Berryville Town Council

MEETING AGENDA

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

Amended July 7, 2026

July 14, 2026

6:00 PM

Item	Page
1. Call to Order	
2. Approval of Agenda	
3. Discussion- Water Treatment Plant Upgrade	
Discussion - Water Treatment Plant Upgrade	4
4. Recess	
5. Reconvene at 7:00 pm	
6. Pledge of Allegiance	
7. Presentations/Awards and Recognitions	
8. 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, I, 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 th Subdivision Ordinance.	8
9. Discussion of Public Hearing Item	
10. Citizens' Forum	
11. Consent Agenda	
Town Council Meeting Minutes June 9, 2026 Draft	266

Community Development and Streets & Utilities Committee Meeting Minutes June 23, 2026 Draft 430

Town Council Work Session Meeting Minutes June 29, 2026 Draft 432

12. Unfinished Business

Discussion - Pedestrian Bridge in Rose Hill Park 441

Discussion - Special Events and Demonstrations Regulations 457

13. New Business

Discussion - Proposed Gift Acceptance Policy 498

Discussion - Proposed North Valley Link Transmission Project in Clarke County 501

Discussion - Proposed amendment of the following sections of the Town of Berryville Personnel Policy (ver. 2023): Compensatory Leave, Hours of Work, and Declared Liberal Leave. 505

14. Council Member Reports

Mayor

Vice Mayor

Ward 1

Ward 2

Ward 3

Ward 4

15. Staff Reports

Public Works 510

Public Utilities 511

Police Department 512

Community Development 517

Set Public Hearing: Friant Enterprises #1, LLC; Friant Enterprises #2, LLC; Friant Enterprises #3, LLC (Owners) John Regan, Christopher Companies, (Agent) are requesting a rezoning of approximately 42.26 acres of an approximately 97.8 acre property identified as 14-A-80 from OSR Open Space Residential; DR-1 Detached Residential-1; DR-2 Detached Residential-2; and BP Business Park to DR-4 Detached Residential-4 subject to the conditions proffered by the applicant. RZ 01-25 518

Administration and Finance 630

Deputy Town Manager

Discussion - Exterior Painting of Several Town-Owned Properties 642

Town Manager

16. Committee Updates

Budget and Finance

Community Development

Personnel, Appointments, and Policy

Planning Commission Re-appointments 650
Architectural Review Board Re-appointment 652
Public Safety
Streets and Utilities
Discussion - Proposed Traffic Calming Policy 653

17. Closed Session

18. Adjourn

June 14, 2024
Discussion

Water Treatment Plant Upgrade

The offering for the planned water treatment plant upgrade project is expected to be issued in October. Further, staff is working to secure the treatment membrane units and ensure that the equipment in question is available when the general contractor is ready for its installation.

A representative from Pennoni will be present at the meeting to review the project and provide additional information on project budget, schedule, and the like.

Attachment:

- Portion of the FY27 CIP Narrative for the Water Treatment Project

Staff expects to receive additional project information from Pennoni prior to the meeting. If possible, this information will be sent to the Council prior to the meeting. Otherwise, the information will be provided at the meeting.

Water Fund FY27

Capital Reserves $0

Administration

This item provides for savings to address unforeseen expenses and fund planned projects and purchases.

Computer Replacement $3,500

Administration

This item provides for the purchase of replacement computer workstations within the Town's Public Works, Public Utilities, and Administrative Departments.

Water Treatment Plant Upgrade $7,150,000

Public Utilities

This item would provide funds for the upgrade the Town's Water Treatment Plant and raw water intake system.

It is anticipated that loan funds will be drawn and expended in accordance with the following schedule:

FY 2027	7,150,000 (expected to be 100% loan proceeds)
FY 2028	7,150,000 (loan proceeds and reserves)
FY 2029	1,000,000 (loan proceeds and reserves)

The Town's Water Treatment Plant and raw water intake facility are slated to be upgraded. This work is required because the plant and related raw water facilities, which were constructed in 1984, are approaching the end of their useful life.

The Town of Berryville Utility Rate Study, which was completed in 2019, identified expenses related to the replacement/improvement/repair of this facility and the pumping station at the Shenandoah River.

In August 2022 the Town issued an offering to secure professional engineering services required for the design and construction of the water treatment plant upgrade. In December 2022, the Town contracted with Pennoni to provide those required engineering services.

On September 12, 2023 the Town Council approved a preliminary engineering report in which it was recommended that the Town upgrade the water treatment plant with membrane filtration units. That report was reviewed by the Virginia Department of Health. A revised report, addressing Department of Health comments, will be resubmitted on March 1, 2025.

The new report eliminated the planned pre-sedimentation basins and provided for the construction of vertical clarifiers. These clarifiers would treat the water through flocculation prior to filtration by the membrane system.

The Virginia Department of Health approved the preliminary engineering report in February 2026. This approval enables the agency to review the construction plans and contract documents. Upon Virginia Department of Health approval of plans, specifications, and contract documents, the project may be bid.

Project Schedule

Task	Expected Completion
Advertise for Bids	October 2026
Bid Opening	December 2026
Award/Notice of Proceed	January 2027
Substantial Completion	May 2028
Final Completion	June 2028

Funding

The Virginia Department of Health has issued two BIL (FY2024 Bipartisan Infrastructure Law) Initial Offers. The first loan offer, which was dated October 26, 2023 provided a funding package of $6,385,000. The second loan offer, which was dated December 12, 2024 provided a funding package of $6,000,000. Accordingly, the loan offer from the Department of Health totals $12,385,000.

The terms of the loan (both offerings will close at the same time) are as follows:

Principal:	$12,385,000
Term:	20 years
Rate:	1.0% below market rate
Draws:	Loan funds may be draw monthly during the project. Interest will begin accruing when funds are drawn. Accordingly, no construction loan(s) should be required to complete the project.

Project Estimated Cost:

Construction Cost -	$12,000,000
Non-Construction Costs -	$ 3,300,000

Total -	$15,300,000

Funding Source Detail:

Project Cost	$15,300,000
VDH Loan	$12,385,000
Expected Draw on Reserves for Upgrade	$ 2,915,000

Water Distribution System Upgrades $1,100,000

Public Works

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

Projects Under Consideration

Design for replacement of Battletown Drive water main

Design for replacement of Church Street water main (from Liberty Street to Crow)

Replacement of Battletown Drive or Church Street water mains

Funding source for these items is as follows:

- *FY27 Water Fund Revenues* *$758,058*
- *Monies from the WF Water Distribution System Reserve* *$341,942*

Half-ton Truck $22,000

Public Utilities

This item provides for the purchase of a ½ ton pickup truck for the Public Utilities Department.

At present the department maintains two ½ ton trucks (down from three when the Town operated the WWTP/ Note: one additional vehicle is presently being used by administrative staff). The newly purchased would replace the oldest vehicle in the fleet.

Funding

Water Fund	$22,000
Sewer Fund	$22,000

Town Council Agenda Item Report Summary

July 14, 2026

Item Title
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, VA recommend approve the Subdivision Ordinance and Zoning Ordinance Text Amendments as presented.

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

Legal Notices | Legal Notices

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, July 14, 2026**, in the Main Meeting Room, Second Floor, of the Berryville/Clarke County Government Center, 101 Chalmers Court, Berryville, Virginia to consider the following:

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.

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

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 leaste 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.

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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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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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 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 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 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.

CHAPTER 594

An Act to amend and reenact §§ 15.2-2201, 15.2-2241, 15.2-2245, 15.2-2254, 15.2-2258, 15.2-2259, 15.2-2260, 15.2-2261, 15.2-2269, 15.2-2270, 15.2-2271, and 15.2-2307 of the Code of Virginia, relating to subdivision ordinance; plan review by designated agent.

[S 974]

Approved March 24, 2025

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-2201, 15.2-2241, 15.2-2245, 15.2-2254, 15.2-2258, 15.2-2259, 15.2-2260, 15.2-2261, 15.2-2269, 15.2-2270, 15.2-2271, and 15.2-2307 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-2201. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Affordable housing" means, as a guideline, housing that is affordable to households with incomes at or below the area median income, provided that the occupant pays no more than thirty percent of his gross income for gross housing costs, including utilities. For the purpose of administering affordable dwelling unit ordinances authorized by this chapter, local governments may establish individual definitions of affordable housing and affordable dwelling units including determination of the appropriate percent of area median income and percent of gross income.

"Conditional zoning" means, as part of classifying land within a locality into areas and districts by legislative action, the allowing of reasonable conditions governing the use of such property, such conditions being in addition to, or modification of the regulations provided for a particular zoning district or zone by the overall zoning ordinance.

"Designated agent" means any agent employed or authorized by a locality and designated by the governing body to review and act on subdivision plats, site plans, and plans of development. "Designated agent" does not include the local planning commission. However, the local planning commission may serve as the designated agent of any locality with a population of 5,000 or less.

"Development" means a tract of land developed or to be developed as a 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. The term "development" shall not be construed to include any tract of land which will be principally devoted to agricultural production.

"Historic area" means an area containing one or more buildings or places in which historic events occurred or having special public value because of notable architectural, archaeological or other features relating to the cultural or artistic heritage of the community, of such significance as to warrant conservation and preservation.

"Incentive zoning" means the use of bonuses in the form of increased project density or other benefits to a developer in return for the developer providing certain features, design elements, uses, services, or amenities desired by the locality, including but not limited to, site design incorporating principles of new urbanism and traditional neighborhood development, environmentally sustainable and energy-efficient building design, affordable housing creation and preservation, and historical preservation, as part of the development.

"Local planning commission" means a municipal planning commission or a county planning commission.

"Military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under jurisdiction of the U.S. Department of Defense, including any leased facility, or any land or interest in land owned by the Commonwealth and administered by the Adjutant General of Virginia or the Virginia Department of Military Affairs. "Military installation" does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

"Mixed use development" means property that incorporates two or more different uses, and may include a variety of housing types, within a single development.

"Official map" means a map of legally established and proposed public streets, waterways, and public areas adopted by a locality in accordance with the provisions of Article 4 (§ 15.2-2233 et seq.) hereof.

"Planned unit development" means a form of development characterized by unified site design for a variety of housing types and densities, clustering of buildings, common open space, and a mix of building types and land uses in which project planning and density calculation are performed for the entire development rather than on an individual lot basis.

"Planning district commission" means a regional planning agency chartered under the provisions of Chapter 42 (§ 15.2-4200 et seq.) of this title.

"Plat" or "plat of subdivision" means the schematic representation of land divided or to be divided and information in accordance with the provisions of §§ 15.2-2241, 15.2-2242, 15.2-2258, 15.2-2262, and 15.2-2264, and other applicable statutes.

"Preliminary subdivision plat" means the proposed schematic representation of development or subdivision that establishes how the provisions of §§ 15.2-2241 and 15.2-2242, and other applicable statutes will be achieved.

"Resident curator" means a person, firm, or corporation that leases or otherwise contracts to manage, preserve, maintain, operate, or reside in a historic property in accordance with the provisions of § 15.2-2306 and other applicable statutes.

"Site plan" means the proposal for a development or a subdivision including all covenants, grants or easements and other conditions relating to use, location and bulk of buildings, density of development, common open space, public facilities and such other information as required by the subdivision ordinance to which the proposed development or subdivision is subject.

"Special exception" means a special use that is a use not permitted in a particular district except by a special use permit granted under the provisions of this chapter and any zoning ordinances adopted herewith.

"Street" means highway, street, avenue, boulevard, road, lane, alley, or any public way.

"Subdivision," unless otherwise defined in an ordinance adopted pursuant to § 15.2-2240, means the division of a parcel of land into three or more lots or parcels of less than five acres each for the purpose of transfer of ownership or building development, or, if a new street is involved in such division, any division of a parcel of land. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided and solely for the purpose of recordation of any single division of land into two lots or parcels, a plat of such division shall be submitted for approval in accordance with § 15.2-2258. Nothing in this definition, section, nor any ordinance adopted pursuant to § 15.2-2240 shall preclude different owners of adjacent parcels from entering into a valid and enforceable boundary line agreement with one another so long as such agreement is only used to resolve a bona fide property line dispute, the boundary adjustment does not move by more than 250 feet from the center of the current platted line or alter either parcel's resultant acreage by more than five percent of the smaller parcel size, and

such agreement does not create an additional lot, alter the existing boundary lines of localities, result in greater street frontage, or interfere with a recorded easement, and such agreement shall not result in any nonconformity with local ordinances and health department regulations. Notice shall be provided to the zoning administrator of the locality in which the parcels are located for review. For any property affected by this definition, any division of land subject to a partition suit by virtue of order or decree by a court of competent jurisdiction shall take precedence over the requirements of Article 6 (§ 15.2-2240 et seq.) and the minimum lot area, width, or frontage requirements in the zoning ordinance so long as the lot or parcel resulting from such order or decree does not vary from minimum lot area, width, or frontage requirements by more than 20 percent. A copy of the final decree shall be provided to the zoning administrator of the locality in which the property is located.

"Variance" means, in the application of a zoning ordinance, a reasonable deviation from those provisions regulating the shape, size, or area of a lot or parcel of land or the size, height, area, bulk, or location of a building or structure when the strict application of the ordinance would unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purpose of the ordinance. It shall not include a change in use, which change shall be accomplished by a rezoning or by a conditional zoning.

"Working waterfront" means an area or structure on, over, or adjacent to navigable waters that provides access to the water and is used for water-dependent commercial, industrial, or governmental activities, including commercial and recreational fishing; tourism; aquaculture; boat and ship building, repair, and services; seafood processing and sales; transportation; shipping; marine construction; and military activities.

"Working waterfront development area" means an area containing one or more working waterfronts having economic, cultural, or historic public value of such significance as to warrant development and reparation.

"Zoning" or "to zone" means the process of classifying land within a locality into areas and districts, such areas and districts being generally referred to as "zones," by legislative action and the prescribing and application in each area and district of regulations concerning building and structure designs, building and structure placement and uses to which land, buildings and structures within such designated areas and districts may be put.

§ 15.2-2241. Mandatory provisions of a subdivision ordinance.

A. A subdivision ordinance shall include reasonable regulations and provisions that apply to or provide:

1. For plat details which shall meet the standard for plats as adopted under § 42.1-82 of the Virginia Public Records Act (§ 42.1-76 et seq.);

2. For the coordination of streets within and contiguous to the subdivision with other existing or planned streets within the general area as to location, widths, grades and drainage, including, for ordinances and amendments thereto adopted on or after January 1, 1990, for the coordination of such streets with existing or planned streets in existing or future adjacent or contiguous to adjacent subdivisions;

3. For adequate provisions for drainage and flood control, for adequate provisions related to the failure of impounding structures and impacts within dam break inundation zones, and other public purposes, and for light and air, and for identifying soil characteristics;

4. For the extent to which and the manner in which streets shall be graded, graveled or otherwise improved and water and storm and sanitary sewer and other public utilities or other community facilities are to be installed;

5. For the acceptance of dedication for public use of any right-of-way located within any subdivision or section thereof, which has constructed or proposed to be constructed within the subdivision or section thereof, any street, curb, gutter, sidewalk, bicycle trail, drainage or sewerage system, waterline as part of a public system or other improvement dedicated for public use, and maintained by the locality, the Commonwealth, or other public agency,

and for the provision of other site-related improvements required by local ordinances for vehicular ingress and egress, including traffic signalization and control, for public access streets, for structures necessary to ensure stability of critical slopes, and for storm water management facilities, financed or to be financed in whole or in part by private funds only if the owner or developer (i) certifies to the governing body that the construction costs have been paid to the person constructing such facilities or, at the option of the local governing body, presents evidence satisfactory to the governing body that the time for recordation of any mechanics lien has expired or evidence that any debt for said construction that may be due and owing is contested and further provides indemnity with adequate surety in an amount deemed sufficient by the ~~governing body or its~~ designated ~~administrative agency~~ *agent*; (ii) furnishes to the governing body a certified check or cash escrow in the amount of the estimated costs of construction or a personal, corporate or property bond, with surety satisfactory to the ~~governing body or its~~ designated ~~administrative agency~~ *agent*, in an amount sufficient for and conditioned upon the construction of such facilities, or a contract for the construction of such facilities and the contractor's bond, with like surety, in like amount and so conditioned; or (iii) furnishes to the governing body a bank or savings institution's letter of credit on certain designated funds satisfactory to the ~~governing body or its~~ designated ~~administrative agency~~ *agent* as to the bank or savings institution, the amount and the form. The amount of such certified check, cash escrow, bond, or letter of credit shall not exceed the total of the estimated cost of construction based on unit prices for new public or private sector construction in the locality and a reasonable allowance for estimated administrative costs, inflation, and potential damage to existing roads or utilities, which shall not exceed 10 percent of the estimated construction costs. If the owner or developer defaults on construction of such facilities, and such facilities are constructed by the surety or with funding from the aforesaid check, cash escrow, bond or letter of credit, the locality shall be entitled to retain or collect the allowance for administrative costs to the extent the costs of such construction do not exceed the total of the originally estimated costs of construction and the allowance for administrative costs. "Such facilities," as used in this section, means those facilities specifically provided for in this section.

If a developer records a final plat which may be a section of a subdivision as shown on an approved preliminary subdivision plat and furnishes to the governing body a certified check, cash escrow, bond, or letter of credit in the amount of the estimated cost of construction of the facilities to be dedicated within said section for public use and maintained by the locality, the Commonwealth, or other public agency, the developer shall have the right to record the remaining sections shown on the preliminary subdivision plat for a period of five years from the recordation date of any section, or for such longer period as the local commission or other agent may, at the approval, determine to be reasonable, taking into consideration the size and phasing of the proposed development, subject to the terms and conditions of this subsection and subject to engineering and construction standards and zoning requirements in effect at the time that each remaining section is recorded. In the event a governing body of a county, wherein the highway system is maintained by the Department of Transportation, has accepted the dedication of a road for public use and such road due to factors other than its quality of construction is not acceptable into the secondary system of state highways, then such governing body may, if so provided by its subdivision ordinance, require the subdivider or developer to furnish the county with a maintenance and indemnifying bond, with surety satisfactory to the ~~governing body or its~~ designated ~~administrative agency~~ *agent*, in an amount sufficient for and conditioned upon the maintenance of such road until such time as it is accepted into the secondary system of state highways. In lieu of such bond, the ~~governing body or its~~ designated ~~administrative agency~~ *agent* may accept a bank or savings institution's letter of credit on certain designated funds satisfactory to the ~~governing body or its~~ designated ~~administrative agency~~ *agent* as to the bank or savings institution, the amount and the form, or accept payment of a negotiated sum of money sufficient for and conditioned upon the maintenance of such road until such time as it is accepted into the secondary system of state highways and assume the subdivider's or developer's liability for maintenance of such road. "Maintenance of such road" as used in this section, means maintenance of the streets, curb, gutter, drainage facilities, utilities or other street improvements, including the correction of defects or damages and the removal of snow, water or debris, so as to keep such road reasonably open for public usage.

~~As used in this section, "designated administrative agency" means the planning commission of the locality or an agent designated by the governing body of the locality for such purpose as set forth in §§ 15.2-2258 through 15.2-~~

~~2261~~;

6. For conveyance of common or shared easements to franchised cable television operators furnishing cable television and public service corporations furnishing cable television, gas, telephone and electric service to the proposed subdivision. Once a developer conveys an easement that will permit electric, cable or telephone service to be furnished to a subdivision, the developer shall, within 30 days after written request by a cable television operator or telephone service provider, grant an easement to that cable television operator or telephone service provider for the purpose of providing cable television and communications services to that subdivision, which easement shall be geographically coextensive with the electric service easement, or if only a telephone or cable service easement has been granted, then geographically coextensive with that telephone or cable service easement; however, the developer and franchised cable television operator or telephone service provider may mutually agree on an alternate location for an easement. If the final subdivision plat is recorded and does not include conveyance of a common or shared easement as provided herein, the ~~local planning commission or agent designated by the governing body to review and act on submitted subdivision plats~~ *designated agent* shall not be responsible to enforce the requirements of this subdivision;

7. For monuments of specific types to be installed establishing street and property lines;

8. That unless a plat is filed for recordation within six months after final approval thereof or such longer period as may be approved by the governing body, such approval shall be withdrawn and the plat marked void and returned to the approving official; however, in any case where construction of facilities to be dedicated for public use has commenced pursuant to an approved plan or permit with surety approved by the ~~governing body or its~~ designated ~~administrative agency~~ *agent*, or where the developer has furnished surety to the ~~governing body or its~~ designated ~~administrative agency~~ *agent* by certified check, cash escrow, bond, or letter of credit in the amount of the estimated cost of construction of such facilities, the time for plat recordation shall be extended to one year after final approval or to the time limit specified in the surety agreement approved by the ~~governing body or its~~ designated ~~administrative agency, whichever is greater~~ *agent*;

9. For the administration and enforcement of such ordinance, not inconsistent with provisions contained in this chapter, and specifically for the imposition of reasonable fees and charges for the review of plats and plans, and for the inspection of facilities required by any such ordinance to be installed; such fees and charges shall in no instance exceed an amount commensurate with the services rendered taking into consideration the time, skill and administrator's expense involved. All such charges heretofore made are hereby validated;

10. For reasonable provisions permitting a single division of a lot or parcel for the purpose of sale or gift to a member of the immediate family of the property owner in accordance with the provisions of § 15.2-2244; ~~and~~

11. For the periodic partial and final complete release of any bond, escrow, letter of credit, or other performance guarantee required by the governing body under this section in accordance with the provisions of § 15.2-2245;

12. For the review of plats, site plans, and plans of development solely involving parcels of commercial or residential real estate as set forth in §§ 15.2-2259 and 15.2-2260; and

13. For the identification of deficiencies, corrections, or modifications of proposed and resubmitted plats and plans as set forth in §§ 15.2-2259 and 15.2-2260.

B. No locality shall require that any certified check, cash escrow, bond, letter of credit or other performance guarantee furnished pursuant to this chapter apply to, or include the cost of, any facility or improvement unless such facility or improvement is shown or described on the approved plat or plan of the project for which such guarantee is being furnished. Furthermore, the terms, conditions, and specifications contained in any agreement, contract, performance agreement, or similar document, however described or delineated, between a locality or its governing body and an owner or developer of property entered into pursuant to this chapter in conjunction with any

performance guarantee, as described in this subsection, shall be limited to those items depicted or provided for in the approved plan, plat, permit application, or similar document for which such performance guarantee is applicable.

§ 15.2-2245. Provisions for periodic partial and final release of certain performance guarantees.

A. A subdivision ordinance shall provide for the periodic partial and final complete release of any bond, escrow, letter of credit, or other performance guarantee required by the governing body under this article within thirty days after receipt of written notice by the subdivider or developer of completion of part or all of any public facilities required to be constructed hereunder unless the ~~governing body or its~~ designated ~~administrative agency~~ *agent* notifies the subdivider or developer in writing of nonreceipt of approval by an applicable state agency, or of any specified defects or deficiencies in construction and suggested corrective measures prior to the expiration of the thirty-day period. Any inspection of such public facilities shall be based solely upon conformance with the terms and conditions of the performance agreement and the approved design plan and specifications for the facilities for which the performance guarantee is applicable, and shall not include the approval of any person other than an employee of the governing body, its administrative agency, the Virginia Department of Transportation or other political subdivision or a person who has contracted with the governing body, its administrative agency, the Virginia Department of Transportation or other political subdivision.

B. If no such action is taken by the ~~governing body or administrative agency~~ *designated agent* within the time specified above, the request shall be deemed approved, and a partial release granted to the subdivider or developer. No final release shall be granted until after expiration of such thirty-day period and there is an additional request in writing sent by certified mail return receipt to the chief administrative officer of such governing body. The ~~governing body or its~~ designated ~~administrative agency~~ *agent* shall act within ten working days of receipt of the request; then if no action is taken the request shall be deemed approved and final release granted to the subdivider or developer.

C. After receipt of the written notices required above, if the governing body or administrative agency takes no action within the times specified above and the subdivider or developer files suit in the local circuit court to obtain partial or final release of a bond, escrow, letter of credit, or other performance guarantee, as the case may be, the circuit court, upon finding the governing body or its administrative agency was without good cause in failing to act, shall award such subdivider or developer his reasonable costs and attorneys' fees.

D. No ~~governing body or administrative agency~~ *designated agent* shall refuse to make a periodic partial or final release of a bond, escrow, letter of credit, or other performance guarantee for any reason not directly related to the specified defects or deficiencies in construction of the public facilities covered by said bond, escrow, letter of credit or other performance guarantee.

E. Upon written request by the subdivider or developer, the ~~governing body or its~~ designated ~~administrative agency~~ *agent* shall be required to make periodic partial releases of such bond, escrow, letter of credit, or other performance guarantee in a cumulative amount equal to no less than ninety percent of the original amount for which the bond, escrow, letter of credit, or other performance guarantee was taken, and may make partial releases to such lower amounts as may be authorized by the ~~governing body or its~~ designated ~~administrative agency~~ *agent* based upon the percentage of public facilities completed and approved by the governing body, local administrative agency, or state agency having jurisdiction. Periodic partial releases may not occur before the completion of at least thirty percent of the public facilities covered by any bond, escrow, letter of credit, or other performance guarantee. The ~~governing body or administrative agency~~ *designated agent* shall not be required to execute more than three periodic partial releases in any twelve-month period. Upon final completion and acceptance of the public facilities, the ~~governing body or administrative agency~~ *designated agent* shall release any remaining bond, escrow, letter of credit, or other performance guarantee to the subdivider or developer. For the purpose of final release, the term "acceptance" means: when the public facility is accepted by and taken over for operation and maintenance by the state agency, local government department or agency, or other public authority which is responsible for maintaining and operating such public facility upon acceptance.

F. For the purposes of this section, a certificate of partial or final completion of such public facilities from either a duly licensed professional engineer or land surveyor, as defined in and limited to § 54.1-400, or from a department or agency designated by the locality may be accepted without requiring further inspection of such public facilities.

§ 15.2-2254. Statutory provisions effective after ordinance adopted.

After the adoption of a subdivision ordinance in accordance with this chapter, the following provisions shall be effective in the territory to which the ordinance applies:

1. No person shall subdivide land without making and recording a plat of the subdivision and without fully complying with the provisions of this article and of the subdivision ordinance.

2. No plat of any subdivision shall be recorded unless and until it has been submitted to and approved by the ~~local planning commission or by the governing body or its duly authorized~~ *designated* agent, of the locality wherein the land to be subdivided is located; or by the ~~commissions, governing bodies or~~ *designated* agents, as the case may be, of each locality having a subdivision ordinance, in which any part of the land lies.

3. No person shall sell or transfer any land of a subdivision, before a plat has been duly approved and recorded as provided herein, unless the subdivision was lawfully created prior to the adoption of a subdivision ordinance applicable thereto. However, nothing herein contained shall be construed as preventing the recordation of the instrument by which such land is transferred or the passage of title as between the parties to the instrument.

4. Any person violating the foregoing provisions of this section shall be subject to a fine of not more than $500 for each lot or parcel of land so subdivided, transferred or sold and shall be required to comply with all provisions of this article and the subdivision ordinance. The description of the lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from the penalties or remedies herein provided.

5. No clerk of any court shall file or record a plat of a subdivision required by this article to be recorded until the plat has been approved as required herein. The penalties provided by § 17.1-223 shall apply to any failure to comply with the provisions of this subsection.

§ 15.2-2258. Plat of proposed subdivision and site plans to be submitted for approval.

Whenever the owner or proprietor of any tract of land located within any territory to which a subdivision ordinance applies desires to subdivide the tract, he shall submit a plat of the proposed subdivision to the ~~planning commission of the locality, or an agent designated by the governing body~~ *designated agent* thereof for such purpose. When any part of the land proposed for subdivision lies in a drainage district such fact shall be set forth on the plat of the proposed subdivision. When any part of the land proposed for subdivision lies in a mapped dam break inundation zone such fact shall be set forth on the plat of the proposed subdivision. When any grave, object or structure marking a place of burial is located on the land proposed for subdivision, such grave, object or structure shall be identified on any plans or site plans required by this article. When the land involved lies wholly or partly within an area subject to the joint control of more than one locality, the plat shall be submitted to the ~~planning commission or other~~ designated agent of the locality in which the tract of land is located. Site plans or plans of development required by subdivision A 8 of § 15.2-2286 shall also be subject to the provisions of §§ 15.2-2258 through 15.2-2261, mutatis mutandis.

§ 15.2-2259. Designated agent to act on proposed final plat.

A. 1. Except as otherwise provided in subdivisions 2 and 3, the ~~local planning commission or other~~ *designated* agent shall act on any proposed plat within 60 days after it has been officially submitted for approval by either approving or disapproving the plat in writing, and giving with the latter specific reasons therefor. The ~~Commission or~~ *designated* agent shall thoroughly review the plat and shall make a good faith effort to identify all deficiencies, if any, with the initial submission. However, if approval of a feature or features of the plat by a state agency or public

authority authorized by state law is necessary, the ~~commission or~~ *designated* agent shall forward the plat to the appropriate state agency or ~~agencies~~ *authority* for review within ~~10~~ *five* business days of receipt of such plat. The state agency shall respond in accord with the requirements set forth in § 15.2-2222.1, which shall extend the time for action by the ~~local planning commission or other~~ *designated* agent, as set forth in subsection B. Specific reasons for disapproval shall be contained either in a separate document or on the plat itself. The reasons for disapproval shall identify deficiencies in the plat that cause the disapproval by reference to specific duly adopted ordinances, regulations, or policies and shall identify modifications or corrections as will permit approval of the plat. The ~~local planning commission or other~~ *designated* agent shall act on any proposed plat that it has previously disapproved within 45 days after the plat has been modified, corrected and resubmitted for approval.

2. The approval of plats, site plans, and plans of development solely involving parcels of commercial or residential real estate by a ~~local planning commission or other~~ *designated* agent shall be governed by subdivision 3 and subsections B, C, and D. For the purposes of this section, the term "commercial" means all real property used for commercial or industrial uses, and the term "residential" means all real property used for single-family or multifamily use.

3. The ~~local planning commission or other~~ *designated* agent shall act on any proposed plat, site plan or plan of development within 60 days after it has been officially submitted for approval by either approving or disapproving the plat in writing, and giving with the latter specific reasons therefor. The ~~local planning commission or other~~ *designated* agent shall not delay the official submission of any proposed plat, site plan, or plan of development by requiring presubmission conferences, meetings, or reviews. The ~~Commission or~~ *designated* agent shall thoroughly review the plat or plan and shall in good faith identify, to the greatest extent practicable, all deficiencies, if any, with the initial submission. However, if approval of a feature or features of the plat or plan by a state agency or public authority authorized by state law is necessary, the ~~commission or~~ *designated* agent shall forward the plat or plan to the appropriate state agency or agencies for review within ~~10 business~~ *five business* days of receipt of such plat or plan. The state agency shall respond in accord with the requirements set forth in § 15.2-2222.1, which shall extend the time for action by the ~~local planning commission or other~~ *designated* agent, as set forth in subsection B. Specific reasons for disapproval shall be contained either in a separate document or on the plat or plan itself. The reasons for disapproval shall identify deficiencies in the plat or plan that caused the disapproval by reference to specific duly adopted ordinances, regulations, or policies and shall identify, to the greatest extent practicable, modifications or corrections that will permit approval of the plat or plan.

In the review of a resubmitted proposed plat, site plan or plan of development that has been previously disapproved, the ~~local planning commission or other~~ *designated* agent shall consider only deficiencies it had identified in its review of the initial submission of the plat or plan that have not been corrected in such resubmission and any deficiencies that arise as a result of the corrections made to address deficiencies identified in the initial submission. In the review of the resubmission of a plat or plan, the ~~local planning commission or other~~ *designated* agent shall identify all deficiencies with the proposed plat or plan that caused the disapproval by reference to specific duly adopted ordinances, regulations or policies and shall identify modifications or corrections that will permit approval of the plat or plan. Upon the second resubmission of such disapproved plat or plan, the ~~local planning commission or other~~ *designated* agent's review shall be limited solely to the previously identified deficiencies that caused its disapproval.

The ~~local planning commission or other~~ *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. The failure of a ~~local planning commission or other~~ *designated* agent to approve or disapprove a resubmitted plat or plan within the time periods required by this section shall cause the plat or plan to be deemed approved.

Notwithstanding the approval or deemed approval of any proposed plat, site plan or plan of development, any deficiency in any proposed plat or plan, that if left uncorrected, would violate local, state or federal law, regulations,

mandatory Department of Transportation engineering and safety requirements, and other mandatory engineering and safety requirements, shall not be considered, treated or deemed as having been approved by the ~~local planning commission or other~~ *designated* agent. Should any resubmission include a material revision of infrastructure or physical improvements from the earlier submission or if a material revision in the resubmission creates a new required review by the Virginia Department of Transportation or by a state agency or public authority authorized by state law, then the ~~local planning commission or other~~ *designated* agent's review shall not be limited to only the previously identified deficiencies identified in the prior submittals and may consider deficiencies initially appearing in the resubmission because of such material revision.

B. Any state agency or public authority authorized by state law making a review of a plat forwarded to it under this article, including, without limitation, the Virginia Department of Transportation and authorities authorized by Chapter 51 (§ 15.2-5100 et seq.), shall complete its review within 45 days of receipt of the plat upon first submission and within 45 days for any proposed plat that has previously been disapproved, provided, however, that the time periods set forth in § 15.2-2222.1 shall apply to plats triggering the applicability of said section. The Virginia Department of Transportation and authorities authorized by Chapter 51 (§ 15.2-5100 et seq.) shall allow use of public rights-of-way dedicated for public street purposes for placement of utilities by permit when practical and shall not unreasonably deny plat approval. If a state agency or public authority authorized by state law does not approve the plat, it shall comply with the requirements, and be subject to the restrictions, set forth in subsection A, with the exception of the time period therein specified. Upon receipt of the approvals from all state agencies and other agencies, the ~~local~~ *designated* agent shall act upon a plat within 35 days.

C. If the ~~commission or other~~ *designated* agent fails to approve or disapprove the plat within 60 days after it has been officially submitted for approval, or within 45 days after it has been officially resubmitted after a previous disapproval or within 35 days of receipt of any agency response pursuant to subsection B, the subdivider, after 10-days' written notice to the ~~commission; or~~ *designated* agent, may petition the circuit court for the locality in which the land involved, or the major part thereof, is located, to decide whether the plat should or should not be approved. The court shall give the petition priority on the civil docket, hear the matter expeditiously in accordance with the procedures prescribed in Article 2 (§ 8.01-644 et seq.) of Chapter 25 of Title 8.01 and make and enter an order with respect thereto as it deems proper, which may include directing approval of the plat.

D. If ~~a commission or other~~ *the designated* agent disapproves a plat and the ~~subdivider~~ *applicant* contends that the disapproval was not properly based on the ordinance applicable thereto, or was arbitrary or capricious, he may appeal to the circuit court having jurisdiction of such land and the court shall hear and determine the case as soon as may be, provided that his appeal is filed with the circuit court within 60 days of the written disapproval by the ~~commission or other~~ *designated* agent.

§ 15.2-2260. Localities may provide for submission of preliminary subdivision plats; how long valid.

A. Nothing in this article shall be deemed to prohibit the local governing body from providing in its ordinance for the mandatory submission of preliminary subdivision plats for tentative approval for plats involving more than 50 lots, provided that any such ordinance provides for the submission of a preliminary subdivision plat for tentative approval at the option of the landowner for plats involving 50 or fewer lots. The ~~local planning commission, or an~~ *designated* agent ~~designated by the commission or by the governing body to review preliminary subdivision plats~~ shall complete action on the preliminary subdivision plats within 60 days of submission. However, if approval of a feature or features of the preliminary subdivision plat by a state agency or public authority authorized by state law is necessary, the ~~commission or~~ *designated* agent shall forward the preliminary subdivision plat to the appropriate state agency or ~~agencies~~ *authority* for review within ~~10~~ *five* business days of receipt of such preliminary subdivision plat.

B. Any state agency or public authority authorized by state law making a review of a preliminary subdivision plat forwarded to it under this section, including, without limitation, the Virginia Department of Transportation and authorities authorized by Chapter 51 (§ 15.2-5100 et seq.), shall complete its review within 45 days of receipt of the

preliminary subdivision plat upon first submission and within 45 days for any proposed plat that has previously been disapproved, provided, however, that the time period set forth in § 15.2-2222.1 shall apply to plats triggering the applicability of said section. The Virginia Department of Transportation and authorities authorized by Chapter 51 (§ 15.2-5100 et seq.) shall allow use of public rights-of-way for public street purposes for placement of utilities by permit when practical and shall not unreasonably deny plat approval. If a state agency or public authority authorized by state law does not approve the plat, it shall comply with the requirements, and be subject to the restrictions, set forth in subsection A of § 15.2-2259 with the exception of the time period therein specified. Upon receipt of the approvals from all state agencies, the ~~local~~ *designated* agent shall act upon a preliminary subdivision plat within 35 days.

C. ~~If a commission has the responsibility of review of preliminary subdivision plats and conducts a public hearing, it~~ *The designated agent* shall act on the plat within 45 days after receiving approval from all state agencies. If the ~~local~~ *designated* agent ~~or commission~~ does not approve the preliminary subdivision plat, the ~~local~~ *designated* agent ~~or commission~~ shall set forth in writing the reasons for such denial and shall state what corrections or modifications will permit approval by ~~such~~ *the designated* agent ~~or commission~~. With regard to plats involving commercial or residential property, as those terms are defined in subdivision A 2 of § 15.2-2259, the review process for such plats shall be the same as provided in subdivisions A 2 and A 3 of § 15.2-2259. However, no ~~commission or~~ *designated* agent shall be required to approve a preliminary subdivision plat in less than 60 days from the date of its original submission to the ~~commission or~~ *designated* agent, and all actions on preliminary subdivision plats shall be completed by the *designated* agent ~~or commission~~ and, if necessary, state agencies, within a total of 90 days of submission to the ~~local~~ *designated* agent ~~or commission~~.

D. If the ~~commission or other~~ *designated* agent fails to approve or disapprove the preliminary subdivision plat within 90 days after it has been officially submitted for approval, the subdivider after 10 days' written notice to the ~~commission, or~~ *designated* agent, may petition the circuit court for the locality in which the land involved, or the major part thereof, is located to enter an order with respect thereto as it deems proper, which may include directing approval of the plat.

E. If a ~~commission or other~~ *designated* agent disapproves a preliminary subdivision plat and the subdivider contends that the disapproval was not properly based on the ordinance applicable thereto, or was arbitrary or capricious, he may appeal to the circuit court having jurisdiction of such land and the court shall hear and determine the case as soon as may be, provided that his appeal is filed with the circuit court within 60 days of the written disapproval by the ~~commission or other~~ *designated* agent.

F. Once a preliminary subdivision plat is approved, it shall be valid for a period of five years, provided the subdivider (i) submits a final subdivision plat for all or a portion of the property within one year of such approval or such longer period as may be prescribed by local ordinance, and (ii) thereafter diligently pursues approval of the final subdivision plat. "Diligent pursuit of approval" means that the subdivider has incurred extensive obligations or substantial expenses relating to the submitted final subdivision plat or modifications thereto. However, no sooner than three years following such preliminary subdivision plat approval, and upon 90 days' written notice by certified mail to the subdivider, the ~~commission or other~~ *designated* agent may revoke such approval upon a specific finding of facts that the subdivider has not diligently pursued approval of the final subdivision plat.

G. Once an approved final subdivision plat for all or a portion of the property is recorded pursuant to § 15.2-2261, the underlying preliminary plat shall remain valid for a period of five years from the date of the latest recorded plat of subdivision for the property. The five year period of validity shall extend from the date of the last recorded plat.

§ 15.2-2261. Recorded plats or final site plans to be valid for not less than five years.

A. An approved final subdivision plat which has been recorded or an approved final site plan, hereinafter referred to as "recorded plat or final site plan," shall be valid for a period of not less than five years from the date of approval thereof or for such longer period as the ~~local planning commission or other~~ *designated* agent may, at the time of

approval, determine to be reasonable, taking into consideration the size and phasing of the proposed development. A site plan shall be deemed final once it has been reviewed and approved by the locality if the only requirements remaining to be satisfied in order to obtain a building permit are the posting of any bonds and escrows or the submission of any other administrative documents, agreements, deposits, or fees required by the locality in order to obtain the permit. However, any fees that are customarily due and owing at the time of the agency review of the site plan shall be paid in a timely manner.

B. 1. Upon application of the subdivider or developer filed prior to expiration of a recorded plat or final site plan, the ~~local planning commission or other~~ *designated* agent may grant one or more extensions of such approval for additional periods as the ~~commission or other~~ *designated* agent may, at the time the extension is granted, determine to be reasonable, taking into consideration the size and phasing of the proposed development, the laws, ordinances and regulations in effect at the time of the request for an extension.

2. If the ~~commission or other~~ *designated* agent denies an extension requested as provided herein and the subdivider or developer contends that such denial was not properly based on the ordinance applicable thereto, the foregoing considerations for granting an extension, or was arbitrary or capricious, he may appeal to the circuit court having jurisdiction of land subject to the recorded plat or final site plan, provided that such appeal is filed with the circuit court within sixty days of the written denial by the commission or other agency.

C. For so long as the final site plan remains valid in accordance with the provisions of this section, or in the case of a recorded plat for five years after approval, no change or amendment to any local ordinance, map, resolution, rule, regulation, policy or plan adopted subsequent to the date of approval of the recorded plat or final site plan shall adversely affect the right of the subdivider or developer or his successor in interest to commence and complete an approved development in accordance with the lawful terms of the recorded plat or site plan unless the change or amendment is required to comply with state law or there has been a mistake, fraud or a change in circumstances substantially affecting the public health, safety or welfare.

D. Application for minor modifications to recorded plats or final site plans made during the periods of validity of such plats or plans established in accordance with this section shall not constitute a waiver of the provisions hereof nor shall the approval of minor modifications extend the period of validity of such plats or plans.

E. The provisions of this section shall be applicable to all recorded plats and final site plans valid on or after January 1, 1992. Nothing contained in this section shall be construed to affect (i) any litigation concerning the validity of a site plan pending prior to January 1, 1992, or any such litigation nonsuited and thereafter refiled; (ii) the authority of a governing body to impose valid conditions upon approval of any special use permit, conditional use permit or special exception; (iii) the application to individual lots on recorded plats or parcels of land subject to final site plans, to the greatest extent possible, of the provisions of any local ordinance adopted pursuant to the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.); or (iv) the application to individual lots on recorded plats or parcels of land subject to final site plans of the provisions of any local ordinance adopted to comply with the requirements of the federal Clean Water Act, Section 402 (p.) of the Stormwater Program and regulations promulgated thereunder by the Environmental Protection Agency.

F. An approved final subdivision plat that has been recorded, from which any part of the property subdivided has been conveyed to third parties (other than to the developer or local jurisdiction), or a recorded plat dedicating real property to the local jurisdiction or public body that has been accepted by such grantee, shall remain valid for an indefinite period of time unless and until any portion of the property is subject to a vacation action as set forth in §§ 15.2-2270 through 15.2-2278.

§ 15.2-2269. Plans and specifications for utility fixtures and systems to be submitted for approval.

A. If the owners of any such subdivision desire to construct in, on, under, or adjacent to any streets or alleys located in such subdivision any gas, water, sewer or electric light or power works, pipes, wires, fixtures or systems,

they shall present plans or specifications therefor to the ~~governing body of the locality in which the subdivision is located or its authorized~~ *designated* agent, for approval. If the subdivision is located beyond the corporate limits of a municipality but within the limits set forth in § 15.2-2248, such plans and specifications shall be presented for approval to the ~~governing body of such municipality, or its authorized~~ *designated* agent, if the county has not adopted a subdivision ordinance. The ~~governing body, or~~ *designated* agent, shall have 45 days in which to approve or disapprove the same. In event of the failure of any ~~governing body, or its~~ *designated* agent, to act within such period, such plans and specifications may be submitted, after ten days' notice to the locality, to the circuit court for such locality for its approval or disapproval, and its approval thereof shall, for all purposes of this article be treated and considered as approval by the ~~locality or its authorized~~ *designated* agent.

B. Any state agency or public authority authorized by state law making a review of any plat forwarded to it under this article, including, without limitation, the Virginia Department of Transportation and authorities authorized by Chapter 51 (§ 15.2-5100 et seq.), shall complete its review within 45 days of receipt of the plans, provided, however, that the time periods set forth in § 15.2-2222.1 shall apply to plats triggering the applicability of said section. The Virginia Department of Transportation and authorities authorized by Chapter 51 (§ 15.2-5100 et seq.) shall allow use of public rights-of-way dedicated for public street purposes for placement of utilities by permit when practical and shall not unreasonably deny plan approval. If a state agency or public authority by state law does not approve the plan, it shall comply with the requirements, and be subject to the restrictions, set forth in subsection A of § 15.2-2259, with respect to the exception of the time period therein specified. Upon receipt of the approvals from all state agencies, the ~~local~~ *designated* agent shall act upon a preliminary subdivision plat within 35 days.

§ 15.2-2270. Vacation of interests granted to a locality as a condition of site plan approval.

Any interest in streets, alleys, easements for public rights of passage, easements for drainage, and easements for a public utility granted to a locality as a condition of the approval of a site plan may be vacated according to either of the following methods:

1. By a duly executed and acknowledged written instrument of the owner of the land which has been or is to be developed in accordance with the site plan, declaring the interest or interests to be vacated, provided the ~~governing body or authorized~~ *designated* agent of the locality where the land lies consents to the vacation. The instrument shall be recorded in the same clerk's office wherein is recorded the written instrument describing the interest in real property to be vacated. The execution and recordation of the instrument shall operate to divest all public rights in, and to reinvest the owner with the title to the interests which formerly were held by the governing body; or

2. By ordinance of the governing body in the locality in which the property which is the subject of an approved site plan lies, provided that no interest shall be vacated in an area in which facilities, for which bonding is required pursuant to §§ 15.2-2241 through 15.2-2245, have been constructed.

The ordinance shall not be adopted until after notice has been given as required by § 15.2-2204. Any person may appear at the meeting for the purpose of objecting to the adoption of the ordinance. An appeal from the adoption of the ordinance may be filed within thirty days of the adoption of the ordinance with the circuit court having jurisdiction of the land over which the governing body's interest is located. Upon appeal, the court may nullify the ordinance if it finds that the owner of the property, which has been developed or is to be developed in accordance with the approved site plan, will be irreparably damaged. If no appeal from the adoption of the ordinance is filed within the time above provided or if the ordinance is upheld on appeal, a certified copy of the ordinance of vacation may be recorded in the clerk's office of any court in which the instrument creating the governing body's interest is recorded.

The execution and recordation of an ordinance of vacation shall operate to destroy the effect of the instrument which created the governing body's interest so vacated and to divest all public rights in and to the property and vest title in the streets, alleys, easements for public rights of passage, easements for drainage, and easements for a public utility as may be described in, and in accordance with, the ordinance of vacation.

§ 15.2-2271. Vacation of plat before sale of lot therein; ordinance of vacation.

Where no lot has been sold, the recorded plat, or part thereof, may be vacated according to either of the following methods:

1. With the consent of the ~~governing body, or its authorized~~ *designated* agent, of the locality where the land lies, by the owners, proprietors and trustees, if any, who signed the statement required by § 15.2-2264 at any time before the sale of any lot therein, by a written instrument, declaring the plat to be vacated, duly executed, acknowledged or proved and recorded in the same clerk's office wherein the plat to be vacated is recorded and the execution and recordation of such writing shall operate to destroy the force and effect of the recording of the plat so vacated and to divest all public rights in, and to reinvest the owners, proprietors and trustees, if any, with the title to the streets, alleys, easements for public passage and other public areas laid out or described in the plat; or

2. By ordinance of the governing body of the locality in which the property shown on the plat or part thereof to be vacated lies, provided that no facilities for which bonding is required pursuant to §§ 15.2-2241 through 15.2-2245 have been constructed on the property and no facilities have been constructed on any related section of the property located in the subdivision within five years of the date on which the plat was first recorded.

The ordinance shall not be adopted until after notice has been given as required by § 15.2-2204. Any person may appear at the meeting for the purpose of objecting to the adoption of the ordinance. An appeal from the adoption of the ordinance may be filed within thirty days of the adoption of the ordinance with the circuit court having jurisdiction of the land shown on the plat or part thereof to be vacated. Upon appeal the court may nullify the ordinance if it finds that the owner of the property shown on the plat will be irreparably damaged. If no appeal from the adoption of the ordinance is filed within the time above provided or if the ordinance is upheld on appeal, a certified copy of the ordinance of vacation may be recorded in the clerk's office of any court in which the plat is recorded.

The execution and recordation of the ordinance of vacation shall operate to destroy the force and effect of the recording of the plat, or any portion thereof, so vacated, and to divest all public rights in and to the property and reinvest the owners, proprietors and trustees, if any, with the title to the streets, alleys, and easements for public passage and other public areas laid out or described in the plat.

§ 15.2-2307. Vested rights not impaired; nonconforming uses.

A. Nothing in this article shall be construed to authorize the impairment of any vested right. Without limiting the time when rights might otherwise vest, a landowner's rights shall be deemed vested in a land use and such vesting shall not be affected by a subsequent amendment to a zoning ordinance when the landowner (i) obtains or is the beneficiary of a significant affirmative governmental act which remains in effect allowing development of a specific project, (ii) relies in good faith on the significant affirmative governmental act, and (iii) incurs extensive obligations or substantial expenses in diligent pursuit of the specific project in reliance on the significant affirmative governmental act.

B. For purposes of this section and without limitation, the following are deemed to be significant affirmative governmental acts allowing development of a specific project: (i) the governing body has accepted proffers or proffered conditions which specify use related to a zoning amendment; (ii) the governing body has approved an application for a rezoning for a specific use or density; (iii) the governing body or board of zoning appeals has granted a special exception or use permit with conditions; (iv) the board of zoning appeals has approved a variance; (v) the ~~governing body or its~~ designated agent has approved a preliminary subdivision plat, site plan or plan of development for the landowner's property and the applicant diligently pursues approval of the final plat or plan within a reasonable period of time under the circumstances; (vi) the ~~governing body or its~~ designated agent has approved a final subdivision plat, site plan or plan of development for the landowner's property; or (vii) the zoning administrator or other administrative officer has issued a written order, requirement, decision or determination regarding the

permissibility of a specific use or density of the landowner's property that is no longer subject to appeal and no longer subject to change, modification or reversal under subsection C of § 15.2-2311.

C. A zoning ordinance may provide that land, buildings, and structures and the uses thereof which do not conform to the zoning prescribed for the district in which they are situated may be continued only so long as the then existing or a more restricted use continues and such use is not discontinued for more than two years, and so long as the buildings or structures are maintained in their then structural condition; and that the uses of such buildings or structures shall conform to such regulations whenever, with respect to the building or structure, the square footage of a building or structure is enlarged, or the building or structure is structurally altered as provided in the Uniform Statewide Building Code (§ 36-97 et seq.). If a use does not conform to the zoning prescribed for the district in which such use is situated, and if (i) a business license was issued by the locality for such use and (ii) the holder of such business license has operated continuously in the same location for at least 15 years and has paid all local taxes related to such use, the locality shall permit the holder of such business license to apply for a rezoning or a special use permit without charge by the locality or any agency affiliated with the locality for fees associated with such filing. Further, a zoning ordinance may provide that no nonconforming use may be expanded, or that no nonconforming building or structure may be moved on the same lot or to any other lot which is not properly zoned to permit such nonconforming use.

D. Notwithstanding any local ordinance to the contrary, if (i) the local government has issued a building permit, the building or structure was thereafter constructed in accordance with the building permit, and upon completion of construction, the local government issued a certificate of occupancy or a use permit therefor, (ii) a property owner, relying in good faith on the issuance of a building permit, incurs extensive obligations or substantial expenses in diligent pursuit of a building project that is in conformance with the building permit and the Uniform Statewide Building Code (§ 36-97 et seq.), or (iii) the owner of the building or structure has paid taxes to the locality for such building or structure for a period of more than the previous 15 years, a zoning ordinance shall not provide that such building or structure is illegal and subject to removal solely due to such nonconformity. Such building or structure shall be nonconforming. A zoning ordinance may provide that such building or structure be brought in compliance with the Uniform Statewide Building Code, provided that to do so shall not affect the nonconforming status of such building or structure. If the local government has issued a permit, other than a building permit, that authorized construction of an improvement to real property and the improvement was thereafter constructed in accordance with such permit, the ordinance may provide that the improvements are nonconforming, but not illegal. If the structure is one that requires no permit, and an authorized local government official informs the property owner that the structure will comply with the zoning ordinance, and the improvement was thereafter constructed, a zoning ordinance may provide that the structure is nonconforming but shall not provide that such structure is illegal and subject to removal solely due to such nonconformity. In any proceeding when the authorized government official is deceased or is otherwise unavailable to testify, uncorroborated testimony of the oral statement of such official shall not be sufficient evidence to prove that the authorized government official made such statement.

E. A zoning ordinance shall permit the owner of any residential or commercial building damaged or destroyed by a natural disaster or other act of God to repair, rebuild, or replace such building to eliminate or reduce the nonconforming features to the extent possible, without the need to obtain a variance as provided in § 15.2-2310. If such building is damaged greater than 50 percent and cannot be repaired, rebuilt or replaced except to restore it to its original nonconforming condition, the owner shall have the right to do so. The owner shall apply for a building permit and any work done to repair, rebuild or replace such building shall be in compliance with the provisions of the Uniform Statewide Building Code (§ 36-97 et seq.) and any work done to repair, rebuild or replace such building shall be in compliance with the provisions of the local flood plain regulations adopted as a condition of participation in the National Flood Insurance Program. Unless such building is repaired, rebuilt or replaced within two years of the date of the natural disaster or other act of God, such building shall only be repaired, rebuilt or replaced in accordance with the provisions of the zoning ordinance of the locality. However, if the nonconforming building is in an area under a federal disaster declaration and the building has been damaged or destroyed as a direct result of conditions

that gave rise to the declaration, then the zoning ordinance shall provide for an additional two years for the building to be repaired, rebuilt or replaced as otherwise provided in this paragraph. For purposes of this section, "act of God" shall include any natural disaster or phenomena including a hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake or fire caused by lightning or wildfire. For purposes of this section, owners of property damaged by an accidental fire have the same rights to rebuild such property as if it were damaged by an act of God. Nothing herein shall be construed to enable the property owner to commit an arson under § 18.2-77 or 18.2-80, and obtain vested rights under this section.

F. Notwithstanding any local ordinance to the contrary, an owner of real property shall be permitted to replace an existing on-site sewage system for any existing building in the same general location on the property even if a new on-site sewage system would not otherwise be permitted in that location, unless access to a public sanitary sewer is available to the property. If access to a sanitary sewer system is available, then the connection to such system shall be required. Any new on-site system shall be installed in compliance with applicable regulations of the Department of Health in effect at the time of the installation.

G. Nothing in this section shall be construed to prevent a locality, after making a reasonable attempt to notify such property owner, from ordering the removal of a nonconforming sign that has been abandoned. For purposes of this section, a sign shall be considered abandoned if the business for which the sign was erected has not been in operation for a period of at least two years. Any locality may, by ordinance, provide that following the expiration of the two-year period any abandoned nonconforming sign shall be removed by the owner of the property on which the sign is located, if notified by the locality to do so. If, following such two-year period, the locality has made a reasonable attempt to notify the property owner, the locality through its own agents or employees may enter the property upon which the sign is located and remove any such sign whenever the owner has refused to do so. The cost of such removal shall be chargeable to the owner of the property. Nothing herein shall prevent the locality from applying to a court of competent jurisdiction for an order requiring the removal of such abandoned nonconforming sign by the owner by means of injunction or other appropriate remedy.

H. Nothing in this section shall be construed to prevent the land owner or home owner from removing a valid nonconforming manufactured home from a mobile or manufactured home park and replacing that home with another comparable manufactured home that meets the current HUD manufactured housing code. In such mobile or manufactured home park, a single-section home may replace a single-section home and a multi-section home may replace a multi-section home. The owner of a valid nonconforming mobile or manufactured home not located in a mobile or manufactured home park may replace that home with a newer manufactured home, either single- or multi-section, that meets the current HUD manufactured housing code. Any such replacement home shall retain the valid nonconforming status of the prior home.

MINUTES

BERRYVILLE TOWN COUNCIL

Regular Meeting
June 9, 2026
7:00 p.m.

A meeting of the Berryville Town Council was held on Tuesday, June 9, 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: None

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

1. Call to Order
Mayor Harry Lee Arnold, Jr. called the meeting to order at 7:01 p.m.

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

3. Approval of Agenda
Town Manager Keith Dalton requested Council to consider *item 9- Review/Award Berryville Water Treatment Plant Influent Screen project* during closed session to discuss negotiation strategy.
Paul Perez moved to approve the agenda as amended. The motion passed by voice vote.

4. Presentations, Awards, and Recognitions
None.

5. Public Hearings

Proposed Special Use Permit for Beach Carpentar Properties LLC, 29 Cattleman's Lane

Community Director Terry Russell explained the Special Use Permit request from Beach Carpentar Properties. Mr. Dalton proposed a change to the motion as follows "provided that the boundaries of the property are clearly delineated".

Mayor Arnold opened the public hearing.

There were no comments.

Proposed Special Use Permit for Belfort Furniture, Inc., 351 Station Road

Mr. Russell explained the Special Use Permit application from Belfort Furniture. The Planning Commission has recommended approval. Matt Huber, the applicant, answered questions from the Council.

Mayor Arnold opened the public hearing.

There were no comments.

6. Discussion of Public Hearing Items

Proposed Special Use Permit for Beach Carpentar Properties LLC, 29 Cattleman's Lane

William Steinmetz moved that the Council of the Town of Berryville approve a Special Use Permit in order to allow vehicle sales at 29 Cattleman's Lane, provided that the boundaries of the property are clearly delineated. Motion passed by voice vote.

Proposed Special Use Permit for Belfort Furniture, Inc., 351 Station Road

Mr. Steinmetz reported that the Planning Commission recommends approval and they thought it was a nice use of the building.

Ryan Tibbens moved that the Council of the Town of Berryville approve a Special Use Permit at 351 Station Road in order to allow retail sales, provided that:

- **said retail sales are incidental to a manufacturing, production, or related use,**
- **said retail sales occupy not more than 5,000 square feet of floor area, and**
- **hours of operation shall not extend beyond 8:00 a.m. to 8:00 p.m.**

Motion passed by voice vote.

7. Citizens' Forum

Rick Figert, a resident on Jones Ct, reiterated questions he has about the stormwater maintenance program Horton has made with the Town. He is still having issues with the pond behind his home.

Chris Arslan of Maden Street would like to know why the gates are not open for the track at the school. Mayor Arnold responded that he would need to contact the schoolboard as the Town does not own or take care of that property.

Luke Mazzarino said hello to Grant Mazzarino, his father.

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

9. Unfinished Business
Adoption: Proposed Fiscal Year 2026-2027 Budget
Director of Finance Cindy Poulin reviewed the highlights of the Fiscal Year 2026–2027 Budget.
Vice Mayor Erecka Gibson moved 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, funds shall hereby be appropriated for fiscal year 2026-2027. Motion passed by voice vote.

Review/Award: Berryville Wastewater Treatment Plant Influent Screen Project
Mr. Dalton reviewed the Wastewater Treatment Plant Influent Screen Project with Council. The FY26 budget includes $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 and upgrades, including the bar screen in question. The 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. The bids were higher than expected but Mr. Dalton still thinks it is worth the cost to protect the system. 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. The Power Point is attached.

No motion made.

10. New Business
Re-adoption of Town Council Policy- Electronic Participation in Meetings
Deputy Town Manager Jean Petti reviewed the proposed re-adoption of the Town Council Policy regarding Electronic Participation in Meetings
Vice Mayor Gibson moved that the Council of the Town of Berryville approve the attached amended Electronic Participation in Meetings policy. Motion passed by voice vote.

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. Tibbens reported his attendance at the Clarke County Economic Development Advisory Committee meeting and noted that Restaurant Week was a success and the committee is considering additional dates.

Vice Mayor Gibson thanked the Budget and Finance Committee for their professionalism developing the Town budget.

Mayor Arnold noted that he attended the Geneva Jackson bench dedication at Barns of Rose Hill. He also wanted to remind everyone of the Juneteenth Celebration being held on Saturday June 20th.

12. Staff Reports

Community Development

Mr. Dalton provided an update on the Friant property rezoning request, noting that the Planning Commission had reviewed the proposal and forwarded its recommendations to Town Council. He stated that the proposal would be discussed at the Town Council Work Session scheduled for June 29, 2026, at 3:30 p.m. The matter is also scheduled for discussion at the July 14, 2026 Town Council meeting, at which time Council may consider setting a Public Hearing for September 8, 2026. Further discussion and potential action could occur at either the September 8, 2026 meeting or the October 13, 2026 meeting.

Mr. Russell said the Wayfinding signs are in their final stages of engineering and should be completed and installed on time.

Mr. Russell requested the Council set a public hearing on Proposed text amendments to the Subdivision and Zoning Ordinances to bring them into compliance with Virginia Code.

Mr. Russell advised that the Planning Commission has reviewed the proposed changes and recommends approval.

Vice Mayor Gibson moved that the Council of the Town of Berryville set a public hearing on the proposed amendments to the Subdivision and Zoning Ordinances for July 14, 2026 at 7:00 p.m. or as soon thereafter as the matter may be heard. Motion passed by voice vote.

Town Manager

Mr. Dalton reported that paving on Dorsey Street has been completed, as well as all Town paving projects scheduled for the current fiscal year. He noted that the proposed fall paving schedule will be presented to Council at a future meeting. Mr. Dalton also stated that improvements to the Rixey Moore parking lot are nearing completion. In addition, paving work is underway at the American Legion parking lot, and the Town plans to install stone between the American Legion and Rixey Moore parking lots to improve the connection between the two properties.

13. Committee Updates

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

Budget and Finance

Vice Mayor Gibson thanked the Budget and Finance Committee again for all their hard work of the budget.

Community Development
Mrs. Petti thanked Mr. Tibbens for his help with gathering bridge estimates. Mr. Dalton stated the bridge was built in 1984 and the goal for the new bridge is longevity, for water to pass underneath it with ease, and for it to be ADA compliant.

Mr. Tibbens stated the next meeting is scheduled for June 23, 2026 at 3:30 p.m.

Mr. Perez commented that the Public Works crew did an excellent job painting curbs and parking spaces throughout Town.

Personnel, Appointments, and Policy
Planning Commission Appointment
Vice Mayor Gibson moved that the Council of the Town of Berryville appointment Glen Skillman to the Planning Commission, with a term to commence on June 10, 2026 and end on June 30, 2030. Motion passed by voice vote.

Tree Board Appointment
Vice Mayor Gibson moved that the Council of the Town of Berryville appoint Kevin Donner to an unexpired term on the Tree Board, with a term to commence on June 10, 2026 and end on December 31, 2027. Motion passed by voice vote.

Public Safety
No update.

Streets & Utilities
Discussion: Amendments of Sections 10.49 and 10.50 of the Berryville Code
Mrs. Petti reviewed proposed changes to Sections 10.49 and 10.50 of the Berryville Code.

10.49
Mr. Perez moved that the Council of the Town of Berryville adopt the attached ordinance amending Sec. 10.49 of the Berryville Code. Motion passed by voice vote.
10.50
Mr. Perez moved that Council of the Town of Berryville adopt the attached ordinance amending Sec. 10-50 of the Berryville Code. Motion passed by voice vote.

14. Other
None.

15. Closed Session
Discussion with the town manager regarding the consideration of prospective candidates for employment.

Motion to enter Closed Session
Vice Mayor Gibson moved that Council of the Town of Berryville enter into closed session in accordance with Section 2.2-3711.A.1 of the Virginia Code, to consider prospective candidates for employment and Section 2.2-3711.29 of the Virginia Code in order to discuss the award of a public contract involving the expenditure of public funds. Specifically, the Council will discuss the bids received for the Wastewater Treatment Bar Screen project. Motion passed by voice vote.

The Council returned to open session at 9.32 p.m.

Certification Motion
Mr. Tibbens moved 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, THEREFORE, 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 by roll call:

Mr. Steinmetz	**Aye**
Mr. Perez	**Aye**
Mr. Mazzarino	**Aye**
Mr. Tibbens	**Aye**
Ms. Gibson	**Aye**
Mr. Arnold	**Aye**

Mr. Tibbens moved that the Council of the Town of Berryville authorize the town manager to finalize negotiations with the responsive/responsible low-bidder from the Wastewater Treatment Plant Bar Screen project offering in accordance with the direction provided by the Council in closed session. Further, the town manager is authorized to execute any and all documents related to the award of the project in question. Motion passed by voice vote.

16. Adjourn

The Council adjourned at 9:34 p.m. on a motion by Mr. Steinmetz.

_____ _____

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

TOWN OF BERRYVILLE

ESTABLISHED 1798

FISCAL YEAR 2027 OPERATING BUDGET
&
CAPITAL IMPROVEMENT PROGRAM FY 2027-2031



101 CHALMERS COURT, SUITE A
BERRYVILLE, VIRGINIA
540.955.1099
BERRYVILLEVA.GOV

Town of Berryville, Virginia

Fiscal Year 2027 Operating Budget and Capital Improvement Plan

Town Council
Harry Arnold, Jr., Mayor
Erecka Gibson, Vice Mayor
William Steinmetz, Ward One
Paul Perez, Ward Two
Grant Mazzarino, Ward Three
Ryan Tibbens, Ward Four

Town Staff
Keith Dalton, Town Manager
Jean Petti, Deputy Town Manager
Cynthia Poulin, Director of Finance/Treasurer
Terry Russell, Community Development Director
Jason Winner, Chief of Police
Frank Kelsey, Utility Director
Vacant, Director of Public Works

Berryville – Clarke County
Government Center
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BERRYVILLE
EST. 1798 Genuine VIRGINIA

09 June 2026

Members of the Town Council:

Please find attached the proposed budget for Fiscal Year 2027. Town staff is confident that the budget will provide the resources needed to ensure excellent service to the citizens of Berryville in the coming year.

The budget includes revenues and expenditures for the General, Water, and Sewer Funds which include funding for both the operating costs of the Town and completion of capital projects. The General Fund, Water Fund, and Sewer Fund are supported by the collection of taxes, intergovernmental transfers, user fees, availability fees, and loan proceeds.

General Fund: General Fund expenses total $6,158,867.00, which represents an increase of 3.1% from Fiscal Year 2026. For the most part, the increase can be attributed to overall increase in operational expenses in FY27.

There are no increases in taxes included in this budget and the PPTRA reimbursement rate remains at 49%.

Water Fund: Water Fund expenses total $9,577,317.00, which represents an increase of 36.7% from Fiscal Year 2026. For the most part, the increase can be attributed to an increase in Water Fund Capital Expenditures for the upgrade of the Roy E. Potts Memorial Water Treatment Plant.

Monthly administrative fees are unchanged. There is a scheduled increase in user fees from $10.30 to $11.62 per 1,000 gallons for in town users and from $12.87 to $14.53 per 1,000 gallons for others. An 3.2% increase in availability fees is also programmed, and there are five (5) availability fees reflected in the budget.

Sewer Fund: Sewer Fund expenses total $2,598,008.00, which represents a decrease of 8.2% from Fiscal Year 2026. For the most part, the decrease can be attributed to a decrease in Sewer Fund Capital Expenditures.

Monthly administrative fees are unchanged. There is a scheduled increase in user fees from $17.78 to $18.31 per 1,000 gallons for in town users and from $22.22 to $22.89 per 1,000 gallons for others. An 3.2% increase in availability fees is also programmed, and there are five (5) availability fees reflected in the budget.

Town staff is very appreciative of the support that the Town Council provides them as they work to protect the health, safety, and welfare of Berryville's residents and guests.

Sincerely,

Keith R. Dalton
Town Manager

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Table of Contents

Organizational and Community Information.....7

Town of Berryville Organizational Chart.....9

History of the Town of Berryville.....10

Governing Body and Town Management.....12

Area Demographics and Comprehensive Plan.....13

Historical and Forecast Growth Rates.....15

2015 Berryville Area Plan Excerpt.....19

Area Plan Maps 4-7.....22

Budget Development Process.....27

Basis for Budgeting.....29

Budget Process Overview.....30

Roles and Responsibilities.....30

Budget Calendar FY26-27.....31

Budget Modification and Amendment.....32

Budget Contingency Plan.....32

Budget Preparation Highlights.....33

Public Hearing Notice.....35

Consolidated Financial Schedules.....37

Overview of Revenues.....39

Overview of Expenditures.....40

Debt Service Summary.....41

Long Term Debt Service Schedule.....42

Approved Budget.....43

Supplemental Information Data.....59

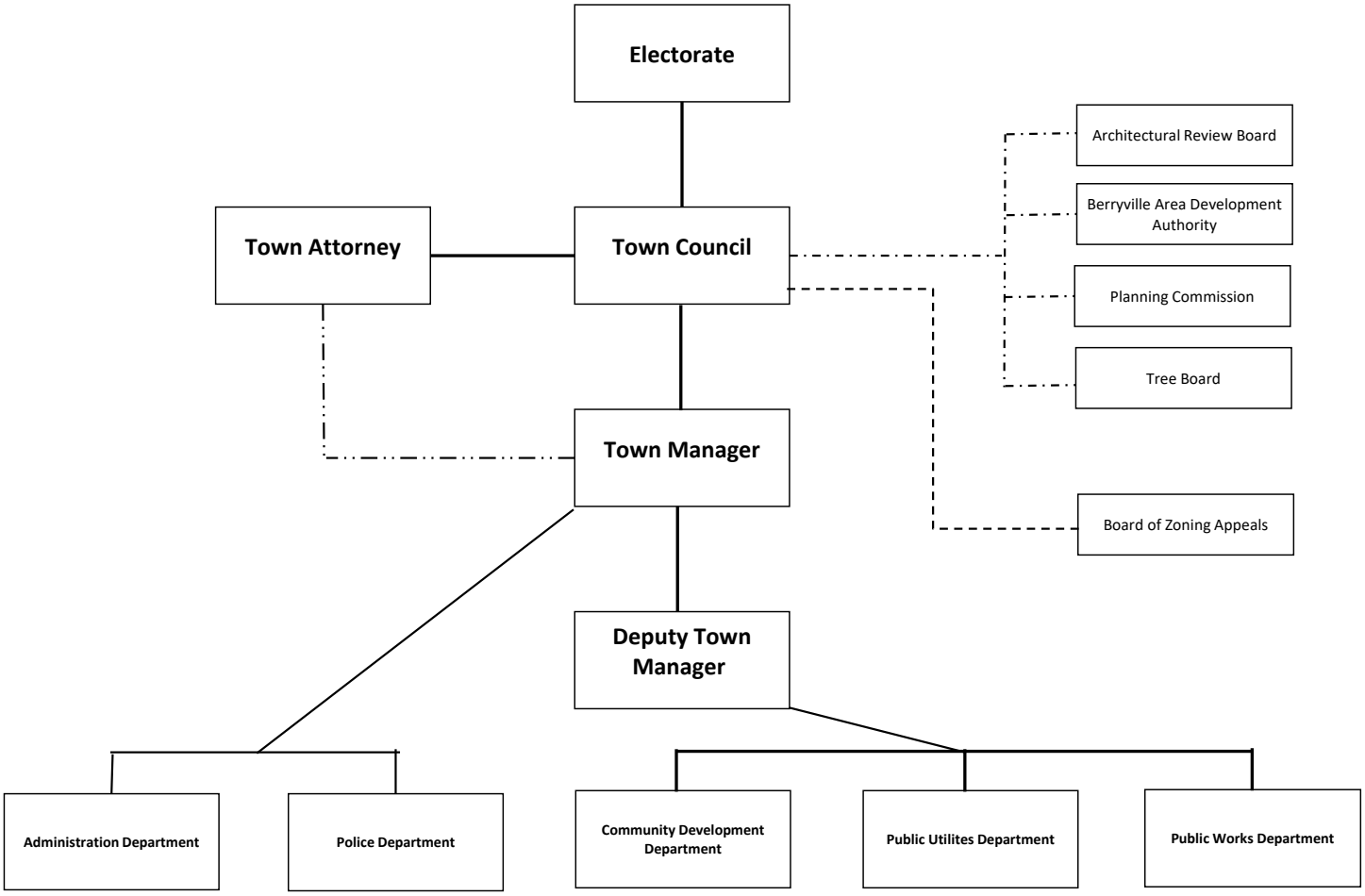
Descriptions of General Fund Revenues..... 61
Town Council Reserve Policy.....67
Fund Reserve Specifics.....69
General Fund – Sources & Uses.....79
General Fund Revenue Chart & Table.....81
General Fund Expense Chart & Table 82
Water Fund – Sources & Uses.....85
Water Fund Revenue Chart & Table.....86
Water Fund Expense Chart & Table.....87
Sewer Fund – Sources & Uses.....88
Sewer Fund Revenue Chart & Table.....89
Sewer Fund Expense Chart & Table.....91
Schedule of Water and Sewer Fees and Charges.....93
Personnel Expenditures.....97
Capital Improvement Plan Fiscal Year 2027 to 2031.....99
5 Year Capital Improvements Program.....101
Narrative FY 2027.....103
Narrative FY 2028.....113
Narrative FY 2029.....121
Narrative FY 2030.....129
Narrative FY 2031.....135

Organizational and Community Information

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TOWN OF BERRYVILLE Virginia

Town of Berryville Organizational Chart



History of the Town of Berryville

Berryville was founded at the intersection of the Winchester Turnpike and Charlestown Road. The land was first granted by the Crown to Captain Isaac Pennington in 1734, and George Washington surveyed it on October 23, 1750. In 1754 Pennington sold it to Colonel John Hite.

According to legend, Daniel Morgan would engage in combat with young toughs at the intersection, having first piled large stones nearby to use as ammunition in case of need. Because of this story, and a rowdy tavern nearby, the area was first given the informal name of "Battle Town".

Hite sold the tract in 1765 to his son-in-law, Major Charles Smith. Smith named his estate "Battle Town", and on the site of the former tavern he built a clapboard homestead. This structure still stands on what is now Main Street and is now known as "The Nook".

Daniel Morgan returned to the area after distinguishing himself in the Revolution, living at Saratoga, and briefly at Soldier's Rest. He was one of the frequent (and reputedly most quarrelsome) patrons of the new tavern (where now stands the Battletown Inn).

Major Smith's son, John Smith, in 1797 sold 20 acres (81,000 m^2) of his inheritance to Benjamin Berry and Sarah (Berry) Stribling, who divided it into lots for a town. It was established as the town of Berryville on January 15, 1798.

By 1810, the town had at least 25 homes, three stores, a pharmacy, two taverns, and a school. It was not much larger when it was designated as the county seat of newly formed Clarke County in 1836.

The railroad reached the town in the 1870s.

Virginia governor and U.S. senator Harry F. Byrd long resided in Berryville. A state senator in 1916, he built a log cabin named "Westwood" in Berryville at a family-owned orchard. In 1926, Byrd purchased Rosemont, an estate adjacent to his family's apple orchards in Berryville. He moved there with his family after his term as governor ended in 1929.

Berryville is located in the northern Shenandoah Valley, 11 miles (18 km) east of Winchester and 5 miles (8 km) south of the West Virginia border. U.S. Route 340 passes through the center of town, leading northeast 12 miles (19 km) to Charles Town, West Virginia, and southwest 22 miles (35 km) to Front Royal. Virginia State Route 7 bypasses Berryville along its northern border as a four-lane freeway, leading west to Winchester and east across the Blue Ridge Mountains 24 miles (39 km) to Leesburg.

According to the United States Census Bureau, Berryville has a total area of 2.47 square miles (5.9 km^2), all of it land.

The Town serves as the center of commercial, residential, institutional and industrial activity for Clarke County.

Both the Town and County are committed to preserving and enhancing Berryville's historic downtown and maintaining Clarke County's exquisite countryside. Preservation of our community's charming character and natural beauty has required extraordinary effort and a high level of cooperation between the Town and County.

As of the 2020 U.S. Census, the population of Berryville was 4,574.

Governing Body and Town Management

The organizational structure of the Town of Berryville is modeled after the council-manager form of government. It is within the council-manager framework that the elected officials serve as the Town's leaders and policy makers while the Town Manager is hired by and serves at the pleasure of the Town Council to carry out policy and ensure that all residents are being rightly served. The mayor and vice mayor are elected at large for staggered four-year terms.

As the chief operating and administrative officer of the Town, the Town Manager's office strives to provide professional leadership in the administration and execution of policies set by the Town Council. Accordingly, the Town Council and Town Manager work together in an effort to preserve a sustainable and flourishing community.

The Town provides a full range of services including: police; maintenance of streets and parks; trash collection; and water and sewer utilities. Other utility services such as electricity and natural gas are provided by companies not associated with the Town.

DEMOGRAPHICS

Incorporated	1870
Population (2020 Census.gov)	4574
Total Dwelling Units (Town estimate)	1892
Average Household Size (Town estimate)	2.80
Area (square miles)	2.470
2026 Real Estate Tax Rate	$.139
2026 Personal Property Tax Rate	1.25
2026 PPTRA Rate	49%
2026 Machinery $ Tools Tax Rate	$1.30
2026 Meals Tax Rate	4.00%
2026 Lodging Tax Rate	2.00%
2026 Cigarette Tax Rate (per pack)	$.10
2026 Water Rate per thousand gallons	$11.62
2026 Sewer Rate per thousand gallons	$18.31

Area Demographics and Comprehensive Plan

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Regional Setting of the Town of Berryville

Located in north-central Clarke County, the ***Town of Berryville*** is about 8 miles east of Winchester, 59 miles west of Washington, D.C., and 4 miles south of the West Virginia state line. The growth of the Town has always been greatly influenced by its location between Winchester and the Baltimore/Washington areas. The constant movement of early settlers, freight wagons, and packhorses between the port towns of Alexandria and Baltimore and the frontier towns to the west gave Berryville its earliest growth.

The expansion of Route 7 into a four-lane highway with a bypass and interchange at Berryville, along with four-lane Route 340 between the Town and West Virginia makes job and shopping opportunities in surrounding localities greatly accessible. This transportation network influences the rate and type of development in the Berryville Area, as well as the economic well-being of the Town.

Historical and Forecast Population Growth Rates

The figure below shows the changing populations of Berryville and Clarke County since 1970. Population expansions more or less reflect periods of residential development following annexation. The annexation of 1989 added 350 acres, increased the population of Berryville by 344 residents, and was followed by a period of increased residential development. Additional annexations added approximately 90 acres to the Town, the bulk of which was developed as single-family dwellings and senior housing communities.

	1970	1980	1990	2000	2010	2020
Berryville	1,569	1,752	3,097	2,963	4,185	4,574
Clarke County inclusive of Berryville	8,102	9,965	12,101	12,652	14,034	14,783

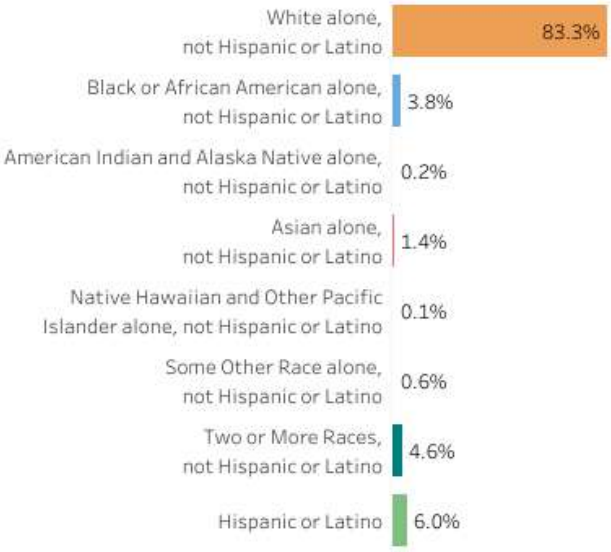
Population Characteristics

Berryville is relatively densely populated within the corporate limits. The 2020 population of 4,574 is distributed on approximately 2.27 miles, resulting in a density of 83 persons per square mile. This density is higher than Clarke County, reflecting Berryville's status as the population and industry center of the county. Clarke County's overall population density is markedly less than surrounding localities, which sets Clarke County apart for tourism, agriculture, and rural living.

	Population	Size (sq. mile)	Density
Berryville	***4,574***	***2.27***	***1,926/sq. mile***
Clarke County	14,783	178	83/sq. mile
Frederick County	91,419	416	219/sq. mile
Warren County	40,727	217	187/sq. mile
Prince William County	482,204	348	1,385/sq. mile
Loudoun County	420,959	521	807/sq. mile
Jefferson (WV)	57,701	212	272/sq. mile

Demographics

	United States	Virginia	Berryville
Median Age	38.8 years	38.8 years	45.9 years
Median Household Income	$69,717	$80,963	$81,765
Poverty Rate	12.8%	10.2%	10.5%
Education: BA or Higher	35%	41.8%	28.3%
Employment Rate	58.6%	60.3%	50.1%
Commute in Minutes, Avg.	25.6	26.4	35.6
Home Ownership	65.4%	67.6%	61.3%
Under 18 years	22.1%	21.8%	19.9%
Over 65 years	16.8%	16.3%	22.1%



Source: U.S. Census, Diversity Index by County, 2020

Population Projection

The future population projection is an indicator of the likelihood of growth in the Town. The size, kind, and number of community facilities that should be available, and the potential for industrial, commercial, and residential expansion are related to future population estimates. Population projections are based on an analysis of past trends and present development. With a relatively small population base, unforeseeable events could greatly alter the projections. The establishment or closing of a large industry in or near Berryville or a downturn in the national economy are examples of such uncertain events.

Clarke County Population Projections by Age and Gender

Age	2020	2030	2040
Infants/small children 0-5 years	693	769	805
Students 5-24 years	3,142	3,331	3,635
Adults 25-65 years	7,382	7,109	7,440
Seniors 65+ years	3,120	4,056	4,087
Total	**14,337**	**15,265**	**15,967**

Source: Weldon Cooper Center for Public Service as reported by Virginia LMI

Population forecasts are based on the assumption that fairly stable economic and political conditions will exist, that no devastating disasters will occur, and that the present social structure will not change dramatically.

Clarke County's Comprehensive Plan calls for growth to occur at existing population centers, with Berryville identified as the major growth area. It is therefore anticipated that Berryville will capture a higher percentage of the County's future growth than the surrounding areas of the County.

Though it is recognized that population growth for small towns is especially vulnerable to economic events and other unpredictable factors, projections for Berryville's population have been made. Berryville's population is projected to approach 6,082 by the year 2030.

Excerpt from 2015 Berryville Area Plan

The Berryville Area Plan was adopted in 1992 by Clarke County and the Town of Berryville to serve as a joint land use plan for the Berryville Annexation Area- undeveloped County lands adjacent to the Town limits that were designated for addition to the Town in accordance with the 1988 Town-County Annexation Agreement.

The plan is jointly administered by the Town and County via the Berryville Area Development Authority (BADA) with technical support provided by the Town and County planning staffs.

The plan divides the Annexation Area into a series of Sub-Areas, or groups of parcels or portions of parcels that have similar development characteristics. These Sub-Areas are detailed in map 4 and were created following an evaluation of historical, environmental, and geological characteristics of each Sub-Area. Based upon these characteristics, recommended use types were assigned to the Sub-Areas with residential or commercial densities based upon the net developable portion of the parcels in the Sub-Areas.

Similar to comprehensive plans, the Berryville Area Plan serves as guidance document for land use decision-making- the actual rules and regulations for development are found in the zoning and subdivision ordinances for the Town and County. The Plan has been amended several times since its adoption in 1992, and is currently under review by the Berryville Area Development Authority.

Land Use Philosophy of Clarke County and the Town of Berryville

Clarke County and the Town of Berryville share a symbiotic relationship regarding land use and growth management. For decades, the County has strived to implement its vision of protecting its natural and historic resources, agricultural properties, and scenic beauty by limiting urban and suburban-style development to designated growth areas including the Town of Berryville. The Town has also sought to maintain vibrancy as the primary growth area for residential, commercial, and industrial uses through thoughtful planning and timely development of public infrastructure. This relationship is captured in the goals and policies of the Town and County comprehensive plans and in the Berryville Area Plan.

The County implemented its "sliding-scale zoning" land use system in 1980 in an effort to focus development in designated growth areas while preserving agricultural and open space lands in large tracts to mitigate "parcelization" in rural areas that can lead to suburban sprawl. Sliding-scale zoning limits the total number of parcels that may be created, limits the size of new parcels, and keeps residential parcels as large as possible. Under this system, a fixed number of dwelling-unit rights (DURs) was allocated in 1980 for parcels of land in the County zoned Agricultural- Open Space-Conservation (AOC) and Forestal-Open Space- Conservation (FOC). The number of DURs were allocated on a "sliding-scale" that provided for fewer DURs per acre for larger parcels. The number of DURs cannot be increased unless parcels are rezoned (which is strongly discouraged), but the total number of available DURs decrease as landowners build houses or place their property under permanent open-space easement and retire DURs.

Hand in hand with this tool is designating growth areas- including the Town of Berryville- as the only areas of the County appropriate for more suburban scale residential development due to the proximity of water and sewer infrastructure. These are the only areas where rezoning to a higher residential density may be considered. To ensure successful implementation of the Town and County's shared land use philosophy, the

Berryville Town Council and Clarke County Board of Supervisors adopted the Berryville Area Plan (BAP) in April 1992 to guide land use decision-making in the areas designated to be annexed.

Current Inventory of Public Facilities

The Town of Berryville is ideally suited to provide urban levels of services as the County's primary designated growth area for residential and business uses. Public water and sewer is currently provided by the Town to parcels within its limits, and the Annexation Area agreement ensures provision of water and sewer for new developments brought into the Town limits. The Town is home to all but two of the public schools and is adjacent to the County Parks and Recreation facility at Chet Hobert Park. Berryville is also centrally located from a transportation perspective, bisected by Virginia Route 7 and U.S. 340 and within 15 minutes of I-81 in Frederick County. Rail access is available via the Norfolk Southern rail line that passes through the center of Town.

Water and Sewer

The Town of Berryville provides public water and sewer services for Town residents and businesses. Water is obtained via the Shenandoah River and is treated at the Town's facility in the County outside of Town limits. The Town also maintains three storage facilities. Sewage is treated by the Town at a treatment facility that is also located in the County outside of Town limits.

Future extension of public water and sewer service is governed by a Water and Sewer Extension Agreement that was adopted by the Town and County on March 29, 2000. The Agreement states that the Town has the right to extend water and sewer lines into the Annexation Area but not beyond the Town limits without the County's consent. This Agreement helps to ensure that future growth and available water and sewer capacity is contained within the Annexation Area and that unplanned growth and development does not occur in the County.

Transportation Network

The Town of Berryville is served by two primary highways. Harry Byrd highway (Route 7), a state primary highway, is the main east-west corridor conveying traffic between the Winchester area and Loudoun County. Lord Fairfax Highway/Buckmarsh Street (U.S. 340), a Federal primary highway, is the main north-south corridor conveying traffic between Warren County and the West Virginia state line. A third primary highway- West Main Street/East Main Street (Business Route 7)- serves as an alternate business route to Route 7. In 2012, the Town of Berryville assumed the responsibility of maintaining the secondary street network within the Town limits.

The Town of Berryville Comprehensive Plan and the original Berryville Area Plan proposed a series of collector streets to more efficiently convey traffic through the Town and annexation areas.

In the northwestern portion of Town, Mosby Boulevard was planned to convey traffic as an alternative route from the north end of Buckmarsh Street (U.S. 340) to West Main Street (Business Route 7)) on the west end of Town. The development of Battlefield Estates and related uses along with the construction of the Clarke County High School helped to facilitate completion of this collector road, which now connects Mosby Boulevard and West Main Street via the County's first traffic circle constructed in 2012.

A southwest connector road was also identified in the original Berryville Area Plan to connect West Main Street with Buckmarsh Street close to the southern Town limits. This collector road was ultimately constructed as Hermitage Boulevard with the development of The Hermitage residential subdivision.

A collector road is proposed to connect the east end of East Main Street (Business Route 7) with the south end of Buckmarsh Street at the Town limits. A substantial portion of this collector road has been constructed with the extension of Jack Enders Boulevard into the County Business Park, but this planned collector road has not been completed.

Completed in 2020, the Fairfax Street extension established direct access from North Buckmarsh Street to First Street in the northeastern quadrant of Berryville.

Potential Future Growth Areas

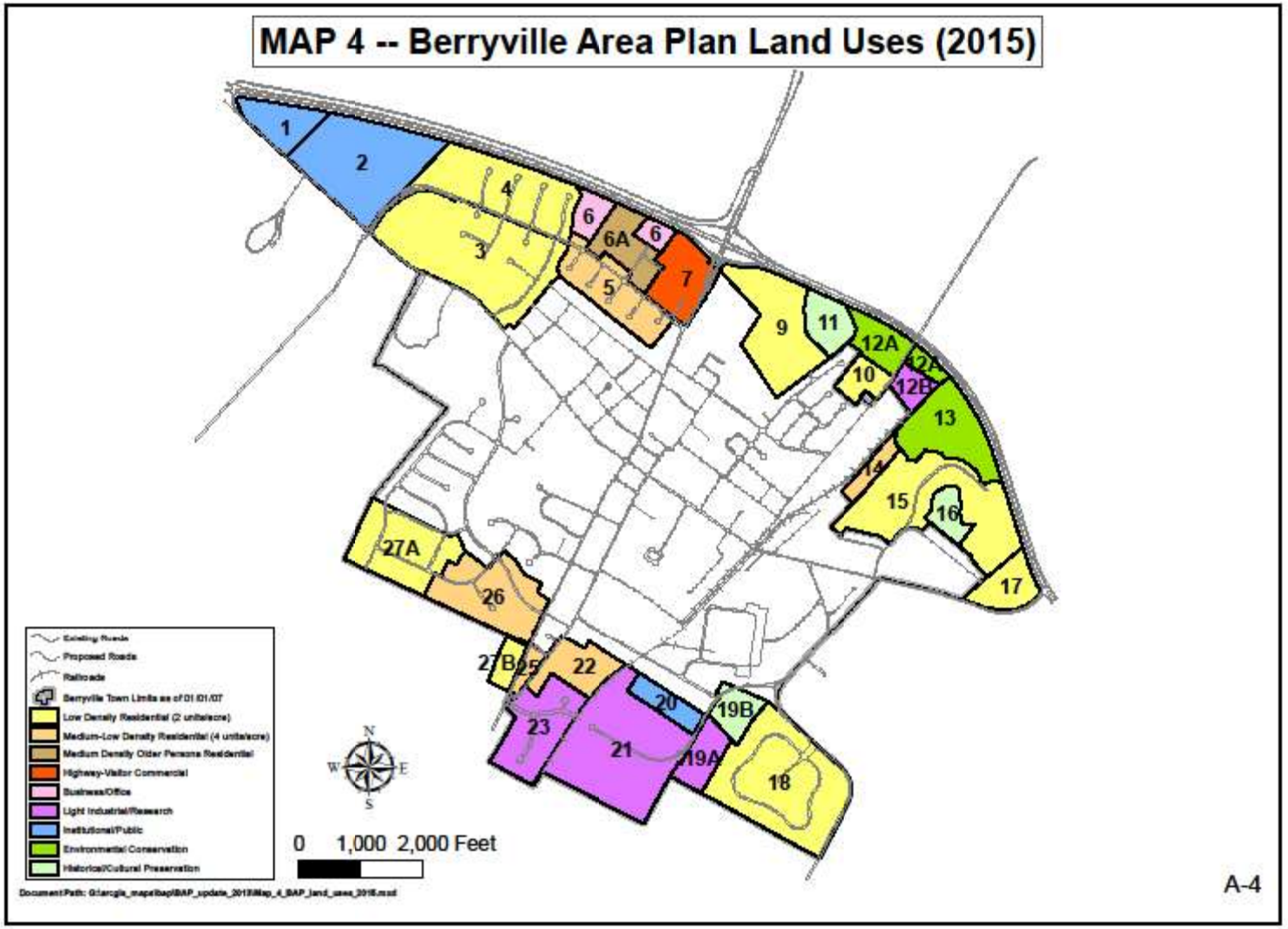
While portions of Annexation Area B remain available for new development of infill/redevelopment projects, it is advisable to identify new areas adjacent to the Town of Berryville that could be considered for designation as future annexation areas. Three areas located outside of the boundaries of Annexation Area B are proposed for designation as "potential future growth areas" to be evaluated jointly by the Town and County to accommodate future growth as Annexation Area B reaches build-out for residential and commercial/industrial capacity.

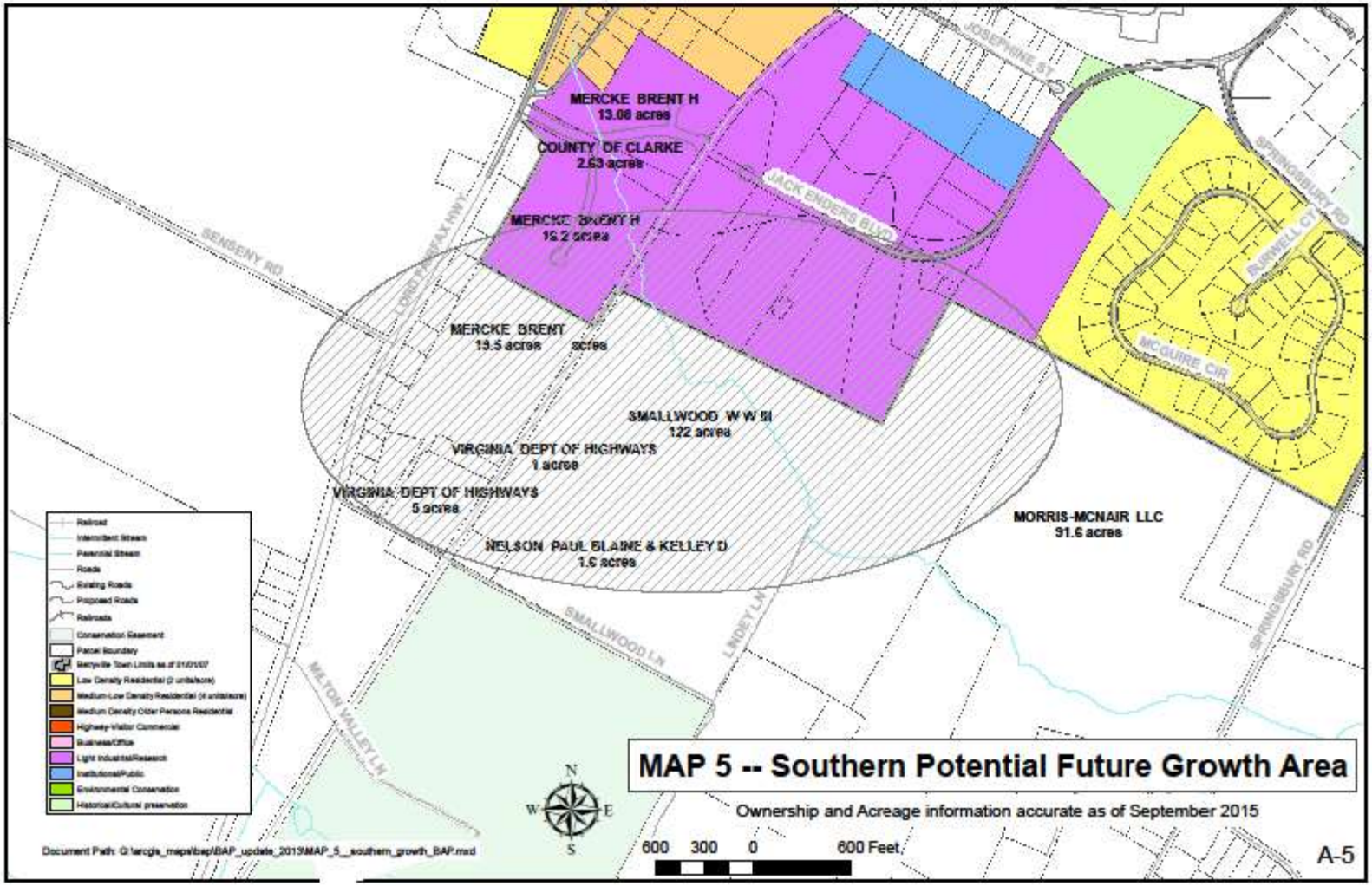
As depicted in the attached maps, the potential future growth areas are shown as general planning areas without specified boundaries. This is to enable the areas to be expanded or contracted in size depending on the influencing factors that would be evaluated through the annexation area review process. For the purposes of this section, potential future growth areas should be viewed as a point of departure for the discussion of allowing urban-scale growth and expansion of the Town boundaries in key locations.

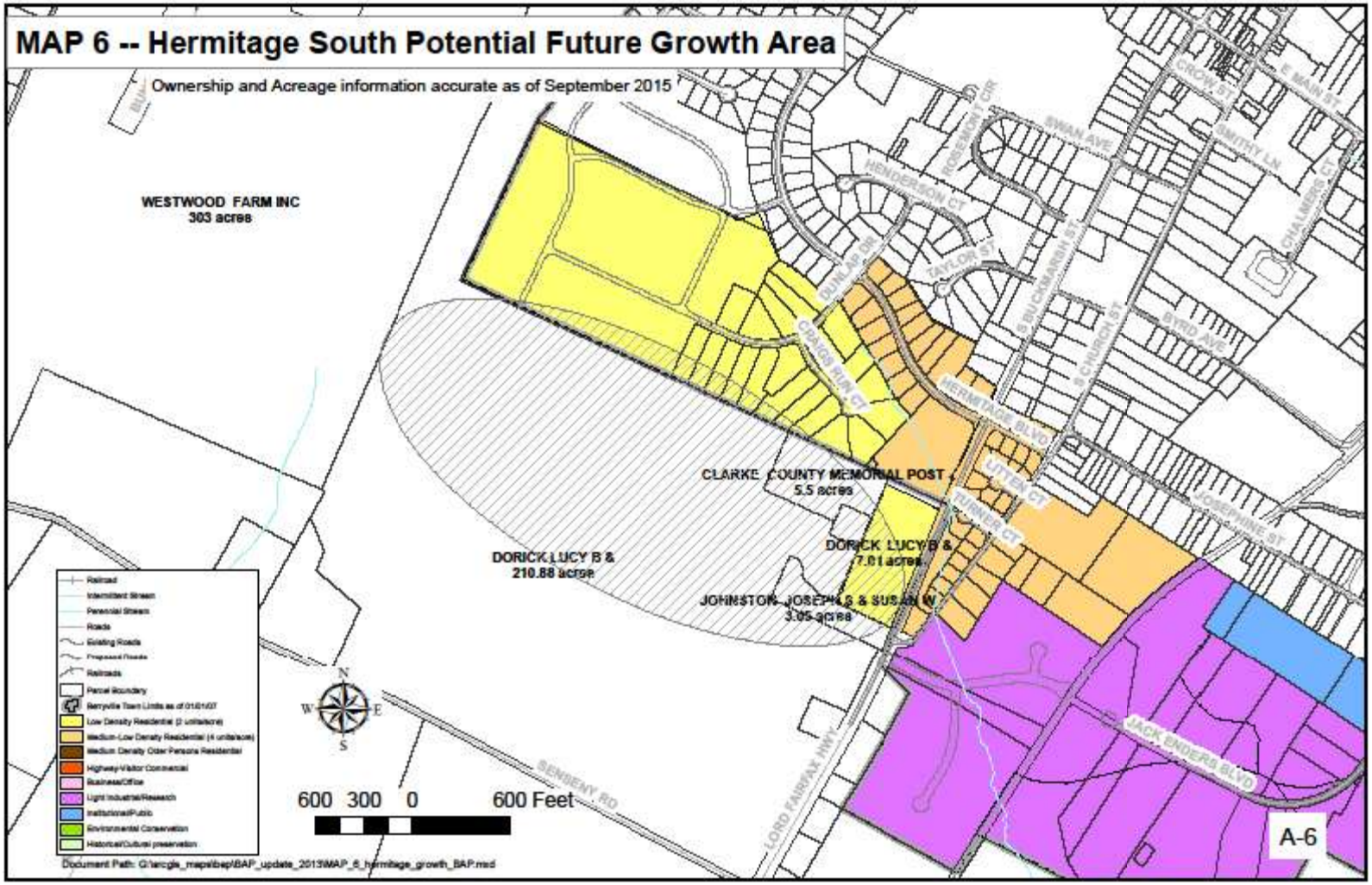
Determining when to begin a detailed review of a future growth area for consideration as a possible new annexation area shall be based on the following factors:

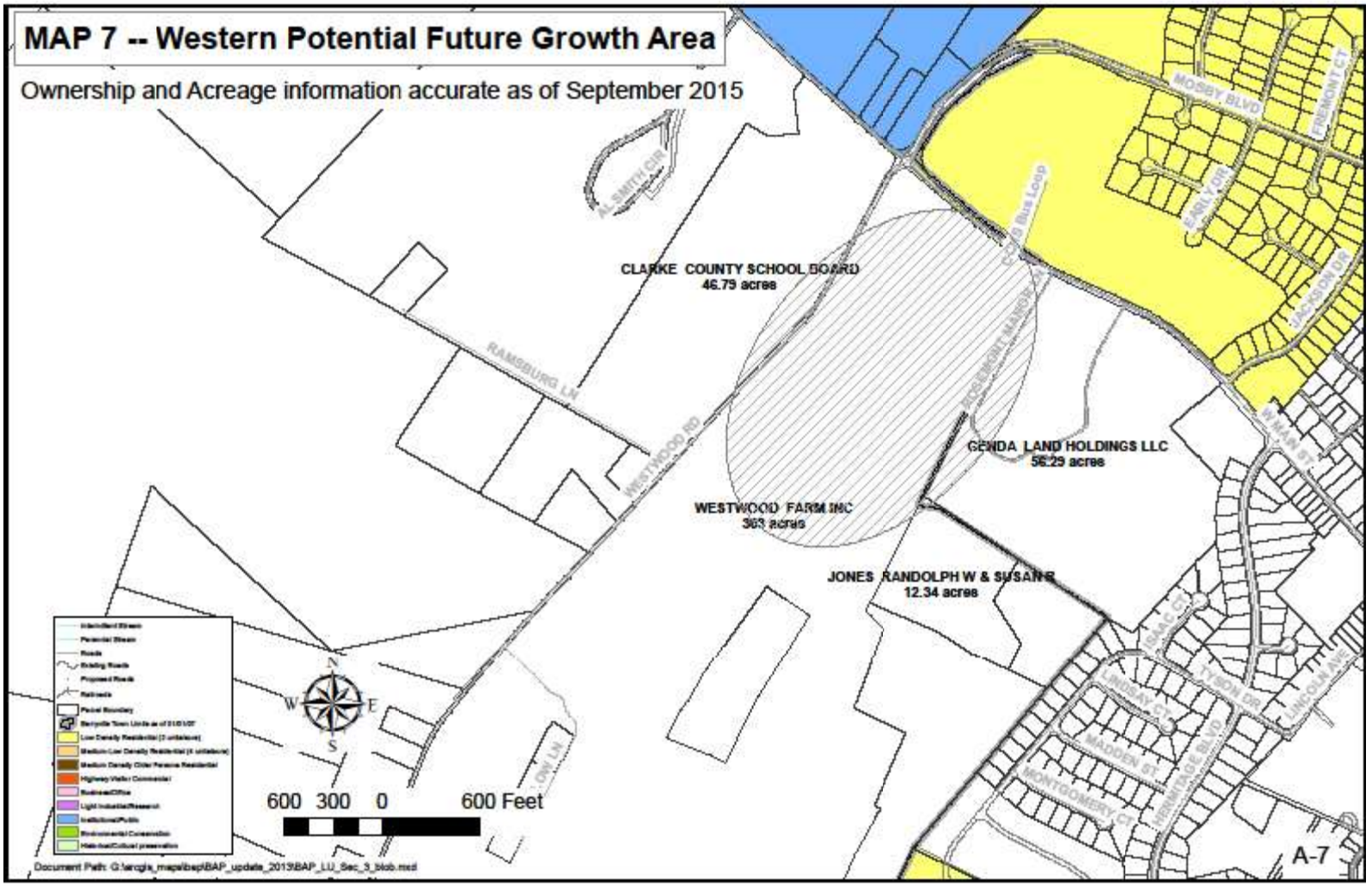
- Degree of build-out in existing Sub-Areas.
- Available capacity of public water and public sewer to serve the new development area or, alternatively, the ability to obtain additional required capacity through developer-funded improvements.
- Impact on the current levels of service of public roads and emergency services and whether adverse impacts can be mitigated by developer-funded improvements.
- Impact on the capacity of the public school system including but not limited to enrollment capacity and classroom size.

The majority of these factors address impact of new development on public infrastructure. It is critically important that these future impacts are effectively planned for in both the Town's and County's capital improvement programs to ensure that the desired scale of development can be accommodated.


MAP 4 -- Berryville Area Plan Land Uses (2015)
1
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6A
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10
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12A
12B
13
14
15
16
17
18
19A
19B
20
21
22
23
25
26
27A
27B
Existing Roads
Proposed Roads
Railroads
Berryville Town Limits as of 01/01/07
Low Density Residential (2 units/acre)
Medium-Low Density Residential (4 units/acre)
Medium Density Older Persons Residential
Highway-Visitor Commercial
Business/Office
Light Industrial/Research
Institutional/Public
Environmental Conservation
Historical/Cultural Preservation
N
W
E
S
0 1,000 2,000 Feet
A-4


MERCKE BRENT H
13.08 acres
COUNTY OF CLARKE
2.63 acres
MERCKE BRENT H
18.2 acres
MERCKE BRENT
19.5 acres
SMALLWOOD W W III
122 acres
VIRGINIA DEPT OF HIGHWAYS
1 acres
VIRGINIA DEPT OF HIGHWAYS
5 acres
NELSON PAUL BLAINE & KELLEY D
1.6 acres
MORRIS-MCNAIR LLC
91.6 acres
JOSEPHINE ST
JACK ENDERS BLVD
SPRINGBURY RD
RUNWELL CT
MCGUIRE CIR
SENSENY RD
LORE EXPRESSWAY HWY
SMALLWOOD LN
LINDEY LN
MILTON VALLEY LN
Railroad
Intermittent Stream
Perennial Stream
Roads
Existing Roads
Proposed Roads
Railroads
Conservation Easement
Parcel Boundary
Low Density Residential (2 units/acre)
Medium-Low Density Residential (4 units/acre)
Medium Density Older Persons Residential
Highway-Visitor Commercial
Business/Office
Light Industrial/Research
Institutional/Public
Environmental Conservation
Historical/Cultural preservation
N
W
E
S
MAP 5 -- Southern Potential Future Growth Area
Ownership and Acreage information accurate as of September 2015
600 300 0 600 Feet
A-5
Document Path: G:\arcgis_maps\bap\BAP_update_2013\MAP_5__southern_growth_BAP.mxd


MAP 6 -- Hermitage South Potential Future Growth Area
Ownership and Acreage information accurate as of September 2015
WESTWOOD FARM INC
303 acres
CLARKE COUNTY MEMORIAL POST
5.5 acres
DORICK LUCY B &
210.88 acres
DORICK LUCY B &
7.01 acres
JOHNSTON JOSEPH L & SUSAN W
3.05 acres
HERMITAGE BLVD
JACK ENDERS BLVD
SENBENY RD
LORD FAIRFAX HWY
CHURCH ST
E MAIN ST
600 300 0 600 Feet
A-6


MAP 7 -- Western Potential Future Growth Area
Ownership and Acreage information accurate as of September 2015
CLARKE COUNTY SCHOOL BOARD
46.79 acres
GENDA LAND HOLDINGS LLC
56.29 acres
WESTWOOD FARM INC
303 acres
JONES RANDOLPH W & SUSAN E
12.34 acres
RAMSBURG LN
WESTWOOD RD
MOSBY BLVD
FREMONT CT
CARL YDR
JACKSON DR
WYMAN ST
TYSON DR
LINCOLN AVE
MADDEN ST
MONTGOMERY CT
HERITAGE BLVD
LOW LN
N
W
E
S
600 300 0 600 Feet
A-7

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Budget Development Process

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Basis for Budgeting

The accounts of the Town are organized on the basis of funds, each of which is considered to be a separate accounting entity. The Town budgets for the General Fund using the modified accrual basis of accounting consistent with Generally Accepted Accounting Principles (GAAP) for purposes of financial statement presentation in the Town's audited financial statements. Under this method, revenues are recognized in the period they become measurable and available to finance expenditures of the period, and expenditures are recorded when incurred with the exception of principal and interest on long-term debt, which are recorded when due. Intergovernmental revenues (primarily grants), which are received as reimbursement for specific purposes or projects, are recognized when the related expenditures are recorded. Intergovernmental revenues that are unrestricted as to purpose and rescinded only for failure to meet prescribed compliance requirements are reflected as revenues at the time of receipt or earlier if availability criterion is met.

The Town budgets for the Water and Sewer Funds (enterprise) using the accrual basis of accounting consistent with GAAP (except as otherwise stated below). Under the accrual basis of accounting, revenues are recognized when earned and expenses are recognized at the time liabilities are incurred. However, for purposes of budget presentation, exceptions to the accrual basis of accounting are as follows:

- Depreciation is not budgeted;
- Capital outlays are budgeted as expenditures in the year purchased, rather than recorded as fixed assets and capitalized based on their useful lives (excluding land and construction-in-progress);
- Principal payments are shown as uses of funds (expenditures) rather than reductions of the liability;
- Proceeds from the issuance of debt are considered to be revenues, not an increase in liabilities;
- Grants obtained for the construction of assets are considered to be revenues, not capital contributions;
- Proceeds from the sale of assets are recognized as revenue; however, the related gain or loss is not; and
- Compensated absences are not considered to be expenditures until paid

Working capital, rather than net assets, is used to represent fund balance in the enterprise funds. Working capital is generally defined as the difference between current assets (e.g., cash and receivables) and current liabilities (e.g., accounts payable), excluding the current portion of principal and interest due, and provides a better comparative analysis of fund reserves for budget purposes than does the presentation of net assets as presented in the audited financial statements. Additionally, budgeting capital outlay as an expenditure for budgetary purposes allows the proposed capital purchases to be reviewed and authorized by the Town Council each year.

Budget Process Overview

The Town of Berryville's budget is developed on an annual basis for each of the Town's funds. The Town's budgeted revenues are presented by activity while the budgeted expenditures are presented by departmental services areas. The Town Treasurer is responsible for estimating budgeted revenues. Department heads are responsible for providing expenditure estimates for their departments. Department heads should provide estimates for personnel, operating, and capital outlay expenditures. Justification should be provided for all requests for additional personnel and all capital expenditure requests. Any operating expenditure requests varying from the previous year should also be justified. The department heads submit all expenditure requests to the Town Treasurer, who reviews and compiles the requests. The Town Treasurer presents the draft proposed budget to the Town Manager, and additional meetings are held among department heads, the Town Treasurer, and the Town Manager as necessary. Budget work sessions are held with the Budget and Finance Committee to discuss the proposed budget.

Each year, the Town Manager submits to the Town Council the annual proposed budget. The budget presentation contains the following information:

a) Budget Highlights from the Town Treasurer discussing the proposed financial plan for the next fiscal year for the Town of Berryville.
b) Proposed capital, operations and maintenance, and debt service expenditures by program and type of expenditure for the budget year, along with a comparison to estimated expenditures for the current year and actual expenditures for the previous year.
c) Proposed receipts, by source, for the budget year, along with a comparison to estimated receipts for the current year and actual receipts for the prior year.

After budget work sessions are held with the Town Council, public notification and hearings are conducted in accordance with the *Code of Virginia* (the Code). Based on comments from the public, additional work sessions may be warranted. The budget will be adopted by the Town Council no later than June 30 of a given year.

Roles and Responsibilities

It is the responsibility of the Town Manager, in his/her role, to prepare and present the Town's annual budget to the Budget and Finance Committee for approval. The Budget and Finance Committee reviews, and, if necessary, revises the proposed budget. The Budget and Finance Committee ensures that the proposed budget adequately addresses the priorities of the Town. The Budget and Finance Committee approves the proposed budget and submit it for adoption by the Town Council. The Town Council has final responsibility for adopting the budget and for making the necessary appropriations.

Budget control and monitoring is maintained at the departmental level. On a monthly basis, the Town Treasurer prepares summary reports that compare actual revenues and expenditures to budgeted amounts. These reports are sent to the Town Council. Additionally, these reports are provided to the Town Manager and department heads to assist them in managing the day-to-day operations of the Town.

BUDGET CALENDAR
FY 2026-2027

ACTIVITY	RESPONSIBILITY	DATE
Solicit Department CIP Requests	Department Heads	November 17,2025
Council Budget Priorities Due	Town Council	December 1, 2025
Department CIP Requests Due	Town Treasurer	December 17, 2025
Solicit Dep Budget Requests	Town Treasurer	January 9, 2026
Departmental Budget Requests Due	Department Heads	February 2, 2026
Prepare Initial Revenue Estimates for Upcoming FY	Town Treasurer	January 9, 2026 February 2, 2026
Prepare Non-departmental Budget Requests	Town Treasurer	January 9, 2026 February 2, 2026
Review Department & CIP Budget Requests	Town Manager Town Treasurer	February 6, 2026 February 13, 2026
Review/Revise Budget Estimates with Dept Heads	Town Manager	February 6, 2026 February 13, 2026
Draft Budget submitted to TC for Review	Town Treasurer	February 17, 2026
TC Comments Due	Town Council	February 23, 2026
Budget Committee Work Session	B & F Committee Town Staff	February 23,2026 A/B Meeting Room 3:00 p.m.
TC Packet submitted for work session	Town Treasurer	February 25, 2026
Council Budget Work session	Town Council Town Staff	March 2, 2026 Main Mtg Room 3:30 p.m.
PH Ad to Newspaper	Town Treasurer	March 17, 2026
Tax & Water and Sewer Fee Schedule PH Notice Published	Town Staff	March 31, 2026
Public Hearing Tax Rates & Water and Sewer Fee Schedule	Town Council	April 14, 2026
Council Meeting Set 2026 Tax Rates & Water and Fee Schedule	Town Council	April 14, 2026
Proof Budget	Town Treasurer	April 15, 2026 April 24, 2026
PH Ad to Newspaper	Town Treasurer	April 21, 2026
Budget PH Notice Published	Town Staff	April 28 & May 5, 2026
Public Hearing FY 2026-2027 Budget	Town Council	May 12, 2026
Adopt Budget & Appropriate Funds	Town Council	June 9, 2026
Print & Distribute Approved Budget	Town Treasurer	June 12, 2026 June 30, 2026

Budget Modification and Amendment

Because the budget is an estimate, situations inevitably arise when it will be necessary to amend the budget. Generally, an appropriation can be increased or created by:

- Transferring from the unexpended balance of another appropriation;
- Transferring from appropriation for contingencies; or
- Appropriating unreserved fund balance or unanticipated revenues

Using the contingency appropriation does not increase the original budget but reallocates the funding. Allocation of contingency reserves requires the approval of the Town Manager.

In certain instances, budget appropriations may be amended after original budget adoption. All budget amendments (i.e., appropriation of unreserved fund balance or unanticipated revenue) require Town Council approval. Specific legal authority for budget modification to increase the original budget is contained in the Code. Per Section 15.2-2507A of the Code, "any amendment that exceeds the lesser of 1% of the adopted budget or $500,000 must follow the same notice, public hearing and approval procedures as the initial budget itself, except that it may be adopted at the same meeting as the public hearing."

Budget Contingency Plan

The purpose of the Budget Contingency Plan is to establish a guideline and general approach to:

- Respond to unanticipated significant revenue shortfalls.
- Provide funding for unanticipated, non-recurring, expenditures that cannot be absorbed within the operating budget.
- Provide temporary funding for an unanticipated, increase in operations or maintenance that cannot be absorbed within the operating budget.

Expenditures drawn from contingency funds shall require prior approval from the Town Manager. Notice of such action will be presented to the Town Council at their monthly meeting.

Budget Contingency will be at least 3% of Total Operating Requirements. Based on an assessment of expenditure risk for the upcoming fiscal year the Town Manager may recommend a higher level of Contingency and include such recommendation in the Proposed Budget. The Town Council holds final authority upon approval of the annual budget.

FY 2026-2027 DRAFT
BUDGET PREPARATION HIGHLIGHTS

5/2026

REVENUES

GENERAL FUND

- No change in Real Estate tax rate $0.139
- No change in Personal Property tax rate $1.25.
- No change in PPTRA 49%.
- No change in Machinery & Tools tax rate $1.30.
- No change in Vehicle License Fees $25.00.
- No change in Business & Professional License rates.
- Water Tank Site Lease adjustments per agreements.
- No change in Lodging Tax 2%, Meals Tax 4% or Cigarette Tax $0.10.

WATER FUND

- Revenues reflect no proposed increase in Admin/Facility fees
- Revenues reflect an increase in User Fees from $10.30 to $11.62 per 1,000 gallons.
- Five residential Availability Fees are projected.

SEWER FUND

- Revenues reflect no proposed increase in Admin/Facility fees
- Revenues reflect an increase in User fees from $17.78 to $18.31 per 1,000 gallons.
- Five residential Availability Fees projected.

OPERATING EXPENSES

ALL FUNDS

- 6% increase and directed market adjustments in payroll.
- Police Dept CDP, promotions, and an additional patrol officer payroll increases included.
- 13% increase in Health Insurance costs.
- Employer contribution to VRS did decrease from 11.47% to 9.15%.
- TOTAL OPERATIONAL BUDGET increase of 1.5%.

GENERAL FUND

- Increase in Maintenance & Operational Expenses of 4.21%.
- No budgeting for additional staff at this time..
- Contingency is 3% of the Operating Budget.
- General Fund total increase of 3.19 %.

WATER FUND

- Decrease in Maintenance & Operational Expenses of 2.65%.
- There is currently no Debt Service in the Water Fund.
- Chief Operator position is budgeted.
- Contingency is 3 % of the Operating Budget.
- Water Fund total increase of 36.7%.

SEWER FUND

- Decrease in Maintenance & Operational Expenses of 3.07%.
- Debt service reflects payments to VRA.
- Chief Operator position is budgeted.
- Contingency is 3% of the Operating Budget.
- Sewer Fund total decrease of 8.2%.

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BERRYVILLE TOWN COUNCIL
PUBLIC HEARING NOTICE

The Berryville Town Council will hold the following public hearings at 7:00 p.m., or as soon after as these matters may be heard, on **Tuesday, May 12, 2026**, in the Main Meeting Room, Second Floor, of the Berryville-Clarke County Government Center, 101 Chalmers Court, Berryville, Virginia to consider the following:

1) **Proposed Fiscal Year 2026-2027 Budget as follows:**

Resources and Revenues	APPROVED FY 25-26	REQUESTED FY 26-27
GENERAL FUND		
Fund Balance	$ 535,000.00	$ 546,750.00
Revenue from Local Sources	$ 4,250,000.00	$ 4,399,500.00
Revenue from State Sources	$ 1,182,167.00	$ 1,211,617.00
Revenue from Other Sources	$ 1,000.00	$ 1,000.00
Total	**$ 5,968,167.00**	**$ 6,158,867.00**
WATER FUND		
Fund Balance	$ 0.00	$ 341,942.00
Revenue from Local Sources	$ 6,833,250.00	$ 9,146,625.00
Availability Fees	$ 172,000.00	$ 88,750.00
Total	**$ 7,005,250.00**	**$ 9,577,317.00**
SEWER FUND		
Fund Balance	$ 390,000.00	$ 130,213.00
Revenue from Local Sources	$ 2,255,500.00	$ 2,375,500.00
Availability Fees	$ 184,680.00	$ 92,295.00
Total	**$ 2,830,180.00**	**$ 2,598,008.00**
TOTAL RESOURCES AND REVENUES	**$ 15,803,597.00**	**$ 18,334,192.00**

Expenses and Reserves		
GENERAL FUND		
Maintenance and Operational	$ 4,737,425.00	$ 4,936,725.00
Debt Service	$ 121,476.00	$ 121,476.00
Capital Reserves and Expenses	$ 967,143.25	$ 952,564.25
Contingency	$ 142,122.75	$ 148,101.75
Total	**$ 5,968,167.00**	**$ 6,158,867.00**
WATER FUND		
Maintenance and Operational	$ 1,248,510.00	$ 1,215,356.00
Debt Service	$0.00	$0.00
Capital Reserves and Expenses	$ 5,719,284.70	$ 8,325,500.32
Contingency	$ 37,455.30	$ 36,460.68

Total	**$**	**7,005,250.00**	**$**	**9,577,317.00**
SEWER FUND				
Maintenance and Operational	$	1,615,180.00	$	1,565,541.00
Debt Service	$	470,000.00	$	470,000.00
Capital Reserves and Expenses	$	699,544.60	$	515,500.77
Contingency	$	45,455.40	$	46,966.23
Total	**$**	**2,830,180.00**	**$**	**2,598,008.00**
TOTAL EXPENSES AND RESERVES	**$**	**15,803,597.00**	**$**	**18,334,192.00**

2) **Proposed renewal of lease with New Cingular Wireless PCS, LLC for improvements on and around the elevated water tower at 201 Tom Whitacre Circle.**

3) **Proposed text amendments to Zoning Ordinance Section 509, Amendments with Proffered Conditions, to conform the Zoning Ordinance to provisions of the Code of Virginia. ZTA 01-26.**

Copies of the materials may be examined at www.berryvilleva.gov and 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 Director of Finance/Treasurer Cindy Poulin at (540) 955-1099.

Any person desiring to be heard regarding the above matters should appear at the appointed time and place. Written copies of statements at public hearings are requested, but not required.

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

By order of the Berryville Town Council
Keith R. Dalton, Town Manager

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Please publish in the Winchester Star Tuesday April 28, 2026 and Tuesday May 5, 2026
Please call Cindy with questions at 540-955-1099

Consolidated Financial Schedules

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OVERVIEW OF REVENUES

		FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027		
General Fund Revenues		Actual	Actual	Actual	Actual	Budgeted	Proposed	$ Change	% Change
General Property Taxes		1,832,895	1,757,200	1,974,775	2,080,224	2,292,500	2,413,500	121,000	5.28%
Other Local Taxes		1,352,387	1,241,500	1,330,000	1,902,196	1,619,000	1,656,000	37,000	2.29%
Permits and Licenses		53,400	11,000	11,000	26,588	13,000	13,000	-	0.00%
Fines and Forfeitures		13,313	16,000	15,000	22,367	15,500	17,500	2,000	12.90%
Use of Money and Property		171,134	197,500	210,500	307,650	294,000	284,500	(9,500)	-3.23%
Charges for Services		11,899	10,000	8,000	46,973	11,000	10,000	(1,000)	-9.09%
Miscellaneous		150,702	6,000	5,000	11,646	6,000	6,000	-	0.00%
State Revenues		1,241,402	3,212,815	950,172	1,219,846	1,182,167	1,211,617	29,450	2.49%
Federal revenues		4,102	-	-	-	-	-	-	
Other Funding Sources (Fund Balance)		-	40,000	40,000	-	535,000	546,750	11,750	2.20%
Total General Fund Revenues		**4,831,234**	**6,492,015**	**4,544,447**	**5,617,490**	**5,968,167**	**6,158,867**	**190,700**	**3.20%**
Public Utilities Funds Revenues									
Use of Money and Property		45,470	39,217	65,000	274,834	260,000	310,000	50,000	19.23%
Charges for Services		5,114,501	5,808,963	4,341,500	3,400,424	9,185,430	11,393,170	2,207,740	24.04%
Capital Grants & Contributions								-	0.00%
Other Funding Sources (Fund Balance)		-	0.00	200,000	-	390,000	842,155	452,155	115.94%
Total Public Utility Funds Revenues		**5,159,971**	**5,848,180**	**4,606,500**	**3,675,258**	**9,835,430**	**12,545,325**	**2,709,895**	**27.55%**
Total Revenues		**9,991,205**	**12,340,195**	**9,150,947**	**9,292,748**	**15,803,597**	**18,704,192**	**2,900,595**	**18.35%**

OVERVIEW OF EXPENDITURES

		FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027		
General Fund Expenditures		Actual	Actual	Actual	Actual	Budget	Proposed	$ Change	% Change
General Government Administration		1,260,548	3,369,343	1,208,080	1,499,336	1,515,925	1,579,025	63,100	4.16%
Public Safety		820,687	963,640	949,750	1,018,801	1,218,500	1,303,400	84,900	6.97%
Public Works		1,217,545	1,391,400	1,508,100	1,424,054	1,850,900	1,897,400	46,500	2.51%
Parks and Recreation		10,850	11,500	19,500	6,976	9,500	12,300	2,800	29.47%
Planning and Community Development		151,234	144,320	147,200	195,710	142,600	144,600	2,000	1.40%
Capital Outlay		40,425	313,906	435,238	225,832	967,143	952,564	(14,579)	-1.51%
Contingency		12,683	176,406	114,979	161	142,123	148,102	5,979	4.21%
Debt Service		121,476	121,500	121,600	121,476	121,476	121,476	-	0.00%
Total General Fund Expenditures		**3,635,447**	**6,492,015**	**4,504,447**	**4,492,346**	**5,968,167**	**6,158,867**	**190,700**	**3.20%**
Public Utilities Funds Expenditures									
General Administration		227,741	275,750	324,900	177,767	205,740	181,107	(24,633)	-11.97%
Supply Purification		422,651	484,050	589,500	497,577	659,075	633,525	(25,550)	-3.88%
Transmission and Distribution		341,338	416,025	314,400	312,516	349,300	362,750	13,450	3.85%
Wastewater Treatment		534,928	785,800	916,500	1,002,320	1,262,365	1,192,575	(69,790)	-5.53%
Maintenance of Sewer Lines		167,600	115,400	126,000	120,625	155,150	168,000	12,850	8.28%
Fringe Benefits		270,245	341,806	366,035	248,662	232,060	246,940	14,880	6.41%
Capital Outlay		273,027	1,645,104	2,928,295	471,849	6,418,829	9,211,001	2,792,172	43.50%
Depreciation		856,425	-	-	-	-	-	-	0.00%
Contingency		23,630	72,565	79,120	-	82,911	79,427	(3,484)	-4.20%
Debt Service		470,000	470,000	470,000	470,000	470,000	470,000	-	0.00%
Total Public Utility Funds Expenditures		**3,587,585**	**4,606,500**	**6,114,750**	**3,301,316**	**9,835,430**	**12,545,325**	**2,709,895**	**27.55%**
Total Expenditures		**7,223,032**	**11,098,515**	**10,619,197**	**7,793,662**	**15,803,597**	**18,704,192**	**2,900,595**	**18.35%**

DEBT OVERVIEW
1/1/2026

Permissible debt
Pursuant to the Berryville Town Charter, the Virginia Constitution, and the Code of Virginia, the Town is authorized to incur debt, including the issuance of general obligation bonds. Article VII, Section 10 of the Constitution of Virginia limits the amount of long-term debt that the Town Council may incur to ten percent of the assessed value of real estate that is subject to taxation. The legal debt margin is computed in the following manner:

Assessed value of real property as of 1/1/26	$1,073,686,700
Statutory debt limit (10% of assessed value of taxable real estate)	$ 107,368,670
Lease revenue bond obligations as of 6/30/25:	$ 1,746,971
General obligation bond obligations as of 6/30/25:	$ 5,875,000
Total bond obligations as of 6/30/25:	$ 7,621,971
Legal debt margin:	$ 99,746,669

Current debt
General Fund
The Town borrowed $2,327,000 in 2009 from the United States Department of Agriculture to fund its share of the Berryville-Clarke County Government Center.

The loan term is 40 years and the interest rate is 4.125%.

The Town pays $121,476.00 annually in debt service. The final payment for this loan is due on 5/15/47.

Water Fund
The Town's water fund has no debt.

Sewer Fund
The Town borrowed $11,750,000 in 2013 from the Virginia Resources Authority to fund construction of a new wastewater treatment plant and treated wastewater transmission line.

The loan term is 25 years and the interest rate is 0%.

The Town pays $470,000.00 annually in debt service. The final payment for this loan is due on 8/1/37.

Borrowing anticipated in the next five years

General Fund

There are no projects planned that will require that the Town incur long-term debt.

Water Fund

The Town anticipates the need to upgrade its water treatment plant and associated raw pumping and transmission improvements before the end of calendar 2028.

While the Town is reserving funds for this work, it will be necessary to incur long-term debt to complete required work. The current estimate for the project is $15,000,000

It is expected that a loan for this project will have to be closed in early calendar 2027. The Town expects to borrow $12,385,000 for the project. The Town also expects to expend at least $2,615,000 from the Water Treatment Plant Reserve to complete the project.

The Town expects to have at least $4,500,000 in its Water Treatment Plant Reserve by the time the water plant upgrade project is advertised for bid. It is expected that Town reserves will be used to pay for a portion of the project (current estimate $2,615,000), to cover unexpected expenses, provide a positive cash flow during the project, establish a payment reserve, and establish a membrane replacement reserve. The loan that the Town anticipates closing in 2027 does not penalize the borrower for pre-payment of loan principal; therefore, the Council may also consider use of reserves to reduce the loan principal. The remaining reserve funds would provide monies to pay for planned and unplanned repair/replacement of plant components and equipment.

The reach of future regulatory requirements, particularly regarding the removal of PFAS and like constituents, is uncertain. The results of source water testing conducted to date have been encouraging and indicate that the Town will not have to treat for PFAS and like constituents. If in the future contaminant levels rise or treatment thresholds are drastically lowered, the water treatment plant may have to install equipment to meet treatment standards.

Sewer Fund

There are no projects planned that will require that the Town incur long-term debt.

Budget

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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

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	$	-	$	-

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		

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**

Account Number	Account Description	FY25-26 APPROVED 2025-2026	FY26-27 DRAFT 2026-2027
	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
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
	TOTAL PERSONNEL	$ 579,025.00	$ 597,425.00

Account Number	Account Description	FY25-26 APPROVED 2025-2026	FY26-27 DRAFT 2026-2027
	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

Account Number	Account Description	FY25-26 APPROVED 2025-2026	FY26-27 DRAFT 2026-2027
	PUBLIC DEFENDER FEES		
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

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

Account Number	Account Description	FY25-26 APPROVED 2025-2026	FY26-27 DRAFT 2026-2027
	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
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

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
	TOTAL GENERAL FUND DEBT SERVICE	$ 121,476.00	$ 121,476.00
	TOTAL GENERAL FUND EXPENSES	$ 5,968,167.00	$ 6,158,867.00

Account Number	Account Description	FY25-26 APPROVED 2025-2026	FY26-27 DRAFT 2026-2027
	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
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

Account Number	Account Description	FY25-26 APPROVED 2025-2026	FY26-27 DRAFT 2026-2027
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
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

Account Number	Account Description	FY25-26 APPROVED 2025-2026	FY26-27 DRAFT 2026-2027
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	$ -	$ -
	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

Account Number	Account Description		FY25-26 APPROVED 2025-2026		FY26-27 DRAFT 2026-2027
	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**

Supplemental Information

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Descriptions of General Fund Revenues

A. General Property Taxes

Real Estate Tax – Current: A tax imposed on the assessed valuation of real estate (includes mobile homes) appraised at 100 percent of its fair market value. Assessment information is provided by Clarke County. The tax year 2026 tax rate was adopted at $0.139 per $100 valuation. Taxes are billed semi-annually and are due by June 5 and December 5 each year. The Town provides real property tax relief for the elderly and disabled.

Real Estate Tax – Delinquent: Semi-annual real estate taxes that have not been paid by the June 5 and December 5 due dates.

Personal Property Tax – Current: A tax imposed on the assessed valuation of personal property appraised at 100 percent of the fair market value of cars, vans, motorcycles, and trailers. Assessment information is provided by Clarke County. The tax rate that was adopted for tax year 2026 is $1.25 per $100 valuation. Taxes are billed annually and are due by December 5 each year. For the tax year 2026, the Town Council approved a 49% credit for all qualified vehicles.

Beginning with tax year 2006, the Commonwealth of Virginia changed the calculation of the personal property tax credit from 70% of the tax to be paid for qualified vehicles to a fixed annual payment to local jurisdictions under the Personal Property Tax Relief Act. Accordingly, the Town of Berryville receives a payment of approximately $209,917 annually.

Personal Property Tax – Delinquent: Annual personal property taxes that have not been paid by the December 5 due date.

Machinery & Tools Tax – Current: A tax imposed on the assessed valuation of business machinery and tools. Assessment information is provided by Clarke County. The tax year 2026 tax rate was adopted at $1.30 per $100 valuation. Taxes are billed annually and are due by December 5 each year.

Machinery & Tools Tax – Delinquent: Annual machinery and tools taxes that have not been paid by the December 5 due date.

Penalties – All Property Taxes: The penalty for delinquent taxes is 10 percent of the taxes due.

Interest – All Property Taxes: Interest at a rate of .83 percent of the taxes due accrues each month for which a tax is delinquent.

B. Other Local Taxes

County Sales Taxes: The Commonwealth returns one percent of the sales tax collected to the counties. Clarke County receives 50 percent of the one percent returned by the Commonwealth. The remaining 50 percent is distributed between the Town of Berryville, the Town of Boyce and the County based on their relative school age populations. The Town receives sales tax monthly, but the tax is received on a two-month lag (i.e., sales taxes collected in October would not be received until December).

Consumer Utility Taxes: This tax is based on the purchase of utility services within the corporate limits of the Town.

- Electrical Service - The rate for residential electrical customers is $0.00354 per kilowatt-hour delivered monthly not to exceed $3.00 per month. The rate for commercial electrical customers is $0.00195 per kilowatt-hour delivered monthly not to exceed $10.00 per month and the rate for industrial customers is $0.000065 per kilowatt-hour delivered monthly not to exceed $10.00 per month.

- Natural Gas Service - The rate for residential natural gas service at the rate of $0.210 per hundred cubic feet (CCF) delivered monthly not to exceed $3.00 per month. For commercial and industrial customers, the rate is $0.055 per CCF delivered monthly not to exceed $10.00 per month for commercial and $10.00 per month for industrial.

The consumer utility tax is collected monthly by the utility service and is due to the Town on or before the last calendar day of the month following the month being reported (i.e., October's utility tax is due by November 30).

Telecommunications Taxes: Collected by the Commonwealth and remitted to the Town, this tax includes the taxes on telecommunications, utilities, cable TV, and right-of-way use. Telecommunications taxes are received on a two-month lag (i.e., telecommunications tax for October would not be received until December).

Franchise License Taxes: A tax on net bank capital of $0.80 per $100 on all banks located in the Town. Franchise license taxes are due by June 1 of each year. Taxes not paid by June 1 incur a penalty of 5 percent of the tax due.

Cigarette Taxes: A tax of $0.10 per pack of twenty cigarettes or less. The tax is evidenced through the use of cigarette stamps that are affixed to each cigarette pack. Stamps are purchased in bulk (i.e., a roll of 15,000).

Transient Occupancy Taxes: A tax of 2 percent on the total amount paid for transient lodging. Taxes are due by the 20th of each month (i.e., October transient occupancy taxes are due by November 20). Taxes not remitted by the 20th of the month incur a penalty of 10% and accrue interest of .83% for each month outstanding.

Meals Taxes: A tax of 4 percent of all gross receipts for prepared food served within the Town. Taxes are due by the 20th of each month (i.e., October meals taxes are due by November 20). Taxes not remitted by the 20th of the month incur a penalty of 10% and accrue interest of .83% for each month outstanding.

Vehicle License Taxes: Formerly referred to as a decal fee, this is a tax of $25 for an automobile, truck or trailer, $12 for a motorcycle and $8 for a trailer. Some exemptions apply (e.g., military veterans, fire and rescue personnel, etc.). Vehicle license taxes are billed with the personal property taxes and are due by December 5 of each year for the upcoming year. Taxes not paid by December 5 incur a $10.00 penalty.

C. Permits and Licenses

Business Professional, Occupational Licenses: This is a license tax imposed on local businesses. The tax may be a flat tax or based upon a percentage of gross receipts. Taxes are due by March 1 of each year. Taxes are as follows:

- For contractors and persons constructing for their own account for sale, $0.12 per $100.00 of gross receipts;
- For retailers, $0.12 per $100.00 of gross receipts;
- For financial, real estate and professional services, $0.20 per $100.00 of gross receipts;
- For repair services, $0.10 per $100.00 of gross receipts;
- For personal and business services and all other businesses and occupations not specifically listed or exempted in this chapter or otherwise by law, $0.15 per $100.00 of gross receipts;
- For wholesalers, $0.05 per $100.00 of purchases;
- For carnivals, circuses and speedways, $100.00 per day for each performance held in this jurisdiction.
- For fortunetellers, clairvoyants and practitioners of palmistry, $1,000.00 per year;
- For massage parlors, $5,000.00 per year;
- For itinerant merchants or peddlers of nonperishable goods - $100.00 per year;
- For photographers, $30.00 per year;
- For permanent coliseums, arenas or auditoriums having a maximum capacity in excess of 10,000 persons, open to the public, $1,000.00 per year;
- For savings and loan associations and credit unions, $50.00 per year; and
- For direct sellers as defined in the Code of Virginia, § 58.1-3719.1 with total annual sales in excess of $4,000.00, $0.12 per $100.00 of total annual retail sales or $0.05 cents per $100.00 of total annual wholesale sales, whichever is applicable.

If a business engages in wholesaling or retailing beer and wine, the license tax is as follows:

- *Wholesale beer license.* For each wholesale beer license, $25.00 per annum.
- *Wholesale wine distributor's license.* For each wholesale wine distributor's license, $25.00 per annum.
- *Retail on-premises wine and beer license for hotel, etc.* For each retail on-premises wine and beer license for a hotel, restaurant or club, $20.00 per annum.
- *Retail off-premises wine and beer license.* For each retail off-premises wine and beer license, $20.00 per annum.
- *Retail on-premises beer license for hotel, etc.* For each retail on-premises beer license for a hotel, restaurant or club, $20.00 per annum.
- *Retail off-premises beer license.* For retail off-premises beer license, $20.00 per annum.

Every person holding mixed beverage restaurant or caterer's licenses for establishments located within Town pays a license tax as follows:

- Persons operating restaurants, including restaurants located on premises of and operated by hotels or motels:
- Two hundred dollars per annum for each restaurant with a seating capacity at tables for 50 to 100 persons.
- Three hundred dollars per annum for each restaurant with a seating capacity at tables for more than 100 but not more than 150 persons.
- Five hundred dollars per annum for each restaurant with a seating capacity at tables for more than 150 persons.
- Twenty dollars per annum for each caterer.
- Mixed beverage banquet licenses, $5.00 for each event.
- A private, nonprofit club operating a restaurant located on the premises of such club, $350.00 per annum.

Penalties – Business, Professional, Occupational Licenses: Annual business, professional, and occupational licenses not paid by the March 1 due date.

Development Permits and Fees: Permits are required for individuals and businesses to erect certain structures, perform certain functions or begin construction. The Planning Department is responsible for issuing and administering permits for the Town.

D. Fines and Forfeitures

Court Fines and Forfeitures: Court fines paid by offenders based upon tickets issued by the Town's Police Department. Fines are remitted to the Town by the County on a monthly basis and are on a one-month lag (i.e., October funds would not be received until November).

Parking Fines: Fines paid for violations of the parking ordinance. The Town charges a $5.00 expired meter parking fine.

E. Use of Money and Property

Interest on Bank Deposits: Income resulting from the investment of the Town's cash assets.

Rental of Properties: Income resulting from the rental of the Town's properties at 23 East Main Street and 36 Smithy Lane.

Water Tank Site Leases: Income resulting from the rental of space on the Town's water tanks.

P-Card Rebate: Incentive Received (this is the total volume amount multiplied by the rebate incentive received by the state which reflects the amount each entity will receive if they meet the payment criteria)

F. Charges for Services

Parking Meter Fees: Income collected from the Town's parking meters.

G. Miscellaneous Revenue

Sale of Surplus: Revenue from sale of excess items.

Miscellaneous Receipts: Miscellaneous revenues received by the Town such as fees for non-sufficient funds (i.e., the Town charges $50.00 fee for all returned checks). This account also includes any rebates or refunds the Town may receive.

Gifts and Donations: Monies received as a result of a gift or donation.

Recovered Costs: Reimbursable fees.

H. State Revenues

Revenues from the Commonwealth are classified as non-categorical aid and categorical aid. Non-categorical aid includes revenues which are raised by the state and shared with the local government. The use of such revenues is at the discretion of the local government. Categorical aid includes

revenues received from and designated by the Commonwealth for a specific use by the local government. Such revenues are usually received on a reimbursable basis from the state.

Rolling Stock Taxes: The state of Virginia levies an annual *ad valorem* tax on the rolling stock of railroads and freight car companies. The Town receives the distribution on an annual basis.

Motor Vehicle Rental Tax: A tax of 1 percent on the gross proceeds from the rental of vehicles to be paid by the rental business. The Town receives the distribution on a quarterly basis.

Personal Property Tax Relief: Revenue received from the Commonwealth of Virginia for relief of personal property taxes. The Town receives the distribution annually.

Law Enforcement Assistance Grant: Reimbursement from the Commonwealth to localities with police departments to help defray the cost of providing public safety services. The distribution is based on the number of sworn officers and the most recent census of population.

Distribution of Fire Program Funds: Payment from the Commonwealth to localities with fire and rescue agencies to help defray the cost of providing fire and rescue services.

Street and Highway Maintenance: Quarterly payments from the Virginia Department of Transportation for maintaining primary and secondary roads and related infrastructure maintenance within the Town limits. The allocation is based on the number of primary and secondary road miles within the Town limits and the Commonwealth's approved allocation rate.

I. Federal Revenues

Revenues from the federal government are classified as non-categorical aid or categorical aid. Non-categorical aid includes revenue received from the federal government which is used at the discretion of the local government. Categorical aid includes revenues received from and designated by the federal government for a specific use by the local government.

Distribution of Fire Program Funds: Grant funds received by localities with fire and rescue agencies to help defray the cost of providing fire and rescue services.

Basis of Revenue Projections

The Town prepares its revenue projections by reviewing the prior years' historical activity, the current year's activity, and the future factors that could impact the revenue streams. The following techniques are used to prepare the Town's revenue estimates and are utilized either singly or collectively:

- **Informed/Experienced Judgment:** Prepared in consultation with the Town's department heads and leadership team to identify trends and other conditions.
- **Pass-Through:** Estimates are received from the revenue source (e.g., Commonwealth of Virginia).
- **Mathematical/Statistical:** Revenues determined through use of standardized formulas, averages, trends, or other means of analysis. Trend analysis is based upon regression methods which take into account marginal revenue changes over the last several years. Generally, in order to address any concerns about the effects of exogenous economic variables, projections that result from trend analysis are subjectively modified to 90 or 95 percent of their value, depending on the line item.

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Reserves 2021- 01

Approved: 6/8
Amended 12/22

Purpose:

The Town Council creates reserves in all three funds (general, water, and sewer). These reserves are self-encumbered to enable the Council to equalize revenue shortfalls, pay for unexpected expenses, and pay for planned projects and purchases.

This policy is intended to structure the Town's reserves in a manner that prepares for the scenarios enumerated above in a manner that is transparent and easily accessed by the public.

Because the reserve funds are self-encumbered, the Council reserves the right to utilize these funds at any time as it deems appropriate, provided that such use conforms to the laws of the Commonwealth of Virginia and the Town of Berryville.

Policy:

Reserve Policy and Fund Reserve Specifics

The Town Council establishes this policy in order to provide a framework for self-encumbering funds to meet the Town's needs. These funds are encumbered to enable the Council to equalize revenue shortfalls, pay for unexpected expenses, and pay for planned projects and purchases.

The Council will establish a Fund Reserve Specifics document in which it outlines the purpose of reserves and the amount encumbered in each reserve.

During the annual budget review and approval process and at other times it deems necessary, the Town Council will review this policy and the Funds Reserve Specifics to determine whether the Town's needs are met.

Use of Reserved Funds

Reserved funds may, in accordance with applicable provisions of law and the procedures contained in this policy, be expended as specifically enumerated within an approved budget or as needed during a budget year when the need for the funds was not expected.

Reporting

The Treasurer will provide the Council with regular reports regarding the status of reserved funds.

Procedure:

Reserve Policy and Fund Reserve Specifics

As a part of the annual budgeting process, the Budget and Finance Committee of the Town Council will review this policy and the Fund Reserve Specifics and recommend any changes that it determines appropriate to the Town Council.

The Town Council will review the Fund Reserve Specifics as a part of its budget preparation and review. The Fund Reserve Specifics will be included in the approved budget document.

Changes may be made to the Fund Reserve Specifics at any time by an affirmative vote of the majority of the Council duly assembled.

Use of Reserve Funds

Reserve funds to be expended in a given year may be budgeted and appropriated as a part of a budget or budget amendment. The reserve to be used will be shown as a revenue and the project for which the funds will be used will be shown as an expense.

Reserve funds may be utilized within a budget year at the discretion of the Town Manager, provided that:

a. the threshold requiring the advertisement of a budget amendment is not met and
b. a full accounting of the expenditure or proposed expenditure is provided to the Council for review at its next regularly scheduled meeting.

Reserve funds may be utilized within a budget year at the discretion of the Council, provided that the use is approved by an affirmative vote of the majority of the Council duly assembled, and all budget amendment advertising requirements are met, if applicable.

Reporting

The Treasurer will provide the Council with an up-to-date account of reserves as a part of the Treasurer's monthly Town Council meeting packet report.

Fund Reserve Specifics
Adopted March 10, 2026

This document was adopted in accordance with the Town Council's Reserves Policy.

Reserve amounts reflect adjustment on January 21, 2026. Fund totals do not reflect expenditures in FY26.

General Fund

General Fund Reserve
This reserve was established in order to provide funding for unforeseen expenses and to supplement revenues as the Council deems necessary. General fund monies budgeted in a given year that are neither spent nor otherwise encumbered will be placed in this reserve. The interest income from all general fund reserves is placed in this reserve.

Reserve	$450,098.84
Reserve goal	$519,335.00 50% of annual debt service + 10% of FY 25 GF operational expenses

Property Improvements and Maintenance Reserve
The Town owns several properties for which the cost of improvement and maintenance falls solely on the general fund. These properties include 23 East Main Street (includes Livery), Hogan's Alley, Crow Street Parking Lot, Rose Hill Park (including the John Rixey Moore Playground, Smithy Cottage but excluding the Barns of Rose Hill), Rixey Moore Parking Lot, and the old kennel located on the Wastewater Treatment Plant property.

The maintenance costs for the Public Works Facility and the Berryville-Clarke County Government Center are shared by all three funds. The Berryville-Clarke County Government Center is jointly owned with Clarke County; therefore, a separate fund is established for care of that property.

These funds may be made available for improvements to or maintenance of town properties.

Reserve	$1,722,000
Reserve goal	$2,000,000

Berryville-Clarke County Government Center Reserve
The Town and Clarke County constructed the Berryville-Clarke County Government Center in 2008. The facility is owned and maintained by both jurisdictions.

The facility's note holder requires that a maintenance reserve be established to provide savings to address unforeseen maintenance-related expenses. Both the Town and County agreed to self-encumber funds that would be available for expenses incurred while repairing, maintaining, or improving the property at 101 Chalmers Court.

These funds may be made available for repair, maintenance, or improvement of the Berryville-Clarke County Government Center facility.

Reserve	$400,000
Reserve goal	$400,000

Flood Plain/Stormwater Mitigation Reserve
Berryville contains three major drainage areas. Each of these drainage areas contains a perennial stream: Town Run (known as Dog Run in the rest of Clarke County), Craig's Run, and Buckmarsh Run. Each of these drainage areas contains smaller contributing sub-drainage areas.

The flood plain and floodway have been identified and mapped within the Town Run drainage area. Stormwater management concerns have been identified in several sub-drainage areas of the Town Run drainage area.

These funds would be available for use on flood plain/stormwater mitigation projects.

Reserve	$750,000
Reserve goal	$750,000

Downtown Improvement Reserve
In recognition of the economic benefits of an attractive business district, the Council recognizes that improvements to the downtown area will pay dividends to the entire town.

The Town created this reserve, in full or in part, projects to improve the general appearance of the downtown, enhance directional signage, improve parking, improve accessibility, establish and maintain crosswalks that exceed VDOT standards, establish and maintain trees and or planters, and the like.

Reserve	$725,000
Reserve goal	$750,000

Economic Development Reserve
This reserve was established to provide for savings that can be used to address economic development opportunities or needs that the Town Council determines should be funded.

Reserve	$100,000
Reserve goal	$100,000

Blight Abatement Reserve
The Berryville Code provides the Town Council and the Town Manager with authority to demolish/secure unsafe structures and abate blight. If the Town must address such problems, then the work is paid for with public funds and the cost billed to the property owner. If the property owner fails to pay for the work, then a tax lien is placed on the property. Generally, it takes several years for the Town to recoup any of the costs incurred addressing the unsafe conditions.

These funds would be available to pay for work required to secure or demolish unsafe structures and abate blight.

Reserve	$100,000
Reserve goal	$100,000

John H. Enders Vol. Fire Department Reserve
This reserve was established to provide savings that can be used to assist the John H. Enders Volunteer Fire Department and Rescue Squad, which the Town Council has declared to be an integral part of the official safety program of the Town, with capital projects.

Reserve	$ 10,000
Reserve goal	$100,000

Police Equipment Replacement Reserve
This reserve was established to fund new or replacement police department equipment.

Reserve	$150,000
Reserve goal	$150,000

Annexation Reserve
This reserve was established to provide savings that can be used to complete work required to affect annexations.

Reserve	$100,000
Reserve goal	$150,000

Town Street Reserve
This reserve was established to provide funds for maintenance of Town secondary streets that do not qualify for use of Virginia Secondary Street Reimbursement funds.

Reserve	$120,000
Reserve Goal	$150,000

Transportation Alternatives Program (TAP) Project Matching Funds Reserve
This reserve is established to provide required matching funds for TAP projects. These projects are administered by the Virginia Department of Transportation and require a 20% match from the Town.

The Town has three active TAP grant applications (two associated with a sidewalk project on Mosby Boulevard and one sidewalk/drainage project on East and West Fairfax Street) in process.

The Town also expects to apply for a TAP grant in 2027 that would help fund a sidewalk extension on the east side of North Buckmarsh along the frontage of 22 West Fairfax and 328 and 322 North Buckmarsh Street.

Along with required matching, reserve funds may be used for project costs not covered by TAP funds.

Reserve	$1,740,000
Reserve Goal	$2,000,000

Sidewalk Reserve
This reserve is established to provide funds for sidewalk construction and repair projects that are not otherwise funded by VDOT Secondary Funds or other programs.

Reserve	$ 30,000
Reserve Goal	$200,000

Total General Fund Reserves = $6,397,098.84

Water Fund

Water Fund Reserve
This reserve was established in order to provide funding for unforeseen expenses and to supplement revenues as the Council deems necessary.

Water fund monies budgeted in a given year that are neither spent nor otherwise encumbered will be placed in this reserve. The interest income from all water fund reserves is placed in this reserve.

Reserve	$401,900*
Reserve goal	$189,000 100% of annual debt service + 15% of FY25 WF operational expenses

*Reserve amount exceeds the reserve goal because the goal will increase significantly in the near future, because the water fund will have debt (Water Treatment Plant Upgrade) that has to be serviced.

Water Storage Tank Reserve
This reserve was established to provided funding for either planned or unforeseen expenses related to the Town's water storage system.

The Town maintains three water tanks within its water distribution system. The Town has maintenance contracts for the three tanks, but given the importance of these improvements it is vital to provide a reserve to address unforeseen problems that may not be covered under the annual maintenance contract.

Reserve	$ 750,000
Reserve goal	$1,500,000

Water Treatment Plant Reserve
The reserve was established to assist with meeting funding needs for water treatment plant-related expenses.

Reserve	$4,541,594
Reserve goal	$7,000,000

Overview
The Town's Water Treatment Plant, raw water intake, and raw water transmission main are slated to be upgraded within the next several years. This work is required because the plant and related raw water facilities, which were constructed in 1984, are approaching the end of their useful life.

The Town of Berryville Utility Rate Study, which was completed in 2019, identified expenses related to the replacement/improvement/repair of this facility and the pumping station at the Shenandoah River. According that study, the plant and pumping station should be

replaced/improved/repaired by the end of FY27.

In August 2022 the Town issued an offering to secure professional engineering services required for the design and construction of the water treatment plant upgrade. In December 2022, the Town contracted with Pennoni to provide those required engineering services.

On September 12, 2023 the Town Council approved a preliminary engineering report in which it was recommended that the Town upgrade the water treatment plant with membrane filtration units. That report was reviewed by the Virginia Department of Health. A revised report, addressing Department of Health comments, was resubmitted in March 2025. The new report eliminates the planned pre-sedimentation basins and provides for the construction of vertical clarifiers. These clarifiers will treat the water through flocculation prior to filtration by the membrane system.

The Virginia Department of Health approved the preliminary engineering report in February 2026. This approval enables the agency to review the construction plans and contract documents. Upon Virginia Department of Health approval of plans, specifications, and contract documents, the project may be bid.

Upgrade Project Schedule

Task	Expected Completion
Advertise for Bids	October 2026
Bid Opening	December 2026
Award/Notice of Proceed	January 2027
Substantial Completion	May 2028
Final Completion	June 2028

Funding

The Virginia Department of Health has issued two BIL (FY2024 Bipartisan Infrastructure Law) Initial Offers. The first loan offer, which was dated October 26, 2023 provided a funding package of $6,385,000. The second loan offer, which was dated December 12, 2024 provided a funding package of $6,000,000. Accordingly, the loan offer from the Department of Health totals $12,385,000.

The terms of the loan (both offerings will close at the same time) are as follows:

Principal: $12,385,000

Term: 20 years

Rate: 1.0% below market rate

Draws: Loan funds may be draw monthly during the project. Interest will begin accruing when funds are drawn. Accordingly, no construction loan(s) should be required to complete the project.

Upgrade Project Estimated Cost:

Construction Cost -	$12,000,000
Non- Construction Costs -	$ 3,300,000
Total -	$15,300,000

Project Cost	$15,300,000
VDH Loan	$12,385,000
Expected Draw on Reserves for Upgrade	$ 2,915,000

Use of Reserves During Upgrade Project

In accordance with current project budget estimates, it is expected that at approximately $2,915,000 from this fund will be used for the upgrade.

Reserve funds will be available for unexpected cost overruns and to ensure positive cash flow during the upgrade project. It is also expected that these reserve funds will be used to fund lender-required maintenance/loan repayment reserves. Lastly, it is expected that reserve funds will be used to fund a membrane replacement reserve.

Use of Reserves After Upgrade Project is Completed

After the upgrade project has been completed, these funds will be available to pay for unforeseen costs associated with the water treatment plant and related improvements.

Water Distribution System Reserve

This reserve was established to provide funds for planned and unforeseen improvements and repairs to the Town's water distribution system.

The Town maintains a system of pipes through which water is distributed from the water plant and throughout the Town. This system includes improvements such as water mains, laterals, meters and related improvements, valves, pumps, and fire hydrants.

The Town of Berryville Utility Rate Study completed in 2019 identified expenses related to the replacement/upgrade of portions of the distribution system.

Reserve	$1,250,000
Reserve goal	$2,000,000

Total Water Fund Reserves = $6,943,494.00

Sewer Fund

Sewer Fund Reserve
This reserve was established in order to provide funding for unforeseen expenses and to supplement revenues as the Council deems necessary.

Sewer fund monies budgeted in a given year that are neither spent nor otherwise encumbered will be placed in this reserve. The interest income from all sewer fund reserves is placed in this reserve.

Reserve	$234,379.29
Reserve goal	$713,000 100% of annual debt service + 15% of FY25 SF operational expenses

Wastewater Treatment Plant Reserve
The reserve was established to assist with meeting funding needs for wastewater treatment plant-related expenses.

The Town's wastewater treatment plant became operational in 2012. The useful life of the plant is expected to be at least 25 years.

These funds may be made available to address unforeseen costs at the plant or begin a replacement/upgrade project.

Reserve	$3,302,324
Reserve goal	$7,500,000

Sewer Collection System Reserve
This reserve was established to provide funds for planned and unforeseen improvements and repairs to the Town's wastewater collection system.

The Town maintains a system of pipes and other improvements through which wastewater is collected from customers and transmitted to the wastewater treatment plant. This system includes improvements such as sewer mains, manholes, and pump stations.

The Town of Berryville Utility Rate Study completed in 2019 identified expenses related to the replacement/upgrade of portions of the collection system.

Reserve	$2,000,000
Reserve goal	$2,500,000

Membrane Replacement Reserve
This reserve was established to provide funds for planned and unforeseen projects related to the wastewater treatment plant's membranes.

The Town's wastewater treatment plant utilizes ultrafiltration membranes as a part of the treatment process. These membranes have an expected useful life of eight to twelve years. The membranes were last replaced in 2023. These funds may be made available to address the cost of membrane maintenance and replacement.

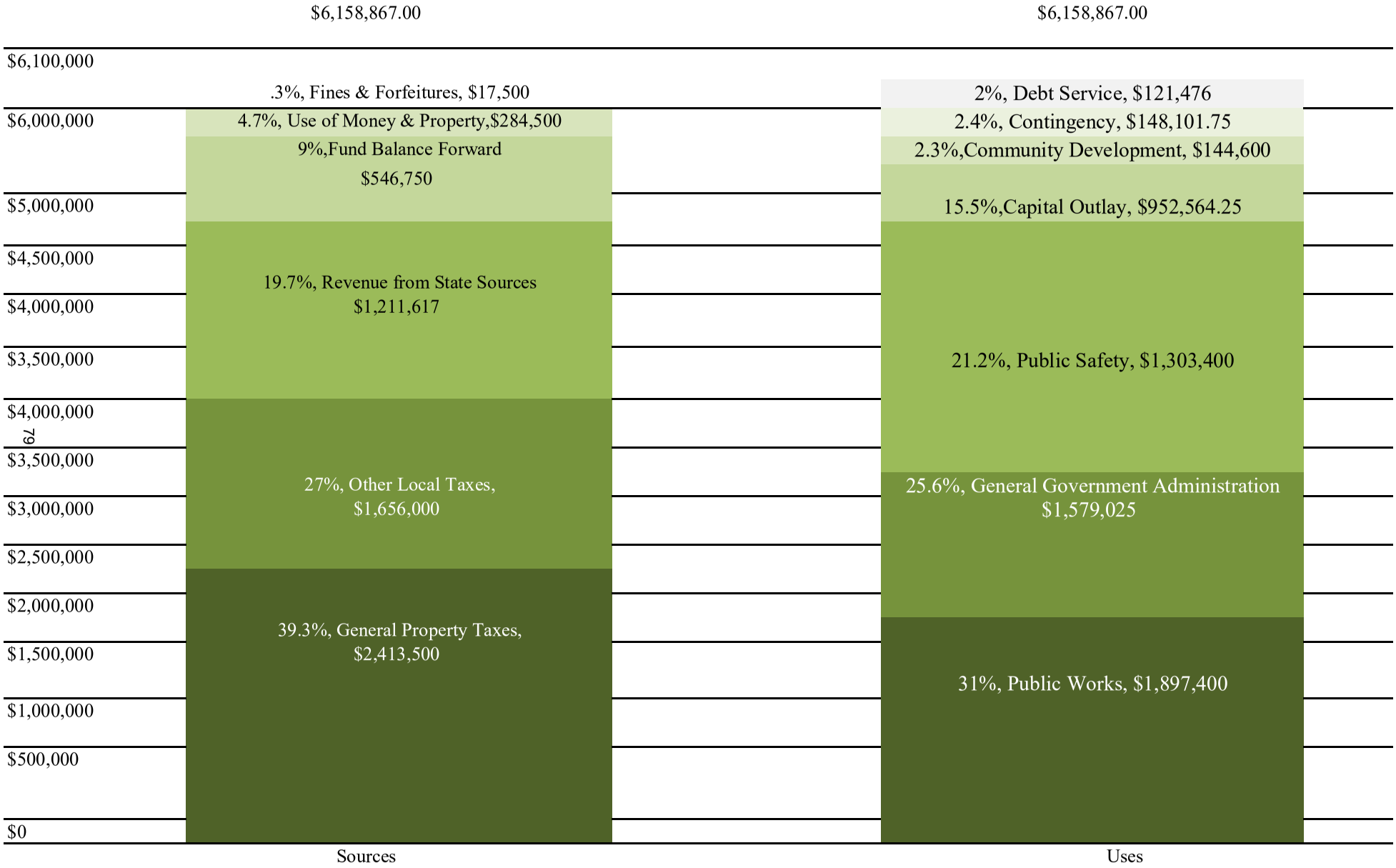
Reserve	$1,500,000
Reserve goal	$1,500,000

Total Sewer Fund Reserves = $7,036,703.29**

**This amount does not include the $470,000 reserve required by the wastewater treatment plant loan terms. These funds must be reserved separately and will be used for the last payment on the loan. That payment will be made on February 1, 2037.

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GENERAL FUND - SOURCES AND USES

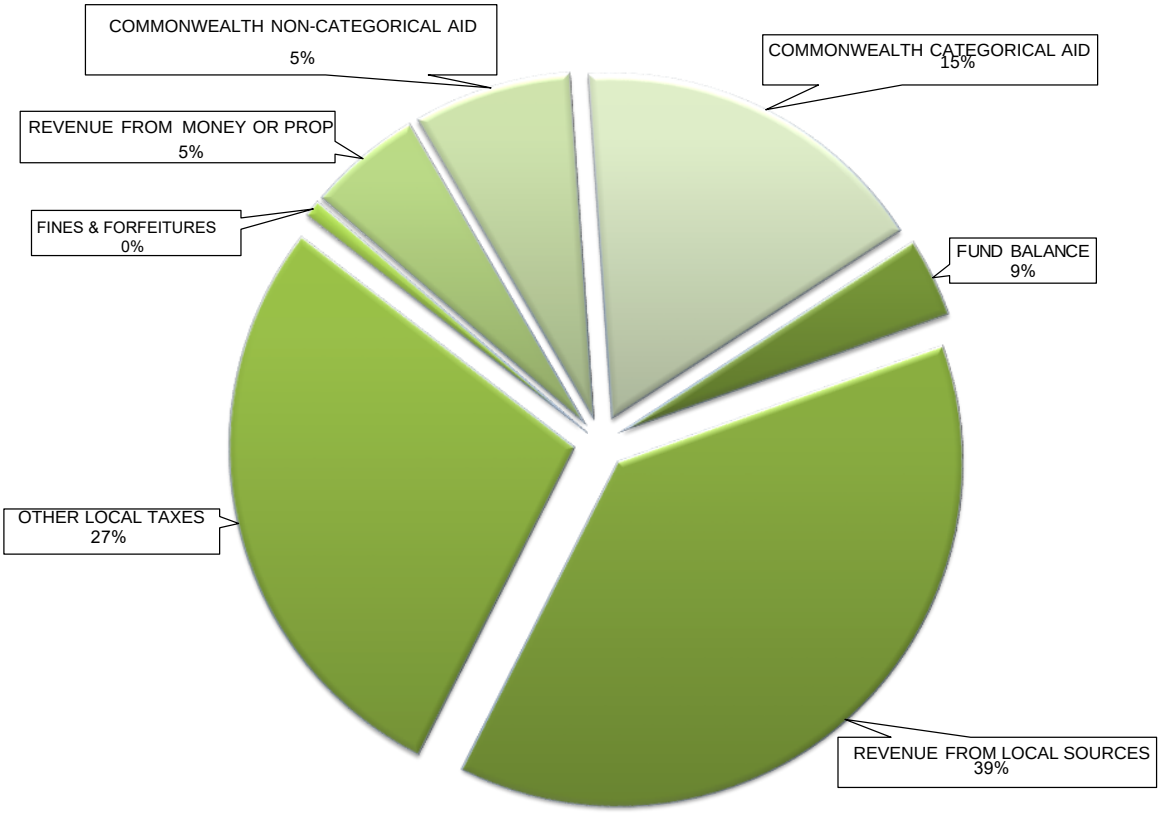


*See reverse for more information

	Charges & Services	Permits, Fees & Licenses	Misc Revenue & Recovered Costs	Revenue from Other Sources	Parks & Recreation
Sources	$ 10,000.00	$ 13,000.00	$ 5,000.00	$ 1,000.00	
Uses					$ 8,000.00
Percentages	0%	0%	0%	0%	0%

*Categories and amounts noted here are 0% of the General Fund budget and are not represented on the chart titled "GENERAL FUND - SOURCES AND USES" on the reverse side.

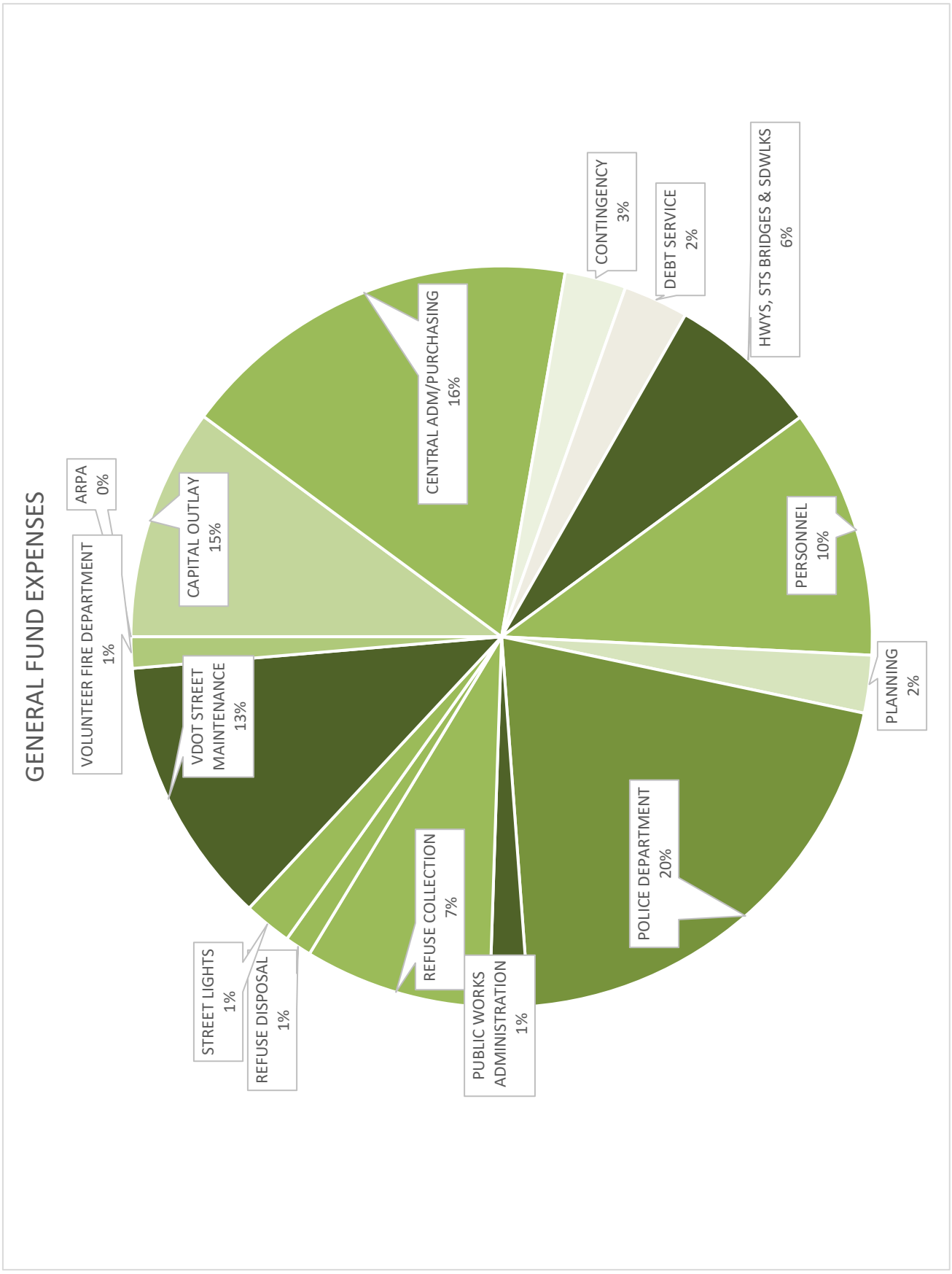
GENERAL FUND REVENUES



*Revenue Categories that are 0% of the fund grand total are not represented on the pie chart.

GENERAL FUND REVENUES

SOURCE		AMOUNT	PERCENTAGE
CHARGES FOR SERVICES*	$	10,000.00	0%
COMMONWEALTH CATEGORICAL AID	$	934,600.00	15%
COMMONWEALTH NON-CATEGORICAL AID	$	277,017.00	5%
FINES & FORFEITURES	$	17,500.00	0%
FUND BALANCE	$	546,750.00	9%
MISCELLANEOUS REVENUES*	$	5,000.00	0%
OTHER LOCAL TAXES	$	1,656,000.00	27%
OTHER SOURCES NON-REVENUE RECEIPTS*	$	1,000.00	0%
PERMITS, FEES & LICENSES*	$	13,000.00	0%
RECOVERED COSTS*	$	-	0%
REVENUE FROM MONEY OR PROP	$	284,500.00	5%
REVENUE FROM LOCAL SOURCES	$	2,413,500.00	39%
GRAND TOTAL	$	6,158,867.00	100%


GENERAL FUND EXPENSES
CONTINGENCY 3%
DEBT SERVICE 2%
HWYS, STS BRIDGES & SDWLKS 6%
PERSONNEL 10%
PLANNING 2%
POLICE DEPARTMENT 20%
PUBLIC WORKS ADMINISTRATION 1%
REFUSE COLLECTION 7%
REFUSE DISPOSAL 1%
STREET LIGHTS 1%
VDOT STREET MAINTENANCE 13%
VOLUNTEER FIRE DEPARTMENT 1%
ARPA 0%
CAPITAL OUTLAY 15%
CENTRAL ADM/PURCHASING 16%

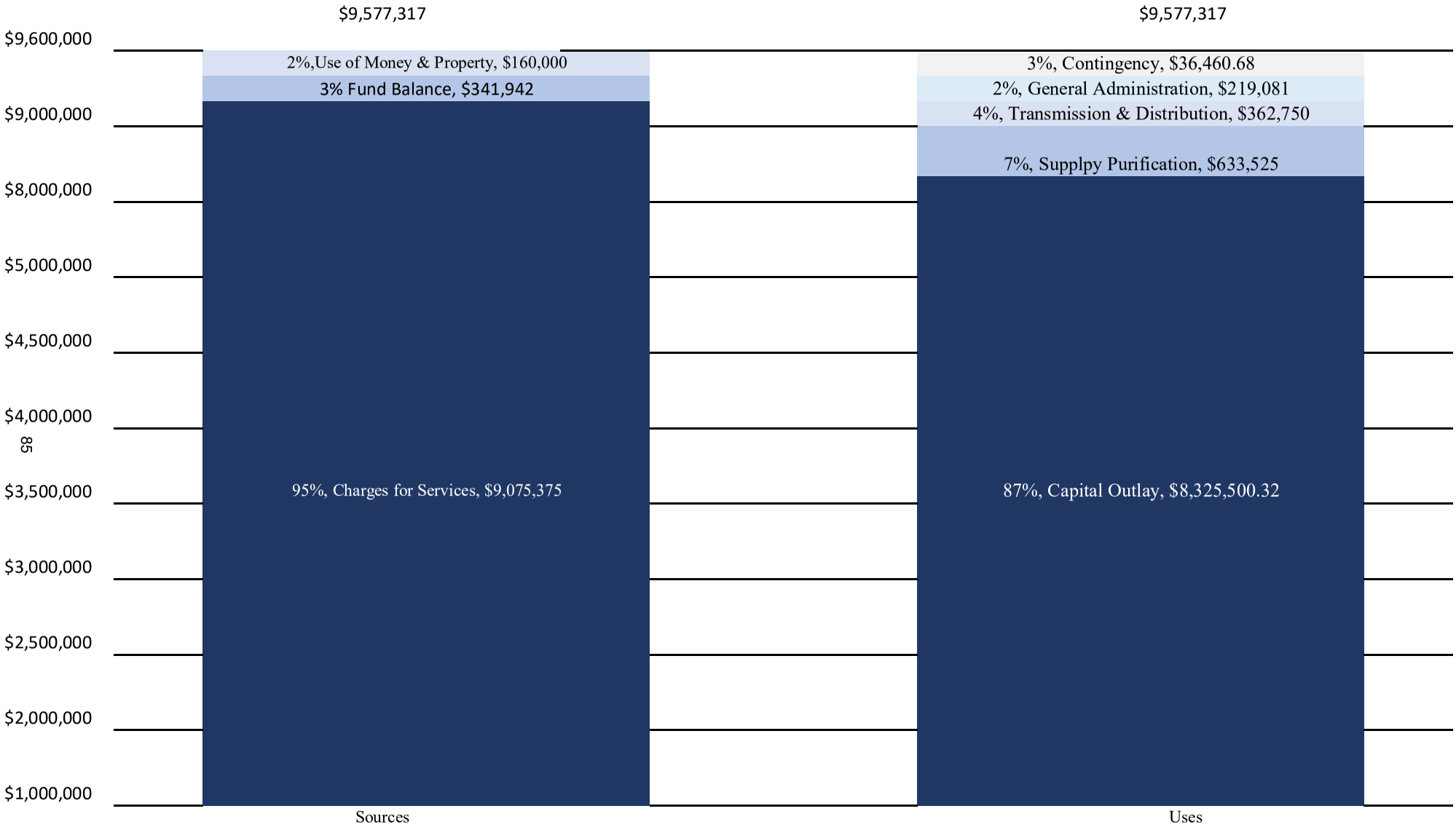
GENERAL FUND EXPENSES

SOURCE	AMOUNT	PERCENTAGE
ARPA	$0.00	0%
ARCHITECTURAL REVIEW BOARD*	$ 500.00	0%
BERRYVILLE AREA DEV AUTHORITY*	$ 2,500.00	0%
BOARD OF ZONING APPEALS*	$ 1,250.00	0%
CAPITAL OUTLAY	$ 952,564.25	15%
CENTRAL ADM/PURCHASING	$ 1,022,050.00	16%
CONTINGENCY	$ 148,101.75	3%
CORRECTION & DETENTION*	$ 0.00	0%
DEBT SERVICE	$ 121,476.00	2%
ECONOMIC DEVELOPMENT	$ 28,000.00	0%
ELECTIONS*	$ 7,500.00	0%
EMERGENCY SERVICES*	$ 5,000.00	0%
ENGINEERING SERVICES*	$ 0.00	0%
GENERAL PROPERTIES*	$ 48,100.00	0%
HWYS, STS BRIDGES & SDWLKS	$ 352,200.00	6%
INDEPENDENT AUDITOR*	$ 21,500.00	0%
PARKING METERS & LOTS*	$ 3,000.00	0%
PARKS & RECREATION*	$ 12,300.00	0%
PERSONNEL	$ 597,425.00	10%
PLANNING	$ 107,350.00	2%
PLANNING COMMISSION*	$ 5,000.00	0%
POLICE DEPARTMENT	$ 1,233,900.00	20%
PUBLIC DEFENDER FEES*	$ 2,000.00	0%
PUBLIC WORKS ADMINISTRATION	$ 70,000.00	1%
REFUSE COLLECTION	$ 410,000.00	7%
REFUSE DISPOSAL	$ 50,000.00	0%
RESCUE SERVICES*	$ -	0%
SNOW REMOVAL*	$ 22,000.00	0%
STREET & ROAD CLEANING*	$ 0.00	0%
STREET LIGHTS	$ 90,000.00	1%
TOWN COUNCIL	$ 32,650.00	0%
TRAFFIC CONTROL*	$ 2,500.00	0%
TREE BOARD*	$ 0.00	0%
VDOT STREET MAINTENANCE	$ 750,000.00	13%
VOLUNTEER FIRE DEPARTMENT	$ 60,000.00	1%
GRAND TOTAL	$ 6,158,867.00	100%

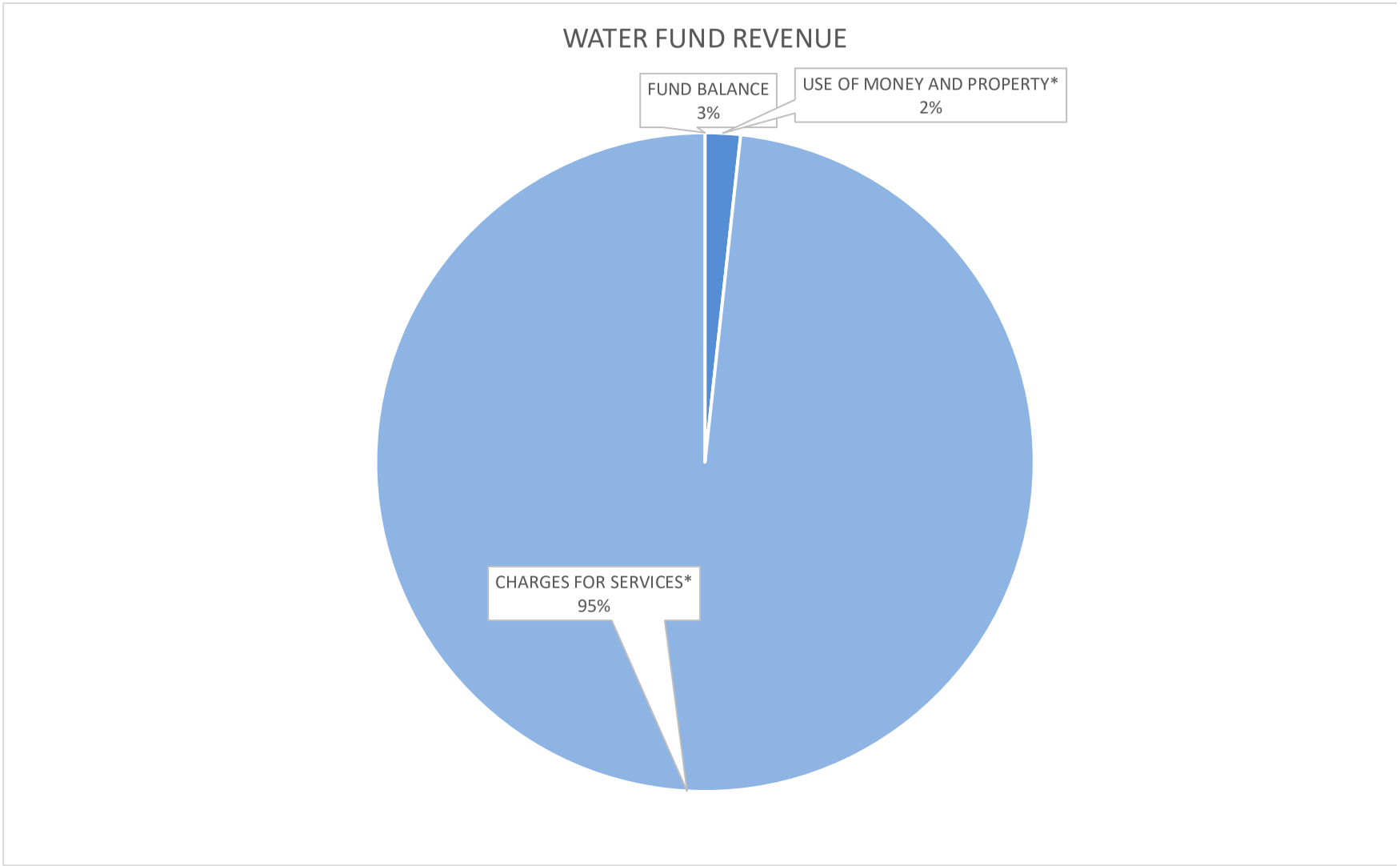
*Expense Categories that are 0% of the fund grand total are not represented on the pie chart.

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WATER FUND - SOURCES AND USES



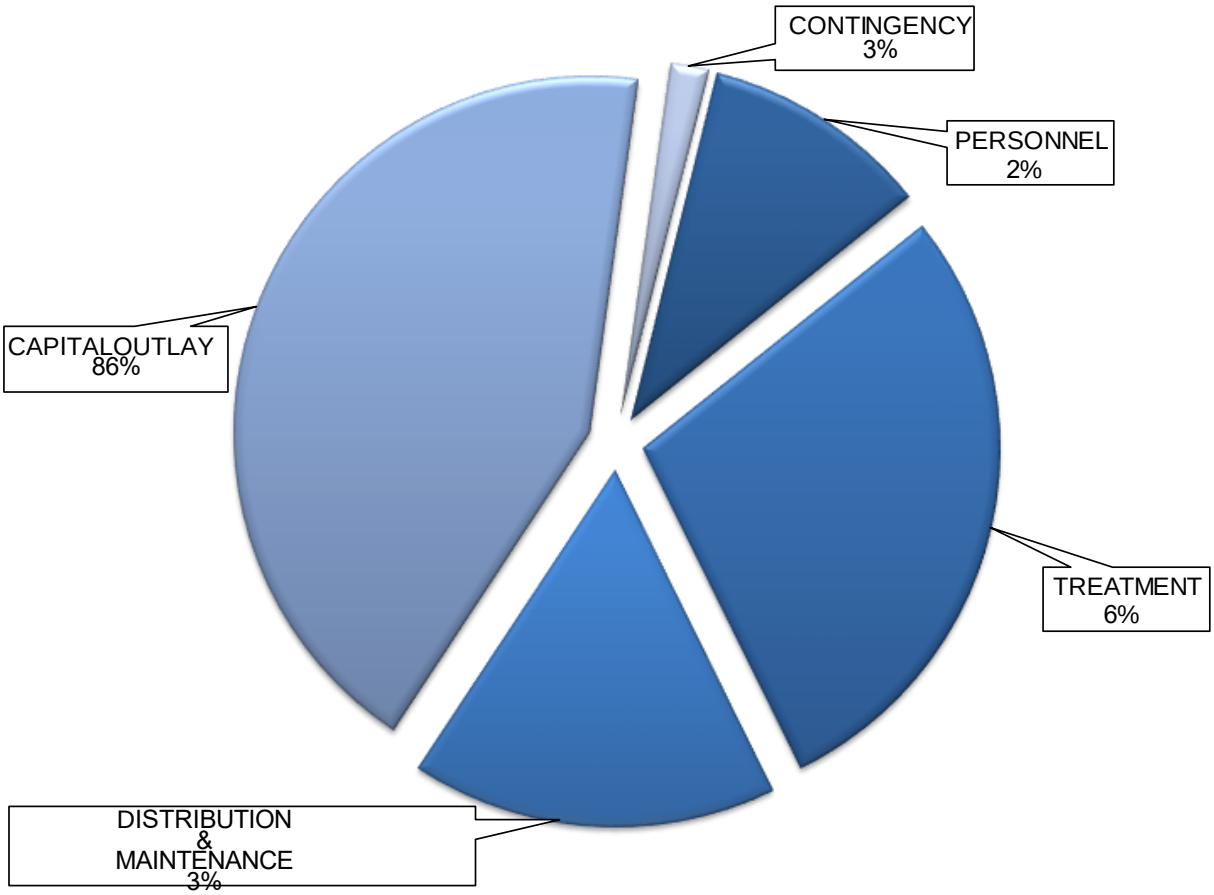
*See reverse for more information



WATER FUND REVENUE

SOURCE	AMOUNT	PERCENTAGE
FUND BALANCE	$341,942.00	3%
REVENUE FROM MONEY OR PROPERTY	$160,000.00	2%
CHARGES FOR SERVICES	$9,075,375.00	95%

WATER FUND EXPENSES

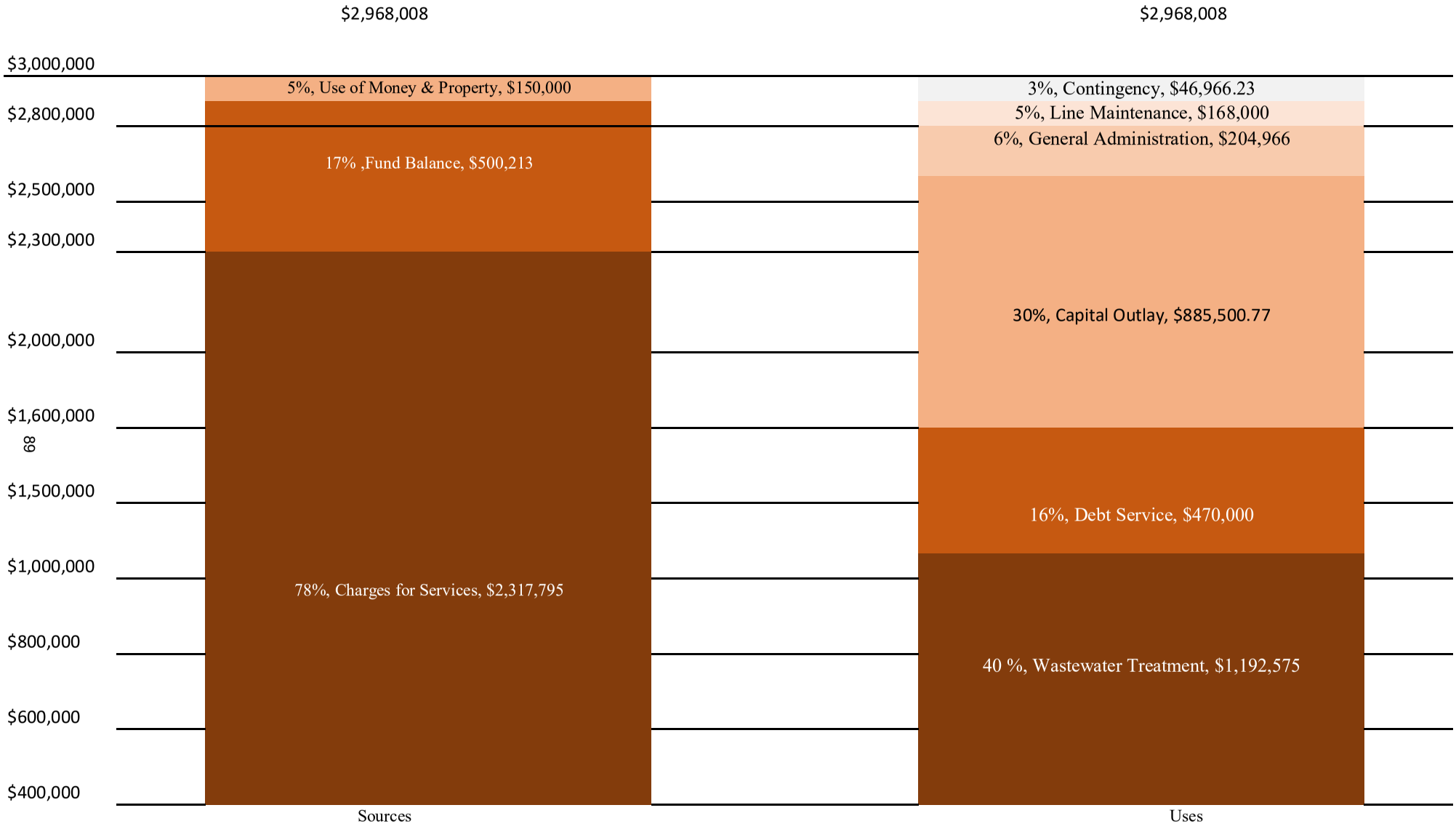


WATER FUND EXPENSES

SOURCE		AMOUNT	PERCENTAGE
CAPITAL OUTLAY	$	8,325,500.32	86%
CONTINGENCY	$	36,460.68	3%
DISTRIBUTION & MAINTENANCE	$	362,750.00	3 %
PERSONNEL	$	219,081.00	2 %
TREATMENT	$	633,525.00	6%
GRAND TOTAL	$	9,577,317.00	100%

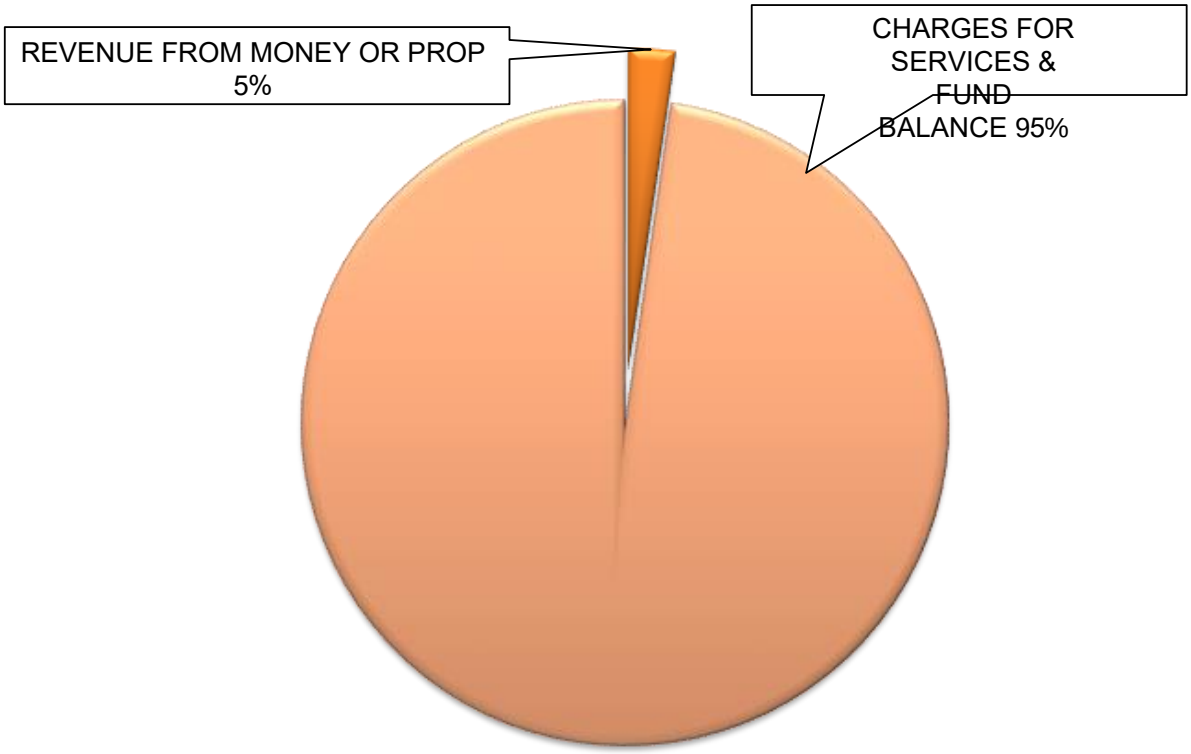
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SEWER FUND - SOURCES AND USES



*See reverse for more information

SEWER FUND REVENUES

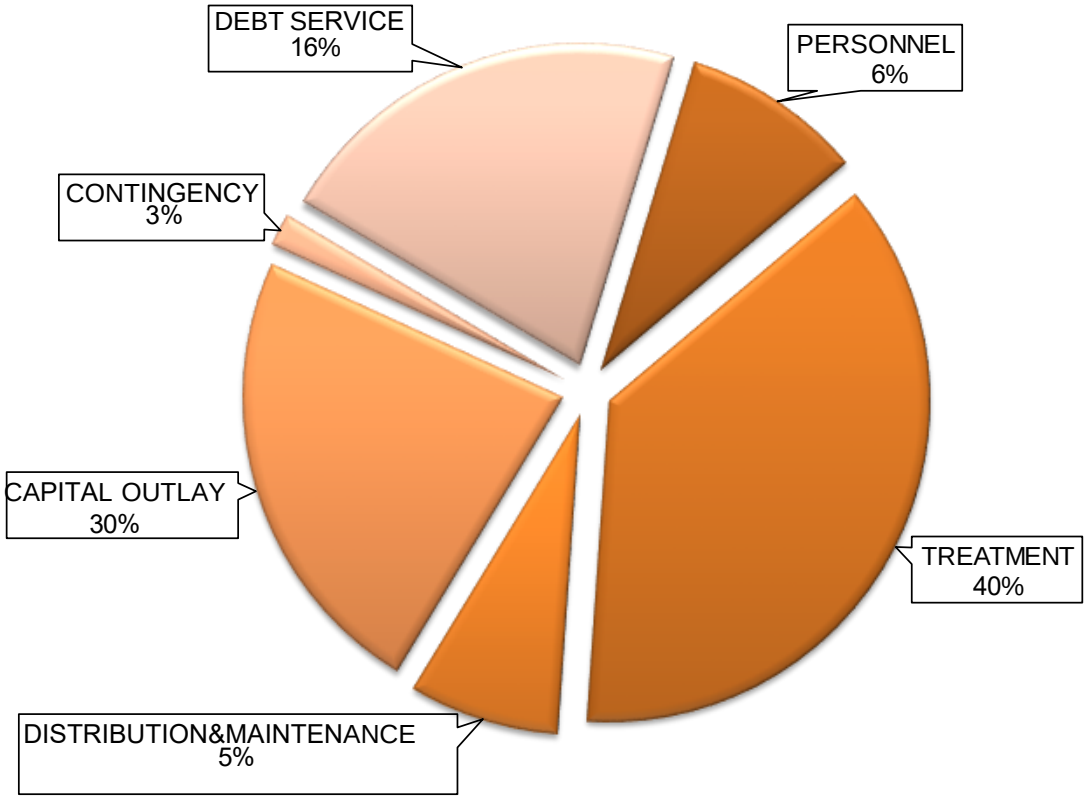


*Revenue Categories that are 0% of the fund grand total are not represented on the pie chart.

SEWER FUND REVENUES

SOURCE	AMOUNT	PERCENTAGE
CHARGES FOR SERVICES	$ 2,317,008.00	78%
FUND BALANCE	$ 500,213.00	16%
NON-REVENUE RECEIPTS*	$ 500.00	0%
REVENUE FROM MONEY OR PROP	$ 150,000.00	5%
GRAND TOTAL	$ 2,968,008.00	100%

SEWER FUND EXPENSES



*Expense Categories that are 0% of the fund grand total are not represented on the pie chart.

SEWER FUND EXPENSES

SOURCE		AMOUNT	PERCENTAGE
CAPITAL OUTLAY	$	885,500.77	30%
CAPITAL PROJECTS*	$	-	0%
CONTINGENCY	$	46,966.23	3%
DEBT SERVICE	$	470,000.00	16%
DISTRIBUTION & MAINTENANCE	$	168,000.00	5%
PERSONNEL	$	204,966.00	6%
TREATMENT	$	1,192,575.00	40%
GRAND TOTAL	$	2,968,008.00	100%

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TOWN OF BERRYVILLE

SCHEDULE OF WATER AND SEWER FEES AND CHARGES

Effective June 18, 2026

I. USER FEES

A. WATER

1. Within corporate limits or the limits of an approved annexation area: $11.62 per 1,000 gallons of usage. Minimum charge $8.72 per month for usage under 1,000 gallons during billing period.
2. Other: $14.53 per 1,000 gallons of usage. Minimum charge $10.90 per month for usage under 1,000 gallons during billing period.

B. SEWER

1. Within corporate limits or the limits of an approved annexation area: $18.31 per 1,000 gallons of usage. Minimum charge $13.73 per month for usage under 1,000 gallons during billing period.
2. Other: $22.89 per 1,000 gallons of usage. Minimum charge $17.17 per month for usage under 1,000 gallons during billing period.

II. ADMINISTRATIVE AND FACILITIES FEES AND DEPOSITS

A. ADMINISTRATIVE AND FACILITIES FEES

Monthly Administrative and Facilities Fees, charged with usage:

Water $24.35

Sewer $12.18

Late Fee: 10% of bill amount

Service Disconnection/Reconnection Fee: $50

Returned Check/ACH Fee: $50

B. DEPOSITS

Residential: individually metered single-family units, town homes, and duplexes: $315

Residential: multi-family with master meter: $260 per unit

Business/Commercial excluding restaurants and laundries: $315

Restaurant: $910*

Laundry: $4,635*

Institutional: $1,655*

Industrial: $5,675*

*Town Manager may increase or decrease on the basis of actual usage.

Note: Town Manager may establish reasonable deposit amounts for use types not anticipated by this schedule.

III. AVAILABILITY FEES

A. WATER

Meter Size (Inches)	Demand Ratio	Avail. Fee (Corp. Limits or Annex. Area)	Avail. Fee (Other)	Meter Cost
5/8	1	$17,750	$22,188	Meter Fee
3/4	1.5	$26,625	$33,282	Meter Fee
1	2.5	$44,375	$55,470	Meter Fee
1.5	4.375	$77,656	$97,073	Meter Fee
2	8	$142,000	$177,504	Meter Fee
3	16	$284,000	$355,008	Meter Fee
4	25	$443,750	$554,700	Meter Fee
6	50	$887,500	$1,109,400	Meter Fee

Greater than 6", Demand Ratio (AWWA M22) multiplied by fee for Demand Ratio 1.

Notes:

(a) Multi-family residences are defined as any master-metered group of apartment, townhouse, condominium, or other residential units with each unit having separate kitchen facilities.

(b) In cases in which a master meter serves multi-family residences or a combination of multi-family and commercial units, the applicant will pay a fee based on the higher of A) an amount derived by multiplying .8 by the applicable water availability fee for demand ratio 1 times the total number of residential and commercial units to be served by a single meter, or B) an amount based on the meter size as specified above.

(c) Meter fee is calculated by adding the cost of the meter and a 30% (of meter cost) handling fee.

B. SEWER

Meter Size (Inches)	Demand Ratio	Avail. Fee (Corp. Limits or Annex. Area)	Avail. Fee (Other)
5/8	1	$19,059	$23,824
3/4	1.5	$28,589	$35,736
1	2.5	$47,648	$59,560
1.5	4.375	$83,383	$104,230
2	8	$152,472	$190,592
3	16	$304,944	$381,184
4	25	$476,475	$595,600
6	50	$952,950	$1,191,200

Greater than 6", Demand Ratio (AWWA M22) multiplied by fee for Demand Ratio 1.

IV. LATERAL OR CONNECTION FEES

Connection to the Town's water distribution and/or sewer collection system may be completed only if the following conditions are met:

- Party applying to connect to the system agrees to assume all costs associated with connection to the systems, including excavation, taps, vaults, traffic control, restoration (including pavement), testing, inspections, etc.
- Contractor responsible for completing work has been vetted and approved by the Town.
- Plans for the work, including restoration, have been approved by the Town.
- Required surety has been approved and provided to the Town.
- Required insurance coverage is in place and documentation thereof provided to the Town.
- Required permits have been issued by the Town, Virginia Department of Transportation, or another applicable agency.

V. INSPECTIONS

A. Sanitary Sewer Camera Service and Storm Sewer Camera Inspection Service **

1. Mains and Laterals Over 4 Inches in Diameter

   Mobilization Fee: $350

   Camera Fee: $3.00 per linear foot

2. 4-Inch Laterals

   Laterals Under 50 Feet in Length: $200

   Laterals 50 Feet in Length or Greater: $200 plus $3.00 per linear foot

**** Service offered as workforce and equipment availability permits.**

B. Inspections

Town staff: $75 per hour (1 hour minimum for any inspection then billed at ½ hr. increments thereafter) ***

***** Service offered as workforce availability permits.**

Licensed professional engineer or approved third-party inspector: Cost

C. Hydrant Flow Tests

$75 per hour (1 hour minimum for any test then billed at ½ hr. increments thereafter) plus cost of water (includes water and sewer charges)

Notes:

Cleaning of lines will be required prior to camera use: Line cleaning is the responsibility of the applicant. If lines are not clean and camera crew must remobilize later to perform the inspection, a second mobilization fee will be charged.

Hydrant flow tests: Hydrant flow tests must be scheduled with the Director of Public Works no less than three work days in advance of test. Contractor will supply gauges and will be responsible for recording results. Town personnel will operate hydrant.

VI. SIGNIFICANT INDUSTRIAL USER FEES

Sewer system discharge permit: $500

VII. WATER METER TESTING

5/8" meter: $125

All other meters: $125 + cost

Note: Fee is refunded if meter is found to be over-registering.

VIII. HYDRANT METERS

Nonrefundable account establishment fee:	$50
Meter deposit:	Current cost to purchase meter + 30% (deposit refunded upon return of undamaged meter)

Note: Usage metered through hydrant meters will be billed for both water and sewer user fees.

IX. UNAUTHORIZED USE OF SERVICE

For unauthorized water withdrawals from fire hydrants or any other part of the Town water system, or when a customer willfully takes steps to reactivate service after service has been disconnected by the Town because of nonpayment of any charge owed to the Town, and the Town must take action to discontinue service again by removal of the meter or by any other necessary measures, a $250 charge for unauthorized use of services will be imposed. This charge will be in addition to any other charge for water and sewer services owed to the Town, and in addition to any legal remedies the Town may pursue for unauthorized use of service.

Approved by Town Council

FY 26-27 Personnel Expenditures	General Fund	Water Fund	Sewer Fund	TOTAL ALL FUNDS
Full Time Salaries	$ 1,838,774.85	$ 460,908.03	$ 347,871.44	$ 2,647,554.32
Overtime/Comptime	$ 67,800.00	$ 22,200.00	$ 13,200.00	$ 103,200.00
Certifications	$ 15,000.00	$ 600.00	$ 600.00	$ 16,200.00
Employee Appreciation	$ 6,300.00	$ 2,100.00	$ 2,100.00	$ 10,500.00
Part Time Salaries	$ -	$ -	$ -	$ -
Town Council	$ 18,900.00	$ -	$ -	$ 18,900.00
Social Security & Medicare (FICA)	$ 147,482.43	$ 37,164.31	$ 27,828.52	$ 212,475.26
Retirement (VRS)	$ 163,886.40	$ 39,601.86	$ 38,762.97	$ 242,251.23
Life Insurance (VRS)	$ 19,533.88	$ 4,587.76	$ 3,942.44	$ 28,064.08
Short Term Disability	$ 711.00	$ 216.00	$ 213.00	$ 1,140.00
Long Term Disability	$ 10,403.37	$ 2,120.76	$ 2,179.25	$ 14,703.38
Line of Duty Act Coverage	$ 9,499.00			$ 9,499.00
Employee Medical	$ 359,419.20	$ 75,667.20	$ 78,369.60	$ 513,456.00
Unemployment (VEC)	$ 197.60	$ 56.00	$ 50.40	$ 304.00
Worker's Compensation	$ 25,000.00	$ 10,000.00	$ 6,000.00	$ 41,000.00
	$ 2,682,907.73	$ 655,221.92	$ 521,117.62	$ 3,859,247.27

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Capital Improvement Plan Fiscal Years 2027 to 2031

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5 YEAR CAPITAL IMPROVEMENTS PROGRAM

2027-2031

Expenditures	2027			2028			2029			2030			2031		
	General	Water	Sewer	General	Water	Sewer	General	Water	Sewer	General	Water	Sewer	General	Water	Sewer
Capital Reserves(ADMIN)	564	0.00	0.00												
JHEVFD Reserve	10,000			10,000			10,000			10,000			10,000		
Computer Replacement/Upgrades(ADMIN)	9,000	3,500	3,500	25,000	4,000	4,000	4,500	4,500	4,500	5,000	5,000	5,000	6,500	6,500	6,500
Mobile Data Terminals (PD)							30,000								
Pistols (PD)															
Patrol Vehicle (PD)	70,000			72,000			74,000			76,000			79,000		
Large Dump Truck (PW)															
1 Ton Dump Truck (PW)				VDOT	21,500	21,500							VDOT	23,000	23,000
3/4 Ton Truck (PW)							VDOT	16,500	16,500				VDOT	18,000	18,000
Snow Plow (PW)				VDOT			VDOT						VDOT		
Salt Spreader (PW)				VDOT									VDOT		
Hydraulic Thumb (PW)													VDOT		
Mower (PW or PU)				5,000						6,100	6,100	6,100			
Town Property Improvements (PW)	730,000														
Radar Feedback Signs, Crosswalk Signals (PD)	48,000														
Town Street Repairs (PW)													40,000		
Wayfinding(CD)															
TAPP Reserve(CD)	50,000			50,000			50,000			50,000					
BCCGC Improvements (PW)	45,000														
Backhoe (PW)													VDOT	42,500	42,500
Battletown Drive (portion) Sidewalk (PW)										100,000					
Water Treatment Plant Upgrade (PU)		7,150,000			7,150,000			1,000,000							
Water Distribution System Upgrades (PW)		1,100,000			800,000										
1/2 Ton Pick Up Truck (PU)		22,000	22,000		22,000	22,000								25,000	25,000
WTP Lab Equipment(PU)								50,000							
WTP Membrane Replacement(PU)								35,000			35,000			35,000	
Water Distribution Reserve								150,000			175,000			200,000	
SCADA		50,000	50,000												
WastewaterTreatmentPlant Membrane Replacement(PU)															
Sewer Collection System Improvements (PW)			130,000			135,000			140,000			150,000			150,000
Wastewater Treatment Plant Membrane Gantry(PU)															
Wastewater Treatment Plant Permeate Pump R/R(PU)															
Wastewater Treatment Plant Screening Rehab(PU)			620,000												
WWTP Sanitary/Storm Sewer Camera Upgrade (PW)															
WWTP Bar Screen(PU)															
WWTP Sluice Gates Repair/Modify (PU)			60,000												
BCCGC Improvements															
Borrowed Funds and Reserve Funds															
Borrrowed Funds															
Reserved for future use															
Funds to be used have been resr'd in full or part															
Amt reflects Town portion of project (TAP Funds)															
Total	**962,564**	**8,325,500**	**885,500**	**162,000**	**7,997,500**	**182,500**	**168,500**	**1,256,000**	**161,000**	**247,100**	**221,100**	**161,100**	**135,500**	**350,000**	**265,000**

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Capital Improvement Narrative
Fiscal Year 2027

General Fund FY27

Capital Reserves $564

Administration

This item provides for savings to address unforeseen expenses and fund planned projects and purchases.

John H. Enders Vol. Fire Department Reserve $10,000

Administration

This item provides for the funding of a reserve that will be used by the John H. Enders Vol. Fire Department for the purchase of a pumper that will replace a 2000 model year pumper that is currently in the department's fleet. The estimated cost of the new pumper is $1,000,000.

Computer Replacement $9,000

Administration

This item provides for the purchase of replacement computer workstations within the Town's Administrative, Planning, and Police Departments.

Patrol Vehicle $70,000

Police

This item provides for the purchase of a Police Department patrol vehicle and related equipment.

The Police Department maintains a fleet of seven patrol vehicles. Six of the vehicles are all-wheel-drive sport-utility vehicles (SUV) and one is an unmarked sedan.

The requested vehicle, a SUV, would replace a marked SUV. Additional items purchased include radar unit and rear compartment partition.

Town Property Improvements $730,000

Public Works

This item provides required to complete the following projects:

- Repair, paint exterior of Smith Cottage and HVAC improvements, repair and paint exterior of 23 East Main Street ($500,000)
- Construction of new bridge across Town Run in Rose Hill Park ($100,000)
- Plans for stabilization of the livery stable and construction of a public bathroom at 23 East Main Street ($30,000)
- Contingency ($100,000)

Funding source for these items is as follows:

- *FY27 General Fund Revenues* *$121,250*
- *Monies from the GF Property Improvements and Maintenance Reserve* *$608,750*

Radar Feedback Signs and Crosswalk Signals $48,000

Police Department

This item provides for the purchase and installation of new radar feedback signs to replace the signs on Main and Buckmarsh Streets. The four signs currently deployed have been in service since 2018 and need to be replaced.

This item also provides funds to be used to update the Town's four crosswalk signals. Staff is working with VDOT and the signal manufacturer to determine the full scope of the project.

TAP Reserve $50,000

Community Development

This item provides savings that would be added to a reserve for the Town's share of funding for TAP projects. The Town considers this funding stream to be an effective way to make qualifying transportation-related improvements because the Town is only required to provide 20% of project funding.

The Town currently has three active TAP projects in development. A sidewalk project on Mosby Boulevard is expected to be completed in the second half of FY26. A sidewalk project on East Fairfax Street is also expected to be completed in the second half of FY26. A curb and gutter /sidewalk project on West Fairfax Street is expected to be completed in FY28.

The Council is considering pursuing another TAP project to extend sidewalk along the east side of North Buckmarsh Street from West Fairfax to Mosby Boulevard.

It is expected that, at a minimum, the Town's TAP Reserve will be funded as follows in order to meet reserve goals:

FY27 $50,000

FY28 $50,000

FY29 $50,000

FY30 $50,000

Berryville-Clarke County Government Center Improvements 45,000

Public Works

This item provides funding for work to be completed at the Berryville-Clarke County Government Center. The projects in question are on the building exterior; therefore, the cost apportionment between the Town and County will be 50%/50%.

The project in question will include paving of the rear parking lot and concrete work to improve accessibility.

Water Fund FY27

Capital Reserves $0

Administration

This item provides for savings to address unforeseen expenses and fund planned projects and purchases.

Computer Replacement $3,500

Administration

This item provides for the purchase of replacement computer workstations within the Town's Public Works, Public Utilities, and Administrative Departments.

Water Treatment Plant Upgrade $7,150,000

Public Utilities

This item would provide funds for the upgrade the Town's Water Treatment Plant and raw water intake system.

It is anticipated that loan funds will be drawn and expended in accordance with the following schedule:

FY 2027	7,150,000 (expected to be 100% loan proceeds)
FY 2028	7,150,000 (loan proceeds and reserves)
FY 2029	1,000,000 (loan proceeds and reserves)

The Town's Water Treatment Plant and raw water intake facility are slated to be upgraded. This work is required because the plant and related raw water facilities, which were constructed in 1984, are approaching the end of their useful life.

The Town of Berryville Utility Rate Study, which was completed in 2019, identified expenses related to the replacement/improvement/repair of this facility and the pumping station at the Shenandoah River.

In August 2022 the Town issued an offering to secure professional engineering services required for the design and construction of the water treatment plant upgrade. In December 2022, the Town contracted with Pennoni to provide those required engineering services.

On September 12, 2023 the Town Council approved a preliminary engineering report in which it was recommended that the Town upgrade the water treatment plant with membrane filtration units. That report was reviewed by the Virginia Department of Health. A revised report, addressing Department of Health comments, will be resubmitted on March 1, 2025.

The new report eliminated the planned pre-sedimentation basins and provided for the construction of vertical clarifiers. These clarifiers would treat the water through flocculation prior to filtration by the membrane system.

The Virginia Department of Health approved the preliminary engineering report in February 2026. This approval enables the agency to review the construction plans and contract documents. Upon Virginia Department of Health approval of plans, specifications, and contract documents, the project may be bid.

Project Schedule

Task	Expected Completion
Advertise for Bids	October 2026
Bid Opening	December 2026
Award/Notice of Proceed	January 2027
Substantial Completion	May 2028
Final Completion	June 2028

Funding

The Virginia Department of Health has issued two BIL (FY2024 Bipartisan Infrastructure Law) Initial Offers. The first loan offer, which was dated October 26, 2023 provided a funding package of $6,385,000. The second loan offer, which was dated December 12, 2024 provided a funding package of $6,000,000. Accordingly, the loan offer from the Department of Health totals $12,385,000.

The terms of the loan (both offerings will close at the same time) are as follows:

Principal:	$12,385,000
Term:	20 years
Rate:	1.0% below market rate
Draws:	Loan funds may be draw monthly during the project. Interest will begin accruing when funds are drawn. Accordingly, no construction loan(s) should be required to complete the project.

Project Estimated Cost:

Construction Cost -	$12,000,000
Non-Construction Costs -	$ 3,300,000

Total -	$15,300,000

Funding Source Detail:

Project Cost	$15,300,000
VDH Loan	$12,385,000
Expected Draw on Reserves for Upgrade	$ 2,915,000

Water Distribution System Upgrades $1,100,000

Public Works

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

Projects Under Consideration

Design for replacement of Battletown Drive water main

Design for replacement of Church Street water main (from Liberty Street to Crow)

Replacement of Battletown Drive or Church Street water mains

Funding source for these items is as follows:

- *FY27 Water Fund Revenues* *$758,058*
- *Monies from the WF Water Distribution System Reserve* *$341,942*

Half-ton Truck $22,000

Public Utilities

This item provides for the purchase of a ½ ton pickup truck for the Public Utilities Department.

At present the department maintains two ½ ton trucks (down from three when the Town operated the WWTP/ Note: one additional vehicle is presently being used by administrative staff). The newly purchased would replace the oldest vehicle in the fleet.

Funding

Water Fund	$22,000
Sewer Fund	$22,000

Supervisory Control and Data Acquisition (SCADA) Upgrade $50,000

Public Utilities

This item provides funds for the upgrade of the water system SCADA system.

The Town utilizes a SCADA system to monitor the water and wastewater utilities. The existing system is a radio/sight-line based system. Elements of the system are outdated and no longer supported by the vendor. It is important to note that many elements of the existing system are proprietary.

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

Sewer Fund FY27

Capital Reserves $0

Administration

This item provides for savings to address unforeseen expenses and fund planned projects and purchases.

Computer Replacement $3,500

Administration

This item provides for the purchase of replacement computer workstations within the Town's Public Works, Public Utilities, and Administrative Departments.

Half-ton Truck $22,000

Public Utilities

This item provides for the purchase of a ½ ton pickup truck for the Public Utilities Department.

At present the department maintains two ½ ton trucks (down from three when the Town operated the WWTP/ Note: one additional vehicle is presently being used by administrative staff). The newly purchased would replace the oldest vehicle in the fleet.

Funding

Water Fund	$22,000
Sewer Fund	$22,000

Supervisory Control and Data Acquisition (SCADA) Upgrade $50,000

Public Utilities

This item provides funds for the upgrade of the sewer system SCADA system.

The Town utilizes a SCADA system to monitor the water and wastewater utilities. The existing system is a radio/sight-line based system. Elements of the system are outdated and no longer supported by the vendor. It is important to note that many elements of the existing system are proprietary.

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*

Wastewater Treatment Plant Sluice Gates (Evaluation/Repair or Replace) $60,000

Public Utilities

This item provides for the evaluation and repair/replacement of wastewater treatment plant sluice gates.

The wastewater treatment plant has four sluice gates on the influent side of the membrane chambers and four sluice gates on the effluent side of the chambers. These gates control the flow of wastewater into and out of the chambers respectively.

The sluice gates are not functioning properly. Accordingly, flow to the chambers is not balanced and maintenance cleans are not as effective as they are intended to be.

The gates and their controls must be evaluated and repaired/replaced as needed.

Capital Improvement Narrative
Fiscal Year 2028

General Fund FY28

Capital Reserves $

Administration

This item provides for savings to address unforeseen expenses and fund planned projects and purchases.

John H. Enders Vol. Fire Department Reserve $10,000

Administration

This item provides for the funding of a reserve that will be used by the John H. Enders Vol. Fire Department for the purchase of a pumper that will replace a 2000 model year pumper that is currently in the department's fleet. The estimated cost of the new pumper is $1,000,000.

Computer Replacement $25,000

Administration

This item provides for the purchase of replacement computer workstations within the Town's Administrative, Planning, and Police Departments.

Patrol Vehicle $72,000

Police

This item provides for the purchase of a Police Department patrol vehicle and related equipment.

The Police Department maintains a fleet of seven patrol vehicles. Six of the vehicles are all-wheel-drive sport-utility vehicles (SUV) and one is an unmarked sedan.

The requested vehicle, a SUV, would replace a marked SUV. Additional items purchased include radar unit and rear compartment partition.

Mower $5,000

Public Works

This item provides for the purchase of a mower that will be used to maintain Town-owned property and maintain properties in accordance with requirements of the Berryville Code.

TAP Reserve $50,000

Community Development

This item provides savings that would be added to a reserve for the Town's share of funding for TAP projects. The Town considers this funding stream to be an effective way to make qualifying transportation-related improvements because the Town is only required to provide 20% of project funding.

The Town currently has three active TAP projects in development. A sidewalk project on Mosby Boulevard is expected to be completed in the second half of FY26. A sidewalk project on East Fairfax Street is also expected to be completed in the second half of FY26. A curb and gutter /sidewalk project on West Fairfax Street is expected to be completed in FY28.

The Council is considering pursuing another TAP project to extend sidewalk along the east side of North Buckmarsh Street from West Fairfax to Mosby Boulevard.

It is expected that, at a minimum, the Town's TAP Reserve will be funded as follows in order to meet reserve goals:

FY28 $50,000

FY29 $50,000

FY30 $50,000

Water Fund FY28

Capital Reserves $

Administration

This item provides for savings to address unforeseen expenses and fund planned projects and purchases.

Computer Replacement $4,000

Administration

This item provides for the purchase of replacement computer workstations within the Town's Public Works, Public Utilities, and Administrative Departments.

One-ton dump truck $21,500

Public Works

This item provides for the purchase of a one-ton dump truck.

The Public Works Department maintains four small dump trucks. The truck purchased with these funds will replace one of those trucks. The truck that is taken out of service will be sold at auction.

This purchase will be funded as follows:

General Fund	$43,000 (VDOT reimbursement funds)
Water Fund	$21,500
Sewer Fund	$21,500

Water Treatment Plant Upgrade $7,150,000

Public Utilities

This item would provide funds for the upgrade the Town's Water Treatment Plant and raw water intake system.

It is anticipated that loan funds will be drawn and expended in accordance with the following schedule:

FY 2027	7,150,000 (expected to be 100% loan proceeds)
FY 2028	7,150,000 (loan proceeds and reserves)
FY 2029	1,000,000 (loan proceeds and reserves)

The Town's Water Treatment Plant and raw water intake facility are slated to be upgraded. This work is required because the plant and related raw water facilities, which were constructed in 1984, are approaching the end of their useful life.

The Town of Berryville Utility Rate Study, which was completed in 2019, identified expenses related to the replacement/improvement/repair of this facility and the pumping station at the Shenandoah River.

In August 2022 the Town issued an offering to secure professional engineering services required for the design and construction of the water treatment plant upgrade. In December 2022, the Town contracted with Pennoni to provide those required engineering services.

On September 12, 2023 the Town Council approved a preliminary engineering report in which it was recommended that the Town upgrade the water treatment plant with membrane filtration units. That report was reviewed by the Virginia Department of Health. A revised report, addressing Department of Health comments, will be resubmitted on March 1, 2025. The new report eliminated the planned pre-sedimentation basins and provided for the construction of vertical clarifiers. These clarifiers would treat the water through flocculation prior to filtration by the membrane system.

The Virginia Department of Health approved the preliminary engineering report in February 2026. This approval enables the agency to review the construction plans and contract documents. Upon Virginia Department of Health approval of plans, specifications, and contract documents, the project may be bid.

Project Schedule

Task	Expected Completion
Advertise for Bids	October 2026
Bid Opening	December 2026
Award/Notice of Proceed	January 2027
Substantial Completion	May 2028
Final Completion	June 2028

Funding

The Virginia Department of Health has issued two BIL (FY2024 Bipartisan Infrastructure Law) Initial Offers. The first loan offer, which was dated October 26, 2023 provided a funding package of $6,385,000. The second loan offer, which was dated December 12, 2024 provided a funding package of $6,000,000. Accordingly, the loan offer from the Department of Health totals $12,385,000.

The terms of the loan (both offerings will close at the same time) are as follows:

Principal:	$12,385,000
Term:	20 years
Rate:	1.0% below market rate
Draws:	Loan funds may be draw monthly during the project. Interest will begin accruing when funds are drawn. Accordingly, no construction loan(s) should be required to complete the project.

Project Estimated Cost:

Construction Cost -	$12,000,000
Non-Construction Costs -	$ 3,300,000
Total -	$15,300,000

Funding Source Detail:

Project Cost	$15,300,000
VDH Loan	$12,385,000
Expected Draw on Reserves for Upgrade	$ 2,915,000

Water Distribution System Upgrades $800,000

Public Works

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

Projects Under Consideration in this and the previous fiscal year include:

Design for replacement of Battletown Drive water main

Design for replacement of Church Street water main (from Liberty Street to Crow)

Replacement of Battletown Drive or Church Street water mains

It is expected that one of these projects will be completed in FY27 and one in FY28.

Funding source for these items is yet to be determined.

Half-ton truck	$22,000

Public Utilities

This item provides for the purchase of a half-ton pickup truck.

The Public Utilities Department is expected to maintain three half-ton pickup trucks for use at by water and sewer treatment plant operators.

This purchase will be funded as follows:

Water Fund	$22,000
Sewer Fund	$22,000

Sewer Fund FY28

Capital Reserves $

Administration

This item provides for savings to address unforeseen expenses and fund planned projects and purchases.

Computer Replacement $4,000

Administration

This item provides for the purchase of replacement computer workstations within the Town's Public Works, Public Utilities, and Administrative Departments.

One-ton dump truck $21,500

Public Works

This item provides for the purchase of a one-ton dump truck.

The Public Works Department maintains three small dump trucks. The truck purchased with these funds will replace one of those trucks. The truck that is taken out of service will be sold at auction.

This purchase will be funded as follows:

General Fund	$43,000 (VDOT reimbursement funds)
Water Fund	$21,500
Sewer Fund	$21,500

Half-ton truck $22,000

Public Utilities

This item provides for the purchase of a half-ton pickup truck.

The Public Utilities Department is expected to maintain three half-ton pickup trucks for use at by water and sewer treatment plant operators.

This purchase will be funded as follows:

Water Fund	$22,000
Sewer Fund	$22,000

Collection System Upgrades $135,000

Public Works

These funds are 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.

Capital Improvement Narrative
Fiscal Year 2029

General Fund FY29

Capital Reserves $

Administration

This item provides for savings to address unforeseen expenses and fund planned projects and purchases.

John H. Enders Vol. Fire Department Reserve $10,000

Administration

This item provides for the funding of a reserve that will be used by the John H. Enders Vol. Fire Department for the purchase of a pumper that will replace a 2000 model year pumper that is currently in the department's fleet. The estimated cost of the new pumper is $1,000,000.

Computer Replacement $4,500

Administration

This item provides for the purchase of replacement computer workstations within the Town's Administrative, Planning, and Police Departments.

Mobile Data Terminals $30,000

Police

This item provides for the purchase of new mobile data terminals.

The Police Department maintains eight mobile terminals for its fleet. These terminals are used for communications, summons creation and management, and reporting.

Patrol Vehicle $74,000

Police

This item provides for the purchase of a Police Department patrol vehicle and related equipment.

The Police Department maintains a fleet of seven patrol vehicles. Six of the vehicles are all-wheel-drive sport-utility vehicles (SUV) and one is an unmarked sedan.

The requested vehicle, a SUV, would replace a marked SUV. Additional items purchased include radar unit and rear compartment partition.

TAP Reserve $50,000

Community Development

This item provides savings that would be added to a reserve for the Town's share of funding for TAP projects. The Town considers this funding stream to be an effective way to make qualifying transportation-related improvements because the Town is only required to provide 20% of project funding.

A curb and gutter /sidewalk project on West Fairfax Street is expected to be completed in FY28.

The Council is considering pursuing another TAP project to extend sidewalk along the east side of North Buckmarsh Street from West Fairfax to Mosby Boulevard.

It is expected that, at a minimum, the Town's TAP Reserve will be funded as follows in order to meet reserve goals:

FY29 $50,000

FY30 $50,000

Reserve goals must be reevaluated after the final cost of projects in process are known and an estimate has been developed for projects the Council determines it wants to complete in the future.

Water Fund FY29

Capital Reserves $

Administration

This item provides for savings to address unforeseen expenses and fund planned projects and purchases.

Computer Replacement $4,500

Administration

This item provides for the purchase of replacement computer workstations within the Town's Public Works, Public Utilities, and Administrative Departments.

Three-quarter ton truck $16,500

Public Works

This item provides for the purchase of a three-quarter-ton pickup truck.

The Public Works Department maintains three three-quarter-ton pickup trucks. The truck purchased with these funds will replace the one of those trucks. The truck that is taken out of service will be sold at auction.

This purchase will be funded as follows:

General Fund	$16,500 (VDOT reimbursement funds)
Water Fund	$16,500
Sewer Fund	$16,500

Water Treatment Plant Upgrade $1,000,000

Public Utilities

This item would provide funds for the upgrade the Town's Water Treatment Plant and raw water intake system.

It is anticipated that loan funds will be drawn and expended in accordance with the following schedule:

FY 2027	7,150,000 (expected to be 100% loan proceeds)
FY 2028	7,150,000 (loan proceeds and reserves)
FY 2029	1,000,000 (loan proceeds and reserves)

The Town's Water Treatment Plant and raw water intake facility are slated to be upgraded. This work is required because the plant and related raw water facilities, which were constructed in 1984, are approaching the end of their useful life.

The Town of Berryville Utility Rate Study, which was completed in 2019, identified expenses related to the replacement/improvement/repair of this facility and the pumping station at the Shenandoah River.

In August 2022 the Town issued an offering to secure professional engineering services required for the design and construction of the water treatment plant upgrade. In December 2022, the Town contracted with Pennoni to provide those required engineering services.

On September 12, 2023 the Town Council approved a preliminary engineering report in which it was recommended that the Town upgrade the water treatment plant with membrane filtration units. That report was reviewed by the Virginia Department of Health. A revised report, addressing Department of Health comments, will be resubmitted on March 1, 2025. The new report eliminated the planned pre-sedimentation basins and provided for the construction of vertical clarifiers. These clarifiers would treat the water through flocculation prior to filtration by the membrane system.

The Virginia Department of Health approved the preliminary engineering report in February 2026. This approval enables the agency to review the construction plans and contract documents. Upon Virginia Department of Health approval of plans, specifications, and contract documents, the project may be bid.

Project Schedule

Task	Expected Completion
Advertise for Bids	October 2026
Bid Opening	December 2026
Award/Notice of Proceed	January 2027
Substantial Completion	May 2028
Final Completion	June 2028

Funding

The Virginia Department of Health has issued two BIL (FY2024 Bipartisan Infrastructure Law) Initial Offers. The first loan offer, which was dated October 26, 2023 provided a funding package of $6,385,000. The second loan offer, which was dated December 12, 2024 provided a funding package of $6,000,000. Accordingly, the loan offer from the Department of Health totals $12,385,000.

The terms of the loan (both offerings will close at the same time) are as follows:

Principal:	$12,385,000
Term:	20 years
Rate:	1.0% below market rate
Draws:	Loan funds may be draw monthly during the project. Interest will begin accruing when funds are drawn. Accordingly, no construction loan(s) should be required to complete the project.

Project Estimated Cost:

Construction Cost -	$12,000,000
Non-Construction Costs -	$ 3,300,000
Total -	$15,300,000

Funding Source Detail:

Project Cost	$15,300,000
VDH Loan	$12,385,000
Expected Draw on Reserves for Upgrade	$ 2,915,000

Water Treatment Plant Lab Equipment $50,000

Public Utilities

This item will provide funding for lab equipment, which is not included in the Water Treatment Plant Upgrade project, needed to complete necessary water testing and monitoring.

Water Treatment Plant Membrane Replacement Reserve $35,000

Public Utilities

These funds will be reserved in the Water Fund's Membrane Replacement Reserve (reserve will be established in FY29).

Funds from reserve in question may be utilized to address the cost of membrane maintenance and replacement. It is expected that the reserve goal for this fund will be $600,000; however, better cost estimates will be available after the water treatment plant is upgraded.

The reserve will be funded in the following manner:

FY29	$35,000	FY37	$40,000
FY30	$35,000	FY39	$40,000
FY31	$35,000	FY40	$40,000
FY32	$35,000	FY41	$40,000
FY33	$35,000	FY42	$40,000
FY34	$35,000	FY43	$40,000
FY35	$35,000	FY44	$40,000
FY36	$35,000		

Water Distribution System Upgrades $150,000

Public Works

These funds are utilized to complete water distribution system upgrades during the subject fiscal year. Funds that remain unspent at the end of the fiscal year are placed in the water fund's water distribution system reserve.

Sewer Fund FY29

Capital Reserves $

Administration

This item provides for savings to address unforeseen expenses and fund planned projects and purchases.

Computer Replacement $4,500

Administration

This item provides for the purchase of replacement computer workstations within the Town's Public Works, Public Utilities, and Administrative Departments.

Three-quarter ton truck $16,500

Public Works

This item provides for the purchase of a three-quarter-ton pickup truck.

The Public Works Department maintains three three-quarter-ton pickup trucks. The truck purchased with these funds will replace the one of those trucks. The truck that is taken out of service will be sold at auction.

This purchase will be funded as follows:

General Fund	$16,500 (VDOT reimbursement funds)
Water Fund	$16,500
Sewer Fund	$16,500

Collection System Upgrades $140,000

Public Works

These funds are 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.

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Capital Improvement Narrative
Fiscal Year 2030

General Fund FY30

Capital Reserves $

Administration

This item provides for savings to address unforeseen expenses and fund planned projects and purchases.

John H. Enders Vol. Fire Department Reserve $10,000

Administration

This item provides for the funding of a reserve that will be used by the John H. Enders Vol. Fire Department for the purchase of a pumper that will replace a 2000 model year pumper that is currently in the department's fleet. The estimated cost of the new pumper is $1,000,000.

Computer Replacement $5,000

Administration

This item provides for the purchase of replacement computer workstations within the Town's Administrative, Planning, and Police Departments.

Patrol Vehicle $76,000

Police

This item provides for the purchase of a Police Department patrol vehicle and related equipment.

The Police Department maintains a fleet of seven patrol vehicles. Six of the vehicles are all-wheel-drive sport-utility vehicles (SUV) and one is an unmarked sedan.

The requested vehicle, a SUV, would replace a marked SUV. Additional items purchased include radar unit and rear compartment partition.

Mower $6,100

Public Works

This item provides for the purchase of a mower that will be used to maintain street rights of way, Town-owned property, and maintain properties in accordance with requirements of the Berryville Code.

This purchase will be funded as follows:

General Fund	$6,100
Water Fund	$6,100
Sewer Fund	$6,100

TAP Reserve $50,000

Community Development

This item provides savings that would be added to a reserve for the Town's share of funding for TAP projects. The Town considers this funding stream to be an effective way to make qualifying transportation-related improvements because the Town is only required to provide 20% of project funding.

A curb and gutter /sidewalk project on West Fairfax Street is expected to be completed in FY28.

The Council is considering pursuing another TAP project to extend sidewalk along the east side of North Buckmarsh Street from West Fairfax to Mosby Boulevard.

It is expected that, at a minimum, the Town's TAP Reserve will be funded as follows in order to meet reserve goals:

FY30	$50,000

Reserve goals must be reevaluated after the final cost of projects in process are known and an estimate has been developed for projects the Council determines it wants to complete in the future.

Battletown Drive Sidewalk $100,000

Public Works

This item provides funds for the completion of approximately 650 feet of sidewalk on the southern end of Battletown Drive. This project would provide for the installation of a sidewalk that would connect to the sidewalk constructed along East Main Street as a part of a Smart Scale project.

It is expected that this sidewalk will be installed in FY30 after the East Main Street Smart Scale project has been completed. The East Main Street project is expected to be completed by the end of calendar 2029. This project would be funded by utilizing general fund revenues.

Water Fund FY30

Capital Reserves $

Administration

This item provides for savings to address unforeseen expenses and fund planned projects and purchases.

Computer Replacement $5,000

Administration

This item provides for the purchase of replacement computer workstations within the Town's Public Works, Public Utilities, and Administrative Departments.

Mower $6,100

Public Works

This item provides for the purchase of a mower that will be used to maintain street rights of way, Town-owned property, and maintain properties in accordance with requirements of the Berryville Code.

This purchase will be funded as follows:

General Fund	$6,100
Water Fund	$6,100
Sewer Fund	$6,100

Water Distribution System Upgrades $175,000

Public Works

These funds are utilized to complete water distribution system upgrades during the subject fiscal year. Funds that remain unspent at the end of the fiscal year are placed in the water fund's water distribution system reserve.

Water Treatment Plant Membrane Replacement Reserve $35,000

Public Utilities

These funds will be reserved in the Water Fund's Membrane Replacement Reserve (reserve will be established in FY29).

Funds from reserve in question may be utilized to address the cost of membrane maintenance and replacement. It is expected that the reserve goal for this fund will be $600,000; however, better cost estimates will be available after the water treatment plant is upgraded.

The reserve will be funded in the following manner:

FY29	$35,000	FY37	$40,000
FY30	$35,000	FY39	$40,000
FY31	$35,000	FY40	$40,000
FY32	$35,000	FY41	$40,000
FY33	$35,000	FY42	$40,000
FY34	$35,000	FY43	$40,000
FY35	$35,000	FY44	$40,000
FY36	$35,000		

Sewer Fund FY30

Capital Reserves $

Administration

This item provides for savings to address unforeseen expenses and fund planned projects and purchases.

Computer Replacement $5,000

Administration

This item provides for the purchase of replacement computer workstations within the Town's Public Works, Public Utilities, and Administrative Departments.

Mower $6,100

Public Works

This item provides for the purchase of a mower that will be used to maintain street rights of way, Town-owned property, and maintain properties in accordance with requirements of the Berryville Code.

This purchase will be funded as follows:

General Fund	$6,100
Water Fund	$6,100
Sewer Fund	$6,100

Collection System Upgrades $150,000

Public Works

These funds are 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.

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Capital Improvement Narrative
Fiscal Year 2031

General Fund FY31

Capital Reserves $

Administration

This item provides for savings to address unforeseen expenses and fund planned projects and purchases.

John H. Enders Vol. Fire Department Reserve $10,000

Administration

This item provides for the funding of a reserve that will be used by the John H. Enders Vol. Fire Department for the purchase of a pumper that will replace a 2000 model year pumper that is currently in the department's fleet. The estimated cost of the new pumper is $1,000,000.

Computer Replacement $6,500

Administration

This item provides for the purchase of replacement computer workstations within the Town's Administrative, Planning, and Police Departments.

Patrol Vehicle $79,000

Police

This item provides for the purchase of a Police Department patrol vehicle and related equipment.

The Police Department maintains a fleet of seven patrol vehicles. Six of the vehicles are all-wheel-drive sport-utility vehicles (SUV) and one is an unmarked sedan.

The requested vehicle, a SUV, would replace a marked SUV. Additional items purchased include radar unit and rear compartment partition.

Town Street Repairs $40,000

Public Works

This item provides funds needed to complete repaving and or repairs to Town-maintained streets (secondary streets not within the VDOT Secondary Street System).

Funding source for this item is as follows:

Town Street Reserve *$40,000*

Water Fund FY31

Capital Reserves $

Administration

This item provides for savings to address unforeseen expenses and fund planned projects and purchases.

Computer Replacement $6,500

Administration

This item provides for the purchase of replacement computer workstations within the Town's Public Works, Public Utilities, and Administrative Departments.

One-ton dump truck $23,000

Public Works

This item provides for the purchase of a one-ton dump truck.

The Public Works Department maintains four small dump trucks. The truck purchased with these funds will replace one of those trucks. The truck that is taken out of service will be sold at auction.

This purchase will be funded as follows:

General Fund $46,000 (VDOT reimbursement funds)

Water Fund $23,000

Sewer Fund $23,000

Three-quarter ton truck $18,000

Public Works

This item provides for the purchase of a three-quarter-ton pickup truck.

The Public Works Department maintains three three-quarter-ton pickup trucks. The truck purchased with these funds will replace the one of those trucks. The truck that is taken out of service will be sold at auction.

This purchase will be funded as follows:

General Fund $18,000 (VDOT reimbursement funds)

Water Fund $18,000

Sewer Fund $18,000

Backhoe $42,500

Public Works

These funds will be used to purchase a backhoe for the Public Works Department.

The Public Works Department maintains three large backhoes. This new equipment will replace the oldest backhoe in the department's fleet.

This purchase will be funded as follows:

General Fund $85,000 (VDOT reimbursement funds)

Water Fund $42,500

Sewer Fund $42,500

Half-ton truck $25,000

Public Utilities

This item provides for the purchase of a half-ton pickup truck.

The Public Utilities Department is expected to maintain three half-ton pickup trucks for use at by water and sewer treatment plant operators.

This purchase will be funded as follows:

Water Fund $25,000

Sewer Fund $25,000

Water Treatment Plant Membrane Replacement Reserve $35,000

Public Utilities

These funds will be reserved in the Water Fund's Membrane Replacement Reserve (reserve will be established in FY29).

Funds from reserve in question may be utilized to address the cost of membrane maintenance and replacement. It is expected that the reserve goal for this fund will be $600,000; however, better cost estimates will be available after the water treatment plant is upgraded.

The reserve will be funded in the following manner:

FY29	$35,000	FY37	$40,000
FY30	$35,000	FY39	$40,000
FY31	$35,000	FY40	$40,000
FY32	$35,000	FY41	$40,000
FY33	$35,000	FY42	$40,000
FY34	$35,000	FY43	$40,000
FY35	$35,000	FY44	$40,000
FY36	$35,000		

Water Distribution System Upgrades $200,000

Public Works

These funds are utilized to complete water distribution system upgrades during the subject fiscal year. Funds that remain unspent at the end of the fiscal year are placed in the water fund's water distribution system reserve.

Sewer Fund FY31

Capital Reserves $

Administration

This item provides for savings to address unforeseen expenses and fund planned projects and purchases.

Computer Replacement $6,500

Administration

This item provides for the purchase of replacement computer workstations within the Town's Public Works, Public Utilities, and Administrative Departments.

One-ton dump truck $23,000

Public Works

This item provides for the purchase of a one-ton dump truck.

The Public Works Department maintains four small dump trucks. The truck purchased with these funds will replace one of those trucks. The truck that is taken out of service will be sold at auction.

This purchase will be funded as follows:

General Fund $46,000 (VDOT reimbursement funds)

Water Fund $23,000

Sewer Fund $23,000

Three-quarter ton truck $18,000

Public Works

This item provides for the purchase of a three-quarter-ton pickup truck.

The Public Works Department maintains three three-quarter-ton pickup trucks. The truck purchased with these funds will replace the one of those trucks. The truck that is taken out of service will be sold at auction.

This purchase will be funded as follows:

General Fund $18,000 (VDOT reimbursement funds)

Water Fund $18,000

Sewer Fund $18,000

Backhoe $42,500

Public Works

These funds will be used to purchase a backhoe for the Public Works Department.

The Public Works Department maintains three large backhoes. This new equipment will replace the oldest backhoe in the department's fleet.

This purchase will be funded as follows:

General Fund $85,000 (VDOT reimbursement funds)

Water Fund $42,500

Sewer Fund $42,500

Half-ton truck $25,000

Public Utilities

This item provides for the purchase of a half-ton pickup truck.

The Public Utilities Department is expected to maintain three half-ton pickup trucks for use at by water and sewer treatment plant operators.

This purchase will be funded as follows:

Water Fund $25,000

Sewer Fund $25,000

Collection System Upgrades $150,000

Public Works

These funds are 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.

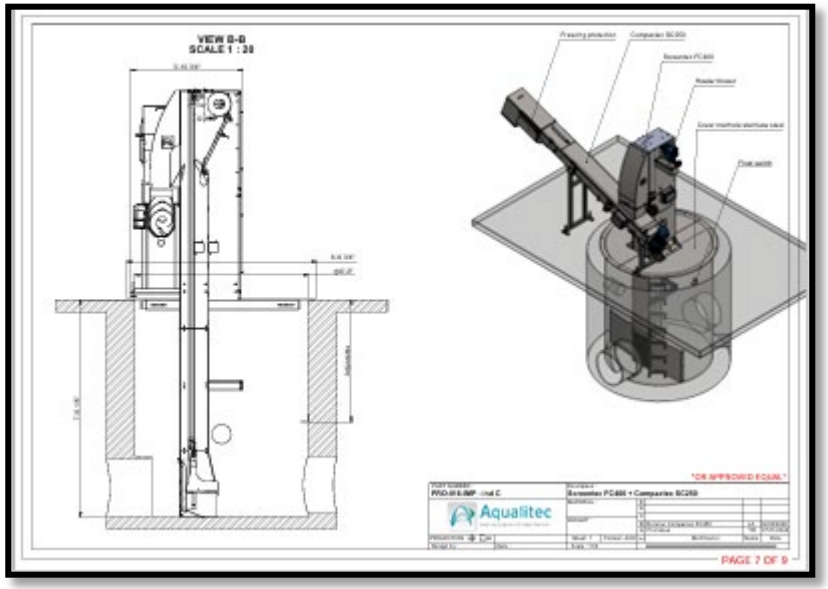
In early 2023, a contractor working for the Town completed an I&I study in the Town's sewer collection system. The results of the study were presented to the Streets and Utilities Committee in March 2023. The results of the study will provide areas for more detailed examination and ultimately a framework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

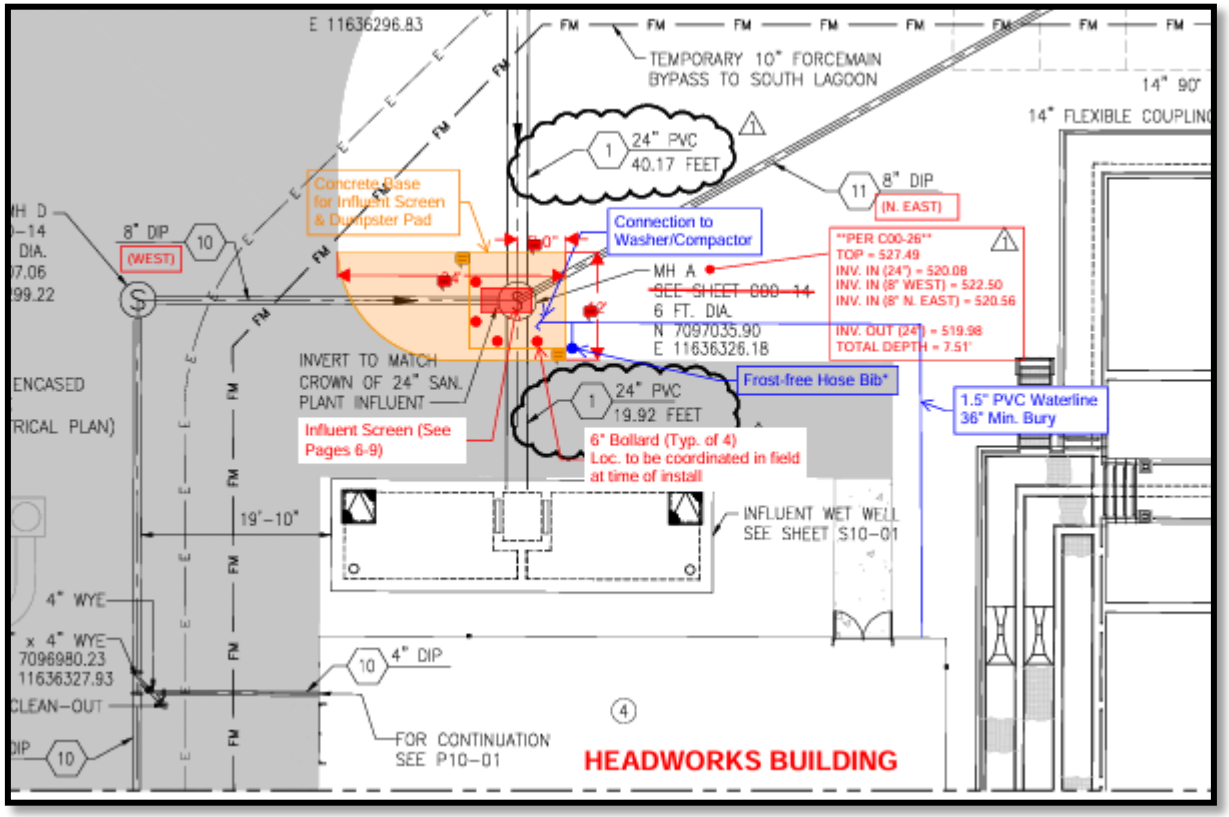


BERRYVILLE

EST. 1798 *Genuine* VIRGINIA

BAR SCREEN OVERVIEW





BAR SCREEN BUDGET

- IFB issued on April 6, 2026. The lowest bid was $488,000, 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.
- 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.
- **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.**
- 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.


TOWN OF BERRYVILLE
EST. 1798
VIRGINIA

ELECTRONIC PARTICIPATION IN MEETINGS

- Generally, no electronic (virtual) meetings
- Exceptions:
  - 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.
  - 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.
- Removed reporting requirement and updated code references


TOWN OF BERRYVILLE
EST. 1798
VIRGINIA

PEDESTRIAN BRIDGE IN ROSE HILL PARK



Estimates for 24’ x 8’ truss bridge

Bridge package	$35,000
Freight	$1,500
Excavation/Footers	$25,000
Crane	$1,000
Project Management	$1,000
Inspections	$2,000
Electrical Work	$5,000
Miscellaneous	$1,000
Contingency	$7,600
Total	**$83,600**


TOWN OF BERRYVILLE
EST. 1798
VIRGINIA

RV, BOAT, AND COMMERCIAL VEHICLE PARKING CODE



- § 10-49. Parking of commercial vehicles in residential areas
  - Recent inquiry determines that local large vehicle storage, uncovered, is similar to our current fine
- § 10-50. Parking and storage of travel trailers, boats, etc.
  - Our current fine is significantly lower than RV parking in nearby campgrounds
- Staff recommends increasing fines to more effectively “remedy the mischief” that these ordinances are written to address

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 ~~one~~ **two** hundred and **fifty** dollars ($~~10~~**25**0.00).

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~~ **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 ~~while parked in said residentially zoned area~~.

(4) The vehicle is parked no closer than five (5) feet 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 ~~twenty-five~~ **two hundred and fifty** dollars ($25**0**.00).


TOWN OF BERRYVILLE
EST. 1798
VIRGINIA

Town Council Policies

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.~~

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).

BERRYVILLE TOWN COUNCIL COMMUNITY DEVELOPMENT / STREETS & UTILITIES COMMITTEE MINUTES

Berryville-Clarke County Government Center
101 Chalmers Court, Berryville, VA 22611
Tuesday
June 23, 2026
3:30 pm

Members of the committee present: Community Development Committee Chair Ryan Tibbens; Streets and Utilities Committee Chair Paul Perez

Absent: None

Staff present: Jean Petti, Deputy Town Manager; Chief Jason Winner, Berryville Police Department

Press: Mickey Powell, Winchester Star

1. Call to Order
Councilmember Ryan Tibbens called the meeting to order at 3:30 p.m.

2. Approval of Agenda
The agenda was approved by consensus on a motion by Councilmember Paul Perez.

3. Unfinished Business
Pay Parking Apps
Chief Jason Winner provided an overview of costs and functions of three pay-to-park apps. Deputy Town Manager Jean Petti noted that Berryville's parking enforcement program is not a revenue generator and the addition of a parking payment app service may increase overhead. Members of committee requested staff develop a model integrating both the current physical meters and Park Mobile payment app in a revenue-neutral format and present it at the next committee meeting.

VDOT's Traffic Calming Guide for Neighborhood Streets
Mr. Tibbens moved to recommend Town Council adopt VDOT's traffic calming guide. Mr. Perez assented. Staff will prepare a resolution for adoption to present to Town Council.

Special Event Regulations
Committee members reviewed a report developed to evaluate safety personnel requirements and maximum occupancy for events at Rose Hill Park. Following discussion, committee members requested the following changes be implemented: for events where alcohol is available, two police officers for every 250 attendees will be required; for events where alcohol is not available, two police

officers will be required if more than 500 attendees are expected; establish a maximum event attendance of 1000 people; to comply with Virginia Department of Health requirements, require one portable restroom per 100 attendees; add language specifying that event organizers may request additional paid police presence; and add a provision that large events may be denied if staffing levels in the Town are inadequate to prepare for and support the event. Mr. Tibbens moved that the Special Event Regulations, with the revisions incorporated, be recommended to Town Council in September, and Mr. Perez concurred.

Gift/Donation Policy Review
Mr. Perez moved to recommend the draft gift/donation policy to Town Council for review, after incorporating a requirement for Town Council notification of all gifts and Town Manager approval of all plaques. Mr. Tibbens seconded the motion.

Pedestrian Bridge in Rose Hill Park
Mrs. Petti updated the Committee on the planned bridge replacement project in Rose Hill Park. Mr. Tibbens moved to present the bids that were available to Town Council in July and Mr. Perez agreed.

4. New Business
Fall asphalt Project List
Mrs. Petti informed the committee that Hermitage Boulevard and Hancock Court are tentatively scheduled for paving in fall 2026. Accessory to the project will be additional milling at the intersection of Alexander Drive and Hermitage Boulevard to reduce the roadway dip.

5. Adjournment
The meeting adjourned at 5:41 p.m. on a motion by Mr. Perez.

MINUTES

BERRYVILLE TOWN COUNCIL

Work Session

June 29, 2026

3:30 p.m.

A meeting of the Berryville Town Council was held on Monday, June 29, 2026, at 3:30 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.

Absent

Ryan Tibbens

Staff Keith Dalton, Town Manager; Jean Petti, Deputy Town Manager; Terry Russell, Community Development Director.

Press Mickey Powell, Winchester Star

Other Ken Dondero, Vice President, Tetra Corporation; John Regan, President and CEO, The Christopher Companies; David McElhaney, Principal, Urban, Ltd.; Clarke Massey, President and CEO, Tetra Corporation.

Attachment

Ryan Tibbens requested his comments be attached to the minutes.

1. Call to Order

Mayor Harry Lee Arnold, Jr. called the meeting to order at 3:30 p.m.

2. Approval of Agenda

Vice Mayor Erecka Gibson moved to approve the agenda as presented. Motion passed by unanimous consent.

3. Unfinished Business

None.

4. New Business

Mayor Arnold recognized Community Development Director Terry Russell to introduce the proposed conditional rezoning of the Friant Property. Mr. Russell presented an overview of the request, noting that the approximately 100-acre property is zoned Open Space Residential (34 acres), Business Park (7 acres), and DR-1 and DR-2 (60 acres). The applicant request is for rezoning of 42 acres to DR-4.

Mr. Russell continued by discussing concerns about table 12 in the Berryville Area Plan. He stated that Table 12 lists the Sub Areas in question as having a maximum yield of 112 dwelling units. He explained that the maximum yield enumerated in Table 12 was calculated with the assumption that approximately 30 acres of the site has a slope greater than 15%. Mr. Russell reported that the 30-acre number used to develop Table 12 was an estimate, even though a detailed topographic study was completed for Annexation Area B in 1991. He stated that the developer's engineer conducted a field survey that revealed that less than 3 acres of the site has a slope greater than 15%, with the Town's consulting engineer concurring with the study's conclusions. He stated that when accurate slope data was applied to the language of the Berryville Area Plan, the calculated maximum density for the site is 138 dwelling units. He noted that the proposed development would have 134 dwelling units.

Mr. Russell also reviewed the applicant's proffers and revisions that align the rezoning with Berryville Area Plan requirements, design of the proposed houses and landscaping, sidewalks and trails, and the availability of right-of-way for widening or adding a turn lane to Battletown Drive if needed. He then introduced Ken Dondero, the Vice President of Tetra Corporation.

Mr. Dondero introduced his co-applicants, thanked Mr. Russell, and highlighted changes/additions that his team made in response to staff, public, and Planning Commission comments. These include an escrow for sidewalk installation on Battletown Drive and negotiation (still underway) for a construction entrance from Cattlemans Lane. He reviewed the application's adherence to cluster zoning requirements, improvements in fire protection, utility availability, traffic impact, street lighting, and invited comments and questions from members of Town Council, emphasizing that his team believes they have met every requirement of the Berryville Area Plan to make the plan eligible for rezoning, except for adherence to the erroneous calculation in Table 12.

Mayor Arnold thanked Mr. Dondero and opened the floor for discussion/questions by/from the Council.

Grant Mazzarino asked Mr. Dondero to address why Black Twig was originally presented as an emergency access and has been promoted to being a through street. Mr. Dondero responded that the initial application listed it as an emergency access due to traffic computations which did not support a need for an additional ingress/egress. The plan for Black Twig was expanded to make it a street upon a strong recommendation by Clarke County Planning Director Brandon Stidham. Mr. Dondero noted that it increases the impact on the adjacent property owners, but sufficient right-of-way exists for the improvement.

In response to an additional query from Mr. Mazzarino, Mr. Dondero explained that the larger lots in the eastern land bay will have to be approximately 20,000 sq feet, while the cluster development of the western land bay would yield an average lot size of approximately 7,500 square feet. Upon additional request by Mr. Mazzarino, Mr. Dondero and John Regan discussed general controls in place for construction quality control. Town Manager Keith Dalton noted that design elevations, including rear elevations, have been provided by the applicant and would be made a part of the proffers for the development.

Mayor Arnold asked for discussion of the proposed retaining walls for Black Twig. David McElhaney responded that the additional width and run required by Virginia Department of Transportation requirements to establish Black Twig as a street rather than an emergency entrance would require more substantial retaining walls. Vice Mayor Gibson asked if the retaining walls would have to be maintained by the Town after acceptance of the street and Mr. Dalton replied in the affirmative.

Paul Perez asked the applicants if, in light of the Planning Commission recommendation for denial of the rezoning request, additional proffers or revisions are anticipated. Mr. Dondero responded that Planning Commission did not provide a reason or reasons for denial, therefore no changes were planned until/unless in response to Town Council request or direction. Mr. Regan mentioned that he believed the discrepancy in Table 12 of the Berryville Area Plan was the deciding factor in Planning Commission's denial, but as no reason was given for the denial, that was just his impression. Mr. Perez responded by asking if the applicant would be able to postpone their request until the Berryville Area Plan could be reviewed and revised, if needed. Mr. Dondero regretted that additional delay was impossible due to other contractual obligations.

William Steinmetz interposed a comment that he felt the changes to Black Twig and the proposed sidewalk provisions were helpful in addressing concerns voiced during the Planning Commission review.

Vice Mayor Gibson noted that the proposed homes would be two-story, while the existing neighborhood is mostly ranch-style homes. The applicant team discussed their plans for landscape buffers that would provide backyard privacy and shield existing homes from views of the new properties.

In response to a question by Mr. Dalton, Mr. McElhaney clarified that the stormwater control areas in the plans appear as ponds, but they are planned to be detention ponds rather than retention ponds.

Vice Mayor Gibson followed up with a question about whether, in the experience of the applicants, Homeowners Association (HOA) maintenance of walking trails and other areas that are open to the public (as these are proposed to be) has been successful. Mr. Regan responded that it is not an unprecedented approach, and insurance and repair/replacement funding would be required of the HOA. Mr. Russell noted that conditional zoning, such as is anticipated in this case, is enforceable under Berryville's Zoning Ordinance. Mr. Dalton and Town Council requested that the applicant require additional mowing adjacent to the trail system and other open-space areas to inhibit invasive species and pests and serve to deter wildlife interaction with users. Mr. Mazzarino asked what type of surface was anticipated for the trails and Mr. Dondero and Mr. McElhaney responded that asphalt is anticipated in upland areas and a soft-surface in flood prone areas. In response to general Council discussion, Mr. Regan offered to investigate a provision for lighting and trash receptacles to support the walking trails.

The discussion returned to a review of the proposed design of the homes. Vice Mayor Gibson asked if the homes were built and then sold, and Mr. Regan responded that, typically, two model homes are built and then each buyer would have a pre-construction opportunity for customization. There are anticipated to be 12-15 styles available, based on variations of two to three "base" options. The average home is expected to be around 2500 sq feet in the western bay and 3200+ square feet in the eastern bay. Controls are in place to prevent excessive repetition, or "cookie cutter" homes.

Mayor Arnold recognized Mr. Dalton for additional questions. Mr. Dalton asked for a review of the landscaping buffer plan. Mr. McElhaney detailed that one street tree per lot is planned and that an approximately 44 ft wide mixed tree buffer will be planted around the historic Bel Voi house. Mr. Dalton asked if this would be possible with the planned utility force main that is anticipated and Mr. McElhaney responded in the affirmative. Mr. Dalton then requested the applicants discuss the viewshed from Route 7. Mr. McElhaney described the existing cut bank that screens the rear of the houses from view, but offered additional tree screening if the Town determines that the bank elevation is not sufficient.

Mr. Dondero noted that he expects to resolve the negotiations for a temporary construction entrance off of Cattlemans Lane before the Town Council's anticipated Public Hearing.

Mr. Dalton asked for clarification regarding existence of sufficient right-of-way to establish Black Twig as submitted. Mr. Dondero replied that the right-of-way was verified.

Upon invitation of Town Council, Mr. Dondero revisited the proposed sidewalk sections on Battletown Drive, highlighting the areas that would be installed as part of the development, the areas where sufficient right-of-way exists, and the three lot frontages near the intersection with Bel Voi Drive where additional right-of-way would be necessary to establish uninterrupted sidewalks. The proposal includes proffered funds to defray Town expenses if the Town decides to install sidewalks along Battletown Drive to connect the applicant's sidewalk with the sidewalk on E. Main Street.

Mr. Russell asked how the proffers were calculated. Mr. Dondero responded that they were developed by a third-party analyst. Parks and school's proffers are based on the Capital Improvement Program (CIP) and in consultation with Clarke County Public Schools.

No more questions were posed by staff or Council, so Mayor Arnold reviewed the anticipated schedule, to wit:

> During the July 14, 2026 regular Town Council meeting, Town Council is expected to set a Public Hearing for 7:00 p.m. at the September 8, 2026 meeting;
>
> Following the Public Hearing, the Town Council is expected to render their decision at either the September 8, 2026 meeting or October 13, 2026 meeting.

5. Closed Session
Vice Mayor Gibson moved to enter closed session at 5:07 p.m.

Motion to enter Closed Session
Vice Mayor Gibson moved that Council of the Town of Berryville enter into closed session in accordance with Section 2.2-3711.A.1 of the Virginia Code, to consider prospective candidates for employment and Section 2.2-3711.29 of the Virginia Code in order to discuss the award of a public contract involving the expenditure of public funds. Specifically, the Council will discuss the bids received for the Wastewater Treatment Bar Screen project. Motion passed by voice vote.

The Council reentered open session at 5:36 p.m.

Certification Motion
Mr. Steinmetz moved 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, THEREFORE, 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 by roll call:

Mr. Steinmetz	**Aye**
Mr. Perez	**Aye**
Mr. Mazzarino	**Aye**
Mr. Tibbens	**Absent**
Ms. Gibson	**Aye**
Mr. Arnold	**Aye**

6. Adjourn
The meeting was adjourned at 5:37 p.m. on a motion by Vice Mayor Gibson.

Outlook

Comments for today's meeting

From Ryan Tibbens <ryantibbens@yahoo.com>
Date Mon 6/29/2026 1:29 PM
To Keith Dalton <townmanager@berryvilleva.gov>; Brandel Kelsey <townclerk@berryvilleva.gov>

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Please include these comments in today's meeting, share them with the council, and include them in the minutes. Text me with questions. Thanks!

I apologize for missing today's work session. I had previous plans with my family. I also apologize for any typos or confusing expressions; I'm writing this on my phone from a campground without internet and phone service.

In regard to the proposed Battletown Run subdivision, I have a few thoughts I'd like to share for your consideration. Over the past few months, I have attended a meeting led by the Christopher Companies at Crums Church, two Planning Commission meetings on this rezoning request, and have spoken to multiple people in town, including neighbors of the Friant property. I am far from drawing any final conclusions or making any decisions, but I do have a short list of issues that may ultimately influence my final vote.

First, I think the easiest part of this discussion regards rezoning the industrial area to residential. I believe we should move forward with this change. It is already suggested in the Berryville Area Plan (BAP), does not have needed access to Cattleman's Lane for commercial or industrial purposes, and would create significant traffic disruption if trucks were to be routed through Battletown Drive.

Second, the most challenging question about this proposed rezoning, to me, is traffic and pedestrian safety. If this or any proposed development is to move forward on the Friant property, I believe a sidewalk connecting the neighborhood to Main Street is essential. Current residents frequently walk along the streets and are worried about losing the ability to walk safely. While the sidewalk may pose challenges with easements/etc., it would be the best way to maintain some of the neighborhood's current status and climate. Ideally, this sidewalk would be constructed before major construction on the Friant property to preserve current residents' safe outdoor recreation while construction traffic picks up.

I am also concerned about the connection via Black Twig. While a second way in and out of these neighborhoods seems preferable, the appearance of the new road and impact on neighboring properties, including the immediate neighbors and Audley Farms' land, mustard be considered. I am

still unclear on the appearance of the necessary retaining walls and how they will affect neighbors' viewsheds and property values.

I have a few other questions and ideas that would be better shared via an in-person discussion, primarily related to Table 12, slope, and yield in the BAP, so I'll save those for another time. Ultimately, I think we must accept that, sooner or later, something will be built on this property, and there is already by-right development available, so arguments against any change or new construction, while sincere, may also be unrealistic. Our goal should be to guide any development or rezoning based upon long-term outcomes and, as much as is reasonable, adherence to the Berryville Area Plan and town's comprehensive plan.

I look forward to continuing this discussion and apologize again for my absence.

Best,

Ryan Tibbens
Berryville Town Council
Representative, Ward 4

Yahoo Mail: Search, Organize, Conquer

Town of Berryville

Town Council

MOTION TO ENTER CLOSED SESSION

Date: June 29, 2026

MOTION BY: Vice Mayor Erecka Gibson

I move that the Council of the Town of Berryville enter closed session in accordance with §2.2-3711.3 of the Code of Virginia to discuss the award of a public contract involving the expenditure of public funds, where discussion in open session would adversely affect the bargaining position or negotiating strategy of the Town. Specifically, the Council will discuss its approach to the acquisition of a water treatment membrane system.

VOTE:

Aye: 5

Nay: Ø

Absent: Tibbens

Abstain: Ø

ATTEST

_____

Erecka Gibson, Vice Mayor

Town Council

Motion

CLOSED SESSION RESOLUTION

DATE: June 29, 2026

MOTION BY: William Steinmetz

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: 5

NAY: Ø

ABSENT: Tibbens

ABSTAIN: Ø

ATTEST:

_____

Erecka Gibson, Vice Mayor

Town Council Report
14 July 2026

Item Title
Pedestrian Bridge in Rose Hill Park

Prepared By
Jean Petti

General Information
The pedestrian bridge in Rose Hill Park does not meet ADA requirements and requires replacement.

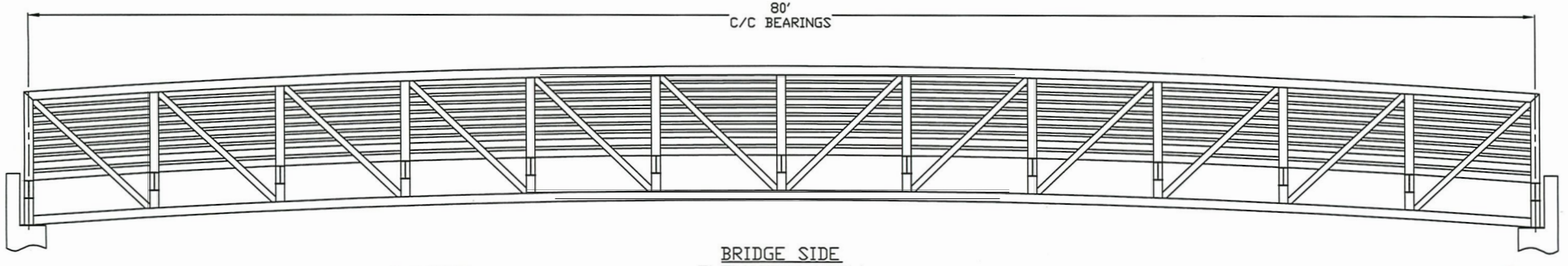
Councilman Tibbens has collected two quotes for a replacement bridge of prefabricated truss construction. Staff has solicited quotes from five additional vendors and received two responses. Although prices are variable based on length, a replacement bridge of this type is expected to cost between $25,000 and $35,000, plus site preparation and associated work.

Current Findings

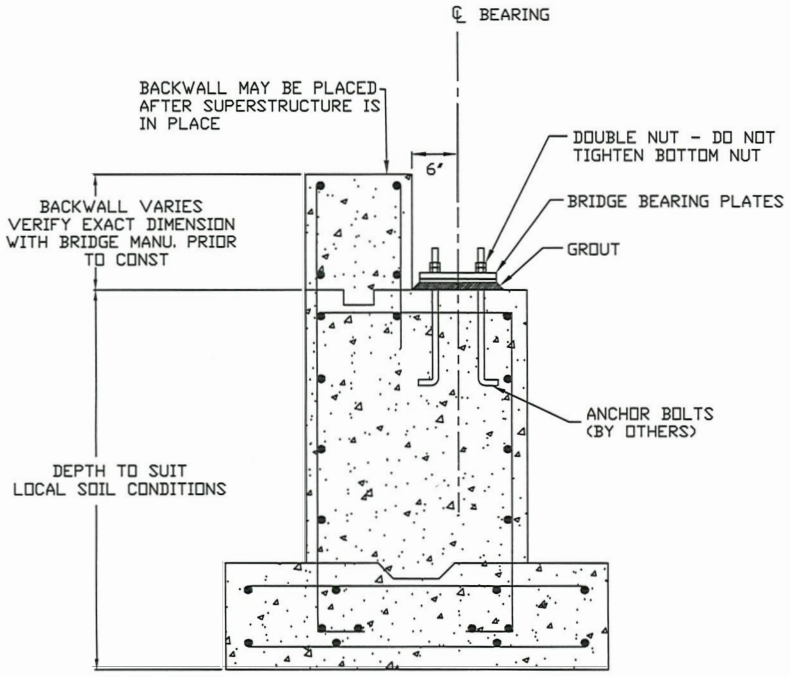
	Dimensions	Cost	Availability	Warranty
Option A- concrete floor with ADA railings	8’ x 20’	$25,756, inc. shipping	18-20 weeks	10 years
Option B- decking with ADA railings	8’ x 24’	$26,786, inc. shipping	12 weeks	1 year
Option C-composite decking with ADA railings	8’ x 20’	$25,525, approx. $3000 freight	8 weeks	5 years
Option D- composite decking or grating with ADA railings	8’ x 24’	$26,830 inc. shipping	12 weeks	15 years

Attachments
1. Estimated costs
2. Bridge Option A
3. Bridge Option B
4. Bridge Option C
5. Bridge Option D

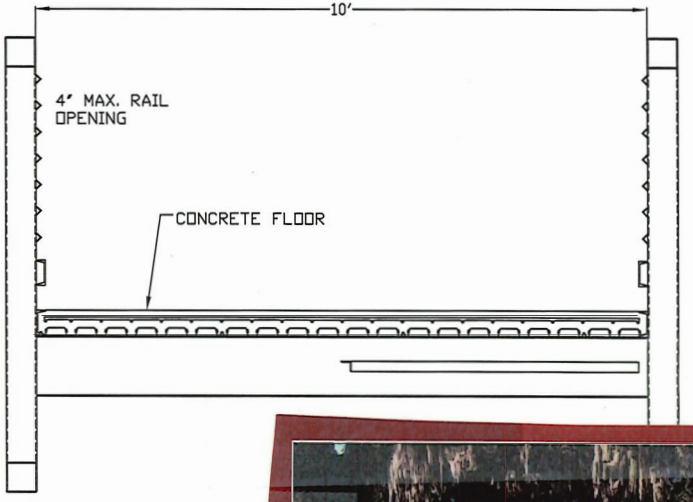
Sample Motion
I move that the Council of the Town of Berryville select bridge Option ***[A, B, C or D]*** and authorize the Town Manager to proceed with final design adjustments, purchase, and installation.



BRIDGE SIDE
ELEVATION VIEW



TYPICAL ABUTMENT CROSS SECTION
ABUTMENT TO BE DESIGNED BY OTHERS



OPTION A



OPTION A

Outlook

Re: New Message (sent by contact form at Pioneer Bridges - Pedestrian & Vehicular Prefabricated Steel Truss Bridges)

From sdempsey@pioneerbridges.com <sdempsey@pioneerbridges.com>
Date Wed 6/24/2026 4:19 PM
To Jean Petti <deputytownmanager@berryvilleva.gov>
Cc sdempsey@pioneerbridges.com <sdempsey@pioneerbridges.com>

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Jean,

Thank you for your inquiry. The budget pricing for the bridge is below. I included a 6' wide and an 8' wide option. The scope and exclusions are listed as well.

Please let me know if you have any further questions.

This bridge(s) will be fabricated from atmospheric corrosion resistant weathering steel.
The floor will be a galvanized composite floor deck (concrete & rebar by others).
Shop drawings stamped by a professional engineer registered in the state of NC will be provided.

Location: Berryville, North Carolina		
Style:	Trailblazer	Trailblazer
Width:	6'-0"	8'-0"
Span:	20'-0"	20'-0"
Finish:	Weathering	Weathering
Floor:	6" NW Concrete	6" NW Concrete
Number of pieces:	1	1
Design Criteria:	AASHTO	AASHTO
Live Load (psf):	90	90
Dead Load (psf):	96	90
Vehicle Load (kips):	5	10
Lifting Weight (lbs)*:	4,352	4,798

OPTION A

Vert. Reaction (kips)*:	11.2	17.2
Horiz. Reaction (kips)*:	2.0	2.0
Truss Height (feet):	5.43	5.43
Railing Height:	54"	54"
Safety Rails:	Pickets	Pickets
Rail Opening:	4"	4"
Bridge cost delivered	$23,453	$25,756

Quote valid through addendum # n/a

Delivery: 18 to 20 weeks (delivery schedule subject to backlog at time of drawing approval).

Bridge(s) will be delivered to the nearest site easily accessible to over-the-road trucks.

Not included: Sales tax, unloading, erection, supports, bonding, anchor bolts and abutment designs.

Terms: 1/3 down, net 30 days after delivery (pending credit approval) This quote is per our standard

terms and conditions and is good for 30 days. Please call if you have any questions.

On 06/12/2026 12:48 PM EDT deputytownmanager@berryvilleva.gov <sales@pioneerbridges.com> wrote:

Name: Jean Petti
E-Mail: deputytownmanager@berryvilleva.gov
Phone: 5409551099
Subject: Pedestrian Bridge Quote

Message: The Town of Berryville is seeking a pedestrian bridge installation, 5-8 feet wide and 20 feet long. The bridge must be ADA compliant and durable for installation in a flood plain. It will span a waterway that is approximately 9' wide with a channel of 2.5' depth.

Date: May 26, 2026 OPTION B

Project: 24'L x 8'W Pedestrian Creek Crossing Bridge, Town of Berryville, VA

Scope: **Design & Manufacturing** - *Bridge erection and full turnkey installation services can be provided*

Contact: Ted Harris

This proposal outlines Bridge Brothers' complete scope of work for the above-referenced project and is valid for thirty (30) days from the date of issuance.

Our scope includes the structural engineering, manufacturing, and delivery of the bridge system in accordance with the specifications and applicable engineering standards defined herein.

Any items not expressly included in this proposal are excluded and may be incorporated upon request through a formal Change Order.

Structural Engineering:

- Single PE Stamped Design & Calculation Package by one PE
- Bridge Design and Member Size is Based on Bridge Brothers Stamped Design

Bridge Manufacturing (Excludes Sales Tax): $26,786

- Qty (1) 8' wide x 24' long Prefabricated Steel Truss Bridge
- Finish: Weathering Steel
- Configuration: Pratt Truss
    - Member sizes & connections to be determined in design
    - Abutment backwall height is 24"
- Decking: 2x8, #1 PT Southern Yellow Pine Wood (installed at the factory)
- 42" High Hand-Railings w/Horizontal Safety Mid-Rails
- Standard Steel Bearing Plates w/UHMW Setting Pads and Anchor Bolts
- Pedestrian live load: 90 PSF
- Vehicle loading: 5,000 lbs. light vehicles

Freight is included to the project site (F.O.B. origin) - Berryville, VA

- Shipping configuration is preliminary and subject to change based on final design, permitting, and logistics requirements. The freight cost is included in the bridge price above.
- This bridge will be shipped assembled on 1-truck and the customer is responsible for unloading the bridge.
- The estimated total bridge weight (steel structure only) is 4,145 lbs.

Estimated Project Schedule - Swift Engineering Team

- **Structural Design Package**
    - 2 - 3 weeks first submission from signed contract
        - Additional submissions will require additional time
- **Bridge Manufacturing and Freight**
    - 8 - 9 weeks from the Date of Approved Drawings

- Varies by Scope and Qty of Structures
- Delivery may vary due to mill lead times

OPTION B

OPTIONAL: Annual bridge inspection and maintenance services available: **5,000**

- **Inspection and cost is paid on annual basis**
- **Terms and Conditions apply**

If you have any follow-up questions in relation to this proposal or require additional information, please feel free to contact us at the following:

Ted Harris

C: 864.704.2894

P: 866.258.3401

harrisbridgebrothers.com



Picture of a Pratt truss bridge with weathering steel finish, 42" high hand-railings, and 2x PT SYP wood decking. We have options for painted finishes or galvanized steel finish as well, along with composite decking.

OPTION B

Terms & Conditions

This proposal is subject to Bridge Brothers' standard Terms and Conditions. If not previously executed, please allow up to ten (10) business days for review and execution.

Payment Terms

- Deposit required to initiate engineering services
- Progress payment due upon approval of engineering submittals
- Progress payment due upon completion of fabrication
- All Change Orders must be approved and paid prior to shipment

---

Delivery & Freight

- Delivery is made F.O.B. origin, with freight included to a truck-accessible project location
- Customer is responsible for site access, including accommodations for oversized or permitted loads
- Delivery will be made as close to the site as conditions safely allow; drivers are not required to leave hard-surface roads
- Unloading, staging, and handling are by others at the customer's expense
- Standard unloading time is two (2) hours per truck; additional time will result in demurrage or standby charges
- Any costs resulting from restricted access, special handling, rescheduling, or delays beyond Bridge Brothers' control are the responsibility of the customer
- Risk of loss transfers upon delivery to the carrier (shipment point)

Exclusions & Clarifications

OPTION B

- Any items not expressly included in this proposal are excluded
- Additional scope will be addressed through formal Change Orders
- Sales tax is excluded and will be applied per governing jurisdiction unless exemption documentation is provided
- Costs associated with increased insurance requirements will be billed as a Change Order
- Scour design and protection are excluded unless specifically noted
- Pricing is subject to adjustment for material and freight escalation prior to contract execution
- Any inspection beyond standard visual QA/QC is by others
- Project-specific compliance requirements not expressly included are excluded
- Union labor, prevailing wage, and related requirements are excluded unless specifically stated

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Limitation of Liability

- Bridge Brothers shall not be responsible for schedule impacts, delays, or any consequential or liquidated damages arising from factors outside of its control, including but not limited to engineering revisions, permitting, supply chain constraints, or site readiness.

OPTION C

Qty	Product / Description	Unit Price
1	**8'X20' \ 36" Handrail** • Trail Bridge 8'x20' • 2-Ton Load Capacity (4,000 lbs.) • Bridge weight approximately 1,300 lbs. • FRP Composite (maintenance-free) decking • Fully welded steel tube structure with black powder-coated finish • Arched Design with 36" handrails	**$25,525.00**
	Estimated Freight to Berrysville, VA	
		Subtotal
		Total

EXCLUSIONS:

- Sales Tax, If applicable.
- Bridge installations

NOTES:

- This quote is good for 30 days.
- See General Terms and Conditions
- Please sign below and email to trey.williams@roadrunnerbridge.com

OPTION C

8'X20' \ 36" Handrail



General Terms and Conditions

Delivery:
Delivery of goods shall be F.O.B. Greenville, Texas, unless otherwise specified.

SHIPPING; FREIGHT; ESCALATION; RISK OF LOSS:

Freight Responsibility
Buyer shall be solely responsible for all costs and expenses associated with transportation of the Products from Seller's facility to the delivery destination, including without limitation freight charges, fuel surcharges, accessorial charges, permits, escorts, rigging, detention, layover, redelivery, reconsignment, storage, demurrage, and any other transportation-related charges (collectively, "Freight Costs").

Freight Estimates Non-Binding
Any freight amount stated in a proposal, quotation, order acknowledgment, invoice, or other document is an estimate only, based on rates available at the time such document was issued. Freight markets are volatile and subject to fluctuation. Seller does not guarantee any estimated Freight Costs.

Freight Rate Escalation
Buyer expressly acknowledges and agrees that Buyer bears the full risk of any increase in Freight Costs occurring between (a) the date of Seller's proposal or quotation and (b) the actual shipment date. Any increase in Freight Costs shall be the sole responsibility of Buyer and shall be payable in addition to any previously estimated freight amount.
Seller shall have no obligation to absorb or offset any increase in Freight Costs for any reason, including but not limited to carrier rate changes, fuel price increases, capacity shortages, regulatory changes, weather events, delays in production, Buyer-requested shipment deferrals, or force majeure events.

Handling, Loading, and Securement Fee
All Freight Costs shall be invoiced to Buyer at actual cost plus twenty percent (20%). The additional twenty percent

OPTION C

(20%) represents compensation for Seller's loading, strapping, securement, coordination, documentation, administrative handling, and logistics services.

Payment as Condition of Shipment

Seller may require full prepayment of estimated Freight Costs, including the twenty percent (20%) handling fee, prior to shipment. If actual Freight Costs exceed the prepaid estimate, Seller may withhold shipment until Buyer pays the additional amount due. Any underpayment shall be immediately due upon invoice.

Risk of Loss; F.O.B. Origin

All Products are sold F.O.B. Seller's facility. Title to and risk of loss of the Products transfer to Buyer upon loading onto the carrier at Seller's facility, regardless of whether Seller assists in arranging transportation. Buyer assumes all responsibility for loss, damage, or delay occurring in transit.

Warranty:

Roadrunner Bridge offers a ***five (5) year warranty for manufactured defects only*** *after delivery date to customer.*

Payment:

50% down payment due upon receipt of order. 50% due upon shipment, Payment can be made via check, cashier's check, wire transfer or ACH. All checks must be made payable to Roadrunner Bridge. Third party financing is available. Fees will apply if using a credit card form of payment.

Cancellation:

Cancellation without liability of this proposal after acceptance by the Buyer can be made only with the Seller agreeing in writing. The charge for cancellation shall be 30% of the total order.

Indemnity:

Buyer agrees, to the maximum extent permitted by law, to indemnify, defend, and hold harmless Roadrunner Bridge and its employees, agents, representatives, shareholders, directors, officers, members, managers and insurers (collectively "Indemnitee"), against and from all alleged or actual liability, claims, demands, liens, and damages of any nature whatsoever (collectively "Claim"), for the death of or injury to any employee or agent of Roadrunner Bridge to the extent caused by or resulting from the negligence of Buyer or any employee, agent or subcontractor of Buyer.

Governing Law / Arbitration:

This contract shall be governed by and construed in accordance with the laws of the State of Texas, USA. Any dispute, controversy, or claim arising out of or relating to this contract of sale shall be resolved exclusively by binding arbitration conducted in Hunt County, Texas, and administered by the American Arbitration Association pursuant to its Commercial Arbitration Rules.

Taxes, Duty, and Permits:

Items are subject to sales tax. Sales, Use, Excise, Occupational tax or any other Federal, State or Municipal tax, Duty or Permit Fees are not (unless otherwise stated) included in this proposal price. The Buyer hereby assumes and agrees to pay and/or reimburse the Seller for any of the above taxes, assessments or fees arising out of this transaction.



QUOTE / CONTRACT: 2275
PROJECT: 24-ft X 8-ft FRP Pedestrian Truss Kit

OPTION D

CLIENT:
Jean Petti
Town of Berryville
101 Chalmers Court, Suite A, Berryville, VA
deputytownmanager@berryvilleva.gov

Arete Structures, LLC is pleased to provide the following quote for the fabrication and delivery of the below listed fiber reinforced polymer (FRP) pedestrian bridge kit. Arete Structures is a small veteran owned business. Strongwell Corp. manufactures all our FRP materials and is ISO 9001 certified. Strongwell has been manufacturing pultruded products since 1956 and bridge components since 2001.

Note: Due to current disruptions in the national and global supply chains, prices are subject to change if this contract, the down payment and the signed general arrangements are not returned to us in less than 30 days of the date listed above.

DESIGN SPECIFICATIONS:

- Allowable Stress Design Method (ASD) _____ Safety Factor of 3
- Pedestrian Live Load _____ 85 PSF
- Wind Load _____ 35 PSF
- Snow Load _____ 40 PSF

BRIDGE STRUCTURE SPECIFICATIONS:

- Bridge Design _____ Fiberglass Truss Design
- FRP Structural Shapes _____ Strongwell EXTREN® 500 Series
- End of Bridge _____ Straight-Ends or Sloped-Ends
- Rail Height _____ 42-in Min. Rail Height
- Truss Hardware _____ Hot-Dipped Galvanized ASTM A307 Steel Hardware
- Standard Color _____ Olive Green

Any other color request after receipt of signed proposal will void this contract & require a requote

- Bridge Width is Measured at the Deck Level (see Figure on 2nd Page)
- Positive CNC Fabricated Mechanical Camber
- Aluminum Angle Mounting Clips (For Abutment Attachment)
- Decking Options ***(choose from additional options table, choices below)***:
  - FRP Decking – 24-in Wide, 2" High Safplank FRP Non-Skid Decking
  - Timber – Nominal 3-in x 12-in #1 Pressure-Treated Southern Yellow Pine Wood Decking
  - Heavy Duty FRP Dyna Plank, 1.88" Deep, 10 ½" Wide, Dark Grey Grit
  - FRP Pultruded Grating -I4000, 1-in High Non-Skid Premium FRP Grating
  - FRP Molded Grating -Mini Mesh, 1.5-in High Non-Skid FRP Grating

Initial:

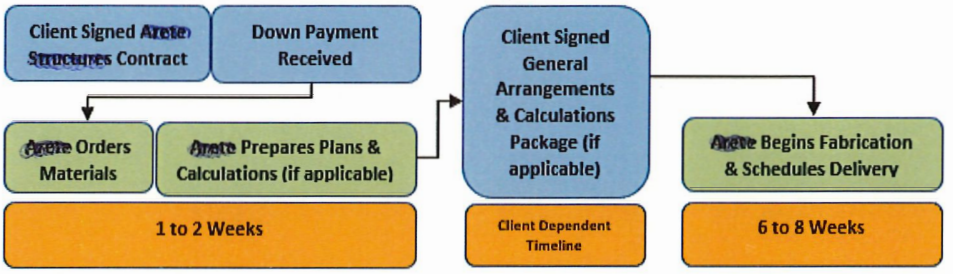
OPTION D

- Horizontal Safety FRP Mid-Rails ***(choose from additional options table, choices below)***:
  - Max. 4-in Opening
  - Max. 6-in Opening
  - No Railing - Customer Supplied

FABRICATION AND DELIVERY:

- Fabrication begins once client has:
  - Signed Arete Structures Contract & Provided 40% Down Payment
  - Signed Copy of the General Arrangements & Calculation Package (if applicable)
- The bridge kit(s) will be delivered ten to twelve weeks after the above steps have been completed.
- The field assembly plans will be delivered via email prior to delivery of bridge kit(s).
- The delivery driver will contact the project manager two (2) days in advance of delivery.
- The bridge kit(s) will be delivered to an address which is accessible to a full-sized tractor trailer.
- If the customer is not ready to receive the bridge kit(s) within 2 weeks of project completion, a monthly storage fee of $250 per bridge will be billed monthly.
- Delivery may be delayed or rescheduled due to the occurrence of unforeseen situations that may arise and be out of our control.

Schedule of Events



PRICE:

(1) FRP Truss Bridge Kit *without Decking & Mid-Rails*: 24-ft Long X 8-ft Wide **$ 20,360**

(2) Delivery to: Berryville, VA **$ 1,700**

	Additional Options	Additional Cost	Initial to Accept Option
DECKING	FRP Safplank Interlocking Decking w/ hardware (24" wide planks)	N/A	
	Timber Decking No. 1 Treated Southern Yellow Pine (3" x 12") w/ hardware (For Equestrian & Vehicle Loading)	$1,960	
	Heavy Duty Dyna Plank, 1.88" Deep, 10 ½" Wide, Dark Grey Grit (For Vehicle Loading)	$4,530	
	FRP Molded Grating -Mini Mesh, 1.5-in High (Light Vehicle- 5,000 lbs)	N/A	
	FRP Pultruded Grating -I4000, 1-in High (Light Vehicle- 5,000 lbs)	N/A	
RAIL	Horizontal Safety FRP Mid-Rails - Max. 4-in Opening	$1,710	
	Horizontal Safety FRP Mid-Rails - Max. 6-in Opening	$1,420	
	Sloped End Sections	$1,260	
	Rail Height – 54-in Minimum (Recommended for Equestrian)	$340	
OTHER	Gray, Flame Retardant Additive (EXTREN 525 Series FRP)	$2,920	
	Stainless Steel Hardware	$3,060	
	Arete Applied Paint for Custom Color (Tnemec 1095 Polyurethane)	$5,160	
	Arete Applied Paint for Custom Color (Tnemec 1070 Fluoropolymer)	$7,990	
	Safety Factor of 4 (per AASHTO)	$880	
	Calculation Package	$ 1,500	
	Stamped Plans	INCLUDED	

Delivery To:	

Total Amount: $ _____

(Sum of lines 1 & 2 and additional options requested)

If paid by credit card, an additional 3% convenience fee shall be added to the above total. Add 6.75% Sales Tax if bridge is located in NC.

Signature to Accept: _____

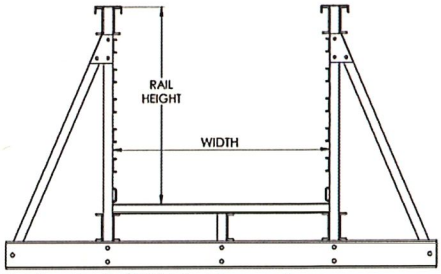
OPTION D



Safplank Interlocking Decking



FRP Premium Grading



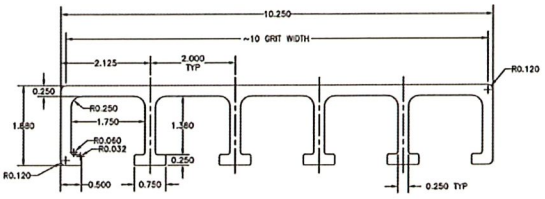
Bridge Rail /Width Dimensions



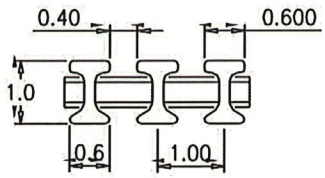
Southern Yellow Pine Decking

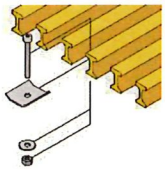


FRP Bridge with Sloped End Sections
& Customer Supplied Timber Horizontal Rails

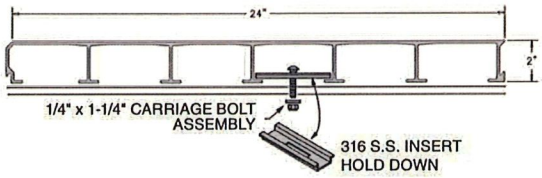


Heavy Duty Dyna Plank

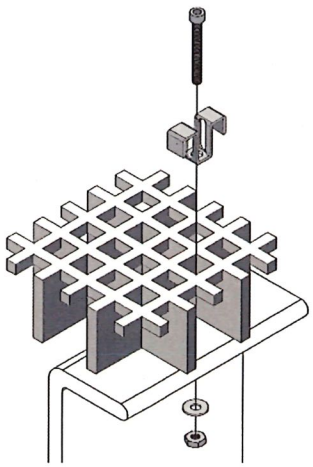




Profile FRP Grating -I4000 1-in High Non-Skid
Premium FRP Grating



Profile FRP Interlocking Decking – 24-in Wide
Safplank FRP Non-Skid Decking



FRP Molded Grating -Mini Mesh (1/2" Opening)
1.5-in High Non-Skid FRP Grating

Initial:

OPTION D

TERMS & CONDITIONS:

40% payment due upon order and 60% due within 7 days of bridge ship date. Quote is valid for 30 days.

To order, customer shall return this signed Quote within 30 days of the date on page 1. Arete Structures will schedule fabrication upon receipt of the signed and approved general arrangement drawings. Lead-times are approximately ten to twelve weeks from receipt of signed and approved drawings and 40% down payment. Lead-times may be subject to material availability. A purchase order will be accepted once this quote letter has been signed, dated, and returned. A final payment invoice of 60% will be issued upon shipment of the bridge, this final payment is due within 7 days. If client fails to make payment within 7 days after receipt of invoice, interest at an annual rate of 18% shall accrue.

Upon delivery the client shall sign off on Bill of lading. In the event that parts are requested after delivery and customer bill of lading sign off, charges for the requested hardware and delivery will be changed to the client.

ASSUMPTIONS:

These costs **DO NOT** include the following items:

- Permitting
- Anchor Bolts and design of anchor bolts
- Any Local, State, or Federal Sales Tax
- Construction Oversight and/or Inspection
- Site survey, Site Visits, or Geotechnical Evaluations
- Unloading, Assembly, & Installation of the Prefabricated Bridge Kit
- The Design, Construction, and Material for the Abutments or Bridge Approach
- Arete Structures is a bridge supplier of prefabricated bridge kits. Arete Structures is not a sub-contractor, nor is it licensed or insured to provided construction services. Arete Structures will not be party to sub-contractor agreements.
- Arete Structures will not sign or enter into Interim Release or other legal forms other than this contract.

All engineering services are contracted to and provided by Arete Engineers, PLLC or another licensed engineering firm.

WARRANTY:

Arete Structures, LLC / Strongwell Corporation warrants the structural integrity of the fiber reinforced polymer components and the Goods, and any manufactured components by Strongwell will be free from Structural defects in material or workmanship for the warranty period of 15 years. The foregoing warranty shall not apply if the Goods have been subject to improper storage, accident, misuse, or unauthorized modifications or alterations, or have not been installed, operated, and maintained in accordance with the procedures approved by Arete Structures, LLC or to any components manufactured by the customer or a third party not approved by Arete Structures, LLC.

Thank you for the opportunity to provide this quote. Please feel free to contact me with any questions regarding the contents of this quote at (828) 284-0666 or john@aretestructures.com.

Sincerely,

John Mauney

Arete Structures, LLC

Proposal Acceptance:

Please sign, date, and initial all pages of this quote and return to Arete Structures, LLC to serve as the legally binding contract for the product(s) listed above. By signing this document, you agree to the Terms and Condition and Pricing set forth above.

Signature	Please Print	Date

Town Council Report
14 July 2026

Item Title
Special Event Regulations

Prepared By
Jean Petti

Background/History/General Information
Large events create additional pressure on police for traffic control and emergency response. Staff requests guidance on accommodating requests for large events in Rose Hill Park.

Findings/Current Activity
A public hearing before Town Council in April 2026 generated several comments that opposed revision to current fee structure or supported waiving all fees.

Community Development Committee met in May and again in June to review current regulations for special events in Rose Hill Park. Staff was requested to research maximum capacity and present a revision with police presence charged per 500 attendees, lower than the current per 1000 but higher than the April proposal of per 250 attendees, except for events where alcohol is available. The list of recognized Community Events was updated, as were insurance requirements.

A call to the State Fire Marshall revealed that there is no applicable fire code. Clarke County Building Department did not identify any applicable building code. Thus, any maximum capacity would need to consider square footage, evacuation routes, sanitation, and parking.

Occupant Load = Usable Area ÷ Occupant Load Factor

North side of Town Run: 1,742 people = 17,424 sq ft (0.4 ac) ÷ 10
South side of Town Run: 5,140 people = 51,400 sq ft (1.18 ac) ÷ 10

Common Occupant Load Factors	
Standing crowd/concert	5-7 sq ft per person
Festival with movement	10-15 sq ft per person
Picnic/recreation lawn	50-150 sq ft per person
Passive park use	200-400 sq ft per person

Egress Capacity = Exit width x flow rate

North side of Town Run (2 exits): 9 ft x 60 people = 540 people/minute or 3.23 minutes evacuation
South side of Town run (2 paths, 2 roads): 32 ft x 60 people = 1,920 people/minute or 2.68 minutes evacuation

A target evacuation rate of approximately 3 minutes was found in several instances during research, so the rate on the north side of Town run is slightly above that desired. The planned bridge improvement would reduce this, potentially balancing the two side of the park and bringing the overall to 3 minutes.

Typical pedestrian flow rates	
Level walkways	60-82 persons/minutes/foot of width
Stairs	45-60 persons/minute/foot
Non-ADA walkways	Count as zero (so these calculations will not include the bridge as a potential exit)

Restroom availability

Virginia Administrative Code 12VAC5-610-980 requires one toilet facility per 100 attendees.

Parking Constraints

Typical assumption is 2.5-3 persons per vehicle unless public transportation is available or the event is drawing from local residents. There are approximately 200 metered and unmetered public parking spaces in Berryville, along Church Street, Main Street, Crow Street, or within the municipal lots on Crow Street, S. Church Street, and the BCCGC. The following calculations would assume that each of the public parking spaces would be occupied by an attendee and none would be reserved for downtown business or residential parking.

200 spaces x 2.8 people = 560 people accommodated
200 spaces x 5 people = 1000 people (if average seating across all vehicle types is 5)

Attachments

1. Redline of proposed Special Event Regulations

Sample motion

I move that the Town of Berryville set a public hearing for 7:00 p.m., or as soon after as this matter may be heard, on Tuesday, September 8, 2026 to consider revisions to Regulations for Special Events and Demonstrations.

Regulations for Special Events and Demonstrations

~~06/01/2023~~ 07/14/2026

Document may not be fully ADA Compliant due to redlines, etc. The documents will be ADA Compliant in their final form. If you have any questions or need any help with a specific document, please reach out to the Town Clerk at townclerk@berryvilleva.gov.

The following document establishes guidelines concerning processes associated with events and demonstrations conducted on public property. These guidelines and processes reference existing ordinances of the Town of Berryville, State Code, Planning and Zoning Ordinances of the Town of Berryville and Clarke County Building Department Regulations.

Table of Contents

Contents

Table of Contents 2
I. Purpose 1
II. Organizations and Town Departments Affected 1
III. Policy 1
A. Definitions 1
B. Permit Requirements 3
C. Permit Applications 3
D. Permit Processing 5
1. Permit Applications 5
2. Priority of Use. 5
3. Permit Application Fees. 5
4. Requests for Information. 5
5. Grounds for Rejecting or Revoking a Permit 6
6. Modifying or Placing Conditions or Limits on Permit Grants. 7
7. Notice of Decision 7
8. Permit revocation 8
9. Appeals 8
E. Permit Conditions and Limits. 8
1. Excluded Areas and Prohibited Items 8
2. Street Closings 9
3. No Impediments to Public Access. 10
4. Limited Duration. 10
5. Time of Day Restrictions. 10
6. Sound Amplification 10
7. Sales or Distribution of Merchandise/Information 10
8. Food and Beverage Sales. 11
9. Signs and Banners. 12
10. Advertising. 12
11. Temporary Structures. 12
12. Sanitation and Garbage. 13
13. Electricity. 13
14. Fireworks Displays; Open Flame. 13

15. Public Safety Personnel. 14
16. Facilities Charges. 16
17. Carnivals and Circuses 16
18. Other Conditions and Limits. 16
F. Insurance or Other Liability Contract....17
G. Information Collection. 19
H. Community Events. 19
APPENDIX A 21
Special Events and Demonstrations Fee Schedule....21
APPENDIX B....23
Special Events Forms 23

I. Purpose

To establish procedures and standards governing the use of public property by non-Town organizations and individuals for the purpose of conducting events. To ensure the preservation of public convenience in the use of Town streets and outdoor areas, the preservation of public order and safety, and the defraying of administrative expenses associated with certain types of uses.

To protect the right of persons and groups to organize and participate in peaceful assemblies to express their political, social, religious, or other views on Town streets, sidewalks, other public ways, parks, and other public lands, subject to reasonable restrictions designed to protect public safety, persons, and property. To accommodate the interest of persons not participating in such assemblies to use Town streets, sidewalks, and other public ways to travel to their intended destinations~~;~~, Town park for recreational purposes~~;~~ and other Town lands for their intended purposes.

II. Organizations and Town Departments Affected

The Town Manager, directly or through the Town Clerk, shall manage the scheduling of events on Town-owned property. The ~~Town Planning Department, Police, Public Works,~~ Virginia Department of Transportation (VDOT), John H. Enders Fire & Rescue, ~~and~~ Clarke County Fire & Rescue, and the Town's departments of Community Development, Police, and Public Works shall have an opportunity to review event applications and propose reasonable time, place, and manner modifications thereto and conditions thereon in keeping with these ordinances and the purposes stated in section I above.

III. Policy

A. Definitions

"Advertising" and "advertisement" shall mean anything containing any words, symbols, pictures, and/or logos directing attention to any business or to any commodity or service for sale to the public; excluding, however: (i) a price sign, a sign or logo identifying the name of a vendor and item being sold by that vendor when such signs are located within an area specifically delineated as part of an event and the vendor holds a valid permit, (ii) a sign or logo naming the sponsor(s) of an event, and (iii) stands or vehicles with semi-permanent or permanently installed signs if being used for authorized recreational activities or events.

"Commercial activity" means performing services or providing goods that can normally be obtained from private enterprise.

"Community event" shall mean events designated by Town Council or Town Manager as "community events" from time to time.

"Demonstration" shall refer to non-commercial expressions protected by the First Amendment of the United States Constitution (such as picketing, political marches, speechmaking, vigils, walks, etc.) conducted on public property, the conduct of which has the effect, intent, or propensity to draw a crowd of onlookers. This term does not include casual activity by persons which does not have the intent or propensity to attract a crowd of onlookers.

"Event" may refer to a demonstration, community event or a special event, or to demonstrations,

community events, and special events, collectively.

"Events Liaison" means the Town Clerk, or another person designated by the Town Manager.

"Open burning and open fire" have the same meaning as set forth in the Berryville Town Code § 6-1.

"Open flame" means fire whose flame is supported by wick, oil, or other slow-burning means to sustain itself. "Open flame" includes but is not limited to, flame-producing devices such as candles, torches, and juggling or other fire artist equipment, provided, however, that "open burning and open fire" and "open flame" shall not include handheld candles when used for ceremonial purposes and not held or used in an intimidating, threatening, dangerous, or harmful manner.

"Person" shall mean and include any individual, corporation, Limited Liability Company, partnership, limited partnership, association, company, business, non-profit company, trust, joint venture, or other legal entity.

"Prohibited items" shall mean (i) all items prohibited by law from being held, carried, displayed, worn or otherwise used in public, (ii) items banned from public or park lands, (iii) any BB guns, pellet guns, air rifles or pistols, paintball guns, pellet guns, nun chucks, tasers, stun guns, heavy gauge metal chains, lengths of lumber or wood, poles, bricks, rocks, metal beverage or food cans or containers, glass bottles, axes, axe handles, hatchets, ice picks, acidic or caustic materials, hazardous, flammable, or combustible liquids, dogs (except service dogs), skateboards, swords, knives, daggers, razor blades or other sharp items, metal pipes, pepper or bear spray, mace, aerosol sprays, catapults, wrist rockets, bats, sticks, clubs, drones, explosives, fireworks, open fire or open flames, or other item considered an "implement of riot", (iv) any items capable of inflicting bodily harm when these items are held or used in an intimidating, threatening, dangerous, or harmful manner, and (v) law enforcement or military-like uniforms or uniform-like clothing, badges, insignia, shields, hats, helmets, masks, equipment and other items that when held, carried, displayed or worn tend to suggest or imply that the wearer is a current member of law enforcement, the military, a private militia, or other public safety organization, such as a fire department or emergency medical services agency.

"Special event" shall refer to sports events, pageants, celebrations, historical reenactments, circuses, carnivals, music festivals, and other entertainments, exhibitions, dramatic presentations, fairs, festivals, races (i.e., runs/walks), block parties, parades, and other, similar activities, conducted on public property, which (i) are not demonstrations, and (ii) are engaged in by 25 or more persons. The term "special event" shall be construed to include a community event or private organization celebration held in or on Town-owned property and attended by more than 25 people. The term "special event" shall *exclude* gatherings of ten or more people in a park for general recreational or sports activities.

"Sponsor" shall mean the person (as defined above) or persons who sign, or whose authorized representative(s) sign, an application for an event permit and who will be responsible under the permit, if issued, for ensuring that the event will be conducted in accordance with these regulations. Where a purported sponsor is not a legal entity, the sponsor shall be the individual(s) signing the permit application.

"Streets" shall mean public streets, sidewalks, walkways, alleys, lanes, and highways in the Town.

"Structure" shall mean and include props and displays (such as, but not limited to: crates, crosses, theaters, cages, and statues); furniture and furnishings (such as desks, chairs, tables, bookcases cabinets, platforms, podiums, and lecterns); shelters (such as tents, boxes, inflatables, booths, and other

enclosures); wagons and carts; and all other similar types of property which might tend to harm Town land or street areas, including aesthetic interests.

B. Permit Requirements

1. Events may be held only pursuant to a permit issued by the Town Manager, with the following exceptions: events involving fewer than 25 persons where no space is requested to be reserved, or demonstrations which occur without prior planning or announcement for the purpose of an immediate and spontaneous response to a news-worthy occurrence. These may take place without a permit if (i) it is otherwise a lawful assembly conducted in accordance with the regulations set forth herein, (ii) the group will not unreasonably interfere with other events scheduled or taking place concurrently, (iii) the event does not block streets or access to Town property, and (iv) the event does not pose a threat to public safety. Without limitation of the foregoing, demonstrations taking place in response to a news-worthy occurrence more than 48 hours after such news-worthy occurrence will not qualify as spontaneous demonstrations even without prior planning or announcement, and sponsors of events outside this window must apply for and receive a permit for an event expected to draw 25 or more persons.

2. Wherever these regulations specify that a particular use or activity may be conducted only pursuant to a permit, such permit shall be required in order for that use or activity to be lawful.

C. Permit Applications

1. Permit applications may be obtained from the Events Liaison. Inquiries regarding use of Rose Hill Park may also be directed to the Events Liaison.

2. Applications for permits shall be submitted by the event sponsor in writing on a form provided by the Town so as to be received by the Events Liaison at least (i) thirty (30) business days in advance of any event if not requiring street closure, removal of parking, or provision of public safety personnel, or (ii) sixty (60) business days in advance of any event if requiring street closure, removal of parking, or provision of public safety personnel. These periods may be reduced by the Town Manager with respect to demonstrations only if, upon consultation with the Police Chief, Fire Chief or other appropriate public safety officials, the size and nature of the proposed demonstration will not reasonably require commitment of Town resources or personnel in excess of that which are normally available or which can reasonably be made available within the necessary time period, and review of the permit by all appropriate personnel for the purposes contemplated by these ordinances is feasible within the necessary time period. In all cases, sponsors are encouraged to submit requests for permits as far in advance of any event as possible but not to exceed 12 months in the case of enumerated Community Events and 6 months for all other events ~~6 months~~. A permit may be denied if, taking into account the size and nature of the proposed event, the Town Manager does not have sufficient time to evaluate the proposed event's potential impact upon public safety, persons, and property, and the interests of persons not participating in the event being able to use Town streets, sidewalks, and other public ways to travel to their intended destinations, Town parks for recreational purposes, and other Town lands for their intended purposes is not compromised.

a. Each application shall specify (i) the name, address and telephone number of a contact person

for the sponsor, (ii) the nature of the event, (iii) the date when the event is to be conducted, (iv) the times when the event is to begin and end, and the approximate times when assembly for, and disbanding of, the event are to take place, (v) the location(s) of the event and any assembling or disbanding areas, as well as any related stands or other structures to be used in the event, (vi) the approximate number of persons, animals, and vehicles that will participate in the event, (vii) whether the sponsor will invite, publicize, or advertise the event to groups and other persons that the sponsor does not directly represent, (viii) a description of the types of animals, the types of vehicles to be used, the number of bands and other musical units and sound trucks to be used, and the number, type, and size of banners, placards, and signs to be used, (ix) the number of persons who will be designated by the sponsor to monitor the event, and (x) any other information required by these regulations. The sponsor must disclose in an application whether the sponsor requests permission for a prohibited item to be used during a demonstration due to its expressive or symbolic quality relevant to the subject matter of the demonstration, including without limitation symbolic weapons, open flames, or other similar items. If the permit grant includes the right to carry or display a prohibited item, such item must be carried or displayed in strict accordance with the terms of the permit and must otherwise at all times conform to applicable law.

b. Any permit granted will be based on the information provided in the application being and remaining complete, accurate, and not having any material omissions regarding the nature of the event, any structures or items to be used during the event, or any activities to be conducted during an event, which information constitutes conditions and limits on the event. Sponsor will notify the Town as soon as practicable if any information in the application is no longer complete or accurate, and provide a revised application containing the updated information. The Town will promptly review the revised application and notify the sponsor whether the permit will stand or be revoked, modified, or subject to additional conditions or limits. The sponsor will be responsible for notifying the anticipated attendees of any applicable conditions and limits placed on an event and any relevant subject matter of these regulations directly applicable to their conduct at an event, such as the list of prohibited items and the allotted time and location for an event and its initial staging and dispersal.

c. Each application must be accompanied by all required fees and deposits and signed by all sponsors responsible for the event unless, with respect to an application for a demonstration only, the sponsor claims in the application a bona fide financial hardship and the sponsor demonstrates to the Town Manager by reasonable evidence that the monetary obligations imposed by these regulations on the event would render the sponsor not reasonably able to conduct the demonstration. Accordingly, the Town Manager shall waive, in whole or in part, compliance with the monetary and indemnification obligations imposed by these ordinances to the extent necessary to enable the sponsor to conduct the demonstration.

d. If applicable, the sponsor of (i) an event at which at least 500 people will or may be expected to attend or (ii) a special event for which admission fees will be charged, shall provide the Town with the location and number(s) of people who attended the past three events staged by the sponsor or other principals. This will assist Town officials and public safety personnel in planning for any services that may be necessary in connection with the event.

e. Clarke County Building Department permits are required for tents that are greater than 900 square feet in size.

D. Permit Processing

1. Permit Applications.

Permit applications for events will be processed in order of receipt of completed applications, including any applicable fees or charges. However, the application of a sponsor who applies for a hardship fee waiver or reduction will not be considered incomplete due to non-payment of any fees or charges unless and until a determination is made that any fees or charges are due and owing from the sponsor and the due date for the fee has passed without receipt of payment. Unless otherwise provided by these regulations, no applications shall be accepted more than six months prior to the proposed date of an event; this restriction shall not apply to community events which routinely repeat on an annual basis. Upon receipt of a permit application, the Events Liaison shall promptly deliver a copy of such application to Town Manager, Police Chief, Director of Public Works, Community Development Director, and any other Town officials whom the Town Manager may, from time to time, designate as reasonably necessary to receive and review permit applications. Such officials shall promptly deliver to the Town Manager their recommendations with respect to granting or denying the requested permit, or any modifications, conditions, or limits which should be placed upon issuance of the permit.

2. Priority of Use.

Community events shall have priority of use of the particular street or Town land specified in section H of these regulations, and those areas shall be deemed reserved unless released in writing by the sponsor. Other events may be allowed in areas which have been reserved for a community event if they do not materially interfere with the community event and the community event sponsor consents.

3. Permit Application Fees.

An application fee shall be paid by the sponsor of every proposed event for which a permit is required. See Appendix A for the amount of the fee. If a permit is denied or revoked, the application fee will not be refunded.

4. Requests for Information.

Before or after permit issuance, the Town Manager or his or her designee may request from the sponsor such additional information with respect to a proposed event as reasonably deemed necessary for evaluating the proposed event's compliance with these regulations and the impact of the proposed event upon public safety, persons, and property, and the interests of persons not participating in the event being able to use Town streets, sidewalks, and other public ways to travel to their intended destinations, Town parks for recreational purposes, and other Town lands for their intended purposes. This may include a meeting with the Town Manager and Town of Berryville staff. The sponsor's failure to timely provide such additional information constitutes grounds for the denial of a permit request or the modification, conditioning, or limiting of a permit.

5. Grounds for Rejecting or Revoking a Permit.

A permit may be denied, conditioned, revoked, or limited by the Town Manager upon the following grounds:

a. Receipt of Multiple Requests: a fully executed application for the same time and place has been previously received, reserving a location for an event or activity which does not reasonably permit

multiple events in the same area;

b. Impact on Public Safety: if it reasonably appears that the proposed event will present a threat to public safety or health or would be unlawful due to its nature, location, anticipated number of attendees, or other factors. This includes, without limitation, where a permit or license required by the Health Department or the Virginia Department of Alcoholic Beverage Control has not been obtained;

~~b.~~c. Inadequate Town Staff: if staffing levels of the Town of Berryville are inadequate to prepare for and/or support an event;

~~c.~~d. Incompatible Use: the proposed event is of such a nature or duration that it cannot reasonably be accommodated in the intended space, would be inconsistent or incompatible with the purpose(s) for which the area is normally used, or with other uses of the area;

~~d.~~e. Failure to Meet Conditions: the application proposes activities contrary to one or more of the purposes, conditions, or limits specified within these regulations;

~~e.~~f. No Responsible Person: there is no person authorized to sign an application on behalf of the sponsor applying for a permit and/or there is no person willing or able, as demonstrated to the Town Manager by reasonable evidence, to accept responsibility for and perform the sponsor's obligations set forth in these regulations, including without limitation, the sponsor's indemnification obligations;

~~f.~~g. In the case of a proposed special event: the proposed special event cannot be accommodated within a reasonable allocation of Town funds and/or resources, considering the event's public appeal and the anticipated participation of the general public therein;

~~g.~~h. Failure of the Event to be Consistent with the Application: The Town Manager reasonably determines at any time following consultation with the Police Chief or other appropriate Town officials that any material information set forth in the permit application is or has become incorrect or misleading. In this case, the permit must be revoked, modified, conditioned, or limited consistent with these regulations; and/or

~~h.~~i. Prohibited Items: Prohibited items are not allowed at events, and an event permit will be denied or revoked if at any time it appears that prohibited items will be used, or are being used, during an event and the Town has not granted special permission in the permit covering such use. It will not be grounds for rejection of a permit that a sponsor wishes event attendees to carry or use a prohibited item in an expressive or symbolic way, including without limitation: a symbolic weapon, open flame or other similar item, provided that all attendees must be licensed to carry such weapons if required by law and the use of such items must be otherwise lawful; and further provided that the event sponsor pays for any additional police, fire, and emergency medical personnel required to maintain public safety in accordance with these regulations. If any prohibited item for which special permission has been received is held or used during the demonstration in an intimidating, threatening, dangerous, or harmful manner, such use will be unlawful and the permit's allowance of such use shall be automatically revoked. The person

responsible for the unlawful use of the item will be directed by law enforcement to leave the demonstration area, and any person refusing to do so shall be subject to arrest for trespassing.

Nothing in these regulations shall prohibit a disabled person from carrying, possessing, or using a wheelchair, cane, walker, or similar device necessary for providing mobility so that the person may participate in a permitted event.

Nothing in these regulations shall prohibit certified law enforcement officers or other public safety officials acting in their official capacity from carrying or possessing materials, weapons, and / or devices used in the performance of law enforcement duties.

6. Modifying or Placing Conditions or Limits on Permit Grants.

A permit may be modified or its grant may be conditioned or limited by the Town Manager where necessary to meet the requirements of these regulations or to further their purposes. Such conditions and limits may include, for example: requiring the event to be relocated to an alternative venue if doing so provides for safe accommodation of the number of anticipated attendees or type of event; provided however, that Town Manager shall take into account whether the alternative venue is suitable for communicating the content of the demonstration. The Town reserves the right to limit the number of persons allowed at events on the basis of the location or nature of the event and to require that the sponsor provide a certain number of individuals, who may be volunteers within sponsor's organization, to act as crowd managers to assist with ensuring that the assembly is and remains lawful and in compliance with these regulations and liaising with Town officials prior to and during the event.

7. Notice of Decision

a. Applicants shall be notified of the Town's approval or denial of a permit for an event as soon as reasonably practicable after the date on which the application was received. The Town may also issue approval of a permit for an event conditioned upon the sponsor's accepting modifications, conditions, or limits imposed on the event consistent with these regulations.

b. Unless denied or modified within 10 business days following the acknowledged submission of a completed permit application, or within thirty (30) business days if the event requires a street closure, removal of parking, or provision of public safety personnel, all requests for demonstration permits shall be deemed granted, subject to the conditions and limits set forth in the permit and these regulations, as long as the area proposed for the demonstration had not been reserved by another person prior to the date on which the permit would be deemed granted in accordance with this section.

c. All denials or conditional approvals of demonstration permits shall include a reasonably detailed description of the reason for the denials or the modifications, conditions, or limits, and specific instructions for how an appeal of the denial or conditional approval can be submitted to the Town Manager.

8. Permit revocation

a. An issued permit for an event may be revoked by the Town Manager or designee upon: a finding of a violation or a reasonably anticipated violation of any rule, ordinance, law, regulation and/or condition or limit of the permit; or inadequate Town staff to prepare for or support the event; or a

finding that a permit application was not complete or accurate or had a material omission of fact when granted; or a finding that the information in the permit application has become or is reasonably likely to become incomplete, inaccurate, or to contain a material omission. Immediately upon such a revocation, the Town Manager or designee shall send a written notice to the sponsor at the sponsor's address in the permit application, specifying the reason for the revocation. Written notice requirements may also be satisfied by virtue of electronic transmissions via e-mail ~~or fax~~.

b. During the conduct of an event, a permit may be revoked by the ranking police officer, fire marshal, or other public safety supervisory official in charge if the event is unlawful, prohibited items are being used, an imminent likelihood of violence or other threat to public safety endangering persons or threatening to cause significant property damage exists, or if the Town, County, or Commonwealth has declared either a state of emergency or an unlawful assembly covering the area in which such demonstration is being or will be held. Upon such revocation, the sponsor and the other sponsor attendants shall require sponsors and attendees to disperse.

c. When a permit has been granted or is deemed to have been granted pursuant to these regulations, the Town Manager may revoke, modify, condition, or limit the permit for any reason for which it could have been denied, modified, conditioned, or limited originally.

d. All revocations of demonstration permits shall include a reasonably detailed description of the reason for the revocation and specific instructions for how an appeal of the revocation can be taken and shall be served personally or by certified mail, with a copy sent by ~~fax or~~ e-mail at the sponsor's request.

9. Appeals

a. Except for permits revoked during demonstrations, an appeal of the denial, conditional approval, or revocation of a demonstration permit must be made to the Town Manager in writing, and shall include a statement of the basis for the objection to the denial, conditional approval, or revocation.

b. The Town Manager shall make a decision on appeal expeditiously and, if practicable, at least three (3) business days prior to the date the demonstration is planned to commence, and shall explain in writing the reasons for the decision.

E. Permit Conditions and Limits.

1. Events in Rose Hill Park are limited to 1,000 attendees.

~~1.~~2. Excluded Areas and Prohibited Items

No events that charge an admission fee or offer goods or services will be permitted in Rose Hill Park.

Prohibited items are excluded from all events.

~~2.~~3. Street Closings

a. No street may be closed for any event, unless done so pursuant to: a street closure permit applied for by the event sponsor and issued by the Town Manager pursuant to sec. 10-7 of the Town Code; a VDOT land use permit for streets within Town maintained by VDOT. No such permit shall be granted unless the Town Manager or Chief of Police determines that such closure is reasonably required due to the location of the event and:

1) Such closing is necessary because the event will impede or pose a reasonable risk of harm to traffic and/or pedestrian travel, or if not strictly necessary, such a closing would not be unduly detrimental to public safety and convenience; and,
2) If the street in question is an extension of the state highway system, adequate provision shall be made to detour through traffic during the event (VA Code 15.2-2013); and
3) The sponsor permitted to use public right(s)-of-way will furnish a public liability and property damage insurance contract as required by VA Code §15.2-2013 and these regulations.

b. No street may be closed for an event except on a temporary basis not to exceed 10 hours in duration.

c. Even if not requested by a sponsor, if the circumstances of a proposed event are such that a street closing is necessitated because the event will likely impede or pose a threat to vehicular or pedestrian travel, the Town will require a permit and a street closing in connection with the event and all applicable fees, and may require that the event be held at an alternate site where the event is not likely to impede or pose a threat to vehicular or pedestrian travel, if such a site is available.

d. Upon approval of a street closure~~closing~~, the sponsor shall be issued a street closure permit by the Town Manager. This permit shall be displayed in a prominent place during the event.

e. During the conduct of an event, the sponsor of that event shall comply immediately with the lawful request of any police officer, firefighter, rescue service person, or Town employee to move any structure or persons from a street which has been closed in connection with that event.

f. Notwithstanding any of these provisions, the Town Manager may close any street for a neighborhood-based gathering when (i) one block or less is to be closed, (ii) there is an alternative for all traffic, (iii) reasonable notice of the closure is given by posting signs at either end of the block, and (iv) the Town Manager believes that there are no safety concerns. In these cases, no permit is required and applicants shall be referred to the Town Clerk for street closure permits.

~~3.~~4. No Impediments to Public Access.

During any street closure, all Town ordinances and State statutes limiting the use or obstruction of fire lanes, access to Fire Department fire suppression system connections and fire hydrants, emergency routes, and pedestrian walkways must be observed at all times. No person(s) or group(s) participating in an event shall block building entrances to or exits, nor shall such person(s) or group(s) interfere with the use of buildings, parks, or facilities by non-participating persons for their ordinary purposes.

~~4.~~5. Limited Duration.

No event shall be authorized for a duration in excess of two (2) days and no street closing shall be authorized for a duration in excess of ten (10) hours. Provided, however, that the stated period

may be extended upon request no later than 24 hours prior to the expiration of the then-authorized duration for demonstration only, up to one (1) day unless another application has requested use of the particular area and said application precludes double occupancy.

~~5.~~6. Time of Day Restrictions.

No event shall be permitted in any Town park during hours that the park is otherwise closed to the public.

~~6.~~7. Sound Amplification.

1. The Town Manager may approve a request in the permit application for the use of sound amplification equipment in connection with the permitted event, in accordance with exemptions to noise ordinance violations enumerated in Chapter 11 of the Code of the Town of Berryville. The Town Manager may reasonably limit the sound amplification equipment so that it will not unreasonably disturb nonparticipating persons in or in the vicinity of the area of an event and/or so that it will not unreasonably interfere with the conduct of another event or an outdoor business enterprise in the vicinity or area.

2. No amplified sound shall be generated by or in connection with an event between the hours of 10:00 p.m. and 09:00 a.m.

~~7.~~8. Sales or Distribution of Merchandise/Information

a. When the sale or display of merchandise, or the distribution or display of educational, informational or other materials (including the distribution of non-commercial printed materials) is to be done in or upon Town streets or parks with the aid of a table, stand, or structure, no such table, stand, or structure shall exceed 4 ft. x 4 ft. or 2 ft. x 8 ft.

b. Whether or not a permit is required, the sale, display, or distribution of merchandise or other materials and the solicitation of contributions or donations is prohibited in the following areas: (1) any location that would impede access to the entrance of any adjacent building or driveway; (2) any location such that the sale or distribution activity would occupy more than half the available sidewalk width, or four feet of sidewalk width, whichever is less; (3) within 10 feet of a fire hydrant, ~~a public telephone,~~ a fire escape, the driveway of a fire or police station, or a loading zone; (4) within the portion of any street intended for the use of motor vehicles which has not been temporarily closed for or in connection with the demonstration or special event; (5) if done with the aid of a table, stand, or structure within any area reserved by a permit issued for an event, if the sponsor of the event has not consented to the presence of the table, stand, or structure; and/or (6) upon the lands or within the structures of Rose Hill Park.

c. Persons or organizations engaged in the sale, display, or distribution of written or printed materials and/or the solicitation of donations or contributions shall not obstruct or impede pedestrians or vehicles, harass park visitors or attendees of any event, misrepresent the purposes or affiliations of those engaged in the activity, or misrepresent whether written or printed materials being distributed are available without cost or donation.

d. No sales or distribution activity may be conducted after 10:00 p.m., except in connection with a

community event.

~~8.~~9. Food and Beverage Sales.

a. All sales and/or other provision of food and/or beverages must be done in accordance with all licenses, permits, and approvals required by law, including those required by the Health Department, the Department of Alcoholic Beverage Control, and the Town Treasurer. If all required licenses and/or permits have not been provided to the Town, the application or permit may be denied or revoked.

b. The sponsor shall provide the Town with a diagram identifying the size and location of any tables, stands, food trucks, mobile food units, or other structures to be used for or in connection with the sale of food and beverages. There shall be no sales or distribution of food or beverages in any of the following locations: (1) any location that would impede access to the entrance of a building or driveway; (2) any location such that the sale or distribution activity would occupy more than half the available sidewalk width or four feet of sidewalk width, whichever is less; (3) within 10 feet of a fire hydrant, ~~a public telephone,~~ a fire escape, the driveway of a fire or police station, or a loading zone (unless the loading zone is located in a street temporarily closed in connection with the event); and/or (4) within the portion of any street intended for the use of motor vehicles which has not been temporarily closed for or in connection with the event.

c. Any person selling or otherwise providing food and/or beverages during an event or community event within an area reserved pursuant to the permit must do so with the consent of the sponsor and must have all licenses, permits, and approvals required by law. The sponsor controls vendors only within the area designated for the event or community event.

d. There shall be no sale or other provision of food or beverages at any event after 10:00 p.m.

e. In accordance with the Deed of Gift for the lands of Rose Hill Park, no food and/or beverages may be offered for sale; however, food and/or beverages excluding those containing alcohol and in accordance with all other regulations set forth in this section may be provided free of charge by the sponsor to event attendees.

~~9.~~10. Signs and Banners.

The use of signs and banners in or upon the Town's streets is prohibited for, or in connection with, any event except:

a. Signs hand-carried by an individual are allowed up to 3 feet by 5 feet in size. If, during an event, signs interfere with the public safety personnel's ability to conduct their duties due to the signs' size or use by persons, such signs can be restricted or banned from the event.

b. Signs are allowed on or within any table, stand, or other structure at which food, beverages, or merchandise is being sold, or at which non-commercial printed material is being distributed, as long as sign is no larger than two (2) square feet in area and contains no advertising or advertisement.

c. Signs that are attached permanently or semi-permanently to stands or vehicles being used for or in connection with authorized recreational activities or events are allowed.

~~10.~~11. Advertising.

Advertising/advertisement by the use of banners, billboards, signs, markers, audio devices, or any other means whatsoever is prohibited in or upon Town streets, sidewalks, and parks for or in connection with any event. (VA Code 15.2-2013).

~~11.~~12. Temporary Structures.

The erection, placement, or use of structures of any kind is prohibited, except:

a. Temporary structures may be permitted when notice to the Town Manager is provided contemporaneously with the permit application. Examples of temporary structures that may be permitted are as follows: structures erected for the purpose of symbolizing a message, first aid facilities, lost child alerts, and/or shelter for electrical or other sensitive equipment.

b. Structures that are being hand-carried are allowed as part of a demonstration.

c. Structures that are permitted pursuant to other sections of these regulations are allowed.

d. When allowed: (1) structures are not permitted on sidewalk(s) unless they meet the size criteria described in section (8~~7~~)a of these regulations; (2) structures must be erected in such a manner so as not to unreasonably harm park or other public area resources, and the sponsor of the event must agree to remove such structures as soon as practicable after the conclusion of the permitted demonstration or special event; (3) structures must be capable of being removed upon 10 hours' notice and without permanent damage to Town lands (with the sponsor being responsible for any non-*de minimis* costs of remedying any damage arising out of such removal), and shall be secured in such a manner so as not to interfere unreasonably with use of any park area by other permittees authorized under this section; (4) structures shall not be attached to or fashioned in any way that would damage trees or other existing structures on public lands; and (5) the sponsor must comply with all other regulations concerning temporary structures and required permits as established by the Berryville Planning Department and Clarke County Building Department.

e. The Town Manager may impose other restrictions upon the use of temporary structures in the interest of protecting park or other public areas and/or traffic and public safety considerations.

~~12.~~13. Sanitation and Garbage.

a. Garbage, trash, rubbish, litter, or any other waste material or waste liquid generated on public property during an event shall be removed from the area by the sponsor of the event or deposited in receptacles provided for that purpose. The improper disposal of such waste is prohibited.

b. The sponsor of every event shall be required to pay a ~~fee~~ deposit for cleanup costs, in the amount specified in Appendix A. This fee must be paid in advance. If actual cleanup costs incurred by the Town exceed the amount of the Cleanup Deposit, the sponsor will be billed by the Town for the excess.

c. A sponsor of any event must arrange for one public restroom facility per 100 attendees, as required by Virginia Administrative Code 12VAC5-610-980. ~~such public restroom facilities as may be required by the Health Department~~. The Town shall bear no responsibility for the cost of

providing such facilities, and it shall be the sponsor's obligation to provide documentation to the Town Manager that all restroom facilities required by the Health Department have been arranged. Failure to provide documentation of Health Department approvals prior to an event shall be grounds for denial or revocation of a permit

~~13.~~14. Electricity.

Sponsors in community events may have the use of Town electrical outlets as needed. Sponsors may be required to pay an electricity fee in advance based upon anticipated electricity needs for the event. Attendees in events may not use ~~of~~ Town electrical outlets.

~~14.~~15. Fireworks Displays; Open Flame.

Persons desiring to conduct a pyrotechnic display of fireworks on streets or public lands must obtain approval from the State Fire Marshall's Office. Persons desiring to use open burning or open flame on streets or public lands must obtain a permit from the Town as required by sec. 6-1 (Open burning; generally) of the Town Code. Fires upon the lands of Rose Hill Park are prohibited with the exception of fires within grills located in the park designed for the preparation of foods or in conjunction with special ceremonies approved by the Town Manager. (Berryville Town Code sec. 13-36(i). The Chief of Police, in consultation with the Clarke County Director of Fire and EMS, may withhold approval of such permit if its issuance would result in the violation of a Town ordinance or it might jeopardize public health, safety, or welfare.

~~15.~~16. Public Safety Personnel.

a. No permit will be granted for an event unless adequate security will be available for the welfare and safety of those attending the event and of the general public. Determination of public safety personal staffing levels will be made by the Town Manager upon consultation with Police Chief, Clarke County Director of Fire and EMS, or other appropriate public safety official(s).

1) General Requirements.

A) Minimum Required Security Officers:

~~1) For open events where alcohol is served or offered for sale and admission is not restricted by tickets, fees, or otherwise, the sponsor must pay the cost of one police officer to staff the event, regardless of minimum attendance. When attendance exceeds or is expected to exceed 100 people, the sponsor must pay the cost of one police officer for every 100 (or any portion thereof) additional people attending or expected to attend.~~

~~2)~~1) For ~~closed~~ events where alcohol is served or offered for sale and attendance is expected to exceed 250 people, the sponsor must pay the cost of two police officers, one to staff the event and one traffic/parking control officer, per every 250 attendees. ~~and admission is restricted by tickets, fees, or otherwise, the sponsor must pay the cost of two police officers to staff the event, regardless of minimum attendance. When attendance exceeds or is expected to exceed 350 people, the sponsor must pay the cost of one police officer for every 350 (or any portion thereof) additional people attending or expected to attend.~~

~~3)~~2) For events at which no alcohol will be served or offered for sale, whether open or closed to the general public, and attendance exceeds or is expected to exceed 500 people, the sponsor must pay the cost of two police officers, one to staff the event and one traffic/parking control officer. ~~1000 people, the sponsor must pay the cost of one police officer to staff the event. The sponsor must pay the cost of one police officer for every 1,000 (or any portion thereof) additional people attending or expected to attend.~~

~~4)~~3) For marathons/races/walks, the sponsor must pay the cost of one police officer per hour of the race. The sponsor may be required to pay for additional police officers to staff the event if the Police Chief determines additional police officers to be necessary due to the geographic location of the proposed event, the time of day the event is scheduled, or other factors related to the safety of attendees or the general public and the efficient flow of traffic and pedestrian travel along the planned route of the event.

~~5) Additionally, for all events the sponsor shall be required to pay the cost of one traffic/parking control officer for every 1,000 people (or any portion thereof) attending the event.~~

~~6)~~4) Upon a determination by the Chief of Police that one or more police vehicles are necessary to assure safe and efficient police coverage of an event, the sponsor must pay a vehicle fee as specified in Appendix A for each required vehicle. A sponsor may request an estimate of the number of vehicles that may be required; however, if circumstances of the event require the assignment of additional vehicles, the sponsor will be responsible for fees for each vehicle actually deployed.

~~7)~~5) Upon a determination by the Clarke County Director of Fire and EMS that one or more fire and/or emergency medical services vehicles are necessary to ensure safe and efficient fire or emergency coverage of an event, the sponsor must pay a vehicle fee, as specified in Appendix A for each required vehicle. A sponsor may request an estimate of the number of vehicles that may be required; however, if circumstances of the event require the assignment of additional vehicles, the sponsor will be responsible for fees for each vehicle actually deployed.

~~8)~~6) Upon a determination by the Clarke County Director of Fire and EMS that one or more firefighters, fire officers, or emergency medical services providers are necessary to ensure safe and efficient fire and emergency coverage of an event, the Sponsor must pay the cost of those firefighters, fire officers, or emergency medical services providers. A Sponsor may request an estimate of the number of firefighters/officers that may be required; however, if circumstances of the event require the assignment of additional firefighters/officers, the sponsor will be responsible for fees for each vehicle actually deployed.

B) Fees and Charges: The fee(s) and charges associated with the above-stated police officer, firefighter, and emergency vehicle requirements are set in Appendix A. The costs charged to sponsors for required police, fire, and emergency personnel coverage will be the established hourly wage for overtime work for the officer(s) willing and available to cover

the event. In the event that the Town's actual cost of police, fire, and emergency personnel coverage exceeds the amount(s) collected in advance as deposits, the sponsor will be responsible for payment of this cost. Event sponsors may request additional police personnel for the event, to be paid in accordance with Appendix A.

C) When admission fees will be charged, the sponsor of an event shall provide at least two secure access gates at locations approved by the Town's Police Department. For events to which tickers are sold in advance, the sponsor shall, two days prior to the event and at any other time reasonably requested by the Town, advise the Town as to how many tickets have been sold as of the day of the report.

~~16.~~17. Facilities Charges.

The sponsor of an event to which an admission fee will be charged shall pay the Town a rental fee in the amount specified in Appendix A.

~~17.~~18. Carnivals and Circuses.

a. No circus, carnival, or other similar show shall publish or post in any way within the Town at any time within 15 days prior to the holding of such event within the Town, any advertising of the exhibition of the circus, carnival, or other similar show (VA Code 58.1-3728).

b. Any circus, carnival, or other, similar show shall obtain the license required by section 9-35 of the Town Code before commencing any activity.

c. The sponsor of the circus, carnival, etc. shall pay a fee, as specified on Exhibit A hereto, for the inspection of any amusement rides to be offered as part of the event, and shall pay the tent erection fee(s) required by regulations of the Clarke County Building Department.

~~18.~~19. Other Conditions and Limits.

A permit may contain additional conditions and limits as may be warranted by the nature of a particular event and are consistent with these regulations, in the interest of protecting park or other Town resources, the use of nearby areas by other persons, and other reasonable property and/or public safety concerns.

Sponsors who request the Town to provide special equipment or facilities (e.g., barricades and cones for street closings, tables, chairs, public address systems, fencing, etc.) will be charged a reasonable fee, security deposit, and rental. An estimate for these fees shall be provided to the sponsor following the sponsor's request for such items.

A permit for a demonstration may be subject only to reasonable time, place, and manner conditions or limits that: (i) are narrowly tailored to serve the Town's significant interest, and (ii) leave open ample alternative channels for communication of the content of the demonstration. No permit denials, revocations, or modifications, and no time, place, or manner conditions or limits imposed on a demonstration may be based on the content of the beliefs expressed or anticipated to be expressed during the demonstration or on factors such as the attire or appearance of persons participating or expected to participate in a demonstration, except to the extent involving unlawful or prohibited items, nor may such conditions or limits favor special events over demonstrations. The Town Manager

may impose such conditions or limits on a demonstration (i) during the permitting approval process or (ii) during the occurrence of a permitted demonstration if necessary. These limitations and/or conditions may be imposed to (i) ensure the demonstration meets the stated terms and purposes of these regulations, (ii) due to the occurrence of circumstances unrelated to the demonstration that were not anticipated at the time of approval and that were not caused by demonstration attendees, counter-protestors, or Town officials, or (iii) due to a determination by a public safety official that there exists an imminent likelihood of violence or other threat to public safety endangering persons or threatening to cause significant property damage.

F. Insurance or Other Liability Contract.

Prior to issuance of event permit, the Sponsor must provide the Town with an insurance certificate that verifies the insurance coverage required by these regulations.

1. The sponsor of an event shall furnish a general liability and property damage insurance contract insuring the Sponsor's liability for personal injury and death and damages to property resulting from its use of public property. This contract shall name the Town of Berryville as the certificate holder and as an additional insured. Please note that if the grounds of the Berryville-Clark County Government Center are the event site, then both the Town and County must be provided certificates.

2. The required general liability and property damage insurance shall be provided in an amount not less than $1,000,000, and the insurance policy shall name the Town (including its officers, officials, employees, and agents) as an additional insured party to the insurance contract. Failure to provide required insurance and reasonable documentation of the insurance~~,~~ will be grounds for denial and/or revocation of a permit.

~~**3.** If alcohol is to be served or sold in connection with the event, then the required insurance shall include a liquor liability rider with a minimum of $1,000,000 coverage.~~

~~**4.** If fireworks will be discharged, then a fireworks-specific liability rider with a minimum coverage of $1,000,000 must be provided.~~

3. Additional coverage(s) required:

a. If alcohol is served or sold in connection with the event, then in addition to other required coverage, the Town must be provided with a liquor liability rider with a minimum coverage of $1,000,000 per incident and a $2,000,000 cap.

b. If an inflatable bounce house or other similar attraction is to be sited on Town property in connection with the event, then in addition to other required coverage, the Town must be provided with additional liability coverage for this use with a minimum coverage of $1,000,000 per incident and a $2,000,000 cap. Such insurance will also include coverage for damage to rented premises with a minimum coverage of $1,000,000

c. If animal rides, a petting zoo, or the like is to occur or be sited on Town property in connection with the event, then in addition to other required coverage, then the Town must be provided with additional liability coverage for this use with a minimum coverage of $1,000,000 per incident and a $2,000,000 cap.

d. If fireworks will be discharged in connection with the event, then a fireworks-specific liability

rider with minimum coverage of $1,000,000 per incident and a $2,000,000 cap must be provided to the Town.

~~5.~~4. The insurance certificate must include a description of the event that corresponds with the permit application, i.e., electrical use, animals, bouncy house, etc.

~~6.~~5. This insurance requirement may be waived, in whole or in part, by the Town Manager for events that do not (i) pose a high level of liability risk to the Town or a material risk to public safety, and (ii) do not involve any inherently dangerous activity. A written request to waive or modify any insurance requirement must be made by the sponsor at the time a permit application is submitted. An approval or denial of the request will be made in writing to the event sponsor by the Town Manager.

~~7.~~6. For events held in Rose Hill Park with greater than 25 attendees and for which the Town Manager determines a special events permit is not required (i.e., a birthday party), the event sponsor must secure a low-cost Tenant User Liability Insurance Program (TULIP) through Virginia Risk Sharing Association (VRSA) at https://app.gatherguard.com/?f=4750.

~~8.~~7. The sponsor of an event for, or in connection with, which any type of royalty or royalties is required to be paid must agree to pay all such royalties (including, without limitation, any which may be due to ASCAP, SESAC, and BMI) and to indemnify and hold the Town harmless from and against any and all royalty payment sought from the Town.

G. Information Collection.

The information collected under these regulations will be used to provide notification to the Town Police, Town Department of Public Works, and local fire and rescue officials of the plans of sponsors of events in order to assist in the provision of security and logistical support.

H. Community Events.

Except as expressly stated, community events shall be conducted in accordance with all the conditions and limits on events as specified herein and be subject to all applicable fees, indemnifications, and deposits. The Town Council may reduce or waive fees charged to a community event. The following events are hereby named as Community events ~~include the following~~:

- Christmas Parade
- Christmas Tree Lighting and related events
- Memorial Day observances
- Veterans Day observances
- Juneteenth observances
- Clarke County High School Homecoming Parade
- National Night Out
- Music in the Park
- Clarke County Parks and Recreation Summer Concert Series
- The Big Flea
- The Cruise In
- Farmers Market

- ~~Farmers' Market~~

~~The Farmers' Market is held on the Rixey-Moore parking lot on Saturday mornings from April through October. The market is governed by a board and has its own set of regulations that have been reviewed by Town Council.~~

- ~~Music in the Park~~
- ~~Homecoming Parade~~
- ~~Christmas Parade~~
- ~~Summer Concert Series~~
- ~~National Night Out~~
- ~~Memorial Day Observance~~
- ~~Veterans Day Observance~~

APPENDIX A

Special Events and Demonstrations Fee Schedule

1	Event Permit Application Fee (pay upon application)	$25.00 (non-refundable)
2	Street Closure Fee (pay upon application)	$100.00 (non-refundable)
3	Gazebo Security Deposit (pay upon application)	$50.00

4. Public Space Rent (events to which entry is limited by tickets or admission fees)

0 – 1,000 attendees	$50.00
1,001 – 1,999 attendees	$100.00
2,000 – 2,999 attendees	$150.00
3,000 attendees and up	$500.00
$50.00 due with application.	Remainder of Public Space Rent to be submitted to the Town within five (5) calendar days following conclusion of the event, along with documentation of total ticket sales or attendance count. The Town may monitor attendance to verify attendance numbers.

5. Electricity Fee $50.00 Advance deposit

   Advance deposit covers first four (4) hours of use. Sponsor will be billed $10.00 per hour for each additional hour of actual usage.

6. "No Parking" Signs $1.00 per sign – Billed

7. Building Permit Fee (Tent) Contact Clarke County Building Department

8. Amusement Ride Inspections Contact Clarke County Building Department

9. Public Works Fee $100.00 Advance deposit

   Advance deposit covers first two (2) hours of labor associated with event. Sponsors will be billed $50.00 per hour for each additional hour of labor that is provided.

10. Public Safety Personnel ~~$50.00 per required officer, advance deposit (refundable up to 24 hours prior to event)~~

- *Hourly Rates*: The Sponsor will be billed the higher of: (i) $50.00 per hour, or (ii) the established hourly wage for overtime work.
- Deposit due with application. Refundable up to 24 hours prior to event.
- For ticketed events, where tickets are sold in advance an additional $50.00 deposit is required per required officer/technician, as calculated based on tickets sold as of 48 hours prior to the Event. The additional deposit is due 24 hours in advance of the Event.
- Sponsor will be billed per hour for each officer/technician actually utilized (based on police / fire / EMS estimates of actual attendance and/or circumstances of the event and based on the regular hourly rates or salaries for the police/fire/EMS personnel utilized).
- ~~*Hourly Rates*: The Sponsor will be billed the higher of: (i) $30.00 per hour, or (ii) the established hourly wage for overtime work, or (iii) the special event flat rate for FSLA exempt employees, as may apply for each of the particular officer(s)/technician(s) willing and available to cover the event, for each officer/technician actually utilized, plus an administrative fee in the amount of ten percent (10%) of the total billed amount.~~

11. Public Safety Vehicle Fee $25.00 per required vehicle – Billed

12. Cleanup Fee

- Closed Event (admission limited by tickets or fees) $300.00 Advance Deposit
  Refundable if event cancelled in advance

- Other Events $100.00 Advance Deposit
  Refundable if event cancelled in advance

13. Approval

The schedule of fees above was approved and adopted by action of the Town of Berryville Council on ~~October 8, 2019.~~

APPENDIX B

Special Events Forms

I. Special Event Permit Application

II. Town of Berryville Land Use Permit

III. Rules and Regulations Governing the Use of Rose Hill Park

Special Event Permit Application

FOR OFFICIAL USE ONLY
Organizational Status
___Non-Profit_____Commercial _Independent
Attachment Verification
___Maps _ Insurance_____ABC Permit
___Tent Permit _VDH Permit
___Road Closure Permits

Name of Event: _____

Activity type (Please select all that apply):

____Block Party ____Demonstration ____Other

____Parade ____Festival/Fair (please describe)

____Film Production ____Race/Walk _____

_____

Event Location Requested:

____Rose Hill Park ____Rixey-Moore Parking Lot ____Hogan's Alley

____Other _____

Group Requesting Event _____

Date of Event _____

Rain Date, if any _____

Time of Event _____

_____
Date Application Received

Organizer's Information (Representative to be present at event with approved permit available for inspection)

Primary Name_____Cell Phone _____

Address_____Work Phone _____

City_____State/Zip _____

Email_____Home Phone _____

Secondary Name_____Cell Phone _____

Address_____Work Phone _____

City_____State/Zip _____

Email_____Home Phone _____

Description of the Event (Please attach additional sheet if more space is needed)

_____

_____

_____

_____

Will the activity require the blocking of any surrounding public streets, driveways or entrances?

Yes_____No _____ If yes, please identify: _____

Event Hours

Set-Up Time_____Hours of Event_____Clean-Up Time _____

Anticipated Attendance

Participants_____Spectators_____Other _____

Name of Insurance Company: _____

Copy of Certificate of Insurance providing $1 million in general liability insurance is required. The Town of Berryville must be named as the certificate holder and as an additional insured. This amount may be increased or waived as deemed necessary by the Town Manager or their designee. Please note that alcohol, animals, and/or fireworks on site require additional insurance.

Will sound amplification devices be used? Yes_____No _____

If Yes, length of time: _____

Will the event require use of any parking lots for staging areas? Yes_____No _____

If Yes, please identify: _____

Will alcohol be served? Yes_____No _____

If Yes, all state laws and local ordinances must be followed. The organizer must obtain a Virginia ABC permit (http://www.abc.virginia.gov/) and is responsible for all required permits.

Will food be served? Yes_____No _____

If Yes, the organizer may be required to obtain a permit from the Virginia Department of Health (540/955-1033) and is responsible for all requisite permits.

Will any fees be charged in association with the event, admission, etc.?

Yes_____No_____If yes, amount to be charged _____

If Yes and the special event is to occur in Rose Hill Park, please note that a Fundraising Permit is required upon application for valid and duly-constituted non-profit organizations for the purpose of approved charitable, educational, cultural, and/or community-oriented projects and activities. Commercial activity is prohibited.

Will you have security on site? Yes_____No _____

If Yes, please identify who will be on site _____

Will weapons or firearms be present? Yes_____No _____

If Yes, please provide detail of activity _____

Will there be a parade? Yes_____No_____(If yes, please complete the following section)

VDOT and/or Town of Berryville Land Use Permit and fee are required.

Please identify parade route

_____

_____

Will there be vehicles in the parade? Yes_____No_____Number of vehicles anticipated_____

What time will staging occur? _____

Where will staging occur? _____

Will there be animals in the parade? Yes_____No _____

If Yes, what type and how many? _____

Will you need assistance from Fire & Rescue? Yes_____No _____

If Yes, please contact John H. Enders Fire & Rescue at 540/955-1110 at least ten (10) days prior to the event.

How many public restrooms will be provided and where will they be located? _____

_____

Will you be using any of the following? (Mark all that apply)

____Tents	____Tables	_____Portable Toilets
____Live Radio	____Signs	_____Electricity
____Banners	____Animals	

Please note: Architectural Review Board review and approval and Zoning Permits may be required for certain banners, signs and temporary structures.

Please supply a sketch of how the requested venue will be organized for the event below, or attach a map with this application.

Hold Harmless Agreement

_____(Legal name of business/organizer, exactly as it appears on Insurance Endorsement), shall defend and hold harmless, the Town, its officers, employees, agents, and representatives thereof, harmless from all suits, actions, claims of any kind, including attorney's fees, brought on account of any personal injuries, damages, or violation of rights sustained by any person or property in consequence of any neglect on behalf of_____(legal name of business/organizer) while their personal property is situated on Town Property.

_____(Legal name of business/organizer) shall further hold the Town harmless for any claims or amounts arising from violation of any law, bylaw, ordinance, regulation or decree.

Legal Name of Business/Organizer _____
(As it appears above)

By (signature): _____

Name (printed): _____

Title: _____

Address: _____

_____

Date: _____

++

For Office Use Only

Permit Approved_____ Denied _____

By: _____

Date: _____

Permit #_____

Special Event Permit # _____

Permission is hereby granted to _____
(Name of Organization/ Organizer)

for the use of the facilities identified in the attached application on _____
(Date)

from_____to_____.
(Time)

This permit is issued with the understanding that _____
(Name of Organizer)

shall accept responsibility for adherence to the Town of Berryville Special Events and Demonstrations Regulations, Ordinances of the Town of Berryville (Chapter 20- Parades and Demonstrations), and Ordinances of the Town of Berryville (§ 13-36 Regulation of Use and Conduct in Rose Hill Park) as well as to any special conditions which may be attached hereto.

Date _____ Signed _____
Town Manager

Special Fundraising Permit

Permission is further granted to the above-named organization for a fundraising event pursuant to the approved application for same dated_____.

Date _____ Signed _____
Town Manager

LAND USE PERMIT
LUP-A Land Use Permit Application

APPLICATION is hereby made for permit as shown on the accompanying plan or sketch and as described below. Said activity(s) will be done under and in accordance with the rules and regulations of the Council of the Town of Berryville, in so far as said rules are applicable thereto and any agreement between the parties herein before referred to. Where applicable agreements may be attached and made a part of the permit assembly including any cost responsibilities covering work under permit. Applicant agrees to maintain work in a manner as approved upon its completion. Applicant also hereby agrees and is bound and held responsible to the owner for any and all damages to any other installations already in place as a result of work covered by resulting permit. Applicants to whom permits are issued shall at all times indemnify and save harmless the Town of Berryville Council members, the Town and all Town employees, agents, and offices, from responsibility, damage, or liability arising from the exercise of the privileges granted in such permit to the extent allowed by law. In consideration of the issuance of a permit the applicant agrees to waive for itself, successors in interest or assigns any entitlements it may otherwise have or have hereafter under the Uniform Relocation and Assistant Act of 1972 as amended in event the Town or its successor, chooses to exercise its acknowledged right to demand or cause the removal of any or all fixtures, personality of whatever kind or description that may hereafter be located, should this application be approved.

Type or print clearly

Applicant Driver's license or Tax ID No. _____
Owner Name _____
Address _____
City_____State_____Zip Code_____

Contact Name _____
E-mail Address_____
Telephone Number (_)_____-_____Emergency Telephone Number (_)_____-_____Fax Number (__)__ _____- _____

Agent Driver's license or Tax ID No. _____
Agent Name _____
Address _____
City_____State_____Zip Code_____

Contact Name_____
E-mail Address_____
Telephone Number (_____)_____- _____
Emergency Telephone Number (_____)___-_____Fax Number (_____)_____-_____

Permit Term Requested_____Fees Enclosed $_____Check Number _____
Money Order_____Other_____Estimated cost of work to be performed on Town of Berryville Right of Way $_____

Surety Information: **Surety Posted by: Owner ☐ Agent ☐** **Surety Refund to: Owner ☐ Agent ☐** **Surety Waived ☐**
Amount of Surety $_____Obligation Amount $_____Check # _____
Surety Company Name_____Bond #_____

☐ **LUP-CS CASH SURETY AFFIDAVIT PROVIDED FOR CASH SURETY**

Applicant has provided proof of the following requirements in accordance as defined in §2.2-1151.1 of the Code of Virginia

(1) The utility company has registered as an operator with the appropriate notification center.
(2) Attached is a notarized affidavit, stating that the utility owner has notified the commercial and residential developer, owner of commercial or multifamily real estate, or local government entities with a property interest in any parcel of land located adjacent to the property over which the land use is being requested, that application for the permit has been made.

Request permission to perform the following activity(s): _____

_____

_____as per attached plans.

Location: [ ] Town of_____Route No._____Street Name _____

Latitude_____Longitude_____Tax Map Number_____Applicant Job No._Between Route No._____Street Name_____and Route No._____Street Name _____

[ ] IF APPLICABLE, I AGREE TO PAY THE FULL SALARY AND EXPENSES OF A TOWN ASSIGNED INSPECTOR IN CONJUNCTION WITH ACTIVITIES AUTHORIZED UNDER THE AUSPICES OF A TOWN OF BERRYVILLE LAND USE PERMIT

Signature of Applicant:_____Title_____Date _____

Signature of Agent:_____Title_____Date _____

All applicable items on this form must be completed to avoid delay in processing the issuance of a Town of Berryville Land Use Permit.
Prepayment required with remittance payable to Town of Berryville.

TOWN OF BERRYVILLE USE ONLY

Receipt is hereby acknowledged for: CHECK No._____MONEY ORDER No. _____

In the Amount of $_____for PERMIT FEE $_____CASH SURETY $ _____

Authorized Town Signature:_____Date: _____

PLEASE READ CAREFULLY

RULES AND REGULATIONS GOVERNING THE USE OF ROSE HILL PARK

NOTICE: THE TOWN OF BERRYVILLE IS NOT RESPONSIBLE FOR ACCIDENTS, INJURY, OR LOSS OR DAMAGE TO PERSONAL PROPERTY.

1. All applications for permission to use Rose Hill Park facilities shall follow procedures outlined in the Regulations for Special Events and Demonstrations and §13-35 through 36 of Town Code.

2. It shall be a condition of all special event permits issued for use of the park and its facilities that no person, whether or not a member of the sponsoring group or a participant in the special event, can be denied access or free passage to, from, or within all or any portion of Rose Hill Park or any facilities therein. Rose Hill Park shall at all times remain a public park with right of free passage to all members of the public.

3. No individual, group, or organization will be permitted to use the park for profit or gain in the absence of a special fund-raising permit obtained from the Town pursuant to paragraph four (4) herein. All regular park permits shall be conditioned on an understanding that the special event is not a benefit affair, that no admission is to be charged, and that no tickets will be sold. There will be no gambling or games of chance except as may be permitted by a special fund-raising permit issued pursuant to paragraph four (4) herein.

4. The Town may issue a special fund-raising permit upon application, on forms provided by the Town, by valid and duly-constituted non-profit organizations for the purpose of approved charitable, educational, cultural, religious and/or community-oriented projects and activities. All other rules and regulations governing the use of Rose Hill Park, as set forth herein, shall apply to such fund-raising events approved by special permit.

5. No alcoholic beverages or illegal controlled substances are allowed on the premises at any time.

6. Users of the Rose Hill Park gazebo may not deface the structure in any way. No driving of nails, thumb tacks, or fastening to light fixtures will be permitted. Plans for any decorating must be submitted for approval with special event permit applications.

7. The Town of Berryville furnishes only such lighting and electrical service as is in place. Any additional services and equipment needed for a special event must be furnished by the user. When special or additional lighting or other electrical equipment is required, approval of electrical connections by the Town of Berryville Director of Public Works must be obtained at least forty-eight (48) hours prior to any such lighting or equipment being placed in use.

8. All groups using the Rose Hill Park facilities will be responsible for setting up any equipment, such as chairs and tables, to their own liking. The Town of Berryville cannot provide personnel assistance for any loading, unloading, or setting up of such equipment.

9. All groups using the Rose Hill facilities shall clean up, dismantle and remove any equipment, and in general, leave the premises in the same condition as they found them, upon conclusion of the special event. All garbage and trash must be put in heavy-duty plastic trash bags, to be supplied by the sponsoring group, and placed in the park's trash containers.

10. Any and all damage to the grounds, buildings, and equipment must be corrected by the sponsoring group to the satisfaction of designated officials of the Town of Berryville. Correction may include replacement if deemed warranted by such Town Officials.

11. All activities and required cleanup shall be concluded no later than 12:00 midnight of the day of the scheduled event.

12. Users of the park and its facilities must take adequate provision to guard against public disturbances or other unsafe practices.

14. No event is official until it is entered on the schedule and a special event permit is issued by the Town of Berryville.

15. All groups using the park and its facilities must abide by these rules and regulations and any special conditions which might be attached to individual permits. In the event unusual and special considerations associated with a particular event would render complete satisfaction of these provisions a hardship, prior approval of any variance or deviation must be obtained from designated Town Officials. The Town reserves the right to require a damage deposit, in such amount as the Town deems appropriate, as a special condition to individual permits.

16. For cause, permits are subject to cancellation or revocation by the Town of Berryville.

Town Council Report

14 July 2026

Item Title
Gift Acceptance Policy

Prepared By
Jean Petti

Background/History/General Information
Greenway Garden club wishes to donate a tree to Rose Hill Park in honor of their 75th Anniversary. No guidelines exist for accepting donations of this type. Examples of other donations include: a bench, a sculpture of a bench, a pollinator bed, a peace pole, and a community snake rock art installation.

Attachments

1. Draft of a gift acceptance policy

Recommendation
Community Development Committee recommends adoption of the gift acceptance policy

Sample Motion
I move that the Town Council hereby adopt this Gift Acceptance Policy dated 14th July 2026, and direct the Town Manager to administer provisions therein.

Town of Berryville Gift Acceptance Policies and Guidelines

The Town of Berryville may accept gifts, donations, bequests or grants from any source, which are related to the powers, duties and functions of the Town. Generally, gifts valued at less than $1000 may be accepted or denied by the Town Manager. Gifts valued over $1000 shall be accepted or denied by Town Council. Notification of all gifts shall be provided to Town Council.

The Town may refuse gifts of any value for any reason, stated or undisclosed.

Donation or gift shall mean a monetary (cash) contribution, personal property, real property, equipment, in-kind goods or services, or any other asset for which the donor has not received any goods, services, or any other form of tangible compensation in return. For purposes of this policy, "donation" or "gift" shall be synonymous.

Restricted donation shall mean donations or gifts designated in writing by the donor for a specific or particular Town department, location, or purpose. It shall also mean donations or gifts received for specific programs or activities established by the Town. The Town shall make a good faith effort to ensure the restrictions placed upon the donation are fulfilled. Unrestricted donation shall mean a donation to the Town without any limitations being placed upon its use. Unrestricted donations shall be recorded in the General Fund.

While Berryville does not provide tax advice, every effort will be made to assist donors in complying with the intents and purposes of the Internal Revenue Service in allowing charitable tax benefits. Berryville employees and agents are prohibited from advising donors about the tax consequences of their donations.

Gifts of real estate may include developed property, undeveloped property, or gifts subject to a prior life interest. Prior to acceptance of real estate, Berryville shall require a title search and an initial environmental review of the property to ensure that the property has no environmental damage, easement(s), or potential liability.

Prohibited Gifts are those which:

- Create an actual or potential conflict of interest;
- Are inconsistent with Town ordinances, priorities, comprehensive plan, or budget;
- Include undue restrictions on the display, use, or disposal thereof; or
- Incur excessive maintenance or insurance costs.

Acceptable Gifts are those which:

- Are consistent with Town ordinances and priorities;
- Carry no restrictions or only restrictions that have been approved by Town Manager; and
- Do not increase maintenance or other costs of the Town.

Specific considerations:

Gifts of trees, shrubs, or other plants shall not be fruiting, invasive, or odiferous. The Berryville Tree Board shall provide advice on acceptance in accordance with Rose Hill Park Master Plan.

Gifts of benches, planters, artwork, or similar shall require negligible maintenance and conform to the colors and architectural styles vernacular in the Town.

Plaques are discouraged and require approval of Town Manager. Any plaque shall be no more than 2” by 6”. The field shall be in shades of black, grey, or brown. The words may be in a metallic color. No alternative colors and no photos or artwork are permissible.

Adoption

"BE IT RESOLVED that the Town Council hereby adopts this Gift Acceptance Policy dated 14th July 2026, and directs the Town Manager to administer provisions therein."

Town Council Agenda Item Report Summary

July 14, 2026

Item Title

Resolution to oppose the proposed Valley Link Transmission Project

Prepared By

Terry Russell

Background/History/General Information

Valley Link, a joint venture of Dominion Energy, FirstEnergy Transmission, and Transource Energy, has proposed the Valley North Project, a 260-mile, 765-kilovolt (kV) electrical transmission line extending from Putnam County, West Virginia, to Frederick County, Maryland. Three of the four proposed routes identified by Valley Link would traverse Clarke County and would have the potential to substantially impact the natural, agricultural, scenic, and historic resources that define the County and the Town of Berryville.

The Clarke County Board of Supervisors adopted Resolution 2026-15R formally opposing the Valley North Project as currently proposed, citing the project's adverse impacts on conservation easements, agricultural lands, historic districts, rural character, forestlands, residential properties, and other irreplaceable community resources.

The proposed route includes crossing Annexation Area B of the Berryville Area Plan in the vicinity of Chet Hobart Park and the Clarke County Fairgrounds and would be near the Clarke County High School and Historic Rosemont within the Town boundaries.

Berryville is the historic county seat of Clarke County and is recognized for its historic downtown, surrounding historic neighborhoods, and proximity to nationally significant agricultural landscapes and scenic vistas that contribute to the Town's unique identity and quality of life.

Berryville's economy depends significantly upon agriculture, agribusiness, heritage tourism, outdoor recreation, and visitors drawn to the community's historic character, scenic beauty, and rural setting.

The Town and its residents should not bear the substantial visual, environmental, cultural, and economic impacts of the Valley Link Project while receiving little or no direct benefit. Infrastructure planning should balance regional energy needs with the protection of historic communities, productive farmland, conserved lands, and locally adopted comprehensive planning goals.

Recommendation
Adopt the attached resolution opposing the Valley Link Transmission Project.

Sample Motion
I move that the Town Council of Berryville, VA adopt the proposed resolution strongly opposing the Valley Link Transmission Project.

Attachment:
Resolution

A RESOLUTION OF THE COUNCIL OF THE TOWN OF BERRYVILLE

WHEREAS, Valley Link, a joint venture of Dominion Energy, FirstEnergy Transmission, and Transource Energy, has proposed the Valley North Project, a 260-mile, 765-kilovolt (kV) electrical transmission line extending from Putnam County, West Virginia, to Frederick County, Maryland; and

WHEREAS, three of the four proposed routes identified by Valley Link would traverse Clarke County and would have the potential to substantially impact the natural, agricultural, scenic, and historic resources that define the County and the Town of Berryville; and

WHEREAS, the Clarke County Board of Supervisors proposed Resolution 2026-15R, formally opposing the Valley North Project as currently proposed, citing the project's adverse impacts on conservation easements, agricultural lands, historic districts, rural character, forestlands, residential properties, and other irreplaceable community resources; and

WHEREAS, Berryville serves as the county seat of Clarke County and is recognized for its historic downtown, surrounding historic neighborhoods, and proximity to nationally significant agricultural landscapes and scenic vistas that contribute to the Town's unique identity and quality of life; and

WHEREAS, Berryville's economy depends significantly upon agriculture, agribusiness, heritage tourism, outdoor recreation, and visitors drawn to the community's historic character, scenic beauty, and rural setting; and

WHEREAS, the Town Council recognizes that the proposed transmission line is intended to serve regional electrical demand outside Clarke County and that the Town and its residents would bear substantial visual, environmental, cultural, and economic impacts while receiving little or no direct benefit; and the Town Council believes that infrastructure planning should balance regional energy needs with the protection of historic communities, productive farmland, conserved lands, and locally adopted comprehensive planning goals.

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of Berryville hereby formally joins with Clarke County in opposing the Valley North Project as currently proposed.

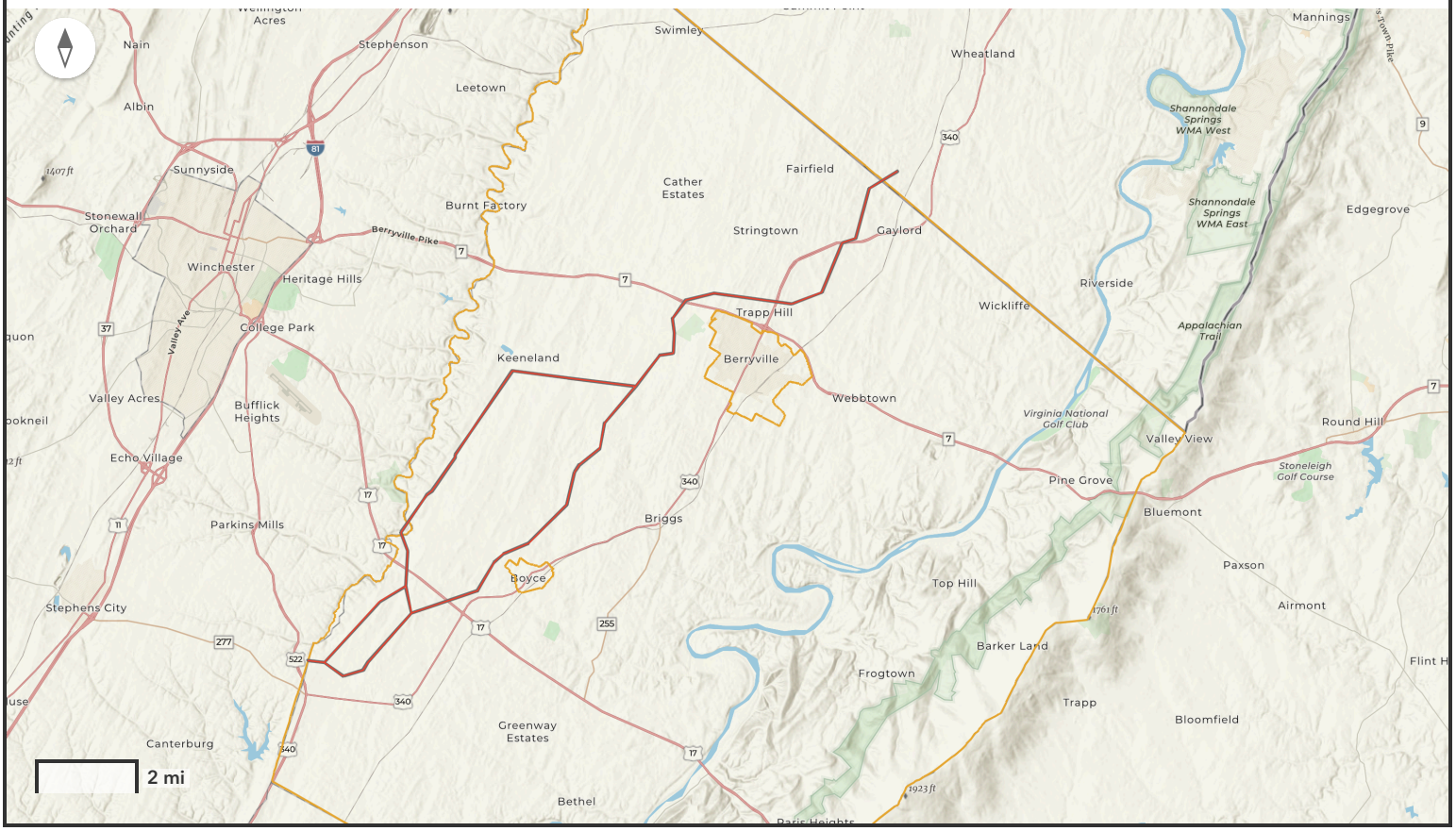
BE IT FURTHER RESOLVED, that the Town Council reaffirms its commitment to preserving Berryville's historic character, protecting the agricultural heritage of Clarke County, supporting a vibrant tourism economy, and safeguarding the natural and scenic resources that have long defined the community.

By order of the Town Council this 14th day of July, 2026.

Harry Lee Arnold Jr., Mayor

Erecka L. Gibson, Vice Mayor

Clarke County, Virginia GIS Map



WVU Facilities | Jefferson County GIS Office | VGIN | Esri | TomTom | Garmin | SafeGraph | GeoTechnologies, Inc | NASA | NGA | USGS | METI/NASA | EPA | NPS | USDA | USFWS

Proposed Valley North Transmission Line *Unofficial*

Proposed Valley North Transmission Routes

County Boundary

Proposed Valley North Transmission ROW

Town Council Report

14 July 2026

Item Title
Proposed Personnel Policy Changes

Prepared By
Jean Petti

General Information
The Town of Berryville Personnel Policies was last comprehensively rewritten in 2023. Staff recommends changes as indicated in the attached document as clarification of compensation for emergency response and the applications of liberal leave. A change from Compensatory Leave to Overtime is also recommended.

Attachments

1. Redline of proposed revisions

Sample Motion
I move that the Council of the Town of Berryville approve the attached revisions to Personnel Policies.

All documents may not be fully ADA Compliant due to redlines and things of that nature. The final documents, once approved will be ADA Compliant in their final form. If you have any questions or need any help with a specific document, please reach out to the Town Clerk at townclerk@berryvilleva.gov.

the established workweek and schedule of the department as conditions warrant. Schedules may also be adjusted to meet ADA requirements.

Meals and break frequency, schedule, and duration will be established by department (Appendix IX) and will abide by all applicable federal and state restrictions. If a nonexempt employee cannot observe a scheduled meal break during their normal shift, they will be compensated for that time at their regular rate of pay.

Certain personnel may be required to regularly serve in an on-call status. These employees may be required to report to work after hours, on weekends, and on holidays to perform emergency work in response to a serious or unexpected situation requiring immediate action, as determined by their Department Head, Deputy Town Manager, or Town Manager. On-call employees are expected to provide contact information to their supervisor. Public Works personnel may be scheduled to work alternating day and night shifts for the purpose of snow removal. These shifts may reflect Virginia Department of Transportation (VDOT) responsibilities and restrictions. Time spent on-call is not compensated. ~~When an employee serving in an on-call status is called to work, they will be compensated at their regular rate of pay for no less than (2) hours' work: (1) hour reflecting travel time and (1) hour of work, even if the request to report to work is cancelled. For time worked in excess of (1) hour, the (1) hour compensated travel time will be added to the actual number of hours worked.~~ Non-exempt employees whose shifts are extended by more than one-half hour with less than eight (8) hours' notice will receive, in addition to pay for the additional time worked, a premium based upon one hour of work at the employee's regular rate of pay. Non-exempt employees who are called in to work for an emergency response will receive, in addition to the pay for the additional time worked, a premium based on two hours of work at the employee's regular rate of pay.

In addition, scope of work may require employees to serve in an "engaged to wait" status. During this time, employees are expected to abstain from intoxicants, to remain fit for duty and within a reasonable distance from work, and to report promptly. Time spent "engaged to wait" is compensated at regular rate of pay.

When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime hours. When possible, advance notification of these mandatory assignments will be provided. All overtime work must receive the supervisor's prior authorization.

Overtime assignments will be distributed impartially to all employees qualified to perform the required work. Overtime compensation is paid to all nonexempt employees in accordance with federal and state wage and hour restrictions. Overtime pay is based on actual hours worked. Holiday pay will be counted as hours worked for the purposes of determining whether overtime pay is owed. Nonexempt employees called in outside of a regular work shift will be paid overtime pay if they work in excess of (40) hours per work week, or work period for members of Police Department.

Overtime pay may be granted to exempt employees on the basis of one and one-half hour for each hour worked in excess of the regular work period. Such overtime will only be paid if the work is authorized by the Deputy Town Manager or Town Manager. The Deputy Town Manager's overtime requests must be approved by the Town Manager. The Town Manager's overtime requests must be approved by the Mayor.

Paydays

Exempt employees are paid semimonthly on the 15th and 30th or 31st days of the month. Nonexempt employees are paid biweekly on every other Friday. Each pay distribution will include earnings for all work performed through the end of the previous payroll period and be made via direct deposit to a financial institution designated by the employee as described in Va. Code §40.1-29.

In the event that a regularly scheduled payday falls on a weekend or holiday, employees will receive pay on the last day of work before the regularly scheduled payday. If a regular payday falls during an employee's vacation, the employee's pay will be available on their regular pay date.

The Town of Berryville does not provide pay advances on unearned wages to employees. In the unlikely event that there is an error in the amount of pay, the employee must promptly bring the discrepancy to the attention of the Town Director of Finance/Treasurer so correction may be made as quickly as possible

Pay Deductions

The law requires that the Town of Berryville make certain deductions from every employee's compensation. Among these are applicable federal, state, and local income taxes. The Town of Berryville also must deduct Social Security taxes on each employee's earnings up to a specified limit that is called the Social Security "wage base." The Town of Berryville matches the amount of Social Security taxes paid by each employee. The Town of Berryville offers programs and benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their paychecks to cover the costs of participation in these programs.

Pay setoffs are pay deductions taken by the Town of Berryville, usually to help pay off a debt or obligation to the Town of Berryville or others.

If you have questions concerning why deductions were made from your paycheck or how they were calculated, please contact the Director of Finance/Treasurer.

Personnel Data Changes

It is the responsibility of each employee to promptly notify the Director of Finance/Treasurer of any changes in personnel data, including mailing addresses, telephone numbers, dependents, emergency contacts, educational accomplishments, etc.

of performing the work of the vacated position. Additional information is available in Appendix VI.

Civil Leave

An employee will be given time off without loss of pay for performing jury duty or performing emergency civilian duties in connection with national defense. The period of such leave shall be only as necessary for the performance of the activity plus any necessary travel time. If compensation for jury duty is received, Town of Berryville will only pay the difference between that compensation and normal rate of pay.

Compensatory Leave

~~Compensatory leave may be granted to exempt employees on the basis of one and one-half hour for each hour worked in addition to the regular work period. Such time will be credited only if the work is requested and authorized by the Town Manager.~~

~~Compensatory leave records will be maintained by the Director of Finance/Treasurer. In no case shall an employee keep their compensatory time record. Such record shall be maintained on the basis of first earned- first used.~~

~~Compensatory leave credits may at no time exceed 30 days (240 hours) and must be used within (12) months following the date on which the leave was earned. Employees will be compensated for compensatory time over (240) hours at their regular pay rate. Upon termination of employment, compensatory time is paid at the regular pay rate~~

Unused compensatory leave earned prior to July 15, 2026 will be paid upon termination of employment. Such payment is paid at the employee's regular rate.

Declared Liberal Leave

The Town Manager or designee may declare liberal leave for its non-essential employees. Operations of the Police, Public Works, and Public Utilities Departments are essential, though administrative staff assigned to those departments may, at the Town Manager's discretion, observe liberal leave when such a declaration is made. Accordingly, Police, Public Works, and Public Utilities personnel must report to work as scheduled or directed, unless they are specifically excused by their supervisor. The Town Manager may declare any employee as essential, as warranted.

"Liberal Leave" is defined as the leave taken by an employee from the start of the work day to the time the employee actually reports to work following an official announcement that the Town is open and liberal leave is in effect. If possible, the employee must notify their supervisor before taking liberal leave. Any work time missed during a period of liberal leave will be deducted from an employee's ~~accrued leave~~paid time off. If in doubt about liberal leave, it is employee's responsibility to contact a supervisor.

Public Works Department Report
14 July 2026

Item Title: Department Update
Prepared By: Jean Petti

Public Works Activity

John Rixey Moore municipal parking lot improvements are completed. New electrical service was installed, the lot was resurfaced and restriped, and two double-headed lights were installed.

Summer paving on Academy, Dorsey, Walnut, Smith, E. Fairfax, and First Streets has been completed. Drop inlets were replaced and regraded on N. Church Street.

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

Teams are busy throughout Town: meter inspections are being conducted; new street signs and traffic signs are being installed where needed; and curb painting is underway.

Virginia Avenue was briefly detoured for a sewer line repair. The Town appreciates the patience and cooperation of neighbors of the affected property.

Public Utilities Department Report

July 14, 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.

The Town staff and Contractors are in the process of performing biennial interior tank cleaning.

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.

The Town has submitted a Notice of Award to the selected contractor for the Influent Bar Screen project at the wastewater treatment plant.

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: 7/8/2026

TO: Town Council

FROM: Jason Winner, Chief of Police

RE: Police Department Monthly Report – June 2026

Activity Report
The activity report for the month of June 2026 is attached to this report.

Public Safety Committee
The Public Safety Committee did not meet this month.

Department Status Update

- June 4, 2026, Chief Winner participated in the Governor's Regional Readiness Summit in Winchester.
- June 5, 2026, and June 18, 2026, Berryville Police officers attended active shooter tabletop exercises at Enders firehall.
- June 20, 2026, Berryville Police officers attended the Juneteenth Celebration at Rosehill Park.

Two new officers are still completing field training and are on track to be released on their own at the beginning of September. The Department filled the final patrol officer vacancy near the end of June and will be sending a recruit through the basic academy, which starts on July 8, 2026.

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Jason Winner- Chief of Police

Police and Security Report

Month/Year: June 2026	Year To Date 2026	June 2026	May 2026
Complaints Answered			
911 Hang Up:	8	1	0
Alarms:	27	7	2
Animal Complaint:	49	10	12
Assault:	16	4	5
Assist County:	30	5	5
Assist EMS and Fire:	66	12	11
Auto Larceny:	0	0	0
Burglary:	1	0	0
Civil Complaints:	37	12	7
Disturbance:	22	8	3
Domestic Disturbance:	14	3	1
Driving Under the Influence	5	1	1
Drunk In Public:	8	1	2
Fraud:	22	4	7
Larceny:	21	4	3
Harassment/Intimidation:	18	3	6
Homicide:	0	0	0
Identity Theft	3	0	2
Juvenile Related:	30	12	6
Mental Health Crisis:	24	1	7
Narcotics Related:	2	0	2
Noise	15	3	3
Public Service:	9	0	2
Sexual Assault:	5	3	1
Robbery:	0	0	0
Shoplifting:	0	0	0
Suspicious Activity:	60	6	9
Trespassing:	12	2	8
Vandalism:	10	1	4
Welfare Check:	51	6	11
Miscellaneous Complaints:	413	76	72
Total Complaints Answered:	978	185	192

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Police and Security Report (Continued)

	Year To Date 2026	June 2026	May 2026
Traffic			
Accidents Investigated:	16	5	0
Assist Motorist:	0	0	0
Child Safety Seat Install:	0	0	0
Funeral Escort:	24	4	2
Hit & Run:	7	1	1
Parking Tickets:	209	100	1
Traffic Warnings:	171	76	5
Traffic Summons Issued			
Defective Equipment:	0	0	0
Driving Suspended:	5	1	0
Expired Inspection:	9	5	1
Expired Registration:	14	3	2
Fail to Obey Highway Sign:	88	30	11
Fail to Obey Traffic Signals:	2	0	0
Fail to Stop/Lights & Siren:	0	0	0
Fail to Yield Right of Way:	5	0	0
Hit and Run:	0	0	0
No Liability Insurance:	2	0	0
No Operator's License:	14	5	1
No Seat Belt:	0	0	0
Reckless Driving:	12	6	0
Speeding:	97	26	16
Miscellaneous Summons:	36	16	3
Total Traffic Summons Issued:	284	92	34
Found Open at Businesses in Town			
Doors:	4	1	0
Windows:	0	0	0
Garage Doors:	0	0	0

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Police and Security Report (Continued)

	Year To Date 2026	June 2026	May 2026
Criminal Papers Served			
Abduction:	0	0	0
Arson:	0	0	0
Assault and Battery:	6	0	2
Assault and Battery on Police Officer:	0	0	0
Auto Larceny:	0	0	0
Breaking and Entering:	0	0	0
Capias:	3	0	0
Disorderly Conduct:	0	0	0
Driving Under the Influence:	7	2	1
Drunk In Public:	7	1	1
Fail to Obey Police Officer:	1	0	0
Fail to Pay Parking Ticket:	4	4	0
Forgery:	0	0	0
Fraud:	1	0	0
Homicide:	0	0	0
Illegal Drugs/Paraphernalia:	2	2	0
Larceny:	3	1	0
Possess Alcohol Underage:	1	0	1
Protective Order Violations:	4	0	1
Rape:	1	0	1
Resisting Arrest:	4	2	0
Robbery:	0	0	0
Shoplifting:	0	0	0
Trespassing:	1	0	0
Vandalism:	3	0	1
Weapons Violation:	1	0	0
Miscellaneous Criminal Arrests:	17	6	3
Juvenile Detention Order Totals:	6	1	2
Total Criminal Arrests:	72	19	13

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policeadmin@berryvilleva.gov
Jason Winner- Chief of Police

Police and Security Report (Continued)

	Year To Date 2026	June 2026	May 2026
Response to Resistance			
Total Community Interface	1528	378	245
Total Enforcement Contacts	527	187	52
Physical Custody	33	7	6
Reported Force Involved	3	2	0
Administrative Review - Justified	3	2	0
Administrative Review - Not Justified	0	0	0
Complaint of Injury - Arrestee	0	0	0
Medical Treatment for Injury - Arrestee	0	0	0
Complaint of Injury - Officer	0	0	0
Medical Treatment for Injury - Officer	0	0	0
Type of Force Involved			
Compliance Hold / Open Hands	2	1	0
Takedown	0	0	0
Strikes (Hands / Knees)	0	0	0
Chemical Sprays (O.C.)	1	1	0
Impact Weapon (Baton)	0	0	0
Mechanical Non-Lethal	0	0	0
Firearm	0	0	0
Arrestee Demographics			
White Male	13	3	4
Black Male	4	1	0
Other Male	0	0	0
White Female	14	2	2
Black Female	2	1	0
Other Female	0	0	0

Town Council Agenda Item Report Summary
July 14, 2026

Item Title
Community Development Update

Prepared By
Terry Russell

Planning Commission
The Planning Commission has not met since the last Town Council meeting.

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

Architectural Review Board
The ARB has not met since the last Town Council meeting.

Tree Board
The Tree Board met on July 1, 2026. The Board welcomed new member Kevin Donner. They discussed having a walk in September offering guidance on invasive species and how to prepare the landscape for winter.

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

East Fairfax Street and Mosby Boulevard Sidewalks
Imperio Construction has completed construction of the sidewalks on Mosby Boulevard and East Fairfax Street. VDOT staff has inspected the work. Imperio is working on completing final punch list items.

West Fairfax Street Sidewalks
The West Fairfax Street sidewalks, curb and gutter, and storm sewer project is under review by the Virginia Department of Transportation (VDOT) Central Office. When the review is complete Central Office will authorize the project to proceed to the right-of-way acquisition phase.

East Main Street Sidewalks
On July 8, 2026, VDOT staff held an information session with commercial property owners on the initial design of improvements to East Main Street where the VDOT Smart Scale Program will be used to construct sidewalks, curb and gutter, and storm sewer. VDOT will continue its design phase and will hold a public hearing in Berryville in March, 2027.

Town Council Agenda Item Report Summary
July 14, 2026

Item Title
Battletown Run – Friant Property Rezoning

Prepared By
Terry Russell

Friant Enterprises #1, LLC; Friant Enterprises #2, LLC; Friant Enterprises #3, LLC (Owners) John Regan, Christopher Companies, (Agent) are requesting a rezoning of approximately 42.26 acres of an approximately 97.8 acre property identified as 14-A-80 from OSR Open Space Residential; DR-1 Detached Residential-1; DR-2 Detached Residential-2; and BP Business Park to DR-4 Detached Residential-4 subject to the conditions proffered by the applicant.
RZ 01-25

General information
Christopher Companies submitted a rezoning request to the Town of Berryville on September 25, 2025 for the lot referred to as "the Friant property". Although the lot has a total area of approximately 100 acres, parts of which are zoned DR-1 Detached Residential-1 (one dwelling unit per acre), DR-2 Detached Residential-2 (two dwelling units per acre), BP Business Park, and OSR Open Space Residential (one dwelling unit per 10 acres), the applicant is proposing that only approximately 42 acres be rezoned to DR-4 Detached Residential-4 (four dwelling units per acre).

The area proposed to be rezoned is in the southwestern portion of the lot. A large open space area (OSR) is located to the north of this area and the Bel Voi estate (OSR) is located to the east of the area to be rezoned. Christopher Companies is proposing to develop 24 units on the 24 acres located east of the Bel Voi estate. No rezoning is requested for this area.

Density
The Friant Property is zoned OSR in the 34-acre northwest corner of the lot in the area of Buckmarsh Run. It is zoned BP in the 7 acres on the western side of the property adjacent the railroad tracks. The balance of the property, approximately 60 acres, is zoned DR-1 and DR-2.

According to the BAP, Sub-area 15 has one-third of its area in slopes greater than 15 percent. The BAP assumed that development should not occur on slopes greater than 15 percent. This assumption produced 112 units as the number of units permitted in Sub-area 15 and listed in Table 12 of the BAP. In his memorandum dated February 19, 2026 (attached), David T. McElhaney, PE, Urban, Ltd., the applicant's engineer, noted that the applicant prepared a detailed topographic and boundary survey. The applicant conducted a slope analysis and found that only about 2.38 acres of slope greater than 15 % exist. Therefore, development yield based on the slopes criteria would yield 138 units rather than 112 units. The applicant's slopes analysis has been confirmed by the Town's consultant engineers. The applicant is proposing only 134

residential lots. There are 110 lots proposed in the western landbay, and 24 lots in the eastern landbay.

For comparison, Dewberry Engineers calculated a by-right zoning concept for the property in 2024. It calculated that 66 residential lots could be platted under the DR-1 and DR-2 cluster provisions and 120,000 square feet of warehouse space could be built on the BP portion of the lot. In order to compare by-right residential development for the entire site to the current rezoning proposal, Town staff has calculated that if only the BP area were rezoned to DR-4, the number of residential lots could increase by 28 lots for a total of 94 lots on the entire Friant property.

Berryville Area Plan
The Friant property is located within Annexation Area B as identified in the Berryville Area Plan, a component plan of the Town and Clarke County's comprehensive plans. Sub-areas were identified on all parcels within Annexation Area B, with specific comment regarding transportation, historic resources, and environmental suitability.

The parcels included in this request are within Annexation Area B sub-areas 13, 14, and 15. Please note: sub-areas 16 and 17 are not part of this rezoning request and are under separate ownership.

The following is from the Berryville Area Plan:

- **Sub-area 13 – Buckmarsh Run Conservation Area (32.4 acres)**

Land use: environmental conservation
Current zoning applied: OSR Open Space Residential
Sub-area 13 is adjacent to the Norfolk-Southern railroad tracks and is an environmentally sensitive area due to Buckmarsh Run and flood-prone characteristics.

- **Sub-area 14 – Northeast Residential Transition Area (7.2 acres)**

  Land use: Medium - low density residential
  Current zoning applied: BP Business Park
  The land use originally applied to this sub-area was light industrial based on its location to the railroad tracks and existing businesses on Cattleman's Lane. The 2015 update modified the land use from industrial to medium-low residential due to concerns about the lack of access as an industrial site and the nature of the adjacent residential land uses.

- **Sub-area 15 – Northeastern Residential Growth Area (63.1 acres)**

  Land use: low density residential
  Current zoning applied: DR-1 Detached Residential - 1, DR-2 Detached Residential - 2, OSR Open Space Residential
  This sub-area surrounds the Bel Voi manor house (sub-area 16) which is under separate ownership. The BAP references sensitivity to land use proposals due to the nature of the historic residence. The primary access to the proposed development area is identified through the Audley property (sub-area 17).

Descriptions in the BAP note the potential for a master planned-development on sub-areas 13, 14, and 15 that would contain the following elements:

- Transportation connectivity to adjacent sub-areas;
- Cluster design that would reduce infrastructure costs (e.g., roads, utilities) and adverse environmental impacts;
- Walkability elements;
- View shed protection;
- Master planning for public utilities and stormwater infrastructure; and
- Cash proffers to mitigate the impact of new development on Town and County capital needs.

The Community Development Director prepared a memo *Impact of Berryville Area Pla (BAP) on the Proposed Friant Rezoning.* (attached)

Proffers

To address impacts of the rezoning, the applicant has offered Proffers.

A proffer is a condition offered by the owners of property subject to a rezoning which may be accepted by the locality's governing body in conjunction with its approval of the rezoning. Rezonings with proffers are considered conditional zoning per the Code of Virginia as follows:

> *It is the purpose of §§ 15.2-2296 through 15.2-2300 (attached) to provide a more flexible and adaptable zoning method to cope with situations found in such zones through conditional zoning, whereby a zoning reclassification may be allowed subject to certain conditions proffered by the zoning applicant for the protection of the community that are not generally applicable to land similarly zoned.*

Proffers are permitted under Section 509 of the Town of Berryville Zoning Ordinance, providing that:

(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 the Code of Virginia.

The Proffer Statement

The applicant has submitted a proffer statement dated June 10, 2026 (attached). The statement provides that residential development will be limited to a maximum of 110 single-family detached dwelling units in the area proposed to be rezoned, the western landbay, and a total of 134 single-family detached dwelling units in the Master Development and Rezoning Plan area,

including the 24 units developed under the regulations of the existing DR-1 zoning in the eastern landbay.

Open space for the entire property is proffered to be approximately 54.8 acres or 54.8 % rather than approximately 35% required. It is proffered that the property will be developed in general conformance with the Master Development and Rezoning Plan and subject to only minor modifications that may be approved upon the time of final engineering. The Zoning Administrator has the authority to require an amendment by the Town Council for modifications determined not to be minor. Easements for open space and public trails are proffered to be recorded according to the elements shown in the Master Development and Rezoning Plan.

Proffered tot-lot and workout stations, and the public trail system are to be delivered by the occupancy of the 55th unit to be constructed, or roughly halfway through the construction process. The creation of a Homeowner's Association for the entire development is proffered with responsibility for all common areas, trails and stormwater management facilities.

Cash proffers are proposed for schools in the amount of $62,000.00 based on $2,000.00 per student for the excess students generated by the development of the site that were not already planned for the school system. The developer worked with Clarke County Public Schools to calculate this amount. In addition, $9,254.19 is proffered to offset the impact on Town park facilities.

Water and sewer facilities are proffered to be constructed to serve the development and dedicated to the Town. Stormwater management facilities and Best Management Practices for stormwater are proffered, as well. Streets and sidewalks are proffered to be constructed and dedicated in accordance with the Town's Zoning Ordinance, the Subdivision Ordinance, VDOT standards and as shown on the Master Development and Rezoning Plan.

It is proffered that there will be appropriate construction activity contact information provided to the Town and the public during the construction phase of the development process in order to deal with issues or concerns that may arise with construction activity.

Finally, the applicant has proposed a proffer to construct a sidewalk on the west side of Battletown Drive from East Main Street to the Friant property where sufficient right of way exists and no utility relocation is required. The applicant has proposed $50,000.00 to be held in escrow for 5 years to be used by the Town towards future construction of the sidewalk in areas without existing right of way. The applicant provided a preliminary plan of the sidewalk (attached).

Clarke County Planning Department comments with Town Responses
The Clarke County Planning Director sent two memos to the Town commenting on the subject rezoning application. The County Planning Director's comments and the Town's Director of Community Development's responses are provided below.

Clarke County Planning Director's comment:

"While provision of an emergency access connection [Black Twig Street] helps to address public safety concerns, the absence of an uninterrupted public street connection to the proposed new street to be constructed to the east through Sub-Area 17 makes the proposed development plan noncompliant with this master plan element. My previous concern about construction traffic having to use the existing street network for construction of the 110-lot portion of the project also remains."

Berryville Community Development Director's response:

The applicant has agreed to establish Black Twig as a street, rather than just an emergency entrance. This resolves the Clarke County Planning Director's concern. Construction traffic concerns would exist for any development of the site, and thus are not a rezoning-related issue, though the applicant has been requested to pursue alternative access points for construction traffic.

Clarke County Planning Director's Comment:

"As noted in my previous memo, Town Staff will have to determine whether the proposed lot layout meets the Town's cluster subdivision requirements."

Berryville Community Developer's response:

The proposed development plan lot layout meets the Town's cluster subdivision requirements, resolving the Clarke County Planning Director's concern. Cluster Subdivision requirements are provided in Article II, Section F, of the Subdivision Ordinance.

Clarke County Planning Director's Comment:

"The applicant has included proffers for the development of a "public trail system" and sidewalks. Language should be added to clarify who will be responsible for ownership and maintenance of the public trail system."

Berryville Community Development Director's response:

This comment has been addressed. The developer has included the referenced walkability components as part of the official proffers (see attached). Ownership and maintenance have been identified as the HOA.

Clarke County Planning Director's Comment:

"The primary area for viewshed protection is along the shared boundary with the Bel Voi Property to the east, a property containing a house and grounds of historic and cultural significance. This property is designated as Sub-Area 16 (Bel Voi Preservation Area) and specifically states that adjoining development "shall provide appropriate mitigation measures (e.g., buffers, architectural features) to further protect the historic home." Lots along public streets C and D will be in close proximity to the shared boundary with Bel Voi and the current plan shows a +/- 49-foot buffer to be provided. Neither this buffer nor plans to provide screening landscaping are currently proffered."

Berryville Community Development Director's response:

The developer has included the buffer and landscaping as a proffer (see attached), resolving this concern.

Clarke County Planning Director's Comment:

"The applicant has provided proffers pertaining to public water, public sewer, and stormwater management. I will defer to Town Staff on whether the applicant has complied with this element."

Berryville Community Development Director's response:

The Town's engineer has reviewed the elements of the proposed development regarding these systems. The proposed development, including the rezoning, satisfies Town requirements and meets established best management practices for public water, public sewer, and stormwater management. Final design of public improvements will be included in a preliminary subdivision submission.

Clarke County Planning Director's Comment:

"The applicant has provided cash proffers to address the development's impacts on the school system and public park facilities… I will defer to the Town Staff as to whether the amount of cash proffers and methodology for calculating them is consistent with the BAP and Town policies."

Berryville Community Development Director's response:

The applicant consulted the Clarke County Schools and calculated the proffer based on the formula provided by the school system. Likewise, the cash proffer for Town parks has been calculated accurately.

Clarke County Planning Director's Comment:

"Regarding Proffer #12, the applicant proffers to place open space within existing OSR zoning to be "provided with a Conservation Easement to be established with the subdivision record Plat." This language is vague as to the nature of the conservation easement to be provided specifically as to the term of the easement and the easement holder…If the land is intended to be a permanent conservation easement, the proffer should include language that it will be placed into easement with a duly-authorized easement holder."

Berryville Community Development Director's response:

The Town's position is that the Master Plan for the subject lot, which includes property to be rezoned as well as property to remain in its existing zoning, can be protected from future change by covenants and HOA regulations that provide for maintenance and preservation needs without placing the OSR zoned portion of the lot in a conservation easement. This addresses any conservation easement-specific concerns. In addition, the conditional rezoning of the lot and the associated Master Plan will be subject to the requirements of the Zoning Ordinance and enforced by the Zoning Administrator. No substantial changes to the approved plans can be approved administratively. Changes would need to be amended by action of the Town Council. The location and size of lots,

the configuration of streets, location and characteristics of landscaping, trails, recreation facilities, and other features would be part of the Council approval and enforced through the Zoning Ordinance.

Clarke County Planning Director's Comment:

"The applicant's agent, David McElhaney, provided a memo dated February 19, 2026 which offers a different interpretation of BAP Table 12. Based on his analysis, the applicable sub-areas should be able to yield more dwelling units than those noted in Table 12 and therefore not require the use of unused dwelling units or compliance with the BAP's master plan recommendations.

It is important to note that Table 12 is an integral and important part of the BAP. In order to consider any numbers that are different from those in Table 12, the BAP would have to be amended to reflect those numbers. This amendment process requires review and recommendation by the Berryville Area Development Authority (BADA), review and approval by Town Council and Board of Supervisors, and public hearing before all three bodies. It should also be noted that "piecemeal" amendments to address specific issues or to accommodate a development project are strongly discouraged in the BAP (see page IV-1)."

Berryville Community Development Director's response:

In his memorandum dated February 19, 2026 (attached), David T. McElhaney, PE, noted that the applicant prepared a detailed topographic and boundary survey. According to BAP, Sub-area 15 has one-third of its area as slopes greater than 15 percent with a portion exceeding 25 percent. The applicant conducted a slope analysis and found that only about 2.1acres of slope between 15 and 25 percent and .28 acres of slopes over 25 percent. His analysis proves that development yield based on the slopes criteria would yield 138 units rather than 112 units in Table 12 of the BAP. The applicant is proposing only 134 units.

Clarke County Planning Director's Comment:

(11/10/2025) "The application in its current form does not conform to the BAP and should be denied. It does not meet the master plan development criteria set forth in the BAP to warrant rezoning to DR-4 and designation of 25 additional units. In the event that the developer modifies the application to conform to the master plan development criteria, conditional zoning should be used so that recommended improvements and other elements may be provided as proffered conditions".

(3/19/2026) "While the applicant has made progress in providing proffered conditions and changes to the development plan, the application does not conform to the BAP's recommendations. For the reasons stated above [*and summarized in this report*], it does not meet the master plan development criteria set forth in the BAP to warrant rezoning to DR-4 and designation of 25 additional units."

Berryville Community Development Director's response:

The criteria listed in the BAP and reiterated by Clarke County's Planning Director in the two memos, discussed above, have all been addressed by the applicant developer. The

developer has included all elements requested, reflecting them on the plans and in the proffers. Furthermore, the applicant's analysis of slopes on the property proves that the criteria used to determine the number of units listed in Table 12 of the BAP was erroneous. The applicant's slope analysis demonstrates that Table 12 should have permitted 138 units rather than 112 units. The applicant is proposing 134 units, therefore they are not requesting that any additional units be approved from the bank of units not developed in other Sub-areas.

Planning Commission
The Planning Commission held a work session with the applicant on February 24, 2026. It set a public hearing for its meeting on March 24, 2026. The public hearing was held in March and the rezoning request was deferred to May 26, 2026. The Planning Commission held a public hearing on May 26, 2026. Commission Parker made a motion, seconded by Mr. Gilpin, that the Planning Commission of the Town of Berryville recommend that the Town Council deny the rezoning request. The Commission voted 6-1 in favor of the motion. Mr. Steinmetz abstained.

Town Council Work Session
The Town Council held a Work Session with the applicant and the Town Staff on June 29, 2026. The Council scheduled the rezoning request for the July 14, 2026 Town Council meeting to consider setting a public hearing for its meeting on September 8, 2026.

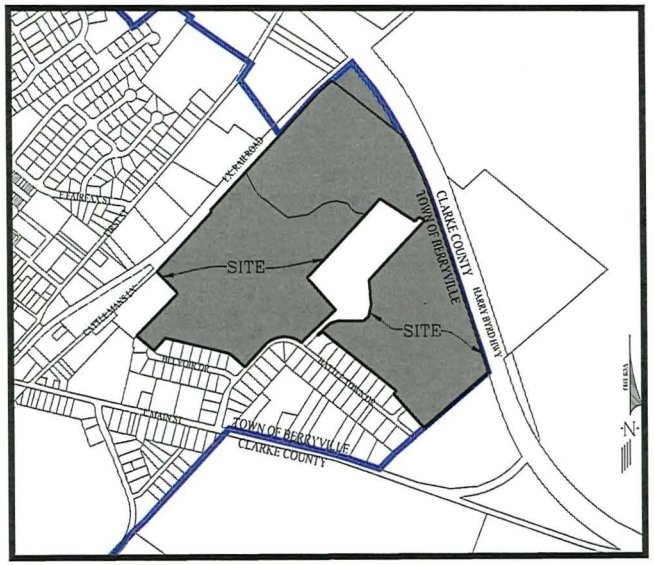
Schedule/Deadlines
The rezoning application was accepted on September 25, 2025. Section 508.9 of the Berryville Zoning Ordinance requires that the Town Council shall act upon any amendment (rezoning) within one (1) year unless the applicant requests or consents to action beyond such period. The applicant has agreed to extending the action period to the end of October 2026. It is recommended that the Town Council set a public hearing for its meeting to be held September 8, 2026 and take final action at its October 13, 2026 meeting.

Recommendation
Set a public hearing for the subject rezoning request to be held on September 8, 2026.

Attachments:
Master Development and Rezoning Plan – June 10, 2026
Black Twig Street Concept
Proffers – June 10, 2026
Design Guidelines – June 2026
Development Yield Memo – February 19, 2026
Memo - Impact on Berryville Area Plan (BAP) on the Proposed Friant Rezoning
Preliminary Sidewalk Extension Plan Battletown Drive – June 17, 2026
Planning Commission Minutes
Correspondence

MASTER DEVELOPMENT AND REZONING PLAN
BATTLETOWN RUN

TOWN OF BERRYVILE
CLARKE COUNTY, VIRGINIA
SUBJECT PARCELS: TAX MAP # 14-A-80, AND #14-A-112



VICINITY MAP
SCALE: 1"=500'

SHEET INDEX

1	COVER SHEET
2	NOTES & DETAILS
3	EXHIBIT SHOWING LIMITS OF APPLICATION
4	EXISTING CONDITIONS
5	MASTER DEVELOPMENT PLAN
6	OPEN SPACE PLAN
7	UTILITY PLAN
8	TRANSPORTATION PLAN
9	EXISTING ZONING PLAN
10	EXISTING LAND USE PLAN
11	PROPOSED ZONING PLAN
12	PROPOSED LAND USE PLAN
13	COMPREHENSIVE PLAN DENSITY COMPUTATIONS
14	CONCEPTUAL LANDSCAPE PLAN
15	CONCEPTUAL LIGHTING PLAN

DEVELOPER/APPLICANT
CHRISTOPHER LAND LLC
10461 WHITE GRANITE DRIVE
SUITE 250
OAKTON, VIRGINIA 22174
(703) 352-5950

CIVIL ENGINEER
URBAN, LTD
7712 LITTLE RIVER TURNPIKE
ANNANDALE, VA 22003
(703) 642-8080

TRANSPORTATION ENGINEER
GALLOWAY & COMPANY, LLC
12150 MONUMENT DRIVE, SUITE 502,
FAIRFAX, VA 22033
(571) 569-6680

OWNER
FRIANT ENTERPRISES #1 LLC
FRIANT ENTERPRISES #2 LLC
FRIANT ENTERPRISES #3 LLC
1504 EARLE ROAD
CHARLES TOWN, WV 25414

REAL ESTATE CONSULTANT
TETRA CORPORATION
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COMMONWEALTH OF VIRGINIA
DAVID T. McELHANEY
Lic. No. 022089
PROFESSIONAL ENGINEER
6/10/2026

Project Name
BATTLETOWN RUN

MASTER DEVELOPMENT
AND REZONING PLAN
Town of Berryville
Clarke County, Virginia

Issue

No.	Description	Date
1	1st Submission	9/25/25
2	2nd Submission	12/5/25
3	3rd Submission	2/19/26
4	4th Submission	5/27/26
5	5th Submission	6/10/26

Revision

No.	BY	Description	Date

Scale: H:
V:
0' 250' 500'

North Arrow: N
VA STATE GRID

Contour Interval:

Drawn By: SS
Checked By: DM

Project No.

Date June 10, 2026

Drawing Title
COVER SHEET

Drawing Number
1
Sheet 1 of 15

GENERAL NOTES

1. THE SUBJECT PROPERTY IS LOCATED ON TAX MAP 14-A-80 AND 14-A-112. ALL REFERENCES HEREIN TO PROPERTY, PARCEL OR SITE SHALL REFER TO THE SUBJECT PROPERTY.
2. THE PROPERTY IS LOCATED IN TOWN LAND USE AREAS LOW-MED DENSITY RESIDENTIAL (4 DUA) AND LOW DENSITY RESIDENTIAL (2 DUA).
3. THE PROPERTY IS CURRENTLY ZONED BP, DR-2, DR-1, AND OSR, A PORTION OF THE PROPERTY IS TO BE REZONED TO DR-4.
4. THE PROPERTY IS OWNED BY FRIANT ENTERPRISES #1 LLC, FRIANT ENTERPRISES #2 LLC AND FRIANT ENTERPRISES #3 LLC.
5. PROPERTY LINES SHOWN HEREON ARE BASED ON A URBAN, LTD FIELD-RUN BOUNDARY RETRACEMENT SURVEY COMPLETED ON AUGUST 5, 2025, AND PREPARED IN REFERENCE TO HRC TITLE AGENCY, LLC, TITLE COMMITMENT FILE NUMBER 25HRCVA11009, DATED FERRUARY 25,2025, ON NORTH AMERICAN DATUM OF 1983 (NAD 83). TOPOGRAPHY SHOWN HEREON IS BASED ON PHOTOGRAMMETRIC METHODS FROM AERIAL PHOTOGRAPHY DATED JUNE 30, 2021, COMPILED BY QUANTUM SPATIAL ON NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
6. THERE ARE NO KNOWN GRAVE OR BURIAL SITES ON THIS PROPERTY.
7. THE PROJECT MAY TO BE DEVELOPED IN PHASES.
8. TNT ENVIRONMENTAL HAS PERFORMED A WETLAND INVESTIGATION IN SEPTEMBER 2025 AND THEIR FINDINGS ARE SHOWN HEREIN.
9. PUBLIC WATER AND SEWER SHALL BE PROVIDED BY CONNECTING TO EXISTING SERVICE ON OR ADJACENT TO THE PROPERTY.
10. LANDSCAPING WILL BE PROVIDED IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF THE ZONING ORDINANCE AND THE DESIGN GUIDELINES.
11. SWM/BMP IS CONCEPTUAL AND SUBJECT TO CHANGE WITH FINAL ENGINEERING.
12. SPECIAL AMENITIES WILL INCLUDE POCKET PARKS, GREENS WITH PATHWAYS, BENCHES, LANDSCAPING AND A POSSIBLE AMENITY/ PLAY AREA. LANDSCAPING WILL SERVE TO DEFINE THE STREETSCAPE, SOFTEN THE BUILT ENVIRONMENT AND BUFFER VIEWS TO ADJACENT PROPERTIES. SEE THE DESIGN GUIDELINES.
13. THERE IS NO FEMA MAPPED 100 YEAR FLOODPLAIN LOCATED WITHIN THE PROPERTY PER FEMA MAPS 51043C0083D AND 51043C0084D. AN APPROXIMATE FLOODPLAIN DELINEATION IS SHOWN ON SHEETS 4 AND 5 AND IS BASED ON INFORMATION IDENTIFIED ON FRIANT LAND USE PLAN PREPARED BY DEWBERRY DATED 11/2/2023 (WAS NOT APPROVED).

DR-1 CLUSTER DEVELOPMENT STANDARDS

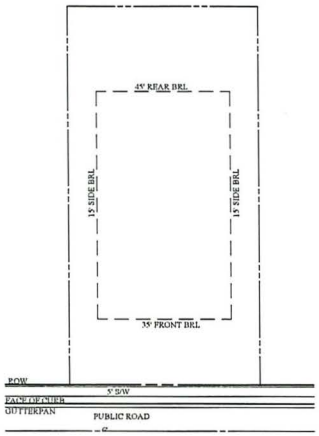
MAX. DENSITY, RESIDENTIAL USES:	1 DU/AC
SFD MIN. LOT SIZE:	20,000 SF
SFD MAXIMUM LOT SIZE:	45,000 SF
SFD MINIMUM LOT WIDTH :	100 FT, (120' CORNER LOT)
SFD MINIMUM SIDE YARD:	15 FT
SFD MINIMUM REAR YARD FOR PRIMARY STRUCTURE:	45 FT
SFD MINIMUM SIDE AND REAR YARD FOR ACCESSORY STRUCTURES:	5 FT
SFD MINIMUM FRONT YARD FOR PRIMARY STRUCTURE:	35 FT
MAXIMUM BUILDING HEIGHT:	35 FT
OPEN SPACE REQUIRED:	15% NET AREA (EXCLUDES 100-YR FLOODPLAIN, SINKHOLES, SLOPES EXCEED 25% AND 50% OF LAND WITH SLOPES BETWEEN 15% AND 25%.)

DEVELOPMENT SUMMARY AND TABULATIONS - DR-1

DR-1 EAST LAND BAY AREA:	24.22 AC
EXISTING ZONE:	DR-1 (DETACHED RESIDENTIAL-1)
PROPOSED ZONE:	N/A
LOTS PROPOSED:	24 DU
PROPOSED DENSITY:	24 DU / 24.22 AC = 0.99 DU/AC
100-YR FLOODPLAIN AREA, SINKHOLES, SLOPES EXCEEDING 25% AND 50% OF LAND WITH SLOPES BETWEEN 15% AND 25% :	2.43 AC
NET SITE AREA:	24.22 AC - 2.43 AC = 21.79 AC
OPEN SPACE REQUIRED (15% NET AREA):	3.27 AC
OPEN SPACE PROVIDED:	8.00 AC - 2.43 AC = 5.57 AC** (5.62 / 21.79 = 25.6%)

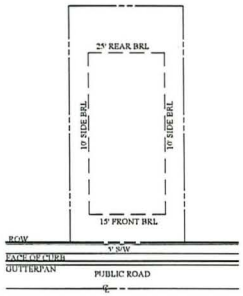
TYPICAL LOT IN DR-1 ZONING (CLUSTER)

(SETBACKS FOR PRIMARY STRUCTURE)



TYPICAL LOT IN DR-4 ZONING

(SETBACKS FOR PRIMARY STRUCTURE)



DR-4 CLUSTER DEVELOPMENT STANDARDS - REZONED PORTION OF THE PROPERTY

MAX. DENSITY, RESIDENTIAL USES:	4 DU/AC
SFD MIN. LOT SIZE:	7,500 SF
SFD MAXIMUM LOT SIZE:	20,000 SF
SFD MINIMUM LOT WIDTH :	60 FT, (75' CORNER LOT)
SFD MINIMUM SIDE YARD:	10 FT
SFD MINIMUM REAR YARD FOR PRIMARY STRUCTURE:	25 FT
SFD MINIMUM SIDE AND REAR YARD FOR ACCESSORY STRUCTURES:	5 FT
SFD MINIMUM FRONT YARD FOR PRIMARY STRUCTURE:	15 FT
SFD MINIMUM FRONT YARD FOR GARAGES, CARPORTS, OR OTHER STRUCTURES FOR VEHICLES:	25 FT
MAXIMUM BUILDING HEIGHT:	35 FT
OPEN SPACE REQUIRED:	20% NET AREA (EXCLUDES 100-YR FLOODPLAIN, SINKHOLES, SLOPES EXCEED 25% AND 50% OF LAND WITH SLOPES BETWEEN 15% AND 25%.)

DEVELOPMENT SUMMARY AND TABULATIONS - REZONED PORTION OF THE PROPERTY

AREA TO BE REZONED:	42.46 AC
EXISTING ZONE:	OSR (OPEN SPACE RESIDENTIAL), BP (BUSINESS PARK), DR-2 (DETACHED RESIDENTIAL-2), DR-1 (DETACHED RESIDENTIAL-1)
PROPOSED ZONE:	DR-4 (DETACHED RESIDENTIAL-4)
LOTS PROPOSED:	110 DU
PROPOSED GROSS DENSITY:	110 DU / 42.46 AC = 2.59 DU/AC
100-YR FLOODPLAIN AREA, SINKHOLES, SLOPES EXCEEDING 25% AND 50% OF LAND WITH SLOPES BETWEEN 15% AND 25% :	2.06 AC
NET SITE AREA:	42.46 AC - 2.06 AC = 40.4 AC
OPEN SPACE REQUIRED (20% NET AREA):	8.08 AC
OPEN SPACE PROVIDED:	13.50 AC - 2.06 AC = 11.44 AC** (11.44 / 40.4 = 28.3%)

DEVELOPMENT SUMMARY AND TABULATIONS - MASTER DEVELOPMENT PLAN AREA

TOTAL SITE AREA:	100.04 AC
TOTAL LOTS PROPOSED	134
PROPOSED OVERALL GROSS DENSITY:	1.34 DU/AC
TOTAL GROSS* OPEN SPACE:	±54.8 AC (±54.8%)**

* INCLUSIVE OF FLOODPLAIN AND STEEP SLOPE AREAS

** SUBJECT TO CHANGE WITH FINAL ENGINEERING

SEE SHEET 13 FOR COMPREHENSIVE PLAN DENSITY COMPUTATIONS

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DAVID T. McELHANEY
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PROFESSIONAL ENGINEER

Project Name
BATTLETOWN RUN

MASTER DEVELOPMENT AND REZONING PLAN
Town of Berryville
Clarke County, Virginia

Issue

No.	Description	Date
1	1st Submission	9/29/25
2	2nd Submission	1/26/26
3	3rd Submission	2/19/26
4	4th Submission	5/21/26
5	5th Submission	6/10/26

Revision

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Scale: H:
V:

North Arrow:

VA STATE GRID

Contour Interval: N/A

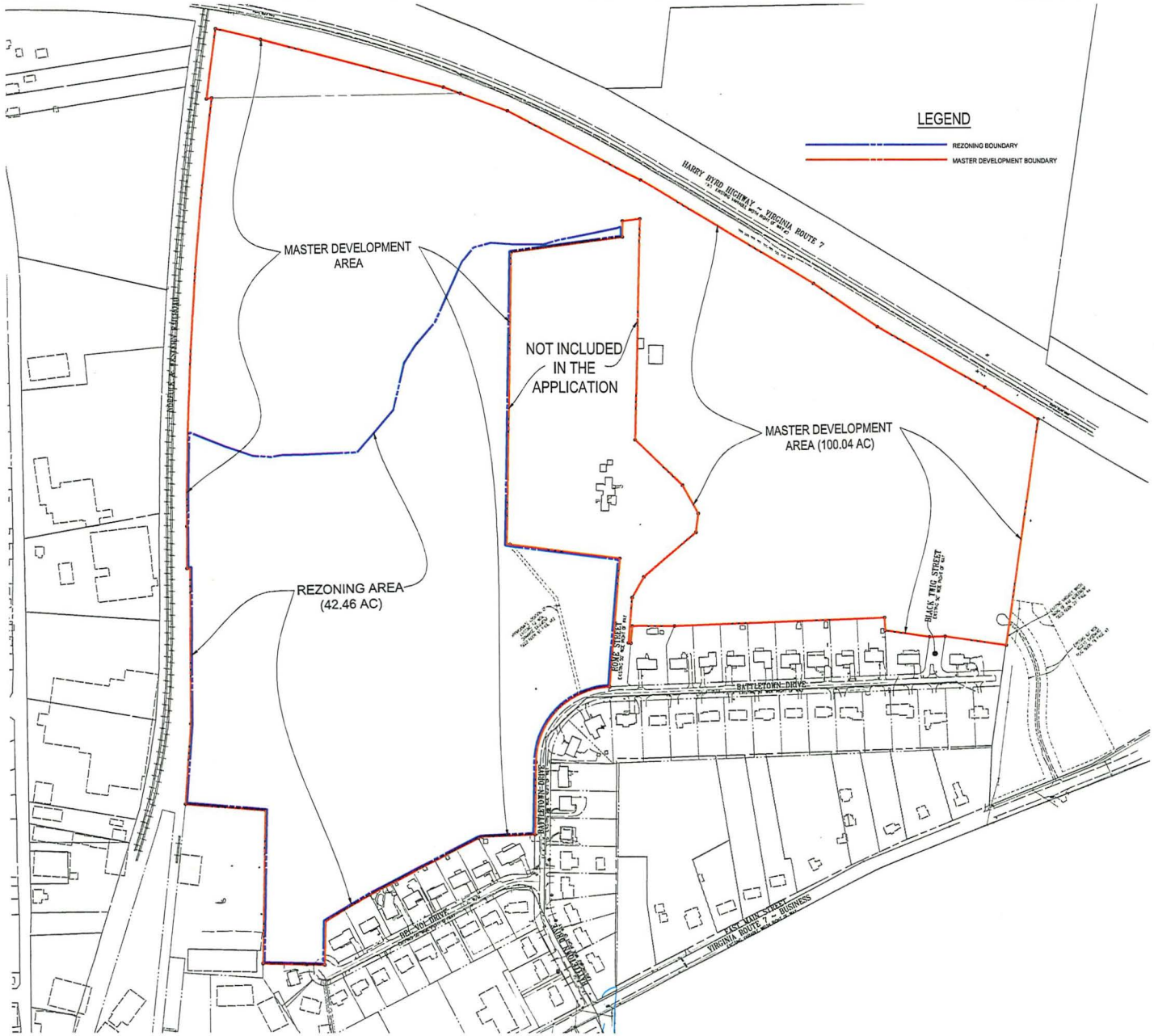
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Checked By: DM

Project No.

Date June 10, 2026

Drawing Title
NOTES & DETAILS

Drawing Number
2
Sheet 2 of 15



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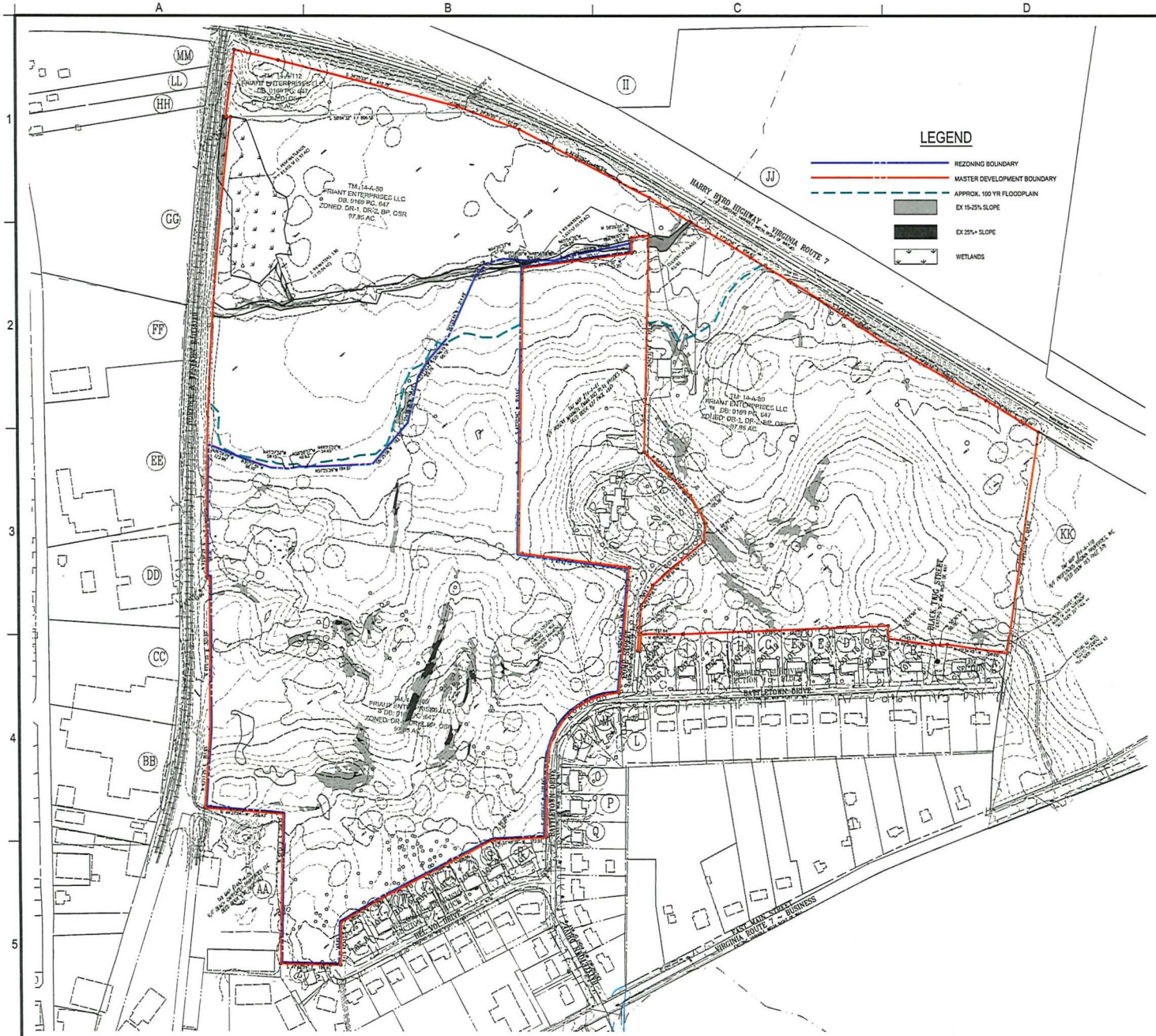
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Checked By: DM

Project No.

Date June 10, 2026

Drawing Title
EXHIBIT SHOWING LIMITS OF APPLICATION

Drawing Number
3
Sheet 3 of 15



CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD DIRECTION	CHORD LENGTH	TANGENT
C1	11020.19'	1404.53'	7°18'3"	N 44°39'37" E	1403.52'	703.84'
C2	11042.19'	279.05'	1°26.49"	N 40°45'37" E	279.05'	139.53'
C3	1210.7'	149.27'	7°17'39"	S 37°33'42" E	149.27'	74.81'
C4	791.56'	100.29'	80°39'57"	S 85°27'57" W	84.84'	252.54'

ADJACENT PROPERTY TABULATION

	PIN	TAX MAP #	ADDRESS	OWNER	USE	EX ZONING
A	7519	14A3-3-B-1	201 BATTLETOWN DR	JDM TRANSPORT LLC	SINGLE FAMILY URBAN	DR-2
B	7540	14A3-2-E-14	119 BATTLETOWN DR	RUSSEL, LYDIA LEIGH	SINGLE FAMILY URBAN	DR-2
C	7541	14A3-2-E-15	117 BATTLETOWN DR	KEATING, MILDRED B	SINGLE FAMILY URBAN	DR-2
D	7542	14A3-3-F-16	115 BATTLETOWN DR	COMBS, TODD M	SINGLE FAMILY URBAN	DR-2
E	7543	14A3-2-E-17	113 BATTLETOWN DR	JOHNSON, MARY R TRUST	SINGLE FAMILY URBAN	DR-2
F	7544	14A3-2-E-18	111 BATTLETOWN DR	CURTIS, KAREN C	SINGLE FAMILY URBAN	DR-2
G	7545	14A3-2-E-19	109 BATTLETOWN DR	BROWN, LOGAN R & ERIN C	SINGLE FAMILY URBAN	DR-2
H	7546	14A3-2-E-20	107 BATTLETOWN DR	ZUMBAUGH, STEVEN & KATHRYN A	SINGLE FAMILY URBAN	DR-2
I	7547	14A3-3-E-20	105 BATTLETOWN DR	WALLACE, AUDRA JEAN	SINGLE FAMILY URBAN	DR-2
J	7548	14A3-2-G-22	103 BATTLETOWN DR	FRERES, JAMES & LAURA B	SINGLE FAMILY URBAN	DR-2
K	7539	14A3-2-C-1	101 BATTLETOWN DR	ROSENBERRY, BRIAN M & PAMELA J	SINGLE FAMILY URBAN	DR-2
L	7526	14A3-2-A-9	100 BATTLETOWN DR	VELLEUER, MARY F & WILLIAM J TRTHES	SINGLE FAMILY URBAN	DR-2
M	7525	14A3-2-A-8	22 BATTLETOWN DR	GREENWALD, RICHARD L	SINGLE FAMILY URBAN	DR-2
N	7524	14A3-2-A-7	20 BATTLETOWN DR	RUCKER, GERALD T & LEONA M TRSTEES	SINGLE FAMILY URBAN	DR-2
O	7523	14A3-2-A-6	18 BATTLETOWN DR	TORYS, ERIK & MARYANN	SINGLE FAMILY URBAN	DR-2
P	7522	14A3-2-A-5	16 BATTLETOWN DR	VORDEN, ROBERT & MICHELA	SINGLE FAMILY URBAN	DR-2
Q	7521	14A3-2-A-4	14 BATTLETOWN DR	ROPER, ANTHONY JR & TIFFANY	SINGLE FAMILY URBAN	DR-2
R	7500	14A3-1-F-1	2 BEL VOI DR	PRICE, DOROTHY D	SINGLE FAMILY URBAN	DR-2
S	7501	14A3-1-F-2	4 BEL VOI DR	4 BEL VOI DRIVE LLC	SINGLE FAMILY URBAN	DR-2
T	7502	14A3-1-F-3	6 BEL VOI DR	SNYDER, EILEEN GNTY & BRIAN	SINGLE FAMILY URBAN	DR-2
U	7503	14A3-1-F-4	8 BEL VOI DR	COOK, WILLIAM PAUL & TIFFANY MAR	SINGLE FAMILY URBAN	DR-2
V	7504	14A3-1-F-5	10 BEL VOI DR	CHRISTAKOS, LEON & DEBORAH S	SINGLE FAMILY URBAN	DR-2
W	7505	14A3-1-F-6	12 BEL VOI DR	MILLER, THOMES REX	SINGLE FAMILY URBAN	DR-2
X	7506	14A3-1-F-7	14 BEL VOI DR	CANTERBURY , SUSAN	SINGLE FAMILY URBAN	DR-2
Y	7507	14A3-1-F-8	16 BEL VOI DR	BISHOP, STEVEN W & AMANDA LEAPY	SINGLE FAMILY URBAN	DR-2
Z	7518	14A3-1-G-11	16 BEL VOI DR	CHAPMAN, ELLIS L	SINGLE FAMILY URBAN	DR-2
AA	1920	14A3-A-2B	40 CATTLEMAN LN	BEACH CARPENTER PROPERTIES LLC	COMMERCIAL/ INDUSTRIAL	L-1
BB	1912	14A3-A-8	230 FIRST ST	FIRST STREET FUNDAMENTALS LLC	COMMERCIAL/ INDUSTRIAL	L-1
CC	1911	14A3-A-7	230 FIRST ST	FIRST STREET FUNDAMENTALS LLC	COMMERCIAL/ INDUSTRIAL	L-1
DD	1931	14A3-A-7A	318 FIRST ST	GUNTER GREGORY LLC	COMMERCIAL/ INDUSTRIAL	L-1
EE	1910	14A3-A-6	324 FIRST ST	VALLEY VENTURES I FUND I LC	COMMERCIAL/ INDUSTRIAL	L-1
FF	1909	14A3-A-5	340 FIRST ST	VALLEY VENTURES I FUND I LC	COMMERCIAL/ INDUSTRIAL	L-1
GG	1908	14A3-A-4	16 NORTH CHURCH ST	SMALLEY L SCOTT TRT BOOM ROAD LAND	COMMERCIAL/ INDUSTRIAL	L-1
HH	1907	14A3-3	418 FIRST ST	DOUGLAS LEAMON M JR, & MARY ELLEN	SINGLE FAMILY SUBURBAN	OSR
II	2397	15-A-4	1186 AUDLEY LN	PROPONDUS VIRGINIA PROPERTIES INC	AGRICULTURAL	AOC
JJ	1207	14-A-40A	NONE	PROPONDUS VIRGINIA PROPERTIES INC	AGRICULTURAL	AOC
KK	1199	14-A-110	NONE	PROPONDUS VIRGINIA PROPERTIES INC	SINGLE FAMILY SUBURBAN	DR-1
LL	1906	14A3-A-2	422 FIRST ST	HAYES, KELLY C	SINGLE FAMILY SUBURBAN	OSR
MM	1905	14A3-A-1	428 FIRST ST	GALEV, SLIMA R	SINGLE FAMILY SUBURBAN	OSR

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Seal
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Town of Berryville
Clarke County, Virginia

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0' 75' 150'

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VA STATE GRID

Contour Interval: 2'

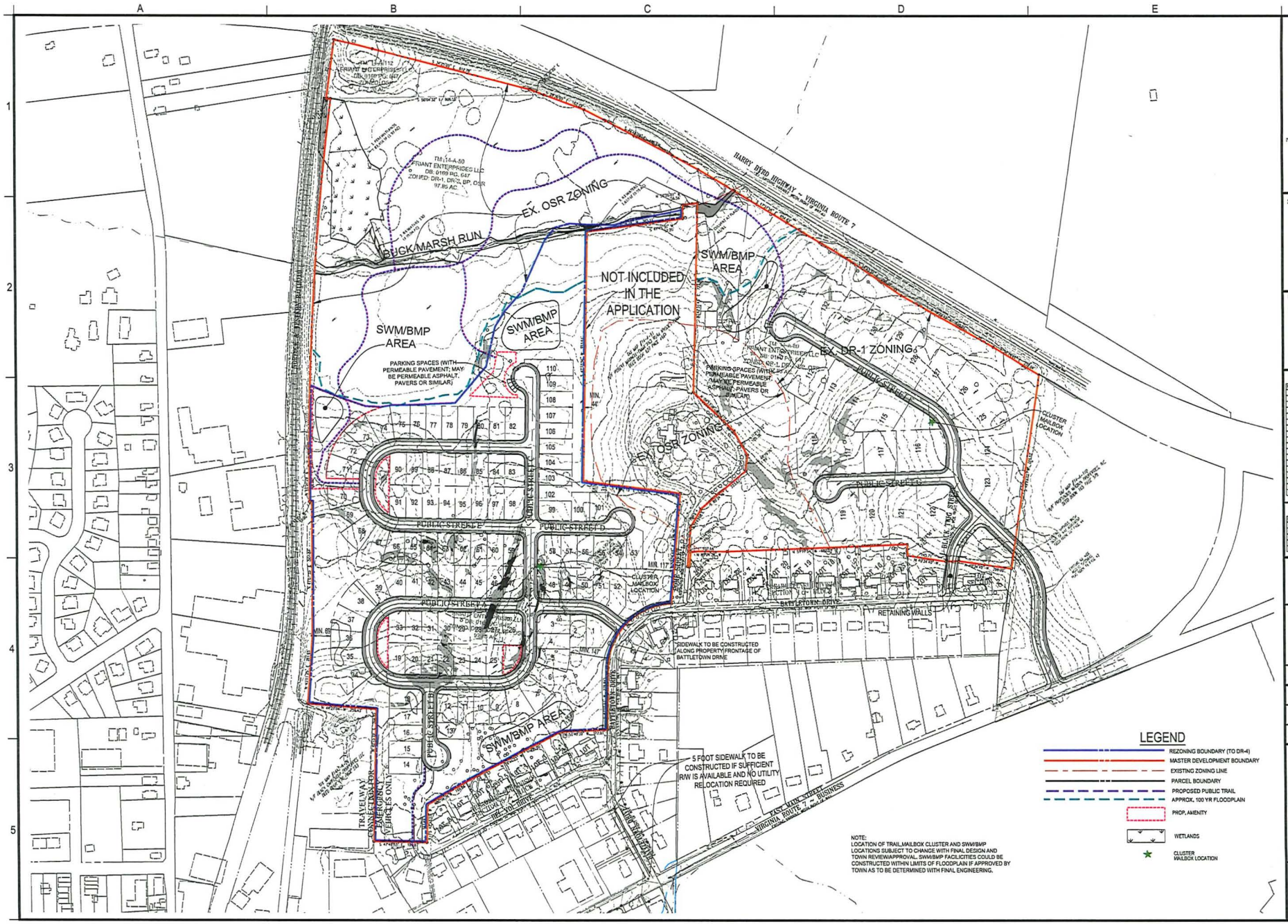
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Project No.

Date June 10, 2026

Drawing Title
EXISTING CONDITIONS

Drawing Number
4
Sheet 4 of 15



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COMMONWEALTH OF VIRGINIA
DAVID T. McELHANEY
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PROFESSIONAL ENGINEER

Project Name
BATTLETOWN RUN

MASTER DEVELOPMENT AND REZONING PLAN
Town of Berryville
Clarke County, Virginia

Issue

No.	Description	Date
1	1st Submission	8/5/25
2	2nd Submission	10/6/25
3	3rd Submission	2/19/26
4	4th Submission	5/7/26
5	5th Submission	6/10/26

Revision

No.	BY	Description	Date

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North Arrow:
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Contour Interval: 2'

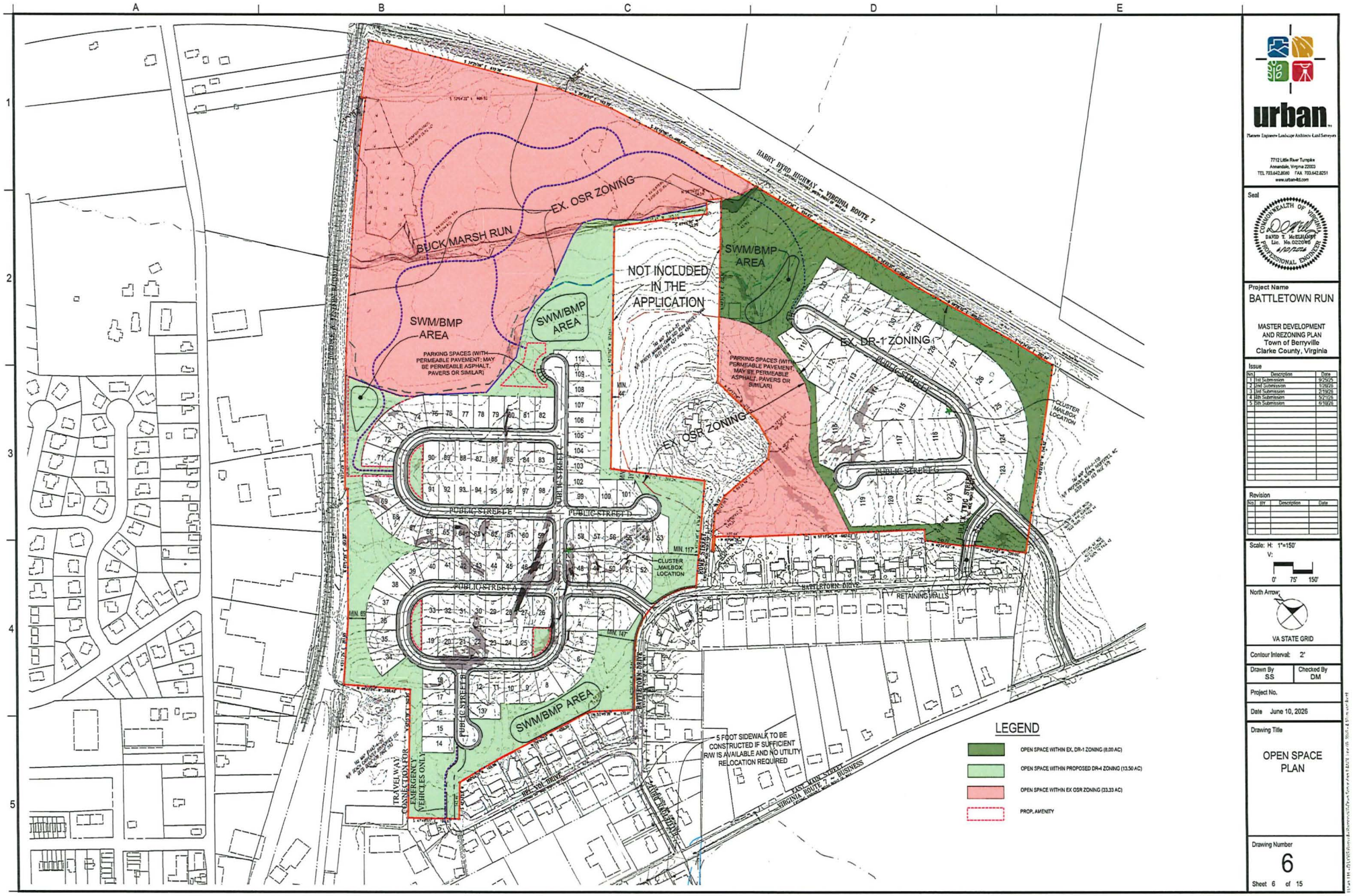
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Date June 10, 2026

Drawing Title
MASTER DEVELOPMENT PLAN

Drawing Number
5
Sheet 5 of 15



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MASTER DEVELOPMENT AND REZONING PLAN
Town of Berryville
Clarke County, Virginia

Issue

No.	Description	Date
1	1st Submission	9/25/25
2	2nd Submission	1/26/26
3	3rd Submission	2/19/26
4	4th Submission	3/27/26
5	5th Submission	4/16/26

Revision

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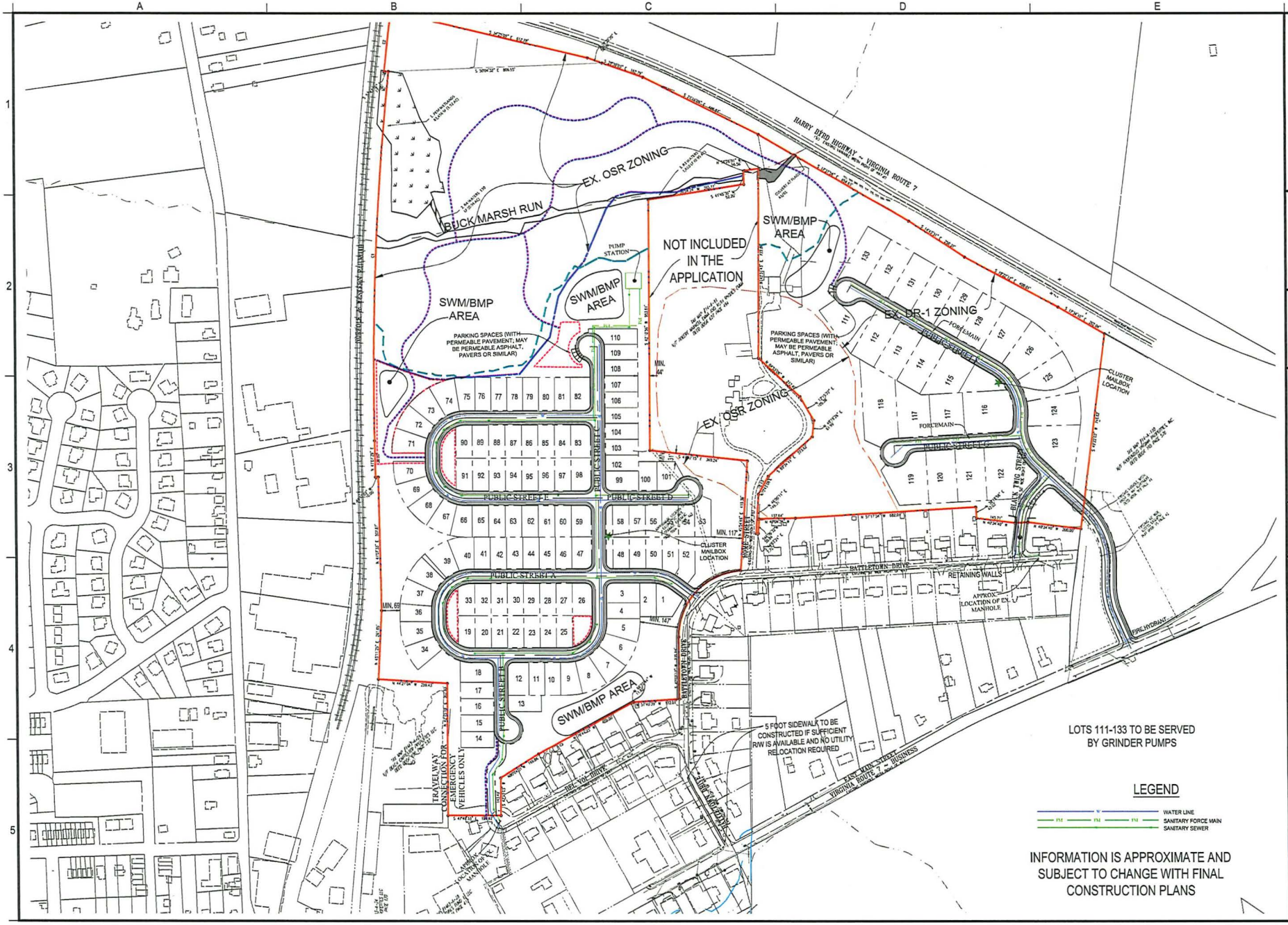
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Date June 10, 2026

Drawing Title
OPEN SPACE PLAN

Drawing Number
6
Sheet 6 of 15



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Project Name
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MASTER DEVELOPMENT AND REZONING PLAN
Town of Berryville
Clarke County, Virginia

Issue

No.	Description	Date
1	1st Submission	9/25/25
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3	3rd Submission	3/19/26
4	4th Submission	5/21/26
5	5th Submission	6/10/26

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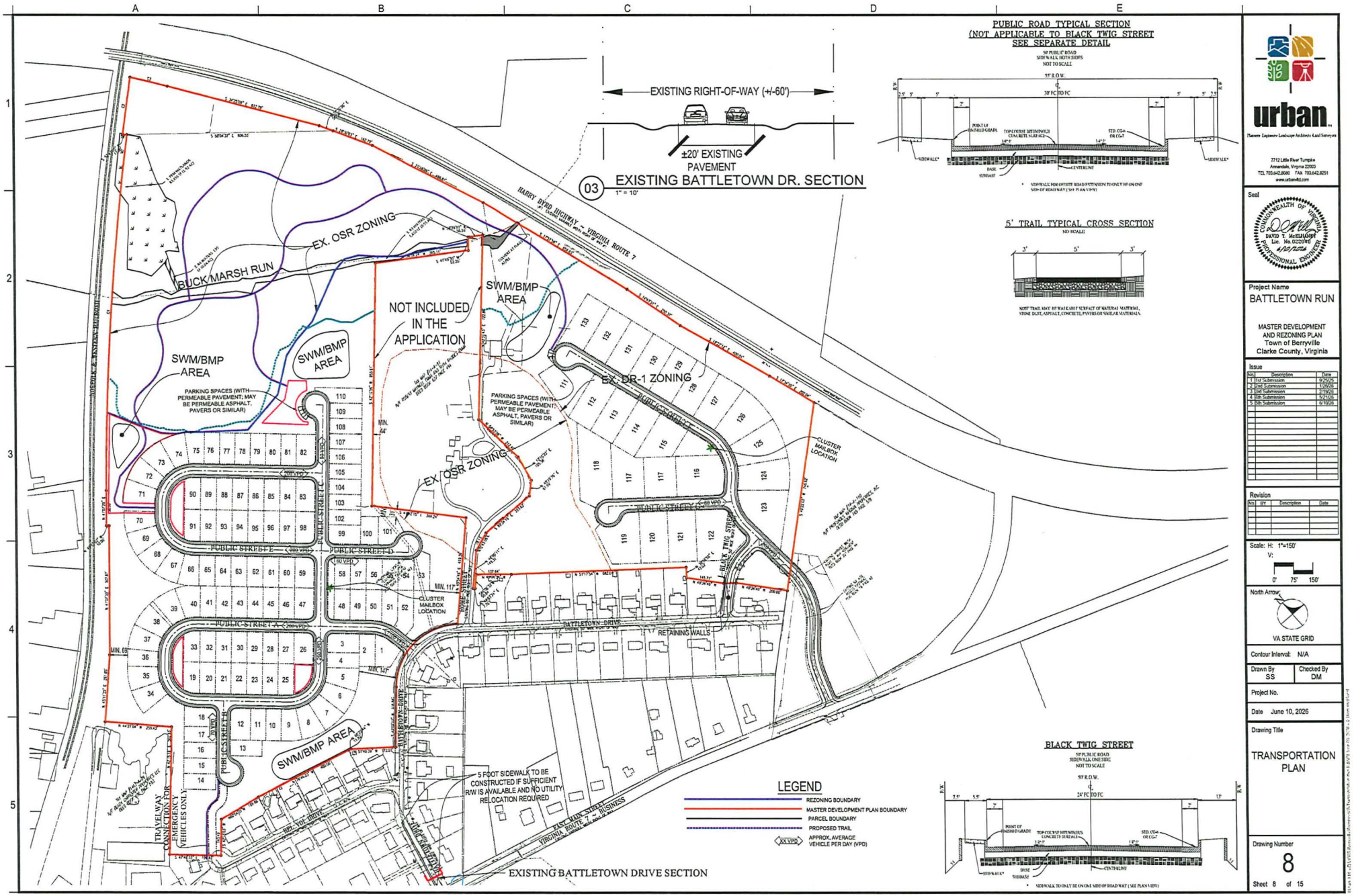
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Checked By: DM

Project No.

Date: June 10, 2026

Drawing Title
UTILITY PLAN

Drawing Number
7
Sheet 7 of 15



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MASTER DEVELOPMENT AND REZONING PLAN
Town of Berryville
Clarke County, Virginia

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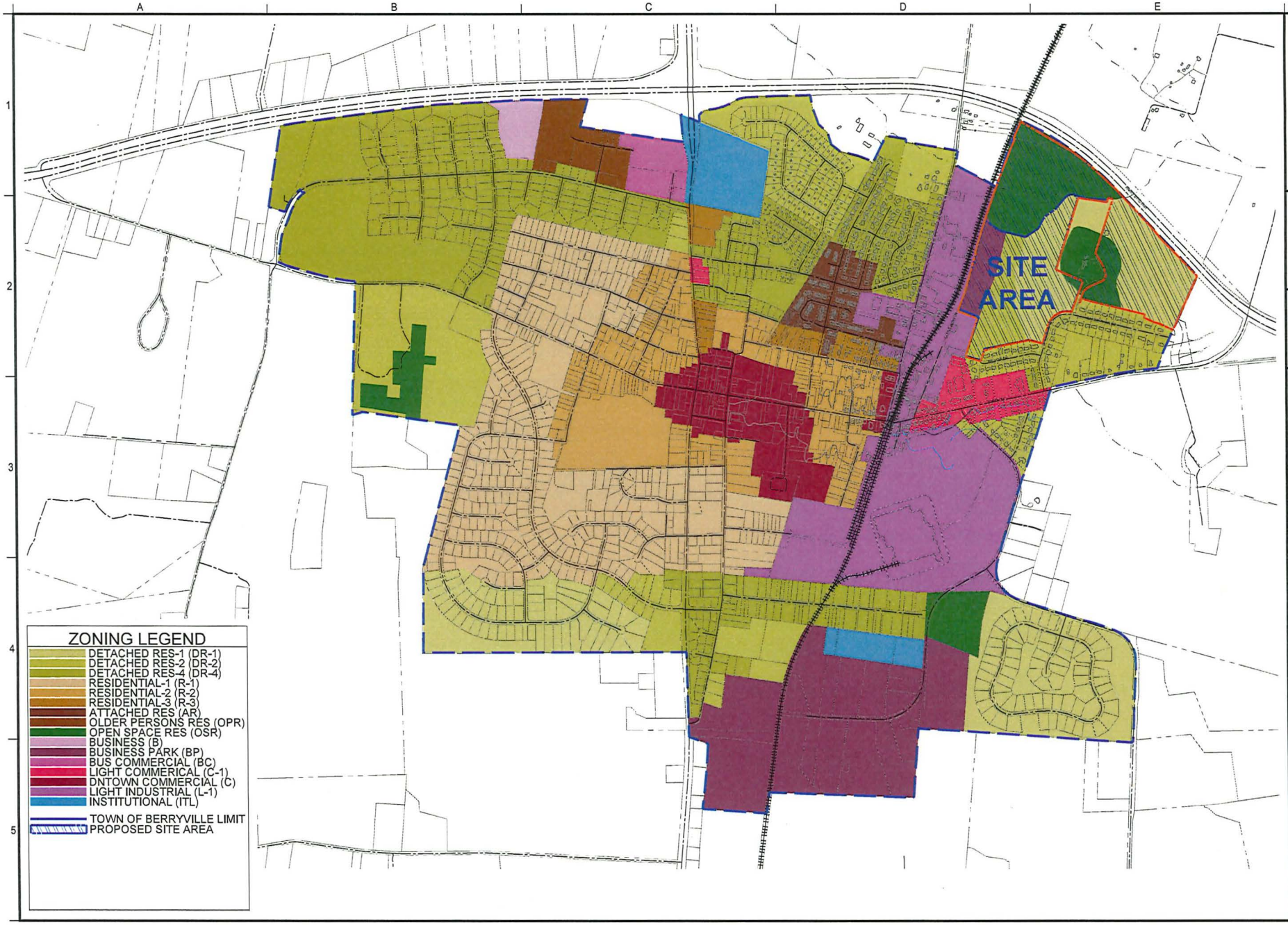
Project No.

Date June 10, 2026

Drawing Title
TRANSPORTATION PLAN

Drawing Number
8

Sheet 8 of 15



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MASTER DEVELOPMENT
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Town of Berryville
Clarke County, Virginia

Issue

No.	Description	Date
1	1st Submission	9/26/25
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4	4th Submission	5/21/26
5	5th Submission	6/10/26

Revision

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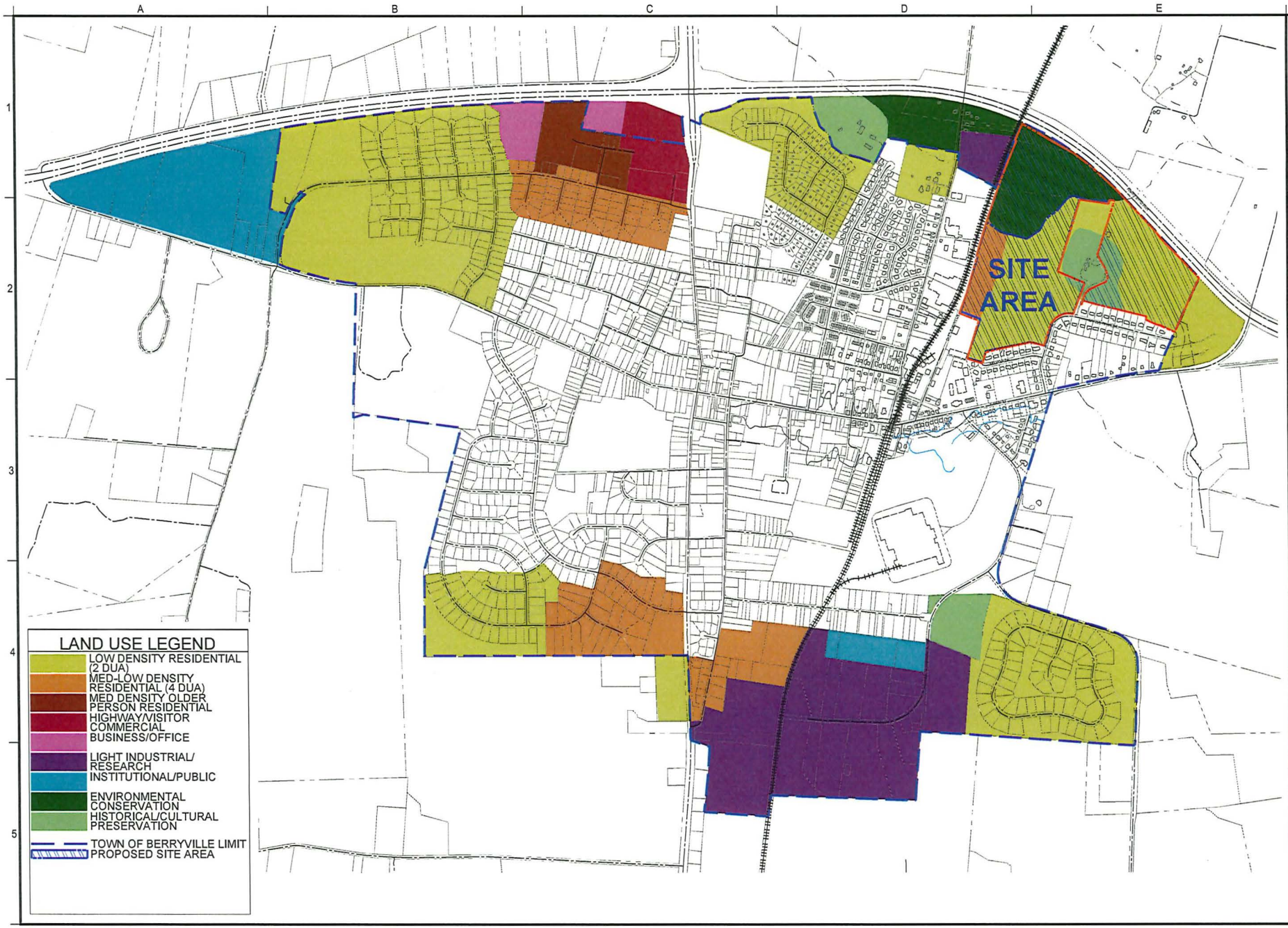
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Date June 10, 2026

Drawing Title
EXISTING
ZONING PLAN

Drawing Number
9
Sheet 9 of 15



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Town of Berryville
Clarke County, Virginia

Issue

No.	Description	Date
1	1st Submission	9/25/25
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3	3rd Submission	3/19/26
4	4th Submission	5/1/26
5	5th Submission	6/10/26

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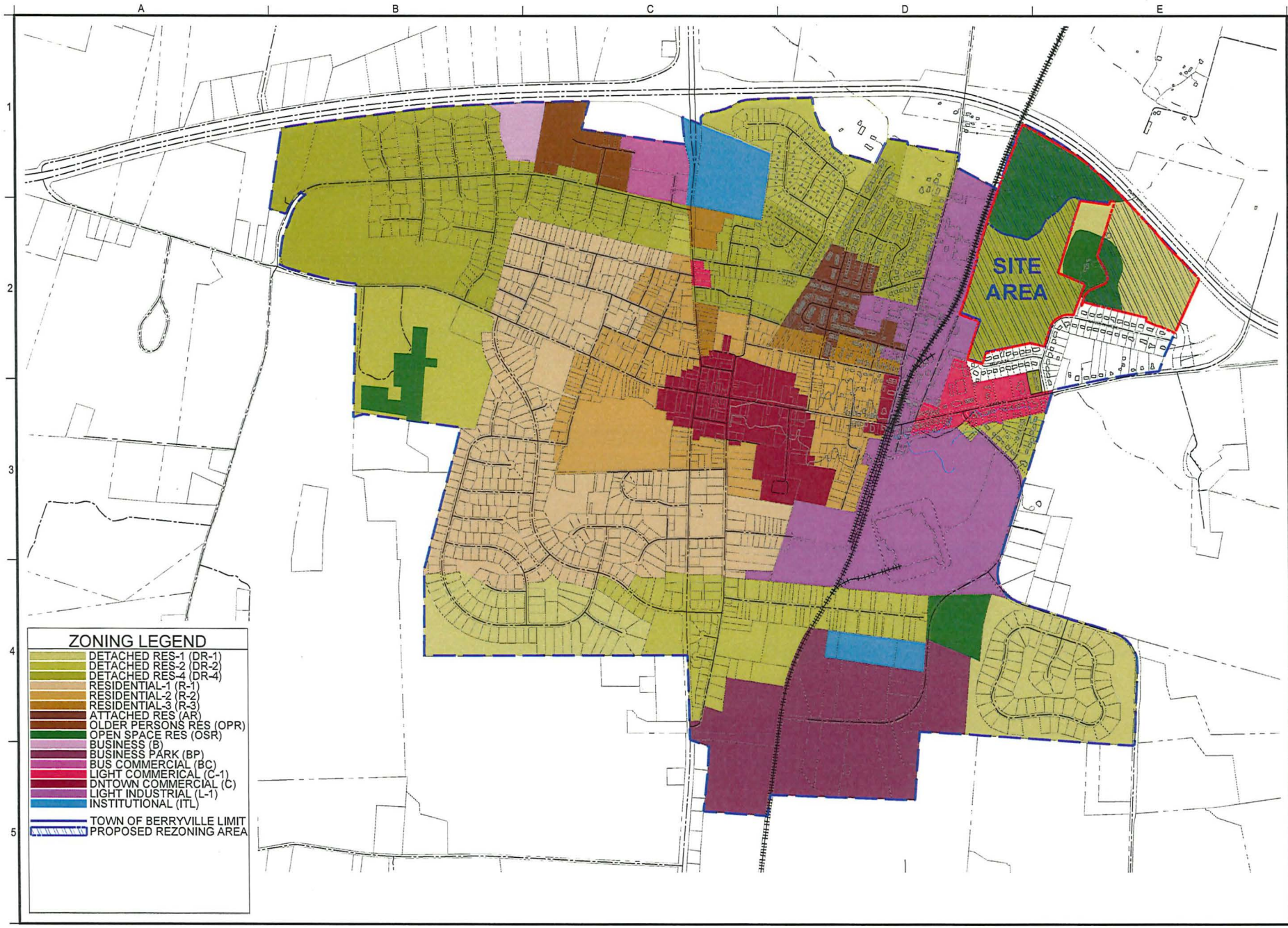
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Date June 10, 2026

Drawing Title
EXISTING LAND USE PLAN

Drawing Number
10
Sheet 10 of 15



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Town of Berryville
Clarke County, Virginia

Issue

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4	4th Submission	5/7/26
5	5th Submission	6/10/26

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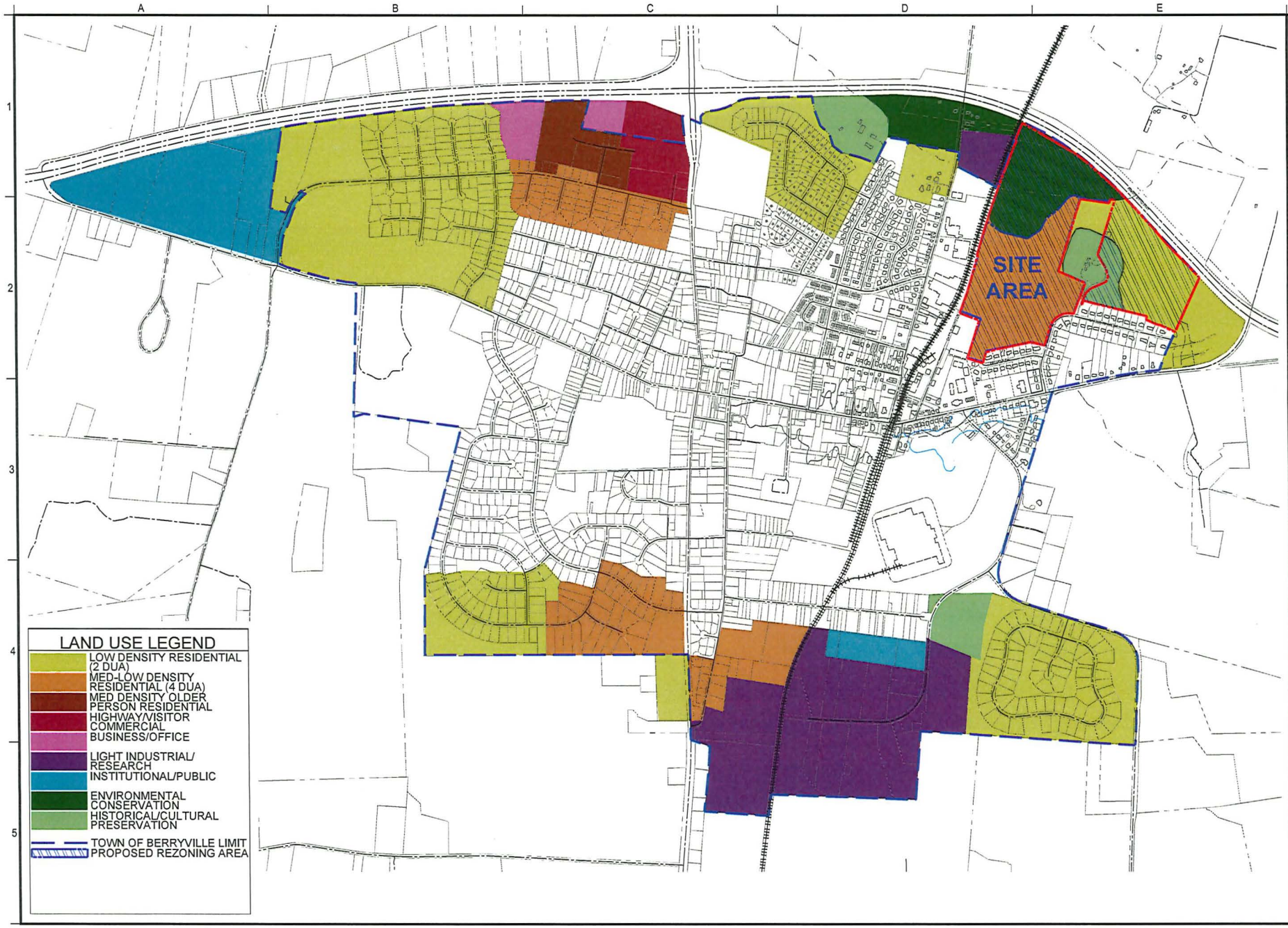
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Date June 10, 2026

Drawing Title
PROPOSED
ZONING PLAN

Drawing Number
11
Sheet 11 of 15



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4/10/2026

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BATTLETOWN RUN

MASTER DEVELOPMENT AND REZONING PLAN
Town of Berryville
Clarke County, Virginia

Issue

No.	Description	Date
1	1st Submission	9/26/25
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3	3rd Submission	2/19/26
4	4th Submission	3/17/26
5	5th Submission	4/10/26

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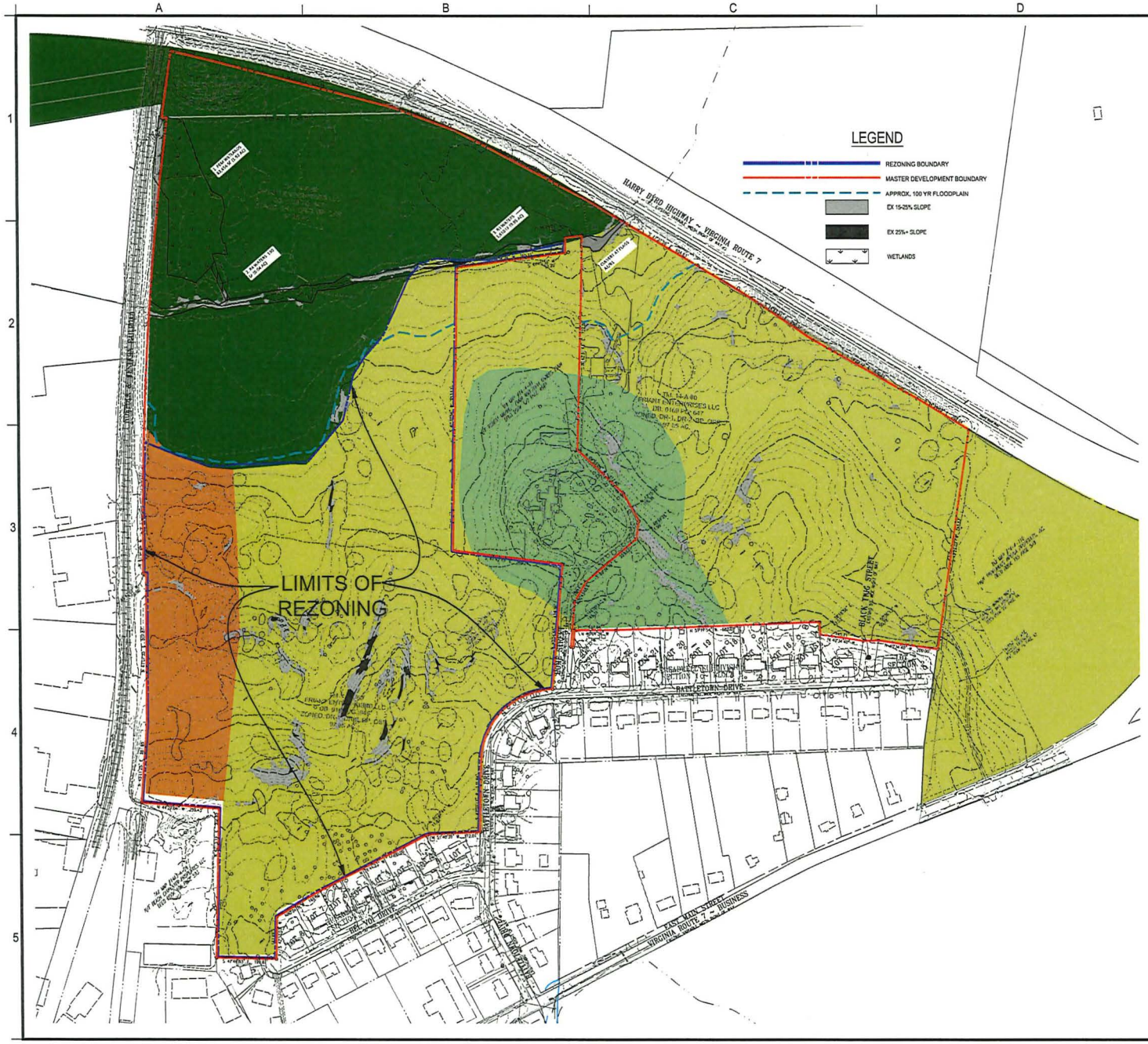
Project No.

Date June 10, 2026

Drawing Title
PROPOSED LAND USE PLAN

Drawing Number
12

Sheet 12 of 15



LAND USE LEGEND

- LOW DENSITY RESIDENTIAL (2 DUA)*
- MED-LOW DENSITY RESIDENTIAL (4 DUA)
- HISTORICAL/CULTURAL PRESERVATION
- ENVIRONMENTAL CONSERVATION

* 4 DUA RECOMMENDED UNDER CERTAIN CONDITIONS PER PAGE II-27 OF 2015 BERRYVILLE AREA PLAN

PROJECTED COMPREHENSIVE PLAN DEVELOPMENT YIELD COMPUTATION

MASTER DEVELOPMENT PLAN AREA	100.04AC
AREA WITHIN MED-LOW DENSITY RESIDENTIAL:	±37.77 AC
AREA WITHIN LOW DENSITY RESIDENTIAL:	±56.50 AC
AREA WITHIN HISTORICAL CULTURAL PRESERVATION:	±6.01 AC
25% SLOPE OR GREATER SLOPE LAND WITHIN MED-LOW DENSITY:	0.00 AC
15% TO 25% SLOPE WITHIN MED-LOW DENSITY:	±0.06 AC
25% SLOPE OR GREATER SLOPE LAND WITHIN LOW DENSITY:	±0.20 AC
15% TO 25% SLOPE WITHIN LOW DENSITY:	±2.04 AC
LAND WITHIN FLOODPLAIN WITHIN LOW DENSITY:	±3.40 AC

POTENTIAL COMPREHENSIVE PLAN YIELD BASED ON LOW DENSITY RESIDENTIAL @ 2DU/AC

LOW DENSITY: (58.50-3.40-2.04-.20)x2.0(dj) = 107.76
MED-LOW DENSITY: (7.77-0.06)x4=0.06(dj) = 30.96
POTENTIAL YIELD = **138.72 OR 138 UNITS**

POTENTIAL COMPREHENSIVE PLAN YIELD BASED ON LOW DENSITY RESIDENTIAL @ 4DU/AC

LOW DENSITY: (58.50-3.40-2.04-.20)x4.2.0(dj) = 215.52
MED-LOW DENSITY: (7.77-0.06)x4=0.06(dj) = 30.96
POTENTIAL YIELD = **246.48 OR 246 UNITS**

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Town of Berryville
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Issue

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5	5th Submission	6/10/26

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North Arrow:
VA STATE GRID

Contour Interval: 2'

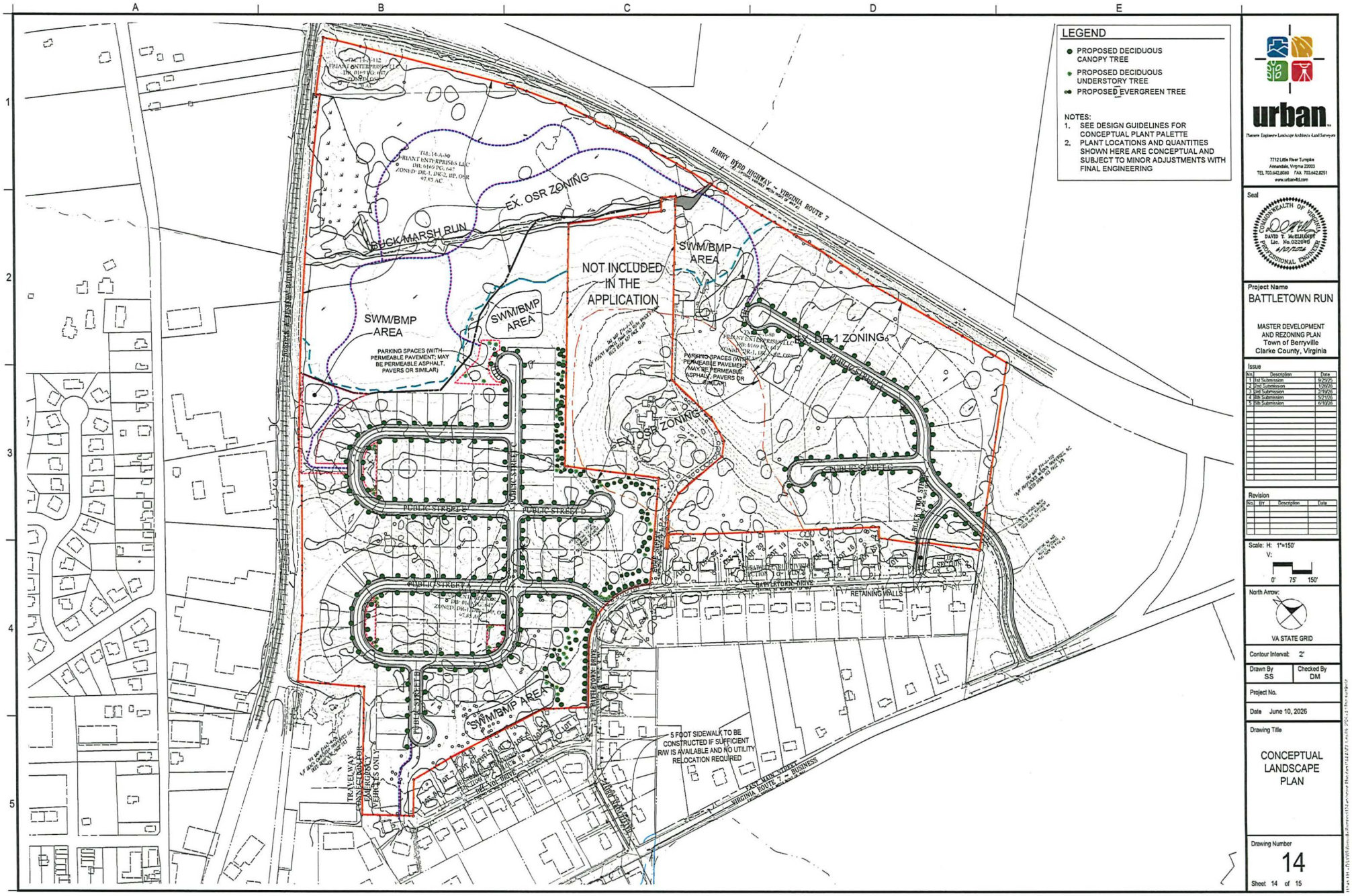
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Date June 10, 2026

Drawing Title
COMPREHENSIVE PLAN DENSITY COMPUTATIONS

Drawing Number
13
Sheet 13 of 15



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5	5th Submission	6/10/26

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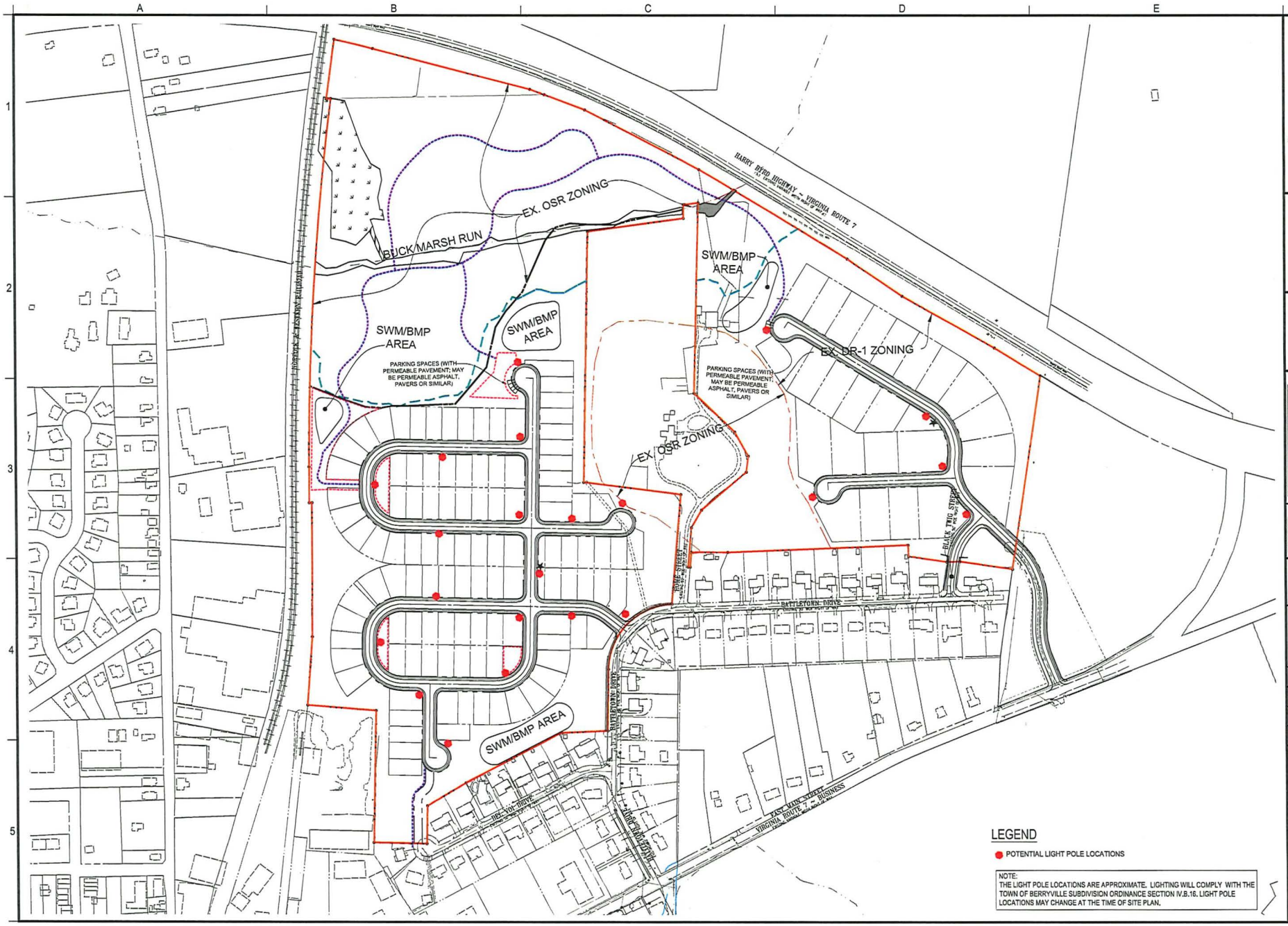
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Project No.

Date June 10, 2026

Drawing Title
CONCEPTUAL LANDSCAPE PLAN

Drawing Number
14
Sheet 14 of 15



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Project Name
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Town of Berryville
Clarke County, Virginia

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1	1st Submission	9/25/25
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4	4th Submission	5/21/26
5	5th Submission	6/10/26

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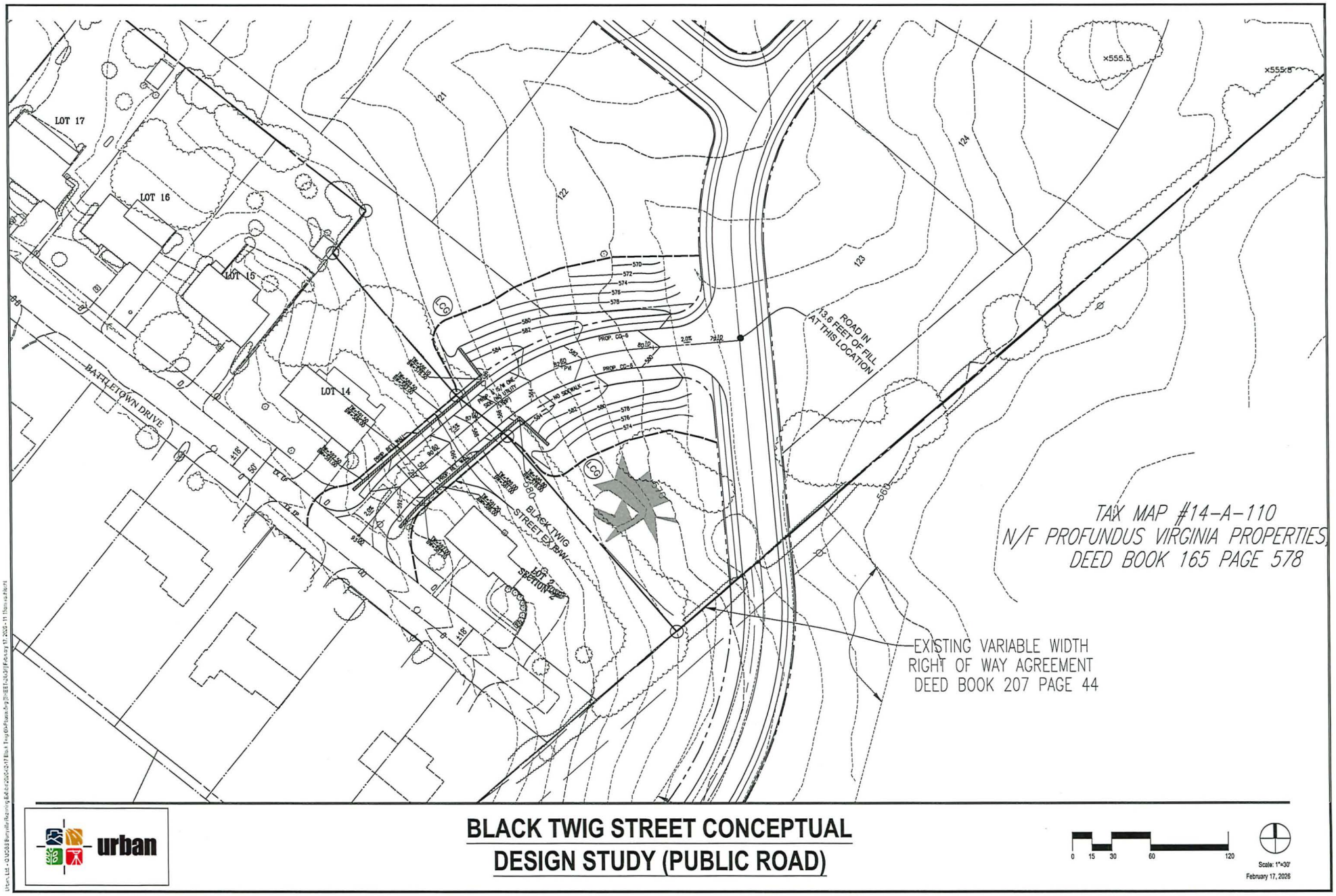
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Project No.

Date June 10, 2026

Drawing Title
CONCEPTUAL LIGHTING PLAN

Drawing Number
15
Sheet 15 of 15



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BLACK TWIG STREET CONCEPTUAL DESIGN STUDY (PUBLIC ROAD)

PROFFER STATEMENT

MASTER DEVELOPMENT PLAN: Detached Residential RZ# _____

PROPERTY: Tax Map Parcel: #14-A-80, and #14-A-112 (the "Property")

RECORD OWNERS: (the "Owner") Friant Enterprises #1, Friant Enterprises #2, and Friant Enterprises #3

APPLICANT: Christopher Land, LLC (the "Applicant")

DATE: June 10, 2026

The undersigned Owner hereby proffers that the use and development of the above-referenced parcel, which is requested to be rezoned, shall be in strict conformance with the following conditions, which shall supersede all other proffers on the Property that may have been made prior hereto. In the event that the above-referenced conditional rezoning is not granted as applied for by the Owner, these proffers shall be deemed withdrawn and shall be null and void.

Further, these proffers are contingent upon final rezoning of the Property with "final rezoning" defined as that rezoning which is in effect on the day following the last day upon which the Town Council of the Town of Berryville, Virginia (the "Town") decision granting the rezoning may be contested in the appropriate court. If the Town's decision is contested, and the Owner elects not to submit development plans until such contest is resolved, the term rezoning shall include the day following entry of a final court order affirming the decision of the Town which has not been appealed, or, if appealed, the day following which the decision has been affirmed on appeal. The headings of the proffers set forth below have been prepared for convenience or reference only and shall not control or affect the meaning or be taken as an interpretation of any provision of the proffers. The improvements proffered herein shall be provided at the time of development of that portion of the Property adjacent to or including the improvement or other proffered requirement, unless otherwise specified herein. Any proffered conditions that would prevent the Owner from conforming with State and/or Federal regulations shall be considered null and void. The term "Owner" as referenced herein shall include within its meaning all future Owners and successors in interest. When used in these Proffers, "MDRP" shall refer to the plan entitled "Master Development and Rezoning Plan Battletown Run" dated June 10, 2026 and shall include the following:

1. LAND USE:

1.1 Residential development of the proposed rezoned Property shall be limited to a maximum of 110 single-family detached dwelling units in accordance with the requirements of the Town's Zoning Ordinance and Subdivision Ordinance. The overall development shall be limited to 134 single-family detached dwelling units in accordance with the requirements of the Town's Zoning Ordinance and Subdivision Ordinance.

1.2 The minimum amount of open space to be provided is twenty eight percent (28%) of the entire parcel subject to the rezoning which is generally 11.4 +/- acres as shown on the MDRP. The overall

gross open space area (inclusive of floodplain area) for the Property to be provided is approximately 54.8 acres which is fifty-four-point eight percent (54.8%) of the entire property.

1.3 The Property shall be developed in general conformance with the MDRP subject to minor modifications upon the time of final engineering.

1.4 The applicant reserves the right to adjust boundary and/or lot lines with adjacent parcel (Tax Map #14-A-81) to allow for the preservation of the existing barn located on the western edge of the eastern land bay in exchange for potential future easements that will benefit the project and the Town. Both the applicant and the Town agree that the MDRP far exceeds the open space requirements. Any lot line adjustments will not infringe upon the Towns minimum open space requirements.

2. SITE DEVELOPMENT:

2.1 Prior to the issuance of the 55th occupancy permit of the rezoned portion of the property, the Applicant shall deliver a tot-lot and workout stations which shall be installed on the Property in general conformance with the MDRP and design guidelines.

2.2 Prior to the issuance of the 55th occupancy permit of the rezoned portion of the property, the Applicant shall deliver a public trail system which shall be installed on the Property and the adjacent residual parcel to the north and east in general conformance with the MDRP and design guidelines.

2.3 If rock blasting is necessary for site development, it shall be conducted by a certified blaster in strict accordance with all federal, state, and local regulations.

3. CREATION OF HOMEOWNERS' ASSOCIATION:

3.1 The Property shall be made subject to a homeowners association ("HOA") that shall be responsible for the ownership, maintenance and repair of all common areas, including any area that may be established in accordance herewith not dedicated to the Town, for each area subject to their jurisdiction, and shall be provided such other responsibilities, duties and powers as are customary for such associations or as may be required for such HOA herein. The HOA shall be created not later than the date upon which the first building permit is issued.

3.2 In addition to such other duties and responsibilities as may be assigned, the HOA shall have title to and responsibility for (i) all common open areas not otherwise dedicated to public use, (ii) common buffer areas located outside of residential lots, and (iii) ownership and maintenance of stormwater management facilities. The HOA shall be responsible for all trails that are on the MDRP.

4. SCHOOLS & PARKS:

4.1 The Applicant shall make a proffer contribution for the rezoned portion of the property in the amount of $62,000 ($2,000 x 31 school students) for the excess of students generated by the by right development. Said funds shall be payable to the Town of Berryville but may be transferred by the Town of Berryville to Clarke County.

4.2 The Applicant shall make a proffer contribution for the rezoned portion of the property in the amount of $9,254.19 ($84.13 x 110 units) to offset the projects impact on Town park facilities.

5. WATER & SEWER:

5.1 The Applicant shall be responsible for connecting the Property to public water and sewer and for constructing all facilities required for such connection. All water and sewer infrastructure (including pump station, grinder pumps and force mains) shall be constructed in accordance with the requirements of the Town.

5.2 The Applicant shall dedicate to the Town any and all water and sewage lines as well as any sewage pump stations (including grinder pumps) constructed on the Property, subject to the Town engineer's approval along with any necessary easements to permit access to and maintenance of said water lines, sewer lines, sewage pump stations, and any other associated public water and sewer improvements.

5.3 All provisions of Section 5 of the Proffers are also subject to the Town's existing water and sewer ordinances.

6. STORMWATER MANAGEMENT:

6.1 Stormwater management and Best Management Practices (BMP) for the Property shall be provided in accordance with Virginia Stormwater Management Regulations and in conformance with the MDRP. Additional stormwater management facilities may be proposed if determined necessary at time of final design.

7. TRANSPORTATION:

7.1 Design of the roadway system shall be generally consistent with the final approved MDRP. The exact location and design of proffered improvements shall be subject to reasonable adjustment upon final engineering thereof, as approved by the Town Engineer.

7.2 All public streets and roads shall be designed and constructed in accordance with the Virginia Department of Transportation subdivision street requirements and subject to review and approval by the Town.

7.3 All sidewalks shall be constructed in accordance with the Town's Zoning Ordinance, Subdivision Ordinance and the MDRP and in the general locations as shown on the MDRP to accommodate pedestrian movement.

8. ESCALATOR CLAUSE:

8.1 In the event the monetary contributions set forth in these Proffers are paid to the Town within eighteen (18) months of the approval of this rezoning, as applied for by the Owner, said contributions shall be in the amounts as stated herein. Any monetary contributions set forth in these Proffers which are paid to the Town after eighteen (18) months following the approval of this rezoning shall be adjusted in accordance with the Urban Consumer Price Index ("CPI-U") published by the United States Department of Labor, such that at the time the contributions are paid, they shall be adjusted by the percentage change in the CPI-U from that date eighteen (18) months after the approval of this rezoning to the most recently available CPI-U to the date the contributions are paid, subject to a cap of four percent (4%) per year, non-compounded.

9. EXCLUSION OF PUBLIC PROPERTY FROM PROFFERS:

9.1 Any portion of the Property may hereafter be dedicated for public street purposes (or otherwise conveyed to a public entity) shall, upon such dedication, be excluded from the terms and conditions of these Proffers and the remainder of the Properties shall continue to be subject to the full force and effect of these Proffers.

10. SEVERABILITY:

10.1 In the event any portion of these Proffers are subsequently determined to be illegal or unenforceable, the remaining Proffers shall continue in full force and effect.

11. CONSTRUCTION ACTIVITY CONTACT INFORMATION

11.1 Prior to commencement of construction on the property, the adjacent property owners will be provided with the name, title, phone number, and email address of a person to whom comments and/or complaints regarding construction activities may be directed. Correspondence shall be sent by U.S. Mail, return receipt requested.

11.2 In addition, prior to the commencement of construction on the Property, a sign with the contact information specified above shall be posted on the Property and shall be updated and retained on the Property through all construction activities.

12. PRESERVATION EASEMENT:

12.1 Within the areas located identified as "OPEN SPACE WITHIN EX OSR ZONING" On Sheet 6 of the MDRP, the Applicant will preserve healthy trees provided, however, the trees may be removed to the extent necessary for the construction of trails, passive recreation, stormwater management and utilities that are required pursuant to approved construction plans as necessary for the development of the property. Such areas will be provided with a Preservation Easement to be established with the subdivision Record Plat.

13. TRAIL PUBLIC ACCESS EASEMENT

13.1. The Applicant shall provide a public access easement over the area identified on Sheet 08 of the MDRP as "PROPOSED PUBLIC TRAIL" for non-motorized use by members of the public.

14. OFFSITE SIDEWALK IMPROVEMENTS TO BE BUILT AND ESCROW ESTABLISHED

14.1 The applicant shall construct a sidewalk on the west side of Battletown Drive from East Main Street to the limits of the subject property as long as sufficient Right of Way exists and no utility relocation is required. In any areas that sufficient Right of Way does not exist and/or utilities need to be relocated, the applicant will escrow up to $50,000.00 (final amount to be determined at time of final engineering) to be used by the Town towards the future construction of the sidewalk. The escrow shall be established no later than the 50th occupancy permit. Should the escrow not be used by the Town within 5 years of it being established, it shall be returned in full to the entity that established the escrow. Prior to the issuance of the 55th occupancy permit of the rezoned portion of the property, the Applicant shall deliver the offsite sidewalk improvements that can legally be completed.

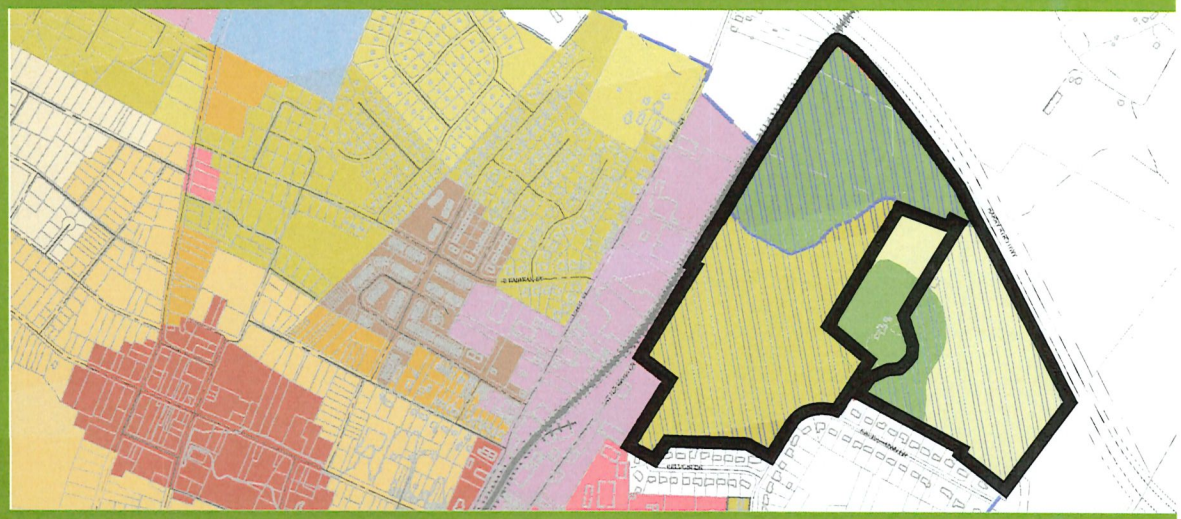
15. BINDING EFFECT:

15.1 These Proffers run with the land and shall be binding upon all heirs, executors, administrators, assigns and successors in interest of the Owner.

BATTLETOWN RUN

DESIGN GUIDELINES







JUNE 2026

PREPARED BY:

urban

FOR:

CHRISTOPHER® COMPANIES

QUALITY BY DESIGN

TETRA CORPORATION

TABLE OF CONTENTS

PROJECT SUMMARY

1. Cover
2. Table of Contents
3. Overview
4. Basis of Design
5. Project Summary
6. Achieved Design Elements

TRANSPORTATION DESIGN

7. Vehicular Transportation
8. Pedestrian Walkability
9. Street and Trail Details

OPEN SPACE

10. Open Space Area
11. Open Space Plan
12. Optional Open Space Amenities - Western Landbay
13. Optional Open Space Amenities - Eastern Landbay

LANDSCAPING

14. Landscape Standards
15. Residential Landscape and Hardscape Guidelines
16. Screening Plan
17. Plant Palette
18. Overall Site Amenities

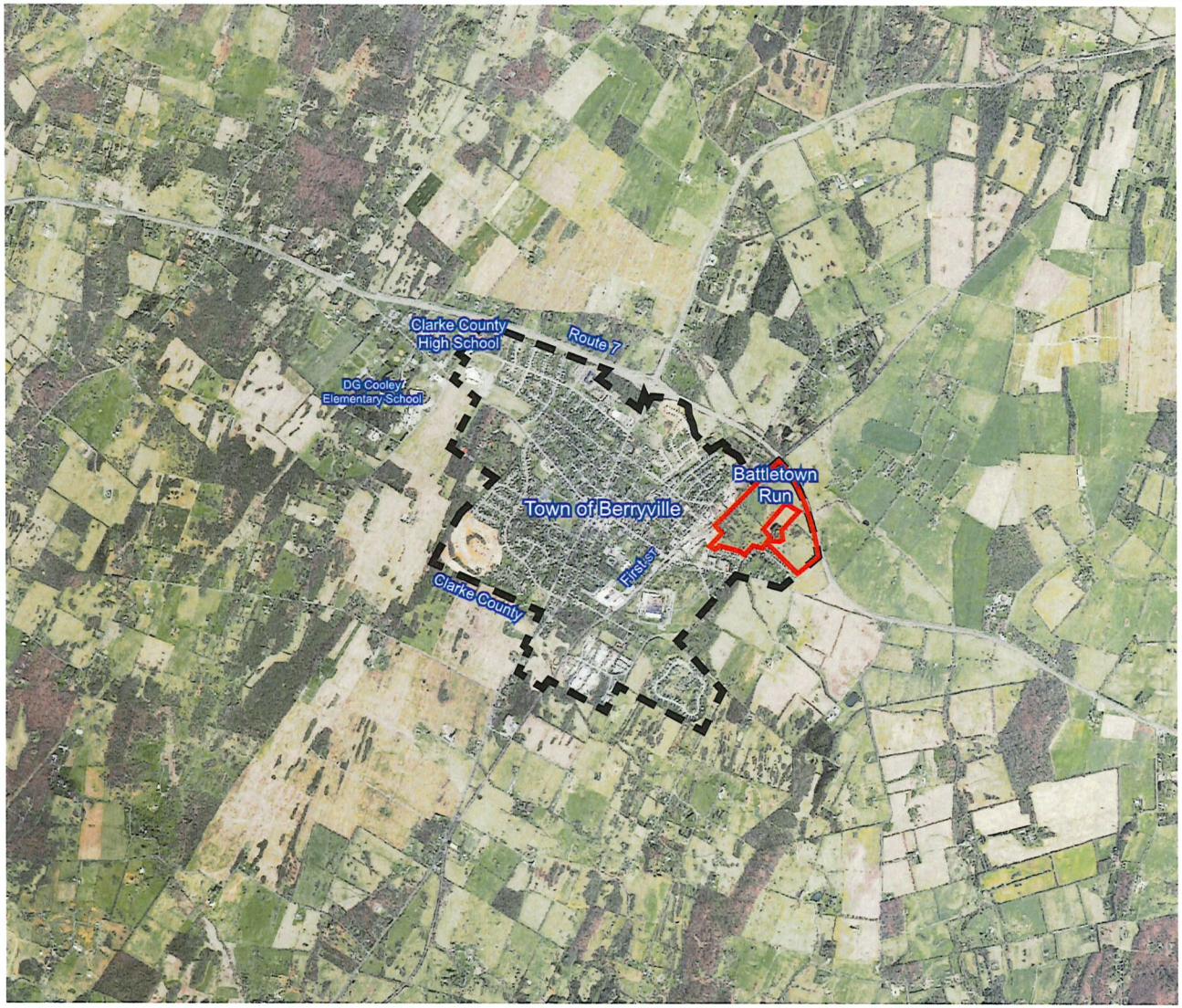
RESIDENTIAL ARCHITECTURE DESIGN GUIDELINES

19. Residential Architecture Design Guidelines - Western Landbay
20. Residential Architecture Design Guidelines - Eastern Landbay
21. Architectural Features
22. Landscape Lot Details - Western Landbay
23. Landscape Lot Details - Eastern Landbay

OVERVIEW

PROJECT LOCATION

Battletown Run is a thoughtfully planned single-family residential community proposed in the northeastern-most portion of the Town of Berryville in Clarke County, Virginia. The community will provide 134 residential lots while preserving more than 29% of the rezoned property as open space. Over 50% of the overall development will be open space which will support both conservation goals and a high quality of life for future residents. Strategically located with easy access to Route 7 and only minutes from downtown Berryville, Battletown Run offers convenient proximity to essential amenities, services, and public schools within 2 to 3 miles. This location strengthens the connection between new housing opportunities and the Town's existing infrastructure and community assets.



BASIS OF DESIGN

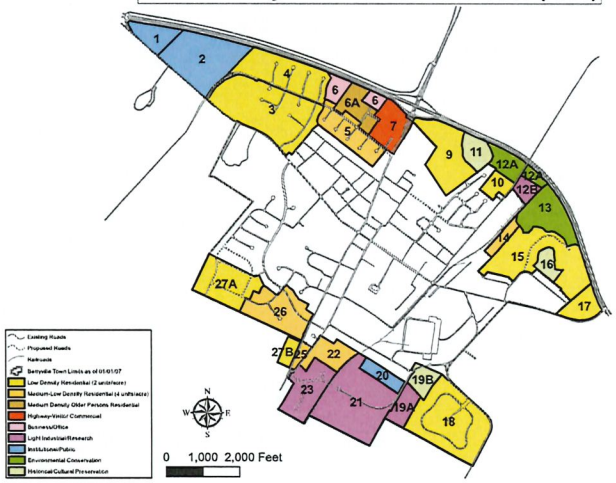
Enhanced Transportation and Connectivity – The community design incorporates roadway and access improvements that strengthen connectivity to the Town's transportation network, ensuring safe and efficient circulation for residents and emergency services.

Cluster Development Approach – Homes are arranged in a clustered pattern to minimize infrastructure demands, reduce long-term public service costs, and preserve significant open space, thereby aligning with smart growth & environmental stewardship objectives.

Pedestrian-Friendly Design – A comprehensive system of sidewalks and trails is proposed to promote walkability, encourage healthier lifestyles, and provide safe, accessible routes that connect residents to open spaces and community amenities.

Viewshed and Scenic Resource Protection – The plan preserves key visual corridors and natural features, protecting the community's rural character and maintaining the scenic quality valued by Clarke County residents & visitors.

MAP 4 -- Berryville Area Plan Land Uses (2015)



A-4

The Town of Berryville is uniquely positioned to provide urban-level services as Clarke County's primary designated growth area for both residential & business uses. With the support of a comprehensive master plan that addresses all relevant planning elements, the proposed residential area can appropriately accommodate medium-low density development at a target of 4 units/ac. Pedestrian connection between the west & east sides of the community can be provided through the existing parcels.

The Battletown Run development plan has been carefully crafted to reflect and implement the guiding principles of the Berryville Area Plan (the Plan). This Plan, jointly developed by Clarke County and the Town of Berryville, was established to balance the protection of natural resources, historic landscapes, and agricultural lands with the Town's role as the County's designated growth center. Within this framework, the Plan provides specific recommendations for sub-areas. The Battletown Run property encompasses Sub-areas 13, 14, 15, and a part of 16:

Sub-area 13 is identified for environmental conservation, which has been incorporated directly into the Battletown Run plan through preserved open spaces and resource protection.

Sub-areas 14 and 15 are designated for medium-low (2–4 units/ac.) and low-density (1–2 units/ac.) residential development, respectively. However, the Plan clearly acknowledges that both areas may support medium-low density (up to 4 units/ac) residential development under a cohesive master plan that integrates Sub-areas 13, 14, and 15. The Plan further emphasizes that unused residential density from other growth areas should be considered for application within Sub-area 15, making Battletown Run an ideal location to absorb this capacity in a planned, responsible manner.

Sub-area 16, portion under separate ownership, is designated for historical and cultural preservation. The Plan recognizes that connectivity between the east and west sides of Sub-area 15 is a known challenge, which can be resolved with the future development of the Bel Voi parcel by others.

In summary, Battletown Run delivers a cohesive master plan that directly advances the Berryville Area Plan's objectives by:

- Preserving sensitive environmental areas.
- Establishing a compact, walkable, and connected neighborhood form.
- Supporting efficient provision of urban services within the Town's primary growth boundary.
- Responsibly accommodating planned residential density consistent with the County's adopted growth policies.

This coordinated approach not only meets the intent of the Plan but also strengthens Berryville's role as the County's focal point for growth while ensuring long-term protection of surrounding rural and agricultural lands.

PROJECT SUMMARY

The Battle Town Run community has been designed using a clustered development approach that minimizes infrastructure demands while preserving significant environmental resources. This design strategy allows development to be concentrated in appropriate areas, while maintaining large portions of the property as permanent open space, consistent with Town planning objectives.

A walkable community framework has been prioritized. All residential streets will be built with sidewalks, ensuring safe pedestrian movement throughout the neighborhood. Beyond the streetscape, a public trail system will weave through the preserved open space areas, creating opportunities for recreation, connectivity, and access to natural resources.

Open space preservation is a defining feature of the plan. The majority of the site, when including both the rezoning and by-right plans, will remain open space, with select areas thoughtfully programmed for active and passive recreation to serve residents of all ages.

Modern infrastructure will be provided. Each home will be served by public water and sanitary sewer, while on-site stormwater management systems will be implemented to meet regulatory requirements and protect downstream resources.



LEGEND

LIMITS OF REZONING

SUBJECT PROPERTY

ACHIEVED DESIGN ELEMENTS

GOALS:

1. TRANSPORTATION & CONNECTIVITY

- Battletown Run is designed to strengthen the Town's transportation network by providing a new access point. The primary entrance will extend from Battletown Drive and incorporate road improvements, ensuring safe and efficient traffic flow. This new entrance will improve circulation within the Town and maintaining the secondary street network envisioned in the Berryville Area Plan. Battletown Drive will also be connected to the Eastern Landbay via the construction of Black Twig Street. The Eastern Landbay will also be connected to East Main Street.
- *Plan Alignment:* The Berryville Area Plan (Chapter 2, Section C) emphasizes the need for linkages to and through Battletown Subdivision and adjacent sub-areas, while also calling for additional access options to Sub-area 15. Battletown Run plan directly fulfills this requirement.

2. CLUSTER DESIGN TO REDUCE INFRASTRUCTURE COSTS & ADVERSE ENVIRONMENTAL IMPACTS

- The Battletown Run neighborhood is designed as a clustered community, reducing infrastructure demands while preserving sensitive natural resources and drainage ways. The proposed density of 1.34 DU/AU reflects the Plan's call for medium-low density residential development at 4 units per acre, consistent with Sub-area 15's potential.
- *Plan Alignment:* The Berryville Area Plan (Chapter 2, Section C) encourages cluster development to protect environmental areas, increase land efficiency, and reduce infrastructure costs. The Plan further notes that unbuilt residential density from Annexation Area B should be considered for Sub-area 15—supporting Battletown Run's proposed density.

3. WALKABILITY & TRAILS

- All residential streets in Battletown Run will include sidewalks, providing approximately 2.79 miles of safe pedestrian pathways. In addition, a trail system approximately 1 mile will extend through the preserved open space, creating a comprehensive pedestrian circulation network that enhances recreation and accessibility.
- *Plan Alignment:* The Berryville Area Plan (Chapter 1, Section D) highlights the importance of walkable communities, noting benefits such as healthier and more active residents, reduced transportation costs, improved air quality, and increased economic activity. Battletown Run fully embraces this vision by delivering an interconnected, pedestrian-friendly neighborhood.

4. VIEWSHED PROTECTION

- Battletown Run has been carefully designed to protect the highly visible landscape along Route 7. The majority of development is located more than a quarter-mile from the corridor. In areas where homes are closer, the property's natural topography and additional evergreen screening will preserve scenic views and mitigate visual impacts.
- *Plan Alignment:* The Berryville Area Plan (Chapter 2, Section C) specifically identifies the Route 7 Bypass viewshed as requiring careful siting. Battletown Run addresses this requirement by combining natural terrain with landscape screening to preserve the County's scenic character.

5. MASTER PLANNING FOR UTILITIES & STORMWATER

- Battletown Run will be fully served by public water and sanitary sewer, consistent with the Town's role as the primary growth area. On-site stormwater management will be achieved through strategically located ponds, ensuring regulatory compliance and long-term protection of downstream resources.

6. PROFFERS & MITIGATION OF DEVELOPMENT IMPACTS

- As outlined in the proffer statement, Battletown Run includes cash proffers to help address Town needs, ensuring that the costs of new growth are responsibly offset by developer contributions.

In summary, the Battletown Run master plan directly implements the Berryville Area Plan by:

- Expanding safe and efficient transportation linkages.
- Preserving environmental resources through clustered design.
- Establishing a robust walkability and public trail system.
- Protecting key scenic viewsheds.
- Delivering urban-level services in the designated growth area.
- Mitigating impacts through proffers.

Battletown Run reflects the balanced growth strategy envisioned jointly by The Town of Berryville—strengthening the Town as the growth center while safeguarding the rural and historic character that defines the surrounding

VEHICULAR TRANSPORTATION

The Battletown Run community shall be designed with a well-connected internal street network that supports safe and efficient two-way vehicular circulation while accommodating on-street parking to enhance neighborhood character and convenience. To ensure strong integration with the Town's overall transportation system, the development shall include an entrance point connecting the community to the rest of the existing surrounding neighborhood along Battletown Drive.

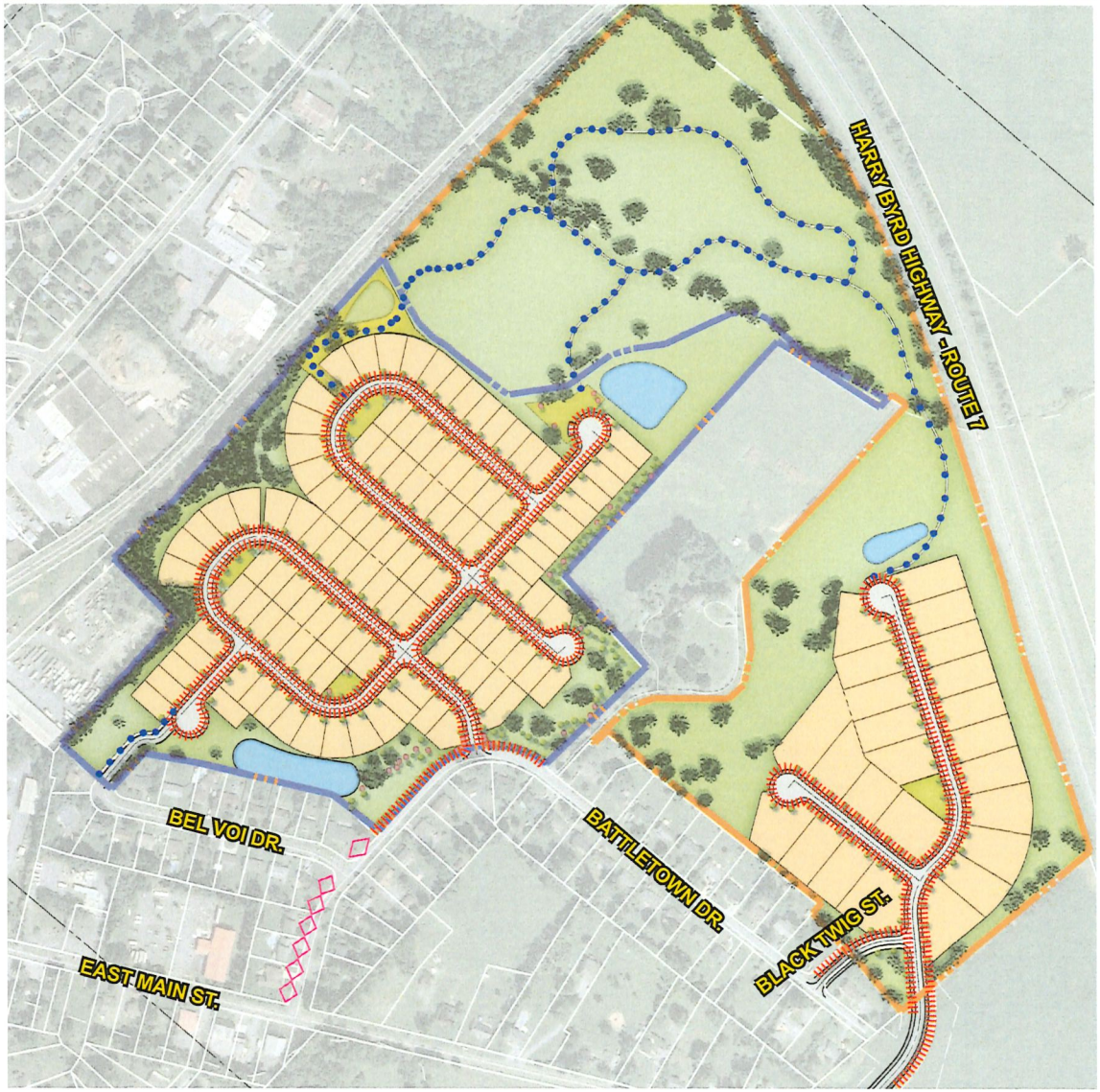


LEGEND

- EXISTING STREETS
- PROPOSED RESIDENTIAL STREET
- PROPOSED CONNECTION
- EMERGENCY CONNECTION

PEDESTRIAN WALKABILITY

The internal residential streets of Battletown Run shall be designed with sidewalks on both sides, ensuring safe and continuous pedestrian access throughout the community. In addition, sidewalks, trails, and similar pedestrian connections shall link residential areas to community amenities and recreational features located within designated open spaces. The open space network shall be further enhanced by a system of interconnected internal trails, providing multiple routes and access points that encourage public use, strengthen connectivity, and promote an active, walkable neighborhood environment.

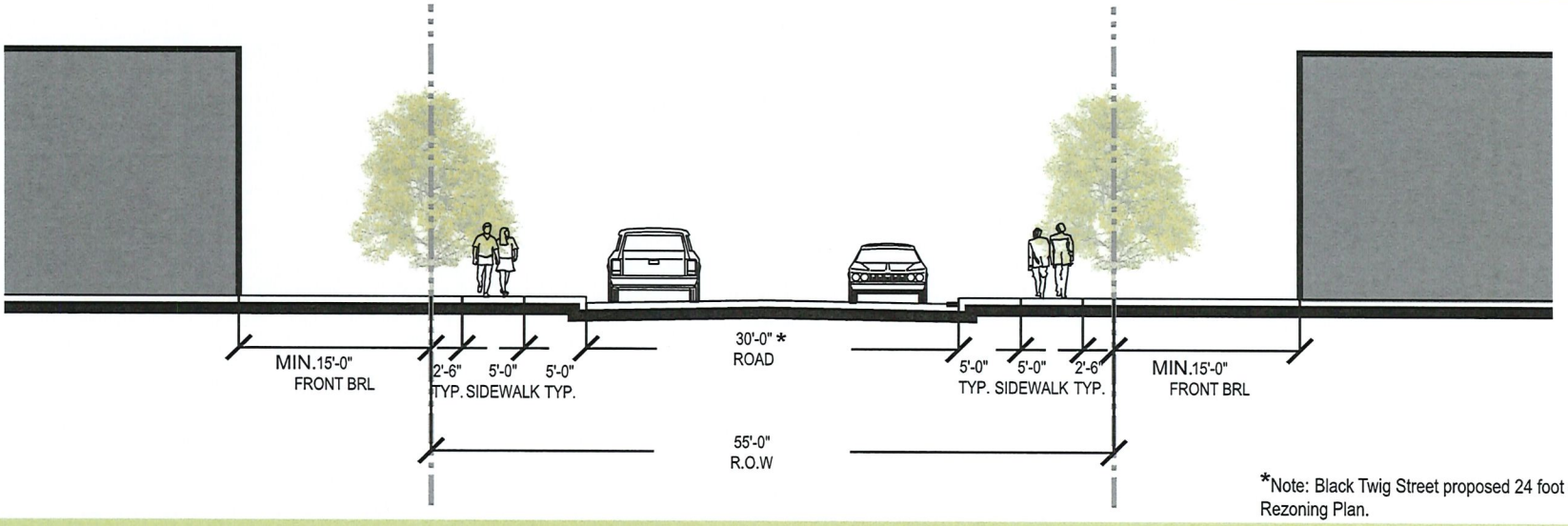


LEGEND

- PROPOSED SIDEWALK
- PROPOSED PUBLIC TRAIL
- ERSCROW FOR SIDEWALK

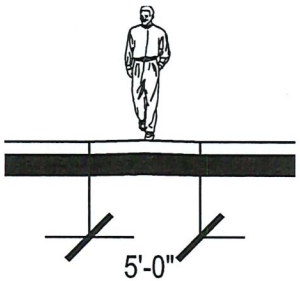
STREET AND TRAIL DETAILS

RESIDENTIAL STREETS All internal residential streets shall be designed as 50-foot public rights-of-way, incorporating sidewalks to ensure safe, convenient, and accessible pedestrian circulation throughout the community. Sidewalks shall connect to open space areas, trails, and adjoining neighborhoods to promote walkability and support a cohesive, interconnected community fabric.



*Note: Black Twig Street proposed 24 foot width, see Rezoning Plan.

TRAILS A system of public trails shall supplement the sidewalk network to expand recreational opportunities and provide public access connections to designated open space areas. Trails shall be a minimum of 5 feet in width and may utilize a range of high-quality surface materials—including natural stone dust, asphalt, mulch, concrete, pavers, or similar materials—selected to balance durability, accessibility, and the desired character of the trail environment.



STONE DUST



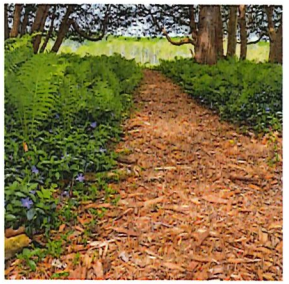
ASPHALT



NATURAL



MULCH



OPEN SPACE AREA

To uphold the cluster design principles established in the Master Plan, the majority of the Battletown Run community shall be preserved and enhanced as open space. These areas shall serve as both conservation and community functions, protecting natural resources while offering residents meaningful opportunities for recreation. Select portions of the open space shall be thoughtfully programmed with amenities that support a balance of active and passive recreational uses for all ages. Public access to these amenities shall be provided through a connected trail system that links seamlessly to the internal public street network, ensuring accessibility, walkability, and integration with the overall neighborhood design.











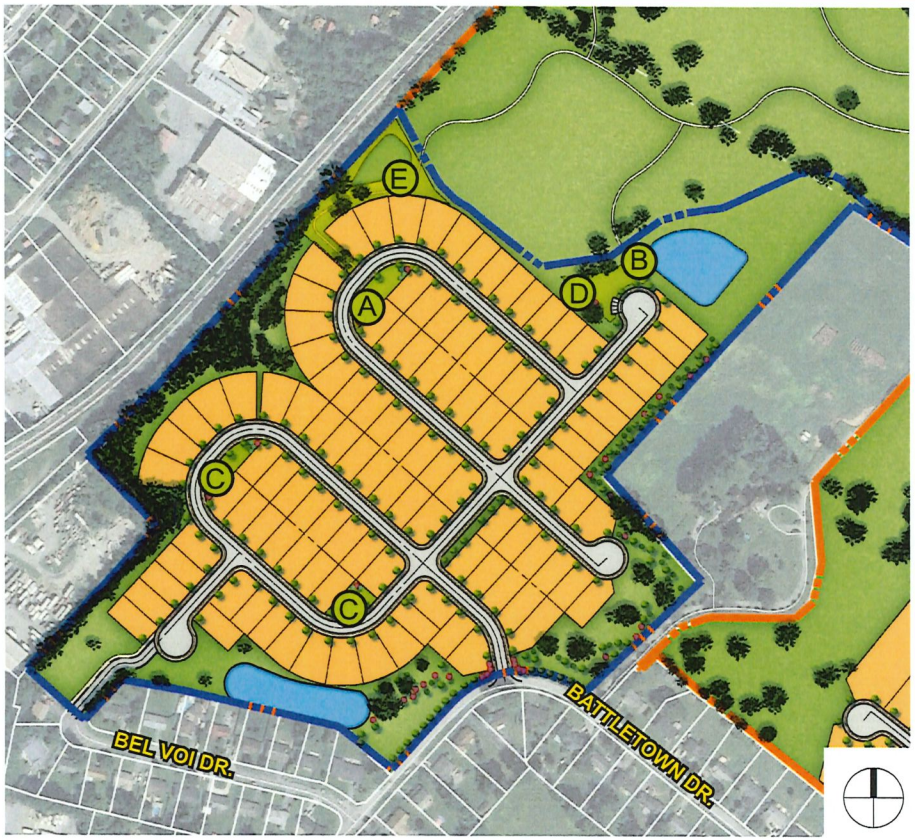
OPEN SPACE PLAN

LEGEND

- OPEN SPACE WITHIN EX. DR-1 ZONING
- OPEN SPACE WITHIN PROPOSED DR-4 ZONING
- OPEN SPACE WITHIN EX. OSR ZONING
- AMENITY SPACE



OPTIONAL OPEN SPACE AMENITIES - WESTERN LANDBAY



A Playground: The Playground acts as a central hub for children to explore their surroundings in a healthy and safe environment. The playground equipment shall be intentionally selected to promote creativity and physical fitness for ages 5-12. The materials selected shall be complimentary to the surrounding architecture.





B Fire Pits & Pavilion: Fire Pits will be proposed within an open space area, facing a wooded buffer, allowing users to enjoy a quiet evening or afternoon with friends around the fire.





C Passive Park: Has space for users to have picnics, birdwatch, and enjoy nature.



D Dog Park: The enclosed Dog Park includes seating and open space for users.



E Exercise Equipment: Exercise equipment will be proposed along the trail for users to enjoy cardio and strength training outdoors.



OPTIONAL OPEN SPACE AMENITIES - EASTERN LANDBAY



Fire Pits & Seating: Fire Pits are suggested within an open space area central to Eastern Landbay area homes allowing users to enjoy a quiet evening or afternoon with friends around the fire as well as physical activites such as yoga.





LANDSCAPE STANDARDS

1. PLANTING DESIGN GUIDELINES AND GENERAL REQUIREMENTS

A. Landscape material selections shall respond to the surrounding architecture and shall reinforce and define the public open space within the site. In general, street tree species shall correspond to the specific street type they are located on. This will help define the overall hierarchy of street connections and create clear pedestrian and vehicular zones. Overall, landscape selections will be based on year round interest, the ecology of the site, the need to define spaces, and the theme of the design.

B. Plants shall be selected based on their ultimate height, width, and growth habit in relation to the space where they will be planted. When planted adjacent to buildings, plantings should not obscure the building's architectural features.

C. To the extent possible, regional indigenous species are to be integrated into the planting designs.

D. Plant materials shall be resistant to disease and damage by deer and other fauna of the area.

E. There shall be a diverse mix of plant species to avoid monoculture and ensure seasonal interest. No more than 33% of plantings shall be of any one species.

F. Non-native species may be used in high visibility areas (e.g. entrance features, adjacent to buildings), however invasive and aggressively spreading species are not permitted.

G. All plant beds shall be fully prepared as per the plan specifications.

H. Minimum Plant Size:
Street/Shade Trees: 2" cal.
Ornamental Trees: 1.5" cal.
Evergreen Trees: 6' height
Shrubs: 18" - 24"

2. EXISTING VEGETATION

A. General Guidelines: Existing stands of vegetation shall be preserved whenever possible.

B. Buffer Credits: Existing vegetation may be used to meet landscape buffer requirements. To be credited, existing vegetation stands must meet the buffer width requirement and be in good health. Existing buffer areas shall be supplemented where necessary with planted trees and shrubs to achieve the minimum number of trees and shrubs required.

3. STREET TREES

A. General Requirements: Shade trees shall be planted as street trees along all rights-of-way within the project area.

B. Spacing: Shade trees shall be planted at a minimum, one tree approximately every 50 feet with the centerline of the roadway as the basis of measurement.

4. RESIDENTIAL LANDSCAPING

Landscape plantings for individual homes should consist of a limited variety of trees, shrubs, and groundcovers to create an attractive well organized cohesive landscape. Shrubs and groundcovers should be planted in masses of a single species or cultivar in sufficient numbers to create beds or drifts of plants.







RESIDENTIAL LANDSCAPE AND HARDSCAPE GUIDELINES

LANDSCAPING

Lot landscaping and screening can add a lot of value and create an aesthetically pleasing streetscape throughout the community. The following guidelines shall be used:

- Foundation plantings must be included on every house prior to occupancy.
- Lots with walk-out basements or exposed foundations shall include some landscaping to break up large architecture planes.
- Columnar or taller evergreens shall be used to "soften" the architecture.

FENCES

Fences will be permitted within the Battletown Run community but must follow the guidelines below:

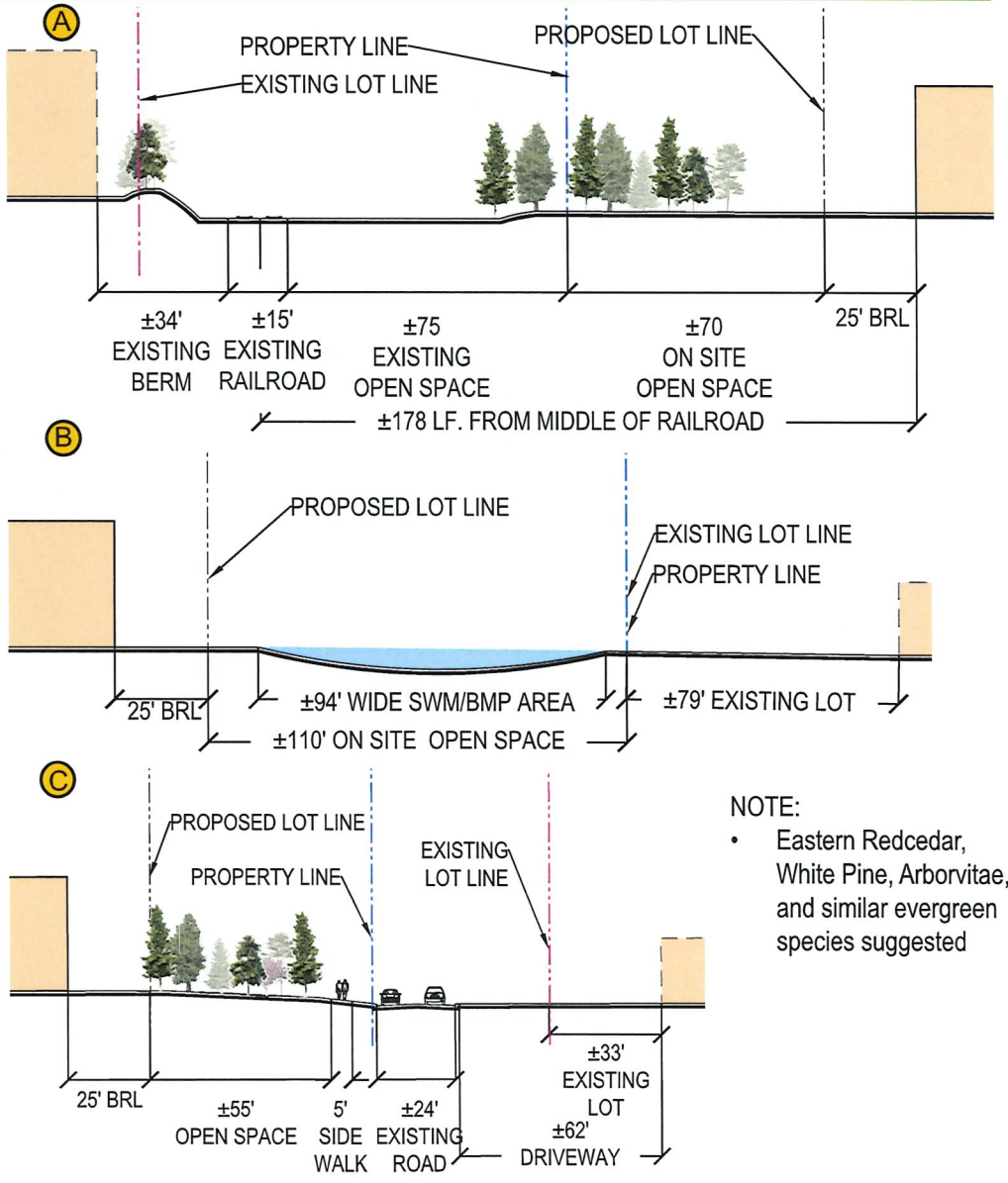
- Fence material shall be treated wood, vinyl, wrought iron or aluminum.
- Vertical vinyl covered black picket fencing is permitted.
- Maximum fence height shall be six (6) feet, not including lattice.
- Side yard fencing shall be a minimum of four (4) feet behind the front plane of the house.
- Corner lot fencing layout shall not extend beyond the front plane of the house on the perpendicular street.
- No front yard fencing shall be allowed.

HVAC EQUIPMENT & GENERATORS

- HVAC & generators shall be placed in the rear yard whenever possible.
- HVAC & generators shall be screened from view of the street or adjacent lots with a fence or opaque landscape screen.
- No equipment shall be placed on the side of the house that abuts two public streets.

SCREENING PLAN





NOTE:

- Eastern Redcedar, White Pine, Arborvitae, and similar evergreen species suggested

PLANT PALETTE

DECIDUOUS TREES

SCIENTIFIC NAME	COMMON NAME
Quercus falcata	Southern Red Oak
Quercus phellos	Willow Oak
Nyssa sylvatica	Blackgum
Acer saccharum	Sugar Maple

EVERGREEN TREES

SCIENTIFIC NAME	COMMON NAME
Ilex opaca	American Holly
Juniperus virginiana	Eastern Redcedar
Pinus strobus	Eastern White Pine
Thuja occidentalis	Arborvitae

ORNAMENTAL TREES

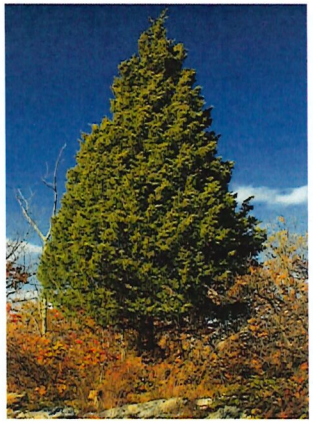
SCIENTIFIC NAME	COMMON NAME
Cercis canadensis	Redbud
Crataegus phaenopyrum	Washington Hawthorn
Malus angustifolia	Southern Crabapple

SHRUBS

SCIENTIFIC NAME	COMMON NAME
Aquilegia canadensis	Red Columbine
Osmanthus americanus	Devilwood
Ilex glabra	Inkberry
Prunus laurocerasus var. 'Otto Luyken'	Otto Luyken Cherrylaurel



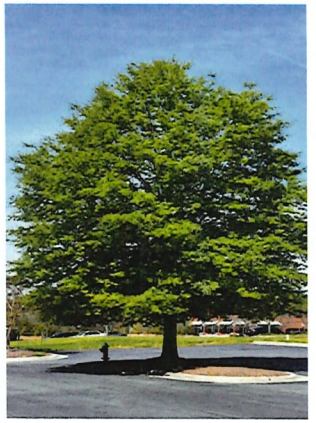
AMERICAN HOLLY



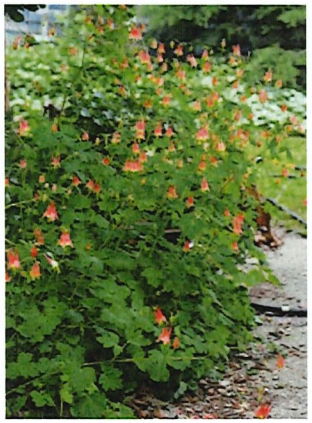
EASTERN RED CEDAR



SOUTHERN RED OAK



WILLOW OAK



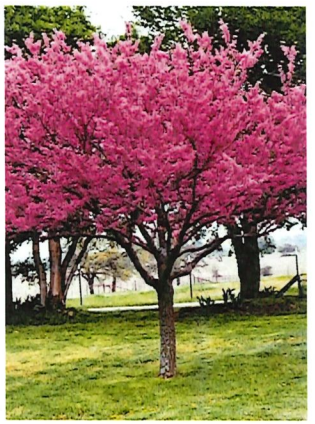
RED COLUMBINE



DEVILWOOD



WASHINGTON HAWTHORN



REDBUD

NOTE: The species shown are representative of the desired characteristics of the trees that will be within the Battletown Run community and are not intended to be the entire list of species. Additional species may be added at time of final design.

OVERALL SITE AMENITIES

Outdoor furniture within active and passive amenity spaces shall be selected and designed to employ a unified and consistent aesthetic throughout the development. Matching benches, tables, chairs, bike racks, exercise equipment, playground equipment, trash receptacles, etc. are encouraged.



WASTE RECEPTACLES



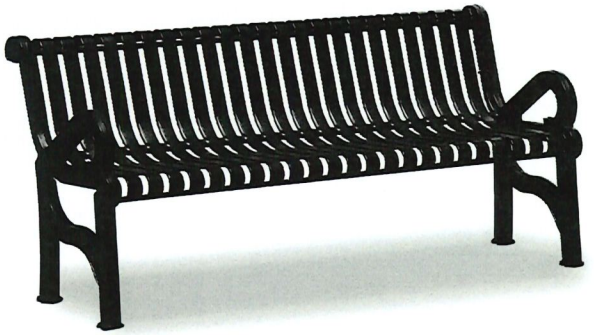
PET WASTE DISPOSAL



PEDESTRIAN LIGHTING



BIKE RACK



SEATING
FINAL BENCH CHOICE MAY BE CONSTRUCTED OF METAL OR WOOD

Note: All images shown on this page are conceptual and are subject to change in the final design.

RESIDENTIAL ARCHITECTURE DESIGN GUIDELINES - WESTERN LANDBAY

Building design guidelines seek to create a distinct yet coherent architecture that will foster a unique identity for Battletown Run and form the backdrop to a rich street level experience. These guidelines will help distinguish the community, help define its character, and eventually raise its value in the marketplace. The following set of principles will be applied to each of the buildings, irrespective of its use or location.

1. Build in the tradition of simple yet elegant designs. Building architecture and elevations promote a more contemporary nature through the use of simple unifying roof and window lines and careful selection of materials. The building aesthetic should emerge from elevation components and building details rather than from mere ornamentation.

2. Use traditional, high quality and durable materials throughout the community: When walls are constructed of more than one material, changes in material shall be permitted along a horizontal or vertical line and should reinforce a base, middle and top for the building.

3. Variety. No more than three of nine continuous lots can be the same elevation. In addition, lots next to, across or across the street from each other cannot be the same elevation and color scheme. No identical color schemes for houses shall be repeated within three continuous lots.







4. Emphasize main entries of each home regardless of elevation. The main entrance to each home should be easily identifiable through the use of materials and forms.

5. Complimentary. Within the parameters of the principles as described herein, in addition to modern building practices and current market feasibility and projections, the architecture shall be complimentary, to the extent practical, to the architecture as typically found in the Town of Berryville.

Building walls shall be of the following materials:

- Brick: A variety of traditional brick colors and modules and bonding variations are encouraged.
- Stone: Stone veneers are permitted and shall be laid predominantly rectilinear stones in a horizontal pattern. Cast stone shall be permitted as sills, headers and accents.
- Siding: High quality vinyl or its equivalent is the prescribed siding material where brick or stone is not utilized. Aluminum siding is not permitted. A variance in color and texture is encouraged.







RESIDENTIAL ARCHITECTURE DESIGN GUIDELINES - EASTERN LANDBAY

Building design guidelines seek to create a distinct yet coherent architecture that will foster a unique identity for Battletown Run and form the backdrop to a rich street level experience. These guidelines will help distinguish the community, help define its character, and eventually raise its value in the marketplace. The following set of principles will be applied to each of the buildings, irrespective of its use or location.



1. Build in the tradition of simple yet elegant designs. Building architecture and elevations promote a more contemporary nature through the use of simple unifying roof and window lines and careful selection of materials. The building aesthetic should emerge from elevation components and building details rather than from mere ornamentation.



2. Use traditional, high quality and durable materials throughout the community: When walls are constructed of more than one material, changes in material shall be permitted along a horizontal or vertical line and should reinforce a base, middle and top for the building.



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- Stone: Stone veneers are permitted and shall be laid predominantly rectilinear stones in a horizontal pattern. Cast stone shall be permitted as sills, headers and accents.
- Siding: High quality vinyl or its equivalent is the prescribed siding material where brick or stone is not utilized. Aluminum siding is not permitted. A variance in color and texture is encouraged.





RESIDENTIAL ARCHITECTURE DESIGN GUIDELINES

ELEVATIONS & MATERIALS

Creating a unique and diverse streetscape throughout Battletown Run is a high priority. Therefore, limitations are placed on the frequency and location of elevations that can be used on adjacent lots.

The following guidelines shall be followed:

- Building elevations will be reviewed and approved by the developer prior to construction to ensure a cohesive theme throughout the community.
- No more than three out of every nine continuous lots can be the same elevation.
- Lots next to or across the street from each other cannot be the same elevation.
- No identical color schemes for houses shall be repeated within three consecutive lots.
- Accent materials shall be varied to create more differentiation between lots.
- Single level models shall add architectural features to the road facing roof to break up vast roof planes.
- Garage dominate elevations should utilize varying front yard setbacks and a mix of models and elevations to keep variety in the streetscape.
- Accessory structures exterior color must match the main color of the primary structure.
- All lead walks shall be broom finished concrete. Traditional, high-quality, and durable building materials shall be used throughout the community. Building materials shall meet all current Local, State, and Federal building codes and regulations.

WALK OUT BASEMENTS, EXPOSED FOUNDATIONS, & SLAB TREATMENT

Lots with walk out basements or exposed foundations, including front porch or stoops, shall be finished with an architectural CMU or stone material.

Approved finishes include:

- Patterned form-liner; must also be painted to compliment architecture color scheme
- Stone or brick; must match the material being used as water table treatment
- Split-faced CMU block; color of block must compliment architecture color scheme.

PARKING

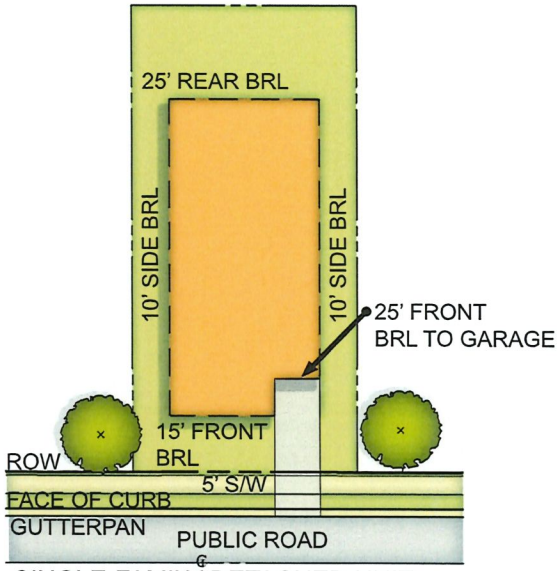
All lots are to provide a minimum of two off-street parking spaces on a driveway with a minimum width and depth of 18 feet.

LOT DETAILS - WESTERN LANDBAY

DR-4 CLUSTER DEVELOPMENT STANDARDS - REZONED PROPERTY

MAXIMUM DENSITY, RESIDENTIAL USES:	4 DU/AC
SFD MINIMUM LOT SIZE:	7,500 SF
SFD MAXIMUM LOT SIZE:	20,000 SF
SFD MINIMUM LOT WIDTH :	60 FT, (75 FT CORNER LOT)
SFD MINIMUM SIDE YARD:	10 FT
SFD MINIMUM REAR YARD FOR PRIMARY STRUCTURE:	25 FT
SFD MINIMUM SIDE AND REAR YARD FOR ACCESSORY STRUCTURES:	5 FT
SFD MINIMUM FRONT YARD FOR PRIMARY STRUCTURE:	15 FT
SFD MINIMUM FRONT YARD FOR GARAGES, CARPORTS, OR OTHER STRUCTURES FOR VEHICLES:	25 FT
MAXIMUM BUILDING HEIGHT:	35 FT

TYPICAL LOT



SINGLE-FAMILY DETACHED UNIT

LEGEND

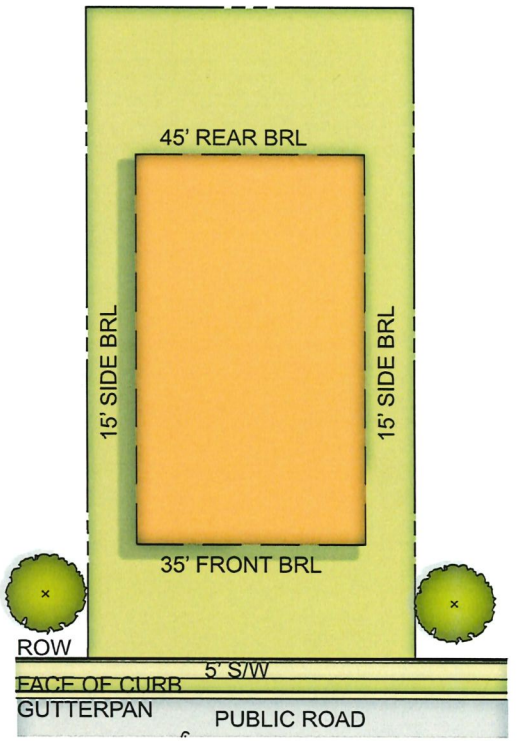
LARGE DECIDUOUS STREET TREES

LOT DETAILS - EASTERN LANDBAY

DR-1 CLUSTER DEVELOPMENT STANDARDS

MAXIMUM DENSITY, RESIDENTIAL USES:	1 DU/AC
SFD MINIMUM LOT SIZE:	20,000 SF
SFD MAXIMUM LOT SIZE:	45,000 SF
SFD MINIMUM LOT WIDTH :	100 FT, (120 FT CORNER LOT)
SFD MINIMUM SIDE YARD:	15 FT
SFD MINIMUM REAR YARD FOR PRIMARY STRUCTURE:	45 FT
SFD MINIMUM SIDE AND REAR YARD FOR ACCESSORY STRUCTURES:	5 FT
SFD MINIMUM FRONT YARD FOR PRIMARY STRUCTURE:	35 FT
MAXIMUM BUILDING HEIGHT:	35 FT

TYPICAL LOT



SINGLE-FAMILY DETACHED UNIT

LEGEND

LARGE DECIDUOUS STREET TREES

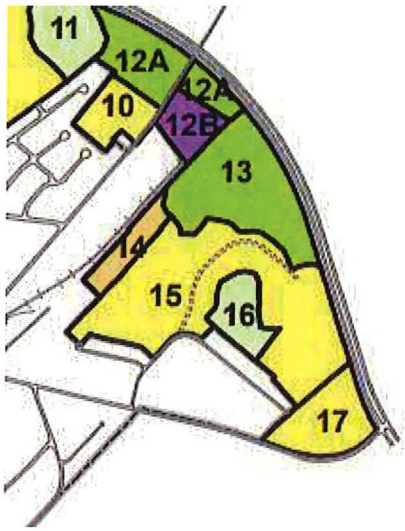
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PLANNERS
ENGINEERS
LANDSCAPE ARCHITECTS
LAND SURVEYORS

MEMORANDUM

TO: Town of Berryville
FROM: David T. McElhaney, PE
SUBJECT: Battletown Run Proposed Development – Comprehensive Plan Development Yield
DATE: 02/19/2026

As requested by Keith Dalton, I'm providing this memorandum that provides some additional information related to the comprehensive plan density for the subject residential development that is currently being processed through the Town. There has been some questions relating to what the 2015 Berryville Area Plan (hereafter "Plan") recommends as a development yield. The proposed development comprises SUB-AREAS 13,14, and 15 per MAP 4 from the Plan. See screenshot below:



Per page II-24, SUB-AREA 13 only allows single family dwellings on lots no smaller than 10 acres in size. SUB-AREA 14 is recommended for medium-low density residential development at a density of 4 units per acre as identifed on page II-25 of the Plan. SUB-AREA 15 is recommended for residential development of 2 units per acre or 4 units per acre depending on whether certain elements have been provided per page II-26 & 27 of the plan. According to the Plan, SUB-AREA 15 has one-third of it's area as slopes greater than fifteen percent with a portion exceeding 25 percent. The Plan includes a Table 12 which summarizes this information as shown below.

Sub Area	Title	Planned Land Use	Residential Types	Planned Density	Original Area (acres)	Approx. Area (acres)	Original Yield	Revised Yield (2015)	Res. Units Used (2015)[6]	Remaining Res. Units[6]	Unbuilt Res. Units[6]
1	Western Gateway	Institutional[1]	SFD, SFA, MF/OPR	n/a[1]	23	16.6	n/a[1]	n/a[1]	0	n/a[1]	n/a[1]
2	Fairgrounds	Institutional[1]	SFD, SFA, MF/OPR	n/a[1]	55	58.9	n/a[1]	n/a[1]	0	n/a[1]	n/a[1]
3	CCHS/Battlefield Estates South	Low-Density Res.	SFD	2 RU/AC	87	84.4	143	same	73	71	1
4	Battlefield Estates North	Low-Density Res.	SFD	2 RU/AC	61	50.1	80	same	63	18	7
5	Battlefield Estates East	Med-Low Density Res.	SFD	4 RU/AC	22	30.8	62	same	58	0	4
6	Battlefield Estates Business	Business/Office	n/a	0.3 FAR	10	15.95	95,000 SF/GLA	same	n/a	n/a	n/a
6A	Mosby Flexible Residential Area	Med-Density OPR	SFD, SFA, MF/OPR	n/a[2]	18	19.2	300 (max 120 multi-family)	see note[8]	3	n/a[2]	n/a[2]
7	Northern Gateway/Mosby Highway Commercial	Highway-Visitor Comm.	n/a	0.3 FAR	22	23.1	200,000 SF/GLA	same	n/a	n/a	n/a
8	Green Hill Cemetery (REMOVED)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
9	Northern Residential Growth Area	Low-Density Res.	SFD	2 RU/AC	33	41.7	54	54	54	0	54
10	First Street Residential Area	Low-Density Res.	SFD	2 RU/AC	36	9.5	51	6	0	6	6
11	Soldier's Rest Preservation Area	Limited Residential	SFD	1 RU/10 AC	14	13.8	1	same	1	0	0
12A	First Street Conservation Area	Limited Residential	SFD	1 RU/10 AC	22	26.3	2	0	0	0	0
12B	First Street Light Industrial Area	Light Industrial	n/a	0.3 FAR	8	6.5	75,000 SF/GLA	same	n/a	n/a	n/a
13	Buckmarsh Run Conservation Area	Limited Residential	SFD	1 RU/10 AC	29	32	2	3	0	3	3
14	Northeast Residential Transition Area	Med-Low Density Res.	SFD	4 RU/AC	8	7.2	n/a[4]	28	0	28	0
15	Northeastern Residential Growth Area	Low-Density Res.	SFD	2 RU/AC	52	63.1	81	same[7]	0	81	0
16	Bel Voi Preservation Area	Limited Residential	SFD	1 RU/10 AC	13	8.9	1	same	1	0	0

[7] Sub-Area 15 may be a candidate for additional density at 4 units/acre with additional units taken from the total number of unused units in the Annexation Area.

Based on this chart, the yield for the three sub areas equates to 112 (3 +28 +81). This assumes only 2 units per acre for SUB-AREA 15. It is noted that the chart identifies SUB-AREA 13 as approximately 32 acres, SUB-AREA 14 as approximately 7.2 acres, and SUB-AREA 15 as approximately 63.1 acres.

As part of our legislative application, a detailed topographic and boundary survey was prepared. Obviously, this information is more accurate than the preliminary land area and slope information identified in the Plan. Using this survey, we found the SUB-AREA 14 is 7.7 acres and SUB-AREA 15 is 58.5 acres. We also conducted a slope analysis and found that there was only about 2.1 acres of slopes between 15 and 25 percent and .28 acres of slopes over 25 percent. The slope areas above represent areas outside the floodplain. It is also noted that we found 3.4 acres of floodplain in the low density residential areas. When using the Town's procedures for taking density reductions for floodplain areas and steeps slopes, my computed comprehensive plan development yield is 138 units which is well above the Table 12 yield of 112 units. It appears that the Plan chart assumed a very high steep slope value which resulted in a significant reduction in the potential development yield. Below is my computations for the potential development yield which is based on the detailed surveys referenced earlier.

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PROJECTED COMPREHENSIVE PLAN DEVELOPMENT YIELD COMPUTATION

MASTER DEVELOPMENT PLAN AREA	100.04AC
AREA WITHIN MED-LOW DENSITY RESIDENTIAL:	±7.77 AC
AREA WITHIN LOW DENSITY RESIDENTIAL:	±58.50 AC
AREA WITHIN HISTORICAL/CULTURAL PRESERVATION:	±6.01 AC
25% SLOPE OR GREATER SLOPE LAND WITHIN MED-LOW DENSITY:	0.00 AC
15% TO 25% SLOPE WITHIN MED-LOW DENSITY:	±0.06 AC
25% SLOPE OR GREATER SLOPE LAND WITHIN LOW DENSITY:	±0.20 AC
15% TO 25% SLOPE WITHIN LOW DENSITY:	±2.04 AC
LAND WITHIN FLOODPLAIN WITHIN LOW DENSITY:	±3.40 AC

POTENTIAL COMPREHENSIVE PLAN YIELD BASED ON LOW DENSITY RESIDENTIAL @ 2DU/AC

LOW DENSITY: $(58.50\text{-}3.40\text{-}2.04\text{-}.20)2+2.04(\frac{2}{3}) = 107.76$

MED-LOW DENSITY: $(7.77\text{-}0.06)4+0.06(\frac{4}{2}) = 30.96$

POTENTIAL YIELD = **138.72 OR 138 UNITS**

Please note that the above was taken directly from sheet 13 of the Master Development and Rezoning Plan and it includes more detail including the floodplain and steep slope locations.

Based on the foregoing, I would submit that we do not exceed the actual number of units permitted by the Plan when using more accurate topographic information. Battletown Run proposes a total of 134 units which is below the potential comprehensive plan yield computed on updated topograhic information which is 138 units.

I'm happy to have furthur discussions on this matter and answer any questions.

Department of Community Development
101 Chalmers Court, Suite A * Berryville, Virginia 22611
[T] 540/955-4081 * [F] 540/955-4524 * [E] planner@berryvilleva.gov

MEMO

DATE: July 14, 2026

TO: Town Council of Berryville, Virginia

FROM: Terry Russell, Community Development Director

RE: Impact of Berryville Area Plan (BAP) on the Proposed Friant Rezoning

The Town has received comments opposing the proposed Friant Rezoning on the basis of the Berryville Area Plan. This memorandum undertakes to respond to those comments.

In General

The BAP is "a joint land use plan for the Berryville Annexation Area," last updated in 2015. It "should be used as the primary guidance document for land use decision-making within the Berryville Annexation Area." *See* BAP, page I-1. The same page of the BAP says, "Similar to comprehensive plans, the Berryville Area Plan serves as a guidance document for land use decision-making – the actual rules and regulations for development are found in the zoning and subdivision ordinances for the Town and County."

The Friant property is within the Town limits and is subject to the zoning and subdivision ordinances of the Town.

Proffers

Proffers are voluntary concessions by a property owner to mitigate the zoning impacts of a rezoning. The Town can accept proffers in accordance with Virginia Code § 15.2-2298, including payment of cash for off-site improvements.

Permitted Density

The BAP contains table 12, which provides density guidelines for various sub-areas. Table 12 shows sub-area 15 as having 81 permitted dwelling units based on an estimated

acreage of 52 acres and estimated steep slopes covering one-third of sub-area 15 (see the text at page II-26). However, a survey of sub-area 15 shows that the acreage is 58.5 acres and that the steep slopes are not as widespread as estimated. The survey conducted by Urban, Ltd. found slopes greater than 15 percent in only 2.38 acres of sub-area 15, or slightly more than 4%. The Town's engineer, Pennoni Associates, Inc., reviewed the Urban Ltd. survey and agreed with its findings.

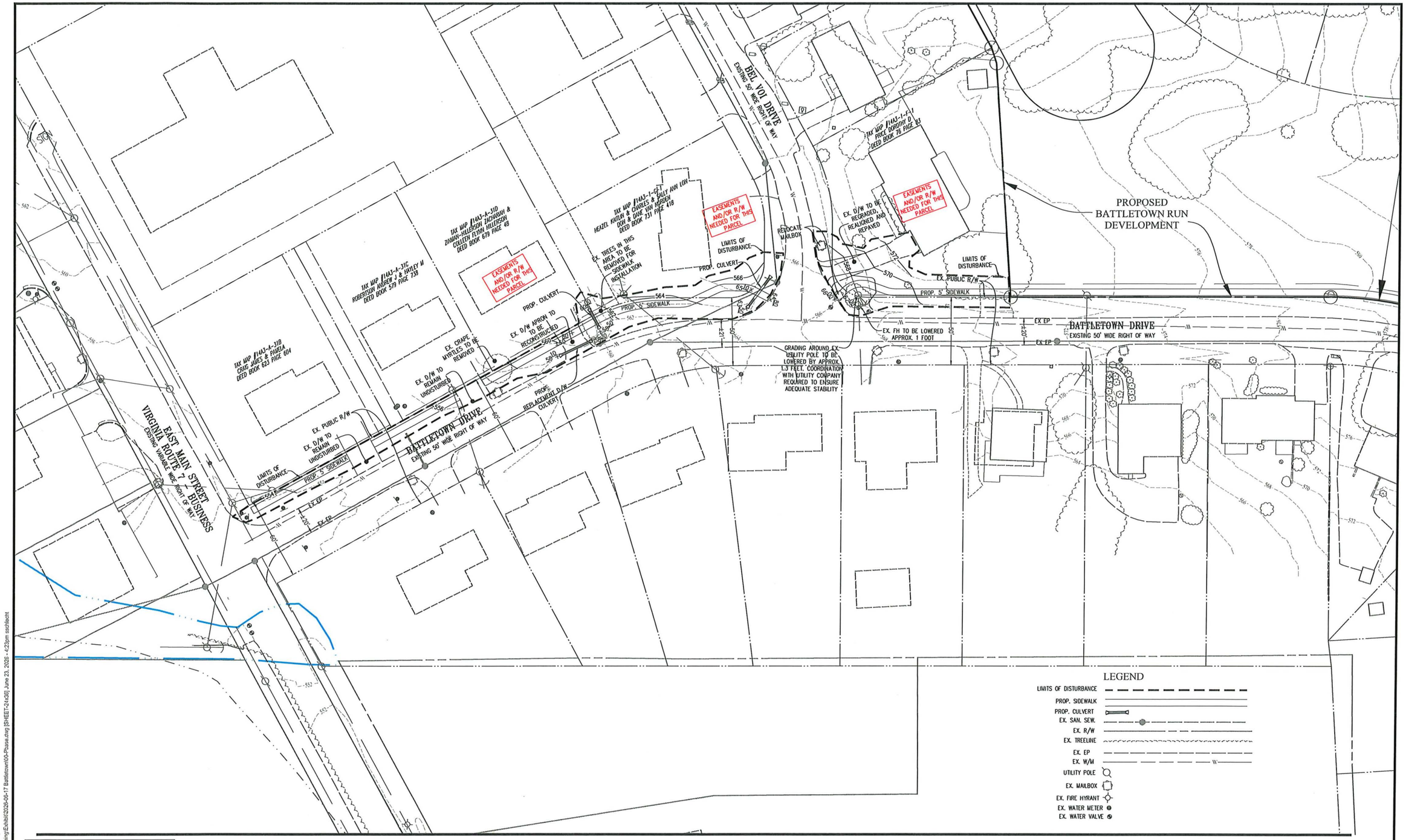
Given the data from the Urban Ltd. survey, the Town should calculate the permitted density on sub-area 15 based on the actual acreage and actual amount of steep slopes in sub-area 15, rather than the estimate in Table 12. Table 12 relied on the estimate of steep slopes to calculate the permitted density. The Town needs to rely on current and accurate data, as opposed to the inaccurate 2015 estimate. To do otherwise would not advance any public purpose. A formal amendment of the BAP is not necessary to correct inaccurate data.

Transportation Planning

At page II-26, the BAP provides guidance for the transportation infrastructure to be built in sub-area 15. Specifically, the BAP focuses on linkages, access options, and an uninterrupted direct access to Route 7 Business via sub-area 17, which is outside the Town limits and in separate ownership. The proposed Friant rezoning plans call for access from Battletown Drive. The Town staff believe that the proposed Battletown Drive access provides linkage and access consistent with the guidance of the BAP, which (as noted above) is not a rule or regulation for development.

Construction of Black Twig Street provides vehicular connection to both the eastern and western landbays providing two access points to East Main Street.

The Virginia constitution declares the right to private property to be fundamental. Va. Const. Art. I § 11. I question whether requiring a property owner to acquire additional land from a third party would be consistent with that principle. In this case, there is an alternative access that is consistent with the applicable rules set out in the Town Code.



PRELIMINARY SIDEWALK EXTENSION PLAN
BATTLETOWN DRIVE

Scale: 1"=30'
June 17, 2026

Urban, Ltd. - O:\JOBS\Berryville\Rezoning\Exhibit\2026-06-17 Battletown\00-Phase.dwg [SHEET 24x36] June 23, 2026 - 4:23pm eschlecht

BERRYVILLE PLANNING COMMISSION
Berryville-Clarke County Government Center
Regular Meeting Minutes
March 24, 2026

A meeting of the Berryville Planning Commission was held on Tuesday, March 24, 2026 at 7:00 p.m. at the Berryville-Clarke County Government Center in Berryville.

Attendance: Members of the Planning Commission present: Michael Bell, William Gilpin, Dana Libby, Gwen Malone, Tom Parker, Tim Sinclair and William Steinmetz

Absent: None

Staff present: Terry Russell, Community Development Director
Brandel Kelsey, Town Clerk

Press present: Mickey Powell, Winchester Star

1. **Call to Order – Chair Steinmetz**
   Chairman Steinmetz called the meeting to order at 7:01 p.m.

2. **Approval of Agenda**
   Mr. Sinclair made the motion to approve the revised agenda as presented, seconded by Mr. Parker. The motion passed by voice vote.

3. **Approval of Meeting Minutes**
   The minutes were removed from the agenda.

4. **Public Hearings**

   Friant Enterprises #1, LLC; Friant Enterprises #2, LLC; Friant Enterprises #3, LLC (Friant Enterprises #1, LLC; Friant Enterprises #2, LLC; Friant Enterprises #3, LLC (Owners) (John Regan, Christopher Companies, Agent) are requesting a rezoning of an approximately 42.26 acres of an approximately 97.8 acre property identified as 14-A-80 from OSR Open Space Residential; DR-1 Detached Residential-1; DR-2 Detached Residential-2; and BP Business Park to DR-4 Detached Residential-4 subject to the conditions proffered by the applicant. RZ 01-25

   Community Development Director Terry Russell introduced the applicant's team. Ken Dondero, David McIlhaney, John Regan, Clark Massie, and Les Adkins, representing the Christopher Cos., presented the proposal.

Chairman Steinmetz opened the public hearing.

Mary Veilleux, 100 Battletown Drive, said that she disagrees with the number of houses proposed to be built. She would like to see some townhouses on the western side near the railroad tracks and some affordable houses.

Brian Snyder, 6 Bel Voi Drive, said that he understands that the property will eventually be developed and the quality of the proposed development is good, but he does not think the current proposal would be good for the Town.

Charles Wilson, 5 E Fairfax St, does not want the subdivision.

Joann Walker, 129 N Church Street, asked if there would be any ADU's (Accessory Dwelling Unit). Chairman Steinmetz said no.

Tom Bauhan, 113 Virginia Avenue, said the County Planning Director recommended last week that this be denied. He is not happy with the McMansion look and the viewshed when driving down from the mountain should matter. This is not for Berryville residents.

Sara Stern, 107 Taylor Street, wanted the Committee to know her family has lived here for over 100 years. She has experience as a homebuilder. She is not happy with the one road in and out for the subdivision. She knows most people do not want them, but she thinks sidewalks on Battletown Drive are a must for safety. She would like the Town to hire an Urban Planner and she believes all growth for the Town should be done on the east side.

Frank Lee stated that he has lived at 205 Swan Avenue for 48 years. He was on the BADA (Berryville Area Development Authority) long ago. He was on the committee when this area was planned. He said he knows the committee "eyeballed" the slope. Even though he went along with it then, he does not agree with it now. There will be too much traffic and emergency vehicles will not be able to access the area quickly.

Karen Curtis lives at 111 Battletown Drive She is opposed to this going through because of the residents that must walk in the street because there are no sidewalks and thinks it will be dangerous with so many extra cars driving through. She is also concerned about the wildlife that will be losing their homes.

Tia Earman, 17170 Brookdale Lane, stated that she is the land use field representative for the Piedmont Environmental Council. She opposes altering the area plan. She said that the Town and County have adopted strong, well worded planning documents. Amending the table as a one off is a dangerous precedent to set. The conservation easement should be more thorough. Affordable dwelling units should be provided.

Robert Lauten, 116 Battletown Drive, said that the water needs will be too much and the one street in and out is not sufficient. If it goes through he would like to see better access.

Barbara Lake, 116 Battletown Drive stated concerns with river and water issues. She would like to see the road widened and sidewalks put in on Battletown Drive for the resident's safety. She also thinks that VDOT should be contacted and have them put a road off from Rt7. She expressed concern that the speed limit is too high in the neighborhood.

Kaitlin Hazel, 1 Bel Voi Drive, has lived here for one year. She moved from Loudoun County to get out of that area and live in a small Town. She asked that Berryville not become developed like Loudoun County.

Ruth Shatkowski, 207 Moore Drive, does not want Berryville to become like her experience in California with water being restricted to 25 gallons of use per day.

Ben Sims lives on the mountain at 4440 Ebenezer Rd in Clarke County. He said that the Town should stick with the plan.

Chairman Steinmetz closed the public hearing.

Discussion of the public hearing:

Mr. Libby wanted the Committee to be careful of a few things that include density, spot zoning (the BAP is not a suggestion), rezoning needs to be done in the welfare of the public, and of historical issues that were placed on that property in the past but did not care over when it was annexed into Town.

Mr. Parker said he agrees with Mr. Libby and does not like when zoning changes are made.

Mr. Sinclair thanked all the residents who came out to speak. He said that he is worried about the transportation issues for the area.

Ms. Malone said that she shares the concerns with everyone and also wanted to thank everyone for coming out.

Chairman Steinmetz said that there was a great turn out.

Mr. Gilpin said the level of intelligence from the speakers was incredible. He said he was very appreciative.

Mr. Sinclair made the motion that the Planning Commission defer the subject rezoning request to the Planning Commission meeting to be held on May 26, 2026. The motion passed by voice vote.

Set Public Hearing

Zoning Ordinance Amendment to Section 509 – Amendments with Proffered Conditions to delete references to deleted sections of the Code of Virginia. ZTA 01-26

Mr. Parker made the motion that the Planning Commission hold a public hearing on April 28, 2026, seconded by Mr. Gilpin. The motion passed by voice vote.

5. **Citizens' Forum**
   There were no comments.

6. **Planning Update**
   Mr. Russell stated that construction of the Mosby Boulevard and East Fairfax sidewalks will begin as soon as the construction company can mobilize one of their crews. They have until June 2026 to substantially complete the projects.

Set Public Hearing

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

Ms. Malone made the motion that the Planning Commission hold a public hearing on April 28, 2026, seconded by Mr. Parker. The motion passed by voice vote.

Set Public Hearing

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

Mr. Gilpin made the motion that the Planning Commission hold a public hearing on April 28, 2026, seconded by Ms. Malone. The motion passed by voice vote.

7. **Other**
   There was no other business.

8. **Adjourn**
   Ms. Malone made the motion to adjourn the meeting, seconded by Mr. Sinclair. The meeting was adjourned at 8:40 p.m.

_____ _____

William Steinmetz, Chair Terry Russell, Secretary

MINUTES

PLANNING COMMISSION
Meeting
May 26, 2026
7:00 p.m.

A meeting of the Berryville Planning Commission was held on Tuesday, May 26, 2026, at 7:00 p.m. at the Berryville-Clarke County Government Center in Berryville.

Town Council

Present: William Steinmetz, Chair; Gwen Malone, Vice Chair; Michael Bell, Jr; Dana Libby; William Gilpin; Tim Sinclair; Tom Parker; Patrick Irish

Absent: None

Staff

Present: Terry Russell, Community Development Director; Brandel Kelsey, Town Clerk

Press Mickey Powell, Winchester Star

Other Ken Dondero, Tetra Corp.; Dave McIlhaney, Urban Ltd.; John Regan, Christopher Companies; Les Adkins, Galloway

1. Call to Order- Chairman Steinmetz
Chairman William Steinmetz called the meeting to order at 7:00 p.m.

2. Approval of Agenda
William Gilpin moved to approve the agenda and was seconded by Tom Parker. The motion passed by voice vote.

3. Approval of minutes.
Vice Chairman Gwen Melone moved to approve the minutes as presented and was seconded by Mr. Gilpin. Motion passed by voice vote.

4. Public Hearings
Friant Property Rezoning
Chairman Steinmetz called on Community Development Director Terry Russell to introduce the Christopher Companies Representative, Ken Dondero. Mr. Dondero spoke about the updates that have been made because of the feedback that has been given from the Planning Commission, Town staff and local residents.

The property has been evaluated and sidewalks have been added to the plans. There is now a landscaping plan, a lighting plan and a trail system for people to walk. There will be cluster boxes for mail boxes per USPS and a fire hydrant per Public Works. The TAP fees will pull in $4,556,000.00 revenue and the tax revenue will be $238,836.00 per year.

Mr. Dondero stated the slopes used in the original Berryville Area Plan to derive the number of units in Table 12 were eyeballed. He noted that the detailed topographic information used to derive the current units count were available in 1991. Christopher Companies used those figures to come up with the number of homes that will fit in the acreage which is 138. The applicant is proposing to build 134 units.

Mr. Dondero said that they are not like other developers that the town have experienced in the past. They care about what the town wants and needs and have made changes accordingly.

Mr. Parker spoke about Black Twig Street asking if the retaining wall for that street is nine feet tall. Mr. McIlhaney said the max height will be nine feet and the bulk of the height of the wall will be four feet. The highest point of the retaining wall will be at the rear property lines of the houses the front on Battletown Drive.

Mr. Parker also suggested that the parts of the sidewalk to be constructed on Battletown Drive that need to be part of an easement acquisition should be taken care of by the developer, not by the Town.

Text Amendments to Subdivision Ordinance
Mr. Russell explained the Subdivision Ordinance amendments. There were no comments.

Chairman Steinmetz opened the public hearing at 7:27 p.m. and called on speakers from the signup sheet to speak for three minutes about the *Friant Property Rezoning.*

Frank Lee, who resides at 205 Swan Avenue, stated that he was on the Berryville Area Development Authority (BADA) when this property was studied and the number of units in Table 12 of the BAP were established. Where they want to build is the proper area of the property and they are using cluster development. He does not like that they are trying to change the zoning.

Karen Curtis, who resides at 111 Battletown Drive, stated that she is a 30-year resident and thinks the trees and wild life need to be spoken for and should not be uprooted for five million dollars. She doesn't want revenue coming from homes behind her. She wants to continue to walk in the street and doesn't want sidewalks or a walking path.

Brian Snyder, who resides at 6 Bel Voi Drive, stated that the easements for sidewalks are not there. He does not want it to be a stand-alone subdivision because it will not be a part of the Town of Berryville. There will be too much traffic even with the construction of Black Twig Street.

Mike Mercier, who resides at 12 Battletown Drive, stated that it is hard enough for him to get out of his driveway now and wants to know if the curve in the street meets the Berryville standards.

Sarah Stern, a resident of Taylor Street, stated that the traffic will be untenable and, if it is so narrow that the sidewalk would be hard to build, then it can not handle the traffic. She also stated the other side of Town should be where new development is built.

Chairman Steinmetz closed the public hearing at 7:39 p.m. with a motion from Vice Chairman Malone, seconded by Michael Bell.

Chairman Steinmetz opened the public hearing at 7:40 p.m. and called on speakers from the signup sheet to speak for three minutes about the *Text Amendments to the Subdivision Ordinance and the Zoning Ordinance.* There were no public comments.

Chairman Steinmetz closed the public hearing at 7:41 p.m. with a motion from Mr. Bell, seconded by Mr. Gilpin.

5. Discussion of the public hearing:
Friant Property Rezoning
Mr. Gilpin asked if they had spoken with the Berryville Area Development Authority (BADA) and Mr. Dondero said no they have not.

Chairman Steinmetz stated on the record that he met with the developer on May 15th, Mr. Gilpin met with the developer on May 22nd, Mr. Bell met with the developer also in the past month and Mr. Sinclair met with the developer in 2025. Chairman Steinmetz also stated that he will be abstaining from the vote because he will be voting at the Town Council meeting.

Mr. Parker asked Mr. Russell about the proffer numbers for the local schools. Mr. Russell said there were no conversation between the schools and Town staff. The Christopher Company hired a proffer consultant who approached the schools. Mr. Dondero said they did hire a company and were told all three schools had the capacity to handle the new development. Mr. Parker asked if the five-year escrow realistic. Mr. Russell said yes.

Mr. Libby said there is a conflict between Town staff and County staff. He does appreciate the slope research and inventory map and thinks the capacity for the 134 homes is there. He thinks using third party sources for data to alter the legislative comprehensive plan can cause issues in the future. They can go back on any documents from fifteen years ago and find incorrect information that should be changed. He also stated that if the developer had come to the Commission and said that they wanted to amend the comprehensive plan then they would have a strong case to do so. Mr. Dondero said he understands that everyone works with the best information they have at the time, but at the time the BADA had the information and didn't use it. He

said that he was able to get the slope analysis from 1991, the BADA could have done the same and used accurate information instead of eyeballing it. Mr. Russell said that the Town's engineers said that the slope analysis is accurate. Mr. Libby said that he doesn't doubt that the information is accurate and wants to know if this is the way that the Council really wants to change the comprehensive plan. Mr. Dondero said he understands where Mr. Libby is coming from but if there is incorrect information in the comprehensive plan then it should be corrected. He also said that he agrees with Mr. Dondero and doesn't know what to do from here.

Mr. Irish said that they were not there when the plan was made and they cannot speculate on the things that should be fixed. He said he doesn't think they should be going through it and changing all the things that could be wrong. He suggested writing a new Berryville Area Plan instead of spot fixing the old one.

Mr. McIlhaney said he is the one who looked at the analysis for the slopes and with Black Twig Street being open for residents to use there is actually the ability to have 246 homes built in that space and they are still only asking for 134. Mr. Sinclair said he interprets it differently because he doesn't consider Black Twig Street as a primary access point to the subdivision, he thinks it is still only Battletown Drive. Mr. McIlhaney said no one in the County or the Town has said this information of needing a primary access road to them. Chairman Steinmetz said there is language in the plan that states there should be uninterrupted access to Route 7. Mr. Sinclair said Battletown Drive is listed as a low-capacity street and there are safety concerns. Also, there are people who pull off into the grass that will no longer be able to do that if there are sidewalks. He does not see that sidewalks with be an improvement to the traffic flow.

Mr. Libby said he thinks that there will be issues with the viewsheds for HOA if the HOA does not have enough money. Mr. Dondero said they will be responsible for the viewshed with the bond for approximately 5-6 years. Mr. Russell said the HOA would be in violation if they did not keep up with the viewshed once the bonds have been released. Mr. Dondero said they can write the HOA documents to make sure the viewshed is taken care of if that is important to the town. Mr. Libby also wanted to state that he doesn't like homes because it will bring in people that will commute for work and not work in town so it will not keep the small town feel of Berryville. He expressed his thanks for all the work that Christopher Companies has put into this project. Mr. Dondero said he is happy to work in this town and wants these homes to be a part of the community. He said that people saying that they don't want new homes is not showing the new residents that they are very welcome. Vice Chairman Malone said that is not what they are trying to say. She thinks these houses are not being built for the Berryville and Clarke County residents, they are being built for Loudoun County, Fairfax County people to move to Berryville. With building half-a-million-dollar homes it is not for residents because they could not afford them. We need affordable homes here. Mr. Dondero said these are not starter homes, they are homes for the families that are established.

Mr. Parker said he doesn't think the use of the Black Twig Street will work as a primary road. He agrees with the County Planning Director that the plan is very specific and this does not work with the plan. He also thinks if this were to go through that the plan should be redone beforehand.

Mr. Gilpin said the Berryville Area Plan is one of the core documents that has underpinned everything they have been trying to do in Berryville for a very long time. He feels that they are being asked to toss the plan around like a ragdoll and the developer is not in front of the correct group to do that.

Vice Chairman Malone thanked the residents for coming out to the meeting and sharing their feelings. She also thanked the developer for all that they have shared with them.

Mr. Parker moved and Mr. Gilpin seconded that the Planning Commission of the Town of Berryville recommend denial of the rezoning request. The motion passed by voice vote. With all saying Aye, except Mr. Bell saying Nay. Chairman Steinmetz abstained.

Text Amendments to Subdivision Ordinance
Mr. Libby thinks the public should have more notice on when things are happening and would like notice of new development provided on the town website. Chairman Steinmetz said that things can be made more public as long as it does not provide an undo burden on the staff. Mr. Russell said the amendment can still be approved with adding at the end that pending applications be posted online.

Mr. Sinclair moved and Vice Chairman Malone seconded that the Planning Commission of the Town of Berryville recommend approval of the Subdivision Ordinance and Zoning Ordinance Text Amendments as presented with the recommendation that the Town Council establish a mechanism by which new applications can be posted online. The motion passed by voice vote.

6. Citizens' Forum
None.

7. Planning Update
Mr. Russell stated that Mosby Boulevard is under construction and they will be moving on to Fairfax Street shortly.

8. Other
None.

9. Adjourn
The Council adjourned at 8:30 p.m. on a motion by Mr. Sinclair and seconded by Vice Chairman Malone.

Prepared by Brandel Kelsey, Town Clerk

William M. Steinmetz

Terry Russell, Secretary

Clarke County Planning Department
101 Chalmers Court, Suite B
Berryville, Virginia 22611
(540) 955-5132
www.clarkecounty.gov

TO: Terry Russell

FROM: Brandon Stidham

RE: Friant Enterprises, LP/Christopher Companies rezoning application, second review

DATE: March 19, 2026

Thank you for the opportunity to review and comment on revisions to the aforementioned rezoning application. I offer the following comments:

Berryville Area Plan Conformance

In my previous memo, I explained that the Berryville Area Plan (BAP) recommends provision of a master plan development for the subject property containing elements specified in the BAP for the applicable sub-areas. This is because the development exceeds the programmed yield set forth in Table 12 (Future Land Use Table and Projected Development Yields) by 25 dwelling units. The BAP allows for additional dwelling units to be used from the pool of 195 unused dwelling units provided that recommended master plan elements are included in the applicant's development plan. My updated analysis is provided below.

- Transportation connectivity and improvements. The applicant has added new connectivity in the form of an emergency access road that would be constructed within the right-of-way for "Black Twig Street" which is an existing stub street. Because this road would only be available for use during emergencies, it would not provide the transportation connectivity contemplated by the BAP. As described in the BAP for Sub-Area 15 (page II-26),

  "Transportation planning for the Sub-Area should emphasize sensitively located linkages to and through Battletown Subdivision and the other Sub-Areas that make up this quadrant. However, given the low capacity nature of Battletown's residential streets, additional access options to Sub-Area 15 should be explored. A primary access to serve the entire Sub-Area shall be developed through Sub-Area 17 providing an uninterrupted, direct connection to Route 7 Business. Access to Route 7 Bypass is restricted. The internal street system within Sub-Area 15 should be aligned to provide secondary connections to Sub-Areas 14 and 17 and Battletown Subdivision in the town to the south but only after the aforementioned primary access is accepted for public use.

  While provision of an emergency access connection helps to address public safety concerns, the absence of an uninterrupted public street connection to the proposed new street to be constructed to the east through Sub-Area 17 makes the proposed development plan noncompliant with this master plan element. My previous concern about

construction traffic having to use the existing street network for construction of the 110 lot portion of the project also remains.

- Cluster design to reduce infrastructure costs and adverse environmental impacts. As noted in my previous memo, Town Staff will have to determine whether the proposed lot layout meets the Town's cluster subdivision requirements. Proffer 1.3 does state that the subdivision will be developed in general conformance with the applicant's Master Development and Rezoning Plan (MDRP). This addresses my prior comment that a development plan has not been proffered.

- Walkability elements including sidewalks and walking trails. The applicant has included proffers for the development of a "public trail system" and sidewalks. Language should be added to clarify who will be responsible for ownership and maintenance of the public trail system.

- Viewshed protection. My previous comments regarding this element remain unchanged:

  The primary area for viewshed protection is along the shared boundary with the Bel Voi property to the east, a property containing a home and grounds of historic and cultural significance. This property is designated as Sub-Area 16 (Bel Voi Preservation Area) and specifically states that adjoining development "shall provide appropriate mitigation measures (e.g., buffers, architectural features) to further protect the historic home."

  Lots along public streets C and D will be in close proximity to the shared boundary with Bel Voi and the current plan shows a +/-49 foot buffer to be provided. Neither this buffer nor plans to provide screening landscaping are currently proffered.

- Master planning for public water, public sewer, and stormwater infrastructure. The applicant has provided proffers pertaining to public water, public sewer, and stormwater management. I will defer to Town Staff on whether the applicant has complied with this element.

- Cash proffers or other developer-funded improvements to mitigate the impact of new development on Town and County capital needs. The applicant has provided cash proffers to address the development's impacts on the school system and public park facilities. I have a couple of comments regarding the wording of these proffers:

  - The title for Proffer #4 is "SCHOOL/FIRE & SAFETY/POLICE:" however Proffer 4.1 specifically references that this cash proffer is for the "excess of students" and Proffer 4.2 specifically references that this cash proffer is "to offset the projects impact on public park facilities." These specific references call into question whether the cash proffer has taken into account or can be used for impacts to fire, rescue, and police.

  - Proffer 4.1 is for the "excess of students generated by the by-right development." It is my understanding that the 24-lot by-right subdivision is not part of the

rezoning application. I recommend consulting with the Town Attorney to determine whether a proffer can be accepted on land that is not part of the rezoning application.

- I will defer to Town Staff as to whether the amount of cash proffers and the methodology for calculating them is consistent with the BAP and Town policies.

Other Comments on Proffers

Regarding Proffer #12, the applicant proffers to place open space within existing OSR zoning to be "provided with a Conservation Easement to be established with the subdivision Record Plat." This language is vague as to the nature of the conservation easement to be provided – specifically as to the term of the easement and the easement holder. In absence of a specified term, the "Conservation Easement" could be recorded for a finite term, e.g., 25 years. If the land is intended to be a permanent conservation easement, the proffer should include language that it will be placed into easement with a duly-authorized easement holder.

It is also my understanding that the OSR portion of the property is not part of the rezoning application. Town Staff should verify with the Town Attorney whether Proffer #12 can be validly accepted for lands that are not subject to the rezoning application.

Applicant's Memo Regarding BAP Table 12 (Future Land Use Table and Projected Development Yields

The applicant's agent, David McElhaney, provided a memo dated February 19, 2026 which offers a different interpretation of BAP Table 12. Based on his analysis, the applicable sub-areas should be able to yield more dwelling units than those noted in Table 12 and therefore not require the use of unused dwelling units or compliance with the BAP's master plan recommendations.

It is important to note that Table 12 is an integral and important part of the BAP. In order to consider any numbers that are different from those in Table 12, the BAP would have to be amended to reflect those numbers. This amendment process requires review and recommendation by the Berryville Area Development Authority (BADA), review and approval by Town Council and Board of Supervisors, and public hearings before all three bodies. It should also be noted that "piecemeal" amendments to address specific issues or to accommodate a development project are strongly discouraged in the BAP (see page IV-1).

Recommendation

While the applicant has made progress in providing proffered conditions and changes to the development plan, the application does not conform to the Berryville Area Plan's recommendations. For the reasons stated above, it does not meet the master plan development criteria set forth in the Berryville Area Plan to warrant rezoning to DR-4 and designation of 25 additional units.

Please let me know if you have any questions.

Clarke County Planning Department
101 Chalmers Court, Suite B
Berryville, Virginia 22611
(540) 955-5132
www.clarkecounty.gov

TO: Terry Russell

FROM: Brandon Stidham

RE: Friant Enterprises, LP/Christopher Companies rezoning application

DATE: November 10, 2025

Thank you for the opportunity to review and comment on the aforementioned rezoning application. Below are my initial comments:

General Comments/Berryville Area Plan Conformance

The application proposes the rezoning of only a 42.46 acre portion of the Friant Enterprises, LP property which contains areas zoned Business Park (BP), Detached Residential-1 (DR-1) and Detached Residential-2 (DR-2). Other areas of the property that are not part of the rezoning are zoned Open Space Residential (OSR) and DR-1. It does not appear that any lots are proposed for the OSR portion of the property however trails are shown to be constructed in it. Per your correspondence, the eastern portion of the property zoned DR-1 that is outside of the area to be rezoned will be a separate by-right subdivision of 24 lots. The total number of lots proposed in the area to be rezoned is 110. Together with the 24 lots in the separate by-right subdivision, there would be a total of 134 lots developed on the subject property.

This property is in three separate sub-areas:

- Sub-Area 13 – Buckmarsh Run Conservation Area (Environmental Conservation)
- Sub-Area 14 – Northeast Residential Transition Area (Medium-Low Density Residential)
- Sub-Area 15 – Northeastern Residential Growth Area (Low Density Residential)

The area to be rezoned only lies within Sub-Areas 14 and 15 as designated in the Berryville Area Plan (BAP). Per the descriptions of Sub-Areas 14 and 15 and the Future Land Use Table and Projected Development Yields (Table 12), Sub-Area 13 is designated for a maximum of 28 dwelling units and Sub-Area 14 is designated for a maximum of 81 dwelling units for a total of 109 dwelling units. The rezoning currently proposes 1 dwelling unit more than this maximum yield and 25 total dwelling units more if you include the 24-lot by-right subdivision.

As you are aware, the BAP encourages provision of a master plan development in these Sub-Areas by allowing DR-4 zoning and additional dwelling units from the pool of 195 units that were programmed in the BAP but were not used in the residential sub-areas as development occurred. The BAP contains specific criteria as to what constitutes a "master plan development," and compliance with the criteria is essential to approval of DR-4 zoning and access to additional

dwelling units. These criteria and my initial comments are as follows:

- Transportation connectivity and improvements. The proposed layout does not comply with this criteria. The proposed subdivision street network for 110 lots would be stacked onto the existing Battletown Subdivision street network serving approximately 56 lots, resulting in 166 lots accessing East Main Street from a single entrance (Battletown Drive). There are no new street connections proposed to East Main Street that would help distribute traffic and no connectivity to the proposed 24-lot by-right subdivision that is proposed to have a new access road to East Main Street. This would result in construction traffic having to use the Battletown Subdivision street network throughout the construction process. It would also present safety concerns for first responders if Battletown Drive is ever blocked. The proposed layout would in no way enhance transportation connectivity. On the contrary, it would likely diminish level of service and traffic safety.

- Cluster design to reduce infrastructure costs and adverse environmental impacts. Town Staff will have to determine whether the proposed lot layout meets the Town's cluster subdivision requirements. A compliant lot layout should be proffered.

- Walkability elements including sidewalks and walking trails. Sidewalks and trails are proposed but have not been proffered.

- Viewshed protection. The primary area for viewshed protection is along the shared boundary with the Bel Voi property to the east, a property containing a home and grounds of historic and cultural significance. This property is designated as Sub-Area 16 (Bel Voi Preservation Area) and specifically states that adjoining development "shall provide appropriate mitigation measures (e.g., buffers, architectural features) to further protect the historic home."

  Lots along public streets C and D will be in close proximity to the shared boundary with Bel Voi and the current plan shows a +/-49 foot buffer to be provided. Neither this buffer nor plans to provide screening landscaping are currently proffered.

- Master planning for public water, public sewer, and stormwater infrastructure. Compliance with this criteria is unclear as technical information on the proposed infrastructure has not been provided.

- Cash proffers or other developer-funded improvements to mitigate the impact of new development on Town and County capital needs. The applicants are not currently offering any proffered conditions as this is a rezoning application and not a conditional zoning application.

Recommendation

The application in its current form does not conform to the Berryville Area Plan and should be denied. It does not meet the master plan development criteria set forth in the Berryville Area Plan to warrant rezoning to DR-4 and designation of 25 additional units. In the event that the

developer modifies the application to conform to the master plan development criteria, conditional zoning should be used so that recommended improvements and other elements may be provided as proffered conditions.

One note of concern in your October 28 Staff Report is that you state a "comprehensive plan amendment (in this case, the Berryville Area Plan is the component plan to the Town's comprehensive plan)" is required to be approved by Town Council. Piecemeal amendments such as those designated for the benefit of a specific developer are strongly discouraged in the BAP (see Page I-15, last paragraph). Furthermore, any changes proposed to the BAP are required to go through the Berryville Area Development Authority and also require action by the Board of Supervisors.

Please let me know if you have any questions.

Terry Russell

From: Mary Veilleux <mfveilleux@comcast.net>
Sent: Thursday, February 26, 2026 3:35 PM
To: Terry Russell
Subject: Planning Commission Work Session

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Mr. Russell,

Would you be so kind as to forward this email to the members of the Planning Commission? Thank you so much!
Sincerely,
Mary Veilleux

Dear Planning Commission member,

I attended the work session Tuesday evening and wanted to send you my impressions and observations. For those members who do not know me, I am Mary Friant Veilleux and am keenly interested in what happens to the Friant property as do all my neighbors and friends on Battletown and Bel Voi Drives.

I will format my email in "bullet form" :

1. I did not count the number of times the engineer repeated the phrase, "when we met with staff"- since it was obvious there have been many meetings and many behind the door type of gatherings. Noticeably missing are the ones most affected by the development. It was very evident that there have been discussions and encouragement to proceed. To remind you , there was only ONE meeting which Julie Abrera and I helped organize at Crums Church in May for locals to have their say. I felt that we were "used" to get some talking points in for the engineer- which were totally misrepresented last night. Whew. A big disappointment.

2.The information from the developer has not been available online- so none of us attending could look beforehand to see what was going to be presented. The engineer gave us limited information , in that we couldn't read the screen; he didn't have the decency to correct a major error in the Development plan (revealing Rt 7 in the ridiculous position - through the housing...). Are we that unobservant?

3. From the engineer, I felt that his presentation was condescending and humiliating to our Town leaders- especially as he referred to "sloping angles": our BADA Got it "all wrong". My own impression was as if he were saying the following: And yes the hyperbole is used to get my point across.

"You country bumpkins! You morons ! You don't even know how to do basic math! Here! Let me enlighten you with my wondrous ability to manipulate the numbers and show you that really many MORE houses can be built in this section- SEE? Please , do put your community's interest and your resident's interests aside as you listen to my marvelous calculations! Put aside common sense! Ignore the impact of 110 houses in a small rocky section near the railroad! Ignore that we are going to build unaffordable housing that no one in your community - teachers, police, firemen, etc. can afford! We are going to make the town tons of money at resident's expense! As a matter of fact ,we are doing you a big favor- we could build over 138 homes! But we will have mercy on you little folks. Just listen to the experts!".

4. I hope before the March 24 Public hearing, we will have plenty of time to look at the plan in all its detail- online.

5. Finally, the Town has seen 5 major developments in the past 25-plus years. All have been separate parcels- none have had to include an already established neighborhood like ours. My encouragement to the Planning Commission is to consider all these details when making your recommendations. Let's learn from the past ! Let's think of what do YOU /WE want for our town? Please, I urge you to resist what the developer's desires are- to rezone the acreage. I urge you to recognize the land , the people, the town would be best served by sticking to the plan and limit the amount of houses in the western section to 81 or below.

6. I recognize that there will always be a conflict of interest for a small town in its desire to remain a tight, loving community- with a high dollar developer who makes its living on building high dollar homes.

7. **Let's get this one right!**

Thank you,
Mary Veilleux
100 Battletown Drive

Terry Russell

From: Tim Sinclair <timsinclair85@gmail.com>
Sent: Thursday, February 26, 2026 2:24 PM
To: Terry Russell
Cc: Michael Bell Jr; William Gilpin; Patrick Irish; Dana Libby; Gwen Malone; Tom Parker; William Steinmetz

Subject: Re: Staff report for February 24

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good Afternoon Everyone,

I have spent some time contemplating the discussion from Tuesday night regarding the Christopher Companies memo/presentation around the yield numbers for Sub-Area 13/14/15 (112 vs. 138). I was still trying to wrap my head around what I should and could think about it. After having time to reflect further I'm sharing my thoughts on this because I think it's really important and welcome any dialogue (if any) everyone would like to discuss. Feel free to take or leave any of this as you so like, and Terry if there is any perspective you want to provide from the Town please feel free to chime in as well.

While their data/presentation certainly provides convincing data, I think this is ultimately a challenge to policy, not just a technical discrepancy, and could impact future precedence for other developments and public perceptions. Since the Berryville Plan is the policy we are working with, I think we need to look to the plan for how it might deal with this.

The Berryville Area Plan is explicit that its land-use assumptions were established through a formal and joint Town–County process. The language of the plan is that these areas were identified, reviewed, and this number is not presented as a suggestion but as the adopted policy basis for evaluating development proposals. Equally important, the Plan warns against altering these assumptions in response to a single application: "Any update of this Plan should be through a careful and deliberate process and any 'piecemeal' Plan amendments offered in response to a specific development request or land use decision are discouraged." (Section I-1)

I read this language as making it clear that if the developer believes the Plan's slope assumptions or environmental constraints are outdated or inaccurate then the appropriate remedy is a formal Comprehensive Plan amendment, not a reinterpretation during a rezoning. The Plan provides a defined amendment process involving both the Town and County, and it is the only legitimate mechanism for changing adopted policy. Based on the brief correspondence that Terry shared from Brandon Stidham with the County, the view from his perspective representing the County is that the plan is the policy. If they want more density it should be viewed through the density qualifiers already listed in the Sub-Area descriptions.

My hesitancy with reinterpreting the yield tables for this request is that it would set a precedent allowing future applicants to challenge or reinterpret Plan assumptions to justify higher densities. Dana's closing comments were pertinent in that the plan governs long-term planning, as well as public trust, and

making one-off reinterpretations such as this may undermine the trust in the process even if we find their reasoning compelling.

For these reasons, I believe the most defensible and policy-consistent approach is to adhere to the Plan's stated yield of 112 homes, with full consideration for the density bonus outlined for these Sub-Areas. Determination should be on meeting those criteria unless and until the Plan is formally amended. This preserves the integrity of our planning framework and ensures that any changes to core assumptions occur transparently and with full public process.

Thank you for considering this perspective as we continue our review. I hope you all have a great rest of your week and weekend!

-Tim Sinclair
804-205-0808

On Mon, Feb 23, 2026 at 1:52 PM Terry Russell <planner@berryvilleva.gov> wrote:

> Commissioners, I realized that I did not include my staff report in the Agenda Packet I sent you on Friday. Please see attached.
>
> Terry Russell, CZA
>
> Community Development Director
>
> Zoning Administrator
>
> Town of Berryville
>
> 101 Chalmers Court, Suite A
>
> Berryville, VA 22611
>
> 540-955-4081

Thanks,
Tim Sinclair
804-205-0808

March 4, 2026

To: Planning Commission Members

Subject: Friant rezoning request/Twig Road Extension

I am writing with comments concerning the proposed project for development of a subdivision on the Friant property that is under consideration.

First, let me give you a bit of my history on Battletown Drive. I built and moved into a house at 102 Battletown in June 1986. I lived there from 1986 until I sold the property after my husband passed away in June of 2012. I moved to Broadway, Virginia for four years. My children wanted me to move back to be closer to them, so my son purchased my current home at 201 Battletown Drive in 2016 for me to live in. In total, I have lived on Battletown Drive for 36 years of my life.

I am one of two properties that will be affected by Twig Road extension: the other being the home of Lydia Russell at 119 Battletown.

Here are my concerns:

- My home has had water in the basement twice since 2016. The last one resulted in having water remediation company punch holes in drywall to remove/dry out area and tear out flooring. Subsequently I had to replace/repair drywall; replace flooring; replace electrical baseboard heaters and install a new sump pump. I understand that previous

owners had similar problems with flooding. ***What will the building/paving of Twig Road do to the drainage issues? Will the water coming off the road cause more flooding problems in my basement?***

- ***Where will the current location of the light pole go when the road is built? Will it be located directly in front of my home?***
- The home I am living in was built by John Friant, Sr. for his mother or mother-in-law. When I moved in in 2016, I went to the Court House to see if I could get a copy of the plat to show the property lines. According to the clerk there, a survey of the property had not been done since it was originally built in 1962 although it has passed through several owners to the current time. During those 60 years, the Friant's did not stake claim to the right of way between the two properties. The homeowners took care of mowing, etc., over the right of way. It was not until the Sr. Mr. Friant passed away, and the family decided to sell the property, (around five years ago) they had the right of way surveyed and started mowing the strip of land between the two properties. ***I think there would be an argument that they had given up their right to retain the right of way because of 60 years of not claiming it. I know that would take a lot of money to hire a lawyer and take to court to fight their action of claiming now.***
- By opening Twig Road to Battletown Drive, traffic from the 24 homes proposed in this area would be coming to a

street which now is barely wide enough for two cars to pass. In addition, most of the homes along Battletown Drive have several cars per family and are parked along the right of way areas of the street. No one on the street that I know of wants sidewalks installed along an already narrow street. ***Wouldn't it make more sense to extend Battletown Drive to meet up with the street being built on the right of way through Audley Farm property?***

In conclusion, let me say that I know the Friant property will eventually become additional homes for the town and from everything I have seen so far, the proposed builder seems to be better fitted for building quality houses. D. R. Horton has proved with the houses they have already built in the town that they are only here for the profit and their houses are poorly built.

As far as to what is approved concerning Twig Road, Lydia's property and my property are the two that will be most directly affected by what is decided. I ask for your careful consideration of this matter.

Sincerely,

Mary Jane Pierce

piercemaryjane@gmail.com

201 Battletown Drive

Terry Russell

From: Brandel Kelsey
Sent: Thursday, March 5, 2026 12:27 PM
To: Terry Russell
Subject: Fw: Friant- Battletown Run rezoning request for Berryville, VA

Willy sent this to me.

Brandel Kelsey
Town Clerk
Town of Berryville
101 Chalmers Ct
Berryville, VA 22611
540-955-1099

From: William Steinmetz <wsteinmetz@berryvilleva.gov>
Sent: Thursday, March 5, 2026 12:18 PM
To: Brandel Kelsey <townclerk@berryvilleva.gov>
Subject: Fw: Friant- Battletown Run rezoning request for Berryville, VA

This is the only comment I have in writing

Willy Steinmetz
Berryville Town Council, Ward 1

Please forgive any typos. Sent from my phone.

From: Patricia Castelhano <patriciajcastelhano@gmail.com>
Sent: Wednesday, February 25, 2026 5:14:56 PM
To: Paul Perez <pperez@berryvilleva.gov>; William Steinmetz <wsteinmetz@berryvilleva.gov>
Subject: Fwd: Friant- Battletown Run rezoning request for Berryville, VA

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.
Good afternoon gentlemen,

I am writing you today because you are my Council member and represent the Ward in question. I just finished looking through the Friant proposal and while i'm sure they worked to make this into a "thing" we would feel good/better about as a town it just seems very McMansiony to me. Folks who come from afar and live in the McMansiony houses we already have tend to not really participate much in Berryville as a town - I've encountered so many folks that just go back over the mountain for things so they may feed our property taxes but they don't feed our town businesses or banks or fire station etc.. Maybe if there was a plan here to solve the housing issues we already have or help locals grow into new house - some way to add to the town instead of simply bringing in new folks I would understand the appeal. On top of that we already have water issues and resource issues - unless this brings enough money in to find new water and postal and power and etc. resources i don't see it as a net positive and would ask that you vote

no. I would happily hear any info you have to the contrary and will try and make it to the meeting in march AND i wanted to be sure you heard my voice if only so I can say I tried.

Respectfully,

Patricia Castelhano

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* * * * * * *

February 25, 2026

Friant- Battletown Run rezoning request

March 13, 2026

RE: Concerns and Recommendations for the Friant Property Development

To the Members of the Planning Commission,

I am writing to follow up on my letter dated March 4 regarding the proposed Friant property development. Today, I met with Mr. Ken Dondero of Tetra Corporation to discuss my specific concerns and questions.

I found Mr. Dondero to be straightforward in his explanation of the proposed plans. He emphasized that his company has local ties and remains committed to the Berryville community both now and after the project's completion. Based on our conversation, I encourage any interested residents to contact him directly for answers to their questions.

My primary concern remains the impact on the properties at 201 Battletown and 119 Battletown (owned by Lydia Russell), which are the two homes directly affected by decisions regarding **"Black Twig Street"** and its access to the new development.

After discussing the matter with Mr. Dondero, I would like to formally state my preference. I believe the best option for Ms. Russell and myself is for **Black Twig Street to be designated and built for "emergency use" only**, secured with a gate and lock for emergency vehicle access.

Given that the proposal includes only 24 houses spread across large lots with cul-de-sacs and no connection to the proposed developed section on the other side of the manor house—the main access road over the Audley Farm property to Business 7 is more than adequate to serve as the entrance and exit for these 24 homes.

Thank you for your time and for considering the impact of this development on our neighborhood and **for the two properties bordering Black Twig Street.**

Sincerely,
Mary Jane Pierce
201 Battletown Drive
piercemaryjane@gmail.com
540 405-2570 (cell-Text)

Cc: Terry Russell
Cc: Ken Dondero

Terry Russell

From: Terry Russell
Sent: Sunday, March 22, 2026 3:01 PM
To: Dana Libby
Cc: William Steinmetz; Keith Dalton; Jean Petti; Brandon Stidham
Subject: Re: Friant Public Hearing - Historic Access Corridor Question

Gentlemen, I met with Clarke County Planning & Zoning staff to discuss Dana's email because it is the Clarke County Zoning Ordinance that is being cited. When the subject areas were annexed into the Town of Berryville, the Town Zoning Ordinance became the zoning code for this area. The Clarke County Zoning Ordinance has no authority over this area any longer, therefore, the Historic Access Corridor Overlay is no long in effect within Town boundaries. Please let me know if you have any additional questions. Best Regards, Terry

Terry Russell, CZA
Community Development Director
Town of Berryville, VA
101 Chalmers Court, Ste. A
Berryville, VA 22611

540 955-4081

From: Dana Libby <danaslibby@gmail.com>
Sent: Thursday, March 19, 2026 4:20 PM
To: Terry Russell <planner@berryvilleva.gov>
Cc: William Steinmetz <wsteinmetz@berryvilleva.gov>
Subject: Friant Public Hearing - Historic Access Corridor Question

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Mr. Russell,
I hope you are doing well.
In advance of the upcoming public hearing on the Friant rezoning proposal, I wanted to follow up with a few questions related to the **Historic Access Corridor Overlay**, as described in the attached document. Given that a significant portion of the subject property appears to fall within this overlay area, I would appreciate any clarification you can provide on the following points:

- What percentage or acreage of the site is subject to the Historic Access Corridor Overlay?
- What specific development constraints apply within the overlay (e.g., setbacks, buffering, architectural standards, or layout requirements)?
- Has the applicant provided, or has staff evaluated, a concept plan demonstrating that the proposed density can be accommodated while complying with these overlay requirements?
- In staff's view, could compliance with the overlay materially affect the achievable layout or unit yield on the site?

- Are there any known instances where the overlay has effectively limited development intensity or required significant redesign in similar cases?

I understand that a detailed review under the overlay may occur at a later stage; however, since rezoning establishes the allowable density, I believe it would help the Commission understand any practical constraints at this stage.

Thank you for your time and assistance. I look forward to your guidance on these questions.

Respectfully,

Dana Libby

Planning Commissioner

cc: William Steinmetz, Planning Commission Chair

"Historic Access Corridor" 2015 Berryville Area Plan – Page II-11

TABLE 11 – CONSERVATION/PRESERVATION/INSTITUTIONAL LAND USES AND DENSITIES

1	Environmental Conservation	No urban uses permitted; other uses as per overlay zoning district requirements
2	Historic/Cultural Preservation	Performance-based densities
3	Institutional/Public Use	Densities as per zoning district requirements

In addition, to these conventional land use controls, a Historic Access Corridor Overlay Zoning District has been established by the County to ensure high quality site design and architectural compatibility as permitted by State law. The purpose of the district is to achieve architectural control of the buildings, structures, places, and areas of new development along the arterial streets or highways which are significant routes of tourist access to the County and surrounding areas.

In the Berryville area, the Historic Access Corridor Overlay Zoning District has been applied to the following County properties along the Route 7 corridor:

Within 300 feet of the rights of way of:

- U.S 340 south of the Town corporate limits
- Route 7 Business
- Route 7 Bypass starting from a point 3,000 feet east of the western intersection of Route 7 Bypass and Route 7 Business to the intersection of Route 7 Bypass and U.S. 340

Within 1,000 feet of the rights of way of:

- U.S. 340 north of the Town corporate limits
- Route 7 Bypass from its western intersection with Route 7 Business to a point 3,000 feet east of this intersection
- Route 7 Bypass from its intersection with U.S. 340 to its eastern intersection with Route 7 Business.

The Historic Access Corridor Overlay District provisions can be found in §3-E-4 of the Clarke County Zoning Ordinance.

4.2.5	Historic Access Corridor Overlay District	HAC

Purpose:
The intent of this Section is to promote and protect the health, safety, comfort, and general welfare of the community through establishing high quality design criteria. The purpose of the quality design criteria is to achieve architectural control of the buildings, structures, places, and areas of new development along the arterial streets or highways which are significant routes of tourist access to the County, municipalities in the County, to designated historic landmarks, buildings, structures or district therein, or in a contiguous county or municipality. The purpose of architectural control is to preserve and enhance areas of special historical, cultural, architectural or archaeological significance. The protection of these vital corridors will help stabilize and improve property values, protect and enhance the designated area's attraction to tourists and visitors, and will support and stimulate complimentary development appropriate to the prominence afforded properties contiguous to significant arterial routes. Benefits attributable to the promotion of superior design and appearance of structures constructed and altered along arterial highways will ultimately promote the public health, safety, and general welfare of the citizens of Clarke County.

A. Creation of Historic Access Corridor Overlay District

1. A special zoning overlay designation is hereby created for lots contiguous to arterial streets or highways which are significant routes of tourist access under authority of Va. Code §15.2-2306. Location and boundaries of Historic Access Corridor Districts shall be delineated by the Board of Supervisors and shall be incorporated into the Official Zoning Map as special overlay districts designated as Historic Access Corridor District (HAC).

2. Criteria for Designation of Districts. The Board of Supervisors may designate one or more Historic Access Corridor Districts. Any such District shall encompass lots contiguous to arterial streets or highways which are significant routes of tourist access to the County, municipalities in the County, to designated historic landmarks, buildings, structures or district therein, or in a contiguous county or municipality and shall conform to the definition of such corridors set forth in Va. Code §15.2-2201.

B. Certificates of Appropriateness

No structure or building to which the HAC District applies shall be erected, reconstructed, altered, or restored unless a Certificate of Appropriateness is approved. The requirements for the application, review, and approval of certificates of appropriateness are set forth in Section 6.2.5 (Certificate of Appropriateness).

C. Penalties for Noncompliance

Any violation of this section shall be subject to the provisions for violations and penalties set forth in Section 10 (Enforcement) of this Ordinance.

D. Special Overlay District Regulations – Uses

Wireless communication facilities (WCFs) may be permitted as allowed by the regulations of the underlying zoning district and subject to compliance with the requirements of this section.

5. Criteria for Approval of Certificate of Appropriateness. In reviewing a request, the HPC shall not approve a certificate of appropriateness unless the applicant's proposals are architecturally compatible with the motif and character of the H District. The HPC shall base its decision on whether the proposed action conforms to the criteria set forth by the **Secretary of the Interior's Standards for Rehabilitation**. The HPC shall also consider the following factors:

a. The extent to which the project will affect the overall character, visual fabric, rhythm, and continuity of the District.
b. Whether the height, proportion, openings, spacing, roofs, walls, fences, landscaping, ground cover, scale, and directionality of the proposed work are visually compatible with the surrounding community.

c. Whether the materials, textures, and colors planned for use are compatible with the District's character.
d. In the case of a building to be razed, demolished, or moved, the extent to which the loss of said building will detract from the Historic District and the purposes of this Section.



Historical Access Corridor Overlay District
(Source: Clarke County GIS)

March 13, 2026

RE: Concerns and Recommendations for the Friant Property Development

To the Members of the Planning Commission,

I am writing to follow up on my letter dated March 4 regarding the proposed Friant property development. Today, I met with Mr. Ken Dondero of Tetra Corporation to discuss my specific concerns and questions.

I found Mr. Dondero to be straightforward in his explanation of the proposed plans. He emphasized that his company has local ties and remains committed to the Berryville community both now and after the project's completion. Based on our conversation, I encourage any interested residents to contact him directly for answers to their questions.

My primary concern remains the impact on the properties at 201 Battletown and 119 Battletown (owned by Lydia Russell), which are the two homes directly affected by decisions regarding **"Black Twig Street"** and its access to the new development.

After discussing the matter with Mr. Dondero, I would like to formally state my preference. I believe the best option for Ms. Russell and myself is for **Black Twig Street to be designated and built for "emergency use" only**, secured with a gate and lock for emergency vehicle access.

Given that the proposal includes only 24 houses spread across large lots with cul-de-sacs and no connection to the proposed developed section on the other side of the manor house—the main access road over the Audley Farm property to Business 7 is more than adequate to serve as the entrance and exit for these 24 homes.

Thank you for your time and for considering the impact of this development on our neighborhood and **for the two properties bordering Black Twig Street.**

Sincerely,
Mary Jane Pierce
201 Battletown Drive
piercemaryjane@gmail.com
540 405-2570 (cell-Text)

Cc: Terry Russell
Cc: Ken Dondero

Terry Russell

From: Brandel Kelsey
Sent: Thursday, March 5, 2026 12:27 PM
To: Terry Russell
Subject: Fw: Friant- Battletown Run rezoning request for Berryville, VA

Willy sent this to me.

Brandel Kelsey
Town Clerk
Town of Berryville
101 Chalmers Ct
Berryville, VA 22611
540-955-1099

From: William Steinmetz <wsteinmetz@berryvilleva.gov>
Sent: Thursday, March 5, 2026 12:18 PM
To: Brandel Kelsey <townclerk@berryvilleva.gov>
Subject: Fw: Friant- Battletown Run rezoning request for Berryville, VA

This is the only comment I have in writing

Willy Steinmetz
Berryville Town Council, Ward 1

Please forgive any typos. Sent from my phone.

From: Patricia Castelhano <patriciajcastelhano@gmail.com>
Sent: Wednesday, February 25, 2026 5:14:56 PM
To: Paul Perez <pperez@berryvilleva.gov>; William Steinmetz <wsteinmetz@berryvilleva.gov>
Subject: Fwd: Friant- Battletown Run rezoning request for Berryville, VA

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.
Good afternoon gentlemen,

I am writing you today because you are my Council member and represent the Ward in question. I just finished looking through the Friant proposal and while i'm sure they worked to make this into a "thing" we would feel good/better about as a town it just seems very McMansiony to me. Folks who come from afar and live in the McMansiony houses we already have tend to not really participate much in Berryville as a town - I've encountered so many folks that just go back over the mountain for things so they may feed our property taxes but they don't feed our town businesses or banks or fire station etc.. Maybe if there was a plan here to solve the housing issues we already have or help locals grow into new house - some way to add to the town instead of simply bringing in new folks I would understand the appeal. On top of that we already have water issues and resource issues - unless this brings enough money in to find new water and postal and power and etc. resources i don't see it as a net positive and would ask that you vote

no. I would happily hear any info you have to the contrary and will try and make it to the meeting in march AND i wanted to be sure you heard my voice if only so I can say I tried.

Respectfully,

Patricia Castelhano

View this in your browser

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* * * * * * *

February 25, 2026

Friant- Battletown Run rezoning request

Terry Russell

From: Mary Veilleux <mfveilleux@comcast.net>
Sent: Thursday, February 26, 2026 3:35 PM
To: Terry Russell
Subject: Planning Commission Work Session

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Mr. Russell,

Would you be so kind as to forward this email to the members of the Planning Commission? Thank you so much!
Sincerely,
Mary Veilleux

Dear Planning Commission member,

I attended the work session Tuesday evening and wanted to send you my impressions and observations. For those members who do not know me, I am Mary Friant Veilleux and am keenly interested in what happens to the Friant property as do all my neighbors and friends on Battletown and Bel Voi Drives.

I will format my email in "bullet form" :

1. I did not count the number of times the engineer repeated the phrase, "when we met with staff"- since it was obvious there have been many meetings and many behind the door type of gatherings. Noticeably missing are the ones most affected by the development. It was very evident that there have been discussions and encouragement to proceed. To remind you , there was only ONE meeting which Julie Abrera and I helped organize at Crums Church in May for locals to have their say. I felt that we were "used" to get some talking points in for the engineer- which were totally misrepresented last night. Whew. A big disappointment.

2.The information from the developer has not been available online- so none of us attending could look beforehand to see what was going to be presented. The engineer gave us limited information , in that we couldn't read the screen; he didn't have the decency to correct a major error in the Development plan (revealing Rt 7 in the ridiculous position - through the housing...). Are we that unobservant?

3. From the engineer, I felt that his presentation was condescending and humiliating to our Town leaders- especially as he referred to "sloping angles": our BADA Got it "all wrong". My own impression was as if he were saying the following: And yes the hyperbole is used to get my point across.

"You country bumpkins! You morons ! You don't even know how to do basic math! Here! Let me enlighten you with my wondrous ability to manipulate the numbers and show you that really many MORE houses can be built in this section- SEE? Please , do put your community's interest and your resident's interests aside as you listen to my marvelous calculations! Put aside common sense! Ignore the impact of 110 houses in a small rocky section near the railroad! Ignore that we are going to build unaffordable housing that no one in your community - teachers, police, firemen, etc. can afford! We are going to make the town tons of money at resident's expense! As a matter of fact ,we are doing you a big favor- we could build over 138 homes! But we will have mercy on you little folks. Just listen to the experts!".

4. I hope before the March 24 Public hearing, we will have plenty of time to look at the plan in all its detail- online.

5. Finally, the Town has seen 5 major developments in the past 25-plus years. All have been separate parcels- none have had to include an already established neighborhood like ours. My encouragement to the Planning Commission is to consider all these details when making your recommendations. Let's learn from the past ! Let's think of what do YOU /WE want for our town? Please, I urge you to resist what the developer's desires are- to rezone the acreage. I urge you to recognize the land , the people, the town would be best served by sticking to the plan and limit the amount of houses in the western section to 81 or below.

6. I recognize that there will always be a conflict of interest for a small town in its desire to remain a tight, loving community- with a high dollar developer who makes its living on building high dollar homes.

7. **Let's get this one right!**

Thank you,
Mary Veilleux
100 Battletown Drive

March 4, 2026

To: Planning Commission Members

Subject: Friant rezoning request/Twig Road Extension

I am writing with comments concerning the proposed project for development of a subdivision on the Friant property that is under consideration.

First, let me give you a bit of my history on Battletown Drive. I built and moved into a house at 102 Battletown in June 1986. I lived there from 1986 until I sold the property after my husband passed away in June of 2012. I moved to Broadway, Virginia for four years. My children wanted me to move back to be closer to them, so my son purchased my current home at 201 Battletown Drive in 2016 for me to live in. In total, I have lived on Battletown Drive for 36 years of my life.

I am one of two properties that will be affected by Twig Road extension: the other being the home of Lydia Russell at 119 Battletown.

Here are my concerns:

- My home has had water in the basement twice since 2016. The last one resulted in having water remediation company punch holes in drywall to remove/dry out area and tear out flooring. Subsequently I had to replace/repair drywall; replace flooring; replace electrical baseboard heaters and install a new sump pump. I understand that previous

owners had similar problems with flooding. ***What will the building/paving of Twig Road do to the drainage issues? Will the water coming off the road cause more flooding problems in my basement?***

- ***Where will the current location of the light pole go when the road is built? Will it be located directly in front of my home?***
- The home I am living in was built by John Friant, Sr. for his mother or mother-in-law. When I moved in in 2016, I went to the Court House to see if I could get a copy of the plat to show the property lines. According to the clerk there, a survey of the property had not been done since it was originally built in 1962 although it has passed through several owners to the current time. During those 60 years, the Friant's did not stake claim to the right of way between the two properties. The homeowners took care of mowing, etc., over the right of way. It was not until the Sr. Mr. Friant passed away, and the family decided to sell the property, (around five years ago) they had the right of way surveyed and started mowing the strip of land between the two properties. ***I think there would be an argument that they had given up their right to retain the right of way because of 60 years of not claiming it. I know that would take a lot of money to hire a lawyer and take to court to fight their action of claiming now.***
- By opening Twig Road to Battletown Drive, traffic from the 24 homes proposed in this area would be coming to a

street which now is barely wide enough for two cars to pass. In addition, most of the homes along Battletown Drive have several cars per family and are parked along the right of way areas of the street. No one on the street that I know of wants sidewalks installed along an already narrow street. ***Wouldn't it make more sense to extend Battletown Drive to meet up with the street being built on the right of way through Audley Farm property?***

In conclusion, let me say that I know the Friant property will eventually become additional homes for the town and from everything I have seen so far, the proposed builder seems to be better fitted for building quality houses. D. R. Horton has proved with the houses they have already built in the town that they are only here for the profit and their houses are poorly built.

As far as to what is approved concerning Twig Road, Lydia's property and my property are the two that will be most directly affected by what is decided. I ask for your careful consideration of this matter.

Sincerely,

Mary Jane Pierce

piercemaryjane@gmail.com

201 Battletown Drive

Terry Russell

From: Tim Sinclair <timsinclair85@gmail.com>
Sent: Thursday, February 26, 2026 2:24 PM
To: Terry Russell
Cc: Michael Bell Jr; William Gilpin; Patrick Irish; Dana Libby; Gwen Malone; Tom Parker; William Steinmetz
Subject: Re: Staff report for February 24

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good Afternoon Everyone,

I have spent some time contemplating the discussion from Tuesday night regarding the Christopher Companies memo/presentation around the yield numbers for Sub-Area 13/14/15 (112 vs. 138). I was still trying to wrap my head around what I should and could think about it. After having time to reflect further I'm sharing my thoughts on this because I think it's really important and welcome any dialogue (if any) everyone would like to discuss. Feel free to take or leave any of this as you so like, and Terry if there is any perspective you want to provide from the Town please feel free to chime in as well.

While their data/presentation certainly provides convincing data, I think this is ultimately a challenge to policy, not just a technical discrepancy, and could impact future precedence for other developments and public perceptions. Since the Berryville Plan is the policy we are working with, I think we need to look to the plan for how it might deal with this.

The Berryville Area Plan is explicit that its land-use assumptions were established through a formal and joint Town–County process. The language of the plan is that these areas were identified, reviewed, and this number is not presented as a suggestion but as the adopted policy basis for evaluating development proposals. Equally important, the Plan warns against altering these assumptions in response to a single application: "Any update of this Plan should be through a careful and deliberate process and any 'piecemeal' Plan amendments offered in response to a specific development request or land use decision are discouraged." (Section I-1)

I read this language as making it clear that if the developer believes the Plan's slope assumptions or environmental constraints are outdated or inaccurate then the appropriate remedy is a formal Comprehensive Plan amendment, not a reinterpretation during a rezoning. The Plan provides a defined amendment process involving both the Town and County, and it is the only legitimate mechanism for changing adopted policy. Based on the brief correspondence that Terry shared from Brandon Stidham with the County, the view from his perspective representing the County is that the plan is the policy. If they want more density it should be viewed through the density qualifiers already listed in the Sub-Area descriptions.

My hesitancy with reinterpreting the yield tables for this request is that it would set a precedent allowing future applicants to challenge or reinterpret Plan assumptions to justify higher densities. Dana's closing comments were pertinent in that the plan governs long-term planning, as well as public trust, and

making one-off reinterpretations such as this may undermine the trust in the process even if we find their reasoning compelling.

For these reasons, I believe the most defensible and policy-consistent approach is to adhere to the Plan's stated yield of 112 homes, with full consideration for the density bonus outlined for these Sub-Areas. Determination should be on meeting those criteria unless and until the Plan is formally amended. This preserves the integrity of our planning framework and ensures that any changes to core assumptions occur transparently and with full public process.

Thank you for considering this perspective as we continue our review. I hope you all have a great rest of your week and weekend!

-Tim Sinclair
804-205-0808

On Mon, Feb 23, 2026 at 1:52 PM Terry Russell <planner@berryvilleva.gov> wrote:

> Commissioners, I realized that I did not include my staff report in the Agenda Packet I sent you on Friday. Please see attached.
>
> Terry Russell, CZA
>
> Community Development Director
>
> Zoning Administrator
>
> Town of Berryville
>
> 101 Chalmers Court, Suite A
>
> Berryville, VA 22611
>
> 540-955-4081

--
Thanks,
-Tim Sinclair
804-205-0808

Sarah Stern

Good Evening.

I am Sara Stern, and I live on Taylor Street in Berryville. My family have been in Berryville for well-over 100 years, and for the most part, I have lived here as well. I worked for the Richmond Virginia Home Builder's Association for 11 years, and after that, co-owned a homebuilding company for 21 years, so I am familiar with the challenges.

At the risk of repeating some of the concerns that have already been made with respect to The Christopher Company's request for up-zoning the Friant Land to DR-4 in order to build 134 homes using Battletown Drive as the only means of ingress and egress and to build 24 homes on the eastern edge of the property with a road that comes out across from Clermont Farm very near the entrance onto the Rt. 7 by-pass, I would ask you to consider the **traffic and congestion** that will be created, and will greatly impact the residents of Battletown Estates as well as anyone that uses the roads on the east end of town for daily activities and commuting.

Any additional residential construction to the Town of Berryville, should be designed such that it can truly become part of the town, with sidewalks and more than one way in and out for traffic.

I realize that Berryville will not only continue to grow, but needs to grow. However, the east end of town is not the place to do it. In the near future, the state may degrade our ability to

make our own decisions about what we want our future zoning and growth to look like.

We need to plan ahead to add to the western part of town where any additional residential construction can truly be incorporated into the existing neighborhoods, and is within walking distance to the downtown, schools, and park. With a little foresight, proper planning, and community input **before** and not after a project is proposed.

I might even suggest that the town invest in hiring an urban planner that has worked with small towns to help enhance the culture, entice new businesses, help with ideas to take advantage of some of the buildings that already exist for additional more affordable housing and encourage any new construction to match the style and feeling of some of our older buildings and small homes, so that we don't end up with projects that all look alike - the same grey, tan, or blue 5-4 and a door houses with a row of front-load garages and white vinyl fences.

There are many examples of communities with winding roads to cut down on speeding, small homes with front porches, sidewalks and green spaces. Some even utilize small alleys for service vehicles and trash pick-up.

We are being squeezed by Loudoun and Frederick counties, both of which are developing with abandon.

I would urge The Town of Berryville to invest in planning for the future of what the citizens of the town and county want their county seat to look and feel like.

Many leading citizens that came before us have fought hard for us to have the kind of zoning that allows Clarke to stay mainly rural. We should be willing to put in the money and effort to keep it that way.

Town of Berryville, Virginia – Planning Commission
Public Hearing March 24, 2026 – RZ 01-25 (Friant)

Dana Libby, Commissioner, Town of Berryville Planning Commission

I want to focus on a few core issues that I believe are central to whether this rezoning should be recommended for approval.

First, there has been repeated reliance on what are described as 'unused' or 'unbuilt' development units from the Berryville Area Plan. I think we need to be very careful here. The comprehensive plan recognizes that some planned units have not been constructed, but it does not establish a system that allows those units to be shifted around to increase density without further review. In fact, the plan ties those densities to specific sub-areas, with conditions such as environmental constraints, transportation access, and compatibility with surrounding uses. Treating those unused units as a movable pool risks bypassing the very planning framework we are obligated to follow.

Second, this gets to the broader issue of consistency with the comprehensive plan and avoidance of spot zoning. The Berryville Area Plan is not just a suggestion—it is a long-standing policy document adopted by both the Town and the County to guide growth in a coordinated way. Property owners and residents reasonably rely on it. When we consider a rezoning that increases density in a particular location, we need to ask: Is this advancing the plan, or is it creating an exception that primarily benefits a single applicant?

Third, under Virginia law and our ordinance, a rezoning must serve the public welfare—not just enable additional development. Proffers can help address impacts, but they are intended to mitigate effects on the community, not to justify a rezoning that is otherwise inconsistent with the plan or creates new burdens. So the question for me is: what is the clear public benefit here in terms of health, safety, infrastructure, or long-term community planning?

Finally, I remain concerned about the historic and environmental context. Portions of this property were previously subject to a historic corridor overlay at the County level. While annexation may have changed the applicable regulatory framework, the underlying historic and environmental considerations do not disappear. The Area Plan itself emphasizes the protection of sensitive areas, viewsheds, and historic resources in these sub-areas. We should be cautious about moving forward without a clear understanding of how those values are being preserved.

In summary, I believe the key issue is not simply whether development should occur here, but whether this specific rezoning approach is consistent with the adopted plan, treats similarly situated properties fairly, and provides a demonstrable public benefit.

Those are the points I will be weighing as I consider whether to recommend approval."

Terry Russell

From: Audra Wallace <audraw716@gmail.com>
Sent: Sunday, March 22, 2026 8:28 PM
To: Terry Russell
Subject: Concerns Regarding Proposed Zoning Change - Fryant property

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Planning Commission,

I am writing to express serious concern regarding the proposed zoning change that would allow for the construction of over 100 new homes with primary (and only) access via Battletown Drive.

This proposal raises significant safety and infrastructure issues that absolutely cannot be overlooked. Battletown Drive currently lacks basic features such as sidewalks and curbs, making it ill-equipped to handle a substantial increase in traffic, especially from a development of this scale. Introducing over 100 additional households through a single point of entry and exit is not only impractical, but irresponsible. It poses clear risks for residents, emergency response access, and overall traffic flow.

A development of this size demands careful planning and infrastructure improvements that align with the realities on the ground. As it stands, forcing this volume of traffic onto a road not designed to support it feels both unreasonable and unsafe. The absence of multiple access points further compounds concerns about congestion, evacuation in emergencies, and daily commuter strain.

I urge the Town to reconsider this zoning change or, at the very least, require substantial infrastructure upgrades and alternative access solutions before moving forward. Put in curb, gutter, and sidewalks for the entire length of Battletown and Bel Voi, and sidewalks from Battletown to train tracks. Find another access point. Don't do the same thing the Town did for Shenandoah Crossing - forcing people to drive through small older neighborhood with no sidewalks, putting those longtime residents at risk.

Bottom line. Growth should be managed responsibly, with the safety and quality of life of current residents as a top priority.

Thank you for your time and consideration.

Sincerely,

Audra J. Reed
105 Battletown Dr.
703-999-5813

Terry Russell

From: Jim Craig <jim.craig@craigsundecks.com>
Sent: Wednesday, March 25, 2026 5:41 PM
To: Terry Russell
Cc: bsnyder01@earthlink.net
Subject: Fwd: Fwd: Battletown Drive (rough draft)

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Terry Russell
Planning Director
Town of Berryville

Mr. Russell,

I attended the planning meeting last night. After hearing all the compelling testimonies from Berryville's citizens, I would like to add a few concluding comments. I live at 1 Battletown Dr. and therefore have an intimate understanding of how traffic impacts the intersection of Battletown Dr. and E. Main Street. One very common theme I heard last night was the concern over added traffic from Christopher Companies' proposed plan to build greater than "by-right" density. For this reason alone, this current proposal needs to be denied. Even adding the maximum dwelling units currently allowed by-right would burden this small subdivision and the intersection at E. Main. Adding the traffic from the proposed 134 dwelling units to the small street of Battletown Dr. and this intersection, would overburden and make unsafe the ingress/egress for all citizens of the neighborhood as well as services and visiting guests. Traffic flows rapidly into and out of town on E. Main St. and drivers do not respect the 25 mph speed limit at this intersection. I worry for the safety of my friends, family, and neighbors if this proposal were ever allowed.

Christopher Companies should provide another means for access to their proposed subdivision. I heard them mention an emergency access via Black Twig. I suggest this road address the unsafe traffic flow created by the proposed subdivision and be installed permanently, not just for emergencies. I also understand that there may be a problem with Christopher's proposal to escrow money for future curb, gutter, and sidewalks due to VDOT guidelines that require much more distance to install than what is currently available in the right of way. Shouldn't Christopher already know these VDOT requirements? If so, they also knew this escrowed money would come right back to them as the additional safety measures necessary to protect the neighborhood would never get installed.

I do respect the comprehensive planning of our forefathers on the Berrville Area Development Authority and feel much more comfortable with the by-right zoning of this land. I do not feel compelled to allow any builder to push for a change to the current plan based on their financial evaluations. Thank you for considering my input.

Jim Craig
cell) 703-926-6400

Dear Members of the Planning Commission,

I am a property owner in the Town who is not available to attend the upcoming public hearings in person. I am sending this letter in the hope that my voice is heard, just like the people who are physically able to be there.

We watched as DR Horton tried to steamroll the town once again when they tried to pack houses into this Friant property. Thankfully, they were stopped.
Builders are just going to keep coming after this property.
The current layout seems a lot better than any other option I have seen.
Using a local builder to partner with seems like a much better plan.
Having DR Horton or a similar national builder has not been in the town's best interest.

Everyone says there is a housing shortage, which contributes to the ridiculously high prices we're seeing.

The town has an opportunity to shut the door on national builders coming here and creating havoc (ask anyone who lives in Hermitage). Work with the local builder so we don't have to keep going through this rezoning year after year.

Thank you for your time and consideration in this matter.

Russell Gilkison

301 Pickett Ct, Berryville, VA

Dana S. Libby
7 Josephine St
Berryville, VA 22611

June 21, 2026

Re: Friant / Battletown Run Rezoning Application

Members of the Town Council,

I am writing as a citizen of the Town of Berryville regarding the Friant / Battletown Run rezoning application recently considered by the Planning Commission on May 26, 2026. I write not in my capacity as a Planning Commissioner, but as a town resident who believes this matter raises important questions about the long-term integrity of the Berryville Area Plan and the Town's land-use decision-making process.

The Planning Commission voted to recommend denial of the rezoning. The main discussion focused on the property's projected residential yield under the Berryville Area Plan, including the Table 12 figures, the steep-slope assumptions behind them, and the applicant's claim that updated slope data support a higher dwelling-unit yield than the adopted plan reflects.

The applicant has asserted that the actual steep slopes on the property are materially less extensive than assumed in the Berryville Area Plan and that, using more accurate topographic information, the appropriate projected yield would be approximately 138 dwelling units. Because the applicant proposes 134 units across the overall development concept, it is of the view that the proposal does not exceed the proper plan-based yield.

I understand the logic of that argument. If the factual assumptions used during the plan-development process were incorrect, that is a relevant matter for the Town and County to consider. It is also significant that the applicant has represented that more accurate slope information may have been available when the Berryville Area Plan was being developed, even though the adopted yield appears to have been based on estimated slope conditions.

The countervailing concern, however, is substantial. The Berryville Area Plan was not merely an internal technical memorandum. It was adopted through a public legislative process by the Town and County as part of the comprehensive planning framework for this area. Table 12 and the sub-area yield assumptions were incorporated into the adopted plan. Even if one factual assumption underlying the plan is now believed to be incorrect, the question remains whether that issue should be corrected through a single rezoning application or a formal amendment to the Berryville Area Plan.

In my view, the safer and more transparent course is to treat the Table 12 yield numbers as controlling unless and until the Berryville Area Plan is amended through the required comprehensive-plan amendment process. Otherwise, a review of a single rezoning application could effectively override a density allocation adopted through a broader

public planning process. That would set a difficult precedent by encouraging future applicants to challenge the adopted plan's assumptions on a parcel-by-parcel basis rather than seeking an amendment to the plan itself.

This does not mean that the applicant's slope data should be ignored. If the data is accurate, it may provide a legitimate basis for the Town, the County, and the Berryville Area Development Authority to revisit the relevant portions of the Berryville Area Plan. That is, however, different from treating the revised calculation as automatically superseding the adopted plan in this rezoning.

The related issue of "unused" or "unbuilt" dwelling units also warrants careful attention. The Berryville Area Plan appears to recognize that some residential units originally anticipated in other sub-areas were never built and that unused capacity may be considered in appropriate circumstances. However, that language should not be construed to create a floating pool of discretionary density credits that may be reassigned without further legislative review. The unused-unit concept may be a planning consideration, but it should not substitute for the formal amendment process or the specific master-plan criteria set out in the Berryville Area Plan.

In addition to the Table 12 and yield issues, the public hearing process identified several practical concerns that the Town Council should carefully consider before taking final action:

First, residents raised substantial concerns about traffic, ingress and egress, construction traffic, and emergency access. A recurring concern was whether Battletown Drive and the East Main Street intersection can safely absorb the traffic associated with the proposed development, particularly if the development relies heavily on the existing Battletown street network.

Second, there were specific concerns about Black Twig Street/Twig Road, especially from residents whose properties would be directly affected. Those concerns included drainage, roadway placement, possible light-pole relocation, property and right-of-way issues, and whether the street should function as a full public connection, an emergency-only connection, or some other phased or limited-access arrangement.

Third, residents raise stormwater and drainage concerns, including concerns from adjoining homeowners who have experienced basement flooding. Those issues should be evaluated not only through general stormwater compliance, but also through targeted analysis of whether new road construction, grading, and impervious surfaces would worsen runoff onto existing homes.

Fourth, the historic and scenic context remains important. The property is in an area where the Berryville Area Plan calls for viewshed protection, sensitivity to Route 7, and protection of the historic Bel Voi property. Although the Clarke County Historic Access Corridor Overlay no longer applies within Town limits after annexation, those planning concerns

remain part of the Berryville Area Plan and should be addressed through specific, enforceable conditions rather than general assurances.

Fifth, the proffers require careful review. Several issues appear to warrant legal and technical confirmation, including whether proffers may validly apply to land not included in the rezoning area; whether open-space protections are durable and enforceable; whether any conservation-easement or HOA-covenant language is sufficiently specific; and whether sidewalk, trail, buffer, and cash-proffer obligations are drafted in a way that can be implemented and enforced.

Finally, the public comments reflected broader concerns about process and trust. Residents appear to seek assurance that the Town is not negotiating around the Berryville Area Plan, but applying it consistently and transparently. The credibility of the planning process depends on the public understanding that adopted plan standards will not be altered informally for a single project, even when an applicant presents persuasive technical information.

For these reasons, I respectfully urge the Town Council to approach this matter with caution. If Council believes the applicant's slope data demonstrates that the Berryville Area Plan is incorrect, the appropriate response may be to initiate or require a formal plan amendment process. If Council believes the project can be approved under the existing plan, the record should include clear findings explaining how the proposal satisfies the Berryville Area Plan, including the Table 12 yield issue, the master-plan criteria, transportation connectivity, stormwater, historic and viewshed protection, and public-facility impacts.

In my view, the most defensible course is not to approve the rezoning unless the Town can clearly demonstrate that the approval is consistent with the adopted Berryville Area Plan as it exists today, or unless the plan is first amended through the appropriate public process.

Respectfully submitted,

Dana S. Libby
Berryville resident

Dana S Libby
2026.06.20 16:48:35 -04'00

Administration and Finance Report

July 8, 2026

Item Title:

Report of the Administration and Finance Department

Prepared by:

Cynthia Poulin, Treasurer

Attachments:

1. ARPA Report
2. Cash Balance

JULY 14, 2026
Monthly Update

American Rescue Plan Act of 2021

Funds expended over the past month
The June 2026 expenditure report is attached.

Attachments
- June 2026 ARPA Expenditure Report
- ARPA Master List
- Project Status Reports

Jun-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	$ 82,376.47	$ 1,757,284.10	$ -	100.00%	$ 3,485,953.17
			$ 1,728,669.07	$ -		$ 3,485,953.17
Total			$ 3,485,953.17			
Fund balance from first payment						$ -
Fund balance from second payment						$ -
Pay for administrative costs						
Esimated cost of these actions						
- Administrative costs per FY (5.5)	$ 60,000.00	$ 15,592.60	$ 44,407.40	$ -	100%	$ 60,000.00
- Total			$ 60,000.00			$ 60,000.00
Fund balance from first payment						$ -

NOTES:

INFRASTRUCTURE COSTS:		1st Tranche	$ 2,267,493.00
Frazier Assoc.(Wayfinding)	$ -	Used to date	$ 2,236,777.66
Core & Main	$ -	Balance	$ 30,715.34
VA RIGGERS	$ -		
Pete McLean	$ -	2nd Tranche	$ 2,267,493.00
Norfolk Southern	$ -	Used to date	$ 2,201,908.34
FUOG Interbuild	$ 97,594.07	Balance	$ 65,584.66
Pennoni (Water Projects Bel Voi & Battletown)	$ 375.00		
Webster Nursery(Concrete walls)	$ -		
Rick Boor Inspections	$ -		
Total	$ 97,969.07		

ARPA MASTER LIST

6.30.2026

	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	$ 543,933.49	$ (647.99)	100%	
	Administrative /Legal Fees	$ 60,000.00	$ 60,000.00	$ -	100%	Admin
	Total Encumbered	$ 4,534,986.00	$ 4,438,686.00	$ 96,300.00		
	Total ARPA	$ 4,534,986.00				

* Project For (2) two years

Project Status Report 16

Date: 7/14/2026

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: 7/14/2026

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: 7/14/2026

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: $543,933.49
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	50%	Not Started

Project Issues or Concerns:

Cash Balance Report

Period Ending 6/30/2026

Town of Berryville

7/8/2026 8:24 AM

	Bank Information	Balance
1	Bank of Clarke Operating Acct#- 1138499	-$31,087.71
2	Bank of Clarke NOW Acct#- 1138502	$6,100,518.92
3	Bank of Clarke Payroll Acct#- 1138510	$40,300.57
4	Bank of Clarke CIP Acct#- 1138405	$2,104,604.70
5	Bank of Clarke SW Acct#- 1138413	$498,248.58
6	Bank of Clarke PDAF Acct#- 1138421	$25,568.65
7	Bank of Clarke DSR Acct#- 1138456	$113,512.00
9	Bank of Clarke RAU Acct#- 1138472	$953.79
10	Bank of Clarke VRA Reserve Acct#- 6041647	$470,000.00
11	Bank of Clarke Proffer Reserve Acct#- 1897098	$90,514.79
12	Bank of Clarke Performance Bonds Acct#- 1910841	$11,338.26
13	TRUIST Acct#- 5137523525	$568,710.87
14	Bank of Clarke PD Contributions Acct#- 5759859	$10,042.80
18	VA INVESTMENT POOL-STABLE VNAV Acct#- VA-01-0199-5001	$8,383,184.01
19	VA INVESTMENT POOL-TERM SERIES II Acct#- VA-01-0199-T001	$10,917,346.33

Total Cash Balance:	$29,303,756.56

Check Listing

Date From: 6/1/2026 Date To: 6/30/2026
Vendor Range: 1-800 FLOWERS - Zuleger, David E. & Joanne C.

Check Number	Bank	Vendor	Date	Amount
10749	1	BELL JR, MICHAEL EUGENE	06/03/2026	**$40.00**
10750	1	COMBS WASTEWATER MANAGEMENT LLC	06/03/2026	**$100.00**
10751	1	Dalton, Keith	06/03/2026	**$75.00**
10752	1	GILPIN, WILLIAM MITCHELL	06/03/2026	**$40.00**
10753	1	IRISH, PATRICK	06/03/2026	**$40.00**
10754	1	LIBBY, DANA	06/03/2026	**$40.00**
10755	1	Malone, Gwen	06/03/2026	**$40.00**
10756	1	Michelle M. Jones	06/03/2026	**$1,820.00**
10757	1	Parker Jr., Thomas Randall	06/03/2026	**$40.00**
10758	1	PENNONI ASSOCIATES INC	06/03/2026	**$1,950.00**
10759	1	Petti, Jean	06/03/2026	**$75.00**
10760	1	Power Connection, Inc., The	06/03/2026	**$2,504.90**
10761	1	SINCLAIR, TIMOTHY	06/03/2026	**$40.00**
10762	1	SMITH PAMELA BRIDWELL & STEPHEN AN THONY 12334	06/03/2026	**$26.63**
10763	1	Steinmetz, William	06/03/2026	**$75.00**
10764	1	Stuart M. Perry, Inc	06/03/2026	**$1,366.43**
10765	1	Total Pest Services, Inc	06/03/2026	**$247.00**
10766	1	Amy L. Reid	06/10/2026	**$525.00**
10767	1	BENNER ERNEST C & PAULA L 481	06/10/2026	**$633.22**
10768	1	BLOSSMAN GAS INC	06/10/2026	**$258.17**
10769	1	BOOR, RICHARD	06/10/2026	**$1,350.00**
10770	1	BROOKS SCOTT G 1086	06/10/2026	**$250.48**
10771	1	CALING EMILIA REGINA CORONEL 14039	06/10/2026	**$345.63**
10772	1	CARRIE SUE GEIGER	06/10/2026	**$228.47**
10773	1	CORE & MAIN LP	06/10/2026	**$2,477.00**
10774	1	CROCE TERESA A 12033	06/10/2026	**$220.59**
10775	1	FERRELL ROBERT C & KRISTEN WAGNER 885	06/10/2026	**$300.24**
10776	1	FOWLDS EROC & REBEKAH 12173	06/10/2026	**$575.04**
10777	1	Fuog/Interbuild, Inc.	06/10/2026	**$145,448.06**

Check Listing

Date From: 6/1/2026 Date To: 6/30/2026
Vendor Range: 1-800 FLOWERS - Zuleger, David E. & Joanne C.

Check Number	Bank	Vendor	Date	Amount
10778	1	GOWDY TIMOTHY EDWARD 9261	06/10/2026	**$493.45**
10779	1	GREEN CASEY & AMY 359	06/10/2026	**$466.20**
10780	1	Griffith Energy Services, Inc.	06/10/2026	**$1,301.94**
10781	1	Hall Company, The	06/10/2026	**$1,800.77**
10782	1	HATCHER HELENE M TTE HELENE MARGARET HATACHE 14074	06/10/2026	**$296.76**
10783	1	James River Equipment	06/10/2026	**$5,180.05**
10784	1	JESSBERGER STEPHEN & JANICE L 14085	06/10/2026	**$444.45**
10785	1	JO COLOMBO	06/10/2026	**$150.78**
10786	1	JOHANNES WIDMALM DELPHONSE	06/10/2026	**$147.31**
10787	1	LAMBIASI MICHELLE JOY 14169	06/10/2026	**$385.94**
10788	1	MARTZ JOSHUA MEREDITH BLAND 14105	06/10/2026	**$313.51**
10789	1	MAY CYNTHIA J 10232	06/10/2026	**$138.03**
10790	1	NAECKER LOUIS T & MARGARET M 52	06/10/2026	**$426.87**
10791	1	NUCKOLS PROPERTY SOLUTION	06/10/2026	**$7,665.00**
10792	1	O'NEILL NICHOLAS & OLIVIA GARCIA 13347	06/10/2026	**$407.27**
10793	1	PENNONI ASSOCIATES INC	06/10/2026	**$412.50**
10794	1	Power Connection, Inc., The	06/10/2026	**$6,152.26**
10795	1	SCHULTZ STEPHEN H & ANNE R 8419	06/10/2026	**$505.19**
10796	1	URBAN JOSHUA & MEGAN ELIZABETH 12356	06/10/2026	**$327.49**
10797	1	VIRASEC IT Support Services, Inc.	06/10/2026	**$4,134.59**
10798	1	ANDERSON LAWN CARE, INC.	06/17/2026	**$1,275.00**
10799	1	BLOSSMAN GAS INC	06/17/2026	**$1,063.06**
10800	1	Capital Compressor	06/17/2026	**$2,347.00**
10801	1	DEBORAH L BALCOM	06/17/2026	**$99.62**
10802	1	EAHEART INDUSTRIAL SERVICES, INC	06/17/2026	**$262.13**
10803	1	ECONO SIGNS, LLC	06/17/2026	**$1,069.40**
10804	1	FINNEY DREAMA V 10068	06/17/2026	**$1,360.08**
10805	1	Gun Shop, The	06/17/2026	**$1,218.65**
10806	1	Hach Company	06/17/2026	**$1,939.00**

Check Listing

Date From: 6/1/2026 Date To: 6/30/2026
Vendor Range: 1-800 FLOWERS - Zuleger, David E. & Joanne C.

Check Number	Bank	Vendor	Date	Amount
10807	1	INNOVATIVE ACCESS TECHNOLOGIES	06/17/2026	**$210.00**
10808	1	MARTA LETICIA ROMERO-VIGIL	06/17/2026	**$700.40**
10809	1	Michelle M. Jones	06/17/2026	**$1,400.00**
10810	1	PENNONI ASSOCIATES INC	06/17/2026	**$28,800.50**
10811	1	Red Bud Supply	06/17/2026	**$583.63**
10812	1	SANDS ANDERSON PC	06/17/2026	**$9,096.00**
10813	1	SOUTHERN AIR INC	06/17/2026	**$4,137.19**
10814	1	THOMSON REUTERS	06/17/2026	**$126.13**
10815	1	Treasurer of Clarke County	06/17/2026	**$684.71**
10816	1	Treasurer of Frederick County	06/17/2026	**$7,143.56**
10817	1	Virginia Association of Police Chiefs	06/17/2026	**$7,027.61**
10818	1	WASHINGTON FIRE PROTECTION ENGINEERING LLC	06/17/2026	**$1,032.00**
10819	1	Wilson's Asphalt Maint, L.C.	06/17/2026	**$350.00**
10820	1	Winchester Star, The	06/17/2026	**$2,086.60**
10821	1	ZENON ENVIRONMENTAL CORPORATION	06/17/2026	**$104.00**
10822	1	A SIGN PLACE	06/24/2026	**$4,038.00**
10823	1	BARCO PRODUCTS LLC	06/24/2026	**$104.67**
10824	1	BERRYVILLE AUTO PARTS	06/24/2026	**$75.00**
10825	1	BOOR, RICHARD	06/24/2026	**$4,125.00**
10826	1	Broy & Son Pump Service, Inc	06/24/2026	**$255.00**
10827	1	ECONO SIGNS, LLC	06/24/2026	**$208.18**
10828	1	Griffith Energy Services, Inc.	06/24/2026	**$718.21**
10829	1	LANGUAGE LINE SERVICES INC	06/24/2026	**$35.44**
10830	1	MIDWEST MOTOR SUPPLY CO	06/24/2026	**$676.92**
10831	1	Minnesota Life Insurance Co.	06/24/2026	**$723.84**
10832	1	NORFOLK SOUTHERN CORPORATION	06/24/2026	**$1,425.62**
10833	1	U.S. BANK NATIONAL ASSOCIATION	06/24/2026	**$2,505.58**
10834	1	Valley Automation	06/24/2026	**$1,389.15**
10835	1	Griffith Energy Services, Inc.	06/24/2026	**$1,263.64**

Check Listing

Date From: 6/1/2026 Date To: 6/30/2026
Vendor Range: 1-800 FLOWERS - Zuleger, David E. & Joanne C.

Check Number	Bank	Vendor	Date	Amount
10836	1	SUAREZ, MEDINA REBECCA MARIE 11552	06/24/2026	**$219.73**
10837	1	Ted Britt Ford Sales Inc	06/24/2026	**$44,689.34**
89		**Checks Totaling -**		**$328,851.81**

Totals By Fund

	Checks	Voids	Total
100	$222,883.40		$222,883.40
501	$38,524.65		$38,524.65
502	$67,443.76		$67,443.76
Totals:	$328,851.81		$328,851.81

Town Council Report

14 July 2026

Item Title
Painting of Smithy Cottage and 23 E. Main Street

Prepared By
Jean Petti

General Information
The exteriors of Smithy Cottage and 23 E. Main Street were expected to be repainted in 2025. However, discovery of lead paint raised concerns. The EPA's Renovation, Repair and Painting (RRP) Program requires certification of contractors who engage in repair, renovation, or remediation of properties containing lead paint.

Current Findings
Staff has solicited seven (7) regional painters who mentioned lead on their websites and located two (2) firms which carry the appropriate certifications. One is certified to remove the lead paint; the other is certified to contain/mitigate the hazard. Any areas of rot or damage would be replaced at additional cost.

Attachments

1. Quote for lead containment
    a. Smithy Cottage- $51,603.19
    b. 23 E. Main St- $14,800.59
2. Quote for lead abatement: approximately $130,500
    a. $95/hr for three + crew members
    b. $150/hr for lead certified supervisor
    c. Plus paint and supplies
    d. Optional realignment of gutters and replacement of porch roof to correct sag

Recommendation
Town Procurement Policy requires four (4) quotes for approval on the staff level. As only two (2) have been procured and they are not comparable, the decision will rest with Town Council.

Sample Motion
I move that the Council of the Town of Berryville authorize the Town Manager to proceed with lead abatement and porch/gutter repair projects at Smithy Cottage and 23 E. Main Street.

Or

I move that the Council of the Town of Berryville authorize the Town Manager to proceed with lead containment painting of the Smithy Cottage and 23 E. Main Street

B & M PAINTING INC

92 EAST BURR BLVD
KEARNEYSVILLE, WV 25430

Estimate

DATE	ESTIMATE NO.
5/29/2026	10365

NAME / ADDRESS
Town of Berryville Jean Petti 101 Chalmers Court Suite A Berryville, VA. 22611

PROJECT
Smoothy Lane 2026 ?

DESCRIPTION	QTY	COST	TOTAL
EXTERIOR PREP AND PAINTING			
Scope of Work Cover ground with 6 mil plastic and attach to foundation to contain any loose or flaking paint being removed. Attach barriers and signs to prevent access of prep and painting. Remove storm windows, number, and store in area provided by Town of Berryville. Mask off windows on interior side with 3 mil plastic and tape prevent contamination during prep. Scrape and wet sand surfaces listed to remove loose and flaking paint. Remove any loose or failing window glazing and reglaze with Dap 33 Window Glazing. Apply 1 coat of Ben Moore Fresh Start Alkyd Primer on surfaces listed to be painted. Allow 24 to 48 hours drying time the sand with 3-M Sanding Sponges to smooth surface as much as possible. Apply 2 coats of Ben Moore Aura Satin or Semi-Gloss allowing 24 hours between coats. Allow 24 hours drying time then reinstall storm windows. ** All gutters and down spouts will be removed by a company contracted by Town of Berryville. ** GUTTERS AND DOWNSPOUTS SHOULD BE UPGRADED TO 6 INCH. ** Any wood trim replacement will be a line item at cost of materials and prep labor rate listed. Sand porch floors with 6 inch sanders then apply 1 coat of Ben Moore Fresh Start Alkyd Primer. Allow 48 hours drying time then apply 2 coats of Ben Moore Porch Enamel allowing 24 hours between coats.			
Pricing			
Prep (Scraping & Sanding)	386	46.88	18,095.68T
Siding	2,772	4.60	12,751.20T
		TOTAL	

[redacted]

[redacted]

Estimate

DATE	ESTIMATE NO.
5/29/2026	10365

NAME / ADDRESS
Town of Berryville Jean Petti 101 Chalmers Court Suite A Berryville, VA. 22611

PROJECT
Smoothy Lane 2026 ?

DESCRIPTION	QTY	COST	TOTAL
Soffit & Fascia	218	22.12	4,822.16T
6 Over 1 Windows	21	377.00	7,917.00T
4 Pane Windows	2	286.00	572.00T
3 Pane Windows	2	132.00	264.00T
Single Pane Basement Windows	2	88.00	176.00T
Right Side Porch			
Porch Ceiling	140	4.60	644.00T
Porch Floor	140	4.12	576.80T
Rails	34	9.80	333.20T
Porch Post	6	96.00	576.00T
Porch Boxing	33.5	22.12	741.02T
Left Side Porch			
Porch Ceiling	96	4.60	441.60T
Porch Floor	96	4.12	395.52T
Porch Boxing	40	22.12	884.80T
Rails	30	9.80	294.00T
Round Columns	4	132.00	528.00T
Lattis	66	5.60	369.60T
Plastic / Duct Tape / Lead Suits/ Disposal	1	1,220.61	1,220.61T
Payment: In full within 90 days from completion			
Accepted & Date			
Out-of-state sale, exempt from sales tax		0.00%	0.00
		TOTAL	$51,603.19

B & M PAINTING INC

921 EAST BORR BLVD
KEARNEYSVILLE, WV. 25430

Estimate

DATE	ESTIMATE NO.
5/29/2026	10364

NAME / ADDRESS
Town of Berryville Jean Petti 101 Chalmers Court Suite A Berryville, VA. 22611

PROJECT
23 E. Main Street Ex...

DESCRIPTION	QTY	COST	TOTAL
EXTERIOR PREP AND PAINTING			
Scope of Work Cover ground with 6 mil plastic and attach to foundation to contain any loose or flaking paint being removed. Attach barriers and signs to prevent access to areas of prep and painting. Remove storm windows, number and store in area provided by Town of Berryville. Mask off windows on interior side with 3 mil plastic and tape to prevent contamination during prep. Scrape and wet sand surfaces listed to remove any loose or flaking paint. Remove any loose window glaze and replace with new Dap 33 Window Glazing. Apply 1 coat of Ben Moore Fresh Start Alkyd Primer on surfaces listed. Allow 24 to 48 hours drying time then apply 2 coats of Ben Moore Aura Satin or Semi-Gloss allowing 24 hours drying time between coats. Allow 48 hours drying time then reinstall storm windows. Apply 2 coats of Ben Moore Masonry Finish on foundation allowing 4 hours between coats. *** Hours of Work All prep and painting will be preformed before 11 AM daily with cleanup completed in time so no hours of business are sacrificed. ** Gutters and downspouts will be removed by a company contracted by Town of Berryville.			
Pricing			
6 Over 6 Windows	12	494.00	5,928.00T
Soffit & Fascia	63	36.55	2,302.65T
Foundation	148	4.80	710.40T
9 Light Entry Door & Jamb	1	170.00	170.00T
Store Front Window Trim	2	260.00	520.00T
		TOTAL	

H & W PAINTING INC

92 EAST BURR BLVD
KEARNEYSVILLE, WV 25430

Estimate

DATE	ESTIMATE NO.
5/29/2026	10364

NAME / ADDRESS
Town of Berryville Jean Petti 101 Chalmers Court Suite A Berryville, VA. 22611

PROJECT
23 E. Main Street Ex...

DESCRIPTION	QTY	COST	TOTAL
Prep (Scraping & Wet Sanding)	43	46.88	2,015.84T
Plastic/Duct Tape/Lead Suits/Disposal	1	408.66	408.66T
Cupola	1	480.50	480.50T
Lift Rental (Articulating 44 ft List)	1	2,264.54	2,264.54T
Payment: Within 90 days from completion			
Accepted & Date			
Out-of-state sale, exempt from sales tax		0.00%	0.00
		TOTAL	$14,800.59

Contract/Work Order **Date: 06/24/2026**

Work to be performed at: Smitty Cottage Berryville VA	*Proposal Submitted to: Jean Petty Deputy Town Manager*
Invoice#: 1434	Class A contractor # 2706183687 Exp date 11-30-2026

Description of work to be performed: Lead-based Paint Abatement services in according to industry standards and project specifications.

Work Includes -

- Containment and protection of all designated work areas
- Installation of plastic sheeting and dust-control barriers as required
- Safe removal, stabilization, of exterior walls and trim and windows of Lead Based paint surfaces as specified
- Proper handling and disposal of lead-contaminated materials in according to applicable regulations
- Final cleanup of the work area

The cost Provided in this Estimate shall cover labor, all materials, equipment, containment materials, personal protective equipment (PPE), and other supplies necessary for the completion of the project. These costs will be documented and submitted to the client as reimbursable project expenses. The client will not be responsible for purchasing or supplying any materials or equipment required to perform the work.

PROJECT DURATION DISCLAIMER

The duration of this project may vary depending on the number of existing paint layers and the condition of the surfaces being treated. In some areas, a single application of paint remover may be sufficient, while other areas may require two or more applications to achieve proper results.

The exact number of applications and the overall project timeline will be determined during the removal process based on field conditions and the effectiveness of each application. Our goal is to complete the work safely, thoroughly, and to the highest quality standards rather than rushing the process.

Regular Lead Abatement Crew Members -

* Rate: $95.00 per hour, per crew member
* Crew Size: 3 crew members
* Work Schedule: 10 hours per day

Lead Abatement Supervisor / Crew Leader

* Rate: $150.00 per hour
* Work Schedule: 10 hours per day

Labor charges will be based on the actual hours required to complete the project. Due to the varying number of paint layers and field conditions, the total labor hours cannot be determined with certainty until work is underway.

WEEKLY TIME REPORTING & INVOICING

A detailed record of all hours worked during the week will be provided every Friday. Weekly invoices will be submitted based on the total hours worked by each crew member and the supervisor during that billing Period and will be paid on the following Friday.

ESTIMATED PROJECT DURATION

Based on our initial assessment, the lead abatement process for this property is estimated to take approximately 30 days to complete. However, the actual duration may vary depending on the number of existing paint layers, substrate conditions, and other factors discovered during the removal process.

Some areas may require additional paint-remover applications and more extensive preparation than initially anticipated. As a result, the The project could take longer than the estimated timeframe.
At this stage, we can only provide an approximate schedule. A more accurate timeline will be determined as work progresses and the existing conditions of the property are fully evaluated. Our priority is to complete the work safely, thoroughly, and in accordance with applicable lead abatement standards.

Terms and conditions:

A $20,000.00 down deposit will be needed for materials and supplies.

The cost of materials is subject to change. Any unforeseen problems will be an extra cost.

Half down, rest due upon completion

Down Payment: $ 20,000.00

Make all checks payable to: ROBERT NUCKOLS

If you have any questions regarding this work order, please contact Robert 540-905-0719

Signature:_____ Date:_____

Signature:_____ Date:_____

July 14, 2026

Discussion/Decisions

Reappointment to the Planning Commission

Overview

Gwendolyn Malone's tenure on the Planning Commission expires on August 31, 2026.

Current Discussion

It is recommended that Gwendolyn Malone be reappointed to serve a four-year term on the Planning Commission.

Sample Motion

I move that the Council of the Town of Berryville appoint Gwendolyn Malone to a four-year term on the Berryville Planning Commission, with such term to commence on September 1, 2026 and end on August 31, 2030.

July 14, 2026

Discussion/Decisions

Reappointment to the Planning Commission

Overview

Patrick Irish's tenure on the Planning Commission expires on August 31, 2026.

Current Discussion

It is recommended that Patrick Irish be reappointed to serve a four-year term on the Planning Commission.

Sample Motion

I move that the Council of the Town of Berryville appoint Patrick Irish to a four-year term on the Berryville Planning Commission, with such term to commence on September 1, 2026 and end on August 31, 2030.

July 14, 2026

Discussion/Decisions

Reappointment to the Architectural Review Board

Overview

Susan Godfrey's tenure on the Architectural Review Board expires on August 31, 2026.

Current Discussion

It is recommended that Susan Godfrey be reappointed to serve a four-year term on the Architectural Review Board.

Sample Motion

I move that the Council of the Town of Berryville appoint Susan Godfrey to a four-year term on the Berryville Architectural Review Board, with such term to commence on September 1, 2026 and end on August 31, 2030.

Town Council Report

14 July 2026

Item Title
Community Traffic Calming

Prepared By
Jean Petti

Background/History/General Information
In May and June, the Streets & Utilities Committee reviewed the attached traffic calming options guide prepared by VDOT. The committee recommends Town Council adopt it as a guiding document for responding to citizen concerns about speeding in the town.

Attachments

1. VDOT's Traffic Calming Guide for Neighborhood Streets

Sample Motion
I move that the Council of the Town of Berryville adopt VDOT's Traffic Calming Guide for Neighborhood Streets.

TRAFFIC CALMING GUIDE

FOR

NEIGHBORHOOD STREETS

Virginia Department of Transportation
Traffic Engineering Division
Richmond, Virginia

September 23, 2018
(Revises and replaces November, 2017 version)

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TABLE OF CONTENTS

PAGE

I. INTRODUCTION & OVERVIEW 1

II. TRAFFIC CALMING ROLES & PROCESS 1

Step 1 - Initial Contact & Review 4

Step 2 - Study Request 4

Step 3 - Engineering Review 4

Step 4 - Plan Development 5

Step 5 - Community Meeting & Ballot survey 5

Step 6 - Local Government Endorsement 6

Step 7 – Consideration for Implementation 7

Step 8 – Evaluation 7

Modification of Traffic Calming Devices 8

III. TRAFFIC CALMING MEASURES 8

1. Non-Intrusive Measures 8

Community Education 9

Community Gateway 9

Pavement Markings 11

Speed Display Signs 15

$200 Additional Fine Signs 16

2. Vertical, Horizontal and Narrowing Measures 17

Speed Hump 19

Speed Lump 20

Speed Table 22

Raised Intersection 24

Raised Crosswalk 26

Chicane 27

Median Island 31

Crosswalk Refuge 32

Choker 34

Curb Extension 36

IV. COMBINED MEASURES 37

V. MEASURES NOT INCLUDED 37

REFERENCES 40

APPENDIX:

DEVELOPMENT & IMPLEMENTATION OF THE TRAFFIC CALMING PLAN 42

TRAFFIC CALMING GUIDE FOR NEIGHBORHOOD STREETS

I. INTRODUCTION & OVERVIEW

The "Traffic Calming Guide for Neighborhood Streets" (hereafter referred to as The Guide) replaces VDOT's previous "Traffic Calming Guide for Local Residential Streets." The Guide provides guidance and procedures for a local community to pursue traffic calming in their neighborhoods on streets maintained by VDOT.

The purpose of traffic calming is to lower vehicle speeds on neighborhood streets without restricting access. Traffic calming measures may also alleviate other issues such as cut-through traffic or through-truck traffic, where motorists or truckers, use neighborhood streets to avoid and bypass other nearby roads. Where there are persistent issues with through-truck traffic the "Through truck Restriction" program provides a process for restricting such traffic, (see http://www.virginiadot.org/programs/is-VDOTCommunityPrograms.asp for more information).

The Guide reflects a restructured process where local residents of the community, the Home Owners Association (HOA) or the Civic Association (CA) initiate a request for traffic calming and study. County or Town staff (where traffic calming is taking place within a town) work with the local community to conduct the traffic calming process, working through the Board of Supervisors or the Town Council, as appropriate. VDOT's involvement focuses on confirming the appropriateness of the community efforts at critical points in the process and coordinating the implementation of the approved plan.

The Guide focuses on *existing* streets. Ideally, new residential developments would implement traffic calming concepts within the initial roadway design such as horizontal alignment shifts, narrower lanes etc. Various traffic calming measures in the Guide may be options as well. The design & review of development plans for new subdivisions should identify and address traffic management concerns and incorporate geometric designs and traffic calming concepts that make streets less desirable for speeding and cut-through traffic.

II. TRAFFIC CALMING –ROLES & PROCESS

Roles of Local Government, Community & VDOT

Local Government: County or Town staff (generally referred to as the Locality in the Guide) work with the local community and through the Board of Supervisors (BOS) or Town Council (where traffic calming is taking place within a town), to guide and implement the traffic calming process and plan development (Steps 1 – 6 in Figure 1).

VDOT: VDOT representatives confirm the eligibility and feasibility of streets proposed for traffic calming and the proposed traffic calming plan and; coordinates

implementation as appropriate (Steps 1, 3, 4, 7 and 8 in Figure 1). In Fairfax, Prince William, and Loudoun Counties, the Northern Virginia District Traffic Engineer's (DTE) office is the primary liaison for traffic calming. For all other areas of the state, the local Resident Engineer/Administrator (RA) is the primary liaison to the community for traffic calming; and coordinates with the DTE's office as appropriate for the various processes.

The Traffic Calming Process

The process for traffic calming is below (see Figure 1) with the details for each step laid out on the subsequent pages.

FIGURE 1 - THE TRAFFIC CALMING PROCESS



Step 1: Initial Contact & Review

To begin a traffic-calming project, local community members contact the BOS or the Town Council. The Locality confirms with VDOT that the street proposed for traffic calming meet the basic eligibility requirements for VDOT's traffic calming program, which are:

1. Street is in the state system of highways owned and maintained by VDOT.
2. Street is within a neighborhood setting where the residences and businesses face the street rather than reverse-frontage (where houses along a street do not face or generally have access to the street). A typical neighborhood street for traffic calming is a secondary road within a subdivision with a high density of residences and a functional classification of "local".
3. Street has a posted speed limit of 25 mph or less. Unposted, residential streets such as within a subdivision generally have a statutory speed limit of 25 mph however; the applicable speed limit must be confirmed with VDOT.

Step 2: Traffic Calming Study Request

After confirming the street meets the basic eligibility requirements for traffic calming, the Home Owners Association (HOA) or Civic Association (CA) gets approval from the Board of Supervisors or the Town Council to pursue traffic calming on the proposed street, conduct an engineering review and pursue a traffic calming study. If there is not an HOA or CA a minimum of 10 residents (or 10% of residents) along the street may secure approval from the BOS. Upon agreement by the Board of Supervisors or the Town Council to pursue traffic calming on the requested street, they proceed to Step 3.

Step 3: Engineering study/review

The Locality conducts an engineering review, speed study and traffic count as follows to determine if the street is suitable for traffic calming and document important related features.

i. An engineering field review determines the suitability of the street for traffic calming considering the extent of horizontal curves and grades and any related sight distance issues, roadway drainage appurtenances, extent and location of road access points etc. that may affect the location, extent and type of traffic calming implemented.
ii. A speed study determines the operating speed (typically via the 85th percentile method). In order to be eligible for further consideration of traffic calming the street must have an operating speed 10 mph or more above the speed limit (e.g. 35 mph or more where the speed limit is 25 mph) in at least one travel direction.
iii. The level of traffic determines the type & extent of traffic calming considered. A traffic count is conducted to determine the average daily traffic (ADT) volume including both travel directions. A traffic count conducted for a period of 48-hours, on a Wednesday and Thursday is the common practice in order to capture the

average daily traffic. Traffic counts on other days of the week are more likely to represent non-typical traffic, particularly weekends.

- Streets with a daily traffic volume between 600 and 4,000 vehicles per day (VPD) are appropriate for consideration of the full range of traffic calming measures in the Guide.
- Streets with less than 600 VPD may be a consideration for some of the lower cost non-intrusive actions such as community education and the Additional $200 Fine Signs. Other non-intrusive options can be quite costly such as community gateways, pavement marking schemes (depending on the type/extent of markings) and speed display signs.
- Where traffic volumes on the study street exceed 4,000 VPD the Additional $200 Fine Signs or Speed Display signs can be used under the specific programs for those signs, outside the traffic calming program (see pp. 16-17). Some of the measures in the Guide can likewise be used on higher volume roads and may be options to pursue outside the traffic calming program as well. These are Corner Extension/Bulbouts, Chokers, Median Islands, On-Street Parking and Road Diets.

VDOT reviews the study results, confirms the appropriateness of the street for traffic calming and notes any items or limitations etc. that should be considered in developing the traffic calming plan.

Step 4: Traffic Calming Plan Development

The Locality, in coordination and consultation with VDOT, next develops a conceptual traffic calming plan following the requirements and considerations laid out in APPENDIX I: Development & Implementation of the Traffic Calming Plan. This section lays out the various considerations for the selection, location, installation, operation and maintenance aspects of the various traffic calming devices.

Agreement must be secured for each affected property owner of a residence or business where the physical location of a proposed traffic calming device or some portion (excluding warning signs posted for a device) lies within the roadway frontage of the property boundary. Note: the affected property owner may agree to the device affecting their property without agreeing with the entire traffic calming plan. Where a particular property owner does not concur with a particular device as it affects their property, other options such as shifting the location or proposing an alternate device should be considered.

Step 5: Community Support / Approval

Prior to soliciting community approval, the Locality identifies the survey area, coordinating with the local community, HOA, CA the District Supervisor's or Town Council and VDOT. The survey area comprises (i) residences and businesses on the street identified for traffic calming and (ii) residences and businesses on other streets

whose sole or primary access is the street identified for traffic calming and who would be considerably inconvenienced if they chose an alternate route.
The proposed traffic calming plan, along with the supporting information below, is presented or provided to the community within the survey area for their review for a sufficient period of time (a minimum of 30 days is suggested). This may be through a public meeting(s) and/or electronic/postal distribution, or some other means or combination thereof that serves to inform the community of the proposal.

Supporting Information:

(i) A map that that indicates the location and approximate footprint of the proposed traffic calming devices along the street and the affected property boundaries.
(ii) A map that indicates the survey area including residences, businesses and the connecting streets.
(iii) Information about the nature and features of the proposed traffic-calming devices such as contained in the Guide.
(iv) The process and procedures that will be used to measure and document community support (e.g. petition, ballot survey etc.).

To measure and document community support the Locality conducts a petition, survey, or other process that ensures the accurate measure and documentation of support.

The measure and documentation of support shall hold to the following:

- Only occupied residences or businesses in the survey area are included/counted in measuring and documenting community support (e.g. signing a petition for traffic calming, cast a ballot/vote etc.).
- Each residence or business address gets a single signature or ballot/vote etc. to indicate agreement or disagreement with the entire plan.
- More than 50% of the occupied residences or businesses in the survey area must support the traffic calming plan in order for the plan to be implemented.

Step 6: County Board of Supervisors or Town Council Endorsement

Upon approval by the community of the proposed plan, the BOS or Town Council endorses the plan by a resolution**.** The resolution should state the following:

(i) The proposed Traffic Calming Plan was properly presented to the community in the affected survey area for their review and consideration
(ii) The plan was subsequently approved by (indicate percentage) of the occupied residences and businesses within the appropriate surveyed area
(iii) The intended source of funding (e.g. 50% secondary highway funds, 50% local funds).

The resolution and traffic calming plan is then conveyed to VDOT along with the following related documentation:

(i) The engineering study/review
(ii) A map depicting the streets and residences identified as part of the survey area
(iii) A description of the method used to measure and document community support (e.g. petition, survey etc.)
(iv) The survey documents and a summary of the survey results including the number of residences and businesses in the survey area and the number/percentage that support the proposed plan.

Step 7: Consideration for Implementation –VDOT

After reviewing and confirming the proposed plan, BOS resolution and survey results, VDOT will consider implementation of the traffic calming plan through VDOT contract forces or the Locality. The implementation of the plan by VDOT forces is dependent on their funding priorities and availability of resources, materials and equipment. Preferably, the Locality will implement the traffic calming plan where such an arrangement is acceptable to VDOT.

Funding

Secondary or locality-provided funds are the primary sources for funding. The Locality should consult with the BOS and the local VDOT residency office to determine use of appropriate funds. Note that streets subject to VDOT's Secondary Street Acceptance Requirements (SSAR) - generally, those subdivision streets where plats and plans were submitted to the local government and VDOT on or after July 1, 2009 - are not eligible for VDOT funds on any portion of the street width that exceeds that specified in Appendix B (1) of VDOT's Road Design Manual. To illustrate, on a subdivision street 36 feet wide where a minimum street width of only 29 feet is required by the SSAR standards VDOT funds for the cost of materials, construction and maintenance may only be applied for 29 feet of the total 36 feet width or 80 ½ % of the total cost. The remaining 19 ½ % of construction and maintenance costs must be funded entirely by the locality.

Step 8: Evaluation -VDOT

Following construction of the traffic calming plan, VDOT will review the installation and the related traffic control devices to ensure that there is no safety, operational, or maintenance issue.

Subsequent to installation (after 3 months is suggested), a follow-up review may be conducted to evaluate the effectiveness of the traffic calming measures in reducing the operating speeds or any safety issues etc. VDOT may wish to disseminate any findings

and recommendations from such reviews through the Board of Supervisors in order to obtain feedback from those involved in the plan development.

Modification of Installed Traffic Calming Devices

Where a safety, maintenance, or operational issue arises following installation of a traffic calming device(s) VDOT or the Locality (where they installed the devices) may adjust, relocate or remove the relevant traffic calming device(s) as necessary to address the issue, with the same funding sources used to install the devices originally. The Locality must confirm the issue and any proposed changes with VDOT prior to their adjusting, relocating or removing a traffic calming device(s).

Where the Locality proposes to adjust, relocate or remove a traffic calming device(s) for other than a safety, operational, or maintenance issue they must use their secondary or local funds, secure (re)approval of the affected residents and likewise confirm the proposed changes with VDOT.

III. TRAFFIC CALMING MEASURES

The traffic calming devices included in The Guide are characterized as Non-Intrusive or Vertical, Horizontal and Narrowing devices and are discussed on the following pages.

1. Non-Intrusive Traffic Calming Devices

Non-intrusive measures include administrative measures such as a public information campaign, posting certain types of signs to promote speed reduction, and utilizing pavement markings to reduce the number of lanes and/or pavement travelway widths. The additional pavement width available through the various reductions can be reallocated for parking lanes, bike lanes, or sidewalks etc.

The Non-intrusive devices offer the advantage that they do not physically constrain vehicle maneuvers and thus are less invasive. This is particularly desirable for streets that serve as major emergency and bus routes. Other desirable aspects of the non-intrusive devices are that they involve standard signs and pavement markings easily recognized by motorists and; can generally be less costly overall than the vertical, horizontal and narrowing measures.

However, some non-intrusive applications are not as effective because they do not physically constrain vehicles to reduce speed.

The following describes the features of the Non-intrusive devices regarding their placement, advantages/disadvantages, effectiveness and costs. The non-intrusive measures included in the Guide are Community Education, Community Gateways, Pavement marking measures, Speed Display Signs and Additional $ 200 Fine signs.

Non-Intrusive Devices -Community Education

Informing and reminding the community of speeding issues and concerns and the importance of driving safely in their neighborhood is an important step. Various resources and literature are available to inform the community on these various issues. The Virginia Department of Motor Vehicles (DMV) has considerable literature and information on all aspects of safety including speeding and aggressive driving, school bus safety, bicyclists, pedestrians, teen drivers, mature drivers etc. which can serve to educate both motorists and pedestrians/bicyclists alike and raise the overall awareness of safety. See DMV's site at https://www.dmv.virginia.gov/safety/#programs/index.asp for this information.

Similarly, the "Virginia 2017-2021 Strategic Safety Highway Safety Plan" available at http://www.virginiadot.org/info/resources/SHSP/VA_2017_SHSP_Final_complete.pdf provides extensive information on aspects of safety related to speeding and pedestrians in Virginia and strategic efforts to address these issues.
VDOT's "Bicycling and Walking in Virginia" web page at http://www.virginiadot.org/programs/bikeped/default.asp covers the safety and legal aspects of bicyclists and pedestrians in Virginia.

Non-Intrusive Devices -Community Gateways

Figure 1.1 – Community Gateway



Figure 1.2 - Community Gateway



Description

Community Gateway treatments involve the combined use of sign installations, landscaping, textured pavements, name plates, monuments, or other arrangements placed at the entrance to a neighborhood to communicate a sense of neighborhood identity. The installations serve to inform motorists they are entering a community where there is a significant change in the driving environment such as a transition from a rural or urban road a residential street.

Note: Funds for landscaping-related items for a gateway treatment may be limited to a minimal percentage of the construction funds budgeted for a proposed traffic calming plan with the remaining funds required provided by the locality. In addition, the neighborhood association or other community group would be solely responsible for ongoing maintenance of landscaping-related items.

Placement

The gateway is placed at the entrance or “gateway” to the community at a prominent location and should be large enough to attract the attention of motorists and to effectively communicate they are entering the neighborhood or community.

Advantages:

Provides an attractive addition to a community.

Disadvantages

- Generally, requires ongoing maintenance such as painting, renewing and watering the vegetation or possibly repairs. The neighborhood association or other community group would be responsible for maintaining these installations.

Effectiveness

FHWA (Federal Highway Administration “Engineering Countermeasures to Reduce Speeds” –see references) indicates an average reduction in operating speeds of about 2 mph.

Cost

The cost of gateways varies significantly according to the features included and the extent of the construction.

Non-Intrusive Devices -Pavement Markings

Figure 2.1 –Pavement Marking Options

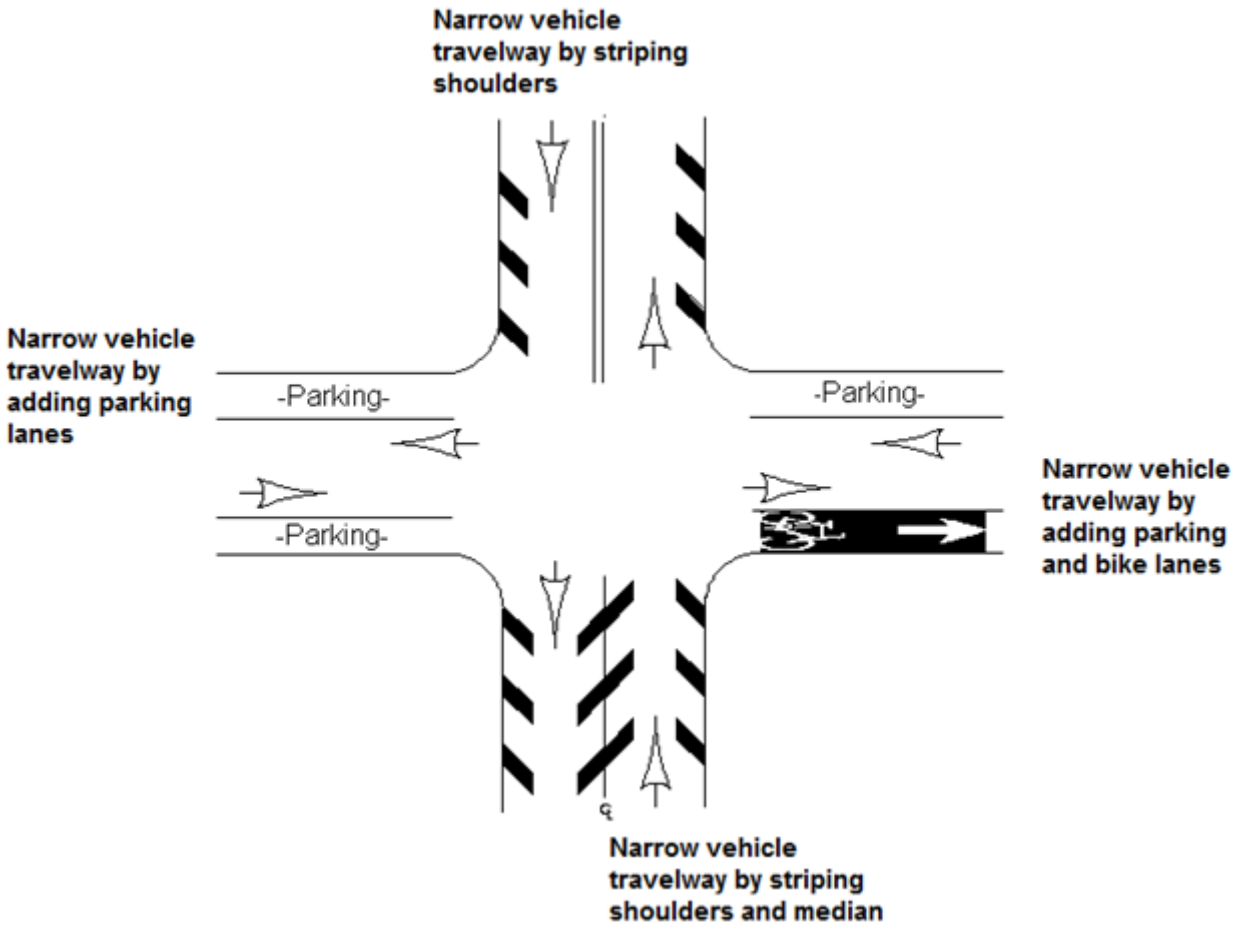


Figure 2.2 –Narrow travelway by re-striping pavement



Figure 2.3 - Narrow travelway by re-striping to add parallel parking lanes



Figure 2.4 – Narrow travelway by re-striping pavement for a bike lane



Description

The **pavement marking** options are used in various ways to narrow the vehicle travel lanes, which tends to make motorists drive slower. These include striping the shoulder and/or centerline to narrow the travel lanes (per north and south legs of intersection in Figure 2.1) or adding parking and/or bicycle lanes (per east and west legs of intersection in Figure 2.1 and depicted in Figure's 2.2 – 2.4). The addition of parking to narrow the travelway (particularly parallel parking) can have a pronounced effect on speed, particularly on a narrow two-way street with parking on both sides where parked vehicles occupy one-half or more of the block. One option when adding parking lanes is to alternate parking along opposite sides of the street which introduces a physical change in the straight vista of a roadway, similar to that of a chicane (discussed further on) to promote reduced speeds.
"Road diets" likewise incorporate markings to narrow and/or eliminate travel lanes although the common application (conversion of a high traffic, undivided four-lane roadway to a three-lane roadway with two through lanes and a center two-way left-turn lane) is not relevant on a typical neighborhood street, the focus of the Guide.

Note: On local streets, bicyclists are considered a normal part of the vehicle mix and do not necessarily require a marked or designated bike lane which is more appropriate on

collector roads and where they connect to a network of bike lanes on streets identified in a local and/or regional Bicycle Plan.

Placement

The desired features (e.g. add bike lanes and/or parking etc.) and available pavement width as well as the allowable minimum travelway widths (see Appendix I –Selection of Measures), dictates the type of pavement striping and its location.

Advantages

- Does not physically restrict driver maneuvers and thus will not impose speed reductions on emergency and transit vehicles
- Involves a standard traffic control device easily recognizable by motorists
- Can be less costly to implement than some of the other devices depending on thee type and extent of application

Disadvantages

Restriping the pavement involves considerably more effort where significant eradication of existing pavement markings is required. Therefore, where this is the case it is recommended that this measure is implemented in conjunction with a re-paving project.

Effectiveness

FHWA suggests a reduction between 1 and 5 mph (a reduction of 2 to 3 mph being the most common) where parallel parking is added to narrow the travelway and a reduction of ½ mph where shoulder markings are used to narrow the travel lane.

Cost

An estimated cost of $5 per linear foot of pavement marking/striping, including eradication of existing markings and maintenance of traffic, is suggested. Special symbols such as bicycle emblem on a bike lane are approximately $300 each.

Non-Intrusive Devices -Pole Mounted Speed Display (PMSD) Sign

Figure 3.1 –Pole Mounted Speed Display Sign



Description

A **Pole Mounted Speed Display (PMSD) Sign** combines the regulatory speed limit sign with a radar speed feedback sign that displays the real-time speed of an approaching vehicle which tends to make motorists reduce their speed.

Placement

Signs are installed only on streets with a single through-travel lane per travel direction (e.g. a two-lane, two-way or one-lane, one-way street). Generally, one sign is placed at the beginning of the street section identified for traffic calming in each travel direction, in order to reinforce the posted speed limit for vehicles entering the section of street designated for traffic calming. At least 200 feet of visibility distance should be allowed approaching the sign and at least 100 feet between any other signs.

Advantages

- These signs can potentially be used as a portable assembly that allows for placement at alternating locations.

- Does not physically restrict driver maneuvers and thus will not impose speed reductions on emergency and transit vehicles.
- Involves a standard traffic control device easily recognizable by motorists.

Disadvantages

Installing these signs may be impacted by the availability of a power source.

Effectiveness

Various sources indicate an average sustained reduction in operating speeds of 5 mph may be achieved.

Cost

An estimated cost of $7,500 per installation is suggested, depending on whether solar or conventional power is used as well as the proximity of the power source.

Non-Intrusive Devices -Additional $200 Fine Signs

FIGURE 4.1 –Additional $200 Fine Sign



Description

The **Additional $200 Fine Signs**, when properly implemented and posted on a residential street, impose a $200 fine for speeding in addition to the typical fine. These signs must follow the requirements of VDOT's policy (see http://www.virginiadot.org/programs/resources/FINAL_POLICY_ADDL_FINE_June_17_1999.pdf) which requires a formal acceptance process including a request by resolution of the local governing body for the signs, verification that there is a speeding problem and that the increased penalty has community support. The full requirements are met for these signs when identified and approved for traffic calming per the Guide.

Placement

These signs are installed in conjunction with the posted speed limit sign and are placed at the beginning of the roadway section in each travel direction where the higher fines will apply. At least 200 feet of visibility distance should be provided approaching the sign and at least 100 feet between any other signs.

Advantages

- Does not physically restrict driver maneuvers and thus will not impose speed reductions on emergency and transit vehicles.
- Involves a standard traffic control device easily recognizable by motorists.

Disadvantages

The effectiveness of these signs in reducing vehicles speeds is unknown.

Effectiveness

The effectiveness of these signs is unknown.

Cost

The estimated cost for installing these signs, which consists of producing and installing the posted speed limit sign and the supplemental "Additional $200 Fine" plaque, is $750 per sign. The minimum estimated cost to install these signs on a street designated for the additional $200 fines is $3,000 (a total of four signs, two per travel direction indicating the beginning and ending of the additional fine street section).

2. Vertical, Horizontal and Narrowing Devices

These are traffic calming devices constructed and installed on the street pavement surface to narrow the travelway or create vertical or horizontal shifts on the roadway. These devices can be particularly effective in slowing vehicles because they physically

constrain vehicles to pass over, through or around physical obstructions on the roadway.

Vertical, Horizontal, and Narrowing devices can also significantly affect emergency response (as well as transit) times; from three to ten seconds per device depending on the type of device and the vehicle traversing it; with the delay compounded by multiple devices.

Although neighborhood streets do not generally serve as primary emergency or transit routes, streets in close proximity to Fire/Rescue services and hospitals etc. or identified by the local Fire & Rescue Chief as having significant usage by their fire and rescue vehicles should use non-intrusive devices and speed lumps to minimize impacts for emergency vehicles. Similarly, streets on major (large bus) transit routes or that experience significant use by such vehicles should consider use of non-intrusive devices and speed lumps.

Some of the vertical, horizontal and narrowing devices such as speed humps can also affect bicyclists, and may introduce additional maintenance costs and considerations, particularly the horizontal, narrowing devices, which can create drainage issues if not appropriately located and constructed.

A disadvantage of the vertical devices is increased noise to nearby residents when vehicles, particularly large trucks pass over the devices particularly speed humps (and speed lumps for passenger vehicles).

Observations also show that the vertical devices generally reduce traffic volumes by an average of 20 percent when installed as part of a series. The horizontal measures generally have little effect on traffic volumes.

The following describes the features of the vertical, horizontal and narrowing devices regarding their placement, advantages/disadvantages, effectiveness and cost. The vertical, horizontal and narrowing devices included in the Guide are Speed Humps, Speed Lumps, Speed Tables, Raised Intersections, Raised Crosswalks, Median Islands, Crosswalk Refuges, Chicanes, Chokers and Curb Extensions.

Vertical Devices –Speed Hump

FIGURE 5.1 –Speed Hump



Description

A **Speed Hump** is a vertical device with a raised parabolic shaped area in the roadway, extending across the road at right angles to the traffic. The raised surface is higher, and occurs over a shorter travel distance than for other vertical devices. Speed humps are the most commonly used traffic calming devices.

Placement

Speed humps are placed at mid-block.

Advantages

Speed Humps are among the most recognizable traffic calming devices, which may promote a quicker response by motorists to reduce their speed.

Disadvantages

- Increases noise to nearby residents as vehicles pass over the device (particularly larger trucks)
- Impedes bicyclists
- Impacts travel times of emergency vehicles and transit (buses)

Effectiveness

FHWA & ITE (Institute of Transportation Engineers “Traffic Engineering Handbook, Sixth Edition”–see references) indicate an average reduction in operating speeds of 5 - 8 mph.

Cost

The estimated cost for a speed hump is approximately $2,000 depending on drainage conditions and materials used.

Vertical Devices –Speed Lump

FIGURE 6.1 –Speed Lump



FIGURE 6.2 –Speed Lump



Description

A **Speed Lump** is a modified Speed Hump where openings are added to accommodate emergency or other large vehicles to utilize the openings without traversing over the raised portion to minimize speed reduction. However, the sizing of the lumps ensures that passenger vehicles cannot likewise avoid traveling over at least one set of lumps.

Placement

Speed lumps are placed at mid-block.

Advantages

- Allows emergency vehicles and buses to traverse the device without reducing speed by utilizing the openings provided for those particular vehicles.
- Produces less noise than speed humps for emergency or other large vehicles.
- Speed lumps are more accommodating for bicyclists than speed humps, as bicyclists can utilize the openings to traverse the device.

Disadvantages

- These devices likewise increase noise to nearby residents for passenger vehicles.
- May encourage passenger vehicles to cross into the opposing lane in an attempt to straddle the humps provided for emergency vehicles. Providing a centerline stripe approaching the speed lump in each travel direction may discourage this.

Effectiveness

ITE & FHWA data indicate an average reduction in operating speeds of 5 - 7 mph.

Cost

The estimated cost for a speed lump is similar to a speed hump; approximately $2,000 depending on drainage conditions and materials used.

Vertical Devices – Speed Table

Figure 7.1 - Speed Table



Figure 7.2 – Speed Table



Description

Speed Tables are similar to speed humps except they incorporate a flat “table” and thus provide an overall gentler transition than the speed hump. The top “flat area’ is sized to accommodate the most typical vehicle wheelbase (usually a passenger car) entirely on the top, but can be extended to accommodate other vehicles if desired.

Placement

Speed tables are placed at mid-block.

Advantages

Provides a more moderate vertical transition for crossing vehicles and therefore motorists experience less discomfort than when driving over speed humps or lumps.

Disadvantages

These devices likewise increase noise to nearby residents as vehicles pass over the device although to a lesser extent than speed humps.

Effectiveness

ITE & FHWA indicate an average reduction in operating speeds of about 6 – 9 mph for tables with the dimensions used in the Guide (22 feet wide in the direction of travel). For longer tables ITE indicates a speed reduction of about 4 mph.

Cost:

The estimated cost for a speed table ranges from $5,000–$15,000 depending on drainage conditions and the materials used.

Vertical Devices – Raised intersections

Figure 8.1 – Raised Intersection



Description

Raised intersections incorporate a speed table concept by encompassing the entire area of the intersection (see Figure 8.1) and thus provide traffic calming on all connecting streets. A larger vehicle typically crosses a raised intersection at a lower speed than a passenger car. A typical delay through a raised intersection for a large commercial vehicle is 2 - 6 seconds.

Placement

By definition, these devices are located at the intersection of two or more streets where the top, flat or “table” area covers the area of the intersection.

Advantages

- Raised intersections can be visually attractive
- Cans serve as a Gateway treatment as well
- Provides traffic calming on all connecting streets at the intersection.
- The typically longer dimensions provide a smoother transition than speed tables so drivers feel less discomfort.

Disadvantages

- Raised intersections have a significantly higher cost.
- The data indicates they have less reduction on vehicle speeds
- These devices likewise increase noise to nearby residents as vehicles cross over.

Effectiveness

FHWA & ITE indicate an average reduction in operating speeds of about 0.3 - 1 mph.

Cost:

The cost for a raised intersection can range from an estimated $25,000 to $70,000 depending on the number and width of the streets at the intersection to be raised.

Vertical Devices –Raised Crosswalk

Figure 9.1 - Raised Crosswalk



Description

A **Raised Crosswalk** is identical to a speed table (see Figure 13 below), except it utilizes the top, flat surface to provide a marked pedestrian crossing.

Placement

A raised crosswalk is located at mid-block (not recommended at intersections) where there is an existing, marked crosswalk or where one is warranted. New crosswalk locations require an engineering study and must be approved by VDOT.

Advantages

- Provides improved visibility and safety for pedestrians.
- Enhances the pedestrian environment at pedestrian crossing.
- Can increase the number of motorists yielding to pedestrians crossing at the raised device

Disadvantages

None noted.

Effectiveness

As their design is identical to speed tables, presumably they have similar speed reductions of 6 – 9 mph.

Cost

The estimated costs for a raised crosswalk is approximately $5,000 - $7,000, depending on drainage conditions and the type of materials used.

Horizontal Devices – Chicane

Figure 12.1 – Chicane (Single lane, One-way travel)



Figure 12.2 – Chicane (Two-way travel)



Figure 12.3 – Chicane (Two-way travel)



Description

Chicanes are adjacent to the curb on alternating sides of the street in sets of three in order to introduce an S-shape travel path on a straight section of street that compels vehicles to slow down in order to negotiate the curved section.

Placement

These devices are at mid-block with a median or other non-traversable barrier to separate travel in each direction through the chicane. Note: With no physical separation between the travel directions drivers tend to cross the centerline to make their travel path as smooth as possible through the chicane, particularly an issue when there is a vehicle approaching in the opposing lane who may be doing the same. This cross-centerline behavior is a potential safety concern and contributes to a general ineffectiveness of the device in terms of speed reduction.

The appropriate applications of chicanes are in Figures 12.1 – 12.3. In Figure 12.1, the travel directions are separated by a raised median and in Figures 12.2 and 12.3 the travel directions are separated in the vicinity of the chicane by a median island.

The spacing and travelway width between the chicanes can vary to promote a greater or lesser vehicle speed reduction. Closer spaced constructions and narrower travelway widths promote a greater reduction in speeds.

Advantages

Provides for adding greenery and thus enhance the attractiveness of the street.

Disadvantages

- Narrows travel-way for bicyclists and creates some loss of parking.
- Presents a fixed object within the travel-way that may be struck by vehicles especially snow plows etc.

Effectiveness

FHWA indicates an average reduction in operating speeds of 3 to 9 mph.

Cost

An estimated cost for asphalt chicanes of $10,000 (for a set of three chicanes) is suggested and $16,000 for a concrete set of three. Drainage issues may be the most significant cost consideration.

Narrowing Devices –Median Island

Figure 10.1 - Median Island



Description

A **Median Island** involves placement of a raised island in the middle of the roadway in order to narrow the vehicle travel lanes.

Placement

This device is generally located at mid-block but can also serve as a gateway treatment when located at the entrance to a community.

Advantages

Provides dual use, as both a narrowing device and a gateway, when placed at the entrance to a community.

Disadvantages

- Narrows travel-way for bicyclists.
- Presents a fixed object within the travel-way that vehicles may strike, especially snow plows, etc.

Effectiveness

FHWA indicates an average reduction in operating speeds of about 4 mph.

Cost

The estimated costs range from $6,000 - $9,000 per island.

Narrowing Devices –Crosswalk Refuge

Figure 11.1 –Crosswalk Refuge



Figure 11.2 - Crosswalk Refuge –Offset "Z"-option



Description

A **Crosswalk Refuge** is similar to a raised median (see previous "raised median" device) but with a cut etc. provided to provide refuge for pedestrians. The optional "**Z**" design utilizes an offset on either side of the median (see Figure 10-2) which points pedestrian to (and thus better observe) oncoming vehicles which improves the safety of crossing. Either design could also incorporate a raised crosswalk.

Placement

A crosswalk refuge is placed at an existing, marked crosswalk or where one is warranted. New crosswalks require an engineering study and must be approved by VDOT. Crosswalk refuges are desirable where vehicle speeds or the required crossing distance do not provide sufficient time for pedestrians to cross the street in a single movement.

Advantages

Provides additional safety in comparison to the standard crosswalk refuge, especially where there is no signal control such as at mid-block and T-intersection locations. In addition to providing a mid-block refuge for pedestrians so that they do not have to traverse the entire street, the "Z"-option crosswalk compels pedestrians to face, and

thus more likely to be aware of approaching traffic before crossing the remaining section of the street, which may improve safety.

Disadvantages

- Narrows travel-way for bicyclists.
- Presents a fixed object within the travel-way that vehicles may strike, especially snow plows, etc.

Effectiveness

Although data specific to a crosswalk refuge was not found, as they are identical to median islands, presumably they would experience similar speed reductions (e.g. 4 mph, see previous).

Cost:

The estimated cost for installing a raised concrete pedestrian refuge island (with landscaping) is about $10,000 to $30,000. The cost is less for an asphalt island or one without landscaping.

Narrowing Devices – Choker

Figure 13.1 – 2-Lane, 2-Way Choker



Figure 13.2 –1-Lane, 1-Way Choker



Description

A **Choker** is constructed at mid-block or as a curb extension to reduce the width of the travelway and serves to accommodate parking downstream of the device.

Placement

Chokers are located at mid-block. When located at an intersection they are considered curb extensions or bulb-outs (discussed on following page).

Advantages

Provides protection for parking which increases safety for pedestrians as well as vehicles when entering and exiting the parking area.

Disadvantages

- Narrows travel-way for bicyclists and creates some loss of parking.
- Presents a fixed object within the travel-way that may be struck by vehicles especially snow plows etc.

Effectiveness

FHWA data indicates an average reduction in operating speeds of 1 - 4 mph.

Cost

An estimated cost per set of chokers of $5,000-$20,000 (including landscaping) is suggested, depending on site conditions and the extent of landscaping.

Narrowing Devices – Curb Extension (bulb-out)

Figure 14.1 –Curb Extension (Neckdown)



Description

Curb extensions, also known as corner extensions or bulb-outs are used where there is on-street parking. They primarily serve to protect parking and enhance the safety of pedestrian crossings at an intersection by narrowing the roadway section, which in turn shortens pedestrian crossing distance and time. They also reduce the speeds of turning vehicles thereby increasing pedestrian visibility. When placed at mid-block they are considered chokers).

Placement

At an intersection, with any number of legs and may be applied on any or all approach legs.

Advantages

Shortens crossing distances for pedestrians, which increases safety and provides parking protection downstream with the goal of decreasing vehicle speeds as well.

Disadvantages

Requires additional considerations for accommodation of bus routes and bicycle lanes.

Effectiveness

FHWA data indicates an increase of vehicle speeds of 1 - 3 mph however; they can reduce the turning speeds of vehicles by 6-8 mph.

Cost

An estimated cost of $2,000 to $20,000 per corner is suggested, depending on design and site conditions where the accommodation of drainage is usually the most significant cost.

IV. COMBINED MEASURES

Combining one or more traffic calming devices can enhance aesthetics and may also produce a greater speed reduction. For example, FHWA indicates that when a speed hump is combined with a choker the average speed reduction is 13 mph (vs. 9 mph for a speed hump or 4 mph for a choker).

See FHWA's "Engineering Countermeasures for Reducing Speeds" at https://safety.fhwa.dot.gov/speedmgt/ref_mats/eng_count/ for various other combinations that may be considered.

V. TRAFFIC CALMING MEASURES NOT INCLUDED IN THE GUIDE

A number of other measures were considered and were either ruled out as a traffic calming device altogether or not recommended due to cost, ineffectiveness etc. These are: (1) Stop Signs (2) Enforcement (3) devices that restrict traffic (4) Speed Reduction Markings (5) Zigzag pavement markings (6) In-Roadway Warning Lights (7) Roundabouts (8) Traffic Circles.

1. Stop Signs are not intended for use as traffic calming devices. Numerous studies show that unwarranted stop signs actually increase speeding on residential streets,

where motorists tend to proceed through a stop without stopping in an attempt to make up lost time for stops they perceive as unnecessary. Thus, safety for pedestrians, especially for small children is compromised due to their expectation that vehicles will stop as required when in reality they may not.

2. Although systematic enforcement of speed limits is a traditional and effective approach to reduce speeding experience indicates that it is unreasonable to expect that enforcing speed limits on low volume residential streets will be a priority of local enforcement agencies. Therefore, this is not a sustainable measure.

3. Full or half-closures, diagonal diverters and forced turn islands (including forced right-turns) are not desirable speed reduction measures as they restrict traffic. These options are more applicable to restrict Cut-Through traffic and are available under VDOT's Cut-Through Traffic program.

4. Speed reduction markings are transverse markings placed on both edges of the roadway in a pattern of progressively reduced spacing to create the illusion of traveling faster and thus prompting motorists to reduce speed. However, per the MUTCD they are not suitable on long, straight sections of roadway or; areas primarily frequented by local drivers, the typical conditions where traffic calming is most likely to be implemented. Therefore, they are not as effective and so are not included in the Guide as a traffic calming measure.

5. Zigzag pavement markings involve lines painted on the pavement in a zig-zag pattern (see Figure 16.1) that serve to raise driver's awareness of an approaching crossing with pedestrians and bicyclists and to promote a reduction of vehicle speeds. Although they have a modest cost and appear to be effective in producing a sustained reduction in vehicles speeds they have not been incorporated into the MUTCD and are considered experimental in nature. The U.S. Federal Highway Administration approved their use on an experimental basis in Virginia. A one-year study found both heightened awareness of the crossing by approaching motorists and a sustained speed reduction however, the extent to which speeds reduced is not clear. See report at http://www.virginiadot.org/vtrc/main/online_reports/pdf/11-r9.pdf for further details. It is also not clear if these markings would be effective on neighborhood streets where speeds are lower and are primarily frequented by local drivers

6. In-Roadway Warning Lights involve beacons placed in the roadway surface at a marked crosswalk that flash (either automatically or manually) when a pedestrian is crossing the street and is within the crosswalk to provide additional warning to motorists. Although these devices increase driver awareness of pedestrians when device is operating properly however, when this is not the case they create a false sense of security for pedestrians and approaching motorists as well. Additionally, the devices are costly to install and maintain, have a high failure rate, and pose potential liability issues if not maintained.

7. Although roundabouts have many well-known benefits they are not generally considered traffic calming devices per se -the cost and extent of effort to implement a roundabout (including mini-roundabouts) does not generally fit within the intended scope and budget for traffic calming on a neighborhood street. However, where appropriate a roundabout can be sought outside the traffic calming program.

8. Traffic Circles were not included in the Guide due to VDOT's past experiences with motorists improperly negotiating the circle (such as driving counter-clockwise rather than clockwise around the circle) to get to their street quicker etc. Additionally, experience also indicates traffic circles increased confusion for motorists when encountering a roundabout as to how to properly negotiate the device.

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9. Kevin Chang, Ph.D., P.E. and Matthew Nolan, P.E. An Evaluation of Speed Cushions on Neighborhood Streets: Balancing Emergency Vehicle Mobility with Traffic Calming Needs. Companion document to presentation given at the 2006 ITE Annual Meeting and Exhibit, in Milwaukee, Wisconsin.

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11. “Back-in” diagonal parking conventional head-in/back-out only requires one turn instead of two as for parallel parking and provides much safer entry/exit to and from vehicle as well. See: http://lda.ucdavis.edu/LDA191/Course%20Handouts%20%26%20Readings/05-Back_in_Diagonal_Parking.pdf for more details.

12. The City of Los Angeles provides a variety of information regarding traffic calming applications. See: http://www.ladpw.org/Traffic/NTMP/toolbox.cfm.

13. The City of Brampton, CA Neighborhood Traffic Management Guide. See: https://www.brampton.ca/en/residents/Roads/Documents/traffic-calming.pdf.

14. Virginia Transportation Research Council, Final Report VTRC 11-R9, “Best Practices in Traffic Operations and Safety: Phase II: Zig-zag Pavement Markings” http://www.virginiadot.org/vtrc/main/online_reports/pdf/11-r9.pdf.

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APPENDIX

DEVELOPMENT & IMPLEMENTATION OF THE TRAFFIC CALMING PLAN

PAGE

I. Initial Considerations for Traffic Calming Plan 43

II. Selection, Location, Installation, Operation and Maintenance Considerations 45

III. Conceptual Drawings of Traffic Calming Measures 50

Figure A-1 Pavement Markings 51

Figure A-2 Speed Display Signs 52

Figure A-3 $200 Additional Fine Signs 53

Figure A-4 Speed Hump 55

Figure A-5 Speed Lump 56

Figure A-6 Speed Table 57

Figure A-7 Raised Intersection 58

Figure A-8 Raised Crosswalk 59

Figure A-9 Choker 60

Figure A-10 Median Island 61

Figure A-11 Curb Extension (Bulb-out) 62

Figure A-12 Crosswalk Refuge 63

Figure A-13 Chicane 64

The following Sections (I, II and III) guide the selection, location/placement, installation, operation and maintenance concerns for traffic calming devices.

I. Considerations for Development of Traffic Calming Plan

The following guides initial considerations for developing the traffic calming plan.

1. **Consider appropriateness of existing traffic control devices** (signs and pavement markings) on the existing street that may affect the need for, as well as the type and location of the traffic calming devices. A lack of appropriate traffic control devices, particularly those that reinforce proper vehicle speeds such as speed limit signs and advisory speed warning signs etc. may be a contributing factor in creating undesirable conditions such as speeding, cut-through traffic etc. The speed limit should be posted at the beginning of the street section identified for traffic calming in each travel direction to notify motorists entering the street of the regulatory speed limit.

2. **Consider all service providers and users of the street** as follows.

    i. Emergency vehicles (fire, ambulance and police) –Emergency vehicle operations are a concern primarily on major emergency routes, which is typically not the case for streets intended for traffic calming in the Guide. On streets where accommodating emergency operations is a concern, response times can significantly increase for fire and ambulance vehicles due to certain vertical, horizontal and narrowing devices, from 3 - 10 seconds per device depending on the type of traffic calming device and the vehicle traversing it, with the delay compounded by multiple devices. The vertical devices are particularly problematic (other than speed lumps) as well as the horizontal measures that require a vehicle to deflect such as a chicane. Narrowing measures, where they have sufficient width for emergency vehicles have minimal impact. The local fire department is generally the first responder to an emergency medical situation therefore delays to a fire vehicle as well as the safety of the occupants is a primary concern. The local Fire & Rescue Chief as well as ambulance operators (such as hospitals) should be consulted to identify streets that serve as major emergency routes and that may be adversely impacted for use by fire or rescue vehicles. The local Fire & Rescue Chief should also be consulted on the dimensions of the emergency vehicles they use to ensure they are accommodated in the proposed plan (e.g., speed lumps can be designed to accommodate specific vehicle widths). Police departments generally approve of traffic calming measures because they slow vehicle speeds without routine enforcement. However, because the typical police vehicle is a passenger vehicle they are still susceptible to reduced speeds, particularly at the vertical devices but also at horizontal devices that deflect (such as a chicane). In an emergency police can bypass some traffic calming measures (such as narrowing measures where they can take the whole travelway). Due to the potential

impacts of traffic calming on police, it is recommended to include the police department in planning and implementation of the traffic calming plan.

Overall, for streets identified as emergency routes or where emergency vehicle traffic is a major concern traffic calming applications can omit the use of vertical devices and horizontal devices that require deflection (chicane) and rely on non-intrusive devices or the various narrowing measures.

ii. Transit (large buses) **-** Transit operations pertaining to large buses are a concern primarily on major transit routes, which is typically not the case for streets intended for traffic calming in the Guide. On streets where accommodating transit (i.e. large buses) operations is a concern, the vertical devices are particularly problematic (other than speed lumps) and horizontal measures that require a vehicle to deflect such as a chicane due to the resulting effects on passenger discomfort. To address these issues where they are a concern the plan may omit vertical devices as well as horizontal devices that require deflection (chicane), relying on non-intrusive devices or the various narrowing measures, as these do not pose any particular issues for large buses.

iii. Maintenance vehicles (waste or snow removal etc.) Accommodating certain maintenance activities such as snowplow operations is a concern primarily on major snow emergency routes, which is typically not the case for streets intended for traffic calming in the Guide. However, where such operations are a concern, snow removal equipment can potentially damage certain traffic calming measures and vice-versa. This can be alleviated in various ways such as by properly marking traffic calming devices for operators, using rubber tipped plows, installing gently sloped vertical measures or simply raising the plows at vertical measures. Alternatively, to avoid the issues altogether the plan may consider only the non-intrusive measures or the horizontal and narrowing devices and omitting any vertical measures. Waste removal vehicles are not affected by the various measures since they travel at slow speeds during trash pickup operations.

iv. Bicyclists –Accommodating bicyclists is a primary concern on streets identified as part of a bicycle network and that have significant bicycle traffic. This is generally not the case on the streets intended for traffic calming in the Guide, where there is little bicycle traffic or low vehicle traffic therefore conflicts are infrequent enough so that specific accommodation of bicyclists is not required as the bicyclist can safely take the (entire) travel lane. Where it is a concern, certain traffic calming devices can create safety issues for bicyclists. The horizontal (i.e. chicane) or narrowing devices can force a bicyclist to share a reduced travelway width with a motor vehicle. This can be addressed by providing (1) a bypass lane for a bicyclist (separated from the main travel lane by a curb extension) or (2) shared lane markings (also known as a sharrow) and "bike may use full lane" signage. Vertical measures

are generally acceptable for a bicyclist however; a speed hump located on a steep hill (downgrade) may cause a bicyclist to lose control where they are traveling at high speeds (20 – 25 mph). A speed lump in lieu of a speed hump can address this situation and is more suitable to accommodate bicyclists overall, as they can utilize the spaces in the device to avoid the vertical deflection. Otherwise, a bicyclist can safely traverse a 3-4 inch height speed hump at speeds of 15 mph or less.

3. **Implement measures on an area-wide basis** - Ideally traffic calming should take an area-wide approach to ensure that problems do not simply shift to adjacent local streets and parallel roadways. Implement traffic calming in stages where funding is not initially available for the entire plan.

4. **Involve and educate the community and decision-makers** - Inform community and decision-makers of the purpose of traffic calming, the relevant issues in the traffic calming process, the nature of the various alternatives including their effectiveness and associated costs. Additionally, informing the community on the nature of the various traffic calming measures may enhance their overall effectiveness. The following link provides information on traffic calming and a video of various calming measures in operation. http://www.virginiadot.org/programs/faq-traffic-calming.asp.

II. Selection, Spacing, Location, Installation, Operation and Maintenance Considerations of various traffic calming devices

The following discusses various aspects pertaining to the selection, location, installation, operation, and maintenance aspects of the vertical, horizontal, narrowing, and non-intrusive devices respectively, in the Guide.

The appropriateness of a device depends on certain street features such as traffic and pavement width etc. **FIGURE A – Subdivision street characteristics pertaining to traffic calming devices** (following) is used for selecting a device considering the travelway width requirements vs. traffic, the location of the device along the street (mid-block or intersection), and some other VDOT requirements.

This is followed by information that is more specific on the spacing / location of devices relative to other devices, signs and street features etc. as well as various installation, operational and maintenance considerations.

FIGURE A – Subdivision street characteristics pertaining to traffic calming devices [1]

Type of Measure	Action	Street Characteristics [1]	Minimum travelway width / lane width [2]	Other Considerations
NON-INTRUSIVE MEASURES - Pavement Markings				
Two-lane, Two-way street	Utilize pavement markings to narrow travelway width by striping pavement or by adding parking lanes or bike lanes. [3]	ADT < 401 vpd	18 feet / 9 feet	Indicates minimum width of striped travelway, physical pavement width is typically wider. For parking lane use additional minimum striped width of 7 feet and 5 feet for Bike lane.
		400 < ADT < 1501 vpd	20 feet / 10 feet	
		1500 < ADT < 2001 vpd	22 feet / 11 feet	
		ADT > 2000 vpd OR: mixed-use area with truck traffic > 5%	24 feet (may use 22 feet where no crash pattern indicates wider pavement should be considered)	
One-lane, One-way street		travelway width = lane width for 1/2 of ADT (e.g. for ADT < 201 vpd, travelway width = 9 feet)		
NON-INTRUSIVE MEASURES -Signs [4]				
Speed Display Sign	Install signs where speed limit signs would ordinarliy (and appropriately) be installed to indicate the posted speed limit.	Street has a single thru-lane per direction	No minimum street width requirements	Confirm the appropriate location of speed limit signs with VDOT.
Additional $ 200 Fine Sign		May not be used on streets functionally classified as arterials.		
VERTICAL MEASURES				
Speed Hump	Install at mid-block	no steep downgrades for bicyclists	No minimum street width requirements	Consider locations of manholes and drain inlets. Do not install adjacent to driveways or other entrances.
Speed Lump	Install as alternative to speed humps to accommodate emergency vehicles or bicyclists	Street experiences more frequent use by emergency vehicles and/or bicyclists		
Speed Table	Install at mid-block			
Raised Crosswalk [5]	Install at mid-block, not at intersection.	Existing marked crosswalk or where one is approved by VDOT.		Engineering study and VDOT approval required for location of crosswalks.
Raised Intersection	install at intersection.	intersection typically has crosswalks at all legs		typically affects drainage structures serving intersection and utilities
HORIZONTAL MEASURES				
Chicane	Install physical measures at shoulder on alternating sides of the street at mid-block, on streets with a single lane of traffic in one travel direction.	Street has with a single lane of traffic in one direction; 1-lane, 1-way street or 2-lane, 2-way streets where travel directions are separated by either a median or a physical barrier in the vicinity of the chicane.	Minimum travelway width / lane width through device: ADT < 401 vpd use: 18 feet / 9 feet 400 < ADT < 1501 use: 20 feet / 10 feet 1500 < ADT < 2001 vpd use: 22 feet / 11 feet ADT > 2000 vpd use: 24 feet / 12 feet (may use 22 feet / 11 feet where no crash pattern indicates wider pavement should be considered). * For one-lane, one-way street travelway width = lane width corresponding to 1/2 of ADT. OPTION -CHOKER ONLY: may use 15 feet travelway width through device for "give way to opposing vehicle" operation with no pavement centerline markings used in this case. Similarly, may use 7.5 feet width for one-way street.	proximity of driveways or other entrances, manholes and drain inlets.
NARROWING MEASURES				
Choker	Install at mid-block along shoulder on one or both sides of street to narrow travelway.	Pavement width can accommodate device and minimum travelway requirements.		proximity of driveways or other entrances, manholes and drain inlets.
Curb Extension (bulb-out) [6]	install at intersection, on one or both sides as appropriate to facilitate corresponding on-street parking and enhance safety of pedestrian crossings.	Street has on-street parking (or is planned), no exclusive right-turn lanes, low volume of right-turning trucks or buses onto narrow cross-streets.		Volume of right-turning trucks and buses and width of cross streets
Raised Median Island	Install in median area of travelway, at intersection or mid-block.	Pavement width can accommodate device and minimum travelway requirements.		proximity of driveways or other entrances, manholes and drain inlets.
Crosswalk Refuge [5]	Install in median area of travelway, at intersection or mid-block.	Existing marked crosswalk or where one is approved by VDOT.		Engineering study and VDOT approval required for location of crosswalks.

(1) For purposes of this chart, unless indicated otherwise streets are considered to be residential or mixed-use with a speed limit of 25 mph or less, ADT 4,000 vpd or less and % trucks are 5% or less.

(2) Per AASHTO Green Book Table 5-5 for local roads and streets (travelway widths are exclusive of curb and gutter).

(3) On local streets, bicyclists are considered a normal part of the vehicle mix and do not require a marked or designated bike lane. Designated bike lanes typically established on collector roads that are part of a designated bike route or bike plan.

(4) These signs are governed by separate VDOT policies however, implementation within the traffic calming process per the Guide encompasses those policy requirements unless otherwise noted.

(5) New crosswalks or modifications to an existing crosswalk are goverened by VDOT's Traffic Engineering Instructional & Informational Memorandum IIM-TE-384.0 titled "Pedestrian Crossing Accommodations at Unsignalized Locations".

(6) Per VDOT's Road Design Manual, Appendix B(2), Section B(2)-3 use only at an intersection on street having on-street parking. Not suitable at intersections with exclusive right-turn lanes or at intersections with a high volume of right-turning trucks or buses

Vertical, Horizontal and Narrowing Devices

Location

Speed Humps, speed lumps, speed tables, chicanes, chokers, and median islands are generally located at mid-block with a minimum distance of 200 feet from an intersection. **Raised Intersections** are by definition, installed at an intersection.

Curb Extensions (corner extensions or bulb-outs), per VDOT's Road Design Manual, Appendix B(2), Section B(2)-3: only used at intersections where there is on-street parking and are not applicable to intersections with exclusive right-turn lanes adjacent to the curb, or intersections with a high volume of right-turning trucks or buses turning into narrow cross streets.

Raised Crosswalks are located at mid-block, at an existing marked crosswalk or where one is approved by VDOT. **Crosswalk Refuges** are located at mid-block or at an intersection, likewise at an existing marked crosswalk or where one is approved by VDOT. New crosswalks or modifications to an existing crosswalk or any other pedestrian-related accommodations are governed by VDOT's Traffic Engineering IIM-TE-384.0 titled "Pedestrian Crossing Accommodations at Unsignalized Locations" available at http://www.virginiadot.org/business/resources/IIM/TE-384_Ped_Xing_Accommodations_Unsignalized_Locs.pdf.

Spacing

The spacing of vertical, horizontal and narrowing devices should not exceed a distance of 500 feet between subsequent devices. As noted in VDOT's Roadway Design Manual; studies indicate that operating speeds are 30 mph or less when the tangent sections were no longer than 500 feet. Long tangent sections can be segmented by conditions that require a complete stop such as a T intersection or by conditions that require reduced speeds such as a traffic calming device. Therefore, this 500 feet spacing minimizes the need to place additional, redundant devices at an increased cost.

Where a closer spacing of traffic calming devices is desired the distance between devices should not be less than 200 feet so that motorists approaching the device at 25-30 mph may appropriately perceive and respond to the device and/or any warning signs posted for the device (see section on traffic control devices pertaining to devices below).

Placement

The placement of vertical, horizontal and narrowing devices should not interfere with existing driveways or entrances, roadway drainage and drainage structures, drainage inlets; etc. or obstruct access to other utilities (e.g. franchise utilities such as gas, power, telephone, water hydrants etc.). Therefore, these devices should be placed at least:

- 5 feet from any driveway, entrance or curb cut on a local street (additional clearance may be required for curb cuts utilized by trucks
- 15 feet from a fire hydrant, either side
- 2 feet from a manhole or utility cover on approach or 6 feet after

Location & Placement of Non-Intrusive Measures

Pavement Markings

The conceptual drawing for pavement markings indicates various items pertaining to their placement and location etc.

Speed Display signs

These signs are only installed on streets with a single through-travel lane per direction (e.g. two-lane, two-way or one-lane, one-way streets etc.), in conjunction with the speed limit (R2-1) sign and where a speed limit sign would normally be installed to indicate the regulatory speed limit. Confirm sign locations with VDOT. Generally, speed display signs would be installed at the beginning of a street section identified for traffic calming, one in each travel direction in order to reinforce the posted speed limit for vehicles entering the street with interim signs as appropriate to reinforce notification of the regulatory speed limit.

See VDOT's TE-374.1 Memorandum, which lays out the requirements for the operation, size, specifications etc. for the speed display signs at: http://www.virginiadot.org/business/resources/traffic_engineering/memos/TE-374_1_Pole_Mounted_Speed_Display_Signs.pdf.

Additional $ 200 Fine Signs

These signs are also installed in conjunction with the speed limit (R2-1) sign. The sign must be posted at the beginning of the section of street in each travel direction that has been designated for higher fines. Also, a sign must be posted in each travel direction where the section of street designated for higher fines ends. Additional, interim signs may be placed as appropriate to further indicate the posted speed limit.

Gateway Treatments

The location of gateway treatments should consider the clear zone requirements in VDOT's Road Design Manual; Appendix B(1), Section B(1)-5, Part A for any structures or landscaping, including fences, stone or brick mailbox posts, columns or walls that do not meet breakaway requirements. For curb and gutter streets with parking lanes, the clear zone is accommodated within the parking lane.

Traffic Control Devices applicable to traffic calming devices

Ensure that all related regulatory signs (e.g. speed limit signs), warning signs and pavement markings pertaining to the street and the specific devices are installed.

Regulatory and warning signs as well as pavement markings generally recommended or required for the various devices are shown on the conceptual drawings. However, additional signs or markings may be required depending on local conditions.

Vertical, Horizontal and Narrowing devices

Advisory speeds, where posted at a particular device, should generally indicate 15 mph - the recommended maximum speed for vehicles while traveling through or over vertical, horizontal and narrowing devices. The goal for vehicle speeds traveling between these devices is 25-30 mph or less therefore, 200 feet of sight distance is recommended per Section 2C.05 of the 2009 MUTCD for vehicles approaching the vertical, horizontal and narrowing devices. This provides sufficient distance for a vehicle approaching at 25-30 mph to perceive the device and/or any warning signs posted for the device and reduce speed to 15 mph when passing over or through the device.

Non-intrusive devices -Signs

For the non-intrusive sign measures (Speed Display Signs and Additional $ 200 Fine Signs) no specific additional regulatory or warning signage is identified however, other signs or markings may be required depending on local conditions.

Size of Signs

See the 2009 MUTCD Section's 2B.03 and 2C.04 for regulatory and warning sign sizes, respectively. Single-lane conventional (low speed) roads are typical of the residential streets covered in the Guide.

Visibility of Measures

Measures should be clearly visible day and night. Reflectors, buttons, highly reflective paint, or illumination should be used as appropriate. Landscaping (now or at maturity), or other features should not obstruct sight distances.

Maintenance

Long-term maintenance needs should be anticipated and accommodated in the design of the various devices as much as possible.

Minimum Design Vehicle

The minimum design vehicle for new subdivision streets is a single unit truck (AASHTO SU-30) therefore the traffic calming plan would consider accommodating this vehicle in the traffic calming plan.

Parking

On-street parking should not obstruct sight lines to installed devices for drivers, cyclists or pedestrians. Add additional “No Parking” zones where needed.

Streetscape and Landscape

Any streetscapes or landscaping installed as part of traffic calming measures (such as for gateway treatments, median islands, chicanes, chokers or curb extensions) should consider the requirements in VDOT’s Road Design Manual; Appendix B(1), Section B(1)-5, Part E.

Landscaping that encroaches onto the right of way can obscure pedestrians or vehicles entering the roadway from residences or side streets. The RDM specifies various constraints for the location, height etc. of landscaping to ensure that the appropriate unobstructed view is maintained to protect the safety of pedestrians, bicyclist, and motorists.

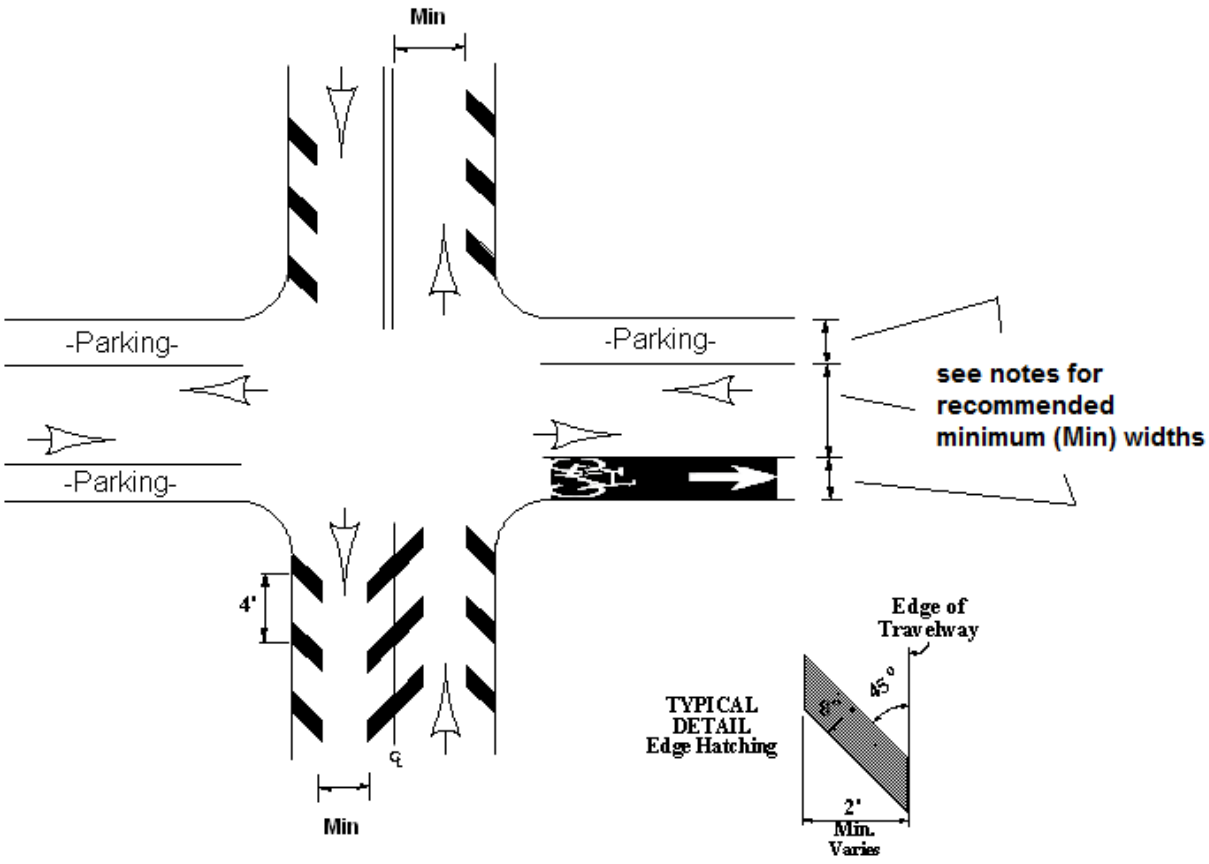
Funds for landscaping may be limited to a minimal percentage of the construction funds budgeted for a proposed traffic calming plan. VDOT is not responsible for maintaining any landscaping.

III. Conceptual Drawings of Traffic Calming Measures

The following conceptual drawings illustrate details and requirements for the traffic calming installations included in the Guide, based on recommendations from industry literature and other sources and considering VDOT’s design, maintenance etc. requirements. The designer/installer should confirm that their installations meet all current VDOT requirements that apply per VDOT’s Roadway Design Manual, Road and Bridge Standards and Road and Bridge Specifications. Signs and pavement markings should be in agreement with the latest version of the Manual of Uniform Traffic Control Devices (MUTCD) and the Virginia Supplement to the MUTCD (VaSupMUTCD).

FIGURE A-1

PAVEMENT MARKING OPTIONS



NOTES:

1. For appropriate application and minimum (**Min**) travelway and parking lane and bike lane widths see FIGURE A – Subdivision street characteristics pertaining to the selection of traffic calming devices in this document.
2. Each intersection leg indicates a different option for narrowing the travelway
    a. North leg -divided facility; narrow travelway by hatching shoulder area
    b. South leg -un-divided facility; narrow travelway by hatching shoulder area and roadway centerline
    c. East legs – narrow travelway by adding a parking lane and bike lane
    d. West leg – narrow travelway by adding parking lanes
3. See Part 3 of the MUTCD (Section 2B.17 in the 2009 version) for requirements, options and other considerations for pavement markings.
4. As per the 2009 MUTCD Section 3B.24 Cross-Hatching should be a minimum of 8” in width for speed limits of 45 mph or less.

FIGURE A-2

POLE MOUNTED SPEED DISPLAY (PMSD) SIGN



NOTES:

1. For appropriate application, see FIGURE A – Subdivision street characteristics pertaining to the selection of traffic calming devices in this document.
2. Sign mounted on the same pole and directly below, the speed limit (R2-1) sign as shown above.
3. The changeable display shall be programmed to go blank/no display when an approaching vehicle exceeds the posted speed limit by 20 mph or more.
4. The changeable display shall be programmed to display two dashes when the system is not operating.
5. Other than the speed display, the PMSD sign shall not incorporate animation, flashing, or any dynamic elements.
6. For full requirements on the operation, installation, size, specifications and maintenance aspects of these signs refer to TED Memorandum 374.1 “Pole Mounted Speed Display Signs: Requirements” at http://www.virginiadot.org/business/resources/traffic_engineering/memos/TE-374_1_Pole_Mounted_Speed_Display_Signs.pdf or; the Virginia Supplement to the MUTCD.

Figure A-3

$200 ADDITIONAL FINE SIGN



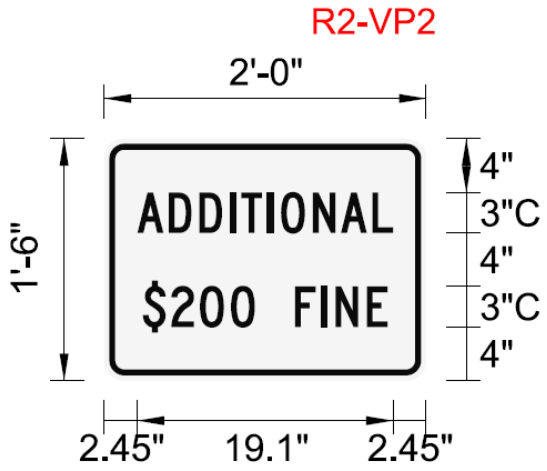
NOTES:

1. For appropriate application, see FIGURE A – Subdivision street characteristics pertaining to the selection of traffic calming devices in this document.
2. Per the 2009 MUTCD Section 2B.17:
    i. The supplemental sign panel indicating that an “Additional $200 Fine” applies shall be posted below the regulatory R2-1 speed limit sign panel as shown above.
    ii. The “Additional $200 Fine” sign assembly shall be installed at the beginning of the zone in each travel direction where higher fines have been designated.
    iii. A sign indicating “End Higher Fines Zone” shall be installed at the end of the zone in each travel direction where higher fines have been designated.
3. Additional signs may be placed at interim locations between the beginning and ending of the designated higher fines zone to further reinforce the posted speed limit and the additional fines.
4. Sign should be located at least 100 feet should from any other signs.

Figure A-3.1

$200 ADDITIONAL FINE SIGN DETAIL

SIGN DETAIL



SIGN NUMBER	name
WIDTH x HGHT.	2'-0" x 1'-6"
BORDER WIDTH	0.44"
BORDER INSET	0.38"
PANEL RADIUS	1.13" plus 0.38"
MOUNTING	Overhead
BACKGROUND	TYPE: Reflective
	COLOR: Black/White
LEGEND/BORDER	TYPE: Reflective
	COLOR: Black/Black

SYMBOL	ROT	X	Y	WID	HT

Dimensions are In Inches,tenths

Letter locations are panel edge to lower left corner

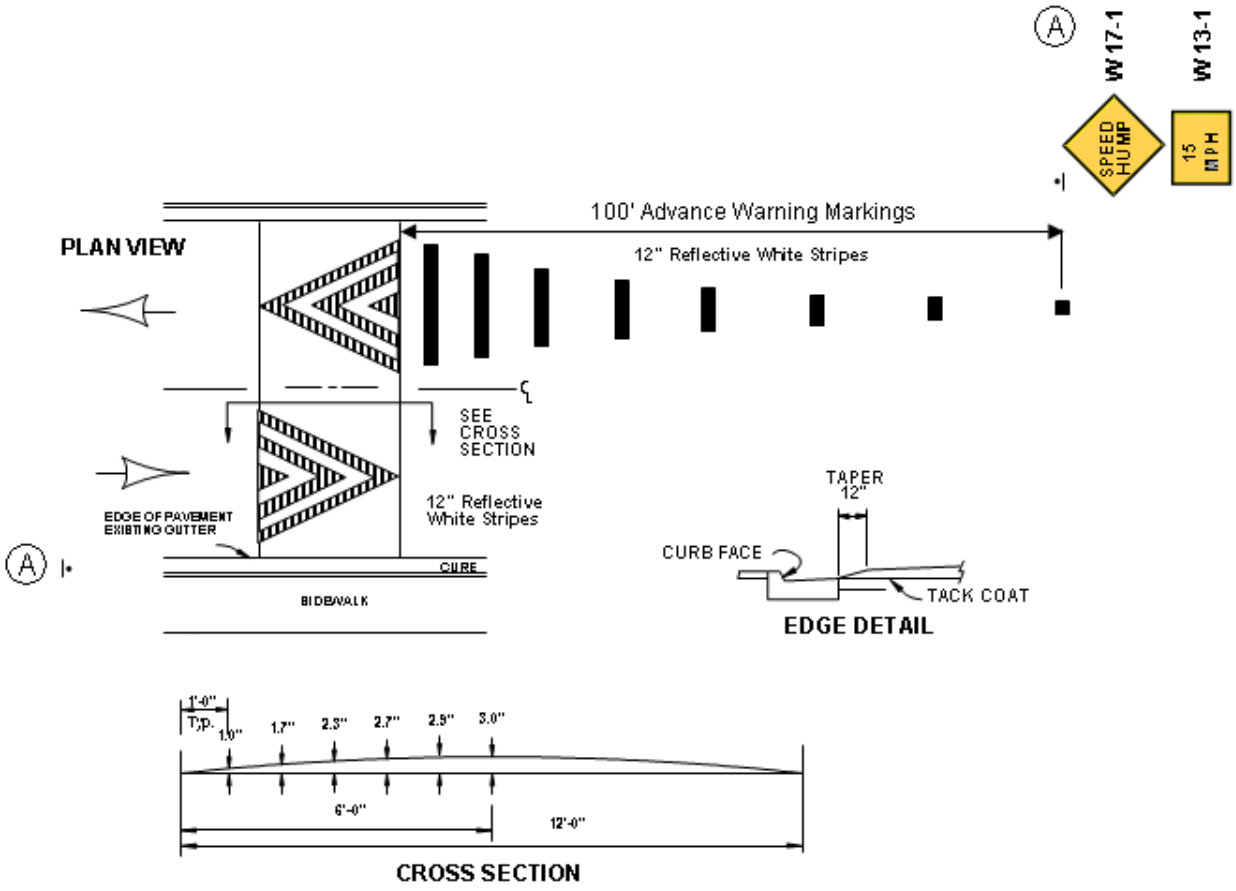
LETTER POSITIONS (X)																					LENGTH	SERIES/SIZE
A	D	D	I	T	I	O	N	A	L													C 2000
2.5	4.8	7.1	9.4	10.2	12.2	13.2	15.6	17.7	20												19.1	3
$	2	0	0		F	I	N	E														C 2000
2.9	5	7.1	9.5	11.2	14.2	16.2	17.3	19.6													18.2	3

NOTES:

1. The size requirements for the “Additional $200 Fine” signs are as shown above and as further indicated in the future version of the Virginia Standard Highway Signs book.

Figure A-4

SPEED HUMP

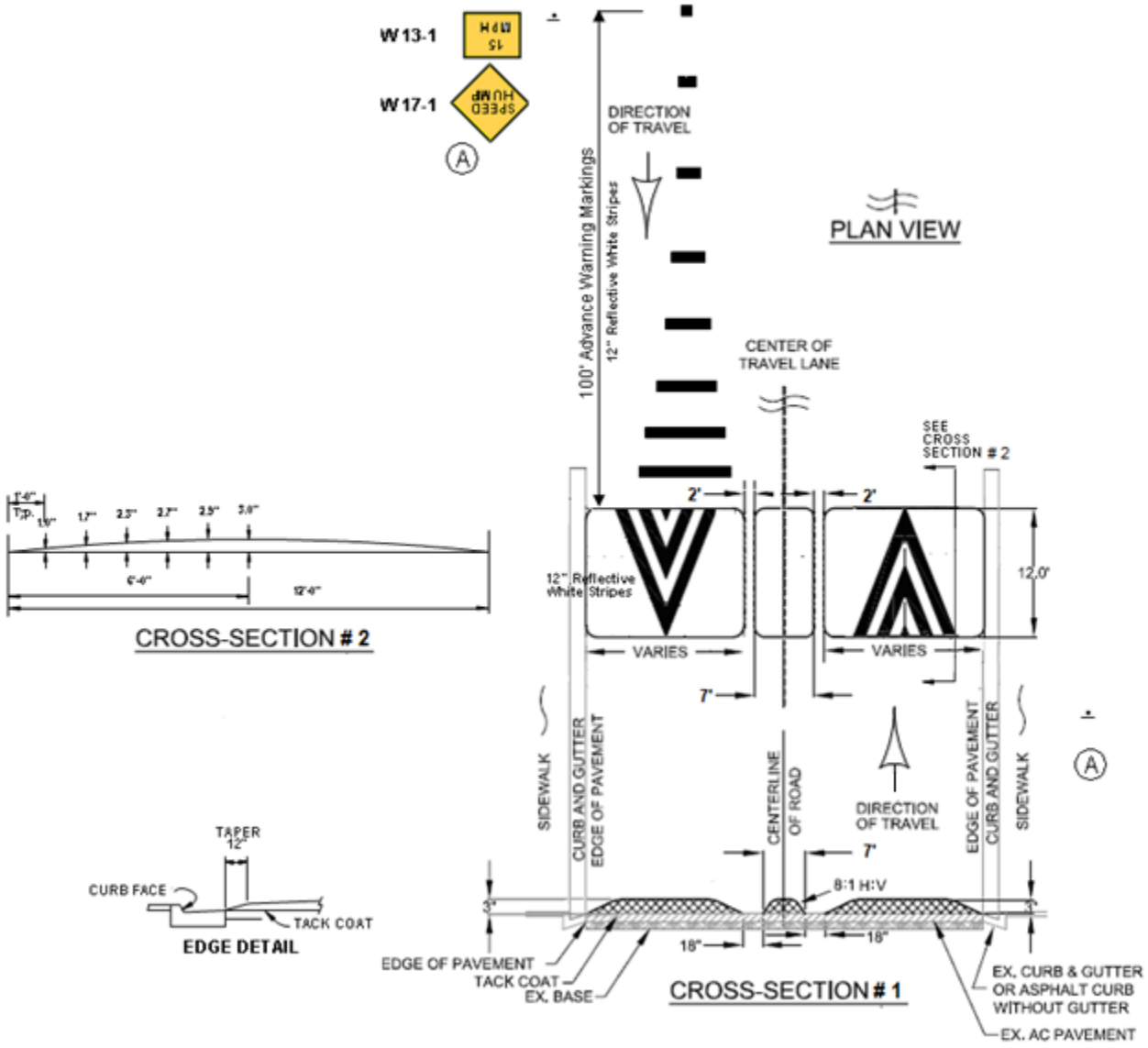


NOTES:

1. For appropriate application, see FIGURE A – Subdivision street characteristics pertaining to the selection of traffic calming devices in this document.
2. Per the 2009 MUTCD:
   i. Section 3B.25 –speed hump markings are not required but if used they must comply per options in Section 3B.25.
   ii. Section 3B.26 –the 100' advance warning pavement markings are optional but if used they must comply with the dimensions and spacing per Section 3B.26.
   iii. Section 2C.29 -advance warning sign (W17-1) is optional but if used, should include the advisory speed plaque (W13-1) and; sign may use "Speed Bump" instead of "Speed Hump."
3. Leave gutter pan open to facilitate drainage.

Figure A-5

SPEED LUMP

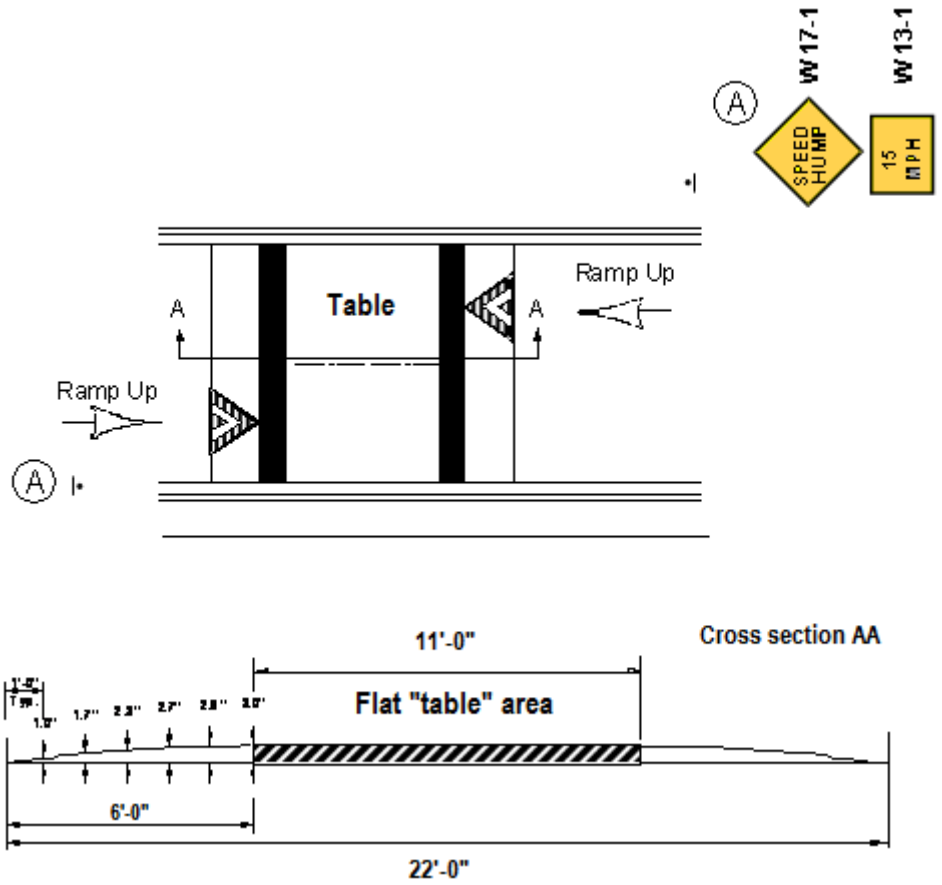


NOTES:

1. All notes for speed hump in Figure A-2 apply in addition to the following.
2. Cross-section #2 is identical to speed hump cross section with a transition for vehicles over the device of 3 inches per 6 feet.
3. Width of center lump is 7 feet with 2 feet of spacing between adjacent lumps to accommodate trucks, school buses, transit buses and other larger vehicles with an 8-foot width and ensure that passenger vehicles (typical width of 7 feet) cannot avoid traveling over at least one set of lumps. However, the width of the center lump can vary based on dimensions of local emergency vehicles to be accommodated.
4. Striping to delineate the street centerline is recommended to discourage vehicles from crossing into the opposing lane in order to straddle the humps provided for emergency vehicles.

FIGURE A-6

SPEED TABLE

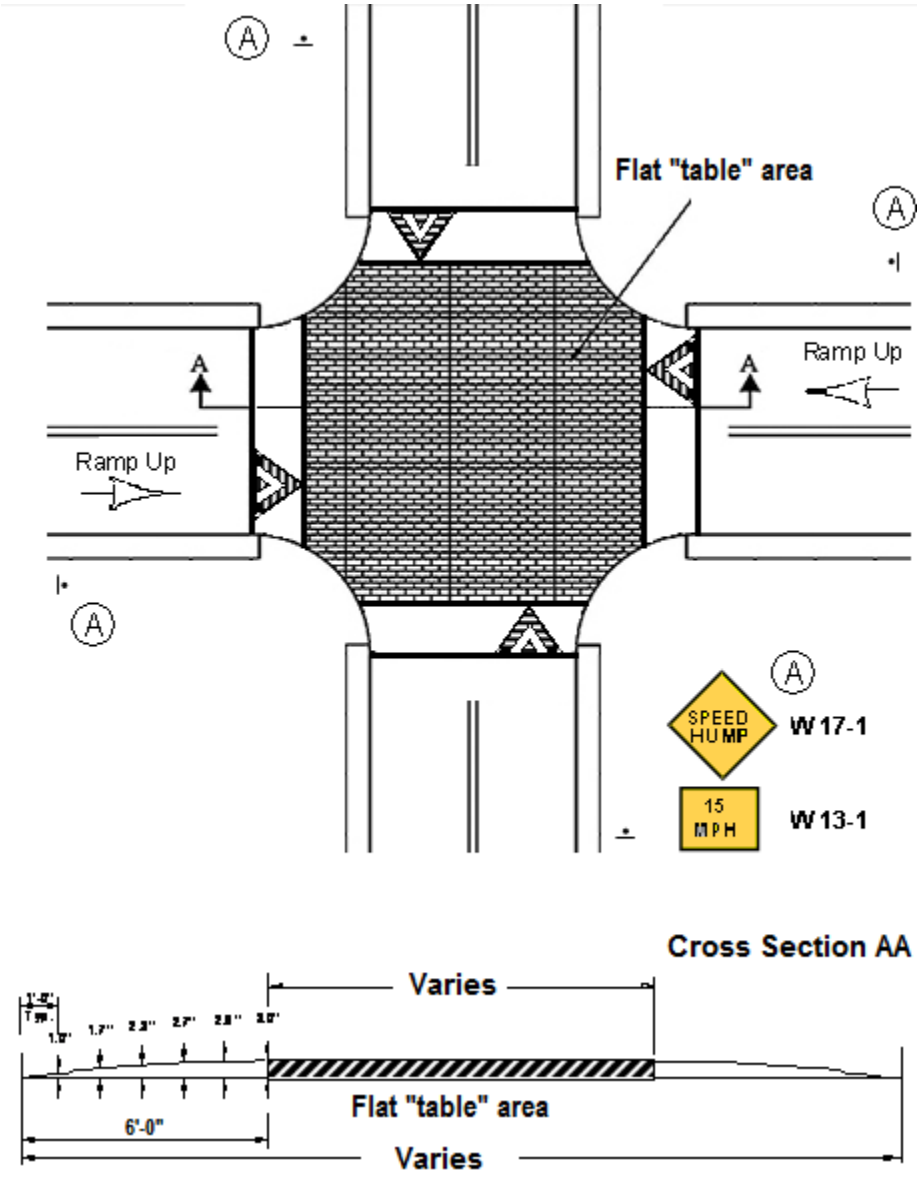


NOTES:

1. For appropriate application, see FIGURE A – Subdivision street characteristics pertaining to the selection of traffic calming devices in this document.
2. The flat “table” area length of 11 feet accommodates a typical passenger car wheelbase entirely on the top, but if extended may accommodate other vehicle wheelbases if desired. A length of 20 feet accommodates a typical single unit truck (AASHTO SU-30).
3. Per the 2009 MUTCD:
   i. Section 3B.25 –speed hump (table) markings are not required but if used they must comply with options per Section 3B.25.
   ii. Section 2C.29 - warning sign W17-1 is optional but if used, should include the advisory speed plaque (W13-1) and; the sign may use “Speed Bump” instead of “Speed Hump.”
4. Leave gutter pan open to facilitate drainage.
5. A 12” wide, 1” depth grind around the perimeter of the device is recommended in order to allow the surface course to be keyed into the pavement for a more durable application, particularly for snow plowing.

FIGURE A-7

RAISED INTERSECTION

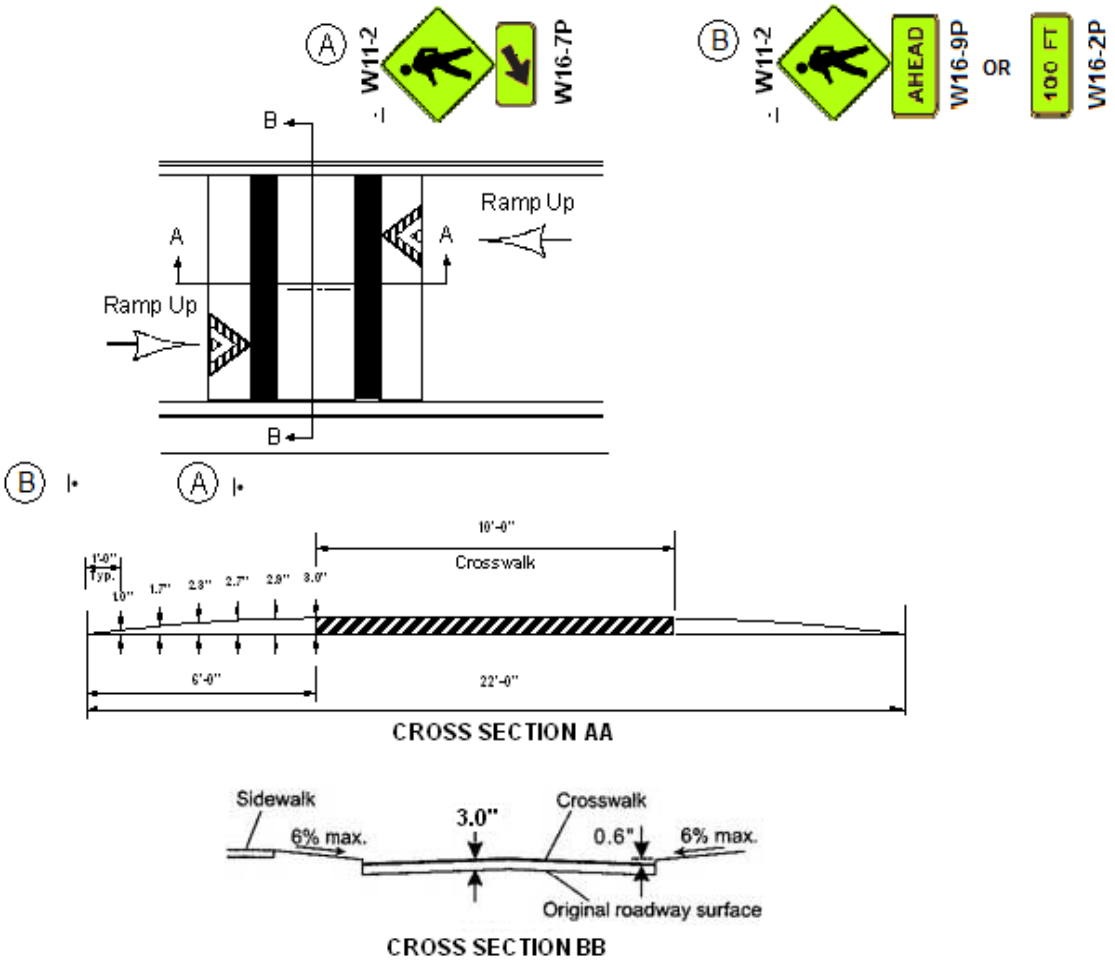


NOTES:

1. For appropriate application, see FIGURE A – Subdivision street characteristics pertaining to the selection of traffic calming devices in this document.
2. The flat “table” area length varies based on width of intersection.
3. Per the 2009 MUTCD:
   i. Section 3B.25 –speed hump (table) markings are not required but if used they must comply with options per Section 3B.25.
   ii. Section 2C.29 - warning sign W17-1 is optional but if used, should include the advisory speed plaque (W13-1) and; the sign may use “Speed Bump” instead of “Speed Hump.”

FIGURE A-8

RAISED CROSSWALK

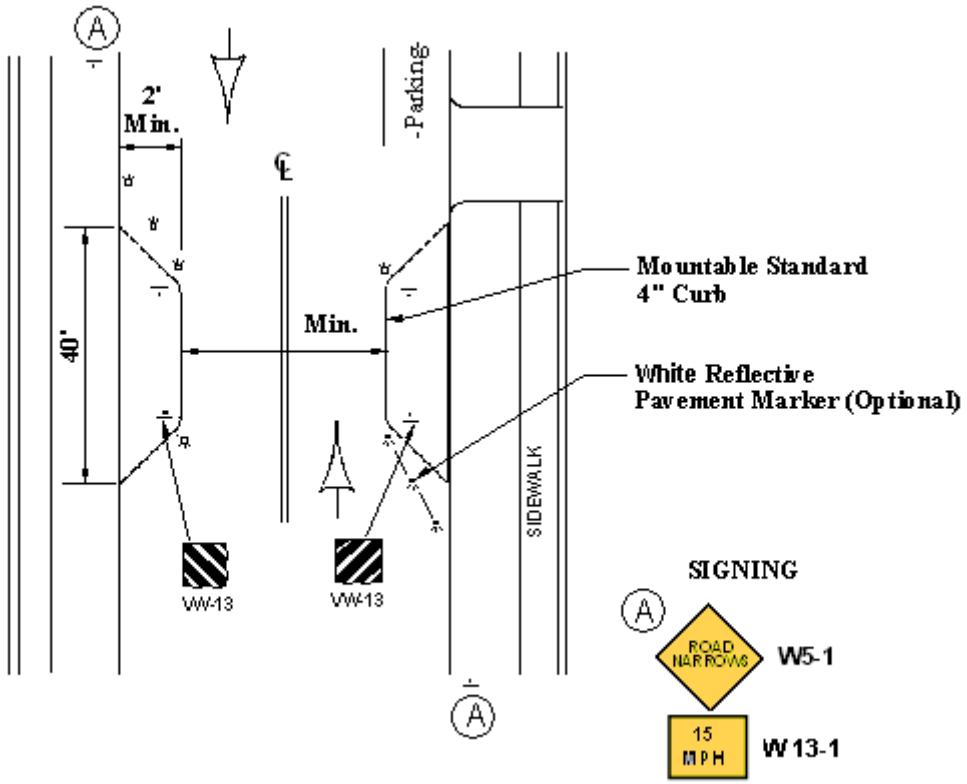


NOTES:

1. For appropriate application, see FIGURE A – Subdivision street characteristics pertaining to the selection of traffic calming devices in this document.
2. VDOT's Traffic Engineering Instructional & Informational Memorandum IIM-TE-384.0 titled "Pedestrian Crossing Accommodations at Unsignalized Locations" governs new crosswalks or modifications to an existing crosswalk or other pedestrian-related accommodations.
3. Per the 2009 MUTCD and the VaSupMUTCD:
   i. Section 3B.25 –speed hump (table) markings are not required but if used they must comply with options per Section 3B.25.
   ii. Section 2C.50 -the W11-2 may be used in advance of a crosswalk and if used; shall include supplementary plaque W16-9p or W16-2P. If used at the location of a crossing point, the W11-2 should include the supplemental W16-7P plaque.
   iii. Section 2C.50 -The W11-2 sign must be fluorescent yellow-green with black legend and border.
4. A 12" wide, 1" depth grind around the perimeter of the device is recommended in order to allow the surface course to be keyed into the pavement for a more durable application, particularly for snow plowing.
5. Leave gutter pan open to facilitate drainage.

FIGURE A-9

CHOKER

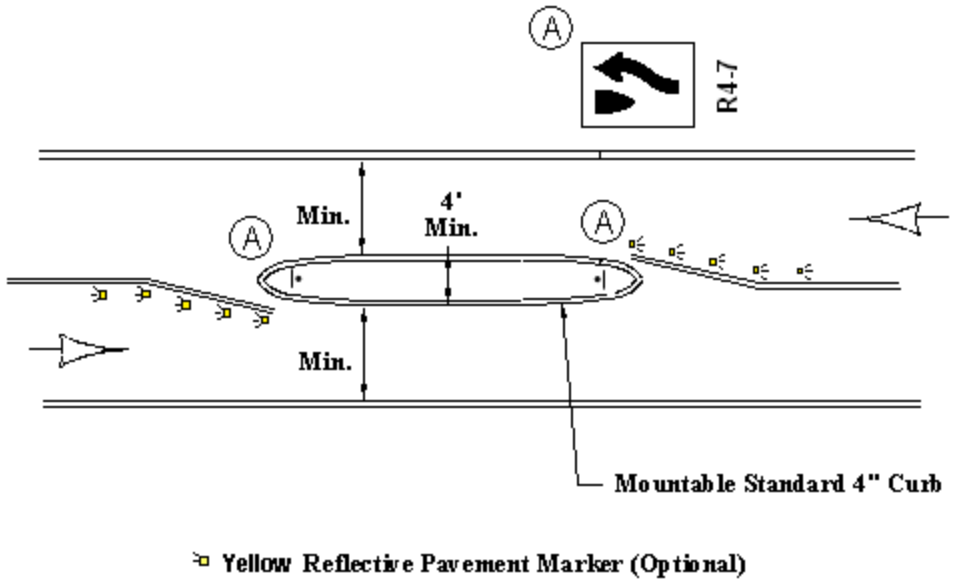


NOTES:

1. For appropriate application and minimum (**Min**) travelway width see FIGURE A – Subdivision street characteristics pertaining to the selection of traffic calming devices in this document.
2. May be placed along one or both sides of the road where sufficient pavement width.
3. Do not stripe centerline where (**Min**) travelway width of 15 feet is used for “give way to opposing vehicle” operation as described in FIGURE A.
4. Per the 2009 MUTCD Section 2C.19 -Advisory warning sign W5-1 is optional according to the following (If used may also include the advisory speed plaque W 13-1):
    i. Where the (**Min**) travel way width allows two-way travel without requiring vehicles to use the adjacent lane or to give way to opposing traffic.
    ii. On low-volume roadways where the speed limit is 30 mph or less.
5. May be combined with a speed hump, speed lump or speed table (see Figure A-4, A-5 and A-6).
6. Leave gutter pan open to facilitate drainage.

FIGURE A-10

MEDIAN ISLAND

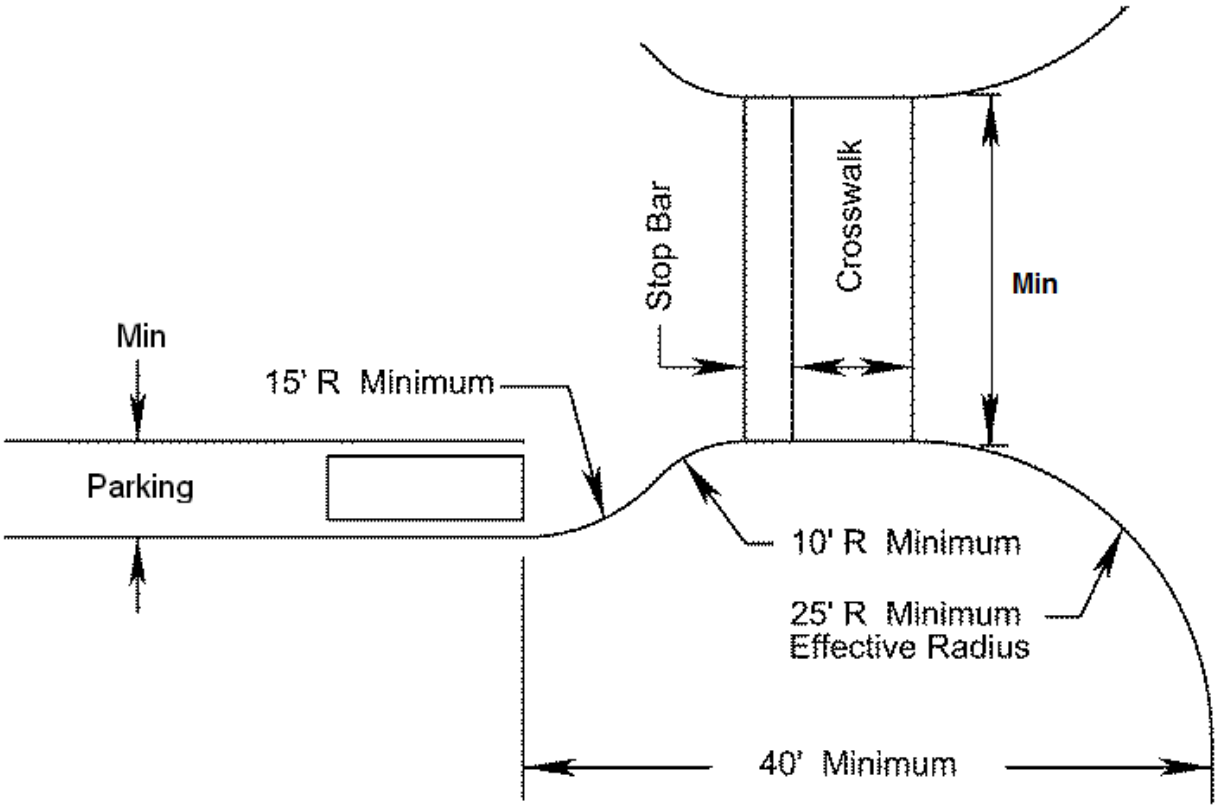


NOTES:

1. For appropriate application and minimum (**Min**) travelway width see FIGURE A – Subdivision street characteristics pertaining to the selection of traffic calming devices in this document.
2. Approaches to the intersection should not exceed 6 percent and entrances should be a minimum of 75-100 feet away.
3. The transition of the approach curb and any accompanying raised pavement markers shall be in conformance to the design or operating speed of the roadway, whichever is greater.
4. Per the 2009 MUTCD Section 2B.32 - the R4-7 signs are recommended at locations where it is not readily apparent that traffic is required to keep to the right.

FIGURE A-11

CURB EXTENSION (NECKDOWN)

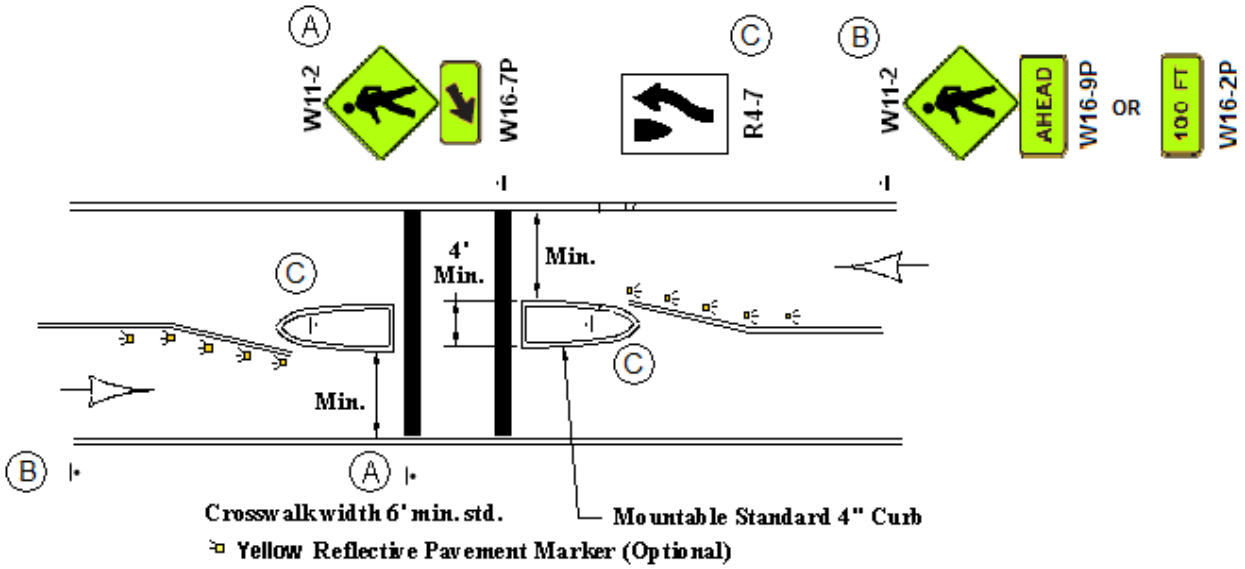


NOTES:

1. For appropriate application and minimum (**Min**) travelway width see FIGURE A – Subdivision street characteristics pertaining to the selection of traffic calming devices in this document.
2. Per VDOT's Road Design Manual, Appendix B(2), Section B(2)-3:
    a. Use only at an intersection on street having on-street parking
    b. Not suitable at intersections with exclusive right-turn lanes adjacent to the curb, or intersections with a high volume of right-turning trucks or buses turning into narrow cross streets.
3. VDOT's Traffic Engineering Instructional & Informational Memorandum IIM-TE-384.0 titled "Pedestrian Crossing Accommodations at Unsignalized Locations" governs new crosswalks or modifications to an existing crosswalk or any other pedestrian-related accommodations.

FIGURE A-12

CROSSWALK REFUGE

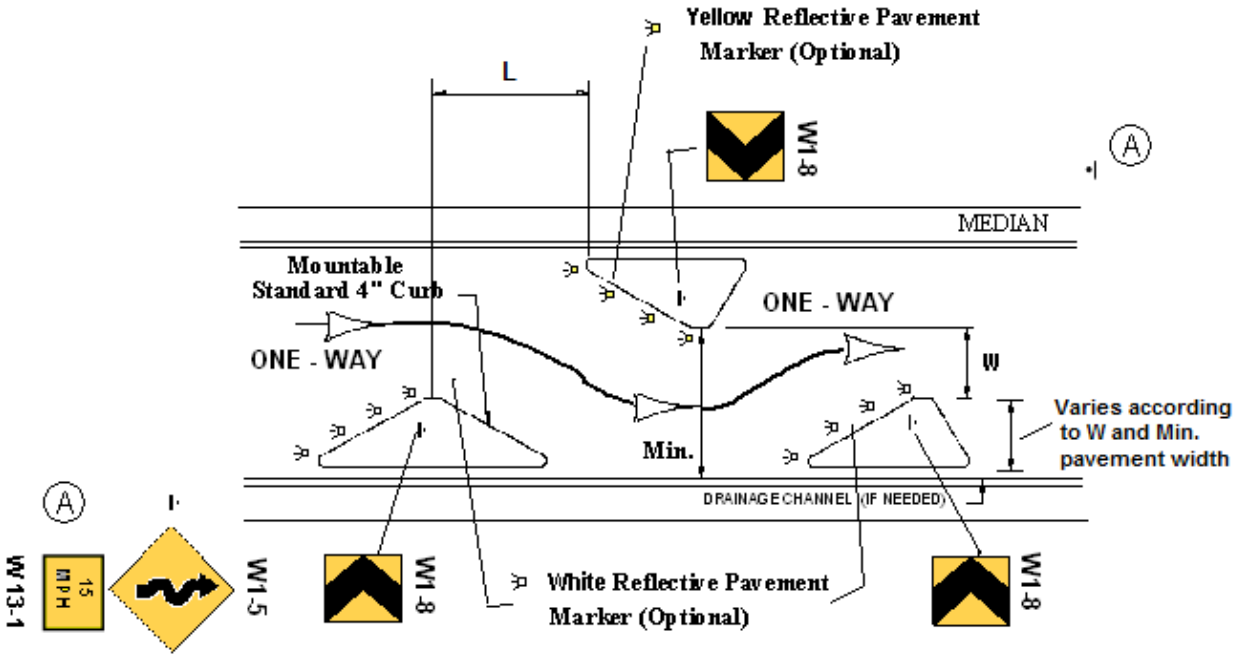


NOTES:

1. For appropriate application and minimum (**Min**) travelway widths see FIGURE A – Subdivision street characteristics pertaining to the selection of traffic calming devices in this document.
2. VDOT's Traffic Engineering Instructional & Informational Memorandum IIM-TE-384.0 titled "Pedestrian Crossing Accommodations at Unsignalized Locations" governs new crosswalks or modifications to an existing crosswalk or any other pedestrian-related accommodations.
3. May also incorporate a raised crosswalk (see Figure A-7).
4. Leave gutter pan open to facilitate drainage.
5. Per the 2009 MUTCD and the VaSupMUTCD:
   i. Section 2B.32 recommends R4-7 signs at locations where it is not readily apparent that traffic is required to keep to the right.
   ii. Section 2C.50 -the W11-2 may be used in advance of a crosswalk and if used; shall include supplementary plaques W16-9p or W16-2P. If used at the location of a crossing point, the W11-2 should include the supplemental W16-7P plaque.
   iii. Section 2C.50 -The W11-2 sign must be fluorescent yellow-green with black legend and border.

FIGURE A-13

CHICANE



NOTES:

1. For appropriate application and minimum (**Min**) travelway widths see FIGURE A – Subdivision street characteristics pertaining to the selection of traffic calming devices in this document.
2. See chart below for the required maximum "Stagger Length" (L) for various travelway widths (**Min**) and Free View width 'W' to achieve the indicated passenger car speed through the chicane.

Maximum Stagger Length 'L' to achieve indicated Passenger Car Speed				
Lane width (feet)	Free view width 'W' (feet)	Stagger length 'L' (feet) vs. vehicle speed		
		15 mph	20 mph	25 mph
10	+3.5	20	30	45
	0	30	43	60
	-3.5	40	53	-
11	+3.5	-	-	40
	0	30	40	55
	-3.5	36	50	-
12	+3.5	-	-	35
	0	-	37	47
	-3.5	-	45	58

3. See chart below for the maximum “Stagger Length” (L) for various travelway widths (Min) to accommodate a single unit truck (AASHTO SU-30) for a free view width ‘W’ = 0.0 feet.

Minimum stagger length 'L' (feet) for SU-30 Truck free width view 'W' = 0.0 feet			
Travelway width (feet)	**10**	**11**	**12**
Stagger Length 'L' (feet)	40.0	34.0	29.0

4. The transition of the approach curb and any accompanying raised pavement markers shall be in conformance to the design or operating speed of the roadway, whichever is greater.
5. Per the 2009 MUTCD Section 2C.07 -W1-5 signs are required where advisory speeds are 10 mph or more below the speed limit. W1-8 signs are required where advisory speeds are 15 mph or more below the speed limit and recommended where advisory speeds are 5 mph or 10 mph below the speed limit.