

**BERRYVILLE TOWN COUNCIL  
COMMUNITY IMPROVEMENTS COMMITTEE  
MEETING AGENDA**

**Berryville-Clarke County Government Center  
101 Chalmers Court, Second Floor  
Conference Room A/B**

**Called Meeting  
Tuesday, March 1, 2016  
5:00p.m.**

1. **Call to Order** – Allen Kitselman, Chairman
2. **Discussion** – Tourism Zone
3. **Discussion** – draft letter to LaRock and Holtzman Vogel concerning TOD and wayfinding signage costs
4. **Discussion** – Tourist Oriented Directional (TOD) Signage
5. **Discussion** – Wayfinding Signage
6. **Discussion** – Proposed changes to street lights
7. **Other**
8. **Adjourn**

**BERRYVILLE TOWN COUNCIL  
COMMUNITY IMPROVEMENTS COMMITTEE**

**Tourism Zone**

**March 1, 2016**

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The Code of Virginia (§ 58.1-3851) allows for the creation of local tourism zones in order to provide localities the ability to offer tax incentives and certain regulatory flexibility to attract business and create economic development opportunities. The Code allows for up to 20 years of tax incentives which may include but not be limited to the reduction of permit fees and user fees and the reduction of gross receipts tax. Staff is also recommending the ability for eligible businesses make payments of availability fees over a specified number of years with no interest or fees.

**Tourism Zones**

Staff is recommending the establishment of three Tourism Zones. Similar to the Town of Front Royal model used to develop Berryville's draft ordinance, three Tourism Zones are identified on a map entitled "Town of Berryville Tourism Zones": Downtown Business Tourism (DBT); Entrance Corridor Tourism (ECT); and Community Business Tourism (CBT). Once the specific Zones have been determined, staff will work with County GIS personnel to create a final map.

Review of the specific Tourism Zones is intended to identify current zoning compliance with proposed eligible land uses identified in Table 16-9(c)(1) and to review the respective zoning district information for recommendation of tourist related modifications. Descriptions of the proposed Tourism Zones and the respective zoning information follows this report.

Once Section 6-19 is adopted, other incentives are available through the Commonwealth. The Tourism Development Financing Program, operated through the Virginia Tourism Corporation, offers qualified owners and properties the ability to obtain gap financing. Len Capelli, the County's Economic Development and Tourism Coordinator, has drafted a Tourism Development Plan in order to encourage hotel development in the Town of Berryville. Additional information on the program is available through the VTC can be found at [www.vatc.org/TDFinancingProgram](http://www.vatc.org/TDFinancingProgram).

**Eligibility Requirements**

In order to qualify for incentives set forth in the proposed Section 6-19 of the Town Code, eligible business uses must be identified in Table 16-9(c)(1). The use must also comply with zoning and subdivision regulations and any other requirements as set forth by the Town of Berryville. Once the qualifying eligible land use has been established, the business must meet the criteria as set forth in Section 16-9(c)(2) as follows:

- Minimum new capital investment of \$25,000
- Creation of at least one (1) new job
- Conformance with the Town's Comprehensive Plan, Zoning Ordinance, and Town Code.

Section 16-9(d) identifies specific incentives available to those who meet eligibility requirements. These include:

- Reduction of Business, Professional and Occupational Licenses (BPOL) tax for a specific timeframe when capital investment and job creation thresholds are met. The reduction is based on increases in BPOL tax as calculated from estimated increased revenue after the proposed investment.
- Permit fee reduction. Discussion at the meeting should include recommendations for qualifying investments or other thresholds that shall be met to determine that percentage of fee reduction.
- Water and sanitary sewer availability fees may be eligible for payments over time for commercial properties without fees or interest. The eligible property is subject to a lien or other guarantee for this incentive.

Section 16-9(e) regulates the administration and interpretation of the proposed Tourism Zone.

A draft application has been provided in this packet which has been adapted from the Town of Front Royal.

Town Code amendments do not require public hearings.

The following items are included in this report:

- Specific descriptions of each of the proposed Tourism Zones and respective zoning regulations;
- Draft Amendment for Section 16-9 of the Code of the Town of Berryville;
- Proposed map entitled "Town of Berryville Tourism Zones" identifying three proposed Zones;
- Draft Tourism Zone application;
- § 58.1-385 from the Code of Virginia enabling localities to establish Tourism Zones;
- Existing Land Use Map from the Town of Berryville Comprehensive Plan; and
- Berryville Zoning Map.

Staff is requesting review and comment in order to forward the proposed amendment to Town Council.

***Downtown Business Tourism Zone***

The DBT Zone incorporates the C General Commercial Zoning District. The C District represents the historic downtown area of Berryville and significantly contributes to historical and cultural tourism opportunities in the community. This area has been identified as the center of business activity, particularly retail, restaurant and service uses. Land use policies have resulted in zoning that encourages retail activity in this area, maintaining the core business district and center of the community. Recent amendments to the C District encourage second story apartments which adds to the vibrancy and safety of downtown areas. Hotels and motels are currently a use by Special Permit. Discussion should occur to consider these facilities as a use by right.

Proposed eligible types of land uses identified in Table 16-9(c)(1) include retail, dining, lodging, entertainment (including outdoor and indoor uses but excluding adult entertainment uses), culture and arts, personal services and offices, and second story apartments/condominiums. Each qualifying would be subject to a lien or other guarantee for the designated timeframe.

A number of uses identified in Section 204 of the Zoning Ordinance relate to tourism-related businesses. The scale and historic nature of downtown Berryville create a perfect venue for tourist related activities and events.

**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.

**Section 204 General Commercial (C) District**

- (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 storefront 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.

**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.

**Section 204 General Commercial (C) District**

**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 aeriels 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.

### ***Entrance Corridor Tourism Zone***

The intent of the Entrance Corridor Tourism Zone is to encourage business growth that enhances Berryville's unique character along the entrances to Town.

#### *West Main Street*

The proposed ECT Zone includes areas along the north side of West Main Street which includes the fairgrounds, several houses, funeral home, and St. Bridget's Church. This area is located in Annexation Area B but has not been annexed into the Town. The zoning on these parcels is ITL Institutional which is regulated under Section 613 of the Berryville Zoning Ordinance. The intention of this district is to offer locations for public and semi-public uses and open space and recreational areas within the Berryville Area. Uses permitted by right include agricultural/horticultural/farming uses, cemeteries, day care centers, churches, recreational facilities including parks, fairgrounds, and playgrounds, and schools. Uses permitted by Special Permit include conference centers, retreat houses, hospitals and medical care facilities, and sports arenas or stadiums as a principal use.

Staff is recommending the addition of agritourism and recreation land uses be deemed eligible for incentives. These are uses currently permitted in the ITL district.

#### *North Buckmarsh/7 Bypass*

This proposed area is located at the southwest corner of the 340 – 7 Bypass intersection. Zoned BC and B, this area has been identified as the primary location for a hotel in the 2013 Hotel Feasibility Study. Tourism related uses in the BC Business Commercial zoning district, regulated under Section 610 of the Berryville Zoning Ordinance, include antique sales, financial institutions, grocery store, hotels and motels, laundromats, medical care facilities, recreation facilities, restaurants and ancillary retail uses. The B zoning district allows tourism-related uses including auto repair, conference center, banks, recreation facilities, restaurants, and ancillary retail.

Alton Echols, who is a property owner in this area, has recommended adding Personal Services and Offices to the list of eligible types of land uses in Table 16-9(c)(1) within this corridor. This use has been added to the draft table.

**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.

**Section 613 Institutional (ITL) District**

**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.

**Section 613 Institutional (ITL) District**

- (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

**Section 613 Institutional (ITL) District**

- (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 610 Business Commercial (BC) District

### (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 2,000 square feet of gross floor area, excluding storage) as an accessory use, provided that all vehicle repair takes place in a fully enclosed building.
- (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.

**Section 610 Business Commercial (BC) District**

- (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

**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.

Section 610 Business Commercial (BC) District

**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

**Section 610 Business Commercial (BC) District**

- (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 noise, 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

**Section 611 Business (B) District**

- (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.

**Section 611 Business (B) District**

- (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.

### ***Community Business Tourism Zone***

The intent of this Tourism Zone is to encourage general business growth in the Town that supports tourism. It encompasses three locations in the Town of Berryville: North Buckmarsh Street; First Street; and East Main Street.

#### ***North Buckmarsh Street***

The portion of the proposed Tourism Zone on North Buckmarsh Street encompasses R-3 zoning and C-1 zoning including parcels north and south of Fairfax Street, respectively. The R-3 Residential District, regulated under Section 203 of the Berryville Zoning Ordinance, allows for parks and playgrounds, tourists homes and home occupations. Special Permit uses include professional offices and banks. The C-1 Commercial portion of this Zone allows for tourism-related businesses including restaurants, banks, quick service stores, business and professional offices and retail up to 5,000 square feet. Special Permit uses include commercial recreation, laundromats, bowling alleys, and retail space up to 15,000 square feet.

#### ***First Street***

The property on the east side of First Street is proposed as a Community Business Tourism Zone in order to encourage development and redevelopment of parcels identified on the map. Uses that are related to tourism in the L-1 Industrial Zoning District, regulated under Section 609 of the Berryville Zoning Ordinance, include business and professional offices and farm supply establishments. Special Permit uses related to tourism include eating establishments, incidental retail sales, and commercial indoor recreation.

#### ***East Main Street***

With the exception of several parcels adjacent to the railroad tracks, the zoning on East Main Street is C-1 Commercial. Tourism related uses have been identified under the previous *North Buckmarsh Street* narrative above.

**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.

Section 203 (R-3) Residential District

- (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)

**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,

**Section 203 (R-3) Residential District**

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 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

**Section 607 Commercial (C-1) District**

- (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)

**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.

**Section 607 Commercial (C-1) District**

**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.

## **DRAFT AMENDMENT**

### Incentives

NOTE: This draft amendment to the Town Code proposes the establishment of tourism zones with incentives. This draft amendment proposes to maintain the existing historic district partial tax incentives under Sec. 16-7 creating a broader incentive for business development.

#### **Sec. 16-9 Tourism Zone Incentives**

- (a) Purpose: The purpose for creating tourism zones is to encourage certain types of business growth in the Town that will attract visitors to the Town, increase tax revenue, and enhance the general welfare of Town residents. Virginia Code § 58.1-3851 grants towns the legal authority to establish one or more tourism zones and grant tax incentives and regulatory flexibility therein.
- (b) Establishment of Tourism Zones
- (1) Downtown Business Tourism (DBT) Zone Created. There is hereby established the "Downtown Business Tourism Zone," consisting of the areas zoned C General Commercial and designated on the map entitled "Town of Berryville Tourism Zones," dated \_\_\_\_\_, attached hereto and incorporated herein. The intent of the Downtown Business Tourism Zone is to achieve the overall purpose of Sec. 16-9(a) by encouraging business growth that enhances the unique character and assets of the downtown area.
- (2) Entrance Corridor Tourism (ECT) Zone Created. There is hereby established the "Entrance Corridor Tourism Zone," consisting of the areas designated as such on the map entitled "Town of Berryville Tourism Zones," dated \_\_\_\_\_, attached hereto and incorporated herein. The intent of the Entrance Corridor Tourism Zone is to achieve the overall purpose of Sec. 16-9(a) by encouraging business growth that enhances the unique character and assets of the entrance corridor area.
- (3) Community Business Tourism (CBT) Zone Created. There is hereby established the "Community Business Tourism Zone," consisting of the areas designated as such on the map entitled "Town of Berryville Tourism Zones," dated \_\_\_\_\_, attached hereto and incorporated herein. The intent of the Community Business Tourism Zone is to achieve the overall purpose of Sec. 16-9(a) by encouraging general business growth in the Town of Berryville that supports tourism.
- (c) Eligibility Requirements
- (1) **ELIGIBLE USES BY TOURISM ZONE.** The following land uses, as categorized within each tourism zone, are eligible to receive the

tourism zone incentives of Sec. 16-9(d), subject to compliance with all other code requirements of the Town of Berryville Code and Town of Berryville Zoning Ordinance.

TABLE 16-9(c)(1)

SPECIFIC TOURISM ZONE	ELIGIBLE TYPES OF LAND USES
Downtown Business Tourism (DBT)	Retail Dining Lodging Entertainment* Culture & Arts Personal Services & Offices Second story apartments/condominiums
Entrance Corridor Tourism (ECT)	Retail Dining Lodging Entertainment* Culture & Art <b>Personal Services &amp; Offices</b> <b>Agritourism</b> <b>Recreation</b>
Community Business Tourism (CBT)	Retail Dining Lodging Entertainment* Personal Services & Offices

\*Including both outdoor and indoor uses, but excluding adult entertainment uses.

(2) INVESTMENT CRITERIA. Eligible land uses, as specific under Sec. 16-9(c)(1), shown above, are eligible to receive the tourism zone incentives of Sec. 16-99(d) shown below, only if all of the following criteria is met:

- (a) A minimum new capital investment of \$25,000.
- (b) A minimum creation of one (1) new job.
- (c) Conformance with the Town's Comprehensive Plan.
- (d) Conformance with the Town's Zoning Ordinance.
- (e) Conformance with the Town Code.

(d) Incentives.

(1) BPOL Tax Incentive. BPOL Tax may be reduced for eligible land uses that meet the investment criteria as specified under 16-9(c)(2).

(a) Eligible land uses shall be categorized into one of the following three (3) tier groups, depending on the amount of capital investment and quantity of jobs created.

Table 16-9(d)(1)(a)

<u>Tier Group</u>	<u>Capital Investment</u>	<u>Jobs Created</u>
Tier 1	\$25,000 - \$99,999	1 – 3
Tier 2	\$100,000 - \$499,999	4 – 10
Tier 3	\$500,000 +	11 +

(b) The following table illustrates the duration that eligible land uses may receive BPOL tax reduction based on the qualifying tier group.

Table 16-9(d)(1)(b)

<u>Year</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	<u>10</u>	<u>11+</u>
<i>Tier 1</i>	✓	✓	✓	✓	X	X	X	X	X	X	X
<i>Tier 2</i>	✓	✓	✓	✓	✓	✓	✓	X	X	X	X
<i>Tier 3</i>	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	X

(c) Eligible land uses may receive up to 100% BPOL tax reduction for the number of specified years they qualify for under Table 16-9(d)(1)(b).

(d) BPOL tax reduction is based on the estimated increase in BPOL tax as calculated from estimated increased revenue after the proposed investment. BPOL tax reduction shall not apply to existing BPOL tax prior to the specific investment.

(2) Permit Fee Incentive. All eligible land uses may receive up to 100% reduction in permit fees with the Town of Berryville as identified in the Planning and Zoning Fee Schedule, as amended.

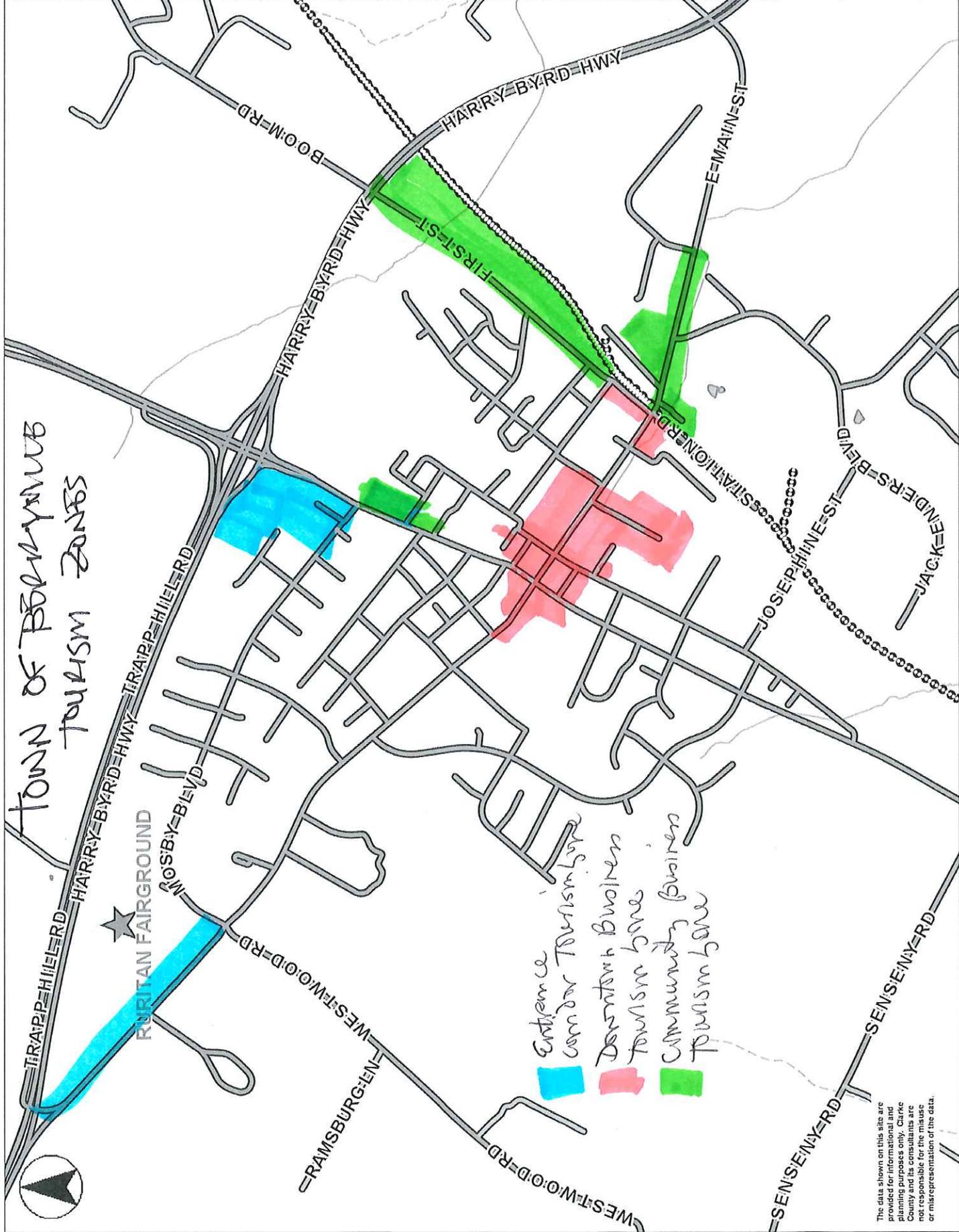
(3) Availability Fee Incentive. Eligible commercial land uses may be allowed to make payment of required availability fees over a period of time that does not exceed ten (10) years, without interest or fees, subject to a lien on the property, or other guarantee, for the specified time period.

(e) Administration & Interpretation.

- (1) The Town Manager, or designee, is authorized to administer tourism zones.
- (2) Interpretations of this section shall be determined by the Town Manager after consultation with the Town Attorney.
- (3) All eligible businesses must submit an application for tourism incentives to the Town Business Office.
- (4) The Town Manager, or designee, shall draft a performance agreement for applicants that qualify for incentives. The performance agreement shall be reviewed by the Town Attorney, Assistant Town Manager/Treasurer, Assistant Town Manager/Planner, and other departments, authorities, committees, commissions or agencies as determined appropriate by the Town Manager.
- (5) Performance agreements shall specify all incentives that are to be authorized and may include conditions of approval including but not limited to requirements that the applicant maintain certain hours of operation, site improvement requirements, or reduction of incentives from their maximum levels authorized by this section.
- (6) Incentives are not authorized until a performance agreement is approved by Town Council and nothing herein shall be interpreted to require or obligate the Town to approving any incentives until a performance agreement is approved by Town Council.
- (7) Town Council may revoke, reduce, or suspend incentives after approval of the performance agreement if the conditions, or other terms, of the performance agreement are not in compliance.



- Points of Interest
- Parcels
- Clarke County Boundary
- Major Roads
- Interstate
- US Highway
- State Highway
- Surrounding Counties Opaque
- Clarke County Roads
- Private Roads
- Roads
- Rail
- Buildings
- Appalachian Trail
- Streams
- Perennial Streams
- Intermittent Streams
- Ponds
- Rivers



TOWN OF BOBMYNMB  
TOURISM ZONES

RURITAN FAIRGROUND

Entirence  
Center Tourism Zone

Downtown Business  
Tourism Zone

Community Business  
Tourism Zone

The data shown on this site are provided for informational and planning purposes only. Clarke County and its consultants are not responsible for the misuse or misrepresentation of the data.

0 2000 4000 ft

Printed on 12/28/2015 at 10:08 AM

# TOURISM ZONE APPLICATION

TOWN OF BERRYVILLE | 101 Chalmers Court, Ste. A | Berryville, VA 22611 | 540 955-1099

## APPLICANT

## PROPERTY OWNER (if different)

APPLICANT'S NAME:	PROPERTY OWNER'S NAME:
ADDRESS:	OWNER'S ADDRESS:
PHONE NUMBER:	PHONE NUMBER:
EMAIL:	EMAIL:

### SECTION A - Property Information

Tax Map No. _____	Zoning District: _____
Site Address: _____	
Tourism Zone (check one): <input type="checkbox"/> Downtown Business <input type="checkbox"/> Entrance Corridor <input type="checkbox"/> Community Business	

### SECTION B - Project Details

Project Name: \_\_\_\_\_

Describe the project, including a description of the proposed or expanded use.  
\_\_\_\_\_  
\_\_\_\_\_

What dollar amount of capital investment is proposed (\$25,000 minimum)? \_\_\_\_\_

How many jobs will be created (1 minimum)? \_\_\_\_\_

Please attach supporting documents with this application, including plats, plans, invoices, quotes, or other details that verifies the above information.

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

Name of Lot Owner (PRINTED): \_\_\_\_\_

Signature of Lot Owner: \_\_\_\_\_ Date: \_\_\_\_\_

By the submission of this application, permission is hereby granted to Town Officials and employees to enter upon the subject property during reasonable hours for purposes related to the review of this application. The Applicant will be the designated contact person for this permit application.

Code of Virginia  
Title 58.1. Taxation  
Chapter 38. Miscellaneous Taxes

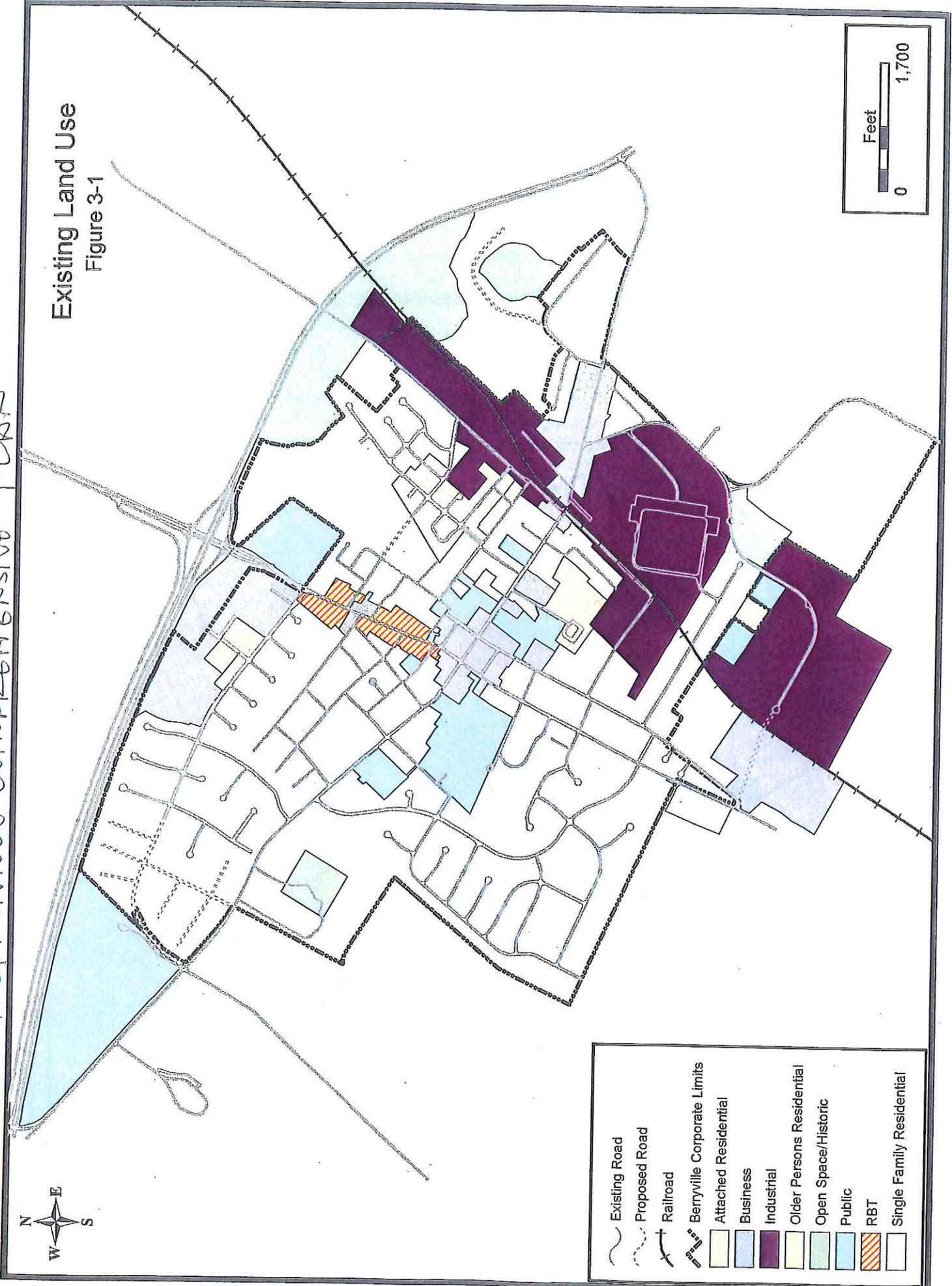
## § 58.1-3851. Creation of local tourism zones.

- A. Any city, county, or town may establish, by ordinance, one or more tourism zones. Each locality may grant tax incentives and provide certain regulatory flexibility in a tourism zone.
- B. The tax incentives may be provided for up to 20 years and may include, but not be limited to (i) reduction of permit fees, (ii) reduction of user fees, and (iii) reduction of any type of gross receipts tax. The extent and duration of such incentive proposals shall conform to the requirements of the Constitutions of Virginia and of the United States.
- C. The governing body may also provide for regulatory flexibility in such zone that may include, but not be limited to (i) special zoning for the district, (ii) permit process reform, (iii) exemption from ordinances, excluding ordinances or provisions of ordinances adopted pursuant to the requirements of the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.), the Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq.), or the Virginia Stormwater Management Act (§ 62.1-44.15:24 et seq.), and (iv) any other incentive adopted by ordinance, which shall be binding upon the locality for a period of up to 10 years.
- D. The establishment of a tourism zone shall not preclude the area from also being designated as an enterprise zone.

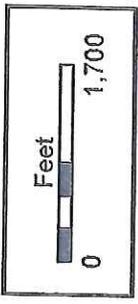
2006, c. 642; 2008, c. 462; 2013, cc. 756, 793.

BERRYVILLE COMPREHENSIVE PLAN

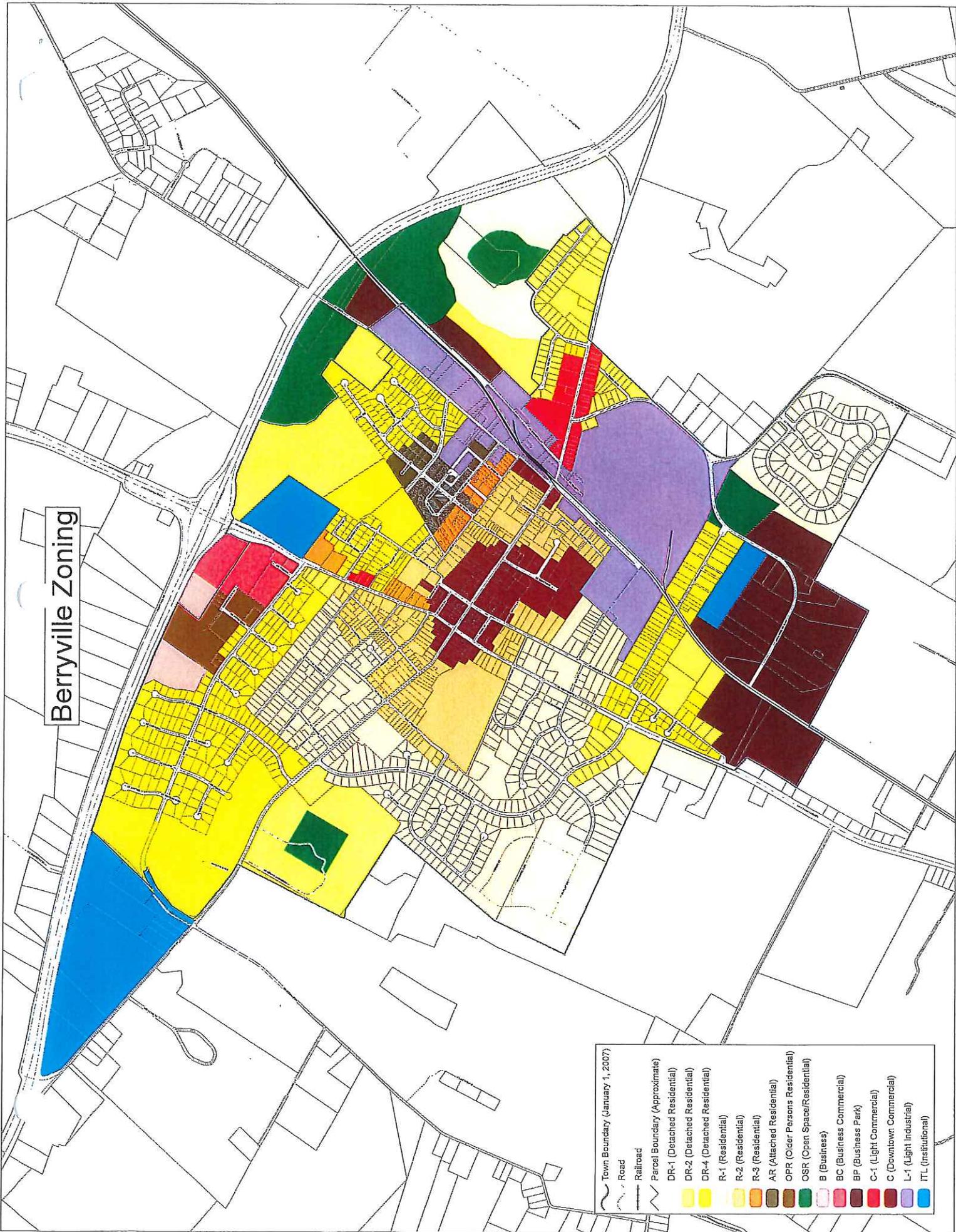
Existing Land Use  
Figure 3-1



- Existing Road
- Proposed Road
- Railroad
- Berryville Corporate Limits
- Attached Residential
- Business
- Industrial
- Older Persons Residential
- Open Space/Historic
- Public
- RBT
- Single Family Residential



# Berryville Zoning



- Town Boundary (January 1, 2007)
- Road
- Railroad
- Parcel Boundary (Approximate)
- DR-1 (Detached Residential)
- DR-2 (Detached Residential)
- DR-4 (Detached Residential)
- R-1 (Residential)
- R-2 (Residential)
- R-3 (Residential)
- AR (Attached Residential)
- OPR (Older Persons Residential)
- OSR (Open Space/Residential)
- B (Business)
- BC (Business Commercial)
- BP (Business Park)
- C-1 (Light Commercial)
- C (Downtown Commercial)
- L-1 (Light Industrial)
- ITL (Institutional)

**BERRYVILLE TOWN COUNCIL  
COMMUNITY IMPROVEMENTS COMMITTEE  
LaRock/Vogel Draft Letter  
March 1, 2016**

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At their February 9, 2016 meeting, Town Council requested that the Community Improvements Committee review the following letter and forward to the recipients. Mr. Condrey has made edits that are incorporated into the attached draft correspondence.

Upon recommendation by the Community Improvements Committee, staff will ask the Mayor to sign the letter and forward it to Senator Vogel and Delegate LaRock.

Town of Berryville  
Berryville-Clarke County  
Government Center  
101 Chalmers Court Suite A  
Berryville, VA 22611



[T] 540/955-1099  
[F] 540/955-4524  
[E] info@berryvilleva.gov

www.berryvilleva.gov

March 1, 2016

Senator Jill Holtzman Vogel [district27@senate.virginia.gov](mailto:district27@senate.virginia.gov)

Delegate David LaRock [DeIDLaRock@house.virginia.gov](mailto:DeIDLaRock@house.virginia.gov)

Dear Senator Vogel and Delegate LaRock-

The Town of Berryville has been working to create a wayfinding signage system and to install Tourist Oriented Directional (TOD) signs for the periphery of Town for several years. Economic development through tourism has been identified as a priority by both the Town of Berryville and Clarke County. Exorbitant signage package costs and uncertain regulations have made both signage systems prohibitive for a small town to implement.

#### **Wayfinding Signage**

The Town received branding designs several years ago from Frazier Associates through our Main Street program and has selected a signage package. As the Council's Community Improvements Committee and staff proceed with this effort, it has come to our attention that full engineering for all of the signage is required at the start of the process. Additionally, it has come to our attention that the regulations VDOT was working through for wayfinding signage are still not in place making our attempts to install this type of signage prohibitive due to unknown costs. We would like to phase our program in as needs and budget allow. For example, we are in need of directional signs to the Police Department, Government Center and Visitors' Center as well as to public parking areas. We hesitate to install signage that is not included in the Frazier Associates package as we do not want to duplicate efforts and associated costs.

#### **TOD Signage**

As you know, the Virginia Logos program designs and installs all of the TOD signage in the Commonwealth. While we have found working with Mr. Newcomb and his business helpful, we are still concerned about the extraneous regulations and costs for these signs to be installed.

Wilson Kirby  
*Mayor*

Harry Lee Arnold, Jr.  
*Recorder*

#### *Council Members*

Douglas A. Shaffer  
*Ward 1*

H. Allen Kitzelman, III  
*Ward 2*

J. Bryant Condrey  
*Ward 3*

David L. Tollett  
*Ward 4*

Keith R. Dalton  
*Town Manager*

We certainly understand the need for conformity, but allowing local government to fabricate and install these signs to existing specifications would allow for a more cost-effective process.

We believe that allowing localities to work with independent contractors for signage implementation, including design and installation, would be a more efficient and affordable method to promote our community. We also believe that state funding assistance through grants and low interest loans for this branding and signage would benefit our community, our region, and the Commonwealth by strengthening Virginia businesses and strengthening our shared economic base.

We appreciate your assistance on this matter.

Sincerely,

Wilson L. Kirby, Mayor

DRAFT

**BERRYVILLE TOWN COUNCIL  
COMMUNITY IMPROVEMENTS COMMITTEE  
TOD Signage  
March 1, 2016**

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Tourist Oriented Directional signage (TOD) has been discussed for the past several months by a committee made up of County, Town, and Economic Development staff and representatives from the Barns of Rose Hill. The proposal includes signage for the Route 7 Bypass; 340 within the corporate limits of Berryville; and to replace existing signage at East Main Street and Chalmers Court.

The drawings included in this packet represent the last submission received from Virginia Logos. Virginia Logos is VDOT's contractor for this type of signage. Below are modifications to these drawings per committee input from the meeting on February 11, 2016:

1. NO CHANGES at the West and East intersections of SR 7 and B 7
2. REQUESTED CHANGES at US 340 South and North intersections with Main St.  
If possible add to at Barns of Rose Hill to both Tourist Info Center signs.

Tourist Info Center  
at Barns of Rose Hill

3. REQUESTED CHANGES at B 7 - Main St. and the West and East intersections with Chalmers Ct.

Add at Barns of Rose Hill to both Tourist Info Center signs.

Tourist Info Center  
at Barns of Rose Hill  
Police Department

The changes noted above will add approximately \$500 to the signage package identified in the Cost Estimate included in this packet.

A sample contract is included for review. Mr. Newcomb, representing Virginia Logos, has supplied contracts for each set of signs. Please note that no annual fee is required with the proposed signs. Staff had previously discussed maintenance of the sign and specific insurance coverage by the Town's insurance provider. It was determined that because the signs within the corporate limits would be owned by the Town, our insurance would cover loss or damage of the signs. Maintenance would be the responsibility of the Town.

Representatives from the Barns and County met on Friday, February 26, 2016 and discussed costs. It was determined that the County representatives would request \$10,000 and the Barns Board would contribute \$5,500. Barns Director Diana Kincannon

spoke with staff after the meeting and indicated she would like to request that the Town contribute \$5,000 to the effort.

The following items are included in this packet:

- Letter dated February 1, 2016 from Virginia Logos;
- Cost Estimate for signage and installation less the amount referenced above;
- Standard Conditions for VDOT signage;
- Guidelines for Using a Third Party Contractor to install the signage;
- Sample contract; and
- Proposed signs and locations.

Staff is requesting input on the signs presented and the projected costs. \$2,000 is currently available in the FY 15-16 Budget (line item 100-4081500-5410). This amount could be applied to the request prior to June 30, 2016 with the \$3,000 balance requested in the FY 16-17 Economic Development Budget.



10001 Patterson Ave., Suite 201  
Richmond, VA 23238

(804) 754-0970 (800) 229-2809 Fax: (804) 754-0976

2/1/2016

Clarke County  
Attn: Mr. David Ash  
95 Chalmers Court  
Berryville, VA 22611

RE: Supplemental Guide Sign Request

Dear Mr. Ash:

Enclosed is your Business Supplemental Order Agreement.

Please sign the Business Supplemental Order Agreement, the sign drawing, as well as the enclosed contract. Please return the original signed Business Supplemental Order Agreement, sign drawing, signed contract, and check for all requested signs, in the provided self-addressed envelope. Unfortunately, materials can not be ordered until we receive your check with the signed paperwork mentioned above. Purchase Orders are accepted for Government entities. Your signs should be installed six to eight weeks from the date construction materials are received.

We appreciate your business with Virginia Logos. Please feel free to call me if you have any further questions at (804) 754-0970/ (800) 229-2809.

Sincerely,

Tracey Ward  
SGS Administrative Assistant

Enclosures

# COST ESTIMATE

Virginia Logos  
 Attn: Tracey Ward  
 10001 Patterson Ave Ste 201  
 Richmond VA 23238  
 Toll Free: (800) 229-2809  
 Fax: (804) 754-0976

DATE: 1/28/16

COST ESTIMATE # 814951

TO:  
 Clarke County  
 Attn: David Ash  
 95 Chalmers Court  
 Berryville, VA 22611

FOR:  
 Cost estimate for the fabrication and installation of Supplemental Guide Signs (SGS) for Tourist Info Center at Barns of Rose Hill and Berryville Historic District  
 Contract # 814951, 814952, 814953, 814954, 814955, 814956, 814957, 814958

DESCRIPTION	Route/Intersection/Direction	AMOUNT
Fabrication and Installation of new Supplemental Guide Signs for Tourist Info Center at Barns of Rose Hill and Berryville Historic District.		<b>\$19,950.41</b>
<u>Cost Estimate Breakdown</u>		
814951 Tourist Info Center at Barns of Rose Hill		
814952 Berryville Historic District	SR 007 / BS 007 / EB	\$5,284.16
814953 Tourist Info Center at Barns of Rose Hill		
814954 Berryville Historic District	SR 007 / BS 007 / WB	\$4,601.73
814955 Tourist Info Center	US 340 / Main Street / SB	\$2,335.88
814956 Tourist Info Center	US 340 / Main Street / NB	\$1,754.88
814957 Tourist Info Center	BS 007 / Chalmers Court / EB	\$2,986.88
*This will include remaking the Government Center, Police Department and Library signs		
814958 Tourist Info Center	BS 007 / Chalmers Court / WB	\$2,986.88
*This will include remaking the Government Center, Police Department and Library signs		
<b>PAYMENT DUE UPON RECEIPT</b>	<b>BALANCE DUE:</b>	<b>\$19,950.41</b>

Please make all checks payable to *Virginia Logos LLC* and mail to:

Attn: Sara Beck  
 10001 Patterson Ave Ste 201  
 Richmond VA 23238

X \_\_\_\_\_  
**SIGNATURE**

### Standard Conditions

1. Customer shall pay the total cost of the Supplemental Guide Sign(s) as shown on the estimate. Payment shall be made to Virginia Logos, in full, at the time the Customer accepts this offer.
2. All signs shall conform to the specifications outlined by the Virginia Department of Transportation (VDOT) and as modified in the VDOT regulations as set forth in the Operating Procedures for the administration of the Supplemental Guide Sign Program for VDOT.
3. Customer warrants that all approved designs do not infringe upon any trademark or copyright under state or federal law. VL reserves the right at any time to reject any design under this contract or to submit any design for approval by VDOT, in the sole discretion of VL. Customer, with the exception of Federal, State, City, Town, or County Government agencies, agrees to defend, indemnify and hold VL and VDOT free and harmless from any and all losses, liabilities, claims or demands of any kind whatsoever, including attorney fees and other costs of litigation, arising out of the use of any design produced pursuant to this contract.
4. This agreement and associated cost estimate is void if not returned, or returned incomplete, to VL with a check for the appropriate amount within thirty (30) days of the date shown on the estimate. All applicable paperwork, including a completed valid participation agreement, and payment for work must be made in full, before materials will be ordered and installation of the sign(s).
5. VDOT owns all signs installed on state approved highways. Maintenance of signs shall be handled by VDOT, VL, or their contractor, with all costs associated with the maintenance being the sole responsibility of the Customer.
6. Materials for the production of the Supplemental Guide Sign(s) will be ordered once we receive your check and all appropriate paperwork, including the contract where applicable. Installation of the sign(s) will be completed within 90 days of receipt of all construction materials, except in the case of uncontrollable delays such as weather conditions.
7. This is a good faith estimate. Any charges above the estimate will be billed upon completion of the requested work.
8. Any refund that is to be issued will be done so 30 days after completion of the requested work.



### **Guidelines for Utilizing a Third Party Vendor for the Supplemental Guide Sign Program**

Virginia Logos is prepared to assist you through the fabrication and construction of your requested Supplemental Guide Signs (SGS); however, any customer wishing to participate in the SGS Program may choose to use a third party contractor to produce and/or install the requested signs. Below are the general guidelines if you choose to have a third party vendor fabricate and/or construct your signs:

- Sign designs must be submitted to Virginia Logos to be approved by VDOT.
- Fabrication of signs must be in accordance to VDOT specifications and utilize only materials approved by VDOT.
- A VDOT construction permit is required to work on any right of way owned by VDOT.
- Any modification of the site plans that have been approved by VDOT must be submitted to Virginia Logos and reapproved by VDOT.
- The construction of the structures and signs must be completed with a VDOT inspector on site (The requesting party may be responsible for the cost associated with having an inspector on site).
- The entities constructing the structures and signs must follow all VDOT safety policies for setting up work area protection, including the completion of any safety certification courses.
- Signs must be installed on the appropriate type of structures meeting all VDOT specifications.
- The entities installing the structures and signs must be bonded in the amount of \$20,000.

*Note: This policy is not applicable to Federal Procurement actions.*

**Please contact Virginia Logos locally in Richmond at (804) 754-0970 or toll free at (800) 229-2809 prior to initiating the use of third party vendors.**

- SAMPLE CONTRACT -

Virginia Logos  
Participation Agreement  
Supplemental Guide Sign

Date Sent: 2/1/2016  
Contract # 191-814951

Clarke County

Tourist Info Center at Barnes of Rose Hill />

**Customer Name**

**Trade Name**

**Store**

95 Chalmers Court Berryville, VA 22611

(540) 955-5100

**Customer Location Address**

**Phone**

95 Chalmers Court Berryville, VA 22611

(540) 955-5100

**Customer Billing Address**

**Phone**

Mr. Ash

**Contact Person**

Customer hereby authorizes and instructs Virginia Logos (VL) to install and maintain Supplemental Guide Signs ("SGS") as described below, or as per list attached. Terms of this Agreement (Contract) are subject to the Virginia Department of Transportation (VDOT) Participation Criteria, policies, procedures, rules, and regulations.

In consideration of the terms and conditions contained herein, Customer hereby promises and agrees to pay VL the following:

**Customer will pay for any agreed upon maintenance and/or construction costs including associated administrative cost.**

**Annual Fee\*, Major Sign (12 sq' and over): \$700 per sign (prorated at \$58.33 per month)**

**Annual Fee\*, Minor Sign (under 12'sq): \$250 per sign (prorated at \$20.83 per month)**

**\*For Commercial Entities Only, except Wineries. Wineries are charged \$450 per year for each set of up to five (5) signs. Cost associated with the maintenance fee for Wineries shall be paid by VDOT.**

Annual Fees are due on September 30th of each year. New Customers will be billed a prorated amount to ensure that all contracts have a billing date of September 30th. This prorated amount will be based on the customer's installation date and will be no shorter than seven (7) months.

County	Clarke				
Route	Crossroad	Sign Message	Traffic Direction	Major or Minor	Annual Fee
R 007	BS 007	Tourist Info Center at Barnes of Rose Hill />	East	Major	\$0.00

*\*See additional list of signs (where applicable)*

VL will fabricate the actual signs and/or erect the signs for each location within six (6) weeks of the receipt of all materials.

Customer understands that VL will charge the Customer an agreed fee to fabricate, install, and maintain the signs and structures in accordance with VL's contract with VDOT under the State's Integrated Directional Sign Program (IDSP). Customer represents and warrants that it is, and will continue to be during the term of this contract and any extensions thereof, a facility or establishment listed under VDOT's "Acceptable Sites" for Supplemental Guide Signs, with all facilities and operations for such service required for participation as a Supplemental Guide Sign, as outlined in VDOT participation criteria, policies, procedures, rules, and regulations pertaining to Supplemental Guide Signs. This includes the right of VDOT to increase the participation fee, as of October 1st of any year. In the event that VDOT exercises its right to increase the participation fee, VL shall have the right to increase the payments due hereunder by providing thirty (30) days prior written notice to Customer. Billing for new customers will be rendered following the date of installation and will be paid within thirty (30) days of receipt. The annual fees, if applicable, will be due on September 30th of each year. The Customer agrees that it fully understands the eligibility requirements and has completed the participation application. The Customer also agrees to allow VL or VDOT personnel to inspect the location for compliance with the State Criteria. Customer further hereby agrees, notwithstanding anything contained herein to the contrary, that in the event that VL's contract with VDOT is terminated for any reason, then this Contract shall immediately terminate upon written notice to the Customer. Upon such termination, all unpaid amounts due from Customer to VL shall be immediately due and payable.

Nothing herein shall prohibit Customer from giving written notice to terminate this Agreement at any time, however, in such event, Customer will have accelerated the end of the applicable terms and may lose its right to participate in the Supplemental Guide Sign Program in accordance with the participation criteria, policies, procedures, rules and/or regulations. No refunds will be given to Customers who choose to cancel their Contract. Any written notice required under this Contract shall be given to the other party by regular mail, postage prepaid, with sufficient proof of mailing which may be either a United States postal certificate of service confirming such mailing prepared by the sender.

The parties agree that this Contract may be delivered and executed electronically, in accordance with the provisions of the Uniform Electronic Transactions Act, as set forth in Section 59.1-479, et seq., of the Code of Virginia. VL Initial \_\_\_\_\_ Customer Initial \_\_\_\_\_

This Contract is signed and accepted subject to the standard conditions attached and all rules and regulations set for by VDOT pertaining to the State's Integrated Directional Sign Program and the Virginia Supplemental Guide Sign Program.

Accepted this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

**CUSTOMER:** \_\_\_\_\_

**VIRGINIA LOGOS**

**By:** \_\_\_\_\_

**By:** \_\_\_\_\_

**Print:** \_\_\_\_\_

(Virginia Logos General Manager)

Date of Installation: \_\_\_\_\_

**Title:** \_\_\_\_\_

STANDARD CONDITIONS

1. **CLARIFICATION OF TERMS OF THE CONTRACT.** The terms Virginia Logos (VL) and "Customer" when used herein shall include either singular or plural, masculine or feminine as the case may be; and the provisions of this Contract shall bind the parties mutually and their heirs, executors, administrators, successors, and assigns. Whenever "VL" is used in this contract it shall refer to Virginia Logos, a subsidiary of Interstate Logos, LLC. Supplemental Guide Signs means separately attached sign mounted on a Supplemental Guide Sign structure to direct motorists to a customer's qualified establishment or facility, on a crossroad at or near an intersection maintained by VL in accordance with its contract with the Virginia Department of Transportation (VDOT). Contract includes the Participation Agreement, the Standard Conditions attached thereto, and any addenda as may be applicable such as in the case of a Winery Business. A reference to days in this Contract means calendar days unless the reference to business days is expressly stated. Business days for purposes of this Contract mean any calendar day excluding weekends and official holidays of the Commonwealth of Virginia (New Year's Day; Lee-Jackson Day; Martin Luther King, Jr. Day; George Washington's Day; Memorial Day; Independence Day; Labor Day; Columbus Day and Yorktown Victory Day; Veterans Day; Thanksgiving Day; Day After Thanksgiving; and Christmas Day).

2. **MAINTENANCE AND REPAIRS.** VL will inspect the sign and sign structure upon receipt of a \$100 non-refundable maintenance inspection fee. Customer shall notify VL of any damage to or disrepair of the sign or the sign structure and within 15 business days of discovery, VL shall notify Customer of any damage to or disrepair of the sign. All maintenance and construction cost will be the responsibility of the Customer.

3. **CANCELLATION AND REFUND.** In the event of termination of the Contract between VL and VDOT, Customer will receive a refund from VL for any unearned portion of any payments made by Customer in accordance with this Contract.

4. **CUSTOMER** represents and warrants that it is, and will continue at all times during this Contract, to be in conformance with all applicable laws and regulations concerning the provisions of public accommodations in its business and shall not discriminate in any way with respect to race, creed, color, sex, religion, age, national origin, or accessibility by the handicapped.

5. **COMMENCEMENT OF CONTRACT.** The commencement date for service is the actual date of completion of installation.

6. **ART WORK OR SIGN DESIGN.** If VL is requested by Customer to submit art work/sign design, then said art work/sign design submitted by VL shall be approved or substitute art work/sign design shall be furnished by Customer within ten (10) days after submission. In case of default in furnishing or approval of art work by Customer, then commencement of service shall be deemed to occur on the dates on which the various spaces are available for service. Customer warrants that approved art work does not infringe upon any trademark or copyright, state or federal. Customer, with the exception of Federal, State, City, Town, or County Government agencies; agrees to defend, indemnify, and hold VL and VDOT free and harmless from any and all loss, liability, claims, and demands, including attorney's fees, arising out of the character, contents, or subject matter of any design displayed pursuant to this Contract. VL reserves the right to reject any design not acceptable to VDOT.

7. **ACCEPTANCE OF CONTRACT.** This Contract shall become binding upon execution of a duly authorized officer or agent of Customer and acceptance by an officer of VL. VL retains the rights to check credit and to not accept this Contract. If VL has executed this Contract prior to acceptance by Customer, such execution shall be deemed null and void by VL without notice, if not accepted by Customer and delivered to VL within fifteen (15) days after execution by VL. The agent, officer or employee of Customer who has executed this Contract hereby represents that he is duly authorized to make this Contract on behalf of the Customer. Customer affirmatively agrees to advise VL whenever there is a change in ownership or change of address. If Customer fails to notify VL of a change in ownership or change of address, Customer is fully liable for any contractual obligations that arise from the failure to give VL such notice. This Contract may be assigned by Customer, upon prior written consent by VL, which shall not be unreasonably withheld, provided that the assignee can fulfill the terms and conditions of this Contract, the Participation Criteria, policies, procedures, rules and regulations, pertaining to the Virginia Supplemental Guide Sign Program and further provided that the assignee will use the Customer's existing Supplemental Guide Signs.

8. **SEVERABILITY.** This Contract is to be governed by and construed according to the laws of the Commonwealth of Virginia. Any provision of this Contract which is prohibited or unenforceable in any jurisdiction shall, as to such jurisdiction, be ineffective to the extent of such prohibition or un-enforceability without invalidating the remaining provisions hereof, and any such prohibition or un-enforceability in any jurisdiction shall not invalidate or render unenforceable such provisions in any other jurisdiction. To the extent permitted by applicable law, Customer hereby waives any provision of law which renders any provision hereof prohibitive or unenforceable in any respect.

9. **VL AND VDOT NOT LIABLE FOR DAMAGES ARISING OUT OF THIS CONTRACT.** VL and VDOT shall not be liable for loss or damage of any kind whatsoever, arising out of the Customer's participation in the Virginia Supplemental Guide Sign Program in accordance with the terms of this Contract, or the Participation Criteria, policies, procedures, rules, and regulations.

10. **THIS CONTRACT,** front and back, as well as the Participation Application, the Standard Conditions attached thereto, and any addenda as may be applicable, constitutes the entire agreement between Customer and VL. VL shall not be bound by any stipulation, condition, or agreement, not set forth herein. Waiver by VL of any breach of any provision of this Contract shall not constitute a waiver of any other breach of that provision or any other provision. Notwithstanding the foregoing, this Contract is subject to the Participation Criteria, policies, procedures, rules, and regulations, pertaining to the Virginia Supplemental Guide Sign Program in effect and as modified during the term of this Contract and any renewal contracts.

11. **TERMINATION FOR DEFAULT.** The Contract will be terminated and Customer's signs will be removed for default if the location or facility ceases to exist; Customer fails to make payment of any associated fee, is found in non-compliance with the provisions of this Contract, the Participation Criteria, policies, procedures, rules, or regulations pertaining to said Program, provided that such non-compliance are not corrected within thirty (30) calendar days of written notice, given to the other party by regular mail, postage prepaid, with sufficient proof of mailing which may be either a United States postal certificate of mailing or a certificate of service confirming such mailing prepared by the sender.

12. **VDOT MAINTENANCE OR RECONSTRUCTION.** Both parties acknowledge that it may be necessary for VDOT to temporarily close various portions and interchanges of a roadway for purposes of maintenance or reconstruction. Customer has no claim whatsoever against VL, VDOT or the Contractor for disruption of signing and/or access resulting from such highway closures, or any damages claimed to have arisen there from. If at any time, a Supplemental Guide Sign or its structure is not in service for a period exceeding seven (7) days, VL may reimburse the annual fee of the affected business on a prorated basis. Such reimbursement may include the initial seven (7) day period. If permanent removal of a Supplemental Guide Sign or structure is required for any reason, this Contract shall become null and void and a prorated amount of any payments made by Customer will be reimbursed to the Customer.

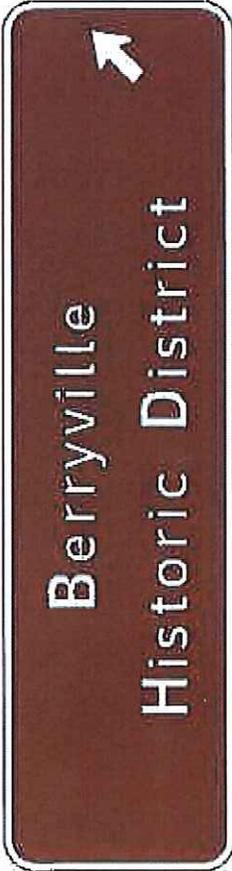
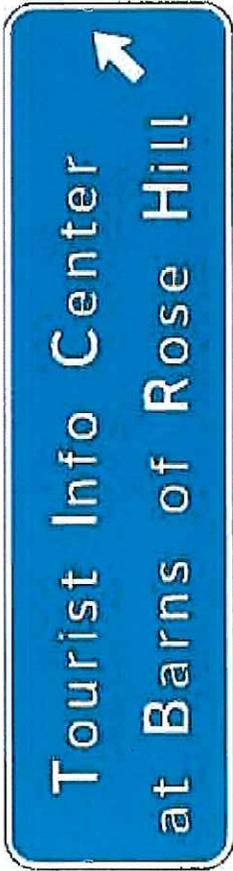
FOR OFFICE USE ONLY

Market Code-

Account # -

# SR 7 Eastbound at BS 7

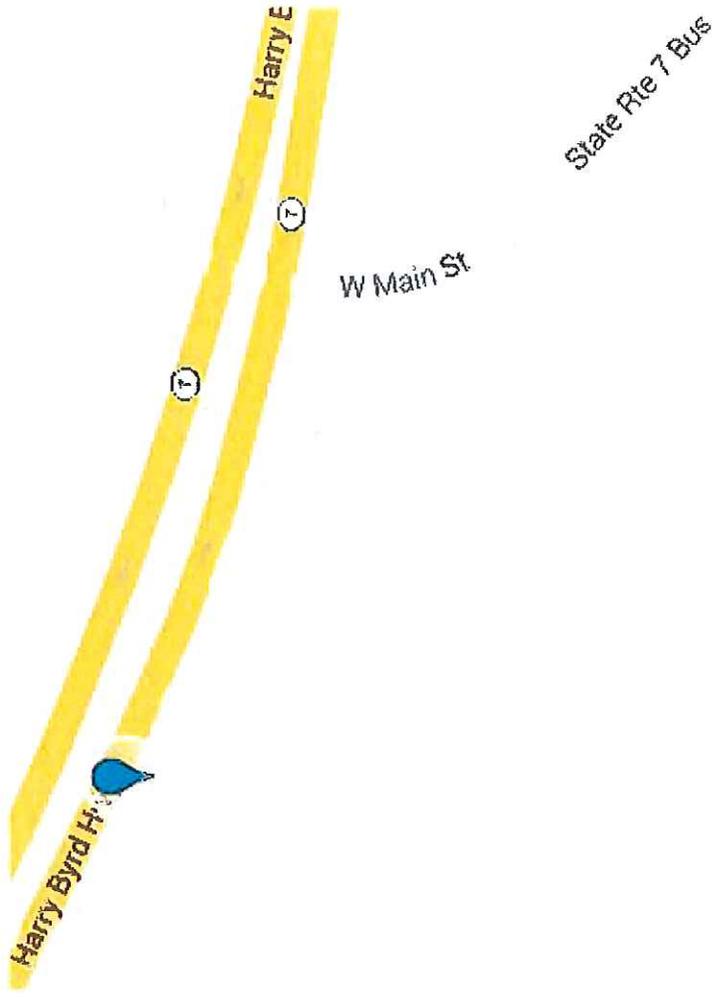
814951



814952

9.5'x2.5' - TIC

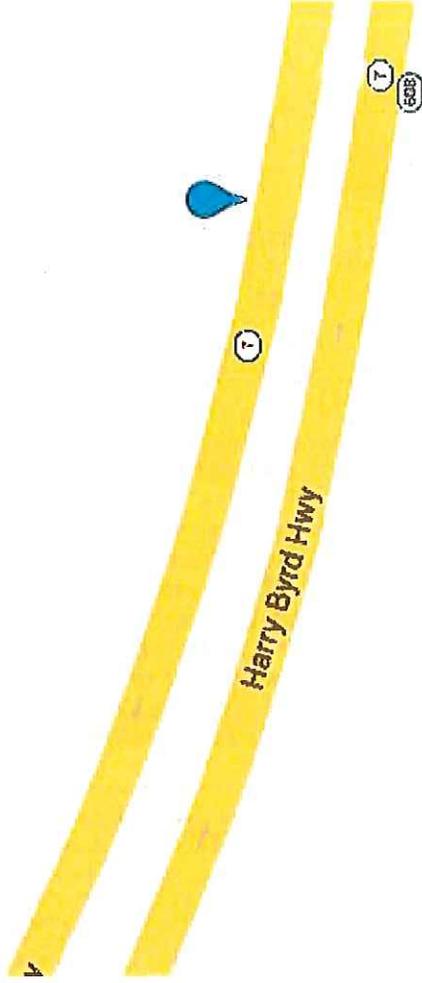
9.5'x2.5' - HD      \$5,284.16



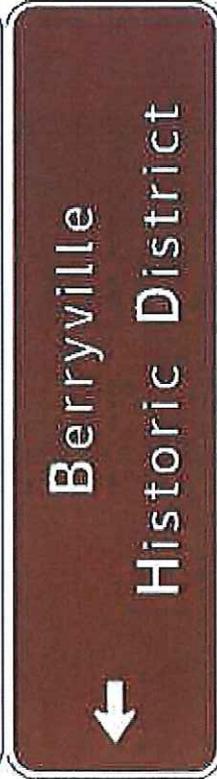
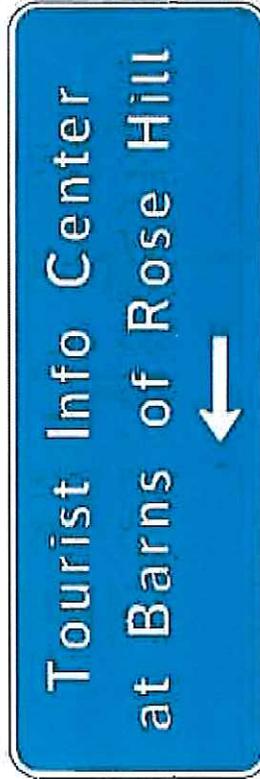
New square tube post installed 100' after the route marker and 150' before the Berryville sign.      39.16859  
-78.00740

# SR 7 Westbound at BS 7

39.14320  
-77.95309



814953



814954

9'x3' - TIC

9'x2.5' - HD

New square tube post structure installed 50' past the CR 608 crossover, behind the guardrail.

\$4,601.73

**US 340 Southbound at Main St**

814955



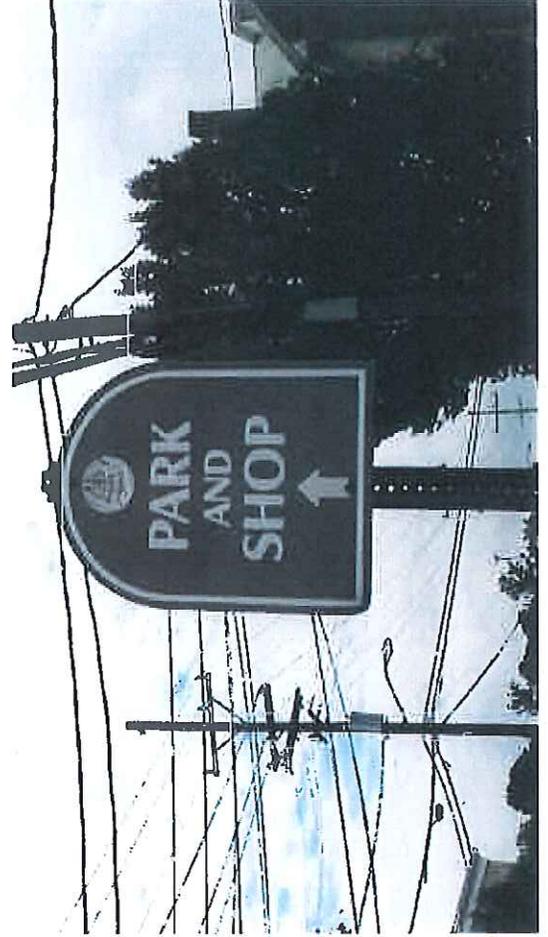
2.5'x2.5'



39.15218  
-77.982276

Add this sign to the Park and Shop location, upgrading the structure to a new square tube post structure.

\$2,335.88



# US 340 Northbound at Main St

214956



2.5'x2.5'

39.150852  
-77.982801



Build a new 1 post STP structure 10' in front of the existing VDOT structure for Frederick, Washington, and Winchester. Sign will be offset so to not block the VDOT sign.

**\$1,754.88**

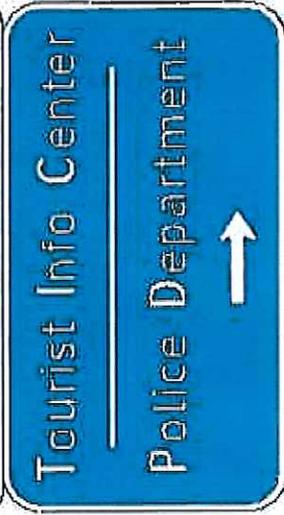


# BS 7 Main Street Eastbound at Chalmers Ct

814957



4.5'x1.5'



4.5'x2.5'



2'x2'



State Rte 7 Bus  
Chalmers Ct

Chalmers Ct

39.14974

-77.97878

\$2,986.88



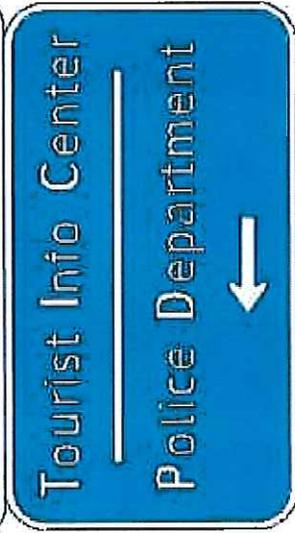
Remove the white, double sided sign and install these three signs on a new square tube post structure at the new location staked prior to the turn.

# BS 7 Main Street Westbound at Chalmers Ct

214458



4.5'x1.5'



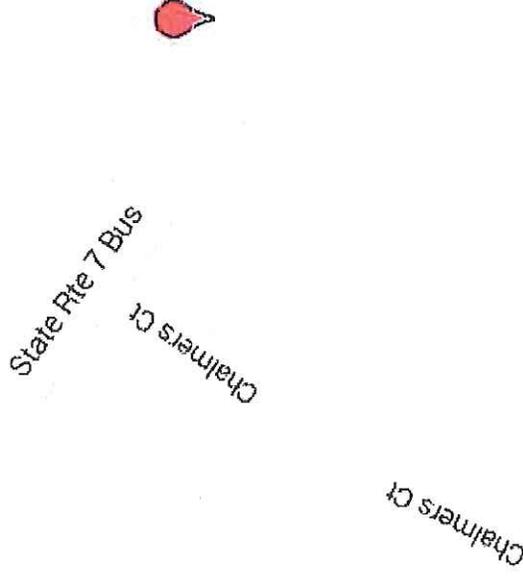
4.5'x2.5'

39.14999  
-77.97959



2'x2'

\$2,986.88



Remove the white, double sided sign and install these three signs on a new square tube post structure at the new location staked prior to the turn.

39.14999 -77.979596

**BERRYVILLE TOWN COUNCIL  
COMMUNITY IMPROVEMENTS COMMITTEE  
Wayfinding Signage  
March 1, 2016**

---

In 2011, Frazier Associates conducted meetings including community stakeholders to design four proposed designs for wayfinding signage. A program offered through Virginia Main Street, the Town was eligible for this free service due to its participation in the program. Designs were vetted and it was determined that the 1950's era signage be used to brand the Town through this directional signage system.

In a Suggested Scope and Estimated Cost submitted to the Town by Frazier Associates dated October 15, 2015, process and cost estimates were presented. Staff contacted Frazier in January, 2016 to confirm the costs were still valid and they indicated that projected costs will remain the same. Phase One, consisting of three specific tasks, is estimated to cost \$10,000.

Staff has requested that \$10,000 be added to the Capital Improvements Program for the FY 16-17 Budget in order to begin the process of establishing wayfinding signs in the Town of Berryville. This signage will create a brand for the Town and assist in future tourism efforts by identifying directions to respective business and tourist-related locations.

Frazier Associates' suggested Scope of Work and Estimated Costs follows this report. Staff is requesting input on the proposed signage system and budget request. Images of the signage will be available at the meeting.



# FRAZIER ASSOCIATES

ARCHITECTURE

HISTORIC  
PRESERVATION

COMMUNITY  
DESIGN

COMMUNITY  
GRAPHICS

## WAYFINDING SIGN SYSTEM - TOWN OF BERRYVILLE

Suggested Scope of Work and Estimated Cost  
October 15, 2015

### BACKGROUND

In the fall of 2011, Frazier Associates through the Virginia Main Street Program, provided wayfinding design assistance to the Town of Berryville. A report that included an assessment of wayfinding needs as well as four design options for a system was delivered to the Town. A group of citizens was surveyed to determine which of the design options at that stage of the design process fit the character of the Town. Those survey results are a part of the report as well.

We suggest the following steps to move forward with the development of the wayfinding system. Because VDOT maintains the right of way through the Town, the process will need to include the VDOT guidelines and approval process. Frazier Associates has worked with VDOT on a number of regional systems and is currently working on a system for the Town of Gordonsville. The draft VDOT guidelines for wayfinding include many approval steps and we have worked with VDOT to streamline the process for smaller communities. It should be noted here that this streamlined process is not policy and that VDOT and the Commonwealth Transportation Board has not yet formally adopted the wayfinding guidelines. What follows is our best estimate of the process and products that will be required to implement custom wayfinding in Berryville.

### PHASE ONE

#### TASK A: "LISTEN, LOOK AND LEARN" - INFORMATION GATHERING

1. A Wayfinding Task Group is established to ensure that the right community players are at the table. The role of the Task Group is to guide the project from start to finish. Frazier Associates can assist with formulating Task Group as needed.

The role of the Task Group is to:

- Provide inspiration;
  - Represent a comprehensive cross-section of the community – (representatives of the Main Street Program, key destinations, etc);
  - Provide technical input – (Potential members may be representatives from VDOT (required), local planning department and public works); and
  - Facilitate successful implementation – (Potential members may be a representative of City Council, Planning Commission, public works, etc.);
  - Consultants – Frazier Associates (FA) provides graphic design and architectural services and guidance to meet all VDOT Wayfinding Guideline requirements for implementation.
2. Existing wayfinding report will serve as the basis for the project.
  3. Any additional information is gathered on VDOT wayfinding guidelines and how they will impact the Berryville sign system.



## WAYFINDING SIGN SYSTEM - TOWN OF BERRYVILLE

Suggested Scope of Work and Estimated Cost  
October 15, 2015

### 4. Site Visit #1:

Kick-off meeting with Wayfinding Task Group and Tours

- A. Meet with the Task Group and refresh the goals of the project and review the design process to date and schedule. Based on the 2011 proposed designs, determine the preferred design option. (For instance, is there a design that the Task Group is ready to move forward with or is there a desire to refine one of the schemes. Completely new design options are not a part of this scope.) The list of preferred destinations along with criteria for including destinations on vehicular wayfinding signs will be reviewed and the final destinations will be determined. FA and VDOT representative will review new state wayfinding guidelines with Task group and explain the VDOT review process requirements.
- B. FA conducts a detailed reconnaissance of the Town to confirm key routes and potential locations for new signs.
- C. FA will inventory and photograph existing signs and identify their locations as part of VDOT requirements.

5. A preliminary base map is created showing routes and key destinations.

Cost: \$2,450.00 including expenses

### TASK B: "CREATIVE OPTIONS" -- SCHEMATIC DESIGN & PROGRAMMING

1. Based on the input from Task A, one schematic option is further developed for the wayfinding sign system. The sign components to be considered include gateway signs, trailblazer directional signs and parking directional signs.
2. "Go To Meeting" - #2:
  - A. A presentation of the refined design option is made to the Wayfinding Task Group. A facilitated discussion about the option follows, and at the end the group reaches a consensus on the design.
  - B. The destinations are finalized with the Task Group.
3. Based on the input of "Go To Meeting - #2, the preferred design option is developed and applied to the various sign components in the system.
4. The sign schedule is developed including the location and content of each sign in the system. This is referred to as the sign program. For VDOT purposes, a brief description of each destination's cultural, recreational or historical significance will need to be prepared as a part of the program.
5. A preliminary implementation cost estimate is developed.
6. The final schematic design, sign program and cost estimate is delivered to the Task Group for review and approval. If needed, a conference call with the Task Group can be conducted through GoToMeeting (#3).

Cost: \$4,100 including expenses

## WAYFINDING SIGN SYSTEM - TOWN OF BERRYVILLE

Suggested Scope of Work and Estimated Cost  
October 15, 2015

### TASK C: VDOT REVIEW

1. A budget, funding sources and maintenance plan for the wayfinding system is developed as per VDOT requirements.
2. Create programming document complete with dimensions and content of all signs indicated on map in their general locations as per VDOT requirements.
3. VDOT REVIEW #1 - Submit Wayfinding Design Plans to VDOT for review. VDOT will review and provide comments to the Applicant within 45 days of submittal.
4. Make revisions per VDOT review.

Cost: \$3,450 including expenses

TOTAL COST PHASE ONE: TASK A-C: \$10,000 including expenses

### PHASE TWO

#### TASK D: CONSTRUCTION INTENT DOCUMENTS

1. Based on input from Phase One: Tasks A-C, the design for the system is finalized.
2. Construction Intent Documents are created for each individual sign.
3. A Maintenance Plan of the wayfinding system is finalized as required by VDOT Wayfinding Guidelines.
4. Note: VDOT has agreed to allow the construction intent document (CID) to be put out to bid prior to sign system being fully engineered with the understanding that the sign fabricator awarded the project shall be responsible for producing fully engineered shop drawings to VDOT's specifications. Sign fabricator shall coordinate with VDOT and submit fully engineered shop drawings for review and approval prior to sign fabrication. Upon approval, VDOT will issue sign permit to implement sign system in their right-of-way.
5. Client to review construction intent documents.
6. VDOT REVIEW #2: Construction intent documents submitted to VDOT for final review (process within 45 days of submittal).

TOTAL COST PHASE TWO: TASK D: \$10,000 including expenses

### PHASE 3

#### TASK E: BIDDING AND NEGOTIATION

1. Site visit #2 – Prebid meeting
2. Respond to Requests for Information (RFI's)
3. Review of bids and recommend award

Cost: \$3000 including expenses

WAYFINDING SIGN SYSTEM - TOWN OF BERRYVILLE

Suggested Scope of Work and Estimated Cost  
October 15, 2015

Task F – Fabrication and Installation Task (schedule dependent upon contractor)

1. Review of shop drawings
2. Site Visit #3 – Visit during fabrication and start of installation
3. Site Visit #4 - Final project inspection, create punch list document of required corrections

Cost: \$4500 including expenses

TOTAL COST PHASE 3: TASK E-F: \$7,500 including expenses

VDOT REVIEW #3 – Community to submit final documentation, as-built plans and maintenance plan to VDOT. In addition, VDOT requires a performance assessment of the installed signs (at 6 months and 1 year intervals).

FA assumes that Town staff will manage VDOT Review #3.

Total Estimated Cost:

\$ 27,500 including expenses over 3 years

**BERRYVILLE TOWN COUNCIL  
COMMUNITY IMPROVEMENTS COMMITTEE  
Discussion - Street Lights  
March 1, 2016**

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Recorder Arnold spoke with Mr. Dalton asking whether the Town could examine transitioning our street lights from mercury vapor and sodium vapor to LED. Mr. Dalton contacted Rappahannock Electric Cooperative (REC) representatives who have indicated they would like to discuss the matter with the Town. Mr. Dalton anticipates that a staff level meeting will be held with REC within the next several weeks.

It is anticipated that this light replacement will reduce light pollution and save electricity. It appears that the Town will not realize any savings in the short-term because of the initial cost of replacing the lights. The costs have not yet been determined.

Staff is requesting input and direction on this matter.