying or engineering firm
      ~~iv.~~iii. Magisterial District, Town, County and State
      ~~v.~~iv. Scale of final plat
      ~~vi.~~v. Date of preparation of final plat
      ~~vii.~~vi. Subdivision land use description
   b. Fees in accordance with fee schedule.
   ~~c.~~a. Surveying and mapping control information. A certified boundary survey with an error of closure within the limit of one foot in ten thousand feet related to the state grid north and showing the location of all permanent reference monuments and their type of material. The survey may be related to the United States Coast and Geodetic Survey, state grid north, if the coordinates of two adjacent corners of the subdivision are shown.
   ~~d.~~b. Location of proposed subdivision by an insert map at a scale of not less than one inch equals ~~two thousand (~~2000~~)~~ feet, describing thereon north point, adjoining roads ~~and their~~with names and identifying numbers, city corporate limits, neighboring subdivisions, and other landmarks.
   ~~e.~~c. General information section provided, including the number of sheets comprising the preliminary plat and an index showing the location of the various sheets.
   ~~f.~~d. A copy of proffers, Special Use Permit conditions and waivers or v~~V~~ariances granted.

~~g.~~e. Seal and signature ~~(on each sheet)~~ by a Virginia registered professional engineer or land surveyor on each sheet.
~~h.~~f. Surveyor's certificate.
~~i.~~g. Owner's dedication and consent, properly worded and notarized.
~~j.~~h. Name and address of individual or firm who prepared the final plat.
~~k.~~i. A blank space three inches by three inches shall be reserved for the use of the approving authority.
~~l.~~j. Title under which the subdivision is proposed to be recorded and the names, addresses and signatures of the owner(s) and subdivider.

2. General information to be shown on final plats
a. North arrow and designation of north orientation used for survey.
b. An index to multiple sheets (when applicable).
~~c. If shown on more than one sheet, match lines shall clearly indicate where the several sheets join and an index shall be shown locating the sheets.~~
~~d.~~c. All final plats of subdivisions shall be prepared at a scale of one inch equals not more than one hundred feet. Letters and figures shall be not less than one-tenth inch in height. The plat sheet or sheets shall not exceed 24 inches by 36 inches.
~~e.~~d. Contour intervals of not greater than two (2) feet.
~~f.~~e. Parcel and subdivision boundaries with bearings and distances.
~~g.~~f. All dimensions shown in feet to the nearest one-hundredth foot; all bearings in degrees, minutes and seconds to the nearest second.
~~h.~~g. Boundary survey of record.
~~i.~~h. A definite bearing and distance tie shown between not less than two permanent monuments on the exterior boundary of the subdivision and further tie to existing street intersection where possible. ~~and reasonably convenient.~~
~~j.i. Parcel and subdivision boundaries with bearings and distances.~~
~~k.~~j. Location of all monuments placed, type of monument set, and positions referenced to Virginia State Plane Coordinates.
k. County Tax Map and Parcel Number, zoning classifications and proposed use for the area being subdivided. Property owners, County tax map and parcel number, deed book and page citation, present zoning and use of all contiguous parcels.
l.
m. Number of lots as proposed by the subdivider.
n. Numbers and areas of all building sites.
o. Total site acreage.
p. The name and number of section, if part of a larger tract.
~~q. Right-of-way acreage.~~
~~r.~~q. Area of each new parcel (in acres or square feet).

~~s.~~r. Separate parcels or units shall be individually identified with a separate and sequential number (Address numbers or alpha identifiers shall not be used to identify parcels or units.) Blocks shall also be identified.

~~t.~~s. ~~Property owners, County tax map and parcel number, deed book and page citation, present zoning and use of all contiguous parcels.~~

~~u.~~t. Holders of any easements affecting the property.

~~v.~~u. When the subdivision consists of a tract acquired from more than one source of title, the outlines of the various parcels shall be indicated by dashed lines~~,~~ and identification of the respective parcels shall be placed on the preliminary plat.

~~w.~~v. Estimate of daily vehicle trips generated by the site.

~~x.~~w. Typical roadway and parking area pavement and design section.

~~y.~~x. Distance to the nearest school or school site.

~~z.~~y. The front, side, and rear building setback lines.

~~aa.~~z. Street right-of-way boundaries with bearings and distances.

~~bb.~~aa. Location of all pertinent natural and historic features and landmarks.

~~cc.~~bb. All curve data in a complete curve table.

~~dd.~~ Sources of data used in the final plat, including, but not limited to, plats of record and the deed book and page number citation of the last instruments in the chain of title.

~~ee.~~ Certificate signed by the surveyor or engineer setting forth the source of title of the owners of the land subdivided and the places of record of the last instrument in the chain of title.

~~ff.~~cc. A statement that "The division of the land described herein is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees, if any, and shall be signed and duly acknowledged before the Town office authorized to take acknowledgement of deeds. All statements affixed to this plat are true and correct to the best of my knowledge."

~~gg.~~dd. Additional information specific to proposed use as deemed necessary by the Agent for adequate subdivision plat and improvements review.

~~hh.~~ee. All applicable notes.

3. Existing features to be shown on final plat

a. Existing sanitary sewer, waterlines, fire hydrants and other existing utilities (gas, electric, etc.).

b. Existing storm drainage systems. Existing stormwater management and BMP locations.

~~b.~~c.

~~c.~~d. Existing easements showing width and use.

~~d. Existing stormwater management and BMP locations.~~

e. Watercourses and their names.

f. HUD/FEMA 100-year floodplain limits and the source of the flood-plain information shall be delineated where applicable.

g. Open spaces, recreation areas and buffer areas.

h. Location, width and names (or route numbers) of all existing or platted streets within or adjacent to the subdivision. including center line and right-of-way.
i. Parks and school sites or other public areas.
j. Vacated streets or parcels showing areas vacated and area amounts reverted to adjacent parcels
k. ~~All existing streets adjacent to or providing access to the subdivision, including center line and right-of-way.~~
l. Location of all existing land lot lines and total acreage in each land use.
m. Location of all existing buildings within the subdivision.

4. Proposed features to be shown on final plat
a. Proposed travel ways, pedestrian systems, and bike trails
~~b.~~ ~~Proposed major drainage structures.~~ and
~~c.~~b. ~~P~~proposed stormwater management and BMP location(s).
~~d.~~c. Location, width, and names of all proposed streets to be platted within or adjacent to the subdivision.
~~e.~~d. ~~Adequate utility~~Utility and drainage easements.
~~f. Satisfactory lot~~Lot arrangement, design, and shape ~~.~~and
~~g.~~e. ~~A~~area of each lot shown within the parcel.

~~h.~~f. Compatibility with the preliminary sketch plans indicating the provisions for all utilities ~~, including but not limited to, the proposed method of accomplishing water supply, sewage disposal, stormwater management,~~ and preliminary sketch plans for any bridges or culverts that may be required ~~shall be submitted~~.
~~i.~~g. Proposed finished grading by contours, to be supplemented where necessary by spot elevations.
~~j.~~h. A geotechnical report prepared by, or under the direction of, a professional engineer experienced in soil and foundation engineering shall be submitted for subdivisions located in areas where special soil or water conditions are deemed by the Town to be potentially injurious.
~~k.~~i. Location and method of garbage and refuse collection.
~~l.~~j. ~~Streets shall be named but shall not duplicate existing or platted street names unless the new street is a continuation of an existing or platted street.~~ All dimensions, both linear and angular, for the location of lots, streets, alleys, public easements, and private easements shall be given. The linear dimensions shall be expressed in feet to the nearest one-hundredth-foot, and all angular measurements shall be expressed by bearings or angles expressed to the nearest ten seconds. All curves shall be defined by their radius, central angle, tangent, distances, tangent bearing, and arc lengths. Such curve data shall be expressed by a curve being tabulated and numbered to correspond with the respective numbered curve shown throughout the plat.
~~m.~~ Centerline and right-of-way for proposed roadways.

~~n.~~k. Plans and profiles for all public streets, including center line elevations computed to nearest one-hundredth at fifty horizontal station intervals and at other locations of geometric importance.

~~o. Ingress-egress easements.~~

~~p.~~l. All off-street parking, related driveways, entrance types, loading spaces, and walkways, indicating type and dimensioning of surfacing, size, stalls, width of aisles, and a specific schedule showing the number of parking spaces provided and the number required by the provisions of the Zoning Ordinance.

~~q.~~m. Location and method of lighting provisions for private driveways, streets, and parking areas.

~~r.~~n. Plans of contributing drainage area and the computed limits of the 100-year floodplain, with drainage way cross-sections and water surface elevations plotted on profile of the pre- and post- development conditions, ~~where required by the Director of Planning and/or Town Manager~~.

~~s.~~o. Plans and profiles detailing the provisions for the adequate disposition of ~~of natural and~~ stormwater ~~in accordance with adopted Town Design and Construction Standards~~, indicating the location, size, type, and grade of ditches, catch basins, and pipes and connections to existing drainage system, and on-site pipes and connections to existing drainage system, and on-site stormwater retention where deemed appropriate and necessary ~~to the Town~~, and with supporting contributing area and design computations as may be required.

~~t.~~p. Provisions for the adequate control of erosion and sedimentation, ~~indicating the proposed temporary and permanent control practices and measures that will be implemented during all phases of clearing, grading, and construction, as required by the Town Erosion and Sediment Control Ordinance and design standards of the United States Soil Conservation Service.~~in conformance with the Virginia Stormwater Management Handbook.

~~u.~~q. Location, width and names of all proposed rights-of-way and easements, other than streets, within and adjacent to the subdivision.

~~v.~~r. ~~Geometric location data and areas for all private or public rights-of-way, common areas, utility center lines and easements, structures, and lot lines~~.

~~w.~~s. Plans and profiles detailing all existing and proposed utilities, including water and sanitary sewer facilities, indicating all pipe sizes, types, and grades, with supporting capacity calculations and where connection is to be made to the Town or to other utility system.

~~x. Right-of-way dedication.~~

~~y.~~t. If any land is being dedicated or reserved for streets, right-of-way, easements, parking spac~~e~~ese, or for the common use of future property owners of the subdivision, the Record Plat shall so state and indicate which.

~~z. Areas to be dedicated must be labeled as such.~~

~~aa.~~u. Locations for all open spaces, identifying areas for and improvements to all recreation facilities, tot lots, natural areas, and related pedestrian accommodations.

~~bb. Area of new dedicated street right-of-way (in acres or square feet).~~

~~cc.~~v. Sufficient information to show how the physical improvements associated with the proposed subdivisions are compatible with existing or proposed development of record on adjacent properties, which may include schematic plans for stormwater management, sanitary sewer, water supply, and future transportation improvements.

~~dd. Location and dimension of proposed streets, rights-of-way, alleys, and lot and building lines.~~

w. Asphalt restoration standard for roadways

5. Berryville Area Plan recommendations to be shown on final plats
   a. Berryville Area Plan recommendations for the subject property.
   b. Highway Tourism Corridor setbacks and design review applicability.
   c. Historic Design Review applicability.
   d. Additional setbacks reserved in keeping with the Berryville Area Plan.
   e. Dedication of 50-foot right-of-way, or greater if required.
   f. Areas presented in the Berryville Area Plan, as adopted, as proposed sites for schools, trails, parks, or other public uses, which are located wholly or in part within the property to be subdivided.
   g. Proposed phasing plan of the subdivision, indicating the location of those land areas and improvements to be sequentially developed, and the anticipated timing to achieve the same.
   h. Gross acreage of ~~various~~ physical and environmental-related characteristics shall be graphically identified for every property subject to this Article and shall be computed to the nearest tenth-acre. These shall include, among others, the following:
      i. Slopes in the 15 to 25 percent range
      ii. Slopes greater than 25 percent
      iii. Areas of geologic rock outcroppings
      iv. Sinkholes
      v. Floodplains
      vi. Established drainage channels
      vii. Floodplain soils
      viii. Existing water bodies
      ix. Stormwater management facilities
      x. Utilities
      xi. Other sensitive areas defined by the Town or its Agent
      xii. Net developable area
   i. Computation of "net developable acres" as needed to meet zoning requirements

i.	Floodplains and established drainage channels	0.0
ii.	Slopes (15 to 25 percent)	0.5
iii.	Slopes greater than 25 percent	0.1
iv.	Sinkholes and major outcroppings	0.1

v.	Public facilities	performance-based
vi.	Utility easements	performance-based
vii.	Stormwater retention	performance-based

6. A special note shall appear on any final plat of subdivision or any plat of condominium that property owners are liable for the maintenance of stormwater improvements and common areas.

ARTICLE VI. SUBDIVISION LOT GRADING REQUIREMENTS AND PLANS

A. INTRODUCTION

The subdivision lot grading plan is intended to assure and promote consistency between the individual lot development process and the overall subdivision site improvement process as governed by the final plat and plans. Further, it is used to check the final grading and drainage on a given lot prior to the issuance of the occupancy permit. The occupancy permit will be refused if the plan and the on-site grading do not substantially agree, unless such deviation has been approved by the Town Engineer, Community Development Director, and Public Works Director. Subdivision lot grading plans may be incorporated into the final plat and plans when these documents are submitted for approval. However, in no case shall a building permit be approved prior to submission and approval of the lot grading plan.

B. LOT GRADING REQUIREMENTS

It shall be the responsibility of the developer and his contractor to perform all earth work necessary to accomplish not less than 95 percent of the final grade contours.

1. Lot, drive, and parking pad grades

   To assure adequate overall drainage, the minimum lot grade ~~should be~~is two percent. Any swales on a lot must be at a minimum two percent slope, but ~~preferably~~ should be at three percent. On single-family subdivision lots, a driveway parking pad shall be installed to accommodate the off-street parking requirement. This parking pad ~~should~~is to be at a grade no greater than five percent and no less than one percent. The drive connecting the street to the parking pad ~~should~~ is to be on a grade of no more than fifteen percent and no less than one percent. ~~A waiver request shall accompany any plans that do not conform to these driveway standards~~.

2. Drainage swales and pipes

   a. ~~Subdivision lot~~ grading plans ~~for subdivision houses~~ shall be so designed that if stormwater run-off is collected in a mid-block swale along ~~the~~ rear yards and routed toward the street in an open swale between two adjacent houses, the maximum allowable watershed for such a surface swale ~~passing between two adjacent houses~~ shall be one acre with the average (C x A) factor not to exceed 0.50.

   b. In cases where ~~exhaustive~~ hydraulic analysis indicates that natural drainage swales between houses are insufficient to route stormwater, an underground piped system shall be developed ~~as an alternative~~.

3. Erosion controls

   a. Erosion controls are required for all areas on a lot where the ground will be disturbed. ~~The original subdivision erosion controls may suffice if satisfactory for those areas for which they are intended to serve~~.

   b. Erosion controls shall not be removed, nor the erosion control bond escrow released, until all the construction on the lot is completed and the ground cover has been stabilized.

4. Ditches in single-family detached dwelling developments

   Paved, concrete, or riprap ditches shall be discouraged in single-family detached dwelling unit developments.

5. ~~Earth coverage of underground utilities~~

~~At the completion of the earth grading, all utility services shall be left with sufficient cover and depth to serve the respective lot needs.~~

C. LOT GRADING PLANS ~~(11/04)~~

~~Three~~ Digital and physical copies of the subdivision lot grading plan must be submitted to and approved by the Community Development Director, Town Engineer, Director of Public Works, and Town Erosion and Sediment Control Administrator ~~Director of Planning/Town Manager~~ prior to the issuance of a building permit.

1. Plan specifications

~~The lot grading plan shall be prepared on a sheet not to exceed 8.5 inches by 14 inches.~~ The subdivision name, lot number of record, lot area, and boundary data and adjoining lot numbers and street names shall be indicated.

2. Scale

Subdivision lot grading plans shall be to scale of one inch is equal to 30 feet, or greater, on all lots.

3. Revisions

a. Minor Revisions: Minor revisions to an approved lot grading plan may be approved by the Zoning Administrator. Minor revisions may be requested by submitting a description of the proposed minor revisions in letter form. Once approved, these revisions become a part of the approved lot grading plan.

b. Major Revisions: ~~Major revisions to an approved lot grading plan shall require submittal of a revised lot grading plan, meeting the requirements of this Section B, for approval by the Zoning Administrator.~~

i. Major revisions to an approved lot grading plan ~~shall~~ include changes to a structure's floor elevations, including basement floor elevations of more than six (6) inches; addition or removal of a basement level; ~~removal of a basement level~~; additions to or removal of portions of a structure; ~~removal of portions of a structure;~~ change to the drainage pattern of a lot; changes which affect the ground elevation at the property line; and changes which affect the grading or construction of adjacent lots.

~~ii. Major revisions to an approved lot grading plan shall require submittal of a revised lot grading plan, meeting the requirements of this Section B, for approval by the Zoning Administrator.~~

c. Determination: The determination as to whatever proposed revisions to an approved lot grading plan are minor or major shall be made by the Zoning Administrator.

d. The cost of review of revisions by the Town's engineer shall be paid by the applicant.

4. Certification of grading plans

Plans and specifications shall be prepared and certified by a professional engineer registered in the Commonwealth of Virginia, in accordance with Title 54.1, Chapter 3 of the Code of Virginia, as amended. All regulations, standards, and established best practices as determined by Town Engineer and Director of Public Works must be applied. ~~Lot grading plans shall be certified by an~~

~~engineer, architect, surveyor, or landscape architect registered and authorized by the state to practice as such.~~

5. Items to be shown on grading plans

The following items shall be included on the lot grading plan for each lot:

a. All physical improvements on the lot shall be graphically indicated. Spot elevations are required to be shown at all house entrances, at the driveway entrance, and at all changes in grade of the driveway. Spot elevations shall be shown at each corner of the house. Walkout basements shall be indicated on the plans, showing the entrance and the appropriate spot elevations.

b. The lead walk and all risers must be shown on the plan, and the elevation of the risers must be specified.

c. All existing water, storm drainage, sanitary sewer, and other utility connections and easements shall be indicated. Utility connection points to the lot shall be indicated. Existing drainage easements must be honored and additional easements provided~~,~~ for all areas of concentrated flow in lot grading plans and subdivision plans. These areas include ~~natural drainage ways (swales)~~swales concentrating flow from several lots, swales leading into culverts, and those stabilized existing drainage ways handling the outfall of other drainage structures.

d. To ensure the maintenance of the original intent for subdivision stormwater management, lot grading plans should either delineate the drainage divide within the applicable area of the subdivision, or a notation by the engineer on the lot grading plan to the effect that it conforms to the approved overall drainage plan for the subdivision.

e. Where no curb and gutter street section is planned or exists, minimum size allowed for a driveway culvert is 12 inches, and the inverts for the pipe must be shown. In any case, culvert computations must be submitted.

f. Other items deemed applicable by the Zoning Administrator.

6. Violation of Lot Grading Plan

a. Any construction or grading which varies from the approved grading plan and which would have required approval of a minor revision under ~~Section B.3.a., above,~~ shall be subject to a fine of $500.00, subject to court adjudication in compliance with VA Code §15.2-2209 and § 18.2-11.

b. Any construction or grading which varies from the approved grading plan and which would have required approval of a revised lot grading plan as a major revision ~~under Section B.3.b., above, shall~~ be subject to a fine of $2,500.00, subject to court adjudication in compliance with VA Code §15.2-2209 and § 18.2-11.

c. In addition to the aforesaid fines, any construction or grading in violation of an approved lot grading plan shall be subject to the regulations as set forth in Article VIII, ~~Section D~~, of this Ordinance.

ARTICLE VII. PERFORMANCE SURETY

In order to obtain guarantee of performance to assure timely completion and competent construction of subdivision physical improvements, the applicant is required to post a bond or other acceptable surety.

A. GENERAL

Prior to approval of a final subdivision plat, the owner shall furnish to the Town a cashier's check, cash escrow, bond, or letter of credit, in accordance with the provisions of Section 15.2-2241~~(5)~~, Code of Virginia, conditioned upon the timely and proper construction of all physical improvements required as a condition of the approval of the final subdivision plat. The amount of such cashier's check, cash escrow, bond, or letter of credit shall not be less than the estimated cost of such construction based on unit prices, plus ~~twenty-five (25)~~ 25 percent for inflation, potential damage to existing roads or utilities, and administrative costs, including, without limitation, costs incurred by the Town for cost estimates and other expenses in the event the construction is not timely or properly performed.

B. CONSTRUCTION AND BONDING AGREEMENT

The ~~Town Council~~Designated Agent may adopt the form of a construction and bonding agreement for public improvements pursuant to this Ordinance.

C. MAINTENANCE BOND

Under Va Code §15.2-2241, t~~T~~he developer, at the completion and request for acceptance of the improvements by the Town, shall first furnish a bond acceptable to the Town in the amount of ten percent of the total cost of construction of the subdivision improvements. Said bond is to be furnished solely as a guarantee against faulty materials and workmanship and shall remain in force for a minimum of one year following the date of acceptance of the improvements by the Town.

VIII. VIOLATIONS, PENALTIES, AND LEGAL REMEDIES

A. TRANSFER OF LAND BEFORE FINAL PLAT APPROVAL

In accordance with the Code of Virginia governing penalties for misdemeanors ~~A~~any person who sells or transfers any land of a subdivision before such plat has been duly approved and recorded as provided herein shall be subject to a fine, as provided by law, for each lot or parcel of land so subdivided, transferred, or sold~~;~~ and otherwise ~~in accordance with the Code of Virginia governing penalties for misdemeanors.~~

B. VIOLATIONS, CUMULATIVE FINES

Any person, whether owner, lessee, principal, agent, employee, or otherwise, who violates any of the provisions of this Ordinance, or permits any such violation, or fails to comply with any of the requirements hereof, or who subdivides any land, constructs and makes improvements, erects any building, or uses any land in violation of any preliminary or final subdivision plat or plan submitted ~~by him~~ and approved under the provisions of this Ordinance, shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to punishment as provided by law. Each lot that constitutes a violation and each day that a violation continues shall be deemed a separate offense, subject to cumulative fines and other penalties.

C. UNLAWFUL ACTS

Any building erected or improvements constructed contrary to any of the provisions of this Ordinance and any use of any building or land which is constructed, operated, or maintained contrary to any of the provisions of this Ordinance ~~shall be and the same~~ is hereby declared to be unlawful.

D. INJUNCTIONS, NOTICE OF VIOLATION

1. The Town may initiate an injunction, mandamus, or any other appropriate action to prevent, enjoin, abate, or remove such erection or use in violation of any provision of this Ordinance. Such action may also be instituted by any ~~citizen~~ person(s) with demonstrated legal standing who may be aggrieved or particularly damaged by any violation of any provision~~s~~ of the Ordinance.
2. Upon its becoming aware of any violation of any provisions of this Ordinance, the Town shall serve notice of such violation on the person committing or permitting the same, and if such violation has not ceased within such reasonable time as the Town has specified in such notice, it shall institute such action as may be necessary to terminate the violation.

E. REMEDIES ARE CUMULATIVE

The remedies provided for in this section are cumulative and not exclusive and shall be in addition to any other remedies provided by the law, including Va Code §15.2-2240.

ARTICLE IX. DEFINITIONS

Definitions found in §15.2-2201 of Virginia Code, Virginia Department of Transportation *Road and Bridge Standards*, and Virginia Department of Environmental Quality *Stormwater Management Handbook* are adopted by reference.

alley - A service way providing a secondary means of public access to abutting property and not intended for general traffic circulation.

Area B - That land which is in Clarke County, contiguous to the Town of Berryville and described in Attachment "B" of the Clarke County/Town of Berryville Annexation Agreement.

Berryville Area - That land that lies within Area B and that lies within the corporate boundaries of the Town of Berryville.

Berryville Area Plan - The comprehensive planning document for Area B and sub-areas within the Town of Berryville.

Berryville Comprehensive Plan - The Comprehensive Plan as adopted by the Town of Berryville ~~in January, 1976.~~

block - A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.

buffer - A strip of land established to protect one type of land use from another with which it is incompatible.

building setback line - An imaginary line beyond which a building shall not~~cannot~~ extend (excluding uncovered steps), that is fixed at a specific distance from the front, side, or rear boundaries of a lot.

catch basin - An inlet designed to intercept and redirect surface waters.

cluster - A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.

Commission - The Planning Commission of the Town of Berryville, Virginia.

Comprehensive Plan - See **Berryville Comprehensive Plan**.

condominium - A building, or group of buildings, in which units are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

covenant - A private agreement between the buyer and seller of real estate, which is normally contained in the property deed or otherwise formally recorded, and which asserts legal requirements on the use of that real estate.

~~**cul-de-sac** - A street with only one outlet and having an appropriate turnaround for a safe and convenient reverse traffic movement.~~

dedication - Under subdivision regulations, the transfer of property from private to public ownership.

density - Number of dwelling units per unit of land area.

Designated Agent-The agent employed or authorized by the Town Council to review and act on subdivision plats, site plans, and plans of development. Also the Subdivision Agent under VA Code 15.2-2252, and generally the Director of Community Development.

detention basin (pond) - A storage facility for the temporary storage of stormwater run-off.

developer - The legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase, or other persons having enforceable proprietary interests in such land.

development - The division of a parcel of land into two or more parcels; or the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure.

Director of ~~Planning~~ Community Development- The Town Planner of Berryville or other agent, as designated by the Berryville Town Council.

drainage easement or drainage right-of-way - Assignable rights-of-way across land to provide for the alignment and maintenance of a drainage course, installation of drainage facilities, enlargement of existing drainage ways, installation of stormwater sewers, or drainage ditches, and/or required for the preservation or maintenance of a natural stream or watercourse or other drainage facility, or for similar or related storm drainage purposes.

drainage structures - pipes, swales, natural features, and man-made improvements designed to carry drainage.

drainageway - any natural or artificial watercourse, trench, ditch, swale, or similar depression into which surface water flows.

easement - a grant by a property owner to another party for the use of, non-use of, or limited use of land for a specific purpose on a repeating or continuous basis.

~~**easement, drainage** - an easement required for the installation of stormwater sewers or drainage ditches, and/or required for the preservation or maintenance of a natural stream or watercourse or other drainage facility.~~

~~**egress** - an exit.~~

engineer - an engineer licensed by the Commonwealth of Virginia pursuant to §54.1-400 et seq.~~.~~

flood, 100-year - the highest level of flooding that, based upon an analysis of past floods, is likely to occur once in every 100 years.

floodplain - the channel and the relatively flat area adjoining the channel of a natural stream or river which has been or may be covered by floodwater and is indicated as such on FEMA FIRM maps.

Geotechnical Engineer – a Virginia-Registered Professional Engineer (PE) engaged in the practice of Geotechnical Engineering, or a Virginia-Registered Professional Geologist (PG) who is engaged in the practice of Engineering Geology~~. (7/04)~~

~~**highway engineer** - the Resident Engineer employed by the Virginia Department of Highways and Transportation.~~

~~**homeowners association** - a community association, other than a condominium association, which is organized in a development in which individual owners share common interests and responsibilities in and for open space or facilities within a designated area.~~

improvement - streets, sidewalks, curbs, gutters, water mains, drainage facilities, landscaping, recreational facilities, and all other such betterment as may be required under the provisions of this Ordinance.

~~**ingress** - access or entry.~~

~~**karst feature** – karst topography is a landscape created by groundwater dissolving sedimentary rock such as limestone. Features include sinkholes, fissures enlarged by dissolution and caves. (7/04)~~

landscaping - changing, rearranging, or adding to the original vegetation or scenery of a piece of land to produce an aesthetic effect appropriate for the use to which the land is put. It may include reshaping the land by moving the earth, as well as preserving the original vegetation or adding vegetation.

lot - a designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed, or built upon as a unit.

lot, double-frontage - ~~See **lot, through**.~~

~~**lot, through** -~~ a lot which fronts on two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot.

lot, width of - the horizontal distance between the side lot lines, measured along the building setback line.

net developable area - the estimated net portion of a land area which can be developed, minus the restrictions imposed by floodplains, drainage channels, slopes, sinkholes, certain soil types, and rock outcroppings.

off-site - pertaining to areas and/or functions not included within the boundaries of a subdivision or proposed subdivision.

off-street parking space - a temporary storage area for a motor vehicle that is directly accessible to an access aisle, and which is not located on a dedicated street right-of-way.

open space - any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment of owners and occupants of land adjoining or neighboring such open space.

parking aisle - the traveled way by which cars enter and depart parking spaces.

performance bond - any security that meets state-form requirements of VA §15.2-2241(7) and §15.2-2261 ~~may be accepted by a municipality~~ as guarantee that improvements required as a part of an application for development are satisfactorily completed.

plan - the map or plat illustrating or describing a subdivision or land development.

plat - a map, generally of a subdivision, showing the location, boundaries, and ownership of individual properties.

plat, final - the final map of all or a portion of a subdivision or site plan which is presented to the proper review authority for final approval.

plat, preliminary - a map of a proposed land subdivision showing the character and proposed layout of the tract in conformance with the regulations set forth in this Ordinance to indicate the suitability of the proposed subdivision land.

plat, record - a final map of all or a portion of a subdivision which, when approved, shall meet all the applicable requirements of this Ordinance and shall be in a form suitable for recording.

private street - a way which is intended to afford the principal means of access to abutting lots and is not owned or controlled by a government entity, under VA §15.2-2265.

prorata - according to a calculated share.

~~**Resident Engineer** - the Resident Engineer of the Virginia Department of Highways and Transportation assigned to Clarke County, or his designee.~~

right-of-way - a strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation, and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission line, oil or gas pipeline, waterline, sanitary storm sewer, and other similar use.

road - see **street**.

screening - a method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

solar access - the availability of direct sunlight to land and buildings and in particular to solar collection systems.

spring – any spring that is depicted on the most recent version of the Virginia Department of Mineral Resources Publication 102, Plate 2, Hydrogeologic Components of Clarke County, Virginia. (7/04)

storm sewer - a conduit that collects and transports run-off.

stream, intermittent or perennial – any stream that is depicted as intermittent or perennial on the most recent ~~U.S. Geological Survey 71/2 minute topographic quadrangle (scale 1:24,000). (7/04)~~Virginia Department of Conservation and Recreation Perennial Stream Viewer.

street - the principal means of public access to any lot in a subdivision. The term "street" shall include road, drive, place, avenue, highway, boulevard, or any other thoroughfare for a similar purpose, but shall not include any private access easement.

service road or drive - a public right-of-way generally parallel and contiguous to a major highway, primarily designated to ~~promote safety by eliminating promiscuous ingress and egress to the right-of-way and by providing safe~~ provide limited and orderly points of access to the highway.

subdivide - to ~~voluntarily~~ divide any tract, parcel, or lot of land into two or more parts for the purposes of sale, development, or lease in a manner consistent with the requirements of this Ordinance.

subdivider - any person, persons, firm, corporation, partnership, or other entity, and the agent or agents thereof, subdividing or proposing to subdivide land as herein defined.

subdivision - the process (and the result) of dividing a property or parcel of land into smaller individual parcels, lots or buildable sites.

surety bond - See **performance bond**.

swale - a depression in the ground which channels run-off.

Town - the Town Council of Berryville, Virginia, or its designated staff or appointees.

Town Manager - the Town Manager of Berryville, Virginia.

tract - an area, parcel, site, piece of land, or property which is the subject of a development application.

watershed - a basin in which all surface water drains to a centrally located stream, river, or other body of water.

Zoning Administrator - the Zoning Administrator of the Town of Berryville, Virginia.

Zoning Ordinance - the Zoning Ordinance of the Town of Berryville, Virginia.

ARTICLE X. FEES

A. PAYMENT OF A FEE REQUIRED

The developer shall pay a fee to the Town of Berryville for the examination and approval or disapproval of preliminary or final plats and improvement plans submitted pursuant to this Ordinance.

B. FEE SCHEDULE

A schedule of fees for the examination and approval of preliminary and final subdivision plats and the inspection of all required improvements shall be determined by Town Council resolution, which schedule may be changed from time to time. Before the submittal of any subdivision plat, such fee shall be made payable to the Town of Berryville.

C. DEPOSIT FOR CONSULTING SERVICES

In addition to the fee, the applicant shall provide the Town Council with a deposit in an amount the ~~Administrative Body~~Designated Agent, after consultation with staff, deems sufficient to cover any expenses connected with review of preliminary or final subdivision plats and improvement plans. The Town Council is authorized to retain a registered professional consultant to advise the ~~Administrative Body~~Designated Agent on any or all aspects of subdivision plats and improvement plans. The costs of this service shall be borne by the applicant. Any unexpended funds shall be returned to the applicant when the ~~Administrative Body~~Designated Agent makes a final decision.

ARTICLE VI – ADDITIONAL DISTRICTS (2/90)

SECTION 600 - GENERAL PROVISIONS

600.1 APPLICATION

The additional zoning districts described in Article VI shall apply to designated property within the Berryville Town Limits.

600.2 INCONSISTENCIES BETWEEN ARTICLE VI AND THE REMAINING PARTS OF THIS ORDINANCE

All other parts of the Berryville Zoning Ordinance which are inconsistent with the provisions of Article VI shall be invalid as they relate to any districts within Article VI.

(4/92) SECTION 601 - OPEN SPACE RESIDENTIAL

601.1 PURPOSE AND INTENT

The Open Space Residential (OSR) District is created to preserve and protect two sensitive areas in the Town of Berryville and within the precincts of the Berryville Area Plan: (1) existing residential properties and estates which have cultural and/or historical value, and (2) property with critical environmental features, including 100-year floodplains, sinkholes, slopes in excess of fifteen (15) percent, and rock outcrops. The maximum density of one residence per ten (10.0) net developable acres establishes this district as one with a low-density residential character. This district shall have the intent of preserving valued residences, promoting open space, and protecting existing vegetation and sensitive environmental areas within the district boundaries.

601.2 PERMITTED USES

(a) Single family detached dwellings.
(b) Accessory uses to include detached carports and garages, tool sheds, children's playhouses, swimming pools, doghouses and Temporary Family Health Care Structures as established in Section 323. **(11/10)**
(c) Municipal utilities.

601.3 SPECIAL PERMIT USES

(a) Commercial swimming pools, tennis courts, and golf courses.
(b) Home occupations as defined in Section 315. **(12/93)**
(c) Libraries, museums, and shrines.
(d) Plant nurseries, with no sale of nursery products permitted on premises.
(e) Private and public schools, parks, playgrounds, and related uses.
(f) Public utility uses (sub-stations, pump stations, storage tanks, etc.) and related easements, except for municipal utilities.
(g) Country inn. **(6/09)**
(h) Short-term rentals. **(10/23)**

601.4 MAXIMUM DENSITY

(a) One (1.0) dwelling unit per ten (10.0) net developable acres or one-tenth (0.1) unit per net acre.

(b) A maximum floor area ratio of 0:10 shall apply to uses other than residential.

601.5 LOT SIZE REQUIREMENTS

(a)	Minimum lot area:	10 acres
(b)	Minimum lot width:	300 feet
(c)	Minimum lot depth:	300 feet

601.6 BULK REGULATIONS

(a)	Maximum building height:	35 feet
(b)	All other structures:	35 feet
(c)	Minimum yard requirements	
	(1) Front yard:	50 feet **(7/04)**
	(2) Side yard:	50 feet **(7/04)**
	(3) Rear yard	50 feet **(7/04)**

601.7 ADDITIONAL REGULATIONS

(a) Refer to Article III for general regulations and other provisions which may supplement those cited herein.

(b) Refer to Section 305 for off-street parking requirements.

(c) Refer to specific Overlay Zoning Districts, where applicable.

(d) Refer to Section 317 Karst Features for additional requirements **(7/04)**

(e) The lot size, yard, and bulk requirements in effect at the time of subdivision plat approval prior to January 1, 2011 shall remain applicable to such subdivisions until July 1, 2017. The foregoing shall not be effective unless any unreleased performance bonds and agreements or other financial guarantees of completion of public improvements in or associated with the subdivision are continued in force. **(12/14)**

(4/92) SECTION 602 - DETACHED RESIDENTIAL-1 (DR-1) DISTRICT

602.1 PURPOSE AND INTENT

The Detached Residential-1 (DR-1) District is created to provide for single-family detached residences in a carefully planned pattern, compatible with the Comprehensive Plan's goals for residential development in the Town of Berryville and within the precincts of the Berryville Area Plan. A maximum density of one (1) unit per net developable acre establishes a low-density district for detached residences. This district shall be applied with the intent of preserving existing natural features and vegetation, promoting excellence in site planning and landscape design, and encouraging housing of compatible scale and architectural character.

602.2 PERMITTED USES

(a) Single-family detached dwellings.
(b) Accessory uses to include detached carports and garages, tool sheds, children's playhouses, doghouses, private swimming pools and Temporary Family Health Care Structures as established in Section 323. **(11/10)**
(c) Municipal utilities.

602.3 SPECIAL PERMIT USES

(a) Bed and breakfast lodging occupying more than 300 square feet of a residence
(b) Cemeteries
(c) Churches and shrines
(d) Fire stations **(10/94)**
(e) Home occupations as defined in Section 315
(f) Libraries and museums **(12/93)**
(g) Plant nurseries, with no sale of nursery products permitted on premises
(h) Private or public schools parks, playgrounds, and related uses
(i) Public utility uses (sub-stations, pump stations, storage tanks, etc.) and related easements, except for municipal utilities
(j) Recreational uses, such as public swimming pools, tennis courts, and golf courses
(k) Short-term rentals **(10/23)**

602.4 MAXIMUM DENSITY

(a) One (1) dwelling unit per net developable acre.
(b) A maximum floor area ratio of 0:15 shall apply to uses other than residential.

602.5 LOT SIZE, YARD AND BULK REQUIREMENTS FOR CONVENTIONAL LOTS

(a) Lot area: Minimum--40,000 square feet; maximum--60,000 square feet. (Refer to Section 615.2 regarding the impact of Critical Environmental Areas on lot size requirements.)
(b) Minimum lot width
    (1) Interior lot: 125 feet **(7/04)**
    (2) Corner lot: 150 feet **(7/04)**

(c) Minimum yard requirements

(1)	Front yard:	40 feet **(7/04)**
(2)	Side yard:	15 feet
(3)	Rear yard:	50 feet (residences) **(7/04)**
(4)	Accessory structure:	5 feet (rear and side setbacks)
(5)	Maximum building height:	35 feet

602.6 MINIMUM DISTRICT SIZE FOR CLUSTER SUBDIVISION

Minimum district size for cluster subdivision is four acres.

602.7 LOT SIZE, YARD AND BULK REQUIREMENTS FOR CLUSTER LOTS

(a) Minimum lot Area: 20,000 square feet, Maximum Area 45,000 square feet **(7/04)** (Please refer to Section 614 regarding the impact of critical environmental areas on lot size requirements.)

(b) Minimum lot width:

(1)	Interior lot:	100 feet
(2)	Corner lot:	120 feet

(c) Minimum lot yard requirements:

(1)	Front yard:	35 feet
(2)	Side yard:	15 feet
(3)	Rear yard:	45 feet **(7/04)**
(4)	Accessory structure:	5 feet (rear and side setback)

(d) Maximum building height: 35 feet

602.8 OPEN SPACE REQUIREMENTS FOR DETACHED RESIDENTIAL (DR-1) SUBDIVISIONS

(a) In subdivisions approved for cluster development, a minimum of 15 percent of the net site area which excludes 100-year floodplains, sinkholes, and slopes exceeding 25 percent and 50 percent of land with slopes between 15 and 25 percent shall be open space dedicated to common usage and ownership.

602.9 ADDITIONAL REGULATIONS

(a) Refer to Article III for general regulations and other provisions which may supplement those cited herein.

(b) Refer to Section 305 for off-street parking requirements.

(c) Refer to specific Overlay Zoning Districts, where applicable.

(d) Refer to Section 611 for special regulations relating to cluster subdivisions, open spaces and critical environmental areas.

(e) The lot size, yard, and bulk requirements in effect at the time of subdivision plat approval prior to January 1, 2011 shall remain applicable to such subdivisions until July 1, 2017. The foregoing shall not be effective unless any unreleased performance bonds and agreements or other financial guarantees of completion of public improvements in or associated with the subdivision are continued in force. **(12/14)**

602.10 ADDITIONAL REGULATIONS

(a) Refer to Article III for general regulations and other provisions which may supplement those cited herein.

(b) Refer to Section 305 for off-street parking requirements.

(c) Refer to specific Overlay Zoning Districts, where applicable.

(d) Refer to Section 615.2 for special regulations relating to cluster subdivisions, open spaces, and critical environmental areas.

(e) Refer to Section 317 Karst Features for additional requirements. **(7/04)**

(4/92) SECTION 603 - DETACHED RESIDENTIAL-2 (DR-2) DISTRICT

603.1 PURPOSE AND INTENT

The Detached Residential-2 (DR-2) District is created to provide for single-family detached residences in a carefully planned pattern compatible with the Comprehensive Plan's goals for residential development in the Town of Berryville and within the precincts of the Berryville Area Plan. A maximum density of two (2) units per net developable acre establishes a low-density district for detached residences. This district shall be applied with the intent of preserving existing natural features and vegetation, promoting excellence in site planning and landscape design, and encouraging housing of compatible scale and architectural character. Cluster residential development shall be encouraged and permitted, by right, so that specific environmental preservation and land use goals may be promoted.

603.2 PERMITTED USES

(a) Single-family detached dwellings, either a conventional "dispersed" layout or a clustered layout subdivision--a clustered subdivision requiring site plan approval.

(b) Accessory uses, to include detached carports and garages, tool sheds, children's playhouses, doghouses, private swimming pools and Temporary Family Health Care Structures as established in Section 323. **(11/10)**

(c) Municipal utilities.

603.3 SPECIAL PERMIT USES

(a) Bed and breakfast lodging occupying more than 300 square feet of a residence
(b) Cemeteries
(c) Churches and shrines
(d) Day care centers and nursery schools **(10/94)**
(e) Fire stations
(f) Home occupations as defined in Section 315 **(12/93)**
(g) Libraries and museums
(h) Plant nurseries with no sale of nursery products permitted on premises
(i) Private or public schools, parks, playgrounds, and related uses
(j) Public utility uses (sub-stations, pump stations, storage tanks, etc.) and related easements, except for municipal utilities
(k) Recreational uses such as public swimming pools, tennis courts, and golf courses
(l) Short-term rentals **(10/23)**

603.5 LOT SIZE, YARD, AND BULK REQUIREMENTS FOR CONVENTIONAL LOTS

(a) Lot area: Minimum--20,000 square feet; maximum--45,000 square feet.
Refer to Section 611 regarding the impact of critical environmental areas on lot size requirements.) **(1/93)**

(b) Minimum lot width

(1)	Interior lot:	100 feet **(7/04)**
(2)	Corner lot:	120 feet **(7/04)**

(c) Minimum yard requirements

(1)	Front yard:	30 feet **(7/04)**
(2)	Side yard:	15 feet

(3) Rear yard: 40 feet (residences) **(7/04)**
(4) Accessory structure: 5 feet (rear and side setbacks)
(d) Maximum building height: 35 feet

603.6 MINIMUM DISTRICT SIZE FOR CLUSTERING
Minimum district size for cluster subdivision: 4 acres

603.7 LOT SIZE, YARD, AND BULK REQUIREMENTS FOR CLUSTER LOTS
(a) Minimum lot area: 12,500 square feet **(7/04)**
Maximum lot area: 30,000 square feet **(7/04)**
(Refer to Section 614 regarding the impact of critical environmental areas on lot size requirements.)
(b) Minimum lot width
(1) Interior lot: 75 feet
(2) Corner lot: 90 feet
(c) Minimum yard requirements
(1) Front yard: 25 feet
(2) Side yard: 10 feet
(3) Rear yard: 35 feet (residences) **(7/04)**
(4) Accessory structure: 5 feet (rear and side setbacks)
(d) Maximum building height: 35 feet

603.8 OPEN SPACE REQUIREMENTS FOR DR-2 CLUSTER SUBDIVISIONS
(a) In subdivisions approved for cluster development, twenty (20) percent of the net site area which excludes 100-year floodplain, sinkholes, and slopes exceeding twenty-five (25) percent and fifty (50) percent of land with slopes between fifteen (15) and twenty-five (25) percent shall be open space, dedicated to common usage and ownership.

603.9 ADDITIONAL REGULATIONS
(a) Refer to Article III for general regulations and other provisions which may supplement those cited herein.
(b) Refer to Section 305 for off-street parking requirements.
(c) Refer to specific Overlay Zoning Districts where applicable.
(d) Refer to Section 614 for special regulations relating to cluster subdivisions, critical environmental areas, and open spaces.
(e) Refer to Section 317 Karst Features for additional requirements. (7/04)
(f) The lot size, yard, and bulk requirements in effect at the time of subdivision plat approval prior to January 1, 2011 shall remain applicable to such subdivisions until July 1, 2017. The foregoing shall not be effective unless any unreleased performance bonds and agreements or other financial guarantees of completion of public improvements in or associated with the subdivision are continued in force. **(12/14)**

(4/92) **SECTION 604 - DETACHED RESIDENTIAL-4 (DR-4) DISTRICT**

604.1 PURPOSE AND INTENT

The Detached Residential-4 District is created to provide for single-family detached residences at higher densities than other single-family detached districts. A maximum of four (4.0) units per net developable acre establishes a medium- to low-density district for detached residences. The application of this district shall be to undeveloped tracts lying within the Town of Berryville and within the precincts of the Berryville Plan, as well as to "infill" lots within the existing stable neighborhoods, with the intent of preserving existing natural features and vegetation, promoting excellence in site planning and landscape design, and encouraging housing of compatible scale and architectural character. Cluster residential development shall be encouraged and permitted, by right, so that specific environmental preservation and land-use goals may be promoted.

604.2 PERMITTED USES

(a) Single-family detached dwellings, either a conventional "dispersed" layout or a clustered layout subdivision--a clustered subdivision requiring site plan approval.
(b) Accessory uses, to include detached carports and garages, tool sheds, children's playhouses, doghouses, private swimming pools and Temporary Family Health Care Structures as established in Section 323. **(11/10)**
(c) Municipal utilities.

604.3 SPECIAL PERMIT USES

(a) Bed and breakfast lodging occupying more than 300 square feet of residence.
(b) Cemeteries.
(c) Churches and shrines.
(d) Community buildings, public and private.
(e) Day care centers and nursery schools. **(10/94)**
(f) Fire stations.
(g) Home occupations as defined in Section 315. **(12/93)**
(h) Libraries, museums, and historic markers.
(i) Plant nurseries with no sale of nursery products permitted on premises.
(j) Public utility uses (sub-stations, pump stations, storage tanks, etc.) and related easements, except for municipal utilities.
(k) Recreational uses such as public swimming pools, tennis courts, and golf courses.
(l) Public schools, parks, playgrounds and related uses. **(3/09)**
(m) Short-term rentals **(10/23)**

604.4 MAXIMUM DENSITY

(a) Four (4.0) dwelling units per net developable acre.
(b) A maximum floor area ratio of 0:15 shall apply to uses other than residential.

604.5 LOT SIZE, YARD, AND BULK REQUIREMENTS FOR CONVENTIONAL LOTS

(1/93) (a) Lot area: Minimum--10,000 square feet; maximum - 30,000 square feet **(7/04)**. (Refer to Section 614 regarding the impact of critical environmental areas on lot Size requirements.

(b) Minimum lot width
- (1) Interior lot: 75 feet
- (2) Corner lot: 90 feet

(c) Minimum yard requirements
- (1) Front yard: 20 feet for primary structures; 25 feet for garages, carports or other structures used to house vehicles **(7/04)**
- (2) Side yard: 10 feet
- (5/94) (3) Rear yard: 30 feet (residences)
- (4) Accessory structure: 5 feet (rear and side setbacks)

(d) Maximum building height: 35 feet

604.6 MINIMUM DISTRICT SIZE FOR CLUSTER SUBDIVISIONS

Minimum district size for cluster subdivision: two (2) acres.

604.7 LOT SIZE, YARD, AND BULK REQUIREMENTS FOR CLUSTERED LOTS

(a) Minimum lot area: 7,500 square feet.
Maximum lot area: 20,000 square feet **(7/04)**
(Refer to Section 614 regarding the impact of critical environmental areas on lot size requirements.)

(b) Minimum lot width
- (1) Interior lot: 60 feet
- (2) Corner lot: 75 feet

(c) Minimum yard requirements
- (1) Front yard: 15 feet for primary structures; 25 feet for garages, carports, or other structures used to house vehicles **(7/04)**
- (2) Side yard: 10 feet
- (5/94) (3) Rear yard: 25 feet (residences)
- (4) Accessory structure: 5 feet (rear and side setback)

(d) Maximum building height: 35 feet

604.8 OPEN SPACE REQUIREMENTS FOR DETACHED RESIDENTIAL SUBDIVISIONS

(a) In subdivisions approved for cluster development, twenty (20) percent of the net site area which excludes 100-year floodplain, sinkholes, and slopes exceeding twenty-five (25) percent and fifty (50) percent of land with slopes between fifteen (15) and twenty-five (25) percent shall be open space, dedicated to common usage and ownership.

(b) In cluster subdivisions, at least one-fourth (1/4) of the required open space (five {5} percent of the net site area) shall be developed and designed for recreational and active community open space.

604.9 ADDITIONAL REGULATIONS

(a) Refer to Article III for general regulations and other provisions which may supplement those cited herein.

(b) Refer to Section 305 for off-street parking requirements.

(c) Refer to specific Overlay Zoning Districts, where applicable.

(d) Refer to Section 615 for special regulations relating to cluster subdivisions, critical environmental areas, and open space.

(e) Refer to Section 317 Karst Features for additional requirements. **(7/04)**

(f) The lot size, yard, and bulk requirements in effect at the time of subdivision plat approval prior to January 1, 2011 shall remain applicable to such subdivisions until July 1, 2017. The foregoing shall not be effective unless any unreleased performance bonds and agreements or other financial guarantees of completion of public improvements in or associated with the subdivision are continued in force. **(12/14)**

SECTION 605 - ATTACHED RESIDENTIAL (AR) DISTRICT

605.1 PURPOSE AND INTENT

The Attached Residential (AR) District is created to provide for single-family attached residences at locations compatible with the Berryville Comprehensive Plan and at locations within the precincts of the Berryville Area Plan. A maximum density of six (6) units per net developable acre establishes this district as one recognizing townhouse-styled units as the dominant land use; however, single-family dwellings may also be developed in this district where appropriate. This district may be applied to undeveloped tracts and to existing townhouse development with the intent of preserving natural features and vegetation, promoting excellence in site planning and landscape design, and encouraging attached housing with compatible scale, materials and architectural character. Development in the AR District shall be sensitive to land physiography, provision of adequate public infrastructure, and development of high-quality transportation improvements while achieving optimal siting of dwellings, recreation areas, community facilities, and open space.

605.2 PERMITTED USES

(a) Townhouse dwellings. An accessory structure, less than or equal to 120 square feet in area, is permitted on a private townhouse lot.
(b) Duplex (two-family) attached dwellings and accessory structures
(8/01) (c) Single-family detached dwellings
(d) Private community facilities, recreation areas, and other common area improvements normally associated with residential developments (other than those requiring special use permits) may be permitted subject to final site plan approval.
(e) Municipal utilities

605.3 SPECIAL PERMIT USES **(8/01)**

(a) Churches
(b) Community buildings
(c) Commercial and private swimming pools and tennis courts
(10/94) (d) Day care centers
(e) Fire stations
(f) Government offices
(g) (Deleted 2010)
(h) Institutional housing and general care for indigents or orphans
(i) Libraries
(j) Nursery schools
(k) Private and public schools, parks, playgrounds, and related uses
(n) Private clubs
(o) Public utility uses (sub-stations, pump stations, storage tanks, etc.) and related easements, except for municipal utilities. (Refer to Section 615 regarding the impact of critical environmental areas on lot size requirements.)
(p) Zero-lot-line detached dwellings
(q) Short-term rentals **(10/23)**

605.4 MAXIMUM DENSITY
Maximum density:
Six (6) dwelling units per net developable acre.

605.5 MINIMUM DISTRICT SIZE
Minimum District Size: Three (3) acres.

605.6 LOT SIZE AND BULK REQUIREMENTS FOR TOWNHOUSE-STYLE DWELLINGS

(a) Minimum lot area
- (1) Interior lot: 2,000 square feet
- (2) Corner lot: 2,400 square feet
- (3) Condominium: Not regulated

(b) Minimum lot width
- (1) Interior lot: 20 feet
- (2) Corner lot: 35 feet
- (3) Condominiums subject to plan review and applicable performance zoning criteria.

(c) Minimum yard requirements
- (1) Front yard: 15 feet
- (2) Side yard for end unit: 15 feet
- (3) Rear yard: 30 feet
- (4) Accessory structures: 5 feet (rear and side setback)

(d) Maximum building height: 35 feet

(e) Maximum Floor Area ratio (FAR): for non-residential uses - 0.25, or as otherwise dictated by applicable performance zoning criteria.

(f) Other: Where a lot is to be divided into individual lots for the sale of single-family attached dwelling units:
- (1) Lot lines shall conform with party wall centerlines and
- (2) A privacy yard, having a minimum of two hundred (200) square feet, shall be provided on each lot. Privacy yards shall include screening, fencing, patio paving, and/or special landscaping treatment.

605.7 LOT SIZE AND BULK REGULATIONS FOR DUPLEXES

(a) Minimum lot size:
- (1) 10,000 square feet for total duplex structure
- (2) 4,500 square feet each separate unit within a duplex

(b) Minimum lot width:
- (1) 75 feet per duplex structure
- (2) 35 feet for each unit of a duplex

(c) Minimum yard requirements:
- (1) Front yard: 25 feet
- (2) Side yard: 10 feet
- (3) Rear yard: 40 feet (residences)

(d) Maximum building height: 35 feet

(e) Maximum lot coverage: 35 percent

(g) Other: Where a lot is to be subdivided into individual lots for the sale of single-family attached units, lot lines shall conform with party wall centerlines.

605.8 LOT SIZE AND BULK REQUIREMENTS FOR SINGLE-FAMILY DETACHED DWELLINGS

(a)	Minimum lot size:	7,500 square feet
(b)	Minimum lot width:	60 feet
(c)	Minimum setback:	20 feet or more from a right-of-way 50 feet or more in width; 35 feet or more from the center of any street right-of-way less than 50 feet in width. **(5/94)**
(d)	Minimum yard requirements	
	(1) Side yard:	10 feet, except for corner lots, the side yard facing the side street shall be 20 feet or more for both main and accessory buildings.
	(2) Rear yard:	40 feet
	(3) Accessory structures:	5 feet from side and rear lot lines, except as noted above in 605.8(d)(1).

605.9 OPEN SPACE REQUIREMENTS FOR TOWNHOUSE DEVELOPMENTS

(a) An open space plan and landscape design program shall be submitted with applications for townhouse-style developments.

(b) Thirty (30) percent of the net site area shall be open space dedicated to common usage and ownership.

(c) At least twenty (20) percent of the required open space (six [6] percent of the net site area) shall be designed and developed as recreational and active community open space.

(d) Refer to Section 615 regarding the impact of critical environmental areas on open space requirements.

605.10 OPEN SPACE REQUIREMENTS FOR DUPLEX DEVELOPMENTS

(a) An open space plan shall be submitted with applications for duplex-style developments in this district.

(b) Ten (10) percent of the net site area shall be open space dedicated to common usage and ownership.

605.11 ADDITIONAL REGULATIONS FOR TOWNHOUSE DEVELOPMENTS

(a) Parking, parking access, and parking drives

1. Two (2) off-street (private) parking spaces per dwelling unit shall be provided and shall be located not more than one hundred (100) feet from the individual dwelling unit served.
2. Private driveways and parking bays shall be no closer than twelve (12) feet to any adjoining property line.
3. Separate parking spaces shall be allocated and reserved for recreational vehicle parking and special guest parking. The number of parking spaces allocated for recreational vehicles shall be one (1) recreational vehicle

parking space per six (6) dwelling units. The number of spaces for guest parking shall be one (1) space for every two (2) dwelling units.

4. Refer to Section 305 for additional off-street parking requirements.

(b) Streets

1. Attached dwelling units shall have access to a private street with a minimum width of twenty-two (22) feet. The paved street shall be constructed according to Virginia Department of Transportation standards.
2. No attached dwelling unit may be accessed directly from a public street unless approved by a Special Use Permit. In such case, the dwelling(s) must conform to AR District setback requirements.
3. No private street shall be located within twelve (12) feet of any property line.

(c) Setback, yards, buffering, separation, and grouping of units

1. Where adjacent properties are zoned to a district other than the AR District, all AR buildings shall be set back at least forty (40) feet from the common property line(s).
2. Where an attached residential building or group of attached residential buildings are adjacent to a private drive, parking area, and/or walkway intended for the common use of the development's occupants, there shall be a minimum building setback of fifteen (15) feet from that drive, area, and/or walk.
3. Adjacent townhouse-style dwelling units with their accompanying lots shall be separated from one another by a minimum of fifteen (15) feet. This separation shall allow an unobstructed fire lane on all sides of the structure.
4. No more than eight (8) single-family attached residences (townhouses) shall be included in any one physically contiguous grouping.
5. Common property lines shall be screened and landscaped. Refer to Section 309.7 for additional landscaping and buffering requirements.

(d) Maintenance of improvements, covenants, and required improvements

1. For any development in the AR District, all common improvements (including open space, recreational facilities, private streets, walkways, parking areas, and other community facilities) shall be maintained by and be the sole responsibility of the developer-owner of the A-R development until such time as the developer-owner conveys such common area to a nonprofit (homeowners') entity consisting of at least all of the individual owners of the dwelling units in the development.
2. Deed restrictions and covenants shall be included with the conveyance to include, among other things, those assessments, charges, and costs of maintenance of such common areas shall constitute a pro-rata share lien upon the individual dwelling lots, such lien inferior only to taxes and recorded trusts. Furthermore, covenants shall specify the means by which the non-profit entity shall govern and manage itself and maintain building exteriors, landscaping, lighting, recreation areas, walkways parking areas, snow removal, and travel ways.
3. All deed restrictions, covenants, nonprofit (homeowners') entity incorporation documents, and information related to conveyance programs

shall be prepared by the developer-owner. These papers and documents shall be submitted with the plat and plans, and shall be approved by the Town's legal representative.

4. On-site lighting, signing, and mailboxes shall be provided and installed by the owner-developer of townhouse developments. These improvements shall be of compatible scale, materials, and colors.

605.12 SITE PLAN AND MASTER PLAN REQUIREMENTS

(a) Development of all townhouse projects shall require site plan approval.

(b) Development of any townhouse project that is to be built in phases shall require a master plan which is intended to serve as the master land use plan for the specific development proposal. Final engineering designs and final plats shall be in conformance with the development's master plan.

605.13 GENERAL REGULATIONS

(a) All refuse shall be contained in completely enclosed and screened facilities.

(b) Refer to Section 309.9 for drainage regulations.

(c) Refer to specific Overlay Zoning Districts, where applicable.

605.14 CONDOMINIUMS

Any condominium development under the Condominium Laws of Virginia shall be subject to the following provisions:

(a) Minimum lot size and yard and open space requirements of the district shall be met as if lot lines existed.

(b) A site plan shall be required and subject to review by the Planning Commission. The site plan shall govern the location of all structures and improvements.

(c) Setbacks, density, and other district requirements shall be met.

SECTION 606 MULTIFAMILY RESIDENTIAL (MR) DISTRICT

606.1 PURPOSE AND INTENT

The Multifamily Residential (MR) District is created to provide for multifamily residences at locations compatible with the Berryville Area Master Plan's goals for high-density residential development. A maximum density of ten (10) units per net developable acre establishes this district as one recognizing garden-styled apartment or condominium units as the dominant land use. Housing for the elderly is encouraged under this district. Townhouses are permitted in this district, subject to the AR District regulations. The application of this district shall be to undeveloped tracts lying within the Town of Berryville with the intent of preserving existing natural features and vegetation, promoting excellence in site planning and landscape design, and encouraging multifamily and attached housing with compatible scale, materials, and architectural character. Development in the MR District shall be sensitive to land physiography, provision of adequate public infrastructure, and development of quality transportation improvements while achieving optimal siting of dwellings, recreation areas, community facilities, and open space.

606.2 PERMITTED USES

(a) Multifamily attached dwellings.
(b) Townhouse dwellings. An accessory structure, less than or equal to 120 square feet in area, is permitted on a private townhouse lot.
(c) Duplex and two-family attached dwellings and accessory structures.
(d) A mix of dwelling types as set forth above.
(e) Private community facilities, recreation areas, and other common area improvements normally associated with residential developments (other than those requiring special use permits) shall be permitted, subject to a generalized development plan and final site plan approval process.

606.3 SPECIAL PERMIT USES

(a) Churches
(b) Commercial swimming pools and tennis courts
(c) Community association facilities
(d) Community buildings, public and private
(e) Day care centers
(10/94) (f) Fire stations
(g) Government offices
(h) (Deleted 2010)
(i) Institutional housing and general care for indigents and orphans
(j) Libraries
(k) Licensed nursing homes
(l) Nursery schools
(m) Private clubs
(n) Private schools and related uses
(r) Private swimming pools and tennis courts
(s) Public schools, parks, playgrounds, and related uses

(t) Public utility uses (sub-stations, pump stations, storage tanks, etc.) and related easements, except for municipal utilities
(u) Zero-lot-line dwellings
(v) In townhouse developments, private accessory structures larger than 120 square feet in area.
(w) Short-term rentals **(10/23)**

606.4 MAXIMUM DENSITY
(a) Multifamily dwellings: ten (10) dwelling units per net developable acre.
(b) Attached dwellings: six (6) dwelling units per net developable acre.

606.5 MINIMUM DISTRICT SIZE
Minimum district size: three (3) acres.

606.6 REGULATIONS FOR DUPLEXES
Refer to Section 605 for general regulations.

606.7 REGULATIONS FOR TOWNHOUSE DEVELOPMENTS
Refer to Section 605 for general regulations.

606.8 MULTIFAMILY DWELLINGS
(a) Minimum lot area: Dwellings must be sited with respect to physiographic, air, solar, and environmental characteristics of their lots and to their relationship to adjoining properties.
(b) Maximum building height: 40 feet
(c) Minimum yard requirements
(l) Front yard: 25 feet
(2) Side yard: 20 feet
(3) Rear yard: 30 feet
(d) For nonresidential uses, the maximum floor area ratio shall be 0.25, based on net developable area, and as otherwise dictated by applicable performance zoning criteria.
(e) An open space plan and landscape design program shall be submitted with applications for any land use governed by this district.
(f) Thirty (30) percent of the gross site area shall be open space, dedicated to common usage and ownership.
(g) One-third (1/3) of the open space (ten [10] percent of the gross site area) shall be developed and designated as recreational and active community open space.

606.9 PARKING AREAS, DRIVEWAYS, AND WALKWAYS IN MULTIFAMILY DEVELOPMENTS
(a) Two off-street (private) parking spaces per dwelling unit shall be provided and located not more than one hundred (100) feet from the individual dwelling unit served.
(b) Additional parking spaces shall be provided and designated for recreational vehicle parking and special guest parking. One (1) recreational vehicle parking space per

twelve (12) dwelling units shall be required in the MR District. The number of spaces for guest parking shall be one (1) space for every two (2) dwelling units.

(c) The location, spacing, and number of private driveway entrances serving any MR development shall comply with the adopted Transportation Plan for the Berryville Area and shall be subject to final approval by the Town Council or its agent.

(d) Private driveways and parking bays shall be at least twelve (12) feet from any adjoining property line. Parking areas, driveways, and walkways intended for the common use of the development's occupants shall be placed at least fifteen (15) feet from all multifamily residential buildings.

(e) Refer to Section 305 for additional off-street parking requirements.

606.10 STREETS IN MULTIFAMILY DEVELOPMENTS

(a) Attached and multifamily dwelling units shall have access to a private street with a minimum width of twenty-two (22) feet. The paved street shall be constructed according to Virginia Department of Transportation standards.

(b) No multifamily dwelling may be accessible directly from a public street. No attached dwelling unit may be accessed directly from a public street unless approved by a special use permit. In such case, the dwelling(s) must conform to MR District setback requirements.

606.11 SETBACK, YARDS, BUFFERING, SEPARATION, AND GROUPING OF MULTIFAMILY BUILDINGS

(a) Where adjacent properties are zoned to a district other than the MR District, all MR buildings shall be set back at least forty (40) feet from the common property line(s).

(b) Where an attached residential building or group of attached residential buildings are adjacent to a private drive, parking area, and/or walkway intended for the common use of the development's occupants, there shall be a minimum building setback of fifteen (15) feet from that drive, area, and/or walk.

(c) No more than twenty-four (24) residential units shall be located within any one physical building structure. A waiver for this regulation may be given for those development proposals that are exclusively for elderly housing.

(d) Multifamily dwelling structures shall have side yards separating individual buildings by a distance not less than the height of the tallest residential structure. Rear yards separating individual buildings shall be equal to one and one-half (1-1/2) times the height of the tallest structure. The larger yard size shall govern in instances where side and rear yard definition is subject to interpretation.

(e) Common property lines shall be screened and landscaped. Refer to Section 310.8 for additional landscaping and buffering requirements.

606.12 MAINTENANCE OF IMPROVEMENTS, COVENANTS, AND REQUIRED IMPROVEMENTS

(a) For any development in the M-R District, all common improvements (including open space, recreational facilities private streets, walkways, parking areas, and other community facilities) shall be maintained by and be the sole responsibility of the developer-owner of the M-R development until such time as the developer-

owner conveys such common area to a nonprofit (homeowners') entity consisting of at least all of the individual owners of the dwelling units in the development.

(b) Deed restrictions and covenants shall be included with the conveyance to include, among other things, that assessments, charges, and costs of maintenance of such common areas shall constitute a pro rata share lien upon the individual dwelling lots, such lien inferior only to taxes and recorded trusts. Furthermore, covenants shall specify means by which the nonprofit entity shall govern and manage itself and maintain building exteriors, landscaping, lighting, recreation areas, walkways, parking areas, snow removal, and travel ways.

(c) All deed restrictions, covenants, nonprofit (homeowners') entity incorporation documents and information related to conveyance programs shall be prepared by the developer-owner. These papers and documents shall be submitted with the plat and plans, and shall be approved by the Town's legal representative.

(d) On-site lighting, signing, and mailboxes shall be provided and installed by the owner-developer of townhouse or multifamily developments. These improvements shall be of compatible scale, materials, and colors.

606.13 SITE PLAN AND MASTER PLAN REQUIREMENTS

(a) Development of any and all sections within the M-R District shall require site plan approval.

(b) Development of any project under M-R District zoning provisions shall require a master plan for the specific development proposal. Final engineering designs and final plats shall be in conformance with the development's master plan.

(c) A parking and traffic impact study shall be provided with the submission of a preliminary site plan or master plan.

606.14 GENERAL REGULATIONS

(a) No privately-owned accessory buildings shall be permitted on multifamily building lots.

(b) All refuse shall be contained in completely enclosed and screened facilities.

(c) Refer to Section 310.10 for drainage regulations.

(d) Refer to specific Overlay Zoning Districts, where applicable.

606.15 CONDOMINIUMS

Any condominium development under the Condominium Laws of Virginia shall be subject to the following provisions:

(a) Minimum lot size and yard requirements of the district shall be met as if lot lines existed.

(b) A master plan shall be required and subject to review by the Planning Commission and approved by the Town Council. The master plan shall govern the location of all site structures and improvements on final plans.

(c) Setbacks, density, and other district provisions shall be met.

(d) Condominiums are subject to site plan review and applicable performance zoning criteria.

SECTION 607 - C-1 COMMERCIAL DISTRICT

607.1 PURPOSE AND INTENT

The C-1 Commercial District is established to provide selected locations in the Town of Berryville for light commercial activities that do not adversely impact adjoining residential neighborhoods. The C-1 District is intended to accommodate local retail uses at locations compatible with the Berryville Area Master Plan.

607.2 PERMITTED USES

(12/00)
- (a) Assembly of high-tech components and/or systems (not including manufacturing)
- (b) Restaurants, exclusive of fast-food restaurants
- (c) Newspaper office buildings, including printing and publishing facilities incidental to such uses
- (d) Quick-service stores with limited hours of operation (6:00 a.m. – 10 p.m.).
- (e) Civic and public benefit organizations
- (f) Churches and other places of worship
- (g) Government and other public buildings (including libraries, post offices, police stations, fire stations, and rescue squads)
- (h) Financial institutions without drive-in facilities
- (i) Hospitals, nursing, convalescent, or rest homes, in accordance with Section 311
- (j) Funeral homes
- (k) Furniture repair
- (l) Business and professional offices
- (m) Personal services (including music services, barber and beauty shops, tailor shops)
- (n) Printing shops
- (o) Retail stores with a maximum gross floor area of 5,000 square feet for each free-standing business or for each business in a shopping center. **(07/05)**
- (p) Day care centers **(10/94)**
- (q) Auction House **(11/02)**

607.3 SPECIAL PERMIT USES

(12/00)
- (a) Broadcast studios
- (b) Business services and supply establishments
- (c) Car wash
- (d) Commercial recreational establishments
- (e) Drive-in banking facilities **(10/94)**
- (f) Fast-food restaurants
- (g) Hardware stores
- (h) Laundromats
- (i) Movie theaters
- (j) Plant nurseries
- (k) Public billiard parlors and pool rooms, bowling alleys, dance halls, health spas and clubs
- (l) Public utilities and related easements, except municipal utilities
- (m) Quick-service stores with unlimited hours of operation

(n) Residential apartments, as a secondary use to principal structure
(o) Retail stores over 5,000 square feet for each free-standing business or for each business in a shopping center, not to exceed a maximum of 15,000 square feet for each free-standing business or for each business in a shopping center. **(07/05)**
(p) Repair service establishments, without outdoor service and/or outdoor storage
(q) Service stations (without outdoor storage)
(r) Single-family detached dwellings **(9/96)**
(s) Schools, public or private
(t) Three-story buildings
(u) Veterinary hospitals
(v) Wood product manufacturing (NAICS 321) except 3211 sawmills and wood preservation **(12/11)**
(w) Craft beverage manufacturing **(02/18)**
(x) Short-term rentals **(10/23)**

607.4 MAXIMUM FLOOR AREA RATIO

The maximum floor area ration (FAR)—based on the net developable area of a lot—shall not exceed 0.25.

607.5 MINIMUM DISTRICT SIZE

Minimum district size:	1 acre

607.6 LOT SIZE REQUIREMENTS AND BULK REGULATIONS

(a)	Minimum lot area:	10,000 square feet
(b)	Minimum lot width:	100 feet
(c)	Maximum building height:	40 feet
(d)	Minimum yard requirements	
(1)	Front yard:	30 feet
(2)	Side yard:	10 feet
(3)	Rear yard:	30 feet

607.7 OPEN SPACE

(a) An open space plan and landscape design program shall be submitted with applications for any land use governed by this district.
(b) Fifteen percent (15%) of the site shall be landscaped open space.

607.8 PARKING AREA REGULATIONS FOR THE C-1 COMMERCIAL DISTRICT

(a) All parking areas shall be located at least ten (10) feet from any property line except that parking areas may adjoin each other across common C-1 district property lines. Parking areas must be located at least thirty (30) feet from properties in contiguous residential districts.
(b) All parking areas shall consist of off-street, on-site spaces and shall include designated spaces for the handicapped and elderly.
(c) Refer to Section 305 for additional off-street parking requirements.

607.9 LANDSCAPING, BUFFERING AND SETBACK ADJACENT TO RESIDENTIAL AREAS

(a) Where a lot is contiguous to a property located in any residential district, all buildings shall have a minimum setback of forty (40) feet from common property lines **(5/94)**.

(b) A landscaped buffer strip of fifteen (15) feet in width shall be provided, with landscape materials and placement subject to final plan approval. This buffer strip may be reduced to ten (10) feet with suitable fencing, but in such cases fence design shall be subject to final plan approval.

607.10 STORAGE OF MATERIALS AND REFUSE

(a) The outdoor area devoted to storage, loading and display of goods shall be limited to that area so designated on an approved site plan.

(b) Any establishment involved with the storage of fuel for sale, or for other purposes, shall be permitted only if the fuel is stored underground, except where otherwise permitted under provisions granted and other stipulations required by special use permit by the Town Council.

(c) All refuse shall be contained in completely enclosed facilities and shall be screened.

607.11 STREET ENTRANCES

(a) On a corner lot, no street entrance shall be located closer than sixty (60) feet to the curb line extended from the intersecting street.

(b) (DELETED 4/98)

(c) A freestanding use shall have no more than two street entrances on any single right-of-way.

607.12 GENERAL REQUIREMENTS

(a) All uses shall be subject to final site plan approval.

(b) Refer to Section 306 for off-street loading requirements.

(c) Refer to Sections 301-304 for general regulations and other provisions which may supplement those cited herein.

(d) Refer to specific Overlay Zoning Districts, where applicable.

SECTION 608 C-2 COMMERCIAL

608.1 PURPOSE AND INTENT

The C-2 Commercial District is established to provide selected locations in the Town of Berryville for small-scale convenience shopping facilities and be oriented to serve adjacent and surrounding residential areas. These convenience facilities may serve smaller-scaled neighborhood areas than those areas served by the C-1 District, and may supply necessities that require frequent purchasing with a minimum of consumer travel per shopping trip. The C-2 District is intended to accommodate existing and future neighborhood retail uses and is to allow small, predominately single-use, neighborhood retail structures which are to be located within or adjacent to existing or planned residential areas.

608.2 PERMITTED USES

(a) Financial institutions, not to exceed 3,000 square feet per building unit
(b) Personal service establishments, not to exceed 3,000 square feet per building unit
(c) Quick-service stores, not to exceed 3,000 square feet per building unit and open only between 6 a.m. and 10 p.m.
(d) Day care centers **(10/94)**

608.3 SPECIAL PERMIT USES

(a) Drive-in banks, not to exceed 3,000 square feet per building unit
(b) Government and other public buildings
(c) Public utilities and related easements, except municipal utilities
(d) Quick service stores (without automotive services), which exceed 3,000 square feet per building unit and/or are open between 10 p.m. and 6 a.m.
(e) Residential apartments as a secondary use to a principal structure

608.4 MAXIMUM FLOOR AREA RATIO

The maximum floor area ration (FAR) – based on the net developable area of a lot—shall not exceed 0.25.

608.5 MINIMUM DISTRICT SIZE

Minimum district size in the C-2 zone is not regulated.

608.6 LOT SIZE REQUIREMENTS AND BULK REGULATIONS

(a)	Minimum lot area:	15,000 square feet
(b)	Minimum lot width:	100 feet
(c)	Maximum building height:	35 feet
(d)	Minimum yard requirements	
	(1) Front yard:	30 feet
	(2) Side yard:	No requirement
	(3) Rear yard:	30 feet

608.7 OPEN SPACE

(a) An open space plan and landscape design program shall be submitted with applications for any land use governed by this district.

(b) Fifteen percent (15%) of the site shall be landscaped open space.

608.8 PARKING REGULATIONS

(a) All parking areas shall be located at least ten (10) feet from any property line except that parking areas may adjoin each other across common C-2 district property lines. Parking areas must be located at least thirty (30) feet from properties in contiguous residential districts.

(b) All parking areas shall consist of off-street, on-site spaces and shall include designated spaces for the handicapped and elderly.

(c) Refer to Section 305 for additional off-street parking requirements.

608.9 SETBACK, LANDSCAPING AND BUFFERING ADJACENT TO RESIDENTAIL AREAS

(a) Where a lot is contiguous to property located in any residential district, all buildings shall have a minimum setback of forty (40) feet from common property lines. **(5/94)**

(b) A landscaped buffer strip of fifteen (15) feet in width shall be provided, with landscape materials and placement subject to final plan approval. This buffer strip may be reduced to ten (10) feet with suitable fencing, but in such cases fence design shall be subject to final plan approval. **(5/94)**

608.10 STORAGE OF GOODS, MATERIALS, FUEL AND REFUSE

(a) The outdoor area devoted to storage, loading and display of goods shall be limited to that area so designated on an approved site plan.

(b) Any establishment involved with the storage of fuel for sale, or for other purposes, shall be permitted only if the fuel is stored underground, except where otherwise permitted under provisions granted and stipulations required by special use permit by the Town Council.

(c) All refuse shall be contained in completely enclosed facilities and shall be screened.

608.11 STREET ENTRANCES

(a) On a corner lot, no street entrance shall be located closer than sixty (60) feet to the curb line extended from the intersecting street.

(b) No street entrance shall be located closer than thirty (30) feet to a side or rear lot line, unless a common street entrance serves adjacent uses, and in no instance shall the distance between separate street entrances serving adjacent uses be less than sixty (60) feet.

(c) A freestanding use shall have no more than two (2) street entrances on any single right-of-way, and such street entrances shall have a minimum distance of sixty (60) feet between them. The maximum width of such curb cuts shall not exceed thirty (30) feet.

608.12 GENERAL REGULATIONS

(a) All uses shall be subject to final site plan approval.

(b) Refer to Section 306 for off-street loading requirements.

(c) Refer to Sections 301-304 for general regulations and other provisions which may supplement those cited herein.

(d) Refer to specific Overlay Zoning Districts, where applicable.

SECTION 609 L-1 INDUSTRIAL DISTRICT

609.1 PURPOSE AND INTENT

The L-1 Industrial District is established to provide locations within the Town of Berryville for a broad range of general light-industrial uses, recreational and event venues, infill development, and employment-related businesses operating under well-governed performance standards. The specific uses permitted within the L-1 District must be in harmony with the cultural and environmental character of the Town of Berryville. No use should be permitted that might be harmful to the adjoining land uses and the residential ambience of the community at large. Adaptive reuse is encouraged in the L-1 District. Outdoor storage and heavy industrial uses are discouraged but may be permitted by special use and environmental performance review. The L-1 District recognizes and is to be applied to existing conforming industry in the Town of Berryville as of the date of adoption of this District. Existing industrial uses shall be considered as satisfying the purpose and intent of the L-1 District, but expansion of existing industrial uses shall conform to the provisions herein. **(08/16)**

609.2 PERMITTED USES **(12/94)**

(a) Auction establishments (indoor only) **(5/95)**
(b) Business and professional offices **(7/99)**
(c) Business service, supply and delivery establishments
(d) Contractor's establishments without outdoor storage
(e) Establishments for the production, processing, assembly, manufacturing, compounding, cleaning, servicing, testing and repair of materials, goods or products which conform to applicable Federal, State and local environmental performance standards or other standards referenced by the Town as related to (a) air pollution; (b) fire and explosion hazards; (c) radiation hazards; (d) electromagnetic radiation and interference hazards; (e) liquid and solid wastes hazards; (f) noise and odor standards; and (g) vibration standards.
(f) Existing or expansion of existing industrial uses in operation as of the date of adoption of this Ordinance which conform to the previous industrial zoning district requirements.
(g) Farm supply establishments
(h) Financial institutions
(i) Indoor mini-storage facilities
(j) Light manufacturing, fabrication, testing or repair establishments without outdoor storage
(k) Light warehousing establishments, without outdoor storage
(l) Light wholesale trade establishments, without outdoor storage
(m) Printing and publishing establishments
(n) Private training and vocational schools
(o) Public utilities (sub-stations, pump stations, transmission/receiving facilities and lines for telecommunications and similar uses, storage tanks, etc.)
(p) Sheet metal shops
(q) Small animal veterinary hospitals, exclusive of boarding kennels
(r) Vehicle and machinery service, and parts sales ("service" including but not limited to internal and external repair, body work, paint, car washes, etc.)

(s) Welding shops
(t) Craft beverage manufacturing **(03/18)**

609.3 SPECIAL PERMIT USES

(a) All above permitted uses requiring outdoor storage **(10/94)**
(b) Day care centers **(12/94)**
(c) Eating establishments including microbreweries, wineries, and distilleries **(05/95, 08/16)**
(d) Heliports
(e) Laundry and dry cleaning establishments
(f) Lumber yards and building materials establishments
(g) Motor freight terminals
(h) Retail sales incidental to a manufacturing, production or related use, provided that: a) the gross floor area used for retail purposes (excluding storage) shall not occupy more than five-thousand (5,000) square feet of gross floor area on any one lot, and shall not exceed twenty-five (25) percent of the total floor area for the site; and b) the areas dedicated for retail uses must be indicated on an approved site plan. The provisions of this Section shall not apply to those permitted or special permit uses for which retail sales are a primary activity. **(12/07)**
(i) Scientific research, development, and training establishments
(j) Service stations
(k) Vehicle and machinery sales and rentals
(l) Recreation, commercial indoor **(06/10)**
(m) Retreat and conference centers **(08/16)**
(n) Residential lofts and apartments **(08/16)**
(o) Wholesale/retail food hubs **(08/16)**
(p) Commercial kitchens **(08/16)**
(q) Hotels, motels, and accommodations **(08/16)**
(r) Short-term rentals **(10/23)**

609.4 PROHIBITED USES

The specific uses which follow shall not be permitted in the L-1 District:

(a) Asphalt mixing plants
(b) Blast furnaces
(c) Boiler works
(d) Bulk storage of flammable materials
(e) Coal, wood or wood distillation
(f) Concrete mixing and batching products
(g) Extraction or mining of rocks and minerals
(h) Garbage incineration
(i) Junk yards
(j) Landfills
(k) Manufacture of ammonia, chlorine, fertilizer, lime, cement, fireworks, explosives, soaps, acids, pesticides, herbicides or insecticides
(l) Metal foundries and smelting
(m) Petroleum, asphalt or related product refining
(n) Rendering plants
(o) Slaughterhouses

(p) Stockyards
(q) Tanning and curing of skins
(r) Any other similar use which in the opinion of the Town Council might be injurious or noxious by reason of odor, fumes, dust, smoke, vibration, noise or other cause

609.5 MAXIMUM LOT COVERAGE

(12/91) The maximum lot coverage—including buildings, streets, parking spaces, driveways, loading areas and all other impervious surfaces—shall not be greater than seventy-five percent (75%) of the area of an L-1 lot.

609.6 MINIMUM DISTRICT SIZE

The minimum district size shall be four (4) acres.

609.7 LOT SIZE REQUIREMENTS AND BULK REGULATIONS

(a) Minimum lot area: 30,000 square feet
(b) Minimum lot width: 125 feet
(c) The maximum building height shall be forty (40) feet, except in particular instances the Town Council may, upon recommendation from the Planning Commission or its agent, modify the maximum building height.
(d) Minimum yard requirements
  (1) Front yard: 50 feet
  (2) Side yard: 25 feet (except where side yard abuts a public right-of-way the side yard shall be 50 feet) **(5/94)**
  (3) Rear yard: 50 feet **(5/94)**

609.8 OPEN SPACE

(a) An open space plan and landscape design program shall be submitted with applications for any land use governed by this District.
(b) Twenty five percent (25%) of the site shall be landscaped open space. Landscaping may be limited to setback areas and unused portions.

609.9 PARKING, PARKING ACCESS AND DRIVEWAYS

(a) No parking space shall be located closer than fifteen (15) feet from any common property line.
(b) Where lot is contiguous to property located in any district other than the L-1, I, C-1 or C-2 District, no parking space shall be closer than 40 feet from such property line. **(5/94)**
(c) All parking requirements shall be met by off-street, on-site spaces and shall include designated spaces for the handicapped and elderly.
(d) Refer to Section 305 for additional off-street parking requirements.

609.10 SETBACK, BUFFERING AND LANDSCAPING

(a) Where an L-1 lot is contiguous to property located in a district other than an L-1, I, C-1 or C-2 District, all buildings shall have a minimum 60-foot setback from lot lines. In particular instances the Town Council may waive the 60-foot setback requirement, upon recommendation from the Planning Commission. **(5/94)**

(b) Where an L-1 lot is contiguous to property located in a district other than an L-1, I, C-1 or C-2 District, a landscaped buffer strip of 30 feet in width shall be provided, with landscape materials and placement subject to final plan approval. Where contiguous to a C-1 or C-2 District property, the landscaped buffer strip shall be 15 feet. Approved fencing or additional buffering may be used in lieu of landscaping. **(5/94)**

609.11 STORAGE OF GOODS, MATERIALS, FUEL AND REFUSE

(a) The outdoor area devoted to storage, loading and display of goods shall be limited to that area so designated on an approved site plan.

(b) All equipment and materials shall be contained entirely within a building or screened from public rights-of-way and contiguous properties that are in land uses other than industrial in nature.

(c) Any establishment involved with the storage of fuel for sale, or for other purposes, shall be permitted only if the fuel is stored underground, except where otherwise permitted under provisions granted and stipulations required by the Town Council.

(d) All refuse shall be contained in completely enclosed facilities and shall be screened.

609.12 STREET ENTRANCES

(a) On a corner lot, no street entrance shall be located closer than 60-feet to the curb line extended from the intersecting street. This distance may be increased with respect to the types and turning radii of vehicles using the site.

(b) No street entrance shall be located closer than 30 feet to a side or rear lot line, unless a common street entrance serves adjacent uses, and in no instance shall the distance between separate street entrances serving adjacent uses be less than 60 feet. The maximum width of such street entrances shall not exceed thirty feet (30').

(c) A freestanding use shall have no more than two street entrances on any single right-of-way, and such street entrances shall have a minimum distance of 90 feet between them.

609.13 SITE PLAN REQUIREMENTS AND PERFORMANCE STANDARDS

(a) All uses shall be subject to final site plan approval.

(b) Any L-1 District land use application which is not in strict compliance with the pre-existing approved master site plan and preliminary plat for the district shall require an amendment to that master site plan and preliminary plat prior to site plan approval of the specific use.

(c) Master site plans and preliminary plats for L-1 Districts shall include provisions for:

(1) adequate public facilities;

(2) development phasing;

(3) stormwater management facilities to address the ultimate development coverage within the district;

(4) lighting and signing; and

(5) other special features and land use considerations deemed necessary to serve the industrial district.

(d) Applications for all uses subject to special use permits shall be accompanied by a report indicating the compliance with and use compatibility issues related to the Town's applicable performance standards.

609.14 ADDITIONAL REQUIREMENTS

(a) Public Streets within the L-1 District shall be constructed to industrial road standards as determined by the Town Council or its agent. Sidewalks may be required on one or both sides of the street.

(b) Common property ownership agreements and covenants for L-1 District developments shall be reviewed and approved by the Town Council or its agent.

(c) Refer to Section 306 for off-street loading requirements.

(d) Refer to Sections 301-304 for general regulations and other provisions which may supplement those cited herein.

(e) Refer to specific Overlay Zoning districts, where applicable.

(3/92) SECTION 610 BC BUSINESS COMMERCIAL

610.1 PURPOSE AND INTENT

The Business Commercial (BC) District is established to provide locations for highway commercial uses (such as retail uses dependent on automobile access, restaurants, motels), offices, and employment-related businesses within the precincts of the Berryville Area Plan. The BC District is further established to encourage innovative design of office, employment and retail-related development; and to these ends, development under this district is permitted only in accordance with a site plan.

The application of this district is intended for newly developing locations in the Berryville Area where office, retail, and similar activities are the principal use. High-quality business park and commercial site design principles are to be incorporated into the BC District uses. Highway-oriented commercial uses shall be located where they are pre-planned and creatively grouped in an efficient manner meeting the comprehensive planning objectives.

The specific uses permitted within the BC District must be in harmony with the cultural and environmental character of the Berryville Area. No use should be permitted which might be harmful to the adjoining land uses and the residential ambience of the community at large. Adequate transportation and site planning of all land uses shall have the goal of minimizing traffic conflicts with all other activities within the Berryville Area.

610.2 PERMITTED USES

(a) Antique sales (indoor only)
(b) Automobile service and repair establishments (including gas stations), with a convenience store (not occupying more than 3,000 square feet of gross floor area, excluding storage) as an accessory use, provided that all vehicle repair takes place in a fully enclosed building. **(04/16)**
(c) Automobile sales
(d) Broadcast stations, studios, and offices for radio and television
(e) Car washes
(f) Churches and other places of worship
(g) Clubs or Lodges (including civic and public benefit organizations)
(h) Day care centers
(i) Financial institutions (with or without drive-through windows)
(j) Funeral homes
(k) Government and other public buildings (including police, fire, library, museum, and postal facilities; excluding retail and service uses except as provided in Section 610.2(u).
(l) Grocery store (with at least 25,000 square feet gross floor area)
(m) Hotels and motels
(n) Laundromats
(o) Medical care facilities, licensed
(p) Offices, business or professional
(q) Plant nurseries
(r) Public utilities and related easements
(s) Recreation facilities (indoor or outdoor), parks, playgrounds, fairgrounds, etc.

(t) Restaurants with or without drive-through

(u) Retail stores and shops as an accessory use to the primary permitted use on the parcel, provided:

(1) the retail store or shop is directly related, ancillary, subordinate, and incidental to the primary permitted use;

(2) the gross floor area of the retail store or shop (excluding storage) does not exceed ten (10) percent of the gross floor area of the primary permitted use;

(3) the gross floor are of the retail store or shop (excluding storage) does not occupy more than 1,500 square feet; and

(4) the gross floor area for storage related to the retail store or shop does not exceed 500 square feet. **(8/01)**

(v) Schools, public and private

(w) Veterinary hospitals (small animals), exclusive of outdoor boarding kennels

610.3 SPECIAL PERMIT USES

(a) Conference centers

(b) Pharmaceutical centers **(5/06)**

(c) Scientific research and development establishments

(d) Theatres, indoor

(e) Short-term rentals **(10/23)**

610.4 MAXIMUM DENSITY

The maximum density shall not exceed a floor area ratio (FAR) of .30, based on the net developable area of the lot.

610.5 MINIMUM DISTRICT SIZE

Minimum District size is four (4) acres.

610.6 LOT REQUIREMENTS

(a) Minimum lot area: 20,000 square feet

(b) Minimum lot width: 100 feet

610.7 BUILDING HEIGHT AND SETBACK REGULATIONS

(a) Maximum building height: 40 feet

(b) Minimum yard requirements:

(1) Front yard: 40 feet

(2) Side yard: 25 feet (40 feet on street side corner lot)

(3) Rear yard: 25 feet

(4) Where a lot is contiguous to property located in any residential district, all buildings shall have a minimum setback of 40 feet from common property lines.

610.8 OPEN SPACE

(a) A landscape and buffer plan shall be submitted with any application for site plan approval.

(b) Twenty (20) percent of the gross site area shall be landscaped open space.

610.9 ADDITIONAL REGULATIONS

(a) Parking, Streets and Access

(1) All parking requirements shall be met by off-street, on-site spaces and shall include designated spaces for the handicapped.

(2) The location, spacing and number of private driveway entrances shall comply with Virginia Department of Transportation standards and shall be subject to final site plan approval.

(3) Off-street parking spaces shall be accessed via private driveways and shall not be directly accessed from public rights-of-way.

(b) Buffering and Landscaping

(1) Where a parcel in the BC District is contiguous to a residential zoning district or public right-of-way with limited access, a landscaped buffer strip fifteen (15) feet in width shall be provided.

(2) Landscape materials and their placement shall be subject to final site plan approval. With the approval of the administrative body, walls, fences or wider buffer strips may be used in lieu of landscaping.

(c) Storage of Materials and Refuse

(1) All refuse containers shall be screened by a solid wall or fence.

(2) Any establishment involved with the storage of any fuel for sale, for on-site use, or for any other purposes, shall be permitted only if the fuel is stored underground, except where otherwise permitted under provisions granted and stipulations required by the administrative body.

(3) All storage shall be conducted within the principal structure, which is to be completely enclosed.

(4) There shall be not outdoor storage and/or display of goods with the exception of plant materials associated with nurseries.

(d) Uses, Facilities and Improvements

(1) All business services (and storage) shall be conducted within the principal structure, which is to be completely enclosed.

(2) Signing, mailboxes, site lighting and architectural materials shall be provided and installed by the property's owner-developer and shall be consistent and compatible with the scale and character of the development.

(3) Private streets, street lighting, sidewalks, curbing and gutters, and parking bays shall be constructed to standards specified by the administrative authority or its agents.

(e) Site Plan

(1) A site plan, which shall govern all development, shall be submitted for approval.

(2) Site plans shall include provisions for the following:

(A) adequate public facilities;

(B) development phasing;

(C) stormwater management facilities to address the ultimate development coverage within the district;

(D) lighting and signing;

(E) building placement and lot configuration; and

(F) Other special site features and land use considerations deemed necessary to serve the district.

(G) Any site plan application which is not in strict conformance with the pre-existing approved site plan for the District shall require an amendment to that site plan and preliminary plat prior to site plan approval of the specific use.

(3) All uses shall be subject to final site plan approval.

SECTION 611 BUSINESS (B) DISTRICT

611.1 PURPOSE AND INTENT

The Business (B) District is established to provide locations for a broad range of general business activities, particularly employment-related businesses, in a business park setting in the precincts of the Berryville Area Plan. The B District is established to encourage innovative design of employment related development; to these ends, development under this district will be permitted only in accordance with a site plan. The B District is intended to provide business "incubator" locations that allow one or more small businesses to operate in one or more buildings under common ownership.

The specific uses permitted within the B District must be in harmony with the cultural and environmental character of the Town of Berryville. No use should be permitted that might be harmful to adjoining land uses or to the community at large. Adequate transportation and site planning of all land uses shall have the goal of minimizing traffic conflicts with all other activities within the Berryville Area.

611.2 PERMITTED USES

(a) Antique sales (indoor only)
(b) Auctions establishments (indoor only)
(c) Automobile service and repair establishments (including gas stations) provided that all repair of vehicles takes place in a fully enclosed building
(d) Bakeries (with retail sales as provided in Section 611.2(w) below) **(12/94)**
(e) Broadcast stations, studios, and offices for radio and television
(f) Churches and other places of worship
(g) Cleaning of carpets and rugs
(h) Clubs or lodges (including civic and public benefit organizations)
(i) Conference centers
(j) Contractors' establishments
(k) Financial institutions (with or without drive-through windows)
(l) Government and other public buildings (including police, fire, library, museum and postal facilities; excluding retail and service uses, except as provided in Section 611.2(w)
(m) Machinery sales and service
(n) Manufacturing, processing, assembly or repair activities that are not objectionable because of smoke, odor, dust or nose, or result in air or water pollution levels above any local, State or Federal regulations **(12/94)**
(o) Medical care facilities, licensed
(p) Mini-storage facilities (indoor only)
(q) Offices, business or professional
(r) Plant nurseries
(s) Printing and publishing
(t) Public utilities and related easements
(u) Recreation facilities (indoor or outdoor), parks, playgrounds, fairgrounds, etc.
(v) Restaurants with or without drive-through

(8/01) (w) Retail stores and shops as an accessory use to the primary permitted use on the parcel, provided:
- (1) the retail store or shop is directly related, ancillary, subordinate, and incidental to the primary permitted use;
- (2) the gross floor area of the retail store or shop (excluding storage) does not exceed 10% of the gross floor area of the primary permitted use;
- (3) the gross floor area of the retail store or shop (excluding storage) does not occupy more than 1,500 square feet; and
- (4) the gross floor area for storage related to the retail store or shop does not exceed 500 square feet.

(x) Schools, public and private, academic and vocational
(y) Warehousing and distribution establishments
(z) Wholesale trade and distribution establishments
(aa) Veterinary hospitals (small animals), exclusive of outdoor boarding kennels

611.3 SPECIAL PERMIT USES
(a) Day care centers
(b) Pharmaceutical centers **(5/06)**
(c) Scientific research and development establishments
(d) Lumber yards and building materials establishments

611.4 MAXIMUM DENSITY
The maximum density shall not exceed a floor area ratio (FAR) of .30 based on the net developable area of the lot.

611.5 MINIMUM DISTRICT SIZE
Minimum district size: four (4) acres

611.6 LOT REQUIREMENTS
(a) Minimum lot area: 20,000 square feet
(b) Minimum lot width: 100 feet

611.7 BUILDING HEIGHT AND SETBACK REGULATIONS
(a) Maximum building height: 40 feet
(b) Minimum yard requirements
- (1) Front yard: 40 feet
- (2) Side yard: 25 feet (40 feet on lot)
- (3) Rear yard: 25 feet
- (4) Rear yard requirements may be reduced where that rear yard abuts a railroad right-of-way.
- (5) Where a lot is contiguous to property located in any residential district, all buildings shall have a minimum setback of forty (40) feet from common property lines.

611.8 OPEN SPACE
(a) A landscape and buffer plan shall be submitted with any application for site plan approval.
(b) Fifteen (15) percent of the gross site area shall be landscaped open space.

611.9 ADDITIONAL REGULATIONS

(a) Parking, Streets and Access

(1) All parking requirements shall be met by off-street, on-site spaces and shall include designated spaces for the handicapped.

(2) The location, spacing and number of private driveway entrances shall comply with Virginia Department of Transportation standards and shall be subject to final site plan approval.

(3) Off-street parking spaces shall be accessed via private driveways and shall not be directly accessed from public rights-of-way.

(4) Public streets within or immediately adjacent to the B Zoning District shall be constructed to industrial road standards if determined necessary by the administrative body. Sidewalks may be required on such street if determined necessary by the administrative body.

(b) Buffering and Landscaping

(1) Where a parcel in the B District is contiguous to a residential zoning district, or a public right-of-way of sixty (60) feet or more, a landscaped buffer strip fifteen (15) feet wide shall be provided. Such a buffer strip shall include any combination of masonry or wooden walls or fences and/or evergreen shrubs that provide an opaque visual buffer at least six (6) feet high within six (6) months of occupancy of a parcel.

(2) Where a parcel in the B District is contiguous to another non-residential zoning district, a landscaped buffer strip ten (10) feet in width shall be provided.

(3) Landscape materials and their placement shall submit to final site plan approval. With the approval of the administrative body, walls, fences, or wider buffer strips may be used in lieu of landscaping.

(4) Common property ownership agreements and covenants shall be reviewed and approved by the administrative body.

(c) Storage of Materials and Refuse

(1) All refuse containers shall be screened by a solid and opaque wall or fence.

(2) Any establishment involved with the storage of any fuel for sale, for on-site use, or for any other purposes, shall be permitted only if the fuel is stored underground, except where otherwise permitted under provisions granted and stipulations required by the administrative body.

(3) The outdoor area devoted to storage, loading and display of goods shall be limited to that area so designated on an approved site plan.

(4) Outdoor storage for any use in the B zoning district shall be completely enclosed within solid and opaque masonry, metal or wooden fences at least six (6) feet in height.

(5) No material or equipment within an outdoor storage area shall be visible from any public right-of-way or any parcel in a residential zoning district.

(d) Uses, Facilities and Improvements

(1) All business activities shall be conducted within the principal structure, which is to be completely enclosed.

(2) Signing, mailboxes, site lighting and architectural materials shall be provided and installed by the property's owner-developer and shall be consistent and compatible with the scale and character of the development.

(3) Private streets, street lighting, sidewalks, curbing and gutters, and parking bays shall be constructed to standards specified by the administrative authority or its agent.

(e) Site Plan

(1) A site plan that shall govern all development shall be submitted for approval.

(2) Site plans shall include provisions for:

(A) Adequate public facilities;

(B) development phasing;

(C) stormwater management facilities to address the ultimate development coverage within the district;

(D) lighting and signing;

(E) building placement and lot configuration; and

(F) other special site features and land use considerations deemed necessary to serve the district.

(3) Any site plan application which is not in strict conformance with the pre-existing approved site plan for the district shall require an amendment to that site plan and preliminary plat prior to site plan approval of the specific use.

(4) All uses shall be subject to final site plan approval.

SECTION 612 BI BUSINESS INDUSTRIAL (Deleted 7/99)

SECTION 612 BUSINESS PARK (BP) (Adopted 7/99)

612.1 INTENT

The Business Park (BP) District is established to provide locations within the Berryville Area for a broad range of light industrial and business uses. Such uses should be capital intensive (rather than labor intensive), having a significant investment in machinery and tools that should generate maximum revenue for local government. Such uses should promote horizontal and vertical integration of industrial and business activities, so that new businesses enhance and expand the base of existing businesses. All uses shall be in harmony with the cultural and environmental character of the Berryville Area and conform to all Federal, State, and local environmental performance standards. Transportation and site planning of all land uses shall have the goal of minimizing traffic congestion. The application of this district is intended for those locations within the Berryville Area which are planned for Light Industrial/Research uses.

The following list of Permitted Uses, Accessory Uses, Uses allowed by Special Permit, and Prohibited Uses comprehensively addresses every use defined by the North American Industrial Classification System (NAICS) Codes as contained in the NAICS Manual, U.S. Office of Management and Budget, 1997. This Manual shall be used to define the uses listed and assist in the determination of the status of proposed uses. The three-, four-, or five-digit categories listed below include all sub-categories except as noted; for example, 3121 includes 31211, 312111, but does not include 3122.

612.2 PERMITTED USES

The following uses are permitted by right unless subsequently listed as an Accessory Use, a Use allowed by Special Permit, or as a Prohibited Use.

	NAICS Code	
(a)	22112	Utilities - Electric Power Transmission, Control, & Distribution
(b)	2212	Natural Gas Distribution
(c)	2213	Water, Sewage, & Other Systems
(d)	233	Building, Developing & General Contracting
(e)	234	Heavy Construction
(f)	235	Special Trade Contractors
(g)	311	Food Manufacturing (except 3116 Animal Slaughtering & Processing and 3117 Seafood Product Preparation & Packaging)
(h)	3121	Beverage Manufacturing
(i)	314	Textile Product Mills
(j)	315	Apparel Manufacturing
(k)	316	Leather and Allied Product Manufacturing (except 3161 Leather & Hide Tanning & Finishing)
(l)	321	Wood Product Manufacturing (except 3211 Sawmills & Wood Preservation)
(m)	3222	Converted Paper Product Manufacturing
(n)	323	Printing & Related Support Activities
(o)	3261	Plastics Product Manufacturing

(p)	332	Fabricated Metal Product Manufacturing (except 3328 Coating/ Engrave/Heat Treating & Other Activity and 33292,3,4,5 Small Arms Ammunition, Other Ammunition, Small Arms, and Other Ordnance & Accessories Manufacturing)
(q)	334	Computer & Electronic Product Manufacturing
(r)	335	Electrical Equipment, Appliance, & Component Manufacturing (except 335911 Storage Battery and 335912 Primary Battery Manufacturing)
(s)	337	Furniture and Related Products Manufacturing
(t)	339	Miscellaneous Manufacturing
(u)	421	Wholesale Trade, Durable Goods (except 42152 Coal & Other Mineral & Ore Wholesale)
(v)	422	Wholesale Trade, Non-durable Goods (except 42244 Poultry & Poultry Product Wholesale, 42252 Livestock Wholesale, 4226 Chemical & Allied Products Wholesale and 4227 Petroleum & Petroleum Products Wholesale)
(w)	454	Non-store Retailers
(x)	4885	Freight Transportation Arrangement
(y)	488991	Packing & Crating
(z)	493	Warehousing & Storage
(aa)	511	Publishing Industries
(bb)	512	Motion Picture & Sound Recording Industries
(cc)	513	Broadcasting & Telecommunications
(dd)	514	Information & Data Processing Services
(ee)	5324	Commercial/Industrial Equipment Rental & Leasing
(ff)	5417	Scientific Research and Development Services
(gg)	561	Administrative & Support Services (except 5615 Travel Arrangement & Reservation Services)
(hh)	811	Repair & Maintenance

612.3 ACCESSORY USES

Uses that are customarily accessory and clearly incidental and subordinate to the permitted uses:

	NAICS Code	
(a)	6244	Child Day Care Services
(b)	7222	Limited Service Eating Places

612.4 SPECIAL PERMIT USES

	NAICS Code	
(a)	3116	Animal Slaughtering & Processing
(b)	3117	Seafood Product Preparation & Packaging
(c)	321114	Wood Preservation
(d)	3254	Pharmaceutical & Medicine Manufacturing
(e)	32591	Printing Ink Manufacturing
(f)	327991	Cut Stone & Stone Product Manufacturing
(g)	333	Machinery Manufacturing

(h)	336	Transportation Equipment Manufacturing
(i)	484	Truck Transportation
(j)	6215	Medical & Diagnostic Laboratories
(k)	81233	Linen & Uniform Supply
(l)	71394	Recreation, commercial indoor **(06/10)**
(m)	424710	Petroleum Bulk Stations and Terminals* **(9/12)**

612.5 PROHIBITED USES

Uses not listed above (either as permitted uses, accessory uses, or special permit uses) are prohibited, specifically including the following:

	NAICS Code	
(a)	11	Agriculture, Forestry, Fishing, & Hunting
(b)	21	Mining
(c)	2211	Electric Power Generation
(d)	3122	Tobacco Manufacturing
(e)	313	Textile Mills
(f)	3161	Leather & Hide Tanning & Finishing
(g)	3211	Sawmills & Wood Preservation
(h)	3221	Pulp, Paper & Paperboard Mills
(i)	324	Petroleum & Coal Products Manufacturing
(j)	325	Chemical Manufacturing
(k)	3262	Rubber Product Manufacturing
(l)	327	Nonmetallic Mineral Product Manufacturing (except 327991 Cut Stone & Stone Product Manufacturing)
(m)	331	Primary Metal Manufacturing
(n)	3328	Coating/Engraving/Heat Treating & Other Activity
(o)	33292	Small Arms Ammunition Manufacturing
(p)	33293	Ammunition (excluding Small Arms) Manufacturing
(q)	33294	Small Arms Manufacturing
(r)	33295	Other Ordnance & Accessories Manufacturing
(s)	335911	Storage Battery Manufacturing
(t)	335912	Primary Battery Manufacturing
(u)	42152	Coal & Other Mineral & Ore Wholesale
(v)	42244	Poultry & Poultry Product Wholesale
(w)	42252	Livestock Wholesale
(x)	4226	Chemical and Allied Products Wholesale
(y)	4247	Petroleum & Petroleum Products Merchant Wholesalers except 42471 Petroleum Bulk Stations and Terminals* **(9/12)**
(z)	441	Motor Vehicle & Parts Dealers
(aa)	442	Furniture & Home Furnishings Stores
(bb)	443	Electronics & Appliance Stores
(cc)	444	Building Material & Garden Equipment and Supply Dealers
(dd)	445	Food & Beverage Stores
(ee)	446	Health & Personal Care Stores
(ff)	447	Gasoline Stations
(gg)	448	Clothing & Clothing Accessories Stores
(hh)	451	Sporting Goods, Hobby, Book & Music Stores
(ii)	452	General Merchandise Stores

(jj)	453	Miscellaneous Store Retailers
(kk)	481	Air Transportation
(ll)	482	Rail Transportation
(mm)	483	Water Transportation
(nn)	485	Transit & Ground Passenger Transportation
(oo)	486	Pipeline Transportation
(pp)	487	Scenic & Sightseeing Transportation
(qq)	488	Transportation Support Activities (except 4885 Freight Transportation Arrangement and 488991 Packing & Crating)
(rr)	491	Postal Service
(ss)	492	Couriers & Messengers
(tt)	521	Monetary Authorities - Central Bank
(uu)	522	Credit Intermediation & Related Activities
(vv)	523	Security, Commodity Contracts & Like Activity
(ww)	524	Insurance Carriers & Related Activities
(xx)	525	Funds, Trusts & Other Financial Vehicles
(yy)	531	Real Estate
(zz)	5321	Automotive Equipment Rental & Leasing
(aaa)	5322	Consumer Goods Rental
(bbb)	5323	General Rental Centers
(ccc)	533	Lessors of Other Non-financial Intangible Asset
(ddd)	541	Professional, Scientific & Technical Services
(eee)	551	Management of Companies & Enterprises
(fff)	5615	Travel Arrangement & Reservation Services
(ggg)	562	Waste Management & Remediation Services
(hhh)	611	Educational Services
(iii)	621	Ambulatory Health Care Services
(jjj)	622	Hospitals
(kkk)	623	Nursing & Residential Care Facilities
(lll)	624	Social Assistance
(mmm)	711	Performing Arts, Spectator Sports & Related Industries
(nnn)	712	Museums, Historical Sites & Like Institutions
(ooo)	713	Amusement, Gambling & Recreation Industries
(ppp)	721	Accommodation
(qqq)	722	Food Services & Drinking Places
(rrr)	812	Personal & Laundry Services
(sss)	813	Religious, Grant-making, Professional, and Like Organizations
(ttt)	814	Private Households
(uuu)	921	General Government Administration
(vvv)	922	Justice, Public Order & Safety Activities
(www)	923	Administration of Human Resource Programs
(xxx)	924	Administration of Environmental Quality Programs
(yyy)	925	Administration of Housing, Urban Planning, Community Development
(zzz)	926	Administration of Economic Programs
(aaaa)	927	Space Research & Technology
(bbbb)	928	National Security & International Affairs

*Reflects 2007 NAICS Code (replaces 1997 NAICS Code 4227) **(9/12)**

612.6 MAXIMUM DENSITY

The maximum floor area ratio shall not exceed 0.35, based on net developable area of lot.

612.7 LOT SIZE REQUIREMENTS

(a) Minimum district size: Not regulated
(b) Minimum lot area: 60,000 square feet
(c) Minimum lot width: 100 feet

612.8 BULK REGULATIONS

(a) Maximum building height: 40 feet
(b) Minimum yard requirements
  (1) Front yard: 40 feet
  (2) Side yard: 25 feet
  (3) Rear yard: 25 feet
  (4) Side and rear yard requirements may be waived where that side or rear yard abuts a railroad right-of-way.
  (5) Where a lot is contiguous to property located in any zoning district whose permitted uses are not of a business, office, commercial, or industrial nature, all buildings shall have a minimum setback of sixty (60) feet from common property lines.

612.9 OPEN SPACE

(a) An open space plan and landscape design program shall be submitted with applications for any land use governed by this district.
(b) Fifteen (15) percent of the site shall be landscaped open space.

612.10 ADDITIONAL REGULATIONS

(a) Parking
  (1) All parking requirements shall be met by off-street, on-site spaces and shall include designated spaces for the handicapped.
  (2) The location, spacing, and number of private driveway entrances shall comply with Virginia Department of Transportation standards and shall be subject to final site plan approval.
  (3) Off-street parking spaces shall be accessed via private driveways and shall not be directly accessed from public rights-of-way.
  (4) Public streets within or immediately adjacent to the BP zoning district shall be constructed to industrial road standards if determined necessary by the administrative body. Sidewalks may be required on such streets if determined necessary by the administrative body.
(b) Buffering and Landscaping
  (1) Where a parcel in the BP district is contiguous to property located in any residential or institutional district, a landscaped buffer strip of twenty-five (25) feet in width shall be provided.
  (2) Where a lot is contiguous to property located in any business, office, or commercial district, a landscaped buffer strip of ten (10) feet in width shall be provided.

(3) Where a lot is contiguous to property located in any industrial district, a landscaped buffer strip of five (5) feet in width shall be provided.

(4) Landscape materials and placement subject to site plan approval in all landscaped buffer strips.

(c) Storage of Materials and Refuse

(1) All refuse containers shall be screened by a solid and opaque wall or fence.

(2) Any establishment involved with the storage of fuel for sale, or for other purposes, shall be permitted only if the fuel is stored underground, except as otherwise approved by the Town of Berryville by Special Use Permit.

(3) The outdoor area devoted to storage, loading, and display of goods shall be limited to that area so designated on an approved site plan.

(4) All equipment and materials shall be contained entirely within a building or screened from public rights-of-way and contiguous parcels, which are zoned for residential or institutional uses.

(d) Site Plans and Special Use Permits

(1) All uses shall be subject to final site plan approval.

(2) Final site plans shall include a report indicating compliance with any locally adopted performance standards and land use criteria.

(3) Applications for all uses subject to special use permits shall be accompanied by an environmental impact assessment addressing land use compatibility issues related to locally adopted performance standards.

(4) Any BP Business Park District land use application which is not in strict conformance with the pre-existing approved master site plan and preliminary plat for the district shall require an amendment to that master site plan and preliminary plat prior to site plan approval of the specific use.

(5) Site plans for development in BP Business Park District shall include provisions for (a) adequate public facilities, (b) development phasing, (c) stormwater management facilities to address the ultimate development coverage within the district, (d) lighting and signing, and (e) other special site features and land use considerations deemed necessary to serve the industrial district.

(e) Covenants

(1) Common property ownership agreements and covenants for BP Business Park District developments shall be reviewed and approved by the governing body or its agent.

SECTION 613 - INSTITUTIONAL (ITL)

613.1 PURPOSE AND INTENT

The Institutional District (ITL) is created to identify locations for municipal government properties and land uses (both Town, County, State and/or Federal), semi-public uses, residential uses serving general public purpose, and natural open space resources deemed necessary in providing areas for "passive" and "active" recreational areas within the precincts of the Berryville Area Plan. This district is established to clearly identify these lands and to distinguish them from other areas of the Berryville Area which are held appropriate for private urban land uses. Lands in this designation are primarily intended for governmental agency use and mixed-use (public/private) orientations.

The application of this district is intended for those areas within the Berryville Area which are planned for institutional uses.

613.2 PERMITTED USES

(a) Agricultural, horticultural and farming uses
(b) Cemeteries
(c) Day care centers
(d) Churches and other places of worship
(e) Clubs or Lodges (including civic and public benefit organizations)
(f) Government and other public buildings (including police, fire, library, museum, and postal facilities)
(g) Public utilities uses (sub-stations, pump stations, storage tanks, railroad sidings, etc.) and related easements
(h) Recreation facilities (indoor or outdoor), parks, playgrounds, fairgrounds, etc.
(i) Schools, public or private

613.3 SPECIAL PERMIT USES

(a) Conference centers and retreat houses
(b) Hospitals and medical care facilities
(c) Housing for low- and moderate- income households
(d) Sports arenas or stadiums as a principal use

613.4 LOT SIZE, HEIGHT AND BULK REQUIREMENTS

(a) When the lot size, height, bulk and setbacks are not explicitly addressed in the Additional Regulations section below, then non-residential uses shall comply with all the requirements of the Business Commercial BC District for conventional lots, including those for lot size, bulk, density, height and open space. Residential uses shall comply with all requirements of the Attached Residential AR District.
(b) All residential buildings shall be located not closer than one-hundred (100) feet from a railroad right-of-way.

613.5 OPEN SPACE

(a) An open space plan and landscape design program shall be submitted with applications for any land use governed by this district.

613.6 ADDITIONAL REGULATIONS

(a) General Regulations

(1) All uses shall be subject to site plan review.

(2) Applications for residential uses shall be submitted with copies of deed covenants with prospective purchasers, or conservation easements with the Town and/or County, describing land management practices to be followed by which ever party or parties are responsible for regular maintenance, mowing or gardening.

(b) Additional Standards for Child Care Centers and Nursery Schools

(1) The minimum lot area shall be of such size that one-hundred (100) square feet of usable outdoor recreation area shall be provided for each child that may use the space at any one time. Such area shall be delineated on a plat submitted at the time the application is filed.

(2) The usable outdoor recreation area shall be limited to:

(a) That area not covered by buildings or required off-street parking spaces.

(b) That area outside the limits of the required front yard

(c) Only that area which is developed for active outdoor recreation purposes.

(d) An area which occupies no more than eighty (80) percent of the combined total areas of the required rear and side yards.

(3) All such uses shall be located so as to have direct access to an existing or programmed public street of sufficient right-of-way and cross section width to accommodate pedestrian and vehicular traffic to and from the use as determined by the administrative body. To assist in making this determination, each applicant, at the time of application, shall provide an estimate of the maximum expected trip generation, the distribution of these trips by mode and time of day, and the expected service area of the facility.

(4) All such uses shall be located so as to permit the pick-up and delivery of all persons on the site.

(c) Additional Standards for Public Uses

(1) For public uses, a certified copy of the law, ordinance, resolution or other official act adopted by the governmental entity proposing the use, authorizing the establishment of the proposed use at the proposed location, shall be provided.

(2) For public uses, a statement by an official or officer of the governmental body shall be presented giving the exact reasons for selecting the particular site as the location for the proposed facility.

(3) For public uses, it shall be concluded that the proposed location of the use is necessary for the rendering of efficient governmental services to residents of properties within the Town of Berryville and the County of Clarke.

(d) Additional Standards for Public or Private Schools

(1) Two-hundred (200) square feet of usable outdoor recreation area shall be provided for each child in grades K-3 that may use the space at any one time, and

(2) Four-hundred thirty (430) square feet of usable outdoor recreation area shall be provided for each child in grades 4-12 that may use the space at any one time.

(3) Such usable outdoor recreation area shall be delineated on a plat submitted at the time the application is filed.

(4) For the purpose of these open space provisions, usable outdoor recreation shall be limited to:

a. That area not covered by buildings or required off-street parking spaces.

b. That area outside the limits of the required front yard.

c. Only that area which is developed for active outdoor recreation purposes.

d. An area which occupies no more than eighty (80) per cent of the combined total areas of the required rear and side yards.

(e) Additional Standards for Conference Centers and Retreat Houses

(1) No building shall be located closer than fifty (50) feet to any street right-of-way line.

(2) No building shall be located closer than one-hundred (100) feet to any lot line which abuts a residential district.

(f) Additional Standards for Hospitals and Medical Care Facilities

(1) All applications for medical care facilities shall be filed at the same time as the application for a State Medical Facilities Certificate of Public Need.

(2) In the governing body's granting of an approval to the applicant, in addition to the information provided by the applicant, the governing body may solicit information and comment from such providers and consumers of health planning organizations as may seem appropriate, provided that the governing body shall not be bound by any such information or comment.

(3) No such use shall be located on a lot containing less than five (5) acres.

(g) Additional Standards for Housing Low- to Moderate- Income Households

(1) Such housing shall be occupied only by households having an income not greater than eighty (80) percent of the median household income in Clarke County.

(2) Such housing may be in the form of Multifamily, Attached Single-Family, or Detached Single-Family.

(3) All requirements for such housing including uses, density, lot size, bulk, height, setbacks and open space, shall be those found in the AR Residential Zoning District with the following requirements for Multi-family development:

(a) Maximum Density: 12 units per net developable acre

(b) Minimum District Size: 3 acres

(c) Bulk and Open Space Regulations for Multifamily structures:

(1) Maximum building height: 35 feet

(2) Minimum yard requirements

(i) Front: 25 feet

(ii) Side: 25 feet

(iii) Rear: 45 feet

(3) Minimum building separation between multifamily structures on the same parcel: 25 feet

(4) Forty (40) percent of the site shall be open space.

(5) Such housing for the elderly (62 or older, or handicapped and 55 or older) may include general nursing facilities designed solely for the residents as an accessory use.

(6) All facilities of the development shall be solely for the use of the residents, employees and invited guests, but not for the general public.

SECTION 614 - OLDER PERSON RESIDENTIAL (OPR)

614.1 PURPOSE AND INTENT

The Older Person Residential (OPR) District is created to provide for residential, office, and service uses for people over 55 years old at locations compatible with the Comprehensive Plan's goals for residential development in the Town of Berryville and within the precincts of the Berryville Area Plan. Maximum densities are established in this district to allow the various types of uses at a scale compatible with the general character of the Town and the nature of the uses. This district may be applied to development with the intent of preserving natural features and vegetation, promoting excellence in site planning and landscape design, and encouraging development with compatible scale, materials and architectural character. Development in the OPR District shall be sensitive to land physiography, provision of adequate public infrastructure, and development of high-quality transportation improvements while achieving optimal siting of dwellings, services, recreation areas, community facilities, and open space.

614.2 PERMITTED USES

(a) Accessory structures less than one hundred fifty (150) square feet in size
(b) Community buildings and association facilities, public and private, including recreation areas and other common area improvements associated with residential developments
(c) Housing for Older Persons Residential: Single Family Detached; Single Family Attached – Duplexes, Tri-plexs, Quad plexs, Townhouses, and Multi-family Apartments (including personal service uses of less than 500 square feet) **(10/16)**
(d) Public utilities
(e) Recreation facilities (indoor or outdoor), including parks, playgrounds, golf courses, swimming pools, tennis courts, etc.

614.3 SPECIAL PERMIT USES

(a) Day care centers
(b) Government and other public buildings (including police, fire, library, museum, and postal facilities)
(c) (Deleted 2016)
(d) (Deleted 2010)
(e) Medical care facilities, licensed
(f) Places of worship
(g) Schools, public and private, including nurseries, playgrounds, and related uses

614.4 AGE REQUIREMENT

An age restriction enforcement plan shall be submitted with each subdivision or site plan application so as to ensure that all occupants of dwelling units conform to the age restrictions established for Housing for Older Persons. Such enforcement plans shall include:

(a) the covenants, management regulations, or other similar legal instruments with enforcement by the property owner, homeowners association, or other private entity;

(b) the identity of the private entity which shall be held responsible for any violation of the age restrictions for Housing for Older Persons;

(c) a provision for an annual report to the Town of Berryville as to age status of the occupants of each unit; and

(d) a provision which states that no person under nineteen (19) years of age shall reside in any unit for more than ninety (90) days in any calendar year.

614.5 MAXIMUM DENSITY

A Master Plan shall be submitted with a request for OPR zoning showing a general arrangement of uses and density for the subject property and all adjacent areas intended for OPR uses. The Master Plan shall show that the public service needs are no greater for the OPR uses than the public service needs for the uses planned for that sub-area. The number of average daily vehicle trips generated, the amount of sewage generated, the amount of water used, and demand on emergency services will be no greater with the proposed number of older person residential units and service uses than that generated by the maximum density of uses allowed by a property's land use designation. However, not more than two hundred (200) Older Person Residential units (including not more than one hundred eighty (180) multifamily units) shall be allowed in Annexation Area B as shown on approved subdivision plats or site plans. **(10/16)**

614.6 MINIMUM DISTRICT SIZE

Minimum district size: three (3) acres

614.7 MAXIMUM BUILDING HEIGHT

Maximum building height: forty (40) feet

614.8 REGULATIONS FOR SINGLE FAMILY DETACHED DWELLINGS

(a) Minimum lot size: 7,500 square feet

(b) Minimum lot width: 60 feet

(c) Minimum yard requirements

- (1) Front Yard: 20 feet
- (2) Side yard: 10 feet, except for corner lots, the side yard facing the side street shall be 20 feet or more for both main and accessory buildings
- (3) Rear yard: 30 feet **(4/21)**

(d) Accessory structures of less than 150 square feet: 5 feet from side and rear lot lines

(e) Parking Requirements The number of required off-street parking spaces shall be a total of 2 per unit.

614.9 REGULATIONS FOR TWO FAMILY DETACHED (DUPLEX) DWELLINGS

(a) Minimum lot size: 10,000 square feet for total duplex structure
4,500 square feet each separate unit within a duplex

(b) Minimum lot width: 75 feet per duplex structure
35 feet for each unit of a duplex.

(c) Minimum yard requirements
Front yard: 20 feet
Side yard: 10 feet, except for corner lots, the side yard facing the side street shall be 20 feet or more for both main and accessory buildings.
Rear yard: 40 feet

(d) Accessory structures of less than 150 square feet: 5 feet from side and rear lot lines

(e) Where a lot is to be subdivided into individual lots for the sale of single-family attached units, lot lines shall conform with party wall centerlines.

(f) Maximum lot coverage: 35 percent

(g) Open Space Requirements
1. An open space plan shall be submitted with a subdivision application.
2. At least 10% of the net site area shall be open space dedicated to common usage and ownership.
3. Refer to Section 615.2 regarding critical environmental area and open space requirements

(h) Parking Requirements
The number of required off-street parking spaces shall be a total of 2 per unit.

614.10 REQUIREMENTS FOR SINGLE FAMILY ATTACHED DWELLINGS (TRIPLEX & QUADPLEX AND TOWNHOUSES, 5 TO 8 UNITS PER STRUCTURE)

(a) Minimum lot area per dwelling
Interior lot: 2,000 square feet
Corner lot: 2,400 square feet
Condominium: Not regulated

(b) Minimum lot width
Interior lot: 20 feet
Corner lot: 35 feet
Condominiums: subject to site plan review and applicable performance zoning criteria

(c) Minimum yard requirements
Front yard: 15 feet
Side yard: 15 feet
Rear yard: 30 feet

(d) No side yard requirement shall be applied where dwellings share a party wall.

(e) Accessory structures of less than

150 square feet: 5 feet from side and rear lot lines.

(f) Where a lot is to be divided into individual lots for the sale of single family attached dwelling units:

1. Lot lines shall conform with party wall centerlines.
2. Privacy yard, having a minimum of two hundred (200) square feet, shall be provided on each lot.
3. Privacy yards shall include screening, fencing, patio paving and/or special landscaping treatment.

(g) Open Space Requirements

1. An open space plan shall be submitted with a site plan application.
2. 25% of the net site area shall be open space dedicated to common usage and ownership.
3. At least 20% of the required open space (5% of the net site area) shall be designed and developed as recreational and active community open space.
4. Refer to Section 615.2 regarding critical environmental area and open space requirements.

(h) Site Plan Requirements

1. A site plan, which shall govern all development, shall be submitted for approval per Section 6.
2. Site plans shall include provisions for:
   A. Adequate public facilities, development phasing.
   B. Storm water management facilities to address the ultimate development coverage within the district, lighting and signing.
   C. Building placement and lot configuration, screening, buffering, and landscaping, and other special site features and land use considerations deemed necessary to serve the district.
   D. Any site plan application which is not in strict conformance with a pre-existing approved master plan for the district shall require an amendment to that master plan and preliminary plat, if necessary, prior to site plan approval of the specific use.
   E. All uses shall be subject to final site plan approval.

(i) Parking and parking access

1. The number of required off-street parking spaces shall be a total of 1.5 per unit and shall be located not more than one hundred (100) feet from the individual dwelling served.
2. Parking bays shall be no closer than twelve (12) feet to any adjoining property line.
3. Off-street parking spaces shall be accessed via private driveways and shall not be directly accessed from public rights of way.

(j) Driveways

1. Attached dwelling units shall have access to a private driveway with a minimum width of twenty-three (23) feet. The paved street shall be constructed according to Virginia Department of Transportation standards.
2. No attached dwelling unit may be accessed directly from a public street unless approved by a special use permit.

3. No private driveway shall be located within twelve (12) feet of any property line.

(k) Setback, yards, buffering, separation and grouping of units

1. Where adjacent properties are zoned to a district other than the OPR District, all single family attached dwellings shall be set back at least forty (40) feet from the common property line(s).
2. Where single family attached dwellings are adjacent to a private drive, parking area, and/or walkway intended for the common use of the development's occupants, there shall be a minimum building setback of 15 feet from that drive, area, and/or walk.
3. Adjacent groupings of single family attached dwellings with their accompanying lots shall be separated from one another by a minimum of fifteen (15) feet. This separation shall allow an unobstructed fire lane on all sides of the structure.
4. No more than four attached dwellings shall be included in any one physically contiguous grouping.

(l) Maintenance of improvements, covenants and required improvements

1. All common improvements (including open space, recreational facilities, private streets, walkways, parking areas, and other community facilities) shall be maintained by and be the sole responsibility of the property owner until such time as the owner conveys such common area to a nonprofit (homeowner's) entity consisting of at least all of the individual owners of the dwelling units in the development.
2. Deed restrictions and covenants shall be included with the conveyance to include, among other things, that assessments, charges and costs of maintenance of such common areas shall constitute a pro-rate share lien upon the individual dwelling lots, such lien inferior only to taxes and recorded trusts. Covenants shall specify the means by which the nonprofit entity shall govern and manage itself and maintain building exteriors, landscaping, lighting, recreation areas, walkways, parking areas, snow removal, and travel ways.
3. All deed restrictions, covenants, nonprofit (homeowner's) entity incorporation documents, and information related to conveyance programs shall be submitted with the plat and plans, and reviewed by the Berryville Town Attorney.

(m) General Regulations

1. All refuse shall be contained in completely enclosed and screened facilities.
2. On-site lighting, signing, and mailboxes shall be of compatible scale, materials, and colors to the primary structures.

(n) Condominiums

1. Any condominium development under the Condominium Laws of Virginia shall be subject to the following provisions:
   A. Minimum lot size and yard and open space requirements of the district shall be met as if lot lines existed.

B. A site plan shall be required and subject to review by the Berryville Area Development Authority. The site plan shall govern the location of all structures and improvements.

C. Setbacks, density and other district provisions shall be met.

614.11 REGULATIONS FOR MULTI-FAMILY AND NON-RESIDENTIAL USES:

(a) Maximum Floor Area Ratio (FAR): .60 of net developable area

(b) Minimum lot area: 20,000 square feet

(c) Minimum lot width: 100 feet

(d) Minimum yard requirements

Front yard:	25 feet
Side yard:	25 feet
Rear yard:	25 feet

(e) Where a lot is contiguous to a property located in any residential district, a public right of way with limited access or a railroad right of way, all buildings shall have minimum setback of forty (40) feet from common property lines.

(f) Open Space

1. A landscape and buffer plan shall be submitted with any application for site plan approval.
2. At least twenty-five percent (25%) of the gross site area shall be landscaped open space.
3. Refer to Section 615.2 regarding critical environmental area and open space requirements.

(g) Site Plan Requirements

1. A site plan, which shall govern all development, shall be submitted for approval per Section 6.
2. Site plans shall include provisions for:
   A. adequate public facilities, development phasing, stormwater management facilities to address the ultimate development coverage within the district, lighting and signing, building placement and lot configuration, screening, buffering, and landscaping, and other special site features and land use considerations deemed necessary to serve the district.
3. Any site plan application which is not in strict conformance with a pre-existing approved master plan for the district shall require an amendment to that master plan and preliminary plat, if necessary, prior to site plan approval of the specific use.
4. All uses shall be subject to final site plan approval.

(h) Parking Access and Private Drives

1. A minimum of one parking space per unit shall be provided and shall be located not more than one hundred (100) feet from the individual dwelling served.
2. Off-street parking spaces shall be accessed via private driveways and shall not be directly accessed from public rights of way.
3. Parking bays and private drives shall be no closer than twelve (12) feet to any adjoining property line.

(i) Buffering and Landscaping

1. Where a parcel is contiguous to a residential zoning district or public right of way with limited access, a landscaped buffer strip fifteen (15) feet in width shall be provided.
2. Landscape materials and their placement shall be subject to final site plan approval. With the approval of the administrative body, walls, fences, or wider buffer strips may be used in lieu of landscaping.

(j) Storage of Materials and Refuse

1. All refuse containers shall be screened by a solid wall or fence.
2. Any establishment involved with the storage of any fuel for sale, for on-site use, or for any other purposes, shall be permitted only if the fuel is stored underground, except where otherwise permitted under provisions granted and stipulations required by the administrative body.
3. All storage shall be conducted within the principal structure, which is to be completely enclosed.
4. There shall be no outdoor storage and/or display of goods, with the exception of retail display such as plant materials associated with nurseries.

(k) Uses, Facilities, and Improvements

1. All business services (and storage) shall be conducted within the principal structure which is to be completely enclosed.
2. Signing, mailboxes, site lighting and architectural materials shall be provided and installed by the property's owner-developer and shall be consistent and compatible with the scale and character of the development.
3. Private driveways, street lighting, sidewalks, curbing and gutters, and parking bays shall be constructed to standards specified by the administrative authority or its agent.

SECTION 615 SUPPLEMENTARY REGULATIONS FOR ARTICLE VI

615.1 COMMON AREAS AND IMPROVEMENTS IN CLUSTER DEVELOPMENTS

(a) For any cluster development, all common improvements (including open space, recreational facilities, private streets, walkways, parking areas, and other community facilities shall be maintained by and be the sole responsibility of the developer-owner of the cluster development until such time as the developer-owner conveys such common area to a nonprofit (homeowners') entity consisting of at least all of the individual owners of the dwelling units in the development.

(b) Deed restrictions and covenants shall be included with the conveyance to include, among other things, that assessments, charges and costs of maintenance of such common areas shall constitute a pro-rata share lien upon the individual dwelling lots, such lien inferior only to taxes and recorded trusts. Further covenants shall specify means in which the nonprofit entity shall govern and manage itself and maintain building exteriors, landscaping, lighting, recreation areas, walkways, parking areas, snow removal and travel ways.

(c) All deed restrictions, covenants, nonprofit (homeowners') entity incorporation documents, and information related to conveyance programs shall be prepared by the developer-owner. These documents shall be presented at the time plat and site plans are submitted and shall meet the approval of the Town's legal representative.

615.2 CRITICAL ENVIRONMENTAL AREAS

The following shall be applicable to Critical Environmental Areas:

(a) Critical Environmental Areas (CEA's) shall include one hundred-year floodplains, land within required sinkhole and karst feature setbacks and groundwater protection buffer areas as established in accordance with Section 317.1, and slopes in excess of twenty-five (25) percent. (07/04)

(b) Land designated in Section 615.2(a) as a CEA, with the exception of one-hundred year floodplains, shall not be built upon.

(c) Land designated in Section 615.2 as a CEA shall not contribute toward the maximum or minimum lot area or to open space requirements.

615.3 SLOPES BETWEEN FIFTEEN AND TWENTY FIVE PERCENT

(a) Not more than fifty (50) percent of land area with slopes between fifteen (15) and twenty-five (25) percent shall contribute toward the maximum or minimum lot area or to open space requirements.

(b) Land with slopes between fifteen (15) and twenty-five (25) percent may be built upon.

ARTICLE V – ADMINISTRATION AND ENFORCEMENT

SECTION 501 - ZONING PERMITS

501.1 No buildings or structures or uses of land shall be started, repaired, reconstructed, enlarged, or altered until after a zoning permit has been obtained from the Zoning Administrator.

501.2 Each application for a zoning permit shall be accompanied by three (3) copies of an adequately dimensioned drawing unless as otherwise specified by the Zoning Administrator. The drawing shall show the size and shape of the parcel of land on which the proposed building is to be constructed, the nature of the proposed use of the building or land, the location and arrangement of off-street parking, the location of such building or use with respect to the property line of said parcel of land and to the right-of-way of any street or highway adjoining said parcel of land, the developer's drainage plan for properly distributing surface water, and additional information as required by this Ordinance. Any other information that the Zoning Administrator may deem necessary for the consideration of the application may be required. If the proposed building or use is in conformity with the provisions of this Ordinance, a permit shall be issued to the applicant by the Zoning Administrator. One copy of the drawing shall be returned to the applicant with the permit.

501.3 FOOTING INSPECTION

(8/01) Whenever any main building or addition to an existing main building is proposed to be located within two (2) feet of the required setback or yard, the owner or developer shall provide, at the time of footing inspection, survey markers locating the required setback or yard, which have been set and certified by a land surveyor licensed under the laws of the Commonwealth of Virginia. Survey markers may be offset up to but not exceeding four (4) feet. The amount of offset shall be clearly indicated on the survey marker. The markers shall remain in place and undisturbed until the completion of the foundation wall.

501.4 EXPIRATION

(8/01) A zoning permit shall expire six (6) months after the date of issuance, if work described in any permit has not begun. If work described in any zoning permit has begun within such six-month period, such permit shall expire twelve (12) months from the date of issuance or upon expiration of any required building permit.

SECTION 502 - CERTIFICATE OF OCCUPANCY

502.1 Land may be used or occupied, and buildings that have been structurally altered or erected may be used or changed in use only after a Certificate of Occupancy has been issued by the Zoning Administrator. Such a permit shall state that the building or the proposed use, or the use of the land, complies with the provisions of this Ordinance. A similar certificate shall be issued for the purpose of maintaining, renewing, changing, or extending a non-conforming use. A Certificate of Occupancy either for the whole or a part of a building shall be applied for simultaneously with the application for a zoning permit. The permit shall be issued within ten (10) days after the erection or structural alteration of such building or part has conformed to the provisions of this Ordinance.

502.2 Prior to the issuance of a Certificate of Occupancy for a new structure, the Zoning Administrator will verify that all property corners have been set with permanent markers by a land surveyor licensed under the laws of the Commonwealth of Virginia. **(11/00)**

502.3 In addition to any other requirements for the issuance of a Certificate of Occupancy, a Certificate of Occupancy for a structure will not be issued unless (1) the structure is served by public water and sewer, (2) required curb and gutter and sidewalks are in place on the lot on which the structure is located and in place between said lot and an existing publicly maintained street, (3) a functional fire hydrant is located within three hundred (300) feet of the lot on which the structure is located, and (4) the lot on which the structure is located fronts on an existing publicly maintained street or street meeting Town requirements for a publicly maintained street. **(8/01)**

502.4 In addition to any other requirements for the issuance of a Certificate of Occupancy, after issuance of certificates of occupancy for structures on eighty percent (80%) of the lots in a section of a subdivision, a Certificate of Occupancy for a structure in the section will not be issued unless all public improvements in the section have been completed to Town requirements and all streets have been accepted for maintenance by the Virginia Department of Transportation (VDOT), or a complete application for acceptance thereof has been filed with VDOT. **(8/01)**

502.5 Upon written application, delayed installation of public improvements described in 502.3 and 502.4 may be considered by the Zoning Administrator. Approval of the application shall only be granted by the Zoning Administrator after consultation with the respective departments or agencies charged with the inspection, acceptance, and maintenance of the improvements, and only upon a further finding that the delayed installation will not be detrimental to the safety and welfare of the residents in the subdivision and the public. A written request for such delayed installation shall set forth the specific improvements sought to be delayed, the justification for the delay, and a committed date for completion of the improvements. A fifty-dollar ($50.00) fee shall be paid with the request. If the Zoning Administrator approves the application for delayed installation of public improvements, the approval shall be subject to the applicant executing an agreement to hold harmless the town for any loss or liability occasioned by the lack of the improvements delayed. **(8/01)**

SECTION 503 - SPECIAL USE PERMIT

503.1 PROVISIONS FOR SPECIAL USE PERMITS

(a) In consideration of an application filed with the Zoning Administrator, the Town Council may, after a public hearing, authorize the establishment of those uses that are expressly listed as Special Permit uses in a particular zoning district.

(b) In addition to all applicable conditions and requirements of this Ordinance, the Town Council may impose any conditions deemed appropriate in the public interest to secure compliance with the provisions of this Ordinance.

(c) Once a Special Use Permit is granted, the use shall not be enlarged, extended, increased in intensity or relocated unless authorized by the Town Council.

(d) Whenever a Special Use Permit is granted by the Town Council, the authorized activities shall be established within one (1) year of the date of approval, or such Special Use Permit shall expire without notice.

(e) Should the owner or operator of the use covered by the Special Permit fail to observe all requirements of law with respect to the maintenance and conduct of the use and all permit conditions, the Town Council may, after due notice to permit holder and a public hearing, revoke the Special Use Permit.

503.2 APPLICATIONS

An application for a Special Use Permit may be submitted by the property owner of record, tenant, or contractor owner.

503.3 APPLICATION REQUIREMENTS

Applications for Special Use Permits shall be accompanied by seven (7) copies of the following items:

(a) Letter of request, signed by property owner and applicant, outlining complete details of special use desired.

(b) Site development plan.

(c) Floor plan, front, side, and rear elevations of proposed new buildings.

(d) Certified house location plat.

(e) Information deemed necessary by the Zoning Administrator.

(f) Applicable filing fee.

503.4 APPLICATION PROCEDURE

(a) Application submitted to Zoning Administrator, which shall be referred to the Planning Commission for recommendation, and a public hearing shall be scheduled by the Town Council.

(b) Review by the Planning Commission (public hearing if desired) and recommendation to Town Council.

(c) Public hearing by Town Council.

(d) Town Council action (In acting upon the application, the Town Council shall consider the following, among other relevant factors):

1. The health, safety, and welfare of the general public.
2. Physical and visual impact on adjoining and abutting properties.
3. Adequate utilities, drainage, parking, and other necessary facilities to serve the proposed use.

4. Compliance with the adopted master plan.
5. Environmental compatibility.
6. Community sentiment.

(e) Applicant to be notified by Zoning Administrator of Town Council action.

SECTION 504 - SCHEDULE OF FEES, CHARGES, AND EXPENSES

504.1 The Town Council shall establish, by resolution, a schedule of fees, charges, and expenses and collection procedures for zoning permits, certificates of use and occupancy, special permits, variances, appeals, amendments, and other matters pertaining to this Ordinance.

504.2 The schedule of fees shall be available for inspection in the office of the Zoning Administrator and may be altered or amended by the ~~Governing Body~~ Town Council by resolutions. Until all application fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

(02/16) **SECTION 505 – BOARD OF ZONING APPEALS**

There shall be established a Board of Zoning Appeals (Board) that shall consider appeals, variances, and zoning map interpretations.

505.1 ORGANIZATION AND PROCEDURES

(a) Membership

The Board shall consist of five residents of the Town of Berryville, appointed by the Circuit Court of Clarke County. Members of the Board shall hold no other public office in the locality except that one may be a member of the Berryville Planning Commission.

(b) Alternate Members

The Town Council may request the Circuit Court of Clarke County to appoint not more than three alternates to the Board of Zoning Appeals, pursuant to the provisions of Virginia Code § 15.2-2308(A).

(c) Terms of Office

The terms of office for members of the Board shall be for five years each except that original appointments shall be made for such terms that the term of one member shall expire each year. The Secretary of the Board shall notify the court at least thirty (30) days in advance of the expiration of any term of office, and shall also notify the Court promptly if any vacancy occurs. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members may be reappointed to succeed themselves. A member whose term expires shall continue to serve until his/her successor is appointed and qualifies.

(d) Officers

With the exception of its Secretary and the alternates, the Board shall elect from its own membership its officers who shall serve annual terms as such and may succeed themselves. The Board may elect as its Secretary either one of its members or a qualified individual who is not a member of the Board, excluding alternate members. A Secretary who is not a member of the Board shall not be entitled to vote on matters before the Board.

(e) Quorum

For the conduct of any hearing, a quorum shall not be less than a majority of all the members of the Board.

(f) Procedures

The Board may make, alter, and rescind rules and forms for its procedures consistent with Town ordinances and general laws of the Commonwealth.

(g) Records

The Board shall keep minutes and a full record of its proceedings and other official actions, which shall be filed in the office of the Board and shall be public records.

(h) Report

The Board shall submit a report of its activities to the governing body at least one a year.

(i) Witnesses

The Chairman of the Board, or the acting Chairman in the Chairman's absence, may compel attendance of witnesses and administer oaths of witnesses.

(j) Employees
Within the limits of funds appropriated by the Town Council, the Board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services.

(k) Compensation
Members of the Board may receive such compensation as may be authorized by the Town Council.

(l) Removal
Any Board member or alternate may be removed for malfeasance, misfeasance, or nonfeasance in office, or for other just cause, by the Court that appointed the member or alternate, after a hearing held after at least fifteen (15) days notice.

(m) Meetings
The Board by resolution may fix a schedule or regular meetings, and may also fix the day or days to which any meeting shall be continued if the Chairman, or Vice Chairman is unable to act, finds and declares that weather or other 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 previous advertised for such meeting in accordance with Virginia Code § 15.2-2312 shall be conducted at the continued meeting and no further advertisement shall be required.

(n) Hearings – Procedures

1. The non-legal staff of the Town council may have ex parte communications with a member of the Board prior to the hearing but may not discuss the facts or law relative to the case before the Board. The applicant, landowner, or their agent or attorney may be ex parte communications with a member of the Board prior to the hearing but may not discuss the facts or law relative to the case before the Board. If any ex parte discussion of facts or law in fact occurs, the party engaging in such communication shall inform the other part as soon as practicable and advise the other party of the substance of such communication. For purposes of this section, regardless of whether all parties participate, ex parte communications shall not include (i) discussions as part of a public meeting or (ii) discussion prior to a public meeting to which staff of the governing body, the applicant, landowner, or their agent or attorney are all invited. For purposes of this section, "non-legal staff of the Town Council" shall mean any staff who is not in the office of the attorney for the Town, or fore the Town Council, or who is appointed by special law or pursuant to Virginia Code § 15.2-1542. Nothing in this section shall preclude the Board from having ex parte communications with any attorney or staff where such communication is protected by the attorney-client privilege or protection of confidentiality.
2. Any materials relating to the case before the Board, including a staff recommendation or report furnished to a member of the Board, shall be made available without cost to an applicant, appellant, or other person aggrieved under Virginia Code § 15.2-2314, as soon as practicable thereafter, but in no event less than three business days providing such materials to a member of the Board. If the applicant, appellant, or other person aggrieved under Virginia Code § 15.2-2314 requests additional documents or materials to be provided by the locality

other than those materials provided to the Board, such request shall be made pursuant to Virginia Code § 2.2-3704. Any such materials furnished to a member of the Board shall be made available for public inspection pursuant to Subsection F of Virginia Code § 2.2-3707.

3. At a hearing the Board shall offer an equal amount of time to the applicant, appellant, or any other person aggrieved under Virginia Code § 15.2-2314, and the Town staff.

505.2 APPEAL OF DECISION OF BOARD

Any person or persons jointly or severally aggrieved by any decision of the Board, or any aggrieved taxpayer, or any officer, department, board, or bureau of the locality, may file with the Clerk of the Clarke County Circuit Court a petition specifying the grounds on which aggrieved within 30 days after the final decision of the Board.

505.3 APPEALS OF ADMINISTRATIVE DETERMINATIONS

(a) The Board shall hear and decide appeals from any order, requirement, decision, or determination made by an administrative officer in the administration or enforcement of the Zoning Ordinance. The decision on such appeal shall be based on the Board's judgment of whether the administrative officer was correct. The determination of the administrative officer shall be presumed to be correct. At a hearing on an appeal, the administrative officer shall explain the basis for their determination after which the appellant has the burden of proof to rebut such presumption of correctness by a preponderance of the evidence. The Board shall consider any applicable ordinances, laws, and regulations in making its decision. For purposes of this section, "determination" means any order, requirement, decision, or determination made by an administrative officer. Any appeal of a determination to the Board shall be in compliance with this section, notwithstanding any other provision of law, general or special.

(b) An appeal to the Board may be taken by any person aggrieved or by any officer, department, board, or bureau of the Town affected by any decision of the Zoning Administrator, or from any order, requirement, decision or determination made by any other administrative officer in the administration or enforcement of the Zoning Ordinance, or any modification of zoning requirements pursuant to Virginia Code § 15.2-2286.

(c) Any written notice of a zoning violation of any written order or administrative determination of the Zoning Administrator shall include a statement informing the recipient of the of the recipient's right to appeal the notice of zoning violation or the written order or administrative determination within 30 days, and that the decision shall be final and unappealable if not appealed within 30 days. The appeal period shall not commence until the statement is given. The appeal shall be taken within 30 days after the decision appealed from by filing with the Zoning Administrator, and with the Board, a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record based upon which the action appealed from was taken.

(d) An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board that by reason of facts stated in the

certificate a stay would in his/her opinion cause imminent peril to life or property, in which case proceedings shall not be stayed other than by a restraining order granted by the Board or by a court of record, on application and on notice to the Zoning Administrator and for good cause shown.

(e) The Board shall fix a reasonable time for hearing an appeal, and shall give public notice and hold a public hearing as provided by Virginia Code § 15.2-2204. However, when giving any required notice to the owners, their agents, or the occupants of abutting property and property immediately across the street or road from the property affected, the Board may give such notice by first-class mail rather than by registered or certified mail.

(f) The Board shall make its decision within 90 days of the filing of the appeal, unless the appellant and the Board mutually agree upon an extended period.

(g) In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify, an order, requirement, decision, or determination appealed from.

(h) The concurring vote of a majority of the membership of the Board shall be necessary to reverse any order, requirement, decision, or determination of an administrative officer.

505.4 VARIANCES

The Board shall hear upon appeal or original application in specific cases requests for variances, as defined in Virginia Code § 15.2-2201, from the terms of this ordinance. A variance shall not include a change in use.

(a) Any property owner, tenant (with the written consent of the property owner), government official, department, board or bureau may make application for a variance. Applications shall be made to the Zoning Administrator in accordance with rules adopted by the Board. The application and accompanying maps, plans, or other information shall be transmitted promptly to the Secretary of the Board, who shall place the matter on the docket to be acted upon by the Board.

(b) The Zoning Administrator shall also transmit a copy of the application to the Planning Commission, which may send a recommendation to the Board or appear as a party at the hearing.

(c) No variance shall be considered except after public notice and hearing as required by Virginia Code § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the Board may give such notice by first class mail rather than by registered of certified mail.

(d) Action on Variance Application

1. The burden of proof shall be on the applicant for a variance to prove by a preponderance of the evidence that the application meets the standards for a variance as defined in Virginia Code § 15.2-2201 and the criteria set out in this section.
2. Notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition

relating to the property or improvements thereon at the time of the effective date of the ordinance, and;

(a) the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance;
(b) the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;
(c) the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance;
(d) the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and
(e) the relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § 15.2-2309 or the process of modification of a zoning ordinance pursuant to subdivision A4 of § 15.2-2286 at the time of the filing of the variance application.
(f) The concurring vote of a majority of the membership of the Board shall be necessary to approve a variance.
(g) In granting a variance the Board shall tailor the variance to provide the minimum variance necessary to alleviate the hardship, and the Board may impose such conditions regarding the location, character, and other features of the proposed structure or use, as it may deem necessary in the public interest. The Board may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.
(h) The Board will not consider substantially the same application within one (1) year of previous Board action.

505.5 ZONING MAP INTERPRETATIONS

The Board shall hear and decide applications for interpretations of the zoning district map where there is any uncertainty as to the location of a district boundary. After notice to the owners of the property affected by the question, and after public hearing with notice as required by Virginia Code § 15.2-2204, the Board may interpret the map in such way as to carry out the intent and purpose of the ordinance for the particular section or district in question. However, when giving any required notice to the owners, their agents, or the occupants of abutting property and property immediately across the street or road from the property affected, the Board may give such notice by first-class mail rather than by registered or certified mail. The Board shall not have the power to change substantially the locations of district boundaries as established by ordinance. The concerning vote of a majority of the membership of the Board shall be necessary to decide in favor of the applicant.

505.6 LIMITATIONS ON POWERS OF BOARD

The Board shall not have the power to rezone property or to base Board decisions on the merits of the purpose and intent of Town ordinances duly adopted by the Town Council.

506 MODIFICATIONS

(a) The Zoning Administrator may grant a modification from any provision contained in the Zoning Ordinance with respect to physical requirements on a lot or parcel of land, including but not limited to size, height, location or features of or related to any building, structure, or improvements if the Zoning Administrator finds in writing that:

1. the strict application of the ordinance would produce undue hardship;
2. such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and
3. the authorization of the modification will not be of substantial detriment to adjacent property and the character of the zoning district will not be changed by the granting of the modification.

(b) The Zoning Administrator may not grant a modification that is more than 10% of a regulation standards.

(c) Before the granting of a modification, the Zoning Administrator shall give, or require the applicant to give, all adjoining property owners written notice of the request for modification, and an opportunity to respond to the request within 21 days of the date of the notice. Before the granting of a modification, the Zoning Administrator shall consult with the Chair and Vice Chair of the Board of Zoning Appeals.

(d) The Zoning Administrator shall make a decision on the application for modification and issue a written decision with a copy provided to the applicant and any adjoining landowner who responded in writing to the notice sent pursuant to this paragraph. The Zoning Administrator shall provide a copy of a written decision to the Board of Zoning Appeals within five working days from making the decision.

(e) The decision of the Zoning Administrator may be appealed to the Board of Zoning Appeals as provided in Section 505.3 of this Ordinance.

SECTION 507 - VIOLATION AND PENALTY

507.1 All departments, officials, and public employees of this jurisdiction who are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Ordinance. They shall issue permits for uses, buildings, or purposes only when they are in harmony with the provisions of this Ordinance. Any such permit, if issued in conflict with the provisions of this Ordinance, shall be null or void.

507.2 Any person, firm, or corporation, whether as principal, agent, employee, or otherwise, violating, causing, or permitting the violation of any of the provisions of this Ordinance, shall be guilty of a misdemeanor and, upon conviction thereof, may be fined up to one thousand dollars ($1,000). Such person, firm, or corporation shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this Ordinance is committed, continued, or permitted by such person, firm, or corporation, and shall be punishable as herein provided.

SECTION 508 - AMENDMENTS

508.1 Whenever the public necessity, convenience, general welfare, or good zoning practice require, the Town Council may by ordinance amend, supplement, or change the regulations of the Zoning Ordinance (text amendment) or the zoning district boundaries or classifications of property (rezoning/zoning map amendment). **(11/02)**

508.2 Such amendments may be initiated (i) by resolution of the Governing Body, or (ii) by motion of the Planning Commission. Any such resolution or motion shall state the above public purpose therefor. **(11/02)**

508.3 A rezoning/zoning map amendment may be initiated by petition of the owner, contract purchaser with the owner's written consent, or owner's agent therefor of the property which is the subject of the proposed rezoning/zoning map amendment. **(11/02)**

508.4 An owner of property in the Town, or citizen of the Town, may request the Town Council or the Planning commission, in writing, to initiate a text amendment. The determination of whether to initiate a text amendment shall be in the sole discretion of the Town Council or Planning Commission. The property owner or citizen shall submit with the written request any applicable fee, which shall be returned to such property owner or citizen less the expended fees if the Town Council or Planning Commission elects not to initiate the requested text amendment. **(11/02)**

508.5 Any proposed text amendment or rezoning/zoning map amendment shall be referred to the Planning Commission for its recommendation. **(11/02)**

508.6 (a) All amendments shall be advertised and written notices provided as required by Section 15.2-2204, Code of Virginia.

(b) In the case of a proposed rezoning/zoning map amendment, the public notice shall state the general usage and density range, if any, of the proposed amendment, and the general usage and density range, if any, set forth in the applicable part of the Comprehensive Plan.

(c) In the case of a proposed rezoning/zoning map amendment initiated under Section 507.3, the Town Planning Office shall be responsible for the giving of all written notices required by Section 15.2-2204. At least five (5) days prior to the first public hearing, the Town Planner shall supply an affidavit that the required written notices have been sent and a list of the persons to whom such written notice has been sent. **(11/02)**

508.6 A public hearing shall be held on a proposed amendment by the Planning Commission and by the Town Council, which public hearing may be joint. **(11/02)**

508.7 The Planning Commission shall act upon any proposed amendment referred to it within one hundred (100) days of the first meeting of the Planning Commission (i) after a resolution of the Town Council initiating the amendment, or (ii) after receipt of a complete application for a rezoning/zoning map amendment. Unless the time period is extended by

resolution of the Town Council or by the request or consent in writing of the applicant for a rezoning/zoning map amendment, or unless the proposed amendment is withdrawn by the Town Council or the applicant, failure of the Planning Commission to act within said one hundred (100)-day period shall be deemed a recommendation for approval by the Planning Commission of the proposed amendment. **(11/02)**

508.9 The Town Council shall act upon any proposed amendment within one (1) year (i) after the initiation of the proposed amendment by the Town Council or the Planning Commission or (ii) after receipt of a complete application for a rezoning/zoning map amendment, unless the applicant requests or consents to action beyond such period or withdraws the request for the proposed amendment. **(11/02)**

508.10 In the event of and upon a withdrawal of a request for an amendment, processing of the proposed amendment shall cease without further action. **(11/02)**

508.11 If a petition for a proposed rezoning/zoning map amendment initiated under Section 507.3 is denied by the Town Council, substantially the same petition may not be filed for a period of one (1) year. **(11/02)**

SECTION 509 - AMENDMENTS WITH PROFFERED CONDITIONS (1/90)

509.1 VOLUNTARY PROFFERED CONDITIONS

Pursuant to Section 15.1-491.2:1 of the Code of Virginia, the Planning Commission and/or the Town Council may consider reasonable conditions to be applied to a rezoning amendment initiated pursuant to Section 507.4 of this Ordinance provided:

(a) The conditions are voluntarily submitted by the applicant;

(b) Proposed proffered conditions are in writing and signed by all of the legal and equitable owners of the property which is the subject of the proposed amendment;

(c) The proposed conditions are in accordance with the Comprehensive Plan;

(d) The proposed conditions bear a reasonable relation to the rezoning;

(e) The proposed conditions are received by the Planning Commission and/or the Town Council prior to commencement of the public hearing of the Planning Commission and/or the Town Council at which the proposed rezoning amendment is to be considered; and

(f) The proposed conditions are in full accordance with Section 15.1-491.2:l of the Code of Virginia.

509.2 EFFECT OF CONDITIONS

Upon approval of any rezoning approved subject to proffered conditions, all conditions proffered by the applicant and accepted by the Town Council shall be deemed part of the zoning regulations affecting the district in which the parcel is classified. Such conditions shall remain in force until fully performed by the applicant or amended or released by the Town Council in accordance with Section 15.1-491.6 of the Code of Virginia.

509.3 PROFFERED CONDITION REGULATIONS

Following approval of any zoning approved subject to proffered conditions, no site plan, subdivision plan, or development plan thereafter submitted for the development of the property in question shall be approved unless in substantial conformity with all proffered conditions, and no agent or official of the Town shall have the power to permit any development or construction upon the property not in substantial conformance with such proffered conditions.

509.4 PROFFERED AMENDMENTS

Proffered conditions may be amended or released by the Town Council upon application for zoning amendment submitted in accordance with Section 507. Any such amendment shall be the subject of a public hearing in accordance with the provisions of Section 507.1.

509.5 ZONING MAP NOTATION AND CONDITIONAL ZONING INDEX

Each rezoning shall be designated on the Zoning Map by an appropriate symbol designated by the Zoning Administrator. In addition, the Zoning Administrator shall keep and maintain the conditional zoning index, which shall be available for public inspection and which shall provide ready access to the ordinance creating such conditions.

SECTION 510 - ADMINISTRATION

510.1 This Ordinance shall be enforced by the Zoning Administrator who shall be appointed by the ~~Governing Body~~ Town Council. The Zoning Administrator shall serve at the pleasure of ~~that body~~ the Town Council. Compensation for such shall be fixed by resolution of the ~~Governing Body~~ Town Council.

510.2 Nothing contained herein shall require any change in the plans or construction of any building or structure for which a permit was granted prior to the effective date of this Ordinance and/or amendments thereto, provided such construction commences within thirty (30) days after this Ordinance amendment becomes effective and provided the building or structure is completed within a period of one (1) year after construction was started or one (1) year after the effective date of this Ordinance/amendment, whichever is sooner. If construction is discontinued for a period of six (6) months or more, further construction shall be in conformity with the provisions of this Ordinance for the district in which the operation is located. **(1/90)**

SECTION 511 - INTERPRETATION

511 Unless district boundary lines are fixed by dimensions or otherwise clearly shown or described, and where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Zoning Map, the following rules shall apply:

511.1 Where district boundaries are indicated as approximately following or being at right angles to the center lines of streets, highways, alleys, or railroad main tracks, such center lines or lines at right angles shall be construed to be such boundaries, as the case may be.

511.2 Where a district boundary is indicated to follow a river, creek, or branch or other body of water, said boundary shall be construed to follow the center line at low water or at the limits of the jurisdiction, and in event of change in the shoreline, such boundary shall be construed as moving with the actual shoreline.

511.3 If no distance, angle, curvature, description or other means is given to determine a boundary line accurately and the foregoing provisions do not apply, the same shall be determined by the use of the scale shown on said Zoning Map. In case of subsequent dispute, the matter shall be referred to the Board of Zoning Appeals, which shall determine the boundary.

SECTION 512 - SEVERABILITY

512 Should any section or provision of this Ordinance be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so held to be unconstitutional or invalid.

SECTION 513 - CONFLICTING ORDINANCES

513 All conflicting ordinances or parts thereof which are inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 514 - EFFECTIVE DATE

514 The effective date of this Ordinance shall be from and after 12:01 A.M. October 1, 1977 and its provisions shall be in force thereafter until repealed.

ARTICLE IV – NONCONFORMING USES

SECTION 401 - CONTINUATION

401.1 If at the time of enactment of this Ordinance, any legal activity is being pursued, or any lot or structure legally utilized in a manner or for a purpose which does not conform to the provisions of this Ordinance, such manner of use or purpose may be continued as herein provided.

401.2 If any change in title of possession, or renewal of a lease of any lot or structure occurs, the existing use may be continued.

401.3 If any non-conforming use (structure or activity) is discontinued for a period exceeding two (2) years after the enactment of this Ordinance, it shall be deemed abandoned and any subsequent use shall conform to the requirements of this Ordinance.

SECTION 402 - PERMITS

402 The construction or use of a non-conforming building or land area for which a permit was issued legally prior to the adoption of this Ordinance may proceed, provided such building is completed within thirty (30) days after the effective date of this Ordinance.

SECTION 403 - REPAIRS AND MAINTENANCE

403 Non-conforming uses and structures may be repaired and maintained, and unsafe structures may be made safe as long as the nonconformity is not increased.

SECTION 404 - CHANGES IN DISTRICT BOUNDARIES

404 Whenever the boundaries of a district are changed, any uses of land or buildings which become non-conforming as a result of such change shall become subject to the provisions of this Article.

SECTION 405 - NON-CONFORMING LOTS OF RECORD

405 In any district, structures and customary accessory buildings may be erected and/or enlarged on any single lot of record at the effective date of adoption or amendment of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance. 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 the requirements, other than those applying to area or width, or both, shall conform to the regulations for the district in which such lot is located. Variance of yard or other requirements shall be obtained only through action of the Board of Zoning Appeals as provided by law.

SECTION 406 - NON-CONFORMING USES OF LAND

406 Lawful uses of land, which at the effective date of this Ordinance or as a result of subsequent amendments thereto, become non-conforming may be continued by the present or any subsequent owner so long as it remains otherwise lawful, subject to the following provisions:

406.1 EXTENSION
No such non-conforming use shall be enlarged or increased nor extended to occupy a greater area of land than was used at the effective date of adoption of this Ordinance.

406.2 CHANGE OF USE OF LAND
Such non-conforming use, if changed to a conforming use, shall not thereafter be changed back to any non-conforming use.

406.3 CHANGE OF USE OF LAND AS A SPECIAL EXCEPTION
Such non-conforming use may as a special exception be changed to another non-conforming use, provided that in considering each specific case, the Town Council shall find that the proposed use is equally or more appropriate to the district than the existing non-conforming use. In permitting such change, the Town Council may impose conditions and safeguards deemed appropriate.

406.5 NOT MOVED
No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel no occupied by said use at the effective date of this Ordinance, or to any other lot or parcel not properly zoned to permit such use.

SECTION 407 - NON-CONFORMING STRUCTURES OR BUILDINGS

407 Structures or building which at the effective date of this Ordinance or subsequent amendments thereto become non-conforming by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the building or structure, may be continued to be used for so long as such structure or building remains otherwise lawful, subject to the following provisions:

407.1 ENLARGEMENT OF NON-CONFORMING STRUCTURE OR BUILDING
No such non-conforming structure or building may be enlarged or altered in a way that increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity. Enlargement may occur if no new non-conformity is created.

407.2 DAMAGE OR DESTRUCTION OF BUILDING
A non-conforming structure or building which is destroyed or partially destroyed by any means to an extent of fifty (50) percent or more of the market value thereof immediately prior to such damage or destruction, shall not be repaired or restored to a non-conforming status unless restoration or reconstruction of the structure is started within twelve (12) months of the date of damage or destruction and is completed within twelve (12) months

of the issuance of a building permit. No such nonconforming structures that are restored or reconstructed within the time limit set forth above shall be enlarged or altered in a way that increases its nonconformity. **(04/05)**

407.3 MOVING OF STRUCTURE OR BUILDING

No non-conforming structure or building shall be, for any reason, moved for any distance unless it shall thereafter conform to the zoning regulations for the district in which it is located after it is moved.

SECTION 408 - NON-CONFORMING USES OF STRUCTURES OR BUILDINGS

408 Lawful uses of structures or buildings which at the effective date of this Ordinance or as a result of subsequent amendments thereto become non-conforming, may be continued by the present or any subsequent owner so long as such use remained otherwise lawful, subject to the following provisions:

408.1 EXTENSION

A non-conforming use of a structure or building shall not be extended or expanded to occupy a greater area of said structure than was used for such uses at the time of adoption of this Ordinance.

408.2 CHANGE OF USE OF A STRUCTURE

Such non-conforming use, if changed to any conforming use, shall not thereafter be changed back to a non-conforming use.

408.3 CHANGE OF USE OF A STRUCTURE AS A SPECIAL EXCEPTION

Such non-conforming use of a building or structure may, as a special exception, be changed to another non-conforming use, provided that in considering each specific case, the Town Council shall find that the proposed use is equally or more appropriate to the district than the existing non-conforming use and that the building and/or structure is adequate for the proposed use. In permitting such change, the Town Council may impose conditions and safeguards deemed appropriate.

408.4 DESTRUCTION OF STRUCTURE OR BUILDING WITH A NON-CONFORMING USE

Removal or destruction of the structure or building in which a non-conforming use is located shall eliminate the use which the structure or building was used for (a non-conforming use). Destruction for the purpose of this Sub-section is defined as damage to an extent of fifty (50) percent or more of the market value of the structure or building immediately prior to such damage or destruction. A person may rebuild or restore such use if he applies for a permit within six months of destruction.

SECTION 409 - USES UNDER SPECIAL PERMIT PROVISIONS NOT NON-CONFORMING USES

409 Any use which is permitted as a Special Permit Use in a zoning district under the terms of this Ordinance shall not be deemed a non-conforming use in such zoning district, but shall without further action be considered a conforming use.

SECTION 410 - PERCENT DAMAGE

410 The cost of land or any factors other than the cost of the structure are excluded in the determination of fair market value for the purpose of calculating the percent of damage.

ARTICLE III – SUPPLEMENTARY REGULATIONS

301 SECTION 301 – WIDENING OF HIGHWAYS AND STREETS

Whenever there shall be plans in existence, approved by either the Virginia Department of Transportation or by the Town Council for the widening of any street or highway, the Commission may recommend additional front yard setbacks for any new construction or for any structures altered or remodeled adjacent to the future planning right-of-way in order to preserve and protect the right-or-way for such proposed street or highway widening.

302 SECTION 302 – VISUAL OBSTRUCTION

In the case of corner lots in residential districts, there shall be no planting, fence, or obstruction to vision more than three (3) feet high, less than twenty (20) feet from the intersection of two street right-of-way lines.

303 SECTION 303 – FENCES

303.1 No fragile, readily flammable material such as paper, cloth, or canvas shall constitute a part of any fence, nor shall any such material be employed as an adjunct or supplement to any fence.

303.2 No fence shall be constructed within two (2) feet of any right-of-way line **(12/98)**, except on corner lots as set forth in Section 302.

303.3 Fences shall not exceed a height of six (6) feet, except that fences shall not exceed a height of four (4) feet in front setbacks in residential zones and in front setbacks for residential uses in commercial zones, as measured from the top-most point thereof to the ground or surface, along the center line of the fence, in a commercial or residential zone, except on corner lots as set forth in Section 302. **(01/26)**

303.4 Fences in commercial zones shall not exceed a height of six (6) feet, as measured from the top-most point thereof to the ground or surface, along the center line of the fence, except on corner lots as set forth in Section 302. The Planning Commission may approve fences of up to ten (10) feet in height on a case-by-case basis. **(12/98)**

303.5 Fences surrounding industrial sites, public playgrounds, institutions, or schools may not exceed a height of fourteen (14) feet.

SECTION 304 – BUILDINGS TO HAVE ACCESS

304.1 Every building hereafter erected or moved shall be on a lot adjacent to a public street, and all buildings shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

304.2 A driveway to and from a commercial or industrial use shall be deemed to be integral with such use and shall not be deemed to be a permitted use in any residential district.

SECTION 305 – MINIMUM OFF-STREET PARKING

305.1 **(**a) Parking spaces and access driveways

There shall be provided at the time of erection of any main building or at the time any main building is enlarged, or at the institution or enlargement of any use, minimum off-street parking space with adequate provisions for entrance and exit. All parking spaces and access driveways shall be covered with an all-weather surface, unless as otherwise herein provided and shall be graded and drained to dispose of surface water. Stormwater shall be managed in accordance with Virginia Stormwater Management Program regulations. All commercial and industrial uses shall have a hard-surfaced or tar and chipped parking area(s) and access driveway(s) or Town-approved stabilized paver system. Please refer to Section 206 Floodplain Conservation Area for additional parking area requirements. **(9/17)**

(b) Parallel parking, dimensions for spaces and aisles **(4/91)**

Direction of Parking	Stall Width	Depth of Stalls	Aisle Width
One-way aisle (parking on one side)	9 feet	22 feet	12 feet
One-way aisle (parking on both sides)	9 feet	22 feet	15 feet
Two-way aisle (parking on both sides)	9 feet	22 feet	20 feet

(c) Angled parking, dimensions for spaces and aisles **(4/91)**

Parking Angle	Stall Width	Depth of Stalls Perpendicular to Aisle	One-way Aisle	Two-way Aisle
45 degrees	9 feet	19 feet	15.5 feet	18 feet
60 degrees	9 feet	20 feet	17 feet	19 feet
90 degrees	9 feet	18 feet	23 feet	23 feet

305. 2 A driveway or parking space shall be at least three (3) feet from a property line and no parking space for multiple-family dwelling shall be less than ten (10) feet from a residential structure on the lot unless as otherwise herein provided for townhouses and apartments.

305.3 There shall be provided at the time of the erection of any principal building or structure or at the time that any principal building or structure is altered, enlarged, or increased in size, not less than the parking space in the amounts stated herein. Minimum off-street parking space required may be reduced when the capacity and use of a particular building is changed in such a manner that the new use or capacity would require less space than before the change. Should a non-conforming structure or use be enlarged or extended, or should a use or structure be non-conforming because of parking requirements, additional parking need only be based on the requirements for the enlarged or expanded portion.

305.4 The parking spaces required for one- and two-family dwellings shall be located on the same lot as the dwelling; the parking spaces required for other land uses shall be located on the same lot as the principal use or on a lot which is within three hundred (300) feet of the principal use, such distance to be measured along lines of public access to the property.

305.5 SPECIAL PROVISIONS FOR COMMERCIAL (C) ZONING DISTRICT
In the Commercial District (C), structures existing at the time of adoption of this Ordinance, which contain or may be changed at any future time to contain any non-residential use permitted in the Commercial (C) District, will not be required to have additional parking spaces above those provided when this Ordinance is adopted. This applies to the reconstruction of non-conforming commercial uses or structures. When it has been demonstrated to the satisfaction of the Planning Commission that the off-street parking requirements contained in this Section cannot be met due to the practical limitations of the site, and furthermore, that the off-site parking, as provided elsewhere in this Section, cannot be arranged to satisfy said requirements, the Planning Commission may decrease or waive the number of required off-street parking spaces for non-residential uses that are established after the date of the adoption of this Section. **(7/02)**

305.6 All new commercial construction on vacant land, or commercial uses begun where no commercial use existed at the time of adoption of this Ordinance, whether or not such property was previously zoned Commercial, shall provide the number of spaces required by other Sections of this Ordinance.

305.7 Collective provisions of off-street parking facilities for two or more structures or uses is permissible, provided that the total number of parking spaces is at least equal to the sum of the minimum number of required spaces computed separately for each use. Collective parking is subject to all previously stated parking requirements.

305.8 Off-Street Parking Space Requirements – Residential **(7/02)**

Single-Family Detached	2 for each dwelling unit
Two-Family Detached	
Manufactured Homes	
Multiple-Family, Planned Development	
Townhouses	See Section 309.8(a)
Apartments	See Section 310.9(a)

All single- and two-family dwelling units shall have parking areas and access drives with an all-weather surface. All other uses shall have a hard-surfaced parking area and access drive or Town-approved surface.

305.9 Off-Street Parking Space Requirements – Transient Lodgings **(7/02)**

Hotel and Motel	1.25 for each guest room
Bed and Breakfast	2 for the dwelling, plus one for each guest room

305.10 Off-Street Parking Space Requirements – Institutional Uses **(7/02)**

Churches or Places of Worship, Assembly Halls, Community Centers, Similar places of public assembly	2 for every 4 seats of maximum seating capacity in the main place of assembly or, without fixed seating, 1 for every four people based on Building Code design capacity
Library, Museum, Art Gallery	1 for each 400 square feet of floor area

Parking space already provided to meet off-street parking requirements for stores, office buildings, and industrial establishments lying within three hundred (300) feet of the place of public assembly, as measured along lines of public access, and which are not normally in use on Sundays or between the hours of 6:00 P.M. and midnight on other days, may be used to meet not more than seventy-five (75) percent of the off-street parking requirements of a church or other similar public assembly.

305.11 Off-Street Parking Space Requirements – Educational Uses, Day Care, or Nurseries **(7/02)**

Kindergarten, Day Care Center, Nursery, private or public	1 for each 8 students based on Building Code design capacity
Elementary, Intermediate, or Junior High, private or public	1 for each 8 students based on Building Code design capacity
High School or College, Private or public	1 for each 4 students based on Building Code design capacity

305.12 Off-Street Parking Space Requirements – Medical Uses **(7/02)**

Physician's or Dentist's Office, Clinic, and Outpatient Hospital	1 for each 200 square feet of floor area
Hospital	2 for each bed
Veterinary Hospital	1 for each 300 square feet of floor area

305.13 Off-Street Parking Space Requirements – Group, Nursing, and Convalescent Homes **(7/02)**

Group Housing	1 for each residence unit, plus 2 for employees
Convalescent, Nursing, or Rest Homes	1 for each 3 beds

305.14 Off-Street Parking Space Requirements – Rental Center and Wholesale Stores **(7/02)**

Wholesale, Inventory, Storage, not otherwise classified area devoted to enclosed storage	1 for each 1,000 square feet of floor area

305.15 For Shopping Centers, see Section 308.4(a)

305.16 Off Street Parking Space Requirements – Funeral Home, Mortuary **(7/02)**

Funeral Home, Mortuary	1 for each 4 seats in chapels or parlors with fixed seats, or 1 for each 4 people based on Building Code design capacity of assembly rooms without fixed seats

305.17 Off-Street Parking Space Requirements – Eating Establishments **(01/17)**

Restaurant, Nightclub, or similar	1 for each 100 square feet of floor area or 1 for each 4 people based on Building Code design capacity
Restaurant, Fast-food	1 per 100 square feet gross floor area, plus 1 additional for every four outside seats, plus 3 queuing spaces for drive-up window.

305.18 Off-Street Parking Space Requirements – Office Uses **(7/02)**

Business, General, and Governmental Buildings, Professional Office Buildings, not including Medical Offices	1 for each 300 square feet of floor area

305.19 Off-Street Parking Space Requirements – Industrial or Storage Establishments **(7/02)**

Industrial Uses, Laboratories Laundries, etc.	1 for each employee on the maximum working shift, plus space to accommodate all trucks and other vehicles used in connection therewith
Mini-storage (rental of storage units of less than 5,000 square feet each)	1 for each employee

305.20 Off-Street Parking Space Requirements – Business Uses **(7/02)**

Retail space for less than 10,000 square feet per parcel area	1 for each 200 square feet of floor area
Retail space of more than 10,000 square feet per parcel area	1 for each 250 square feet of floor area (unless otherwise specified)
Furniture, Hardware, Home Furnishings and other similar establishments	1 for each 400 square feet of floor area
Convenience Store	2 standing spaces for each gasoline pump plus 1 for each 150 square feet of floor area
Vehicle Repair	2 for each repair bay, plus 1 for

	service vehicle, plus 1 per employee

305.21 Off-Street Parking Space Requirements – Sports Activities **(7/02)**

Bowling	4 for each alley
Swimming Pools, Recreation Centers and similar establishments	1 for each 4 persons based on Building Code design capacity
Skating Rinks	1 for each 25 persons based on Building Code design capacity
Health Clubs	1 for each 250 square feet of floor area
Golf Courses	1 for each hole
Outdoor court Games (tennis, Basketball, and similar games)	1 for each two players based upon maximum capacity

305.22 Off-Street Parking Space Requirements – Service Uses **(7/02)**

Barber/Beauty Salon	2 for each chair
Commercial Kennels for Boarding or Breeding, Animal Shelters	1 for every 4 canine runs
Laundry, self-service	1 for every 2 cleaning or laundry Machines
Dry Cleaning Establishment	1 for each 200 square feet of floor area
Other	1 for each 200 square feet of floor area

305.23 Every parcel of land hereafter used as a public parking area shall have a hard surface. It shall have appropriate rails or stops and adequate screening where needed, as determined by the Zoning Administrator. Any lights used to illuminate said parking areas shall be so arranged as to reflect the light away from adjoining residential uses.

SECTION 306 – OFF-STREET LOADING REQUIREMENTS

306.1 On the same premises with every building, structure, or part thereof, erected and occupied for uses involving the receipt or distribution of vehicles, materials, or merchandise, there shall be provided and maintained on the lot adequate space for standing, turning, loading, and unloading services in order to avoid interference with public use of the streets and alleys.

306.2 Such space or spaces shall be a minimum of fifteen (15) feet wide and thirty-five (35) feet in length with a minimum clear height of fifteen (15) feet. Off-street truck loading space shall be provided at a rate of one (1) space for the first ten thousand (10,000) square feet or less of gross floor area, plus a minimum of one (1) additional space for each additional forty thousand (40,000) square feet of gross floor area or part thereof. For the purpose of this Section, gross floor area shall also include gross outdoor storage area, whether covered or uncovered.

SECTION 307 – SIGN REGULATIONS

307 To protect public safety (particularly traffic safety), and to promote economic development and tourism in an attractive, historic community in complement with other land-use objectives of the Zoning Ordinance, signs shall be permitted only in accordance with the following regulations:

307.1 NON-COMMERCIAL MESSAGES

In addition to other signs permitted under this Section, signs and similar displays are permitted which contain any lawful non-commercial message or expression of free speech that does not direct attention to a business operation or organization, or to a commodity or service for sale, and which complies with all requirements of this Ordinance.

307.2 SIGNS PERMITTED IN ALL ZONING DISTRICTS

(a) Official traffic or directional signs and other official federal, state, county, or town government signs.

(b) Temporary signs announcing a campaign, drive or event of a civic, philanthropic, educational, or religious organization on the premises, provided that the combined area of such signs shall not exceed twenty-four (24) square feet and shall be removed seven (7) days after the completion of the campaign, drive, or event.

(c) Signs offering the sale or rental or future use of the lot or premises upon which such signs are erected. The combined area of such signs shall not exceed twenty-four (24) square feet, and no more than two (2) exterior signs shall be placed on the premises.

(d) One temporary sign for a contractor and/or developer, and one sign for all combined sub-contracting, erected on the premises where the work is being performed, provided that the area of each such sign shall not exceed eighteen (18) square feet, and provided that such sign shall be removed upon completion of the work.

(e) Trespassing signs, signs indicating the private nature of a road, driveway, or premises, signs controlling fishing or hunting on the premises, provided that the area of any one sign shall not exceed four (4) square feet.

(f) Directional signs of a public or quasi-public nature, indentifying or providing directions to a public building, hospital, community center, park, playground, school, college, church, cemetery, designated historic site, service club, chamber of commerce, municipal parking lot or restroom, or other similar public or quasi-public civic, religious, charitable, educational, or cultural place or activity located in the Town of Berryville or Clarke County. No one sign for any one such use shall exceed an area of four (4) square feet for off-premises or on-premises directional signs. Permitted off-premises signs shall contain no advertising matter other than identification and directional information. Off-premises signs must comply with all applicable regulations of the Virginia Department of Transportation.

307.3 SIGNS PERMITTED IN RESIDENTIAL DISTRICTS

(a) Home occupation signs

Sign displaying the name, address, profession, or activity of the occupant of a dwelling unit, provided that not more than one such sign shall be erected for each permitted home occupation on the property, with the area of each such sign not to exceed two (2) square feet. Such sign may be placed on a wall of a building facing a public right-of-way, or placed in the front yard.

(b) Identification signs for public or quasi-public uses

Identification sign or bulletin/announcement board for schools and colleges, parks, playgrounds, and community centers, churches, hospitals, cemeteries, service clubs, chambers of commerce, or other similar uses for the purpose of displaying the name of the institution and its activities or services, provided that the area of any such sign shall not exceed twenty-four (24) square feet and not more than one (1) such sign shall be displayed on each public street frontage.

(4/06) (c) Housing development and subdivision signs

Permanent signs erected for the purpose of identifying a single-family or multi-family housing development or subdivision, displayed on the premises, are prohibited. Landscaped entrances and other features indicating the entrance of a subdivision must be approved by the Town Zoning Administrator and, if applicable, the Berryville Architectural Review Board. Signs to identify an individual building or unit number within a multi-family development are permitted; no such sign shall exceed six (6) square feet.

(d) Directional signs within housing developments

Directional signs, not to exceed two (2) square feet each, erected within a housing development solely to direct persons to a model home, sample unit, or rental/sales office.

(e) Signs permitted for commercial uses permitted with Special Use Permits, excluding home occupations, in the R-3 Residential Zoning District:

1. Not more than one (1) freestanding sign on any lot. Such sign shall not exceed twenty (20) square feet in area, at its highest point shall not exceed twelve (12) feet in height from the grade, shall not project beyond the established public right-of-way, and shall not be internally illuminated.
2. Flat and projecting wall signs with a total area not to exceed one (1) square foot in area for each four (4) linear feet of building frontage for that occupancy. Each occupancy shall be permitted a minimum of six (6) square feet in total sign area. The bottom of a projecting sign shall be at least eight (8) feet, six (6) inches above the sidewalk or finished grade, and fourteen (14) feet above an alley. No occupancy shall be permitted more than twenty-five (25) square feet in total sign area. On the same street, only one (1) projecting wall sign shall be permitted for each occupancy of a building. No such wall sign shall be internally illuminated.
3. This section shall not limit the authority of the Town Council to further limit signage permitted for a commercial use in the R-3 Zoning District. Further limitations may be established by Town Council by placing conditions on a Special Use Permit or accompanying site plan. **(6/96)**

(f) Signs permitted for commercial uses permitted with Special Use Permits, excluding home occupations, in the R-2 Residential Zoning District.

1. Not more than one (1) freestanding sign on any lot. Such sign shall not exceed six (6) square feet in area, at its highest point shall not exceed eight (8) feet in height from the grade, shall not project beyond the established public right-of-way, and shall not be internally illuminated.
2. Flat and projecting wall signs with a total area not to exceed one (1) square foot in area for each four (4) linear feet of building frontage for that occupancy. Each occupancy shall be permitted a minimum of three (3) square feet and a maximum of six (6) square feet in total sign area. On the same street, only one (1) projecting wall sign shall be permitted for each occupancy of a building. No such wall sign shall be internally illuminated.
3. This Section Shall not limit the authority of the Town council to further limit signage permitted for commercial use in the R-2 Zoning District. Further limitations may be established by Town Council by placing conditions on a Special Use Permit or accompanying site plan. **(7/04)**

(g) Signs Permitted for commercial uses with an approved Special Use Permit in the Open Space Residential (OSR) Zoning District and entrances to such uses on adjacent residentially zoned districts where commercial uses are contained within the OSR District:

1. Not more than one (1) freestanding sign on any lot. Such sign shall not exceed twelve (12) feet in area, at its highest point shall not exceed twelve (12) feet in height from grade, shall not project onto the established public right-of-way and shall not be internally illuminated. The freestanding sign must be on the same lot on which the approved use is operated.
2. Directional on-premises signs providing directional information ("Parking", "Exit", "One-Way") shall be limited to three (3) square feet per sign.
3. This Section shall not limit the authority of the Town Council to further limit signage permitted for a commercial use in the OSR Zoning District. Further limitations may be established by Town Council by placing conditions on a Special Use Permit or accompanying site plan. **(6/09)**

307.4 SIGNS PERMITTED WITHIN COMMERCIAL DISTRICTS

In any commercial district, the following shall be permitted: (1) Any sign permitted in a residential zone; (2) Signs advertising only the general business conducted within the premises upon which such signs are erected or displayed, subject to the following provisions:

(a) Wall signs – One-story and first floor occupancies

For any one first-floor occupancy, the total area of all exterior signs displayed on one street shall not exceed one (1) square foot in area for each two (2) linear feet of building frontage for that occupancy. Each occupancy shall be permitted a minimum of twelve (12) square feet in total sign area. No occupancy shall be permitted more than one hundred (100) square feet in total sign area.

(b) Wall signs – Upper floor occupancies

Signs for upper floor occupancies shall be not more than fifty (50) percent of the square footage permitted on the first floor. Where an entire multi-story building is occupied by one business, the total sign area permitted by Sub-section (a) above may be increased by not more than twenty-five (25) percent.

(c) Flat and projecting wall signs

Signs may be affixed flat against a building wall or may project from a wall. Such signs shall not extend closer than two (2) feet from a street curb edge or, where no curb exists, the street right-of-way line. The bottom of a projecting sign shall be at least eight (8) feet, six (6) inches above the sidewalk or finished grade, and fourteen (14) feet above an alley. On the same street or permissible area, only one (1) projecting sign shall be permitted for each occupancy of a building.

(d) Signs hung on awnings, canopies, marquees, and porticos

Signs may be placed or applied directly on, or hung from any awning, canopy, marquee, or portico, but must be at least eight (8) feet, six (6) inches above a public sidewalk or right-of-way. The area of such signs shall be included in determining the total area of wall signs displayed according to Sub-sections (a) and (b) above.

(e) Signs not on a public street – side and rear signs

Wall signs may be displayed on the side or rear of a building not fronting on a public street, provided they are to be seen primarily from a walkway, driveway, parking lot, or other area arranged for pedestrian traffic. No sign shall be displayed on the side or rear of a building so that it is primarily visible from a residential district. For such signs, the total allowable sign area shall not exceed one (1) square foot for each four (4) linear feet of the occupant's building frontage along the area where the sign is displayed; the maximum combined area for all signs on any one side or rear frontage shall be sixteen (16) square feet. This area shall not be included in the total allowable area for wall signs described in Sub-sections (a) and (b) above.

(f) Signs on windows

Signs may be painted on or displayed inside show windows, provided that not more than twenty-five (25) percent of the area of such windows shall be covered. The area of such signs shall not be included in determining the total area of wall signs displayed.

(g) Freestanding signs

Freestanding signs may be erected or displayed upon a lot only where off-street parking or drive-through service is provided. Not more than one such freestanding sign shall be permitted on any one lot. Freestanding signs shall have a highest point of not more than twenty (20) feet above the grade, shall not exceed forty (40) square feet in area, and shall not project beyond the established public right-of-way line.

(h) Shopping center identification signs

For shopping centers consisting of five (5) or more separate businesses, one (1) freestanding identification sign shall be permitted to face each adjoining public street on which the shopping center has a continuous frontage of at least one hundred fifty (150) feet. The area of such signs shall not be included in the total area of wall signs otherwise permitted in Section 307.4 for the separate businesses; however, no other freestanding signs are permitted. The total area of an identification sign for any shopping center shall not exceed eighty (80) square feet, and shall have a highest point of not more than twenty (20) feet above the grade.

(i) Advertising theater features, etc.

Signs advertising the features or acts for movie theaters or other theaters may be displayed in permanent cases or frames erected on theater buildings.

There is no minimum height for any case or frame erected flat against a wall above a sidewalk, alley, or parking area. No single case or frame shall exceed twenty-four (24) square feet and the area of all such cases or frames shall not exceed forty-eight (48) square feet. The area of these signs shall not be included in determining the total area of signs erected in Sub-sections (a) and (b) above.

(j) Directional signs

On-premises signs providing only directional information (such as "Entrance", "Exit", "One-Way", Drive-Through", etc.) shall be limited to three (3) square feet per sign.

(6/03) (k) Portable free-standing signs

In the BC, B, C and C-1 zoning districts one (1) portable freestanding sign is permitted for each business. Such sign shall not exceed three (3) feet in width, or four (4) feet in height and may be located upon the Town sidewalk, provided that four (4) feet of clearance remains for pedestrian access. In addition, placement of such signs shall comply with all applicable regulations of the Virginia Department of Transportation concerning visual obstruction. Such signs shall be located only in front of the business advertised and only during hours of operation. The area of the portable freestanding sign shall be in addition to the total square footage of signs otherwise permitted for the business. If the business wishing to display a portable freestanding sign is located in the Berryville Historic District, the business owner shall obtain a Certificate of Appropriateness from the Architectural Review Board prior to installation.

(4/06) (l) Grand opening signs shall be permitted in commercial zoning districts provided that such sign or signs shall not be displayed more than thirty (30) days. The combined area of such sign or signs shall not exceed twenty-four (24) square feet. All signs must comply with Virginia Department of Transportation and Town of Berryville regulations.

(4/06) (m) Signs advertising special sales shall be permitted in commercial zoning districts provided that such sign or signs shall not be displayed more than ten (10) days. The combined area of such sign or signs shall not exceed twenty-four (24) square feet. These signs will be permitted four (4) times per year per business. All signs must comply with Virginia Department of Transportation and Town of Berryville regulations.

(5/07) (o) Signs identifying government buildings with multiple users shall be permitted one (1) freestanding sign not to exceed eighty (80) square feet for on-premises location only. At its highest point the sign shall not exceed ten (10) feet in height from grade, shall not extend beyond the established public right-of-way and shall not be internally illuminated.

307.5 SIGNS PERMITTED WITHIN INDUSTRIAL DISTRICT

Any sign permitted in a commercial district shall be permitted in an industrial district.

Where a sign in an industrial district faces a commercial or industrial zone, the allowable area shall be one and one-half (1.5) times the allowable square footage specified in Section 307.4.

307.6 SUPPLEMENTAL SIGN REGULATIONS

(a) Illumination

Signs may be lighted with non-glaring lights, shielded floodlights, or interior lighting. No colored lights resembling traffic signals shall be permitted. Light sources shall concentrate illumination upon the sign area and prevent glare upon a street or adjacent property. External illumination shall be white light and shall not blink, flash, fluctuate, move, be intermittent, or change degrees of intensity.

(b) Non-conforming signs

Non-conforming signs, once removed, shall be replaced only with conforming signs; however, non-conforming signs may be repainted or repaired, providing such repainting or repairing does not exceed the dimensions of the existing sign.

(c) Signs to be in one plane

Signs which are not substantially in one plane are prohibited, except that signs may have reasonably projecting trim of a decorative character.

(d) Safety considerations

- No sign shall be erected or displayed so as to obstruct any door, window, fire escape, stairway, ladder, or opening intended to provide ingress and egress, necessary light, or ventilation.
- Each sign, whether flat, projecting, or freestanding, shall be affixed or supported in such a manner as to assure public safety and be in accordance with adopted building code specifications.
- All signs, except temporary signs, shall be constructed of durable material and kept in good condition and repair.
- Whenever, in the opinion of the Zoning Administrator or building inspector, any sign becomes structurally unsafe or endangers the safety of a building or lot or endangers the public safety, the Zoning Administrator or Building Inspector shall order that such sign be made safe, repaired, or removed.

(e) Area of sign to be measured

In measuring the area (in square feet) of signs permitted under these regulations, the entire face of the sign (one side) and any wall work incidental to its decoration shall be included. In the case of an open sign made up of individual raised letters and/or designs, the area shall be calculated using the smallest rectangle that can encompass all letters of a word.

(f) Roof signs

No roof signs (signs placed on a roof or wall signs extending above the lowest roof height) shall be permitted.

(g) Placement

No signs shall be permitted to be attached to trees.

(h) Moving signs

Moving signs (those which may be entirely or partially in motion while on display) are prohibited. This shall not apply to projecting signs which are suspended in such a way as to be reasonably flexible, but have no moving parts, or to clocks and temperature readings displayed on otherwise stationary signs.

(i) Removal of signs upon discontinuance of business

Any sign which no longer advertises a bona fide business or service on the premises shall be removed within thirty (30) days of discontinuance of such business or service on the premises.

307.7 BILLBOARDS

Billboards, posters, and other off-premises outdoor advertising displays not directing attention to the business or organization on the premises where the sign is located are prohibited. Government, public, and quasi-public directional signs are excepted where permitted in Section 307.2 above.

307.8 PERMIT REQUIRED

A sign permit shall be required before a sign is erected, altered, or relocated, except as provided herein.

(a) Applications

Each application for a permit shall be accompanied by plans showing the area of the sign; the size, character, and design proposed; the method of illumination, if any; the exact location proposed; the method of fastening such sign; and the name and address of the sign owner and of the sign erector.

(b) Fees

Fees for sign permits shall be as determined by Town Council.

(c) Applications

A sign permit shall become null and void if the work for which the permit was issued has not been completed within six (6) months of the date of issuance of the permit. Extensions for no more than six (6) additional months may be granted by the Zoning Administrator upon written request.

(d) Permit exceptions

A sign permit shall not be required for the following; however, such signs shall be submitted to all applicable provisions of this Ordinance:

1. Signs permitted under Section 307.2.
2. Repainting or minor structural repairs (as determined by the Zoning Administrator); neither may exceed the dimensions of the existing sign.
3. Changing the advertising copy or message on an approved painted or printed sign, on a theater marquee or similar approved sign designed for the use of replaceable copy.

SECTION 308 – SHOPPING CENTERS

308 Shopping centers shall be in single ownership or under a guaranteed unified management control. Shopping centers shall consist of harmonious selection of uses and groupings of buildings, service and parking areas, circulation and open space, and shall be subject to the provisions of the Condominium Act of the Commonwealth of Virginia, in addition to the following provisions.

308.1 PERMITTED PRINCIPAL USES:

(a) Stores for sale of goods at retail or the performance of customary personal services clearly incidental to retail sales.
(b) Business, professional, or banking offices.
(c) Restaurants, cafes, or similar places serving food and/or beverages.
(d) Parking areas for transient auto vehicles, but not for the storage of new or used motor vehicles for sale.
(e) Gasoline service stations.
(f) Drive-in establishments, except theaters.

308.2 PERMITTED ACCESSORY USES – LOCATED ON THE SAME LOT WITH THE PERMITTED PRINCIPAL USE

Only the customary accessory uses associated with a commercial district shall be permitted provided they are limited to the same lot as the principal uses.

308.3 AREA AND BULK REGULATIONS

(a) Lot size – The area for development shall be a minimum of three (3) acres.
(b) Lot coverage – thirty (30) percent maximum.
(c) Building height – two (2) stories or thirty-five (35) feet maximum.
(d) Front yard – forty (40) feet minimum. **(5/94)**
(e) Side yards – forty (40) feet minimum each side. **(5/94)**
(f) Rear yard – forty (40) feet minimum. **(5/94)**

308.4 SHOPPING CENTERS: SUPPLEMENTARY REGULATIONS

(a) Off-Street Parking and Loading

1. For shopping centers, there shall be provided one parking space for each two hundred (200) square feet of net floor area for the first ten thousand (10,000) square feet of floor space, plus one space for each additional two hundred fifty (250) square feet, plus additional spaces as required herein for associated offices, theaters, and eating establishments. **(4/91)**
2. Parking shall be permitted in the areas for front, side, or rear setbacks up to a point of five (5) feet from any front, side, or rear lot line of the shopping center ten (10) feet with appropriate landscaping and fencing, when adjoining residentially zoned property). All areas shall be suitably paved with permanent hard-surfaced coverings.

3. Off-street loading spaces shall be provided in accordance with Section 306.

(b) Access and Traffic Controls

All means of ingress or egress from the shopping center to any public street or highway shall be located at least two hundred (200) feet from any other intersecting street or streets and shall be designed to conduct traffic in a safe manner. The developer shall be responsible for the purchase and erection of any necessary traffic control devices and the construction of additional acceleration or deceleration lanes or service walks as may be required by the Virginia Department of Transportation or by the Town.

(c) Interior Circulation

Interior access ways shall be designed so as to prevent the blocking of vehicles entering or leaving the site. Areas provided for loading or unloading of trucks and/or other vehicles or for servicing of shops for rubbish collection or other services shall be adequate in size and shall be so arranged that they may be used without blocking or interfering with interior circulation and parking facilities.

(d) Lighting

Lighting for buildings, signs, access ways, and parking areas shall be so arranged as not to reflect toward public streets or cause annoyance to surrounding property owners or residents.

(e) Shopping Cart Storage

Establishments furnishing carts or mobile baskets shall provide definite areas on the site for the storage of said carts. Storage areas shall be clearly marked and designated for the storage of shopping carts and/or mobile baskets.

(f) Screening

1. All lot lines abutting residential districts along the side yard or rear yard shall be appropriately screened by fences, walls, or year-round planting and/or other suitable enclosures of a minimum height of four (4) feet and a maximum height of seven (7) feet.
2. If trees, evergreen hedges, or other types of year-round plants are used, a landscaped area shall be provided at least five (5) feet in width along the entire interior lot lines.

(g) Storage of Trash and Rubbish

Storage areas for trash and rubbish shall be completely screened and all organic rubbish shall be contained in containers with tightly fitting lids. No such storage area shall be permitted within any required yard space.

(h) Signs

Signs shall conform to Section 307.5 of this Ordinance.

308.5 SHOPPING CENTER DEVELOPMENT PLAN REQUIRED

(a) Prior to the issuance of a Special Permit, ten (10) copies of a development plan shall be submitted to the Zoning Administrator for review by the Administrator, Planning Commission, and Town Council. Such plan shall comply with the provisions of this Section and Section 314.

(b) The development plan shall contain the following data, together with supplementary data for a particular development, as deemed necessary by the Planning Commission or Town Council:

1. Title insurance policy or attorney's certificate showing the owner or owners of the subject property, marketable title to the subject property in such owner or owners' name, and the source of applicant's title or instrument in the chain of title for each parcel constituting the tract.
2. Total area of tract.
3. Abutting street names, width, and route numbers.
4. Owners, zoning districts, and uses of each adjoining tract.
5. Topographic map with minimum contour intervals and scale acceptable to the Administrator.
6. Development design information.
7. A concept plan illustrating the locating and functional relationship between al proposed land uses.
8. Land use plan or plans showing: the location and arrangement of all proposed land uses, including the height and number of floors of all buildings both above and below finished grade; the building setbacks and yard areas from the development boundries and adjacent streets, roads, alleys, and ways; the proposed traffic circulation pattern, including the location and width of all streets, driveways, walkways, and entrances to parking areas; all off-street parking and loading areas; all proposed open space areas, including common open space, dedicated open space, and developed recreational open space; the approximate location of existing and proposed utility systems of sanitary sewer, storm sewer, water, electric, telephone, and gas lines, along with necessary easements.
9. A plan or statement showing the location and design of all screening, and indicating the type and height of such screening.
10. Statements or plans relating to all covenants, restrictions, and conditions pertaining to the use, maintenance, and operation of common spaces, and the percentage of the tract to be used as open space.
11. A statement in tabular form of the anticipated commercial floor area.
12. When the development is to be constructed in stages or units, sequence of development schedule showing the order of construction of each principal functional element of such stages or units, the approximate completion date for each state or unit, and a cost estimate of all improvements within each stage or unit.
13. A plan or report indicating the extent, timing, and estimated cost of all off-site improvements, such as road, sewer, and drainage facilities necessary to construct the proposed development, which plan or report shall relate to the sequence of development schedule if the development is to be constructed in stages or units.
14. Where required by the Planning Commission, a traffic impact analysis showing the effect of traffic generated by the project on surrounding roads.

15. Where required by the Planning Commission, a fiscal impact analysis listing town revenue generated by the project and town expenditures resulting from the construction of the project.

SECTION 309 – TOWNHOUSES

309.1 AREA REGULATIONS

(a) Minimum lot size for town house construction: 3 acres
(b) Minimum lot area per dwelling unit: 2,500 square feet

309.2 MINIMUM WIDTH

(a) Minimum width for development: 200 feet at setback line
(b) Minimum width per townhouse unit: 20 feet
There shall be no more than eight (8) townhouses in a continuous row.

309.3 MINIMUM YARD REQUIREMENTS

(a) Front Yard: 30 feet from road right-of-way line
(b) Rear Yard: 40 feet for each townhouse dwelling
(c) Side Yard: 20 feet for each end unit; 30 feet for each corner lot at street intersection

309.4 MAXIMUM BUILDING HEIGHT

Two stories, but not to exceed 35 feet.

309.5 BUILDING COVERAGE

Structures shall not cover more than thirty (30) percent of the entire development site. Coverage on each lot may be permitted as yard requirements allow. Driveways and parking lots are not to be included in the calculation of coverage.

309.6 MANAGEMENT OF OPEN SPACE

(a) Should the units be for rental purposes, the developer or rental agent shall be responsible for maintenance and management of open space.
(b) Should the units be for sale, a non-profit association, corporation, trust, or foundation of all individuals or corporations owning residential property within the planned development shall be established to ensure the maintenance, management, and/or operation of open spaces and/or recreation parks in accordance with the Condominium Act, Code of Virginia, as amended.
(c) The developer must establish the organization prior to the sale of any lots.
(d) Membership in the organization shall be mandatory for all residential property owners, present or future, within the planned community.

309.7 SCREENING

Screening shall be provided of sufficient height and density to screen the site from adjoining residential property whether in R-1, R-2, or R-3 districts. A planting plan

specifying type, size, and location of existing and proposed planting material shall be submitted with the application for the permit.

309.8 PARKING FACILITIES

(a) Off-street parking shall be provided on the premises at the rate of two (2) spaces for each townhouse unit. Each space shall be a minimum of ten (10) feet by twenty (20) feet. Parking shall not be located in any yard area but shall be located in common parking areas only.

(b) Required parking spaces shall be provided on the same lot as the group of buildings served.

(c) Entrance and exit ways to parking areas shall have a minimum width of twelve (12) feet for each lane of traffic entering or leaving the site but shall at no time exceed thirty (30) feet in width at the street line. Parking shall not be permitted in the entranceway.

(d) Parking areas shall be set back at least fifteen (15) feet from the property line of the development.

309.9 DRAINAGE

(a) A storm run-off and drainage system shall be installed by the developer in accordance with sound engineering practice so as to adequately drain the project site, to adequately dispose of all run-off and drainage away from the project site, and so as not to permit excess flow of water across streets or adjoining properties. Plans for such drainage systems shall be submitted and approved with the application for the permit.

(b) All provisions of Town ordinance and Virginia Stormwater Management Program regulations regarding storm drainage shall be complied with.

309.10 LIGHTING

Street lighting shall be provided on all public roads and shall be approved by the Town Council.

309.11 STORAGE OF TRASH AND RUBBISH

Exterior storage areas for trash and rubbish shall be well screened on three (3) sides and contain vermin-proof containers.

309.12 SITE PLAN REVIEW AND APPROVAL

Site plans drawn in accordance with Section 314 shall be ~~reviewed by the Planning Commission and~~ approved or rejected by the ~~Town Council~~ Designated Agent.

309.13 FRONTAGE

Each townhouse and/or townhouse parking area access road shall front on a dedicated public street meeting Virginia Department of Transportation and Town standards.

309.14 CURB AND GUTTER

Concrete curb and gutter shall be installed along both sides of all streets within the development. However, should a street act as a boundary for townhouse developments, curb and gutter need only be installed on the side of the street adjacent to the development.

309.15 SIDEWALKS

Sidewalks of a minimum of four (4) feet in width, constructed of concrete or brick, shall be installed from parking areas to the front of all townhouse structures served by such parking areas.

309.16 CUL-DE-SACS

The radius of cul-de-sacs shall be at least fifty (50) feet. No more than twenty-five (25) dwelling units shall be served by any cul-de-sac.

309.17 ACCESSORY BUILDINGS

Accessory buildings are not permitted except that on any lot there may be an enclosed storage shed not exceeding seven (7) feet in height, nor exceeding ten (10) feet in length by ten (10) feet in width.

309.18 WATER AND SEWER

All developments must be connected to a public water and public sewer system. Each unit shall have its own individual public water and sewer connection.

309.19 DESIGN VARIATION

Variation in townhouse design: The facades of dwelling units in a townhouse structure shall be varied by changed front yards of not less than two (2) feet and variation in materials and design so that not more than four (4) abutting units will have the same front yard depth and the same or essentially the same architectural treatment of facades and roof lines. Balconies and roofed porches may encroach up to five (5) feet within the setback area.

SECTION 310 – APARTMENTS

310.1 AREA REGULATIONS

The minimum lot size for apartment developments is eight thousand (8,000) square feet for an apartment structure having two (2) units, with an additional two thousand (2,000) square feet of lot area for each additional unit above two (2). There shall be no more than twelve (12) units contained in any one structure.

310.2 MINIMUM LOT WIDTH

The minimum lot width shall be one hundred (100) feet at the setback line.

310.3 MINIMUM YARD REQUIREMENTS

No structure shall be located closer than thirty (30) feet to any lot line when the structure is in an R-3 district nor closer than twenty (20) feet to any lot line when the structure is in a C district.

310.4 MAXIMUM BUILDING HEIGHT

The maximum height shall be three (3) stories, but not to exceed thirty-five (35) feet.

310.5 BUILDING COVERAGE

Structures shall not occupy more than forty (40) percent of the total tract area.

310.6 MANAGEMENT OF OPEN SPACE

(a) Should the units be for rental purposes, the developer or rental agent shall be responsible for maintenance and management of open space.

(b) Should the units be for sale, a non-profit association, corporation, trust, or foundation of all individuals or corporations owning residential property within the planned development shall be established to ensure the maintenance, management, and/or operation of open spaces and/or recreation parks in accordance with the Condominium Act, Code of Virginia, as amended.

(c) The developer must establish the organization prior to the sale of any lots. Membership in the organization shall be mandatory for all residential property owners, present or future, within the planned community.

310.7 DISTANCE BETWEEN STRUCTURES

The horizontal distance between groups of apartment structures shall be:

(a) Two (2) times the average height of the two groups of apartments for front or rear walls facing front or rear walls;

(b) One and one-half (1-1/2) times the average height of the building for front or rear walls facing side walls; and

(c) Equal to the height of the highest building for side walls facing side walls.

(d) At no point shall any building be closer to another building than the average height of both buildings.

310.8 SCREENING

Screening shall be provided of sufficient height and density to screen the site from adjoining residential properties. A planting plan specifying type, size, and location of existing and proposed planting material shall be submitted with the application for the permit.

310.9 PARKING FACILITIES

(a) Off-street parking, whether in a garage or on-lot, shall be provided on the premises at the rate of one (1) space for each apartment unit 1,000 square feet or less and two (2) spaces for each apartment unit greater than 1,000 square feet. **(02/14)**

(b) Required parking spaces shall be provided on the same lot as the building served ~~and shall be reviewed by the Planning Commission and approved by the Town Council~~.

(c) All access drives shall be at least fifteen (15) feet from any building on the lot and from exterior lot lines.

(d) Parking areas shall not be designed or located so as to require or encourage cars to back into a public street in order to leave the lot.

(e) Entrance and exit ways to parking areas shall have a minimum width of twelve (12) feet for each lane of traffic entering or leaving the site but shall at no time exceed thirty (30) feet in width at the street line.

310.10 DRAINAGE

(a) A storm run-off and drainage system shall be installed by the developer in accordance with sound engineering practice so as to adequately drain the project site, to adequately dispose of all run-off and drainage away from the project site, and so as not to permit excess flow of water across streets or adjoining properties. Plans for such drainage system shall be submitted and approved with the application for the permit.

(b) All provisions of Town ordinance and Virginia Stormwater Management Program regulations regarding storm drainage shall be complied with.

310.11 LIGHTING

Street lighting shall be provided on all public roads and shall be approved by Town Council.

310.12 STORAGE OF TRASH AND RUBBISH

Exterior storage areas for trash and rubbish shall be well screened on three (3) sides and contain vermin-proof containers.

310.13 SITE PLAN REVIEW AND APPROVAL

Site Plan drawn in accordance with Section 314 shall be ~~reviewed by the Planning Commission and~~ approved or rejected by the ~~Town Council~~ Designated Agent.

310.14 OTHER REGULATIONS FOR ALL APARTMENT CONSTRUCTION

(a) Each apartment structure and/or apartment parking area shall have access on a dedicated public street.

(b) Concrete curb and gutter shall be installed along both sides of all streets within the development. However, should a street act as a boundary for an apartment development, curb and gutter need only be installed on the side of the street adjacent to the development.

(c) Sidewalks of a minimum of four (4) feet in width, constructed of concrete or brick, shall be installed from parking areas to all apartment structures served by such parking areas.

(d) The radius of cul-de-sacs shall be at least fifty (50) feet. No more than 25 dwelling units shall be served by any cul-de-sac.

(e) All apartments must be connected to a public water and sewer system, and each apartment shall be considered as being one public water and sewer connection. However, nothing herein shall be construed as prohibiting an apartment building from being serviced by one meter. **(10/83)**

SECTION 311 - NURSING, CONVALESCENT, AND REST HOMES

311 In addition to the requirements of the district in which the Nursing, Convalescent, or Rest Home is located, such uses shall meet the following requirements:

311.1 All state rules and regulations for the licensing of such uses.

311.2 All requirements of the State Health Department and Fire Marshall's Office regarding such uses.

311.3 Architectural barriers (such as stairs) for residents of such establishments shall be overcome to the greatest extent possible. Additional safety features, such as handrails in various areas, shall be installed.

SECTION 312 – PROFESSIONAL OFFICES

312 Professional offices are subject to the following requirements:

312.1 All activity and equipment (other than parking) must be housed in a fully enclosed building.

312.2 No noise or odor produced as a result of activity in such offices shall be discernible beyond the boundaries of the lot.

312.3 All vehicular access to the site shall be from a street that meets Town standards for streets.

312.4 No display in the building shall be visible from outside the building.

SECTION 313 – TEMPORARY TRAILERS AND TEMPORARY TRAILER PARKS

313 Zoning permits for no more than two (2) temporary trailers at any one site may be issued by the Zoning Administrator, subject to the following conditions: **(10/83)**

313.1

(a) That the location of the trailer or trailers is necessary for the housing of construction workers employed on a construction project, or for offices for the construction project.

(b) That the request is filed by the contractor, with certification that placement of the trailer or trailers is essential to the project and that all such trailers will be removed from the site upon completion of the construction.

(c) That sanitary facilities shall be provided in accordance with all applicable requirements of the State Health Department.

(d) That the period for which such permits may be granted shall concur with the anticipated period of the construction, provided that applications for renewal may be submitted if more time is required to complete the project. Such renewal applications must be filed at least thirty (30) days prior to expiration of the temporary use permit.

(e) That the Zoning Administrator may establish such additional requirements as may be deemed necessary or advisable in the interests of the public good, including a requirement for the posting of a bond to assure that the temporary trailer or trailers will be removed and the site left in satisfactory condition. Any such bond shall be payable to the ~~Governing Body~~ Town Council, in a form and amount acceptable to ~~said Governing Body~~ the Town Council.

313.2 Zoning permits for three (3) or more temporary trailers may be approved by the ~~Governing Body~~ Town Council, subject to the conditions set forth in Section 313.1 herein, and further subject to the following additional conditions:
(10/83)

(a) That a minimum area of two thousand (2,000) square feet be provided for each space.

(b) That the ~~Governing Body~~ Town Council shall require the posting of a bond, in an amount and form acceptable to the ~~Governing Body~~ Town Council, to assure that all such temporary trailers will be removed and the site left in satisfactory condition at the completion of the construction project.

(c) That the contractor shall furnish satisfactory evidence of approval of proposed sanitation facilities by an appropriate official of the State and/or Clarke County Health Department.

(d) That application for renewal of any such temporary permit shall be filed at least sixty (60) days prior to the expiration of the permit.

SECTION 314 – SITE DEVELOPMENT PLANS (1/93)

314 INTENT

The purpose of these requirements is to promote the orderly development of certain activities in the Town and to ensure that such activities are developed in a manner harmonious with surrounding properties and in the interest of public health, safety, and welfare. The site plan shall be used to review a project's compatibility with its environment; to review the ability of proposed traffic circulation systems to provide for safe and convenient movement of vehicles and pedestrians; to review the quantity, quality, utility, and type of the project's community facilities; and to review the location and adequacy of the provision for drainage and utilities.

314.1 WHEN REQUIRED

(a) The provisions of this Section shall apply to all buildings, structures, or uses as noted in the Ordinance. Districts and uses which require a site plan include, but are not necessarily limited to, the following:

Districts	Uses
I Limited Industrial	Shopping Centers
L-1 Industrial	Townhouses
C General Commercial	Apartments
C-1 Commercial	Condominiums (in A-R District
C-2 Commercial	Industrial
M-R Multi-family Residential	Retail
B Business	Offices
BC Business Commercial	
BI Business Industrial	
ITL Institutional	

(b) A site plan shall also be submitted when a change of use of an existing structure requires additional parking or other significant external improvements.

314.2 WAIVER OF REQUIREMENTS

(a) Any requirement of this Section may be waived by the Agent where the waiver is not inconsistent with the intent of this Section, and the applicant establishes that an undue hardship would result from a strict enforcement of this Section, or that the requirement is unreasonable.

(b) The Agent may waive the requirements for site plan review for additions to buildings, structures, and uses if, in his/her opinion, such addition does not substantially affect the intent of this Section.

314.3 ADMINISTRATION

The administration and enforcement of this Ordinance shall be vested in the Designated Agent authorized by the Berryville Town Council.

(a) ~~Administrative Bodies~~ Designated Agent

1. ~~The Town Council hereby designates the Berryville Area Development Authority (BADA) as the Administrative Body for property within Annexation Area "B", as defined in the County/Town Agreement Defining Annexation~~

~~Rights, which is the subject of the application and for which no final Certificate of Occupancy has been granted.~~

~~2. In all other areas of Town, as well as for those plans involving property in Annexation Area "B" for which a final Certificate of Occupancy has previously been granted, the Town Council hereby designates the Berryville Planning Commission as the Administrative Body.~~

~~3~~.The ~~BADA and Planning Commission are~~ Designated Agent is delegated the power to administer this Section ~~within their respective jurisdictions~~, reviewing and approving or disapproving site plans as appropriate. The Designated Agent shall be responsible for the processing of site development plan applications, subject to the procedures provided herein. The ~~Administrative Bodies~~ Designated Agent may accept comments from the Town of Berryville, the County of Clarke, and other applicable public agencies when reviewing site plans.

(~~b~~) ~~Agent~~

~~The Planning Commission may act through the Berryville planning staff, and the BADA through the Berryville planning staff or the Clarke County planning staff (the "Agent"), to the extent the Administrative Bodies find it appropriate for the administration of this Section; provided that no agent may act for the Administrative Bodies in approving, conditionally approving, or disapproving any site plan. The Agent shall be responsible for the processing of site development plan applications, subject to the procedures provided herein.~~

(~~c~~ b) Inspection

All government officers and employees responsible for the enforcement of this Section shall have the right to enter upon any property at all reasonable times during the period of construction for the purpose of making inspections for compliance with this Section. It shall be the responsibility of the developer to notify the Designated Agent when each stage of the development is ready for inspection for compliance with the approved site plan ~~as approved by the Administrative Body~~. The developer shall make one (1) set of the approved site plan available at the site at all times during construction.

314.4 PROCEDURES

(a) Pre-Application Conference

All applicants shall first submit a sketch plan and request a pre-application conference with the Designated Agent to discuss the basic site development scheme, basic ordinance requirements, and preliminary features of the proposed development as they relate to this Section.

(b) Application

1. Application for approval of a site development plan shall be made by submitting an application form, fifteen (15) copies of the site plan, and the applicable fee, to the Designated Agent.
2. The Designated Agent shall review the submitted materials to determine if the basic requirements of this Section have been met. If in conformance, the

application shall be accepted for filing~~, and shall be forwarded to the Administrative Body~~.

3. The Designated Agent shall forward copies of the site plan to all applicable agencies and officials for written comments and recommendations. ~~After receiving such comments and recommendations, the Agent shall prepare a report for the Administrative Body.~~
4. The site plan and accompanying materials shall be available for public review in the Berryville town offices.
5. In addition to the fee set by the Town Council, the applicant shall also bear the costs of any professional services employed by the ~~Administrative Body~~ Town in reviewing the site plan.

(c) Action on Site Plan Application

1. Time Period – After receiving a complete application ~~from~~ the Designated Agent~~, the Administrative Body shall consider the application at the next regular monthly meeting. Within one hundred (100) days of this first meeting, the Administrative Body shall act to approve, approve with conditions, or disapprove the site plan. Failure of the Administrative Body to act within this one hundred (100) – day period shall be deemed approval of the site plan unless an extension of the time period is agreed upon by the Administrative Body and the applicant~~ shall within 60 days either approve or disapprove the site plan in writing, and giving with the latter specific reasons therefor. The Designated Agent shall act on any proposed site plan that it has previously disapproved within 45 days after the site plan has been modified, corrected and resubmitted for approval.

(d) Public Notice and Hearings

Action on site plans not requiring an ordinance amendment is administrative and does not require public notice or hearings. ~~However, the Administrative Body may provide public notice and hold public hearings on the site plan request, if it deems it desirable.~~

(e) Action by the Administrative Body

1. The ~~Administrative Body~~ Designated Agent shall approve the site plan if it finds that the plan meets the requirements of this Section; meets the intent of the Berryville Comprehensive Plan and/or its Berryville Area Plan component; and would promote the health, safety, and general welfare of the public.
2. The ~~Administrative Body~~ Designated Agent may condition approval of the site plan upon the applicant making certain changes or modifications to the plan, said conditions to be stated in writing by the ~~Administrative Body~~ Designated Agent.
3. The ~~Administrative Body~~ Designated Agent may disapprove a site plan, stating in writing the reasons for such disapproval.

(f) Appeals

Any applicant may appeal the decision of the ~~Administrative Body~~ Designated Agent by filing within thirty (30) days of the decision ~~of the Administrative Body~~ an appeal in writing to the ~~Town Council of Berryville, Virginia~~ Board of Zoning Appeals.

(g) Site Plans Submitted with Special Use Permit Applications

Where a site plan is submitted with a Special Use Permit application as required in Section 503 of this Ordinance, the action of the ~~Administrative Body~~ Planning Commission shall be in the form of a recommendation to the Town Council. Town Council shall then consider the site plan in conjunction with the Special Use Permit request, as outlined in Section 503.

314.5 SPECIFICATIONS

Every site plan shall be prepared in accordance with the following specifications:

(a) The scale shall be one (1) inch equals not more than fifty (50) feet.

(b) All site plans shall be submitted on 24- by 36-inch sheets.

(c) If the site plan is on more than one sheet, match lines shall clearly indicate where the sheets join.

(d) Horizontal dimensions shall be in feet and decimals of feet to the nearest one-hundredth (1/100) of a foot.

314.6 CONTENTS

The site plan or any portion thereof involving engineering, urban planning, landscape architecture, architecture, or land surveying shall be prepared by qualified persons. Site plans shall be certified by seal and signature of an architect, engineer, or land surveyor licensed to practice by the Commonwealth of Virginia within the limits of their respective licenses. The site plan shall contain the following information, as applicable.

(a) The proposed title of the project and the name of the engineer, architect, landscape architect, or surveyor; the name of the developer; and the name and address of the property owner.

(b) A signature area for approvals by ~~the chairman of the Administrative Body and~~ the Designated Agent.

(c) Signature of the property owner.

(d) North point, scale, and date.

(e) Vicinity map at a scale of one (1) inch equals not more than two thousand (2,000) feet, showing the location of the project in relation to corporate limits, town streets, and other prominent features.

(f) Existing zoning and zoning district boundaries for the property in question, and for immediately surrounding properties.

(g) The present owner and use of all properties contiguous or directly across the street.

(h) The boundaries of the property involved by bearings and distances, certified by a land surveyor licensed to practice in the Commonwealth of Virginia.

(i) All existing property lines, existing streets, buildings, watercourses, waterways, lakes, and other existing physical features on or adjoining the property. Size and height of existing buildings on the property should be shown. Features on adjoining properties need only be shown in approximate scale and proportion.

(j) Topography of the project area with contour intervals of two (2) feet or less.

(k) Location and sizes of sanitary and storm sewers, gas lines, water lines, culverts, fire hydrants, and other above-ground or underground structures in or affecting the project, including existing and proposed facilities, and easements for these facilities.

(l) The location, dimensions, name, and construction details (including typical sections) of proposed streets, alleys, driveways, and the location, type, and size of ingress and

egress to the site. When proposed streets intersect with existing streets, both edges of existing pavement or curb and gutter must be indicated for a minimum of fifty (50) feet or the length of connections, whichever is greater.

(m) The location of all off-street parking, loading spaces, and walkways, indicating the types of surfacing, size and angle of stalls, width of aisles, and a schedule showing the number of parking spaces.

(n) The location, height, type, and material of all fences, walls, screen planting, and landscaping details of all buildings and grounds, and the location, height, and character of all outdoor lighting systems.

(o) The location of all proposed buildings and structures, primary and accessory; number of stories and height; proposed general use of each structure; and the number, size, and type of dwelling units, where applicable.

(p) Provision for the adequate disposition of natural and storm water indicating the location, sizes, types, and grades of ditches, catch basins, detention ponds (showing 10-year and 100-year elevations), and pipes and connections to existing drainage systems. Plans shall be in accordance with the Berryville Stormwater System Master Plan and Virginia Stormwater Management Program regulations.

(q) Provisions, plans, and schedules for the adequate control of erosion and sediment, in accordance with the Town of Berryville Erosion and Sediment Control Ordinance.

(r) Proposed finished grading by contour, supplemented where necessary by spot elevations.

(s) Floodplain studies as required by the Designated Agent.

(t) The location, size, height, materials used, orientation, and illumination of proposed signs.

(u) The location, dimensions, and total area of proposed recreation, open space, and required amenities and improvements.

(v) The location of all wooded areas on the site; the location of all other individual trees with a diameter of eight (8) inches or more, measured one (1) foot above the ground; and an indication of which trees are to be retained and which are to be removed.

(w) A landscape plan (same scale as site plan), meeting the minimum landscape standards described below.

(x) Development sequence for phased construction, if applicable.

(y) Building restriction lines.

(z) Distance to nearest school or school site.

(aa) Elevation plans for all exterior facades of proposed structures, showing design features and indicating materials and colors to be used.

(bb) Source of title of the owner of record, including deed book and page reference of the last instrument in the chain of title.

(cc) Total site acreage of individual lots and street rights-of-way.

(dd) Location and acreage to the nearest one-tenth (0.1) acre of Critical Environmental Areas, including the following: slopes between 15 and 25 percent; slopes greater than 25 percent; rock outcroppings; sinkholes; floodplains and floodplain soils; current drainage channels; bodies of water; stormwater management facilities; utilities; and other sensitive areas defined by the Designated Agent. The Designated

Agent may require that a geotechnical report be submitted where warranted by soil or water conditions.

(ee) Floor area ratio (FAR) and impervious surface coverage for all structures on the property.

(ff) Maximum number of employees anticipated, if industrial, commercial, or office; net density of dwelling units, if residential.

(gg) Anticipated daily and peak water demand and sewage flows for the site.

(hh) Anticipated daily vehicle trips generated by the site development; capacity of existing and proposed streets; sight distances for all intersections; proposed improvements within existing street rights-of-way; further traffic studies as required by the Designated Agent.

(ii) A copy of all proposed homeowners' association by laws, and other covenants or maintenance documents where common ownership is anticipated.

(jj) A copy of rezoning proffers, Special Use Permit conditions, or variances granted for the property shall be submitted with the site plan.

(kk) Bond estimates for all required improvements.

(ll) Any necessary notes required by the Agent to explain the purpose of specific items on the plan.

(mm) Additional information as deemed necessary by the Designated ~~Administrative Body or the~~ Agent.

314.7 IMPROVEMENTS AND MINIMUM STANDARDS

To further the intent of this Section and to protect public safety and general welfare, no site plan shall be approved until the ~~Administrative Body~~ Designated Agent is assured that improvements will be made which meet the following minimum standards:

(a) Streets and Rights-of-Way

1. Streets, driveways, access roads and rights-of-way shall be constructed and dedicated, and existing streets widened and improved as necessary, when the need for such streets and improvements is generated by the proposed development, or is indicated in the Berryville Comprehensive Plan and/or its Berryville Area Plan component.
2. All street construction standards and geometric design standards shall be in accord with the standards of the Berryville Subdivision Ordinance, the Virginia Department of Transportation, or other standards provided by the Town of Berryville. However, the ~~Authority or the~~ Designated Agent may modify standards for local, collector, and minor loop streets, provided that off-street parking sufficient to accommodate required parking ratios are provided to complement the street system, and approval of the modifications is obtained from the Virginia Department of Transportation, where applicable.
3. All development must have direct access to public dedicated and State or Town-maintained roads. Sites or lots shall not have direct access to any arterial road, unless the physiography, shape, or size of the tract precludes other methods of access.
4. Where traffic generated from an entire development exceeds 2,000 vehicle trips per day, such development shall provide connectors to existing public roads at two or more locations. Where only one connection is physically achievable, the

connecting portion of the entrance road must be a four-lane divided road extending not less than two hundred fifty (250) feet into the development. No internal vehicular connection shall be permitted on this entrance section.

5. Streets and rights-of-way shall permit access to adjoin properties in conformance with the Berryville Area Plan, Comprehensive Plan, and the satisfaction the ~~Administrative Body or the~~ Designated Agent.
6. Travel ways designed for on-site two-way vehicular traffic circulation shall in no case have a pavement width of less than twenty (20) feet.

(06/24) 7. Street right-of-way widths shall conform to the following chart:

ROW WIDTH	ADT	Design Speed	Road Width (Parking 2 sides)	Curb & Gutter	Buffer Strip	Sidewalk Width
55’	Up to 2,000	25 mph	30’	CG-6	5’	5’
65’	2,001 to 4,000	25 mph	36’	CG-6	7’	5’

(b) Cul-de-Sacs

Cul-de-sacs shall be designed and constructed in accordance with the street standards of the Berryville Subdivision Ordinance, or with other standards provided by the Town of Berryville. Cul-de-sacs may not be used as parking areas.

(c) Parking

Parking bays shall be constructed to standards compatible with those of the adjoining public street, and shall be provided in a quantity according to the schedule set forth in the Berryville Zoning Ordinance. Off-street parking spaces shall be accessed via private travel ways, and not directly accessed from public rights-of-way.

(d) Sidewalks, Paths, and Walkways

Sidewalks, paths, and/or walkways shall be provided to enable the public to walk safely and conveniently from one building to another on the site, to and from adjacent sites, and to and from sidewalks in the public right-of-way. The construction material to be used must meet the approval of the Administrative Body or the Agent.

(e) Curb and Gutter

Curb and gutter (CG-6 or approved equivalent) shall be required on all new public streets. The Administrative Body may require curb and gutter on off-street parking areas, service drives, private streets, and around medians, where warranted by conditions. Upon recommendation from the Virginia Department of Transportation, the Administrative Body may waive the requirement for curb and gutter when in keeping with existing conditions on adjacent sites, and when safe travel and adequate stormwater management can be assured without curb and gutter.

(f) Utilities and Utility Easements

All utilities necessary to serve the proposed development shall be installed by the developer, and shall be installed underground in accordance with the adopted facilities plans of the Town of Berryville; provided however, that:

1. Equipment such as electric distribution transformers, switchgear, meter pedestals, and telephone pedestals, which are normally installed aboveground, may continue to be so installed;
2. Meters, connections, and similar equipment normally attached to outside walls may be so installed; and
3. Dedications of right-of-way easements shall be made for all utilities and facilities that are intended to be publicly maintained. Easements shall be clearly defined for the purposes intended. Minimum easement widths shall be as specified by the Administrative Body, the Agent, or utility company.

(g) Water and Sewer Systems

All water distribution and sewer collection systems shall be designed to accommodate normal and peak demand loads. All such systems shall be designed to meet or exceed the specifications of the Berryville Area Water and Sewerage Program. Regulations of the Virginia Department of Health and other state agencies shall also be met, as applicable.

(h) Stormwater Management

The stormwater runoff rate for a developed area shall be equal to or less than the runoff rate for the area prior to development. The policies and design criteria for meeting those goals are addressed in the Berryville Area Stormwater System Master Plan. Dedicated easements shall be provided for all facilities. As noted in the Master Plan, a pro-rata monetary contribution toward off-site drainage improvements may be substituted for on-site improvements, though only for those so designated in the Master Plan.

(i) Soil Suitability

The U.S. Department of Agriculture, Soil Conservation Service, shall be referred to for commenting on the suitability of soils for intended development, and on any special measures that are recommended for development on a certain soil classification. The applicant shall provide a generalized mapping of on-site soils and their engineering characteristics.

(j) Landscaping, Screening, Buffering

1. Where non-residentially zoned land is developed adjacent to land zoned for residential or open space uses, or where residentially zoned land is developed adjacent to a railroad or limited access highway, a landscaped buffer strip a minimum of ten (10) feet wide shall be provided along the common property line. The buffer shall include fencing and plant material. Fencing shall consist of a solid opaque wood fence or masonry wall six (6) feet in height. Plant material shall consist of deciduous trees, evergreen trees, and/or shrubs, in addition to ground cover, and shall be provided on at least one side of the fence.
2. All refuse containers shall be completely enclosed with a solid opaque wood fence or masonry wall at least six (6) feet high.
3. Mechanical equipment (including HVAC), energy conservation or collection equipment, or communications transmitting or receiving apparatus should be screened from public view.

4. Walls and fences used for screening should be composed of such traditional materials as brick, stone, or wood. Use of chain link, plastic, fiberglass, and plywood is discouraged.
5. For all uses, a landscaped buffer strip a minimum of ten (10) feet wide shall be provided along all public rights-of-way. The buffer shall include plant material consisting of deciduous trees, evergreen trees, and/or shrubs, in addition to living ground cover.
6. Where parking areas are adjacent to public rights-of-way, landscaping shall include shrubs and/or berms to screen parked automobiles.
7. New/replacement trees shall be spaced no farther apart than an average of fifty (50) feet, on center, and placed as close to the roadway as allowed in the Virginia Department of Transportation's Guidelines for Planting Along Virginia's Roadways.
8. Parking lots containing ten or more spaces shall be planted with at least one (1) deciduous tree per eight (8) spaces, meeting the following requirements:
   (a) Such required trees shall be surrounded by not less than forty (40) square feet of permeable, unpaved area.
   (b) Other landscaping materials, including shrubs and groundcover, shall be included with the trees on parking islands.
   (c) Each parking island shall have at least one (1) tree.
   (d) Trees shall be at least ten (10) feet apart if on the same parking island.

9. Tree Specification:
   (a) Required street and parking island trees shall be major deciduous hardwood trees (maple, oak, linden, sycamore, etc.) meeting the following requirements:
      (i) Cast moderate to dense shadow; be long-lived (60+ years); be tolerant of pollution; be tolerant of direct or reflected heat; require little maintenance; be physically hardy and insect/disease resistant; be able to survive two years with no irrigation after establishment; be of native origin.
      (ii) All deciduous trees shall have a minimum trunk diameter of two-inch caliper measured at 4.5 feet from the ground when planted.
   (b) Any evergreen tree shall be a minimum of five (5) feet in height when planted.
10. The property owner shall be responsible for maintenance and replacement of such landscape material, as needed.

(k) Lighting

All outdoor lighting fixtures shall be shielded to prevent glare on adjacent properties or rights-of-way. No lighting fixtures shall exceed twenty-five (25) feet above the ground in height.

(06/24) The placement of street lights shall follow the guidelines below:

Residential

- *At intersections:*

In order to provide lighting within the intersection area of two local streets, a light ball shall be installed on one corner of any intersection or opposite the intersection in the case of a T-intersection.

- *Within cul-de-sac bulbs:*
  A light pole will be installed within the cul-de-sac bulb when the cul-de-sac street is longer than 200 feet measured from the intersection of the intersection local streets to the center of the cul-de-sac bulb.
- *Mid-block streetlights:*
  A minimum number of mid-block streetlights shall be installed in order to achieve a desired pole spacing of approximately 250 feet. The maximum spacing between lights should not exceed 300 feet and the minimum spacing between lights should not be less than 200 feet unless otherwise approved by the Director of Public Works. Lights should desirably be located on or near property lines and not in front of structures when possible.

Collector Street Lighting
Street lights on collector streets with rights-of-way of sixty 60 feet or more with ADT's of 2,001 vehicles or more shall maintain separation based on the guidelines established above. Cobra head fixtures may be installed on these roadways.

Commercial
Commercial street lighting will be reviewed on a performance-based review as part of the site plan review and based on guidelines established above.

(l) Erosion and Sediment Control
An erosion and sediment control plan for the entire disturbed area of a development shall be prepared in accordance with the Berryville Erosion and Sediment Control Ordinance, and must receive the approval of the Lord Fairfax Soil & Water Conservations District Board.

(m) Miscellaneous Design Criteria
All other criteria and specifications shall be in accordance with Town standards, where provided. Where Town standards are not provided, the Administrative Body shall provide those standards or shall rule upon the standards proposed by the developer.

314.8 CONSTRUCTION AND BONDING

(a) No site improvement activities may occur unless all of the following have been met:
1. Approval of final site plan and erosion and sediment control plan.
2. Approval of erosion and sediment control bond, and installation of erosion and sediment control measures.
3. Posting of construction bond.

(b) All improvements required by this Section shall be installed at the cost of the Developer, except where cost sharing or reimbursement agreements between the Town and the applicant are appropriate, the same to be recognized by formal written approval prior to site plan approval.

(c) The approval of a site plan and/or the installation of improvements shall not obligate the Town to accept the improvements for maintenance, repair, or operation. Acceptance shall be subject to Town and/or State regulations, where applicable, and dependent on the satisfactory nature of the improvements.

(d) The applicant is required to post a bond or other acceptable surety covering the construction and satisfactory completion of all required on-site and off-site improvements. Such bond shall be posted under the provisions of Berryville Area Plan Bonding Agreement.

314.9 REVISIONS

The Designated Agent may administratively approve changes to an approved site plan which the Designated Agent determines are minor revisions, complying with all provisions of the Section and having no additional adverse impact on public facilities or adjacent properties. Major revisions are permitted, provided that they are approved by the Administrative Body in the same manner as the original site plan.

314.10 TERMINATION AND EXTENSION

An approved site plan shall expire and become null and void if all approved development is not completed within five (5) years from the date of approval. The ~~Administrative Body or the~~ Designated Agent may grant a one (1)-year extension upon written request.

314.11 BUILDING PERMITS

For all properties and uses subject to this Section, no building permit shall be issued to construct or alter any structure, or authorization granted to improve land, until a site plan has been approved.

(2/01) SECTION 315 – HOME OCCUPATIONS, HOME OFFICES

315.1 INTENT

The Town Council intends to allow Home Occupations and Home Offices in the town to foster economic activity. Through the application of this Ordinance, the Town Council intends to preserve the sanctity, tranquility, value, appearance, and ambiance of the residential neighborhoods, residential units, or residential uses in the Town and to prevent, eliminate, or discontinue home-based businesses that negatively impact residents living near, around, or next to the site of the home-based business.

315.2 ALLOWANCE OF HOME OCCUPATIONS AND HOME OFFICES

(a) Under the terms of the Section, a Home Office may be conducted by right in any dwelling unit in any residence in the Town.

(b) Home occupations are allowed in residences either by right or by Special Use Permit as permitted in a given zoning district.

(c) No such use shall be instituted or maintained unless the Zoning Administrator has first issued a zoning permit for this use.

315.3 ADMINISTRATION AND ENFORCEMENT

(a) The practitioner of the proposed Home Occupation or Home Office shall file a zoning permit application with the Zoning Administrator. The application shall include a description of the business to be conducted, the square footage of the dwelling unit and the square footage to be used for the Home Occupation or Home Office, and the names and addresses of the proposed owners.

(b) A Home Occupation or Home Office may be conducted within a dwelling unit or accessory building only so long as the business use remains incidental and secondary to the use of the dwelling unit as a place of residence. The Zoning Administrator shall determine if a Home Occupation or Home Office is not, or stops being, incidental and secondary to the use of the dwelling unit as a place of residence if and when Town officers, or residents living near, around, or next to the dwelling unit used for a Home Occupation or Home Office may hear, see, smell, or detect the existence of this use, in such a manner as alters the residential character of

the zoning district in which the Home Occupation or Home Office is located. In making this determination, the Zoning Administrator shall rely on the intent Section of the respective zoning district regulations, the Intent Section of this Article, and any public affidavits filed by such residents. If the Zoning Administrator determines that due to growth or change in the Home Occupation or Home Office, the Home Occupation or Home Office is no longer consistent with this Article and other relevant provisions of this Section, the Zoning Administrator may revoke the zoning permit issued to the person conducting the Home Occupation or Home Office. The person conducting this use shall cease operation after forty-five days written notice mailed by certified mail. During this time period the business owner may apply to the Board of Zoning Appeals for a determination of the Zoning Administrator's decision.

(c) The Town Treasurer shall refuse to issue a business license to any person conducting a Home Occupation or Home Office that the Zoning Administrator certifies is in violation of this Article.

(d) No vested rights shall accrue to any person as to a Home Occupation or Home Office that begins as conforming to this Article and through growth or change becomes inconsistent with this Article and related provisions of this Section.

315.4 GENERAL RESTRICTIONS ON HOME OCCUPATIONS AND HOME OFFICES **(2/01)**

A use within a residential dwelling shall meet the following criteria in order to qualify as either a Home Occupation or Home Office:

(a) Such use shall be clearly incidental to a dwelling and if located within the dwelling, it must not occupy more than twenty-five (25) percent of the floor area of the principal structure.

(b) No Home Occupation conducted in any accessory building shall occupy more than four hundred (400) square feet, which area shall be included in the maximum square footage allowed in Section 315.4(a). If located within an accessory building, a landscaping plan must be submitted for review and approval by the Zoning Administrator. If a Special Use Permit is required, the landscaping plan will be reviewed by the Planning Commission.

(c) Such use shall be carried on by a resident or residents of the premises. No person not a resident on the premises may be employed, nor may there be sub-contracting of any work performed at the premises.

(d) No stock, commodity, equipment or process shall be used in the Home Occupation which creates noise, vibration, glare, fumes, odors, electromagnetic interference, or radio frequency interference detectable to the normal senses off the lot if the occupation is conducted in a detached single-family residence, or outside the dwelling unit if conducted in an attached residence.

(e) There shall be no exterior evidence that the building is being used for any purpose other than a dwelling.

(f) There shall be no motor vehicle regularly operated from the premises that carries advertising.

(g) All applicable licenses and permits shall be secured and other local, state, and federal requirements satisfied.

(h) A Town of Berryville business license shall be obtained in accordance with Chapter 9 of the Code of the Town of Berryville (if applicable).

(i) Home Occupation/Home Office permits shall be automatically renewed annually; however, permit shall be reviewed upon receipt of complaints.

315.5 HOME OCCUPATIONS **(12/92)**

In addition to those requirements listed in Section 315.4 above, a use within a residential dwelling shall meet the following criteria in order to qualify as a Home Occupation:

(a) There shall be no advertising sign displayed other than a nameplate not exceeding two (2) square feet in area on each face of said plate.

(b) No storage of explosive or hazardous material is permitted in quantities not normally found in a residence.

(c) Vehicular repair is specifically prohibited as a Home Occupation.

315.6 HOME OFFICE

In addition to the requirements listed in Section 315.4, a Home Office shall be a permitted use in a residential dwelling when fully meeting each of the following criteria:

(a) Customers shall not come to the premises in order to receive the service provided.

(b) There shall be no signs identifying or advertising the Home Office either attached to the dwelling or posted in the yard.

(c) There shall be no advertising of the street address.

SECTION 316 – PROVISIONS FOR CUL-DE-SAC LOTS

316 PROVISIONS FOR CUL-DE-SAC LOTS

The minimum width of any lot 15,000 square feet or greater in area that fronts on a cul-de-sac, as defined in Section IX of the Subdivision Ordinance, shall not be more than a twenty (20) percent reduction at the setback line as set forth in the appropriate zoning district regulations. **(9/98)**

SECTION 317 – KARST FEATURES (07/04)

317.1 Prior to the issuance of a Zoning Permit for principal structures or additions thereto on lots in subdivisions for which a Karst Plan has been prepared or lots of record on which karst features have been identified, a geotechnical study shall be conducted at the site of the principle structure or addition to determine the existence of karst features. If karst features are found, a remediation plan shall be prepared by a PE or PG in order to protect the health, safety, and welfare of the occupants of the structure. This remediation plan shall:

a. provide for mitigation of all karst features and sinkholes, except those identified as Critical Environmental Areas, in accordance with the Virginia Department of Transportation's Location and Design Division Instructional and Informational

Memorandum 228 (IIM-LD-228) or other applicable mitigation standard as recommended by a PE or PG and approved by the Town's Engineer and the Town's Zoning Administrator, or

b. the applicant shall submit a report prepared by a PE or PG that identifies subsurface conditions within one-hundred (100) feet, or an appropriate distance as determined by the Town Zoning Administrator and Town's Engineer, of the discernable edge of any sinkhole or karst feature and establishes a minimum recommended setback for structures and a minimum recommended ground water protection buffer approved by the Town's Engineer and the Town's Zoning Administrator shall review and approve the report before issuance of said permit. **(7/04)**

317.2 Sinkholes or karst features that are discovered during construction shall be mitigated in accordance with the Virginia Department of Transportation's Location and Design Division Instructional and Informational Memorandum 228 (IIM-LD-228) or other applicable mitigation standard as recommended by a PE or PG and approved by the Town's Engineer and the Town Zoning Administrator. Said mitigation shall be completed prior to the issuance of a Certificate of Occupancy.

317.3 Prior to the issuance of a Certificate of Occupancy for any structure, the location of sinkholes and karst features and method of mitigation, including volume of material used, shall be identified on a plat by a Certified Land Surveyor or PE and recorded in the land records of the Clerk of the Circuit Court for the County of Clarke.

317.4 The provisions of this Section shall not apply to accessory or agricultural structures to be located on parcels zoned Open Space Residential (OSR) and where the discernable edge of a sinkhole or karst features are in excess of one-hundred (100) feet from said structure.

SECTION 318 – STREAMS AND SPRINGS (07/04)

318 Except in areas where floodplains have been established by the Federal Emergency Management Agency and identified on Flood Insurance Rate Maps (FIRM), all structures shall be set back a minimum of 25 feet from intermittent streams and set back a minimum of 100 feet from perennial streams and perennial springs. In areas where the floodplain has been identified on a FIRM, the provisions of Section 206 of this ordinance shall apply.

SECTION 319 – SIDEWALKS (09/05)

319.1 RESIDENTIAL SUBDIVISIONS

In residential subdivisions, sidewalks shall be required on both sides of all public streets within the subdivision and along the side of each public street, except Virginia Route 7 Bypass, which borders the subdivision.

319.2 OTHER

In other than residential subdivisions, sidewalks shall be required as provided in Section 314.7(d) of this Ordinance.

SECTION 320 – CURB AND GUTTER (09/05)

320.1 RESIDENTIAL SUBDIVISIONS

In residential subdivisions, curb and gutter shall be required on both sides of all public streets within the subdivision and along the side of each public street, except Virginia Route 7 Bypass, which borders the subdivision. **(1/06)**

320.2 OTHER

In other than residential subdivisions, curb and gutter shall be required as provided in Section 314.7(e) of this Ordinance.

SECTION 321 – PUBLIC TREE ORDINANCE (6/07)

321 Statement of Intent

It is recognized that trees add a great deal to property values by providing shade, erosion control, and general beauty to the Town, making the latter more appealing to visitors and pleasant for the citizenry.

It is further recognized that landscaping on public property also adds to the general beauty and appeal of the Town, thereby enhancing both tourism and the quality of life for the citizenry.

It is, therefore, the purpose of this chapter to set forth a policy which encourages the planting, nurturing, and proper maintenance of all trees on public property. Experience has shown that trees, under some circumstances, can be hazardous to public safety; hence, this chapter also provides for tree pruning or removal when conditions warrant.

321.1 Definitions

Street trees – "Street trees" are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the Town.

Park trees – "Park trees" are herein defined as trees, shrubs and all other woody vegetation in public parks having individual names, and all areas owned by the Town, on to which the public has free access as a park.
Native – A plant that lives or grows naturally in a particular region without direct or indicted human intervention.
Small tree – Small trees shall have a mature height of up to thirty (30) feet and have an equal spread as described in the Manual of Woody Landscape plants.
Medium tree – Medium trees shall have a mature height between thirty (30) and forty-five (45) feet with a spread of at least thirty feet as described in the Manual of Woody Landscape Plants.
Large tree – Large trees shall have a mature height of over forty-five (45) feet and have an equal spread as described in the Manual of Woody Landscape Plants.

321.2 Creation and Establishment of a Town Tree Board

There is hereby created and established a Town Tree Board for the Town of Berryville which shall consist of five members, citizens and residents of the Town of Berryville, who shall be appointed by the Town Council. **(09/18)**

321.3 Term of Office

The term of the five persons to be appointed by the mayor shall be four years except that the term of two of the members appointed to the first board shall be for only two years. In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed for the unexpired portion of the term.

321.4 Compensation

Members of the Board shall serve without compensation.

321.5 Duties and Responsibilities

(a) Serve to enhance the public participation in the beautification of the Town through landscaped improvements by using, whenever possible, native plant species;
(b) Act as an advocate for both public and private landscaping, assisting in the coordination of both;
(c) Provide advisory oversight to the amendment and implementation of the comprehensive landscape master plan;
(d) Assist with the education of the public on matters of public landscaping through materials, public appearances and media exposure as appropriate; and
(e) Act in an advisory and advocacy role to the Town Council and Town Manager.

321.6 Operation

The Board shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall constitute a quorum to the transaction of business.

321.7 Street Tree Planting

(a) Every effort should be made to plant native tree species.

(b) The spacing of street trees will be in accordance with the three species size classes listed under Section 321.1. Spacing shall be 30 feet for small trees; 40 feet for medium trees and 50 feet for large trees, except in special plantings designed or approved by a landscape architect.

(c) No trees shall be planted closer to any curb or sidewalk than the following: small trees – 2 feet; medium trees – 3 feet; and large trees – 4 feet.

(d) No street tree shall be planted closer than 35 feet from any street corner, measured from the point of nearest intersecting curbs or curb lines.

(e) No street tree shall be closer than 10 feet from a fire hydrant.

(f) No street trees shall be planted under or within 15 feet of any overhead wire or over or within ten (10) lateral feet of any underground water line, sewer line, transmission line, or any other utility.

321.8 Public Tree Care

(a) The Town shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

(b) Before the removal of any street tree or park tree, or any part thereof, by the Town, or before the Town issues an order directing said removal, the Town shall advise the Tree Advisory Board in writing of its intention and the reasons thereof. The Tree Advisory Board shall have 30 days after receipt of such notice to make its recommendation to the Town with respect thereto, suggesting, if possible, any alternative to the proposed removal. Such alternatives are advisory only, the decision to remove hereunder being at the discretion of the Town Manager.

(c) The Town shall not remove a street tree of significant size, or permit removal by others, unless notice of the intended removal or destruction is given. The notice shall consist of a durable and legible statement of the Town's intent, affixed to and easily visible on the tree for not less than five days immediately preceding the contemplated removal or destruction; and the notice shall state the reason for the intended removal or destruction of the tree and the person or persons to whom inquiries or protests thereon may be directed.

(d) In the event of an emergency situation, such as a fallen tree or some other condition or occurrence requiring an immediate removal or destruction of a tree along one of these public ways, the Town may remove or destroy the tree without complying with the foregoing provisions of this section. "Emergency situation" shall include, but is not limited to, trees posing an immediate danger to public safety and trees causing stoppage of utility services such as water lines, sewer lines, electric or power lines or other public or private improvements; all as determined by the Director of Public Works for the Town.

(e) When a tree is removed it shall be Town policy to plant a replacement in the general area to include planting on private property, with the consent of the owner.

321.9 Review by Town Council

The Town Council shall have the right to review the conduct, acts, and decisions of the Town Tree Board. Any person may appeal from any ruling or order of the Town Tree Board to the Town Council who may hear the matter and make final decision.

321.10 Penalty

Any person violating any provision of this ordinance shall be, upon conviction or a plea of guilty, subject to a fine not to exceed $500.

322 EROSION AND SEDIMENT CONTROL ORDINANCE (06/24)

322.1 TITLE, PURPOSE, AND AUTORITY

This ordinance shall be known as the "Erosion and Sediment Control Ordinance of the Town of Berryville." The purpose of this ordinance is to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources of the Town of Berryville by establishing requirements for the effective control of soil erosion, sediment deposition, and non-agricultural runoff and by establishing procedures whereby these requirements shall be administered and enforced.

This ordinance is authorized by § 62.1-44.15:54 of the Code of Virginia.

322.2 DEFINITIONS

Agreement in lieu of a plan – a contract between the Town of Berryville and the owner that specifies conservation measures that must be implemented to comply with the requirements of this ordinance for the construction of a (i) single-family detached residential structure or (ii) farm building or structure on a parcel of land with a total impervious cover percentage, including the impervious cover from the farm building or structure to be constructed, of less than five percent; this contract may be executed by the Town of Berryville in lieu of a formal site plan.

Applicant – any person submitting an erosion and sediment control plan for approval in order to obtain authorization for land-disturbing activities to commence.

Board – The State Water Control Board.

Certified inspector for ESC – an employee or agent of the VESCP authority who (i) holds a certificate of competence from the department in the area of project inspection or (ii) is enrolled in the department's training program for project inspection and successfully completes such program within one year after enrollment.

Certified plan reviewer for ESC – an employee or agent of a program authority who (i) holds a certificate of competence from the department in the area of a plan review, (ii) is enrolled in the department's training program for plan review and successfully completes such program within one year after enrollment, or (iii) is licensed as a professional engineer, architect, landscape architect, or land surveyor pursuant to Article I (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia or a professional soil scientist as defined in § 54.1-2200 of the Code of Virginia.

Certified program administrator for ESC – an employee or agent of the VESCP authority who (i) holds a certification from the department in the classification or program administrator or (ii) is enrolled in the department's training program for program administration and successfully completes such program within one year after enrollment.

Clearing – any activity which removes the vegetative ground cover including, but not limited to, root mat removal or topsoil removal.

Department – the Department of Environmental Quality.

Development – means a tract of land developed or to be developed as a single unit under single ownership or unified control which is to be used for any business or industrial purpose or is to contain three or more residential dwelling units.

District or **Soil and Water Conservation District** – refers to the Lord Fairfax Soil and Water Conservation District.

Erosion and sediment control plan or **plan** – a document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory and management information with needed interpretations, and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions to ensure that the entire unit or units of land will be so treated to achieve the conservation objectives.

Erosion impact area – an area of land not associated with current land-disturbing activity but subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land of 10,000 square feet or less used for residential purposes.

Excavating – any digging, scooping or other methods of removing earth materials.

Filling – any depositing or stockpiling of earth materials.

Grading – any excavating or filling of earth material or any combination thereof, including the land in its excavated or filled conditions.

Land disturbance or **land–disturbing activity** – a man-made change to the land surface that may result in soil erosion or has the potential to change its runoff characteristics, including the clearing, grading, excavating, transporting, and filling of land.

Land Disturbing Permit or **approval** – a permit or an approval allowing a land-disturbing activity to commence issued by the Town of Berryville after the requirements of § 62.1-44.15:55 of the Code of Virginia have been met.

Natural channel design concepts – the utilization of engineering analysis and fluvial geomorphic processes to create, rehabilitate, restore, or stabilize an open conveyance system for the purpose of creating or recreating a stream that conveys its bankfull storm event within its banks and allows larger flows to access its bankfull bench and its floodplain.

Owner – the same as provided in § 62.1-44.3 of the Code of Virginia. For a land-disturbing activity that is regulated under Article 2.4 (§ 62.1-44.15:51 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia and this ordinance, "owner" also includes the owner or owners of the freehold of the premises or lesser estate therein, mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or other person, firm, or corporation in control of a property.

Peak flow rate – the maximum instantaneous flow from a prescribed design storm at a particular location.

Percent impervious – the impervious area within the site divided by the area of the site multiplied by 100.

Permittee – the person to whom the permit is issued.

Person – any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town or other political subdivision of the Commonwealth, governmental body, including a federal or state entity as applicable, any interstate body, or any other legal entity.

Plan-approving authority or **VESCP** – the Zoning Administrator is responsible for determining the adequacy of a plan submitted for land-disturbing activities on a unit or units or lands and for approving plans.

Program authority or **VESCP authority** – the Town of Berryville which has adopted a soil erosion and sediment control program that has been approved by the Board.

Responsible Land Disturber or **RLD** – an individual holding a certificate issued by the department who is responsible for carrying out the land-disturbing activity in accordance with the approved ESC plan. The RLD may be the owner, applicant, permittee, designer, superintendent, project manager, contractor, or any other project or development team

member. The RLD must be designated on the ESC plan or permit as defined in the Virginia Erosion and Stormwater Management Regulation (9VAC25-875) as a prerequisite for engaging in land disturbance. The RLD must be designated on the ESC plan or permit as defined in this ordinance as a prerequisite for engaging in land disturbance.

Runoff volume – the volume of water that runs off the land development project from a prescribed storm event.

Single-family detached residential structure – a noncommercial dwelling that is occupied exclusively by one family.

State waters – all water, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdictions, including wetlands.

Town – the incorporated Town of Berryville.

Transporting – any moving of earth materials from one place to another place other than such movement incidental to grading, when such movement results in destroying the vegetative ground cover either by tracking or the buildup of earth materials to the extent that erosion and sedimentation will result from the soil or earth materials over which such transporting occurs.

Virginia Erosion and Sediment Control Program or **VESCP** – a program approved by the department that has been established by a VESCP authority for the effective control of soil erosion, sediment deposition, and non-agricultural runoff associated with a land-disturbing activity to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources and shall include such items where applicable as local ordinances, rules, policies and guidelines, technical materials, and requirements for plan review, inspection, and evaluation consistent with the requirements of the Erosion and Sediment Control Law (ESCL).

Virginia Erosion and Sediment Control Program authority or **VESCP authority** – the Town of Berryville that has been approved by the department to operate a Virginia Erosion and Sediment Control Program in accordance with Article 2.4 (§ 62.1-44.15:51 et seq.) of Chapter 3.1, the State Water Control Law, of Title 62.1 of the Code of Virginia.

VESCP plan-approving authority – the Department of Planning and Zoning is responsible for determining the adequacy of a plan submitted for land-disturbing activities on a unit or unit of lands and for approving plans.

VPDES Permit – a General Virginia Pollutant Discharge Elimination System Permit for Discharges of Stormwater from Construction activities, 9VAC25-880, issued by the department pursuant to § 62.1-44.15 of the Code of Virginia for stormwater discharges from a land-disturbing activity.

322.3 LOCAL EROSION AND SEDIMENT CONTROL PROGRAM

Pursuant to § 62.1-44.15:54 of the Code of Virginia, the Town of Berryville hereby establishes a Virginia Erosion and Sediment Control Program (VESCP) and adopts the regulations promulgated by the Board (for the effective control of soil erosion and sediment deposition to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources) and the *Virginia Erosion & Sediment Control Handbook*, third edition. In accordance with § 62.1-44.15:52 of the Code of Virginia, any plan approved prior to July 1, 2014 that provides for stormwater management that addresses any flow rate capacity and velocity requirements for natural or man-made channels shall satisfy the flow rate capacity and velocity requirements for natural or man-made channels if the practices are designed to (i) detain the water quality volume and to release it over 48 hours; (ii) detain and release over a 24-hour period the expected rainfall resulting from the one year, 24-hour storm; and (iii) reduce the allowable peak flow rate resulting from the 1.5-, 2-, and 10-year, 24-hour storms to a level that is less than or equal to the peak flow rate from the site assuming it was in a good forested condition, achieved through multiplication of the forested peak flow rate by a reduction factor that is equal to the runoff volume from the site when it was in a good forested condition divided by the runoff volume from the site in its proposed condition, and shall be exempt from any flow rate capacity and velocity requirements for natural or man-made channels.

A. For plans approved on and after July 1, 2014, the flow rate capacity and velocity requirements for natural and man-made channels shall be satisfied by compliance with water quantity requirements specified in 9VAC25-875-600, unless such land-disturbing activities are in accordance with the grandfathering provisions of 9VAC25-875-490.
B. Pursuant to § 62.1-44.15:53 of the Code of Virginia, an erosion control plan shall not be approved until it is reviewed by a certified plan reviewer for ESC. Inspections of land-disturbing activities shall be conducted by a certified inspector for ESC. The Erosion Control Program of the Town of Berryville shall contain a certified program administrator and a certified inspector (who may be the same person).
C. The Town of Berryville hereby designates the Zoning Administrator as the VESCP plan-approving authority.
D. The program and regulations provided for in this ordinance shall be made available for public inspection at the office of the Zoning Administrator.

322.4 REGULATED LAND-DISTURBING ACTIVITIES

Land-disturbing activity that disturbs 10,000 square feet or more, is less than one acre, not in an area of a locality designated as a Chesapeake Bay Preservation Area, and not part of a common plan of development or sale, is subject to criteria defined in Article 2 (9VAC25-875-540 et seq.) of Part V of the Virginia Erosion and Stormwater Management Regulation.

322.5 SUBMISSION AND APPROVAL OF PLANS; CONTENTS OF PLANS

A. Except as provided herein, no person may engage in any regulated land-disturbing activity until he or she has submitted to the Town of Berryville an erosion and sediment control plan for the regulated land-disturbing activity and such plan has been approved by the Town of Berryville. No approval to begin a land disturbing activity

will be issued unless evidence of VPDES permit coverage is obtained where it is required.

Where the land-disturbing activity results from the construction of a (i) single-family detached residential structure or (ii) farm building or structure on a parcel of land with a total impervious cover percentage, including the impervious cover from the farm building or structure to be constructed, of less than five percent, an agreement in lieu of a plan may be substituted for an erosion and sediment control plan if executed by the VESCP plan-approving authority.

B. The standards contained within the "Virginia Erosion and Sediment Control Regulation (9VAC25-875)" and the *Virginia Erosion and Sediment Control Handbook* as amended are to be used by the applicant when making a submittal under the provisions of this ordinance and in the preparation of an erosion and sediment control plan. The VESCP plan-approving authority, in considering the adequacy of a submitted plan, shall be guided by the same standards, regulations, and guidelines. When the standards vary between publications, the Virginia Erosion and Stormwater Management Regulation shall take precedence.

C. The VESCP plan-approving authority shall review erosion and sediment control plans submitted to it and grant written approval within 60 days of the receipt of the plan if it determines that the plan meets the requirements of the Erosion and Sediment Control Law and the Board's regulations, and if the person responsible for carrying out the plan certifies that s/he will properly perform the measures included in the plan and will conform to the provisions of this ordinance. In addition, as a prerequisite to engaging in the land-disturbing activities shown on the approved plan, the person responsible for carrying out the plan shall provide the name of the responsible land disturber to the Town of Berryville, as provided by 9VAC25-875-300 and 9VAC25-875-550, who will be in charge of and responsible for carrying out the land-disturbing activity. Failure to provide the name of the responsible land disturber prior to engaging in land-disturbing activities may result in revocation of the approval of the plan and the person responsible for carrying out the plan shall be subject to the penalties provided in this ordinance.

D. When the plan is determined to be inadequate, written notice of disapproval stating the specific reasons for disapproval shall be communicated to the applicant within 45 days. The notice shall specify such modifications, terms, and conditions that will permit approval of the plan. If no action is taken within 45 days, the plan shall be deemed approved and the person authorized to proceed with the proposed activity.

E. The Town of Berryville shall act on any erosion and sediment control plan that has been previously disapproved within 45 days after the plan has been revised, resubmitted for approval, and deemed adequate.

F. The Town of Berryville may require changes to an approved plan when:

(1) The inspection reveals that the plan is inadequate to satisfy applicable regulations; or

(2) The person responsible for carrying out the plan finds that because of changed circumstances or for other reasons the approved plan cannot be effectively carried out, and proposed amendments to the plan, consistent with the requirements of this ordinance, are agreed to by the VESCP plan-approving authority and the person responsible for carrying out the plans.

G. Variances: The VESCP plan-approving authority may waive or modify any of the standards that are deemed to be inappropriate or too restrictive for site conditions by granting a variance. A variance may be granted under the following conditions:
   (1) At the time of plan submission, an applicant may request a variance to become part of the approved Erosion and Sediment Control Plan. The applicant shall explain the reasons for requesting variances in writing. Specific variances which are allowed by the VESCP plan-approving authority shall be documented in the plan.
   (2) During construction, the person responsible for implementing the approved plan may request a variance in writing from the VESCP plan-approving authority. The VESCP plan-approving authority shall respond in writing either approving or disapproving such a request. If the plan-approving authority does not approve a variance within ten (10) days of receipt of the request, the request shall be considered to be disapproved. Following disapproval, the applicant may resubmit a variance request with additional documentation.
   (3) The Town of Berryville shall consider variance requests judiciously, keeping in mind both the need of the applicant to maximize cost effectiveness and the need to protect off-site properties and resources from damage.

H. In order to prevent further erosion, the Town of Berryville may require approval of a plan for any land identified in the local program as an erosion impact area.

I. When a land-disturbing activity will be required of a contractor performing construction work pursuant to a construction contract, the preparation, submission, and approval of an erosion and sediment control plan shall be the responsibility of the owner.

J. As an alternative to submitting soil erosion control and stormwater management plans pursuant to § 62.1-44.15:34 of the code of Virginia to the Town of Berryville any person engaging in more than one jurisdiction in the creation and operation of a wetland mitigation or stream restoration bank that has been approved and is operated in accordance with applicable federal and state guidance, laws, or regulations for the establishment, use, and operation of (i) a wetlands mitigation or stream restoration bank, pursuant to a mitigation banking instrument signed by the Department, the Marine Resources Commission, or the U.S. Army Corps of Engineers, or (ii) a stream restoration project for purposes of reducing nutrients or sediment entering state waters may submit standards and specifications for Department approval that describe how land-disturbing activities shall be conducted.

322.6 EROSION AND SEDIMENT CONTROL PLAN; CONTENTS OF PLAN

A. An erosion and sediment control plan shall be filed for a development and the buildings constructed within, regardless of the phasing of construction. The erosion and sediment control plan shall be consistent with the criteria, techniques, and methods in 9VAC25-875-560. The erosion and sediment control plan shall contain all major conservation decisions to ensure that the entire unit or units of land will be so treated to achieve the conservation objectives in 9VAC25-875-560. The erosion and sediment control plan may include:
   (1) Appropriate maps;

(2) An appropriate soil and water plan inventory and management information with needed interpretations; and
(3) A record of decisions contributing to conservation treatment.

B. The person responsible for carrying out the plan shall provide the name of an individual holding a certificate who will be in charge of and responsible for carrying out the land-disturbing activity to the VESMP authority.
C. If individual lots or sections in a residential development are being developed by different property owners, all land-disturbing activities related to the building construction shall be covered by an erosion and sediment control plan or an Agreement in Lieu of a Plan signed by the property owner.
D. Land-disturbing activity of less than 10,000 square feet on individual lots in a residential development shall not be considered exempt from the provisions of the VESMA, ESCL, or this ordnance if the total land-disturbing activity in the development is equal to or greater than 10,000 square feet.

322.7 PERMITS; FEES; SECURITY FOR PERFORMANCE

A. Agencies authorized under any other law to issue grading, building, or other permits for activities involving land disturbing activities may not issue any such permit unless the applicant submits with his/her application an approved erosion and sediment control plan, certification that the plan will be followed, and evidence of state permit coverage where it is required.
B. No person may engage in any land-disturbing activity until s/he has acquired a land-disturbing permit, unless the proposed land-disturbing activity is specifically exempt from the provisions of this ordinance, and has paid the fees, and posted the required bond.
C. An administrative fee of $200.00 shall be paid to the Town of Berryville at the time of submission of the erosion and sediment control plan.
D. No land-disturbing permit shall be issued until the applicant submits with his/her application an approved erosion and sediment control plan or agreement in lieu of an approved erosion and sediment control plan and certification that the plan will be followed.
E. All applicants for permits shall provide to the Town of Berryville a performance bond, cash escrow, or an irrevocable letter of credit acceptable to the Zoning Administrator to ensure that measures could be taken by the Town of Berryville at the applicant's expense should the applicant fail, after proper notice, within the time specified to initiate or maintain appropriate conservation measures required of the applicant by the approved plan as a result of his land-disturbing activity.

   The amount of the bond or other security for performance shall not exceed the total of the estimated cost to initiate and maintain appropriate conservation action based on unit price for new public or private sector construction in the locality and a reasonable allowance for estimated administrative costs and inflation which shall not exceed twenty-five percent of the cost of the conservation action. Should it be necessary for the Town of Berryville to take such conservation action, the Town of Berryville may collect from the applicant any costs in excess of the amount of the surety held. Within sixty (60) days of adequate stabilization, as determined by the Zoning Administrator in

any project or section of a project, such bond, cash escrow or letter of credit, or the unexpected or unobligated portion thereof shall be either refunded to the applicant or terminated, based upon the percentage of stabilization accomplished in the project or project section. These requirements are in addition to all other provisions relating to the issuance of permits and are not intended to otherwise affect the requirements for such permits.

322.8 MONITORING, REPORTS, AND INSPECTIONS

A. The responsible land disturber, as provided by § 62.1-44.15:52, shall be in charge of and responsible for carrying out the land-disturbing activity and provide for periodic inspections of the land-disturbing activity. The Town of Berryville may require the person responsible for carrying out the plan to monitor the land-disturbing activity. The person responsible for carrying out the plan will maintain records of these inspections and maintenance, to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation.

B. The Zoning Administrator shall periodically inspect the land-disturbing activity in accordance with Section 9VAC25-840-60 of the Virginia Erosion and Sediment Control Regulations to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation. The owner, permittee, or person responsible for carrying out the plan shall be given notice of the inspection.

   If the Zoning Administrator determines that there is a failure to comply with the plan, notice shall be served upon the permittee or person responsible for carrying out the plan by mailing with confirmation of delivery to the address specified in the permit application or in the plan certification, or by delivery at the site of the land-disturbing activities to the agent or employee supervising such activities.

   The notice shall specify the measures needed to comply with the plan and shall specify the time within which such measures shall be completed. Upon failure to comply within the specified time, the permit may be revoked and the permittee or person responsible for carrying out the plan shall be deemed to be in violation of this ordinance and shall be subject to the penalties provided by this ordinance.

C. Upon issuance of an inspection report denoting a violation of Va. Code §§ 62.1-44.15:55, -44.15:56, the Zoning Administrator may, in conjunction with or subsequent to a notice to comply as specified in this ordinance, issue an order requiring that all or part of the land-disturbing activities permitted on the site be stopped until the specified corrective measures have been taken.

   If land-disturbing activities have commenced without an approved plan, the Zoning Administrator may issue an order requiring that all of the land-disturbing activities be stopped until an approved plan or any required permits are obtained. Where the alleged noncompliance is causing or is in imminent danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth, or where the land disturbing activities have commenced without an approval plan or any

required permits, such an order may be issued without regard to whether the permittee has been issued a notice to comply as specified in this ordinance. Otherwise, such an order may be issued only after the permittee has failed to comply with such a notice to comply.

The order shall be served in the same manner as a notice to comply, and shall remain in effect for a period of seven days from the date of service pending application by the enforcing authority or permit holder for appropriate relief to the Circuit Court of the County of Clarke. The Town of Berryville shall serve such order for disturbance without an approved plan or permits upon the owner by mailing with confirmation of delivery to the address specified in the land records. Said order shall be posted on the site where the disturbance is occurring, and shall remain in effect until permits and plan approvals are secured, except in such situations where an agricultural exemption applies.

If the alleged violator has not obtained an approved plan or any required permits within seven days from the date of service of the order, the Zoning Administrator may issue an order to the owner requiring that all construction and other work on the site, other than corrective measures, be stopped until an approved plan and any required permits have been obtained. Such an order shall be served upon the owner by mailing with confirmation of delivery to the address specified in the permit application or the land records of the Town of Berryville.

The owner may appeal the issuance of an order to the Circuit Court of the County of Clarke.

Any person violating or failing, neglecting or refusing to obey an order issued by the Zoning Administrator may be compelled in a proceeding instituted in the Circuit Court of the County of Clarke to obey same to comply therewith by injunction, mandamus or other appropriate remedy.

Upon completion and approval of corrective action or obtaining an approved plan or any required permits, the order shall immediately be lifted.

Nothing in this section shall prevent the Zoning Administrator from taking any other action authorized by this ordinance.

322.9 PENALTIES, INJUNCTIONS, AND OTHER LEGAL ACTIONS

A. Any person who has violated or failed, neglected, or refused to obey any order, notice, or requirement of the Town of Berryville, any condition of a land-disturbance approval, or any provision of this ordinance shall, upon a finding of the District Court of the County of Clarke, be assessed a civil penalty. The civil penalty for any one violation shall not be less than $100 nor more than $1,000, except that the civil penalty for commencement of land-disturbing activities without an approved plan shall be $1,000. Each day during which the violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same operative set of facts result in civil penalties which exceed a total of $10,000, except

that a series of violations arising from the commencement of land-disturbing activities without an approved plan for any site shall not result in civil penalties which exceed a total of $10,000.

B. The Zoning Administrator, or the owner or property which has sustained damage, or which is in imminent danger of being damaged, may apply to the Circuit Court of the County of Clarke to enjoin a violation or a threatened violation of §§ 62.1-44.15:55 or 62.1-44.15:58 of the Code of Virginia, without the necessity of showing that an adequate remedy at law does not exist.

   However, an owner of property shall not apply for injunctive relief unless (i) s/he has notified in writing the person who has violated the local program, and the program authority, that a violation of the local program has caused, or creates a probability of causing, damage to his/her property, and (ii) neither the person who has violated the local program nor the program authority has taken corrective action within fifteen days to eliminate the conditions which have caused, or create the probability of causing, damage to his property.

C. In addition to any criminal or civil penalties provided under this ordinance, any person who violates any provision of the Erosion and Sediment Control Law may be liable to the Town of Berryville in a civil action for damages.

D. Without limiting the remedies which may be obtained in this section, any person violating or failing, neglecting, or refusing to obey any injunction, mandamus, or other remedy obtained pursuant to this section shall be subject, in the discretion of the court, to a civil penalty not to exceed $2,000 for each violation. A civil action for such violation or failure may be brought by the Town of Berryville.

   Any civil penalties assessed by court shall be paid into the treasury of the Town of Berryville, except that where the violator is the locality itself, or its agent, the court shall direct the penalty to be paid into the state treasury.

322.10 APPEALS AND JUDICIAL REVIEW

A. Final decisions of the Town of Berryville under this ordinance shall be subject to review by the County of Clarke Circuit Court, provided an appeal is filed within 30 days from the date of any written decision adversely affecting the rights, duties, or privileges of the person engaging in or proposing to engage in land-disturbing activities.

SECTION 323 – Temporary Family Health Care Structures (11/10)

323.1 Provisions for Temporary Health Care Structures

(a) A Temporary Family Health Care Structure shall be (i) for the use by a caregiver in providing care for a mentally or physically impaired person and (ii) on property owned or occupied by the caregiver at his/her residence as a permitted accessory use. Such a structure shall comply with all setback requirements that apply to the primary structure primary structure and with any maximum floor area ration limitations that may apply to the primary structure. Only one family health care structure shall be allowed on a lot or parcel of land.

(b) For purposes of this section:

(1) "Caregiver" means an adult who provides care for a mentally or physically impaired person within the Commonwealth. A caregiver shall be either related by blood, marriage, or adoption to or the legally appointed guardian of the mentally or physically impaired person for whom he is caring.

(2) "Mentally or physically impaired person "means a person who is a resident of Virginia and who requires assistance with two or more activities of daily living, as defined in § 63.2-2200, as certified in writing provided by a physician licensed by the Commonwealth.

(3) Temporary family health care structure" means a transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one occupant who shall be the mentally or physically impaired person, (iii) has no more than 300 gross square feet, and (iv) complies with applicable provisions of the Industrialized Building Safety Law (§ 36-70 et seq.) and the Uniform Statewide Building Code (§ 36-97 et seq.). Placing the temporary family health care structure on a permanent foundation shall not be required or permitted.

(c) Any person proposing to install a temporary family health care structure shall first obtain a permit from the Berryville Town Council, for which the Town of Berryville will charge a fee per the Planning and Zoning Fee Schedule, as amended. The Town of Berryville may not withhold such permit if the applicant provides sufficient proof of compliance with this section. The Town of Berryville may require that the applicant provide evidence of compliance with this section on an annual basis as long as the temporary family health care structure remains on the property. Such evidence may involve the inspection by the Berryville Zoning Administrator of the temporary family health care structure at reasonable times convenient to the caregiver, not limited to any annual compliance confirmation.

(d) Any temporary family health care structure installed pursuant to this section may be required to connect to any water, sewer, and electric utilities that are serving the primary residence on the property and shall comply with all applicable requirements of the Virginia Department of Health.

(e) No signage advertising or otherwise promoting the existence of the structure shall be permitted either on the exterior of the temporary family health care structure or elsewhere on the property.

(f) Any temporary family health care structure installed pursuant to this section shall be removed within 30 days in which the mentally or physically impaired person is no longer receiving or is no longer in need of the assistance provided for in this section.

(g) The ~~local governing body~~ Town Council, or the zoning administrator on its behalf, may revoke the permit granted pursuant to subsection C if the permit holder violates any provision of this section. Additionally, the local governing body may seek injunctive relief or other appropriate actions or proceedings in the circuit court of that locality to ensure compliance with this section. The zoning administrator is vested with all necessary authority on behalf of the governing body of the Town of Berryville to ensure compliance with this section.

SECTION 324 – Donation Drop-off Boxes (5/13)

324 (a) Donation drop-off boxes shall be permitted in all zoning districts provided they are located on a property that contains a church or building containing a charitable use as a permitted primary use. The donation drop-off box shall specifically benefit that church or charitable use.

(b) Donation drop-off boxes shall not be located in any provided front or corner-side yard, nor located in any required side yard setback.

(c) Donation drop-off boxes shall not obstruct pedestrian or vehicular circulation, nor be located in public rights-of-way, landscape areas, required parking spaces, fire lanes, loading zones, or any other location that may cause hazardous conditions, constitute a threat to the public safety, or crate a condition detrimental to surrounding land uses.

(d) Donation drop-off boxes shall not be located within the 100-year floodplain as identified in the current Flood Insurance Rate Map (FIRM).

(e) Donation drop-off boxes shall be clearly marked to identify the specific items and materials requested to be left for donation, the name of the operator or owner of the container, the entity responsible for maintenance of the drop-off box and removal of materials and trash from the immediate area, and a telephone number where the owner, operator or agent may be reached at any time.

(f) No more than two donation drop-off boxes shall be located on any property, and each donation drop-off box shall have a capacity of no more than six (6) cubic yards and a maximum height of seven (7) feet.

(g) Donation drop-off Boxes located within the Town of Berryville Historic District shall be reviewed by the Architectural Review Board prior to installation and shall be reviewed to the standards by which determinations are made per Section 703.6 of the Berryville Zoning Ordinance.

(h) A donation drop-off box shall be screened per Section 314.j.2. of the Berryville Zoning Ordinance, which requires that all refuse containers be completely enclosed with a solid opaque wood fence or masonry wall at least six (6) feet high.

(i) Prior to placement of a donation drop-off box on a property, an application for a zoning permit, together with a site sketch plan and any additional information as deemed necessary by the Zoning Administrator, shall be submitted to the Zoning Administrator for approval.

(j) The area around the donation drop-off box shall be maintained with no accumulation of donated items outside of the box.

ARTICLE II – DISTRICT REGULATIONS

SECTION 201 - R-1 RESIDENTIAL DISTRICT

201 STATEMENT OF INTENT

The R-1 District is composed of quiet, low-density residential areas plus undeveloped areas where similar residential construction appears likely to occur. The standards set forth for this district are designed to stabilize and protect the essential character of the areas so delineated, to promote and encourage a suitable environment for family life where there are children, and to prohibit all commercial activities. Development is, therefore, limited to relatively low concentration and permitted uses are limited to single-unit dwellings, plus selected additional uses such as schools, parks, churches, and certain public facilities that serve the residents of the district. No rooming houses are permitted.

201.1 USES PERMITTED BY RIGHT

Only one use and its accessory buildings and/or uses may be erected on any lot or parcel of land in the R-1 Residential District.

(a) Single-family dwellings.
(b) Schools and offices for Clarke County Public Schools and related non-profit organizations **(07/16)**.
(c) Churches.
(d) Parks and playgrounds.
(e) Off-street parking for permitted uses in the district as set forth in Section 305.
(f) Accessory buildings and Temporary Family Health Care Structures as defined; however, garages, carports, porches, and stoops attached to the main building shall be considered part of the main building. Accessory buildings may be located in a rear yard area, but shall not be located closer than five (5) feet from any property line or to any other structure. **(11/10)**
(g) Public utilities: poles, lines, distribution transformers, booster and relay stations, pipes, meters, and other facilities necessary for the provision and maintenance of public utilities, including water and sewage systems.
(h) Signs as set forth in Section 307.
(i) Travel trailers, which shall not be stored within the front setback area, and which shall be prohibited from occupancy. **(5/83)**
(j) Fences as set forth in Section 303.

201.2 USES PERMITTED BY SPECIAL PERMIT

(a) Home Occupations. **(4/86)**
(b) Planned Research Offices, as defined in Section 102.
(c) Short-term rentals **(10/23)**

201.3 AREA REGULATIONS

The minimum lot area shall be fifteen thousand (15,000) square feet.

201.4 SETBACK REGULATIONS

Structures shall be located thirty-five (35) feet or more from any street right-of-way which is fifty (50) feet or greater in width, or fifty (50) feet or more from the center of any street right-of-way less than fifty (50) feet in width. **(5/94)**

201.5 FRONTAGE REGULATIONS

The minimum lot width at the setback line shall be one hundred (100) feet. Minimum width at the street right-of-way line shall be fifty (50) feet.

201.6 YARD REGULATIONS

(a) Side - Each side yard shall be a minimum of fifteen (15) feet.

(b) Rear - Each rear yard shall be a minimum of thirty (30) feet in depth.

201.7 LOT COVERAGE

Any structure or structures shall not occupy more than thirty (30) percent of the total area of the lot.

201.8 HEIGHT REGULATIONS

(a) Buildings may be erected up to three (3) stories but shall not exceed thirty-five (35) feet in height.

(b) A public or semi-public building such as a school, church, or library may be erected to a height of sixty (60) feet from grade, provided that required front, side, and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.

(c) Church spires, belfries, cupolas, municipal water towers, chimneys, flues, flagpoles, television antennae, and radio aerials are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.

(d) No accessory building that is within twenty (20) feet of any party lot line shall be more than one (1) story high. All accessory buildings shall be less than the main building in height.

201.9 SPECIAL PROVISIONS FOR CORNER LOTS

(a) Of the two sides of a corner lot fronting on streets, the shortest side shall be deemed to be the front.

(b) Each corner lot shall have a minimum width at the setback line of one hundred twenty (120) feet.

SECTION 202 - R-2 RESIDENTIAL DISTRICT

202 STATEMENT OF INTENT

The R-2 District is composed of medium density residential uses and open areas where similar development appears likely to occur. The standards for this district are designed to stabilize and protect the essential character of the area so designated, to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for family life. Development is, therefore, limited to low-to-medium density, and permitted uses are limited to single- and two-family dwellings plus selected additional uses, such as schools, parks, churches, and certain public facilities that serve the residents of the district.

202.1 USES PERMITTED BY RIGHT

Only one use and its accessory buildings and/or uses may be erected on any lot or parcel of land in the Residential R-2 District.

(a) Single-family dwellings.
(b) Two-family dwellings.
(c) Rooming houses.
(d) Tourist homes.
(e) Boarding houses.
(f) Schools.
(g) Churches.
(h) Playgrounds
(i) Home occupations.
(j) Public, semi-public, or governmental buildings.
(k) Off-street parking for permitted uses in the district as set forth in Section 305.
(l) Accessory buildings and Temporary Family Health Care Structures permitted as defined; however, garages and other accessory structures, such as carports, porches, and stoops attached to the main building shall be considered part of the main building. Accessory buildings shall not be located closer than five (5) feet from any property line or to any other structure. **(11/10)**
(m) Public utilities: poles, lines, distribution transformers, booster and relay stations, pipes, meters, and other facilities necessary for the provision and maintenance of public utilities, including water and sewage systems.
(n) Signs as set forth in Section 307.
(o) Travel trailers, which shall not be stored within the front setback area, and which shall be prohibited from occupancy.
(p) Fences as set forth in Section 303.

202.2 USES PERMITTED BY SPECIAL PERMIT

(a) Nursing, convalescent, or rest homes, pursuant to Section 311.
(b) Professional offices as set forth in Section 312. **(10/94)**
(c) Day care centers, barber, and beauty shops. **(5/95)**
(d) Short-term rentals **(10/23)**

202.3 AREA REGULATIONS

(a) The minimum lot area shall be eight thousand (8,000) square feet for all permitted uses.

(b) Each unit in a two-family structure arranged side by side shall be given four thousand (4,000) square feet of lot area.

202.4 SETBACK REGULATIONS

Structures shall be located thirty (30) feet or more from any street right-of-way fifty (50) feet or greater in width **(5/94)**, or forty-five (45) feet or more from the center of any street right-of-way less than fifty (50) feet in width. This shall be known as the "setback line." **(10/00)**

202.5 FRONTAGE REGULATIONS

The minimum lot width at the setback line shall be eighty (80) feet.

202.6 YARD REGULATIONS

(a) Side - Each side yard for structures less than three (3) stories shall be at least ten (10) feet. Each side yard for three-story buildings shall be at least fifteen (15) feet.

(b) Rear - The minimum rear yard shall be twenty-five (25) feet.

202.7 LOT COVERAGE

Any structure, or structures, shall not occupy more than thirty-five (35) percent of the total area of the lot.

202.8 HEIGHT REGULATIONS

(a) Buildings may be erected up to three (3) stories, but not exceed thirty-five (35) feet in height.

(b) A public or semi-public building such as a school, church, or library may be erected to a height of sixty (60) feet from grade, provided that required front, side, and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.

(c) Church spires, belfries, cupolas, municipal water towers, chimneys, flues, flagpoles, television antennae, and radio aerials are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.

(d) Accessory buildings over one story in height shall be at least ten (10) feet from any lot line. All accessory buildings shall be less than the main building in height.

202.9 SPECIAL PROVISIONS FOR CORNER LOTS

(a) Of the two sides of a corner lot fronting on streets, the shortest shall be deemed to be the front.

(b) Each corner lot shall have a minimum width at the setback line of ninety (90) feet.

SECTION 203 - R-3 RESIDENTIAL DISTRICT

203 STATEMENT OF INTENT

The R-3 District is composed of high-density residential uses and open area where similar development appears likely to occur. The standards for this district are designed to stabilize and protect the character of the area so designated and create areas for apartment and townhouse construction, along with appropriate living environments. These areas are located close to employment, shopping, and other community facilities. Development is limited to high-density residential uses of various types, plus selected additional uses, such as schools, parks, churches, and certain public facilities.

203.1 USES PERMITTED BY RIGHT

Only one use and its accessory buildings and/or uses may be erected on any lot or parcel of land in the R-3 Residential District.

(a) Single-family dwellings.
(b) Two-family dwellings.
(c) Schools.
(d) Churches.
(e) Parks and playgrounds.
(f) Home occupations.
(g) Public, semi-public, or governmental buildings.
(h) Off-street parking for permitted uses in the district as set forth in Section 305.
(i) Accessory buildings and Temporary Family Health Care Structures permitted as defined; however, garages or other accessory structures, such as carports, porches, and stoops, attached to the main building, shall be considered part of the main building. Accessory buildings may be located in a rear yard area, but shall not be located closer than five (5) feet from any property line or to any other structure. **(11/10)**
(j) Public utilities: poles, lines, distribution transformers, booster and relay stations, pipes, meters, and other facilities necessary for the provision and maintenance of public utilities, including water and sewage systems.
(k) Signs as set forth in Section 307.
(l) Travel trailers, which shall not be stored within the front setback area and which shall be prohibited from occupancy.
(m) Fences as set forth in Section 303.
(n) Rooming houses.
(o) Boarding houses.
(p) Tourist homes.

203.2 USES PERMITTED BY SPECIAL PERMIT

(a) Nursing and/or convalescent homes as set forth in Section 311.
(b) Professional offices as set forth in Section 312.
(c) Townhouses as set forth in Section 309.
(d) Apartments as set forth in Section 310.
(e) Conversion of a structure originally intended and designed for occupancy as a single-family dwelling into a structure with two or more dwellings.

(f) Day care centers. **(10/94)**
(g) Barber and beauty shops. **(5/95)**
(h) Furniture and automobile upholstery businesses. **(4/99)**
(i) Banks and financial institutions with drive-through facilities. **(8/07)**
(j) Short-term rentals **(10/23)**

203.3 AREA REGULATIONS

(a) The minimum lot area shall be eight thousand (8,000) square feet for freestanding one- or two-family detached structures. Each unit in a two-family structure arranged side by side shall be given four thousand (4,000) square feet of lot area.
(b) The minimum lot area for the conversion of structures to a larger number of dwelling units shall be eight thousand (8,000) square feet for the first two dwelling units and two thousand (2,000) square feet for each additional dwelling unit above two.
(c) The minimum lot areas for townhouses and apartments are set forth in Section 309 and 310 respectively.
(d) The minimum lot area for other permitted uses shall be eight thousand (8,000) square feet or as otherwise specified herein. Accessory uses may be located on the same lot as the principal use without increased lot size.

203.4 SETBACK REGULATIONS

Structures shall be located thirty (30) feet or more from any street right-of-way fifty (50) feet or greater in width **(5/94)**, or forty-five (45) feet or more from the center of any street right-of-way less than fifty (50) feet in width.

203.5 FRONTAGE REGULATIONS

The minimum width at the setback line shall be seventy-five (75) feet.

203.6 YARD REGULATIONS

(a) Side - Each side yard shall be a minimum of ten (10) feet.
(b) Rear - The minimum rear yard shall be twenty-five (25) feet.

203.7 LOT COVERAGE

Any structure or structures shall not occupy more than 40 percent of the total area of the lot.

203.8 OPEN SPACE

Each dwelling created when a structure is converted to a larger number of units shall be provided with six hundred (600) square feet of usable open space per dwelling unit. Such space shall be exclusive of areas devoted to streets, alleys, and parking.

203.9 HEIGHT REGULATIONS

(a) Buildings may be erected up to three (3) stories, but not to exceed thirty-five (35) feet in height.
(b) A public or semi-public building such as a school, church, or library may be erected to a height of sixty (60) feet from grade provided that required front, side, and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.

(c) Church spires, belfries, cupolas, municipal water towers, chimneys, flues, flagpoles, television antennae and radio aerials are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.

(d) Accessory buildings over one story in height shall be at least ten (10) feet from any lot line. All accessory buildings shall be less than the main building in height.

203.10 SPECIAL PROVISIONS FOR CORNER LOTS

(a) Of the two sides of a corner lot fronting on streets, the shortest shall be deemed to be the front.

(b) Each corner lot shall have a minimum width at the setback line of eighty-five (85) feet.

SECTION 204 - C GENERAL COMMERCIAL DISTRICT

204 STATEMENT OF INTENT

The C General Commercial District covers that portion of the community 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 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, printing presses, restaurants and taverns, garages and services stations, and multi-family dwellings.

204.1 USES PERMITTED BY RIGHT

In District C, structures to be erected or land to be used shall be for one or more of the following uses:

(a) Assembly halls.
(b) Assembly of high-tech components and /or systems (not including manufacturing). **(6/98)**
(c) Automobile and home appliance services.
(d) Automobile service stations (with major repair under cover).
(e) Automobile sales and service.
(f) Bakeries.
(g) Banks and financial institutions.
(h) Barber and beauty shops.
(i) Nursing homes.
(j) Churches.
(k) Day care centers. **(10/94)**
(l) Department stores.
(m) Drug stores.
(n) Dry cleaners.
(o) Fire and rescue squad stations.
(p) Fraternal and auxiliary organizations.
(q) Funeral homes.
(r) Furniture repair.
(s) Garages, public and commercial.
(t) Hardware stores.
(u) Hospitals, nursing homes, convalescent homes, rest homes.
(v) (Deleted, 1982.)
(w) Laundries.
(x) Libraries.
(y) Newspaper office buildings, including printing and publishing facilities incidental to such uses.
(z) Office buildings.
(aa) Personal and professional services.
(bb) Pet shops, but excluding boarding kennels.
(cc) Printing shops.
(dd) Federal, state, county, or town governmental offices or buildings.

(ee) Radio and television broadcasting stations and studios, or offices.
(ff) Restaurants.
(gg) Retail stores.
(hh) Single-family detached dwellings. **(3/98)**
(ii) Theaters, indoor.
(jj) (Deleted, 1982.)
(kk) Wearing apparel stores.
(ll) Public utilities: poles, lines, booster and relay stations, distribution transformers, pipes, meters, and other facilities necessary for the provision and maintenance of public utilities, including water and sewerage facilities.
(mm) Off-street parking for permitted uses in the district as forth in Section 305.
(nn) Signs as set forth in Section 307.
(oo) Fences as set forth in Section 303.
(pp) Accessory uses clearly incidental to the principal use of the lot.
(qq) Second story apartments as set forth in Section 310. **(02/14)**

204.2 USES PERMITTED BY SPECIAL PERMIT

(a) Shopping centers as set forth in Section 308.
(b) Townhouses as set forth in Section 309.
(c) First story and basement apartments as set forth in Section 310. **(02/14)**
(d) Conversion of residential and/or commercial structures into buildings with a greater number of dwelling units.
(e) Public billiard parlors and poolrooms, bowling alleys, dance halls, health spas and clubs, and similar forms of public amusement only after a public hearing shall have been held by the Governing Body on an application submitted to the Body for such use. The Governing Body may request that the Planning Commission submit a recommendation to them concerning such use applications. In approving any such applications, the Governing Body may establish such special requirements and regulations for the protection of adjacent property, set the hours of operation, and make requirements as they may deem necessary in the public interest, before granting approval to said application.
(f) Wholesale and distributive establishments which do not create hazards for traffic or adverse impacts on the surrounding area.
(g) Boarding houses, hotels, motels, and tourist homes.
(h) Veterinary hospitals **(10/16)**
(i) Short-term rentals **(10/23)**

204.3 AREA REGULATIONS

No requirements for commercial uses or for one (1) dwelling unit in conjunction with a commercial use. For two-family or multi-family dwellings, except as specified in Section 204.2, area requirements shall be the same as in the R-3 District for residential units above one (1).

204.4 SETBACK REGULATIONS

No requirement, except for townhouses and apartments as stated in Sections 309 and 310 respectively.

204.5 FRONTAGE AND YARD REGULATIONS

No requirement except that, if the property is adjacent to a residential district, each minimum side yard shall be ten (10) feet and the minimum rear yard shall be twenty (20) feet. Sections 309 and 310 shall apply for townhouses and apartments respectively.

204.6 HEIGHT REGULATIONS

Buildings may be erected up to thirty-five (35) feet in height from grade, except that:

(a) A public or semi-public building such as a school, church, library, or general hospital may be erected to a height of sixty (60) feet from grade provided that required front, side, and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.

(b) Church spires, belfries, cupolas, monuments, water towers, chimney flues, flagpoles, television antennae, and radio aerials are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.

(c) Accessory buildings over one (1) story in height shall be at least ten (10) feet from any lot line. All accessory buildings shall be less than the main building in height.

204.7 SITE PLAN REQUIREMENTS

All new structures, excepting accessory buildings of one hundred fifty (150) square feet or less, shall be subject to final site plan approval. Changes of use or additions to an existing structure requiring additional parking or other significant site changes applicable to a new use shall also be subject to final site plan approval. Site plans shall comply with the conditions of Section 314.

SECTION 205 - I LIMITED INDUSTRIAL DISTRICT

205 STATEMENT OF INTENT

The primary purpose of the I Limited Industrial District is to permit the location of certain industries, which do not in any way detract from the residential desirability of nearby areas, and to permit industries to locate near a labor supply. No junkyards or automobile wrecking yards shall be permitted.

205.1 USES PERMITTED BY RIGHT

In the I Limited Industrial District any structure to be erected or land to be used shall be for one or more of the following uses:

(a) Assembly of electrical appliances, electronic instruments and devices, radios, and phonographs. Also the manufacture of small parts, such as coils, condensers, transformers, and crystal holders.
(b) Automobile assembling, painting, upholstering, repairing, rebuilding, reconditioning, body and fender work, truck repairing or overhauling, tire retreading or recapping, or battery manufacture.
(c) Blacksmith shop, welding or machine shop, excluding punch presses exceeding forty- (40) ton rated capacity, and drop hammers.
(d) Laboratories, pharmaceutical and/or medical.
(e) Manufacture, compounding, processing, packaging, or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, and food products.
(f) Manufacture, compounding, assembling, or treatment of articles of merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semiprecious metals or stone, shell, straw, textiles, tobacco, wood, yarn, and paint. Blending of pre-manufactured, dry, non-explosive, non-chemical reacting, dry granular solid fertilizer components.
(g) Manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas.
(h) Manufacture of musical instruments, toys, novelties, and rubber and metal stamps.
(i) Building material sales yards, plumbing supplies storage.
(j) Coal, wood, and fuel storage yards, lumberyards, feed and seed stores.
(k) Packing plants.
(l) Contractor's equipment storage yard or plant, or rental of equipment commonly used by contractors.
(m) Cabinet, furniture, and upholstery shops.
(n) Boat building.
(o) Stone monument works.
(p) Veterinary hospitals, kennels.
(q) Automobile service stations (with major repair under cover).
(r) Wholesale businesses, storage warehouses.
(s) Off-street parking for permitted uses in the district as set forth in Section 305.

(t) Public utility generating, booster, or relay stations, transformer sub-stations, transmission lines and towers, and other facilities for the provision and maintenance of public utilities, including railroads and facilities, and water and sewerage installations.
(u) Signs as set forth in Section 307.
(v) Fences as set forth in Section 303.
(w) Accessory uses that are incidental to the principal use.
(x) Temporary trailers as set forth in Section 205.7.

205.2 REQUIREMENTS FOR PERMITTED USES

(a) Before a building permit shall be issued or construction commenced on any permitted use in this district, or a permit issued for a new use, the plans, in sufficient detail to show the operations and processes, shall be submitted to the Zoning Administrator for study~~. The Administrator shall refer these plans to the Planning Commission for their recommendation.~~ Modifications of the plans may be required. Such plans shall comply with Section 314.

(b) Permitted uses shall be conducted wholly within a completely enclosed building or within an area enclosed on all sides by a solid masonry wall, a uniformly painted solid board fence, or evergreen hedge six (6) feet in height. Public utilities and signs requiring natural air circulation, an unobstructed view, or other technical consideration necessary for proper operation may be exempt from this provision. This exception does not include storing of any materials.

(c) The ~~Planning Commission~~ Zoning Administrator may require landscaping within any established or required front setback area. The plans and execution must take into consideration traffic circulation. Landscaping may be permitted up to a height of three (3) feet, and to within fifty (50) feet from the corner of any intersecting streets.

(d) Sufficient area shall be provided to adequately screen permitted uses from adjacent business and residential districts. Areas for off-street parking, which shall be in accordance with the provisions set forth in Section 305, shall also be provided.

(e) The Administrator shall act on any application received within thirty (30) days after receiving the application. If formal notice in writing is given to the applicant, the time for action may be extended for a thirty (30) day period. Failure on the part of the Administrator to act on the application within the established time limit shall be deemed to constitute approval of the application.

205.3 AREA REGULATIONS

The minimum lot area shall be ten thousand (10,000) square feet.

205.4 SETBACK REGULATIONS

Buildings shall be located twenty (20) feet or more from any street right-of-way fifty (50) feet or greater in width, or forty-five (45) feet or more from the center line of any street right-of-way less than fifty (50) feet in width.

205.5 FRONTAGE AND YARD REGULATIONS

(a) Minimum lot width at the setback line shall be seventy (70) feet.

(b) The side and rear yard adjoining or adjacent to a residential district shall be thirty (30) feet. Within the industrial district, each side and rear yard shall be a minimum of fifteen (15) feet.

205.6 HEIGHT REGULATIONS

Buildings may be erected up to a height of forty-five (45) feet. Chimneys, flues, cooling towers, flagpoles, radio or communication towers or their accessory facilities not normally occupied by workmen are excluded from this limitation. Parapet walls are permitted up to four (4) feet above the limited height of the building on which the walls rest.

205.7 TEMPORARY TRAILERS

The ~~Planning Commission~~ Zoning Administrator may issue a permit, or permits, for the placement of temporary trailers in the I Limited Industrial District. In issuing any temporary trailer permits pursuant to this Section, the ~~Planning Commission~~ Zoning Administrator may establish such conditions or requirements including, but not necessarily limited to, time limitations, provision of sanitary facilities, screening or buffering from adjacent properties, and the posting of a bond or other surety payable to and accepted by the Governing Body in an amount deemed sufficient to assure removal of any such trailers upon expiration of the permit.

SECTION 206 - FLOODPLAIN CONSERVATION AREA (3/07)

206 STATEMENT OF INTENT

The intent of this Section is to provide development regulations for areas deemed undesirable for development due to inherent natural drainage conditions and topographical features. The regulations shall help to: prevent or minimize loss of life, injuries, and property damage, both public and private; prevent disruption of commerce and governmental services; prevent or minimize extraordinary and unnecessary expenditures of public funds for flood protection and relief; promote the health, safety, and general welfare of the people; and minimize the extent and violence of flooding in the Town.

206.1 APPLICABILITY

These provisions shall apply to all lands within the jurisdiction of the Town of Berryville and identified in the 100-year floodplain by the Federal Insurance Administration.

206.2 COMPLIANCE AND LIABILITY

(a) No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this Ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this Ordinance.

(b) The degree of flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based on accepted engineering practice. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that districts outside the Floodplain District, or that land uses permitted within such district will be free from flooding or flood damages.

(c) The grant of a zoning permit or approval of a subdivision plan in the Floodplain Conservation Area shall not constitute a representation, guarantee, or warranty of any kind by the Town, or by any official or employee thereof, of the practicability or safety of the proposed use and shall create no liability upon the Town, its officials, or employees.

(d) Records of actions associated with administering this ordinance will be kept on file and maintained in the offices of the Planning and Zoning Department.

206.3 ABROGATION AND GREATER RESTRICTIONS

This Ordinance supersedes any ordinance currently in effect in flood-prone districts. However, any underlying ordinance shall remain in full force and effect to the extent that its provisions are more restrictive than this Ordinance.

206.4 SEVERABILITY

If any Section, Sub-Section, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this Ordinance. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this Ordinance are hereby declared to be severable. **(4/02)**

206.5 PENALTIES

In addition to all other penalties provided by law, flood insurance may be withheld from structures constructed in violation of this Ordinance. **(4/02)**

206.6 DEFINITIONS **(4/02)**

(a) **Base Flood/100-Year Flood** - A flood that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a one [1] percent chance of occurring each year, although the flood may occur in any year).

(b) **Base Flood Elevation (BFE)** - The Federal Emergency Management Agency designated 100-year water surface elevation.

(c) **basement** - Any area of the building having its floor subgrade (below ground level) on all sides.

(d) **Board of Zoning Appeals** - The board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this Ordinance.

(e) **development** - Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations or storage of equipment or materials.

(f) **flood fringe** - The portion of the floodplain lying on either side of the floodway.

(g) **floodplain** - Any land area susceptible to being inundated by water from any source.

(h) **floodway** - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

(i) **freeboard** - the distance above a designated flood level for purposes of floodplain management.

(j) **historic structure** – any structure that is:

1. listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. individually listed on a state inventory of historic places in states with historic preservation program which have been approved by the Secretary of the Interior; or
4. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either
   a. by an approved state program as determined by the Secretary of the Interior; or,
   b. directly by the Secretary of the Interior in states without approved programs. **(03/07)**

(k) **lowest floor** - The lowest floor of the lowest enclosed area (including basement).

(l) **new manufactured/mobile home park or subdivision** -

A manufactured/mobile home park or subdivision, for which the construction of facilities for servicing the lots on which the homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the first floodplain ordinance adopted by the Town of Berryville.

(m) **recreational vehicle** - a vehicle which is:
1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty vehicle; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

(n) **Special Floodplain** - That area in which base flood elevations are provided but a floodway is not delineated.

(o) **substantial damage** - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

(p) **substantial improvement** - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include either:
1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
2. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

(p) **variance** - A grant of relief from the terms of this Article by the Board of Zoning Appeals of the Town of Berryville.

206.7 ESTABLISHMENT OF FLOODPLAIN DISTRICT

The Floodplain District is hereby established as an overlay district, meaning that it is a district overlaid upon other districts as shown on the official Zoning Ordinance map, and as such, the provisions for the Floodplain District shall serve as a supplement to the underlying district provisions. In the event of any conflict between the provisions or requirements of the Floodplain District and those of the underlying district, the more restrictive provisions shall apply.

In the event any provision concerning the Floodplain District is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.

(a) The Floodplain District shall include areas subject to inundation by waters of the 100-year flood. The Floodplain District consists of the floodway, flood fringe, and

special floodplain. Within the special floodplain, base flood elevations are provided but a floodway not delineated. The basis for the delineation of the Floodplain District shall be the 100-year flood elevations or profiles contained in the *Flood Insurance Study for the Town of Berryville* prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated September 28, 2007, as amended. **(8/07)**

206.8 OFFICIAL ZONING MAP

The boundary of the Floodplain District is established as shown on the Flood Insurance Rate Map and official Zoning Map which is declared to be a part of this Ordinance and which shall be kept on file at the Town of Berryville offices. **(4/02)**

206.9 DISTRICT BOUNDARY CHANGES

Initial interpretation of the boundary of the Floodplain District shall be made by the Town of Berryville Zoning Administrator. Should a dispute arise concerning the boundaries of the District, the Board of Zoning Appeals shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his or her case to the Board and to submit his or her own technical evidence if so desired. Prior to any such change, approval must be obtained from the Federal Insurance Administration. **(4/02)**

206.10 DISTRICT PROVISIONS

(a) Permit Requirement

All uses, activities, and development occurring within the Floodplain District shall be undertaken only upon the issuance of a zoning permit from the Town of Berryville. Such development shall be undertaken only in strict compliance with the provisions of the Ordinance and with all other applicable codes and ordinances, such as the Town of Berryville Subdivision Regulations. Prior to the issuance of any such permit, the Town of Berryville Zoning Administrator shall require all applications to include compliance with all applicable State and Federal laws. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodway of any watercourse, drainage ditch, or any other drainage facility or system.

(b) Alteration or Relocation of Watercourse

Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc. within this jurisdiction a permit shall be obtained from the U.S. Army Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). Furthermore, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Department of Conservation and Recreation (Division of Soil and Water Conservation) and the Federal Insurance Administration.

(c) Drainage Facilities

Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall ensure proper drainage along streets,

and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff into adjacent properties.

(d) Site Plans and Permit Applications

All applications for development in the Floodplain District and all building permits issued (refer to Section 206.14[a]) for the floodplain shall incorporate the following information:

1. For structures to be elevated, the elevation of the lowest floor (including basement)
2. For structures to be floodproofed (non-residential only), the elevation to which the structure will be floodproofed.
3. The elevation of the 100-year flood (Base Flood Elevation).
4. Topographic information showing existing and proposed ground elevations.

(e) Standards for Manufactured Homes and Recreational Vehicles **(3/07)**

1. All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, in a new manufactured home park or subdivision or in a substantially improved manufactured home parks or subdivisions, must meet all the requirements for new construction, including elevation and anchoring.
2. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:
   a. the lowest floor of the manufactured home is elevated no lower than the base flood elevation;
   b. the manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than 36 inches in height above grade;
   c. the manufactured home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement;
   d. in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage," any manufactured home placed or substantially improved must meet the standards of Section 206.10(e)2.a., b., and c. above.
3. All recreational vehicles placed on sites must
   a. be on the site for fewer than 180 consecutive days;
   b. must be fully licensed with current tags and inspection Town stickers, and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has not permanently attached additions); or,
   c. meet all requirements for manufactured housing, including anchoring and elevation requirements of Section 206.10(e)1. or 2.a. and c. above.
   d. Recreational vehicles placed on sites in residential zoning districts must comply with Berryville Town Code Section 10-50.

206.11 BOUNDARIES OF THE FLOODPLAIN CONSERVATION AREA

(a) Generally, lands for which any of the following is normally true are subject to floodplain conservation regulations:

1. Inhabitants are likely to incur danger to safety, health, and welfare due to flooding conditions beyond the individual property owner's or tenant's control.
2. Development is likely to measurably alter existing drainage and watercourses such that neighbors upstream and downstream are affected unwittingly and unwillingly.
3. Collective unregulated actions of many individuals are likely to endanger the public health, particularly as related to water supply and drainage.

(b) All new subdivision proposals, and other proposed developments greater than fifty (50) lots or five (5) acres, whichever is the lesser, shall include base flood elevation data. **(4/02)**

206.12 PERMITTED USES

No new construction or development shall be permitted within the special floodplain portion of the Floodplain Conservation District unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the 100-year flood more than one foot at any point. Within the floodway, no new construction or development shall be permitted that would cause any increase in the 100-year flood elevation. The following uses shall be permitted in the Floodplain Conservation Area provided that they are not prohibited by any other applicable ordinance:

(a) Cultivation and harvesting crops according to recognized soil conservation practices.

(b) Outdoor plant nursery or orchard according to recognized soil conservation practices.

(c) Front, side, and rear yards and required lot area in any district, provided such yards are not to be used for on-site sewage disposal systems.

(d) Normal accessory uses (excepting enclosed structures) permitted under the usual zoning in the appropriate district. Storage of materials and equipment provided that they are not buoyant, or provided that such material and equipment is firmly anchored to prevent flotation or movement, and/or can be readily removed from the area within the time available after flood warning.

(e) Accessory industrial and commercial uses, such as yard areas, and pervious parking and loading areas. **(4/02)**

206.13 USES PERMITTED BY SPECIAL PERMIT

No new construction or development shall be permitted within the special floodplain portion of the Floodplain Conservation District unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the 100-year flood more than one foot at any point. Within the floodway, no new construction or development shall be permitted that would cause any increase in the 100-year flood elevation.

(a) Commercial recreational uses, whether open to the public or restricted to private membership, such as parks, camps, picnic areas, golf courses, fishing, sport or boating clubs; not to include enclosed structures, excepting toilet facilities, but

permitting piers, docks, floats, or shelters usually found in developed outdoor recreational areas. Any toilet facilities provided shall be connected to public water and sewerage systems.

(b) Outlet installations for sewage treatment plants, and/or sewage pumping stations, with the approval of the Town Engineer and/or appropriate sewer authorities.

(c) Sealed public water supply wells with the approval of the Town Engineer and/or appropriate authorities.

(d) Dams, culverts, and bridges with the approval of appropriate authorities within the jurisdiction of the Commonwealth of Virginia.

(e) Sanitary or storm sewers and/or impoundment basins, with the approval of the Town Engineer and/or appropriate authorities.

(f) Impervious roads, driveways, or parking areas, provided drainage is adequately provided for. **(4/02)**

206.14 CONSTRUCTION PRACTICES

For all development within a flood-prone area, the following shall apply:

(a) All construction occurring within the Floodplain Conservation Area shall be undertaken only upon the issuance of a Clarke County building permit. Such construction shall be undertaken only in strict compliance with the provisions of this Ordinance and with all other applicable codes and ordinances, such as the Virginia Uniform Statewide Building Code, particularly the floodproofing and related provisions of the Code (Section 1313.0). Prior to the issuance of any such permit, the Clarke County Building Inspector shall require applications to include compliance with all applicable State and Federal laws.

(b) Under no circumstances shall any use, activity, and/or development reduce the capacity of the channels of floodways of any watercourse, drainage ditch, or any other drainage facility or system.

(c) All new construction and substantial improvements shall:

1. be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. be constructed with materials resistant to flood damage;
3. be constructed by methods and practices that minimize flood damages; and
4. be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(d) All proposed new public utilities and facilities, such as sewer, gas, electrical, and water systems, shall be located and constructed to minimize or eliminate flood damage.

(e) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters.

(f) New and replacement sanitary sewer systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters, and on-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(g) Adequate drainage shall be required to reduce exposure to flood hazards.

(h) All new construction and substantial improvements shall:

1. have the lowest floor (including basement) elevated to or above the base flood level or, for non-residential structures only, be designed so that below the base flood level of the structure, together with attendant utility and sanitary facilities, is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
2. have fully enclosed areas below the lowest floor designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Design for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following criteria: a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided that they permit automatic entry and exit of floodwaters. **(4/02)**

206.15 RECORDING OF PERMITS

The Zoning Administrator shall maintain a separate file for all zoning permits in areas subject to these regulations. **(4/02)**

206.16 BOUNDARY DISPUTES AND APPEALS PROCEDURES

(a) Should a dispute concerning the floodplain boundaries arise, an initial determination shall be made by the Zoning Administrator.

(b) Any party aggrieved by this decision, claiming the criteria used for delineating the boundary in Section 206.1 is or has become incorrect because of changes due to natural or other causes, may appeal to the Board of Zoning Appeals.

(c) The burden of proof shall be on the appellant.

(d) If a landowner believes that his land should not be included in the Floodplain Conservation Area, he must present to the Board of Zoning Appeals appropriate testimony from a registered professional engineer or architect that his land should not be considered as part of said area. **(4/02)**

206.17 EXISTING STRUCTURES OR USES IN THE FLOODPLAIN DISTRICT

A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may continue subject to the following conditions:

(a) Any modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any floodplain district to an extent or amount of less than fifty (50) percent of its market value shall be elevated and/or floodproofed to the greatest extent possible.

(b) The modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use regardless of its location in a floodplain district to an extent or amount of fifty (50) percent or more of its market value shall be undertaken only in

full compliance with the provisions of the Virginia Uniform Statewide Building Code.

(c) Uses or adjuncts thereof which are, or become, nuisances shall not be permitted to continue.

(d) The modification, alteration, repair, reconstruction, or improvement to a structure and/or use within the special floodplain shall not be permitted if it would cause more than a one-foot increase in the l00-year flood elevation.

(e) The modification, alteration, repair, reconstruction, or improvement to a structure and/or use within the floodway portion of the floodplain shall not be permitted if it would cause any increase in the 100-year flood elevation. **(4/02)**

206.18 VARIANCE

In passing upon applications for variances, the Board of Zoning Appeals shall satisfy all relevant factors and procedures specified in other Sections of the Town of Berryville Zoning Ordinance.

(a) The following additional factors shall be considered:

1. The danger to life and property due to increased flood heights or velocities cause by encroachments. No variance shall be granted for any proposed use, development, or activity within any floodway portion of the Floodplain Conservation District that will cause any increase in the 100-year flood elevation.
2. The danger that materials may be swept onto other lands, or downstream to the injury of others.
3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
5. The importance of the services provided by the proposed facility to the community.
6. The availability of alternative locations not subject to flooding for the proposed use.
7. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
8. The relationship of the proposed use to the Town of Berryville Comprehensive Plan and floodplain management program for the area.
9. The safety of access by ordinary and emergency vehicles to the property in time of flood.
10. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site.
11. The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
12. The requirements of the facility for a waterfront location. **(3/07)**

(b) The Board of Zoning Appeals may refer any application and accompanying documentation pertaining to any request for a variance to an engineer or other

qualified person or agency approved by the Town of Berryville for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.

(c) Variances shall be issued only after the Board of Zoning Appeals has determined that the granting of such will not result in:

1. unacceptable or prohibited increases in flood heights;
2. additional threats to public safety;
3. extraordinary public expense;

and will not:

4. create nuisances;
5. cause fraud or victimization of the public;
6. conflict with local laws or ordinances.

(d) Variances shall be issued only after the Board of Zoning Appeals has determined that the granting of such will be the minimum required to provide relief from any exceptional hardship to the applicant.

(e) The Board of Zoning Appeals shall notify the applicant, in writing, that the issuance of a variance to construct a structure below the 100-year flood elevation:

1. increases the risk to life and property, and
2. will result in increased premium rates for flood insurance.

(f) A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of the variances. Any variances that are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

(g) No variance shall be granted for any proposed use, development, or activity within the special floodplain area that would cause more than a one- (1)-foot increase in the 100-year flood elevation. **(4/02)**

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ZONING ORDINANCE OF THE TOWN OF BERRYVILLE, VIRGINIA

Whereas, by act of the General Assembly of Virginia as provided in Chapter 11, Article 8, Sections 15.1-496 through 15.1-498, Code of Virginia and amendments thereto, "the governing body of any county or municipality may, by ordinance, classify the territory under its jurisdiction or any substantial portion thereof into districts of such number, shape, and size as it may deem best suited to carry out the purposes of this article, and in each district it may regulate, restrict, permit, prohibit, and determine the following:

(a) The uses of land, buildings, structures, and other premises for agricultural business industry, residential, floodplain, and other specific uses; (b) The size, height, area, bulk, location, erection, construction, reconstruction, alteration, repair, maintenance, razing, or removal of structures; (c) The areas and dimensions of land, water, and air space to be occupied by buildings, structures, and uses, and of courts, yards, and other open spaces to be left unoccupied by uses and structures, including variations in the sizes of lots based on whether a public or community water supply or sewer system is available and used; (d) The excavation or mining of soils or other natural resources."

Therefore, be it ordained by the Town Council of Berryville, Virginia, for the purposes of promoting the health, safety, or general welfare of the public and of further accomplishing the objectives of Section 15.1-486, that the following be adopted as the Zoning Ordinance of Berryville, Virginia, dated April 3, 1956. To these ends, this Ordinance has been designed (1) to provide for adequate light, air, convenience of access, and safety from fire, flood, and other dangers; (2) to reduce or prevent congestion in the public streets; (3) to facilitate the creation of a convenient, attractive, and harmonious community; (4) to facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports, and other public requirements; (4) to protect against destruction of or encroachment upon historic areas; (6) to protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities, existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, panic, or other dangers; and (7) to encourage economic development activities that provide desirable employment and enlarge the tax base.

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ARTICLE I – DEFINITIONS

SECTION 100 - GENERAL PROVISIONS

101 For the purpose of this Ordinance, certain words and terms are herein defined as follows:

Words used in the present tense include the future tense; words used in the singular number include the plural number; and words in the plural number include the singular number, unless the obvious construction of the wording indicates otherwise.

The word “shall” is mandatory; “may” is permissive.

Unless otherwise specified, all distances shall be measured horizontally and at right angles to the line in relation to which the distance is specified.

The word “building” includes the word “structure;” the word “lot” includes the words “plots” and “parcel.”

The word “used” shall be deemed also to include “erected,” “reconstructed,” “altered,” “placed,” or “moved.” The terms “and use” and “use of land” shall be deemed also to include “building use” and “use of building.”

The word “State” means the Commonwealth of Virginia.

The word “Town” means the town of Berryville, Virginia.

The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

The North American Industrial Classification System (NAICS) Manual, U.S. Office of Management and Budget, 1997, shall be used to define the uses and assist in the determination of the status of proposed uses in zoning districts using the NAICS Codes for the list of Permitted Uses, Accessory Uses, Uses allowed by Special Permit, and Prohibited Uses.

SECTION 102 - SPECIFIC TERMS

access - A public or private right-of-way providing the ability to enter, approach, or pass to and from one area to another area.

5/00 **accessory building** - A building subordinate to, and located on the same lot with a main building, the use of which is clearly incidental to that of the main building or to the use of the land, and which is not attached by any part of a common wall or roof to the main building. One accessory building of 150 square feet or less may be erected on a lot without the existence of a main building on the lot.

accessory use - A use of a building, lot, or portion thereof, which is customarily incidental and subordinate to the principal use of the main building or the lot.

2/90 **active community open space** - That open space within the boundaries of a given lot that is so designed for recreational purposes to include--but not be limited to--such uses as ball fields, tennis, shuffleboard, or multi-purpose courts, swimming pools, golf courses, play lots or playgrounds, and walking, bicycle, or bridle trails.

Administrator, The - The official charged with the administration and enforcement of the Zoning Ordinance.

alley - A public right-of-way which affords pedestrian access and a secondary means of vehicular access to the side or rear of property.

all-weather surface - Crushed rock, gravel, or similar surface shall constitute an all-weather surface.

amendment - A change in the Zoning Ordinance and/or Zoning Map granted by the Town Council after review and comment by the Town Planning Commission.

apartment house - A multi-family structure originally intended, arranged, or designed to be occupied by three (3) or more families each in an individual dwelling unit and living independently of each other. The number of families in permanent residence shall not exceed the number of dwelling units provided. Entranceways through the structure to the units may be either common or separate and each lot on which the building is located shall be held in single ownership, even though individual units may be sold in accordance with this Ordinance. Such term shall not include “row house” or “townhouse.”

architect, registered - A licensed professional architect, registered in the Commonwealth of Virginia by the Department of Professional and Occupational Registration as an “Architect.”

6/98 **assembly** - The fitting together of parts or components to form a complete unit. Where permitted in the C General Business District the assembly area, exclusive of storage, office, and shipping space, does not exceed 1,000 square feet. In the C District the business is not

characterized by heavy trucking other than by stocking and delivery of components and finished products or by any nuisance factors other than occasioned by incidental light. Noise levels will not exceed those normally associated with the C General Business District and no noxious chemicals are produced or used during the assembly process.

11/10 **assisted living facility** – a residential facility in which no more than eight individuals with mental illness, mental retardation, or developmental disabilities reside, with one or more resident counselors or other staff persons, as residential occupancy by a single family.

3/03 **auction house** – an establishment, excluding community centers and publicly owned property, used for the sale of property, other than livestock, to bidders by an auctioneer. No outside storage of materials is permitted. Outside auction activities and display shall only occur in areas so designated on an approved site plan. Auction activities shall not begin prior to 8:00a.m. and shall not continue past 10:00p.m.

automobile graveyard - See **junkyard.**

automobile parking lot, commercial - A lot or portion thereof, other than an automobile sales lot, held out or used for the storage or parking of six or more motor vehicles for a consideration, where service or repair facilities are not permitted. Such parking lot shall not be considered an accessory use; nor shall it be used for the storage of dismantled or wrecked motor vehicles, parts thereof, or junk.

automobile sales lots - A lot arranged, designed, or used for the storage and display for sale of any new or used motor vehicle capable of independent operation or any type of travel trailer and recreation vehicle provided the travel trailer and recreation vehicle is unoccupied, and where repair work is done wholly enclosed within a building.

automobile service station - Any place of business with pumps and underground storage tanks, having as its purpose the servicing, at retail, of motor vehicles, but not including a paint or body shop, machine shop, or vulcanizing shop.

automobile wrecking yard - An area where destroyed, abandoned, and obsolete automobiles are disassembled and where parts of said disassembled automobiles are generally sold, and where the remaining automobile bodies and their components are temporarily stored until they can be removed or reduced to scrap metal.

basement - A story partly underground and having fifty percent (50%) or more of the total exterior wall area exposed. It shall not be occupied for residential purposes until the remainder of the building has been completed. A basement shall be counted as a story for the purpose of height requirements.

10/02 **bed and breakfast establishment** - A home occupation consisting of rooms maintained for the purpose of providing overnight sleeping accommodations and breakfast for paying guests, and subject to the following:

(1) A maximum of five (5) guest rooms, with a maximum occupancy of six (6) persons;

(2) No receptions, private parties, or similar events for a fee shall be permitted;
(3) Guest stays shall be limited to thirty (30) days;
(4) Applicable provisions and requirements of the Unified Statewide Building Code and the Virginia Department of Health shall be satisfied;
(5) Adequate on-site or off-site parking shall be provided so as not to interfere with or result in inconvenience to surrounding residences;
(6) All other provisions pertaining to home occupations shall be satisfied.

block - The property bound on all sides by one side of a street or a combination of street line, railroad right-of-way, unsubdivided land, river, live stream, stream bed, or any other barrier to the continuity of development.

Board, The - The Board of Zoning Appeals of the Town of Berryville, Virginia.

boarding house - A building where, for compensation, lodging and meals are provided for at least three (3) and not more than thirteen (13) persons. A boarding house is to be distinguished from a hotel. No provisions shall be made for cooking in individual rooms or suites.

building - A structure having a roof, supported by columns or by walls and intended for shelter, housing, or enclosure of any person, animal, or chattel.

Building Inspector - An official designated by the Town of Berryville, Virginia, to be responsible for certifying building inspections.

building, main - A building in which the principal use of the lot is conducted.

5/95 **canopy, service station** - A structure covering gasoline pumps and pumping areas, either detached from or attached to a building. Service station canopies shall be set back at least five (5) feet from any property line in the C Commercial District, and at least ten (10) feet from any property line in all other zoning districts.

cellar - A portion of a building having less than fifty percent (50%) of the total exterior wall area exposed. All portions of the total exterior wall area exposed shall be counted for the purpose of height requirements, but shall not be considered a story.

cemetery - A place of burial of the human dead, or remains of the human dead.

clinic - An establishment where human patients who are not lodged overnight are admitted for examination or treatment by physicians or dentists.

Commission, The - See **Planning Commission.**

convalescent home - See **nursing home.**

5/16 **convenience store** - A retail business with primary emphasis placed on providing the public a convenient location to quickly purchase from an array of consumable products including food, gasoline, and other convenience items. A convenience store may include prepared food and consumption of prepared food on site. A drive-through facility may also be included.

6/09 **country inn -** An establishment offering for compensation to the public not more than 12 guestrooms for transitory lodging or sleeping accommodations of not more than 14 days of continuous occupancy. As accessory uses to a Country Inn, meal services and/or permanent places of public assembly may be provided. The total maximum capacity of areas used for meal service and/or places of public assembly for special events shall be 500 people without additional permitting provided that areas to be used for this purpose, including food service and parking, are provided for on an approved site plan on the site on which the inn is located.

coverage, building or lot - Percentage of the total lot area which may be occupied by all buildings, or located under projections from buildings. Parking areas or patios constructed at ground level shall not be included in the calculation of coverage.

3/18 **craft beverage manufacturing** - A facility, licensed in accordance with §4.1 of the Code of Virginia, as amended, in which beer, wine, cider, mead, distilled spirits, or other similar beverages are brewed, fermented, or distilled in quantities not to exceed 10,000 barrels of beer, or 10,000 gallons of distilled spirits, wine, cider, or mead annually. Accessory uses shall include tasting rooms at which the consumption of beer or distilled spirits manufactured on-site occurs, accessory food sales occur, and beer and/or distilled spirits manufactured on-site are sold. Tasting rooms shall not exceed 49% of the gross floor area. Retail sales permitted as an accessory use in the L-1 Industrial Zoning District shall be limited to 10% of the gross floor area of the establishment. Parking shall be provided in accordance with the requirements for manufacturing as set forth in Section 305.19 and 305.17 of the Berryville Zoning Ordinance based on square footage of manufacturing and eating establishment use, respectively. Storage of materials used in the production process shall only be permitted within a completely enclosed structure. All other outdoor storage shall be identified on an approved Site Plan and be completely screened from public view.

curb cut - The point at which a driveway or private access road intersects a public right-of-way.

day care center – A day care program offered to two or more persons in a facility that is not a residence for any family. The persons receiving care may be either children ("child care") or adults ("elder care" or "adult care"). Such centers must be licensed, when required by the Commonwealth of Virginia.

density - The number of dwelling units permitted on one acre of land as specified herein.

Designated Agent – The agent employed or authorized by the Town Council t review and act on subdivision plats, site plans, and plans of development

development - The process of erecting, or causing to be erected, buildings or structures on a lot.

district - A portion of the Town of Berryville within which, on a uniform basis, only certain uses of land and buildings are permitted as set forth in this Ordinance, and within which certain lot areas and other uniform requirements are established.

5/13 **donation drop-off box -** Any container, storage unit, or unoccupied structure, used for the holding of donated items by the general public, including but not limited to clothing, toys, and books, with the collection of donated items made at a later date or time. This term shall not include recycling collection centers.

driveway - A space or area providing access specifically designated and reserved on a lot for the movement of vehicles from one lot to another or from a lot to a public street.

duplex - A two-family residential structure, with each unit having its own exterior entrance and its own kitchen and bath facilities; the residential units may be arranged one above the other, or be semi-detached.

dwelling - A building or portion thereof which is used or intended to be used exclusively for residential purposes and contains one or more dwelling units. A dwelling shall be constructed in accordance with the Clarke County Building Code.

dwelling, attached - A dwelling having any portion of each of two walls in common with adjoining dwellings.

dwelling, detached - A dwelling that is entirely freestanding on the same lot.

dwelling, multi-family - A structure originally arranged or designed to be composed of three or more dwelling units (an apartment house), with the number of families in residence not exceeding the number of dwelling units provided.

dwelling, semi-detached - One of two buildings, arranged or designed as dwellings, located on abutting walls without openings and with each building having a separate lot.

11/10 **dwelling, single-family** - A residential dwelling unit other than a mobile home, designed for and occupied by one family. This term shall include group homes, family day homes or assisted living facility (as defined in § 15.2-2291 Code of Virginia, 1950, as amended).

dwelling, temporary - A portable dwelling not necessarily attached to a permanent foundation. These units shall be used only as specified herein.

dwelling, two-family - A residential building containing not more than two dwelling units within the single building, with such units arranged one above the other or side by side, and such structure designed for occupancy by not more than two families.

09/06 **dwelling unit -** One room, or rooms connected together, constituting a separate independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities, and containing not less than 600 square feet of residential floor area. Notwithstanding any other provisions of this Ordinance, not more than one person for each 200 square feet of heated area may live in any dwelling unit. Each dwelling unit shall be constructed in accordance with the requirements of the Uniform Statewide Building Code.

Dwelling Unit Definitions:

modular unit - A factory-fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site and containing independent cooking and sleeping facilities, and containing not less than 600 square feet of residential floor area. The term is intended to apply to major assemblies, and does not include prefabricated panels, trusses, plumbing trees, and other prefabricated sub-elements incorporated into a structure. Such units shall meet the requirements of the Uniform Statewide Building Code.

sectional home - A dwelling made of two or more modular units transported to the home site, put on a foundation, and joined to make a single dwelling. This type of unit is included in the definition of "dwelling unit." Such units shall meet the requirements of the Uniform Statewide Building Code.

easement - A grant by a property owner of the use of his land by another party for a specific purpose. The initial property owner in the agreement may be compensated for the use of this property.

engineer, registered - A licensed Professional Engineer, registered in the Commonwealth of Virginia by the Department of Professional and Occupational Registration as an "Engineer."

09/06 **family** - One or more persons related by blood, adoption, or marriage living and cooking together as a single housekeeping unit, and also including foster children and domestic servants. For the purposes of this definition, persons related by blood are natural offspring, siblings, grandchildren, grandparents, parents, aunts, uncles, nieces or nephews. A family may also be a number of persons, not exceeding three, living and cooking together as a single housekeeping unit, though not related by blood, adoption or marriage. See also **group home** and **family day home.**

10/94 **family day home** - A day care program offered in the residence of the provider or the
12/10 home of any person in care for one through eight (8) persons, exclusive of the provider's own immediate family members and any persons who reside in the home, when at least

one person receives care for compensation. The persons receiving care may be either children ("child care") or adults ("elder care" or "adult care"). *(continued)*

As provided in Section 15.1-486.5 of the Code of Virginia, as amended, any family day home serving one through eight (8) persons (as defined above) shall be considered to be for all zoning purposes, residential occupancy by a single family. Such a family day home shall be allowed wherever a family (See definition.) is permitted to occupy a dwelling. No additional permits or conditions may be imposed on such a use.

12/00 **fast-food restaurant** - Any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages in motor vehicles on the premises; a refreshment stand; a "drive-through" or primarily a "carry-out" establishment. Food may also be eaten inside.

fence - A barrier, usually made of posts and wire, boards, or masonry, intended to prevent escape or intrusion or to make a boundary. Trees, shrubbery, or other foliage does not constitute a fence under this definition.

floodplain - Sections of land, which are subject to periodic flooding and inundation as defined or approved by the Department of Housing and Urban Development.

2/07 Floodplain Definitions:

1. **Base Flood/100-Year Flood** - A flood that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a one [1] percent chance of occurring each year, although the flood may occur in any year).
2. **Base Flood Elevation (BFE)** - The Federal Emergency Management Agency designated 100-year water surface elevation.
3. **basement** - Any area of the building having its floor subgrade (below ground level) on all sides.
4. **Board of Zoning Appeals** - The board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this Ordinance.
5. **development** - Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations or storage of equipment or materials.
6. **flood fringe** - The portion of the floodplain lying on either side of the floodway.
7. **floodplain** - Any land area susceptible to being inundated by water from any source.
8. **floodway** - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
9. **freeboard** - the distance above a designated flood level for purposes of floodplain management.
10. **freeboard** - the distance above a designated flood level for purposes of floodplain management.

11. **historic structure –** any structure that is:
    1. listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
    2. certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
    3. individually listed on a state inventory of historic places in states with historic preservation program which have been approved by the Secretary of the Interior; or
    4. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either
        a. by an approved state program as determined by the Secretary of the Interior; or,
        b. directly by the Secretary of the Interior in states without approved programs.
12. **lowest floor** - The lowest floor of the lowest enclosed area (including basement).
13. **new manufactured/mobile home park or subdivision** -
    A manufactured/mobile home park or subdivision, for which the construction of facilities for servicing the lots on which the homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the first floodplain ordinance adopted by the Town of Berryville.
14. **recreational vehicle** – a vehicle that is:
    (a) Built on a single chassis;
    (b) Four hundred (400) square feet or less when measured at the largest horizontal projection;
    (c) Designed to be self-propelled or permanently towable by a light-duty vehicle; and
    (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.
15. **special floodplain** - That area in which base flood elevations are provided but a floodway is not delineated.
16. **substantial damage** - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.
17. **substantial improvement** - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include either:
    (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been

identified by the local code enforcement official and are the minimum necessary to assure safe living conditions, or

(b) Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

18. **variance** - A grant of relief from the terms of this article by the Board of Zoning Appeals of the Town of Berryville.

floor area - The floor area of a building is the sum of the gross horizontal areas of the floors of all buildings on the lot, such area to be measured from the interior faces of exterior walls. Floor area shall include the area of a basement when used for residential, commercial, or industrial purposes but not include a basement or portion of a basement used for storage or housing of mechanical or central heating equipment.

frontage - Lot width at the setback line.

funeral parlor, home, or mortuary - An establishment used for human funeral services, which must include facilities on the premises for embalming and may or may not include facilities for the performance of autopsies, other surgical procedures, or cremation.

4/99 **furniture and automobile upholstery businesses** - Any place of business that provides upholstery installation and repair services on furniture and/or vehicles and retail sales of related materials. All such activities must occur within a completely enclosed structure and no materials associated with the business may be stored outdoors.

garage, communal - A garage used for the storage of vehicles by the occupants of a lot on which such building is located.

garage, private - An accessory building used for the storage of vehicles by the occupants of a lot on which such building is located.

garage, public - An accessory building, portion of a principal building or principal building used only for the storage of four (4) or more vehicles by others than only those occupants of a lot on which such building is located.

garden apartment house - A multi-family dwelling, not exceeding three (3) stories in height, containing three (3) or more separate dwelling units, having either common or separate entrance ways on a lot held in a single ownership having yards in common, but which may also have joint facilities and services. The term "garden apartment house" shall not be constructed to include row house or "town house."

7/04 **Geotechnical Engineer** – a Virginia-Registered Professional Engineer (PE) engaged in the practice of Geotechnical Engineering, or a Virginia-Registered Professional Geologist (PG) who is engaged in the practice of Engineering Geology.

Governing Body - The Town Council of Berryville, Virginia.

10/94 **group home** - A residential facility as defined in Section 15.1-486.3 of the Code of Virginia, as amended. Such a group home shall be allowed wherever a family (See definition.) is permitted to occupy a dwelling. No additional permits or conditions may be imposed on such a use.

hard surface - Concrete, "blacktop," and macadam, or a similar surface shall constitute a hard surface.

Health Official (Officer) - The Director of the Clarke County Department of Health or his designated deputy, or a representative of the Virginia Department of Health.

height of building - The vertical distance from the established grade of the center of the front of the building to the highest point of the roof surface of a flat roof, to the deck line for a mansard roof, to mean height level between the eaves and ridge for hip and gambrel roofs.

6/98 **high-tech (high technology) component systems** - Advanced or sophisticated devices, especially in the fields of electronics and computers.

4/91 **home occupation** - Any activity carried for gain by a resident conducted as an accessory use in the resident's dwelling unit.

4/91; 12/93 **home office** - A home occupation consisting only of an office and meeting the requirements of Section 315.2 shall be a permitted use within any residential dwelling.

2/90 **homeowners' association** - A community association, other than a condominium association that is organized in a residential development wherein individual owners share legal interests and obligations in the management and upkeep of common facilities and open spaces.

hotel - A building designed or occupied as the temporary abiding place for fourteen (14) or more individuals who are, for compensation, lodged, with or without meals, and in which no provision is made for cooking in individual rooms or suites.

6/97 **housing for older persons** - Such housing shall be in accord with Virginia Code Section 36-96.7, as amended, and pursuant to said Code Section, means housing 1) provided under any State or Federal program that is specifically designed and operated to assist elderly persons, as defined in the state or federal program; 2) intended for, and solely occupied by, persons sixty-two years of age or older; or 3) intended for, and solely occupied by at least one person fifty-five years of age or older per unit.

The following criteria shall be met in determining whether housing qualify as housing for older persons under Subdivision 3 of this Section:

(1) The existence of significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of such facilities and

services is not practicable, that such housing is necessary to provide important housing opportunities for older persons;

(2) That at lease eighty percent of the units are occupied by at least one person fifty-five years of age or older per unit; and

(3) The publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons fifty-five years of age or older. In determining the criteria to be met, unoccupied units shall be considered, provided such units are reserved for occupancy by persons who meet the above criteria.

junkyard - Any land or building used for the abandonment, storage, keeping, collecting, or bailing of paper, rags, scrap metals, other scrap or discarded materials, or for the abandonment, demolition, dismantling, storage, or salvaging of automobiles or other vehicles not in running conditions, machinery, or parts thereof. The term 'junkyard' shall include the term 'automobile graveyard' as defined in Chapter 304, Acts of 1938, Code of Virginia, as any lot or place which is exposed to the weather upon which more than three (3) motor vehicles of any kind, incapable of being operated, are placed.

7/04 **karst feature** – karst topography is a landscape created by groundwater dissolving sedimentary rock such as limestone. Features are sinkholes, fissures enlarged by dissolution and caves.

laundromat - A building or part thereof where clothes or other household articles are washed or dry-cleaned in self-service machines with a capacity for washing not exceeding twenty-five (25) pounds dry weight and where such washed clothes and articles may also be dried or ironed and no delivery services provided in connection therewith.

laundry - A building, or part thereof, other than a laundromat, where clothes and other articles are washed, dried, and ironed or dry-cleaned.

lot - A parcel of land occupied or to be occupied by a building and its accessory buildings or by a use and its accessory uses together with such open spaces as required under the provisions of this Ordinance, having at least the minimum area required by this Ordinance for a lot in the zone in which such lot is situated, and having its principal frontage on a street which has been approved by the Town as acceptable into the Town street system.

lot, corner - A lot abutting on two or more streets at their intersections.

lot depth - The average of the horizontal distances between front and rear line of a lot measured perpendicular to the street line.

lot, interior - Any lot other than a corner lot.

lot of record - A lot that has been recorded in the office of the Clerk of the Circuit Court.

lot, through (double frontage) - A lot, other than a corner lot, that has a frontage on two streets.

lot width - The horizontal distance between the side lines of a lot measured along the building setback line.

manufacture and/or **manufacturing** - 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.

4/00 **medical care facilities, licensed** - Skilled nursing facilities and nursing facility care, licensed by the Virginia Department of Health and providing 24-hour medical care to residents.

motel - An establishment consisting of a group of living or sleeping accommodations, each with a bathroom and closet space, located on a single zoning lot, and designed for use by transient automobile tourists; less than 50 percent of the living and sleeping accommodations are occupied or designed for occupancy by persons other than transient automobile tourists.

1/00 **music sales and services** - Any combination of uses including instrument repair, music lessons, recording studios and/or rental of musical instruments and accessories.

5/03 **net developable acre** - The area of a parcel of land excluding the following:

1. land in 100-year floodplains;
2. land within twenty-five (25) feet of the discernible edge of sinkholes;
3. land with slopes in excess of twenty-five (25) percent;
4. Fifty (50) percent of land with slopes between fifteen (15) and twenty-five (25) percent; and
5. land within existing public rights-of-way and easements, and land within private access easements serving other properties.

non-conforming activity (use) - The otherwise legal use of a building, structure, or tract of land that does not conform to the use regulations of this Ordinance for the district in which it is located either at the effective date of this Ordinance or as a result of subsequent amendments to the Ordinance.

non-conforming lot - An otherwise legally platted lot that does not conform to the minimum area or width requirements of this Ordinance for the district in which it is located either at the effective date of this Ordinance or as a result of subsequent amendments to the Ordinance.

non-conforming structure - An otherwise legal building or structure that does not conform with the lot area, yard, height, lot coverage, or other area regulations of this Ordinance, or is designed or intended for a use that does not conform to the use regulations

of this Ordinance for the district in which it is located either at the effective date of this Ordinance or as a result of subsequent amendments to the Ordinance.

nursing home (convalescent home, rest home) - A place containing beds for two (2) or more patients, established to render live-in and/or nursing care for chronic or convalescent patients and which is properly licensed by the State, but not including child care homes, or facilities for the care of drug addicts, alcoholics, or other patients requiring extensive and/or intensive care than is normally provided in a general hospital or other specialized hospitals. Such terms shall include group homes serving mentally retarded or other developmentally disabled persons.

open space, usable landscaped - That space on the same zoning lot and contiguous to the principal building or buildings, except as herein noted, which is either landscaped with shrubs, planted with grass, or developed and maintained for recreation purposes, and excludes that portion of the lot which is utilized for off-street parking purposes.

off-street parking area - Space provided for vehicular parking outside the dedicated street right-of-way.

overhang - Any projection, either roof, bay window, or similar cantilevered construction, which extends beyond the foundation of a structure. No such construction shall project into any required yard more than three (3) feet and no such projection shall have a vertical surface whose area is more than twenty-five (25) percent of the area obtained by multiplying the mean height of the structure by the length of the structure along the yard which is violated.

2/90 **overlay zones** - Districts that are delineated on the Zoning Map and for which requirements--in addition to those of an underlying district--are imposed as specified in the Zoning Ordinance.

parking space - An area of not less than required by this Ordinance for each automobile or motor vehicle, such space being exclusive of necessary drives, aisles, entrances, or exits, and being fully accessible for the storage or parking of vehicles.

5/06 **pharmaceutical center -** An establishment in which only pharmaceutical services are provided. Its purpose shall be limited to providing the public and various health professionals with information and articles intended for the use in diagnosis, cure, mitigation, treatment, or prevention of a disease state, including drugs and medical instruments or devices of the type used under the strict supervision of a physician in the treatment of a specific disease entity. No articles shall be displayed for sale, except for those articles directly related to the diagnosis, cure, mitigation, treatment, or prevention of a disease. Articles displayed for sale and product advertisements shall not be visible from outside the building.

2/90 **physiographic** - Of or relating to natural features of land to include--but not restricted to -- topography, soil-bearing capacities, geological characteristics, and solar siting.

planned research offices - An establishment or other facility for carrying on investigation, study, and education in the social sciences, including history, economics, political science, social studies, civics, and related disciplines, operated and maintained as a single entity of a minimum lot area of no less than three (3) contiguous acres containing one or more structures to accommodate the principal use and other uses incidental to the principal use.

Planning Commission - The Planning Commission of the Town of Berryville, Virginia.

5/94 **porches (decks)** - An open, unenclosed stoop, deck, or paved terrace which may project into a front or rear yard for a distance not exceeding eight (8) feet, and into a side yard for a distance not exceeding five (5) feet, but this shall not be interpreted to include porches or decks which may be enclosed by removable windows, fixed canopies, or screens. A porch or deck or any portion thereof shall not occupy more than 24 square feet of any side yard. A one-story bay window or a chimney may project not more than three (3) feet into any required yard area. A porch or deck shall not be included in the calculation of lot coverage.

6/03 **portable freestanding sign** – A sign having not more than two (2) faces and not exceeding three (3) feet in width by four (4) feet in height, which is placed on the ground as a stand-alone structure.

professional offices - A structure used by a person or persons, in offering a service which requires specialized knowledge gained by intensive academic preparation such as medicine, law, engineering, dentistry, and other like endeavors.

public utility - Any person, firm, corporation, municipal department, or board duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public, electricity, gas, steam, communications, telegraph, transportation, water, or like utilities.

4/91 **quick service store** - Any retail establishment offering for sale prepackaged food products, household items, and other goods associated with the same and having a gross floor area of less than 5,000 square feet.

(6/10) **recreation, commercial indoor** – A sports or activity facility either open to the general public for a fee or for members and their guests, located in an enclosed building or structure designed to accommodate gatherings for athletic, training, recreational purposes, games, martial arts, and the like. Office, retail sales and rentals, food service and other uses commonly established in such facilities and related parking shall be permitted as ancillary uses and shall not occupy more than 5,000 square feet of gross floor area (not including storage) on any one lot and shall not exceed twenty-five (25) percent of total floor area for the site. The areas dedicated to ancillary uses must be indicated on an approved site plan.

12/00 **restaurant** - Any building other than a fast-food restaurant in which for compensation, food or beverages are dispensed for consumption on the premises, including, among other establishments, cafes, tea rooms, confectionery shops, and refreshment stands.

restoration, beginning of - The clearing of debris from an area, use, or structure which has been totally or partially damaged or destroyed.

resubdivision - A change in a plat of an approved or recorded subdivision or resubdivision if such change (a) affects any street layout shown on such plat; (b) affects any area reserved thereon for the public use; or (c) changes the size of any lot shown thereon, if any lots have been conveyed after the approval or recording of such plat (See **subdivision**.)

retail stores and shops - Buildings for display and sale of merchandise at retail or rendering of personal services, but specifically exclusive of coal, wood, oil storage, lumberyards, and contractor storage yards.

rooming house (lodging house) - A building other than a hotel where lodging is provided for three (3) or more persons for compensation pursuant to previous arrangements but not open to the public or transients.

2/90 **setback** - The minimum distance by which any structure or building must be separated from a right-of-way or property line, or from other structures or buildings.

10/00 **setback, front** - The minimum distance by which any main building must be separated from the front lot line. However, no main building need be set back more than the average setback of the adjacent main buildings on each side. The minimum setback for the respective zone shall be used in the calculation of the average if 1) the adjacent lot is vacant, or 2) the adjacent main building has not been legally constructed (i.e. has not received a variance, or is not considered non-conforming).

shopping center - Any conglomeration of commercial activities sharing a parcel of land that is held in single ownership and sharing parking facilities.

10/23 **short-term rental-** The provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy. Advertisement or operation of a short-term rental unit requires registration, a business license, remittance of transient occupancy tax, and is limited to dwellings which hold a Clarke County Certificate of Occupancy. Events are prohibited. No food preparation or service may be provided to primary renter or guests of short-term rental.

Each short-term rental unit shall advertise and implement a maximum occupancy of no more than as permitted by the Virginia Uniform Statewide Building Code or two (2) persons per bedroom, whichever is less, and at no time exceed 13 individuals.

sign - Any display of any letter, words, numerals, figures, devices, emblems pictures, or any parts or combinations thereof, by any means whereby the same are made visible for

the purpose of making anything known, whether such display be made on, attached to, or as part of a structure, surface, or any other thing.

sign, area of - The entire area within a circle, triangle, parallelogram, or trapezoid enclosing the extreme limits of writing, reproducing, emblem or any figure or similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding the necessary supports or uprights on which such sign is placed. On double-faced signs, only one (1) display face shall be measured in computing total sign area where sign faces are parallel and are at no point more than two (2) feet from one another.

sign, business - A sign which directs attention to a business, commodity, service activity, or product sold, conducted or offered upon the premises where such sign is located.

sign, home occupation - A sign not exceeding two (2) square feet in area on each side directing attention to a product, commodity, or service available on the premises but which product, commodity, or service is clearly a secondary use of the dwelling.

sign, identification - A sign on the premises bearing the name of a subdivision, name of a group housing project, or of a school, college, park, church, or other public or quasi-public facility, or a professional or firm name plate, but bearing information pertaining only to the premises on which such sign is located.

sign, outdoor advertising - Any sign of any material and any character whatsoever, which is placed (including erection, construction, posting, painting, printing, tacking, nailing, gluing, sticking, carving, or other fastening, affixing, or making visible in any manner) for outdoor advertising purposes in any way whatsoever.

sign, temporary - A sign applying to a seasonal or other brief activity such as, but not limited to, summer camps, horse shows, auctions, or sale of land.

2/90 **site plan** - A plan which meets the requirements of site plan regulations adopted by the Town of Berryville, is drawn to scale, and indicates the layout of rights-of-way, structures, utilities, storage facilities, parking areas, access drives, landscaping, etc., in a proposed development.

Special Use Permit - A permit granted by Town Council, upon review and recommendation of the Planning Commission for a use permitted by the Council to occupy land and/or erected thereon for a specific purpose not yet permitted by right, but in accordance with standards or conditions and procedures included in this Ordinance or by the Town Council.

7/04 **spring** – any spring that is depicted on the most recent version of the Virginia Department of Mineral Resources Publication 102, Plate 2, Hydrogeologic Components of Clarke County, Virginia.

story - That portion of a building other than a cellar or mezzanine, included between the surface of any floor next above it, or if there is no floor above it, then the space between

the floor and the ceiling next above it; a mezzanine shall be deemed a full story when it covers more than 33 percent of the area of the story beneath the mezzanine, or if the vertical distance from the floor next below it to the floor next above it is 24 feet or more.

story, half - A space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use.

7/04 **stream, intermittent or perennial** – any stream that is depicted as intermittent or perennial on the most recent U.S. Geological Survey 7-1/2 minute topographic quadrangle (scale 1:24,000).

street or **road** - A public thoroughfare, except an alley or driveway, which affords vehicular traffic circulation and principal means of access to abutting property.

street line - The dividing line between a street or road right-of-way and contiguous property.

structural alteration - Any change in the supporting members of a building or structure, such as bearing walls, partitions, columns, beams or girders, or any change in the width or number of exits, or any substantial change in the roof.

structure - See **building**.

structure, outdoor advertising - Any structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign may be placed, including also outdoor advertising statuary.

subdivision - The division of a tract or parcel of land into two (2) or more parts or lots for the purpose, whether immediate or future, of sale, conveyance, or building development expressly excluding development for agricultural purposes, and includes resubdivision. (See **resubdivision**.)

surveyor, professional - A licensed professional surveyor, registered in the Commonwealth of Virginia by the Department of Professional and Occupational Registration as a "Surveyor." This term shall also include land surveyors.

11/10 **temporary family health care structure** – A structure that shall be (i) for use by a caregiver in providing care for a mentally or physically impaired person and (ii) on property owned or occupied by the caregiver as his/her residence as a permitted accessory use as established in Section 323 of the Town of Berryville Zoning Ordinance.

theatre, indoor - A building designed and/or used primarily for the commercial exhibition of motion pictures to the general public or used for performance of plays, acts, or dramas by actors and/or actresses.

tourist home - At least three (3) and not more than eight (8) attached dwelling units forming a continuous structure, each unit being separated by unpierced common or party

walls of masonry construction going through the roof of said unit, void of fenestration or means of ingress or egress from the basement through the roof with individual exterior entrances at grade and with not more than four abutting townhouses or dwelling units having the same front yard setback.

travel trailer - A vehicular, portable structure built on a chassis, as a temporary dwelling for travel, recreation, and vacation, having body width not exceeding eight (8) feet and being of any length provided its gross weight does not exceed 4,500 pounds or being of any weight provided its body length does not exceed twenty-nine (29) feet.

use - The purpose or activity for which land or buildings thereon are designed or arranged, or for which land or buildings are occupied or maintained, and shall include any manner of performance of such activity with respect to the performance standards of this Ordinance.

variance - A relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the Ordinance will work undue hardship on the property owner; a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning division or district or adjoining divisions or districts, nor solely for the economic benefit of the person requesting such variance.

yard - An open space of a generally uniform width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings or other specified points, and the nearest lot line and is unoccupied and unobstructed from the ground upward except as otherwise provided herein.

yard, front - A yard extending across the full width of the lot and lying between the adjacent street right-of-way line and the building setback line. On a corner lot the two yards lying between the main building and the intersecting streets shall be deemed front yards.

yard, rear - A yard extending across the full width of the lot and lying between the rear property line of the lot and a line drawn generally parallel to the rear lot line at such distance as may be specified herein for any district.

yard, side - A yard between the side lot line and a line drawn generally parallel thereto at such distance as may be specified herein for any district and extending from the setback line to the rear yard line. On a corner lot the side yard adjacent to a street shall extend the full depth of every such lot.

Zoning Administrator - See **Administrator**.

zoning map - The Official Zoning Map of the Town of Berryville, Virginia, and all amendments thereto.

zoning permit - a permit issued by the Zoning Administrator to the applicant before the applicant may proceed with any work affected by any provisions of this Ordinance, or begin any uses of land and/or structures as permitted by this Ordinance.

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Administration and Finance Report
June 9, 2026

Item Title:
Report of the Administration and Finance Department

Prepared By:
Cynthia Poulin, Treasurer

Attachments

1. ARPA update
2. Cash balances
3. Check listing

Recommendation
Presented for Council review

JUNE 9, 2026
Monthly Update

American Rescue Plan Act of 2021

Funds expended over the past month
The May 2026 expenditure report is attached.

Attachments
- May 2026 ARPA Expenditure Report
- ARPA Master List
- Project Status Reports

ARPA MASTER LIST

5/31/2026

	PROJECT NAME	BUDGET	SPENT TO DATE	BALANCE	%COMPLETE	
1	Computers:Utility Clerk,PWs	$ 2,437.90	$ 2,437.90	$ -	100%	Admin
2	Police Radio Replacements	$ 75,000.00	$ 75,000.00	$ -	100%	
3	PW Compressor	$ 23,629.85	$ 23,629.85	$ -	100%	infra
4	Water Dist Sys Flushing Equip	$ 7,500.00	$ 9,844.38	$ -	100%	infra
5	Water Meter Reading Equip	$ 12,458.03	$ 12,458.03	$ -	100%	infrastr
6	Grants for Improper Con to Sewer Sys	$ 4,500.00	$ 4,500.00	$ -	100%	grant
7	W/s Admin Fees	$ 175,260.82	$ 175,260.82	$ -	100%	
8	Premiuim Pay for Employees	$ 172,000.00	$ 174,323.86	$ -	100%	premium pay
9	Grant John H Enders/Rescue Squad *	$ 80,000.00	$ 80,000.00	$ -	100%	grant
10	Grant to Barns of Rose Hill *	$ 40,000.00	$ 40,000.00	$ -	100%	grant
11	Grant for Façade Improvement	$ 196,185.08	$ 196,185.08	$ -	100%	grant
12	Website	$ 5,845.29	$ 5,845.29	$ -	100%	Admin
13	Leak Study	$ 8,662.50	$ 8,662.50	$ -	100%	infra
14	SSES Study	$ 117,868.73	$ 117,868.73	$ -	100%	infra
15	River Pumping Station Upgrade	$ 25,000.00	$ 28,538.55	$ -	100%	infra
16	Water Meter & Setter Replacements *	$ 350,000.00	$ 350,000.00	$ -	100%	infra
17	Hermitage Pump Station	$ 26,000.00	$ 26,000.00	$ -	100%	infra
18	Booster Building Upgrade	$ 20,000.00	$ 22,985.85	$ -	100%	infra
19	WWTP Headworks Lighting Upgrade	$ 4,764.00	$ 4,764.00	$ -	100%	infra
20	Ridge Road Water Main	$ 25,939.04	$ 25,939.04	$ -	100%	infra
21	Water, Sewer and Drainage Projects	$ 2,228,476.76	$ 2,228,476.76	$ -	100%	infra
22	Rockcroft Water Main Abandonment	$ 10,000.00	$ 10,550.96	$ -	100%	infra
23	Security Upgrades	$ 125,000.00	$ 100,995.91	$ -	100%	infra/admin70
24	Drainage Dorsey, Walnut, Treadwell	$ 1,500.00	$ 1,500.00	$ -	100%	infra
25	Bel Voi and Battletown Water Main Repl	$ -	$ 11,612.50	$ -	100%	infra
26	Wayfinding Signs	$ 140,000.00	$ 43,700.00	$ 96,300.00	50%	
27	Raw Water Intake Land-Easement Acquisition	$ 13,672.50	$ 13,672.50	$ -	100%	infra
28	Grant Housing (3 years)	$ 40,000.00	$ 40,000.00	$ -	100%	
29	Capital Projects	$ 543,285.50	$ 461,557.02	$ 81,728.48	50%	
	Administrative /Legal Fees	$ 60,000.00	$ 45,055.39	$ 15,592.60	75%	Admin
	Total Encumbered	$ 4,534,986.00	$ 4,341,364.92	$ 193,621.08		
	Total ARPA	$ 4,534,986.00				

* Project For (2) two years

May-26

	BUDGETED	USED THIS MONTH	TOTAL USED	BALANCE	PERCENT USED	
Signage						
Estimated cost of these actions						
- Signage	$ 140,000.00	$ -	$ 43,700.00	$ 96,300.00	31%	$ 140,000.00
- Total			$ 43,700.00			$ 140,000.00
Fund balance from first payment						$ 30,715.34
Fund balance from second payment						$ 65,584.66
Complete necessary water and sewer infrastructure projects						
Capital Projects						
Estimated cost of these actions						
- Cost of the projects	$ 3,495,500.79	$ 155,310.00	$ 1,757,284.10	$ -	85.00%	$ 3,485,953.17
			$ 1,645,651.88	$ 81,728.48		$ 3,485,953.17
Total			$ 3,402,935.98			
Fund balance from first payment						$ -
Fund balance from second payment						$ 81,728.48
Pay for administrative costs						
Esimated cost of these actions						
- Administrative costs per FY (5.5)	$ 60,000.00	$ -	$ 44,407.40	$ 15,592.60	74%	$ 60,000.00
- Total			$ 44,407.40			$ 60,000.00
Fund balance from first payment						$ 15,592.60

NOTES:

INFRASTRUCTURE COSTS:			
Frazier Assoc.(Wayfinding)	$ -	1st Tranche	$ 2,267,493.00
Core & Main	$ -	Used to date	$ 2,221,185.06
VA RIGGERS	$ -	Balance	$ 46,307.94
Pete McLean	$ -		
Norfolk Southern	$ -	2nd Tranche	$ 2,267,493.00
FUOG Interbuild	$ 155,235.00	Used to date	$ 2,120,179.86
Pennoni (Water Projects Bel Voi & Battletown)	$ 75.00	Balance	$ 147,313.14
Webster Nursery(Concrete walls)	$ -		
Rick Boor Inspections	$ -		
Total	$ 155,310.00		

Project Status Report 16

Date: 6/9/2026

Project Name:
Water Meter and Setter Replacements

Project Budget: $350,000.00
Expected Completion Date: June 2023

Executive Summary:
Upgrade ¼ of the Town's water Meters and setters.

Project Goals:
1. Improve capture of water use.
2. Improve back flow protection.
3. Reduce meter reading costs.

Project Status:

Status Item	Status	Summary
Budget $350,000.00	Completed	Total Spend: $350,000.00
Schedule/Timeline	On Track	% Complete: **95**

Project Milestones:

Description	% Complete	Status
1. Order meters, setters, valves, plus other supplies	100%	Completed
2. Install meters / setters	90%	On Track

Project Issues or Concerns:
1. Multiyear project

Project Status Report 26

Date: 6/9/2026

Project Name:
Wayfinding Signs

Project Budget: $190,000.00
From ARPA: $140,000.00
From Town: $50,000.00
Expected Completion Date: December 2023

Executive Summary:
Design, construct, and install entrance and wayfinding signs.

Project Goals:
1. To improve business environment in downtown business district.

Project Status:

Status Item	Status	Summary
Budget 190,000.00	On Track	Total Spend: $43,700.00
Schedule/Timeline	On Track	Complete: 40%

Project Milestones:

Description	% Complete	Status
1. Design	100%	On Track
2. Determine Sign locations	100%	On Track
3. Secure VDOT approvals	95%	On Track
4. Develop offering for design and construction/award/have signs fabricated	75%	On Track
5. Secure contractor to install signs	100%	Completed
6. Have signs installed	0%	On Track
RFP ISSUED ON 6/30/2022 & COUNCIL AUTHORIZED THE TOWN MANAGER TO AWARD BID. NEW IFB ISSUED 12/15/2025 FOR FABRICATION AND INSTALLATION.		

Project Issues or Concerns:

Project Status Report 29

Date: 6/9/2026

Project Name: Capital Projects

Project Budget: $543,285.50

Expected Completion Date:

Project List Under Consideration:
Bel Voi Water Main Replacement
Bar Screen at STP
North Crow Street Drainage
Rose Hill Park Bridge
Project Goals:

Project Status:

Status Item	Status	Summary
Budget $543,285.50	On Track	Total Spend: $461,557.02
Schedule/Timeline	On Track	% Complete: **50**

Project Milestones:

Description	% Complete	Status
1. Construction plans	100%	Completed
2. Develop IFB	100%	Completed
3. Secure Easements	0%	Not Started
4. Issue offering/ review offering	100%	Completed
5. Select Contractor	100%	Completed
6. Complete project	0%	Not Started

Project Issues or Concerns:

Cash Balance Report

Period Ending 5/31/2026

Town of Berryville

6/2/2026 11:27 AM

	Bank Information	Balance
1	Bank of Clarke Operating Acct#- 1138499	-$61,009.24
2	Bank of Clarke NOW Acct#- 1138502	$5,602,091.53
3	Bank of Clarke Payroll Acct#- 1138510	$40,294.41
4	Bank of Clarke CIP Acct#- 1138405	$21,380,375.80
5	Bank of Clarke SW Acct#- 1138413	$497,532.95
6	Bank of Clarke PDAF Acct#- 1138421	$25,563.29
7	Bank of Clarke DSR Acct#- 1138456	$113,465.37
9	Bank of Clarke RAU Acct#- 1138472	$953.70
10	Bank of Clarke VRA Reserve Acct#- 6041647	$470,000.00
11	Bank of Clarke Proffer Reserve Acct#- 1897098	$90,505.82
12	Bank of Clarke Performance Bonds Acct#- 1910841	$11,337.14
13	TRUIST Acct#- 5137523525	$568,701.37
14	Bank of Clarke PD Contributions Acct#- 5759859	$10,041.81

Total Cash Balance:	$28,749,853.95

Check Listing

Date From: 5/1/2026 Date To: 5/31/2026
Vendor Range: 1-800 FLOWERS - Zuleger, David E. & Joanne C.

Check Number	Bank	Vendor	Date	Amount
10674	1	ANNE P RENNER	05/06/2026	**$7.31**
10675	1	BELL JR, MICHAEL EUGENE	05/06/2026	**$40.00**
10676	1	BKT UNIFORMS	05/06/2026	**$470.00**
10677	1	BLOSSMAN GAS INC	05/06/2026	**$8.88**
10678	1	BOOR, RICHARD	05/06/2026	**$2,550.00**
10679	1	CES WATER	05/06/2026	**$224.29**
10680	1	CORE & MAIN LP	05/06/2026	**$192.00**
10681	1	Dalton, Keith	05/06/2026	**$75.00**
10682	1	Fuog/Interbuild, Inc.	05/06/2026	**$195,030.00**
10683	1	GILPIN, WILLIAM MITCHELL	05/06/2026	**$40.00**
10684	1	IRISH, PATRICK	05/06/2026	**$40.00**
10685	1	LIBBY, DANA	05/06/2026	**$40.00**
10686	1	Malone, Gwen	05/06/2026	**$40.00**
10687	1	PENNONI ASSOCIATES INC	05/06/2026	**$3,980.00**
10688	1	Petti, Jean	05/06/2026	**$75.00**
10689	1	SINCLAIR, TIMOTHY	05/06/2026	**$40.00**
10690	1	Steinmetz, William	05/06/2026	**$75.00**
10691	1	SUNDAY D WELSH	05/06/2026	**$148.86**
10692	1	Treasurer of Clarke County	05/06/2026	**$701.14**
10693	1	U.S. BANK NATIONAL ASSOCIATION	05/06/2026	**$179.82**
10694	1	ANDERSON LAWN CARE, INC.	05/13/2026	**$1,250.00**
10695	1	Broy & Son Pump Service, Inc	05/13/2026	**$70.00**
10696	1	CIVICPLUS	05/13/2026	**$716.63**
10697	1	CLARKE COUNTY GENERAL DISTRICT COURT	05/13/2026	**$300.00**
10698	1	Commercial Press Inc	05/13/2026	**$208.75**
10699	1	CORE & MAIN LP	05/13/2026	**$1,922.48**
10700	1	EAST MOUNTAIN HEALTH PHYSICIANS INC	05/13/2026	**$120.00**
10701	1	EMMART OIL CO	05/13/2026	**$1,263.56**
10702	1	FACILITY ONE	05/13/2026	**$1,359.60**

Check Listing

Date From: 5/1/2026 Date To: 5/31/2026
Vendor Range: 1-800 FLOWERS - Zuleger, David E. & Joanne C.

Check Number	Bank	Vendor	Date	Amount
10703	1	Fire Protection Company, LLC	05/13/2026	**$492.00**
10704	1	Fournier Industries	05/13/2026	**$8,060.00**
10705	1	Hach Company	05/13/2026	**$8,453.75**
10706	1	INNOVATIVE ACCESS TECHNOLOGIES	05/13/2026	**$126.00**
10707	1	Lakeside Equipment Corporation	05/13/2026	**$1,885.00**
10708	1	NUCKOLS PROPERTY SOLUTION	05/13/2026	**$8,000.00**
10709	1	PENNONI ASSOCIATES INC	05/13/2026	**$15,219.17**
10710	1	POSM Software LLC	05/13/2026	**$3,250.00**
10711	1	Select Specialty Products	05/13/2026	**$187.55**
10712	1	SOUTHERN AIR INC	05/13/2026	**$954.62**
10713	1	TAV	05/13/2026	**$250.00**
10714	1	Treasurer of Clarke County	05/13/2026	**$44,817.30**
10715	1	TRUMP'S ELECTRICAL INC	05/13/2026	**$1,290.00**
10716	1	U.S. BANK NATIONAL ASSOCIATION	05/13/2026	**$30.00**
10717	1	UNIVAR SOLUTIONS LLC	05/13/2026	**$1,476.10**
10718	1	VIRASEC IT Support Services, Inc.	05/13/2026	**$4,138.49**
10719	1	WIEHE JASON J	05/13/2026	**$501.93**
10720	1	BOOR, RICHARD	05/20/2026	**$2,550.00**
10721	1	BRITTANY L HIGGINS	05/20/2026	**$116.23**
10722	1	CIVICPLUS	05/20/2026	**$9,036.07**
10723	1	DOROTHY TAVENNER	05/20/2026	**$148.86**
10724	1	ECS MID-ATLANTIC LLC	05/20/2026	**$886.26**
10725	1	EMMART OIL CO	05/20/2026	**$55.00**
10726	1	Griffith Energy Services, Inc.	05/20/2026	**$198.97**
10727	1	Hall Company, The	05/20/2026	**$1,787.76**
10728	1	HEINRICH GARY R & ATTIKA ZAHID 10206	05/20/2026	**$174.77**
10729	1	HEINRICH, GARY RICHARD 11124	05/20/2026	**$13.50**
10730	1	INBODEN ENVIRONMENTAL SVCS	05/20/2026	**$23,676.08**
10731	1	Minnesota Life Insurance Co.	05/20/2026	**$723.84**

Check Listing

Date From: 5/1/2026 Date To: 5/31/2026
Vendor Range: 1-800 FLOWERS - Zuleger, David E. & Joanne C.

Check Number	Bank	Vendor	Date	Amount
10732	1	NUCKOLS PROPERTY SOLUTION	05/20/2026	**$3,075.00**
10733	1	PEACOCK STAR SERVICES	05/20/2026	**$3,166.00**
10734	1	SANDS ANDERSON PC	05/20/2026	**$6,328.50**
10735	1	Southern Software, Inc.	05/20/2026	**$1,125.00**
10736	1	THOMSON REUTERS	05/20/2026	**$256.03**
10737	1	Treasurer of Frederick County	05/20/2026	**$7,404.40**
10738	1	TRUMP'S ELECTRICAL INC	05/20/2026	**$7,265.00**
10739	1	U.S. BANK NATIONAL ASSOCIATION	05/20/2026	**$1,637.36**
10740	1	Valley Automation	05/20/2026	**$2,414.48**
10741	1	Winchester Star, The	05/20/2026	**$3,268.20**
10742	1	Lewin Asphalt, Inc	05/27/2026	**$1,336.30**
10743	1	Treasurer of Clarke County	05/27/2026	**$26,500.00**
10744	1	TRUMP'S ELECTRICAL INC	05/27/2026	**$5,840.00**
10745	1	VIRGINIA NUTRIENT CREDIT EXCHANGE ASSOC	05/27/2026	**$730.00**
10746	1	Griffith Energy Services, Inc.	05/27/2026	**$2,168.14**
10747	1	CRIM, BRYAN D	05/27/2026	**$402.26**
10748	1	DE HAVEN DONALD E KERRY L HOLMES-DE HAVEN 12142	05/27/2026	**$913.64**
75		Checks Totaling -		**$423,497.88**

Totals By Fund

	Checks	Voids	Total
100	$341,604.52		$341,604.52
501	$29,560.84		$29,560.84
502	$52,332.52		$52,332.52
Totals:	$423,497.88		$423,497.88

Town Council Report
9 June 2026

Item Title
Pedestrian Bridge in Rose Hill Park

Prepared By
Jean Petti

Background/History/General Information

The pedestrian bridge in Rose Hill Park does not meet ADA requirements and requires replacement.

Councilman Tibbens has collected two quotes for a replacement bridge of prefabricated truss construction. Although prices are variable based on length, a replacement bridge of this type is expected to cost between $20,000 and $35,000, plus site preparation and miscellaneous associated work.

Attachments

1. Estimate of costs for replacement
2. Example photo

Recommendation

If Town Council approves the general style and budget approximation, staff will build upon the work Councilman Tibbens has done to collect additional bids to meet procurement requirements.

Rose Hill Park Pedestrian Bridge Costs (Est.) 5/20/26

Pedestrian bride 24' long and 8' wide

Cost of bridge package	$ 35,000
Freight	$ 4,500
Stake out	$ 1,500
Excavation and Footers	$ 25,000
Crane	$ 1,000
Project management	$ 1,000
Inspections	$ 2,000
Electrical Work	$ 5,000
Miscellaneous	$ 1,000
Contingency (10%)	$ 7,600
Total	$ 83,600 *

* Does not include charging any cost of Public Works Department time against project. Also does not include cost to reestablish walks.

June 9, 2026

Discussion/Decisions

Appointment to the Planning Commission

Overview

There is a vacancy on the Planning Commission. This vacancy is available for a full four-year term.

Current Discussion

It is recommended that Glenn Skillman be appointed to the Planning Commission to fill a full four-year term on the Planning Commission.

Sample Motion

I move that the Council of the Town of Berryville appoint Glenn Skillman to a four-year term on the Berryville Planning Commission, with such term to commence on June 10, 2026 and end on June 30, 2030.

June 9, 2026

Discussion/Decisions

Appointment to the Tree Board

Overview

There is a vacancy on the Tree Board. This vacancy is available to fill an unexpired term.

Current Discussion

It is recommended that Kevin Donner be appointed to the Tree board to fill an unexpired term.

Sample Motion

I move that the Council of the Town of Berryville appoint Kevin Donner to an unexpired term on the Berryville Tree Board, with such term to commence on June 10, 2026 and end on December 31, 2027.

Town Council Report

9 June 2026

Item Title

Proposed revision to Sec. 10-49. Parking of commercial vehicles in residential areas and Sec. 10-50. Parking and storage of travel trailers, boats etc.

Prepared By

Jean Petti

Background/History/General Information

Revisions Sec. 10-49. Parking of commercial vehicles in residential areas and Sec. 10-50. Parking and storage of travel trailers, boats etc. in residential areas

-The fines and prohibitions have not been sufficient to deter the mischief at which the code is directed.

Attachments

1. Sec. 10-49 and 10-50, existing
2. Sec. 10-49 and 10-50, proposed

Sec. 10-49. Parking of commercial vehicles in residential areas.

(a) No person shall park or leave standing any commercial vehicle in any residentially zoned area of the town; provided that, during regularly scheduled school hours, school buses may be parked in such residentially zoned areas by their drivers for a continuous period not to exceed six (6) hours.

(b) No vehicle intended or designed to transport caustic, flammable, explosive or otherwise dangerous or hazardous materials shall be permitted to be parked or left standing in any residentially zoned area.

(c) This section shall not be applicable to commercial vehicles picking up or discharging passengers or merchandise or pursuant to performance of work or service in residential areas.

(d) For the purpose of this section, the term "commercial vehicle" shall mean a motor vehicle:

(1) In excess of twenty-two (22) feet in length; or

(2) In excess of ten (10) feet in height; or

(3) With a gross weight (GW), registered gross weight (RGW), empty weight (EW), or curb weight (CW) in excess of ten thousand (10,000) pounds; or

(4) With a manufacturers gross vehicle weight rating (MGVWR), gross vehicle weight rating (GVWR), or gross combined weight rating (GCWR) in excess of twenty thousand (20,000) pounds.

(5) The term shall include any semitrailers, construction equipment, cranes, well drilling apparatus and other heavy equipment; however, this section shall not prohibit parking of such equipment if being used for construction activities at sites where valid building or land disturbance permits are in force or such activity is otherwise allowed.

(e) Any violation of this section shall constitute a misdemeanor punishable by a fine not exceeding one hundred dollars ($100.00).

(Ord. of 1-9-18(2))

Sec. 10-50. Parking and storage of travel trailers, boats etc., in residential areas.

Any owner of a travel trailer, motor home, boat and/or boat trailer, utility or cargo trailer in excess of ten (10) feet in length, truck camper, habitable bus or recreational vehicle may park or store such equipment in any residentially zoned area of the town provided that:

(1) The vehicle has displayed all required licenses,

(2) The vehicle is located no closer to any street than the principal structure; except that said vehicle may be parked closer to the street than the principle structure for a period not to exceed forty-eight (48) hours when the owner of the vehicle is a resident of the street and is arriving or departing on a journey utilizing the vehicle,

(3) The vehicle does not exceed thirty-two (32) feet in length or nine (9) feet in height, and

(4) The vehicle is not inhabited while parked in said residentially zoned area.

Any violation of this chapter shall constitute a misdemeanor punishable by a fine not to exceed twenty-five dollars ($25.00).

(Ord. of 1-9-18(2))

Sec. 10-49. Parking of commercial vehicles in residential areas.

(a) No person shall park or leave standing any commercial vehicle in any residentially zoned area of the town; provided that, during regularly scheduled school hours, school buses may be parked in such residentially zoned areas by their drivers for a continuous period not to exceed six (6) hours.

(b) No vehicle intended or designed to transport caustic, flammable, explosive or otherwise dangerous or hazardous materials shall be permitted to be parked or left standing in any residentially zoned area.

(c) This section shall not be applicable to commercial vehicles picking up or discharging passengers or merchandise or pursuant to performance of work or service in residential areas.

(d) For the purpose of this section, the term "commercial vehicle" shall mean a motor vehicle as defined in §46.2-341.16, and/or:

(1) In excess of twenty-two (22) feet in length; or

(2) In excess of ten (10) feet in height; or

(3) With a gross weight (GW), registered gross weight (RGW), empty weight (EW), or curb weight (CW) in excess of ten thousand (10,000) pounds; or

(4) With a manufacturers gross vehicle weight rating (MGVWR), gross vehicle weight rating (GVWR), or gross combined weight rating (GCWR) in excess of twenty thousand (20,000) pounds.

(5) The term shall include any semitrailers, construction equipment, cranes, well drilling apparatus and other heavy equipment; however, this section shall not prohibit parking of such equipment if being used for construction activities at sites where valid building or land disturbance permits are in force or such activity is otherwise allowed.

(e) Any violation of this section shall constitute a misdemeanor punishable by a fine not exceeding two hundred and fifty dollars ($250.00).

Sec. 10-50. Parking and storage of travel trailers, boats etc.

Any owner of a travel trailer, motor home, boat and/or boat trailer, utility or cargo trailer in excess of ten (10) feet in length, truck camper, habitable bus or recreational vehicle may park or store such equipment in any residentially zoned area of the town provided that:

(1) The vehicle has displayed all required licenses,

(2) The vehicle is located no closer to any street than the principal structure; except that said vehicle may be parked closer to the street than the principal structure for a period not to exceed forty-eight (48) hours when the owner of the vehicle is a resident of the street and is arriving or departing on a journey utilizing the vehicle,

(3) The vehicle is not inhabited.

(4) The vehicle is parked no closer than five (5) to a side or rear property line.

Any owner of a travel trailer, motor home, boat and/or boat trailer, utility or cargo trailer in excess of ten (10) feet in length, truck camper, habitable bus or recreational vehicle may park or store such equipment in any commercial, business, or industrial zoned area of the town provided that:

(1) The vehicle has displayed all required licenses,

(2) The vehicle is not inhabited.

(3) The vehicle is parked no closer than five (5) feet to a side or rear property line.

Any violation of this chapter shall constitute a misdemeanor punishable by a fine not to exceed two hundred and fifty dollars ($250.00).

Town of Berryville

Town Council

MOTION TO ENTER CLOSED SESSION

Date:

MOTION BY:

SECOND BY:

The Council of the Town of Berryville will conduct a closed session in accordance with §2.2-3711.A.1 to consider prospective candidates for employment.

VOTE:

Aye:

Nay:

Absent:

Abstain:

ATTEST

_____

Erecka Gibson, Vice Mayor

Town of Berryville

Town Council

CLOSED SESSION RESOLUTION

Date:

MOTION BY:

SECOND BY:

I move that the Council of the Town of Berryville adopt the following resolution certifying it has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act:

Resolution

WHEREAS, Section 2.2-3712.D of the Code of Virginia requires a certification by this Council that such closed meeting was conducted in conformity with Virginia law,

NOW, THERFORE, BE IT RESOLVED that the Council hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Council.

VOTE:

Aye:

Nay:

Absent:

Abstain:

ATTEST:

_____

Erecka Gibson, Vice Mayor