

MINUTES
BERRYVILLE TOWN COUNCIL
Regular Meeting
December 10, 2024
7:00 p.m.

A meeting of the Berryville Town Council was held on Tuesday, December 10, 2024 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; Diane Harrison; Grant Mazzarino; Ryan Tibbens.

Absent: No one

Staff

Present: Keith Dalton, Town Manager; Jean Petti, Deputy Town Manager; Brandel Kelsey, Town Clerk; Christy Dunkle, Community Development Director; Chief Neal White, Berryville Police Department; Cindy Poulin, Treasurer.

Press Mickey Powell, *The Winchester Star*

1. Call to Order

Mayor Arnold called the meeting to order at 7:00 p.m.

2. Pledge of Allegiance

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

3. Approval of Agenda

Vice Mayor Gibson moved to approve the agenda as presented.

The motion passed by voice vote.

4. Presentations, Awards, and Recognitions

Town Council recognized Ms. Dunkle for 24 years of service. Mrs. Kelsey read the resolution (attached).

Mayor Arnold asked the Council to make a motion in this matter.

Mr. Tibbens moved that the Council of the Town of Berryville adopt the attached resolution honoring Christy Dunkle for her 24 years of service with the Town. It is further moved that Ms. Dunkle is thanked for her dedicated service to the Berryville-Clarke County community.

The motion passed by voice vote.

Recognition of Patrol Officer Jaclyn Saldana for being named the 2024 Curve Benevolent Association's Law Enforcement Officer of the Year.

Chief White presented an award to Jaclyn Saldana for being named the 2024 Curve Benevolent Association's Law Officer of the Year.

5. Public Hearings

Special Use Permit- Home Occupation

Jason T. McCarty, Applicant, is requesting a special use permit per section 602.3 (g) of the Berryville Zoning Ordinance in order to operate a home occupation (tattoo business) at the property located at 8 West Fairfax Street, identified as Tax Map Parcel number 14A2-((3))-8, zoned DR-4 detached Residential. SUP 05-24

Mayor Arnold asked if the Council had any questions, there were no questions. Mayor Arnold opened the public hearing at 7:09 p.m.

Mayor Arnold recognized Ms. Dunkle and asked her to summarize the application.

Ms. Dunkle said that Mr. McCarty is requesting a Special Use Permit in order to operate a Home Occupation. She said the public hearing motion was published in the Winchester Star and adjacent property owners were notified via first class mail. She said no comments were received in the planning office.

Mayor Arnold recognized Mr. McCarty and invited him to address the Council.

Mr. McCarty talked about his 30 years of working in the Town of Berryville. He said he has lost his three tattoo artists that were in his shop and can no longer keep the shop open. He said this prompted him to open a business in his home. He said there will only be one client at the location at a time and that does have two off street parking spots available for his clients.

Mayor Arnold asked if the Council had any questions.

Mr. Mazzarino asked if the shop will be inspected by the state. Mr. McCarty said yes after he gets the approval from the Council; the shop will be inspected by the state in order to keep his license.

Mayor Arnold asked if there were any others who wanted to speak on the matter.

Mayor Arnold recognized Marianne Casey, County resident, who owns adjacent property. She said she has no objections to the tattoo business.

Mayor Arnold closed the Public Hearing 7:16 p.m.

6. Discussion of Public Hearing Items

Special Use Permit- Home Occupation.

Jason T. McCarty, Applicant, is requesting a special use permit per section 602.3 (g) of the Berryville Zoning Ordinance in order to operate a home occupation (tattoo business) at the property located at 8 West Fairfax Street, identified as Tax Map Parcel number 14A2-((3))-8, zoned DR-4 Detached Residential. SUP 05-24

Mayor Arnold asked the Council if there were any questions of staff or the applicant, there were none.

Mr. Steinmetz said that the Planning Commission had no objections for this request.

Mayor Arnold sought a motion on the matter.

Mr. Tibbens moved that the Council of the Town of Berryville approve Special Use Permit 05-24 in order to permit operation of a home occupation (tattooing) at the property located at 8 West Fairfax Street with the following conditions:

- Hours of operation from 10:00 a.m. until 6:00 p.m., Monday through Friday;
- A nameplate of up to two (2) square feet of signage is permitted for a home occupation per Section 315.5(a) of the Berryville Zoning Ordinance;
- All business activities must take place within the house;
- On-street parking related to business activities at 8 West Fairfax Street is prohibited; and
- Home occupation will comply with all provisions of Section 315 of the Berryville Zoning Ordinance.

The motion passed by voice vote.

7. Citizens' Forum

Mayor Arnold called on citizens who have signed up to speak during the forum. There were none.

8. Consent Agenda

Mr. Mazzarino moved to adopt the consent agenda as presented.

The motion passed by voice vote.

9. Unfinished Business

Discussion- Proposed Five-year Water and Sewer Rate and Fee Plan.

Mayor Arnold asked the Director of Finance to provide an overview of the rate plan.

Mrs. Poulin summarized the rate plan and stated that the rates do not need to be raised as much as previously thought.

Mayor Arnold invited Council to ask questions of staff concerning this matter. There were no questions. Mr. Dalton emphasized how important the rate plan is for the financing of the new Water Treatment Plant.

Mayor Arnold stated that a motion will not be approving a five-year plan, each year we will approve each increase. Mr. Dalton said this doesn't approve rate changes. He added that Council will review the rate change when the tax rates are reviewed normally in April. He said this would become effective June 21, 2025.

Mr. Steinmetz moved that the Council of the Town of Berryville adopt the attached water and sewer rate/fee plan. The motion passed by voice vote.

10. New Business

No items

11. Council Member Reports

Mayor Arnold said he participated in the Coiner Grand Emporium ribbon cutting ceremony. He said he also had a nice time at the Tree Lighting Ceremony and a great time at the Christmas Parade.

Mr. Steinmetz said that the Christmas Parade was great.

Mrs. Harrison thanked Public Works for the pick up of leaves around town.

Mr. Tibbens said the Christmas Parade was wonderful and wanted to thank Public Works for getting the park back in shape after the Tree Lighting Ceremony. He said he also wanted to thank the Berryville Main Street for the Tree Lighting Ceremony.

12. Staff Reports

Mayor Arnold asked Council members if they had any questions regarding reports that have been provided by the town manager, deputy town manager, and department heads.

Mayor Arnold said a resident stated how grateful she was to Mrs. Petti for coming to her home crawlspace to help her with finding out what her pipes were made of.

Mr. Dalton stated that what Mayor Arnold was speaking about, had to do with the Lead Pipe Inventory that is nationwide. He said Jean and Morgan have sent out hundreds of letters to town residents to have them determine what their pipes are made of to make sure any lead pipes are replaced.

Mr. Dalton thanked Ms. Dunkle again for 24 years of service.

13. Committee Updates

Mayor Arnold recognized the chairs of each standing committee of the Town Council to introduce action items, provide updates, and impart additional information that they think may be helpful to the Council.

Budget and Finance Committee

Nothing to report.

Community Development Committee

Mr. Tibbens discussed the Livery Stable and the proposed location of the bathroom. There was a discussion about placing the facility inside the building. He said the Community Development Committee will not meet in December.

Mayor Arnold said the bathroom is very important, so this can be discussed.

Mrs. Harrison said her concerns were for flooding water from the Town Run that could damage the building, this could alleviate her concerns.

Mr. Mazzarino and Mr. Steinmetz requested a site visit to the Livery. Mr. Dalton asked them to contact him and he will set up walk throughs for anyone who would like one.

Personnel, Appointments, and Policy

Reappointment to the Berryville Area Development Authority

Vice Mayor Gibson moved that the Council of the Town of Berryville reappoint John Hudson to the Berryville Area Development Authority for a three-year term which expires on December 31, 2027. The motion passed by voice vote.

Public Safety

Nothing to report.

Streets and Utilities

Will not meet until January.

15. Closed Session

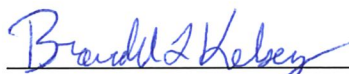
No closed session scheduled.

16. Adjourn

The Council adjourned at 7:32 p.m. on a motion by Vice Mayor Gibson.



Erecka L. Gibson, Vice Mayor



Brandel Kelsey, Town Clerk



**A RESOLUTION OF THE COUNCIL OF THE TOWN OF BERRYVILLE HONORING
Christy Dunkle**

WHEREAS Christy Dunkle has been a professional and committed public servant in Berryville and Clarke County for twenty-four years; and

WHEREAS during her tenure Christy served as Berryville's Planner, Town Zoning Administrator, Erosion and Sediment Control Program Administrator and Inspector, Assistant Town Manager, Community Development Director, and dedicated community event organizer and volunteer; and

WHEREAS she advised and supported board members and applicants as staff for Berryville's Planning Commission, Architectural Review Board, Board of Zoning Appeals, Tree Board, the Berryville Area Development Authority, as well as serving on regional boards and commissions such as the Northern Shenandoah Valley Regional Commission; and

WHEREAS noteworthy accomplishments during her period of service include: updating the Berryville Comprehensive Plan, Berryville Area Plan, Bicycle and Pedestrian Plan, Zoning Ordinance, Subdivision Ordinance, Construction Standards and Specifications, and Wayfinding signage; and

WHEREAS Christy utilized her creative talents, team-building skills, and decisive leadership to advocate for wise balanced growth, historic preservation, expansion of the urban tree canopy, and to develop community events; and

WHEREAS and most notably, Christy's level of dedication and service eclipsed the responsibilities of her formal position, and she worked diligently to protect and nurture her adopted home and make Berryville a wonderful place to live.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Town of Berryville honors Christy Dunkle's tireless devotion to and preservation of the Town for the enjoyment and prosperity of its residents, businesses, and visitors.

By order of the Town Council this 10th day of December, 2024.

Harry Lee Arnold Jr., Mayor

Erecka L. Gibson, Vice Mayor

William Steinmetz
Ward 1

Council Members
Diane Harrison
Ward 2

Grant Mazzarino
Ward 3

Ryan Tibbens
Ward 4

Keith R. Dalton
Town Manager

Town Council Agenda Item Report Summary
December 10, 2024

Item Title

Public Hearing – Special Use Permit – Home Occupation

Prepared By

Christy Dunkle

Jason T. McCarty, Applicant, is requesting a special use permit per Section 604.3(g) of the Berryville Zoning Ordinance in order to operate a home occupation (tattoo business) at the property located at 8 West Fairfax Street, identified as Tax Map Parcel number 14A2-((3))-8, zoned DR-4 Detached Residential. SUP 05-24

Background/History/General Information

Mr. McCarty would like to move his tattoo business from the current West Main Street location to his home located at 8 West Fairfax Street. He is proposing one client at a time.

Adjacent Zoning

The adjacent property is zoned DR-4 Detached Residential.

Parking

The property has four off-street parking spaces, two of which are identified for the property applicants.

Signage

A nameplate of up to two (2) square feet of signage is permitted for a home occupation per Section 315.5(a) of the Berryville Zoning Ordinance.

Hours of Operation

Proposed hours of operation are 10:00 a.m. until 6:00 p.m. Monday through Friday.

General Information

Tattoo parlors are regulated by the Virginia Department of Professional and Occupational Regulation (DPOR). Additional information can be found at this link: https://www.dpor.virginia.gov/sites/default/files/boards/BarberCosmo/REG-A425REGS_Tattooing.pdf

Home occupations are regulated under Section 315 of the Berryville Zoning Ordinance. A copy of this section is included in the packet.

Section 503 of the Berryville Zoning Ordinance regulates special use permits. The Council may impose any conditions deemed appropriate in the public interest to secure compliance with the provisions of the ordinance. Once a special use permit is granted, the use shall not be enlarged, extended, increased in intensity or relocated unless authorized by the Council. The authorized activities shall be established within two (2) years of the date of approval with an extension of one (1) additional year with Council approval, or such special use permit shall expire without notice.

Findings/Current Activity

Public hearing notices were published in the Winchester Star on Tuesday, November 26 and Tuesday, December 3, 2024. Adjacent property notices were mailed on Tuesday, November 26. No comments were received in the Planning Office.

The Planning Commission held a public hearing on the matter on November 26, 2024 and recommended approving the request.

Schedule/Deadlines

N/A

Other Considerations

N/A

Recommendation

Approve as presented.

Sample Motion

I move that the Council of the Town of Berryville recommend that Town Council approve the request with the following conditions:

- **Hours of operation are from 10:00 a.m. until 6:00 p.m. Monday through Friday;**
- **Signage is limited to a nameplate not to exceed two (2) square feet per Section 315.5(a) of the Berryville Zoning Ordinance; and**
- **All business activities take place within the house.**

Attachments:

- Public hearing notice published in the Winchester Star on Tuesday, November 26 and Tuesday, December 3, 2024
- Special Use Permit application
- Special Use Permit narrative
- Aerial photo of the site
- Section 315 Home Occupations, Home Offices
- Section 503 Special Use Permit of the Berryville Zoning Ordinance

BERRYVILLE TOWN COUNCIL PUBLIC HEARING NOTICE

The Berryville Town Council will hold the following public hearing at 7:00 p.m., or as soon after as this matter may be heard, on Tuesday, December 10, 2024, in the Main Meeting Room, Second Floor, of the Berryville/Clarke County Government Center, 101 Chalmers Court, Berryville, Virginia to consider the following:

Jason T. McCarty, Applicant, is requesting a special use permit per Section 604.3(g) of the Berryville Zoning Ordinance in order to operate a home occupation (tattoo business) at the property located at 8 West Fairfax Street, identified as Tax Map Parcel number 14A2-((3))-8, zoned DR-4 Detached Residential. SUP 05-24

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 Christy Dunkle at 540 955-4081. Any person desiring to be heard on this matter 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 Berryville Town Council
Keith R. Dalton, Town Manager

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

SPECIAL USE PERMIT APPLICATION

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

To be completed by Applicant: Date: October 8, 2024

Applicant's Name: Jason T. M^cCarty

Applicant's Address: 8 West FAIRFAX STREET Berryville, VA 22611

Use Applied For: Home Occupation

At the following address: 8 West Fairfax Street Berryville, VA 22611

Special Conditions: Business has parking for clients, Business is separate from family dwelling, Business has private entrance, Business is appointment only

Property Owner's Name: Sharon Painter

Property Owner's Address: 116 West Main Street Berryville, VA 22611

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

Signature: [Redacted] Date: 10/8/24

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

Signature: [Redacted] Date: 10/8/2024

TO BE COMPLETED BY ZONING ADMINISTRATOR

Special Use: Home Occupation Zone: DR-4

Street Address: 8 W FAIRFAXS Tax Map #: 14A2 ((3))8

Special Use Permit Fee: \$300 Paid: 10.9.24

Site Plan Fee: \$150 Paid: 10.9.24

Signature of Zoning Administrator: [Redacted] Date: 10.11.26

October 8, 2024

Christy Dunkle, Community Development Director
Town of Berryville Planning & Zoning
101 Chalmers Court
Berryville, VA 22611

Dear Ms. Dunkle:

I am writing to make application for a Special Use Permit, in order to operate a Home Occupation, as defined in Section 503 of the Berryville Zoning Ordinance.

As introduction, my name is Jason McCarty and I am a life-long resident in the Town of Berryville. I have operated a successful business in Berryville for 30 years (1994-2024). Formally, the business operated at 8 Chalmers Court, renting from Dr. Clark Fortney with my father (1994-2014), and then renting a partial building from the Mayor Jay Arnold located at 119 W Main Street (2014-2024). At either location, I've been able to maintain a staff of 5-6 people and to manage all business-related financial and operating costs.

Within the past several months, I have experienced the loss of three key Artists – one married and moved away from this area; one is retiring; and one recently moved to Southern Virginia to pursue their career in the Richmond area. These losses effect my ability to self-maintain a rented facility on the scale I have been accustomed to.

My intent in applying for the Special Use Permit is to create a private Studio business in my home located at 8 W Fairfax Street, Berryville, VA. My work is custom photo realism and requires focus and attention. I am considered one of the best photo realistic artists on the East Coast. Within the 30 years I've worked, I have won over 200 1st, 2nd or 3rd place trophies in competitions across the East and West Coasts. As well, my business has brought many clients to the area who have patroned other Berryville businesses such as our restaurants and shopping boutiques. Over the course of the past five years I reduced my competitions to just East Coast Events, primarily due to

economical fluctuations and family commitments, as well as my own professional commitments.

The one good thing Covid did for professional artists such as myself was to allow us to work privately, by appointment, and to remain so, once the Covid restrictions were lifted. Custom work only allows one appointment per day. I enjoy not having the distractions of walk in traffic from off the street. The business would operate by scheduled appointments Monday through Friday. I am accustomed to operating under normal office hours, 10 am to 6 pm, and would like to continue these hours of operation. There would be no unexpected late or unscheduled visitors to my property or neighborhood. I am a family-oriented person with a wife and son in high school and sports, so our evenings and weekends are busy with typical household chores and sporting or family-focused events.

The size and layout of my home at 8 W Fairfax Street easily allows for the installment of a private Studio, without disrupting or disturbing the home internally or externally. And, without disturbing our neighborhood. My family is well known to our neighbors and we have received encouraging support from them in pursuing this endeavor. I have three off street parking spaces, one of which would be used for one client at a time.

I am hopeful to demonstrate to the Planning Commission and Town Council plans for creating a successful home-based business.

Sincerely,

Jason McCarty

8 W Main St., Berryville, VA 22611 (540) 664-6969 jbodysart@gmail.com



- Public
- Parcels
- Parcels With Orthon
- Clarke County Bounda
- Major Roads
- Interstate
- US Highway
- State Highway
- Surrounding Counties



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170 ft

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Clarke County MapsOnline

Section 315 – Home Occupations, Home Offices

(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.

Section 315 – Home Occupations, Home Offices

- (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.

Section 315 – Home Occupations, Home Offices

- (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)

SECTION 503 - SPECIAL USE PERMIT

503.1 PROVISIONS FOR SPECIAL USE PERMITS

- (a) In consideration of an application filed with the Zoning Administrator, the Council may, after a public hearing, authorize the establishment of those uses that are expressly listed as Special Permit uses in a particular zoning district.
- (b) In addition to all applicable conditions and requirements of this Ordinance, the Council may impose any conditions deemed appropriate in the public interest to secure compliance with the provisions of this Ordinance.
- (c) Once a Special Use Permit is granted, the use shall not be enlarged, extended, increased in intensity or relocated unless authorized by the Council.
- (d) Whenever a Special Use Permit is granted by the Council, the authorized activities shall be established within one (1) year of the date of approval, or such Special Use Permit shall expire without notice.
- (e) Should the owner or operator of the use covered by the Special Permit fail to observe all requirements of law with respect to the maintenance and conduct of the use and all permit conditions, the Council may, after due notice to permit holder and a public hearing, revoke the Special Use Permit.

503.2 APPLICATIONS

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

503.3 APPLICATION REQUIREMENTS

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

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

503.4 APPLICATION PROCEDURE

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

4. Compliance with the adopted master plan.
 5. Environmental compatibility.
 6. Community sentiment.
- (e) Applicant to be notified by Zoning Administrator of Town Council action.

SECTION 504 - SCHEDULE OF FEES, CHARGES, AND EXPENSES

- 504.1** The Town Council shall establish, by resolution, a schedule of fees, charges, and expenses and collection procedures for zoning permits, certificates of use and occupancy, special permits, variances, appeals, amendments, and other matters pertaining to this Ordinance.
- 504.2** The schedule of fees shall be available for inspection in the office of the Zoning Administrator and may be altered or amended by the Governing Body by resolutions. Until all application fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.