

**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 29, 2016
5:00p.m.**

1. **Call to Order** – Allen Kitselman, Chairman
2. **Discussion** – Tourism Zone
3. **Discussion** – Tourist Oriented Directional (TOD) Signage
4. **Discussion** – Wayfinding Signage
5. **Discussion** – Proposed changes to street lights
6. **Discussion** – Draft of L-2 Industrial Zoning District
7. **Other**
8. **Adjourn**

**BERRYVILLE TOWN COUNCIL
COMMUNITY IMPROVEMENTS COMMITTEE
Tourism Zone
March 29, 2016**

Several updates to the Tourism Zone maps and proposed Town Code Section 6-19 have been made since the March 1, 2016 Community Improvements meeting. Recreation is now included in all three proposed Tourism Zones as an eligible land use. While the western Entrance Corridor Tourism Zone is located in Annexation Area B, these properties have not been annexed into the Town. Future consideration for these parcels should be discussed at the time of annexation.

Updated code language and proposed Tourism Zone maps are included with this staff report.

March 1, 2016 Staff Report

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.

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.

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.

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.

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 Recreation Second story apartments/condominiums
Entrance Corridor Tourism (ECT)	Retail Dining Lodging Entertainment* Culture & Art Personal Services & Offices Agritourism Recreation
Community Business Tourism (CBT)	Retail Dining Lodging Entertainment* Personal Services & Offices Recreation

*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.

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.

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.

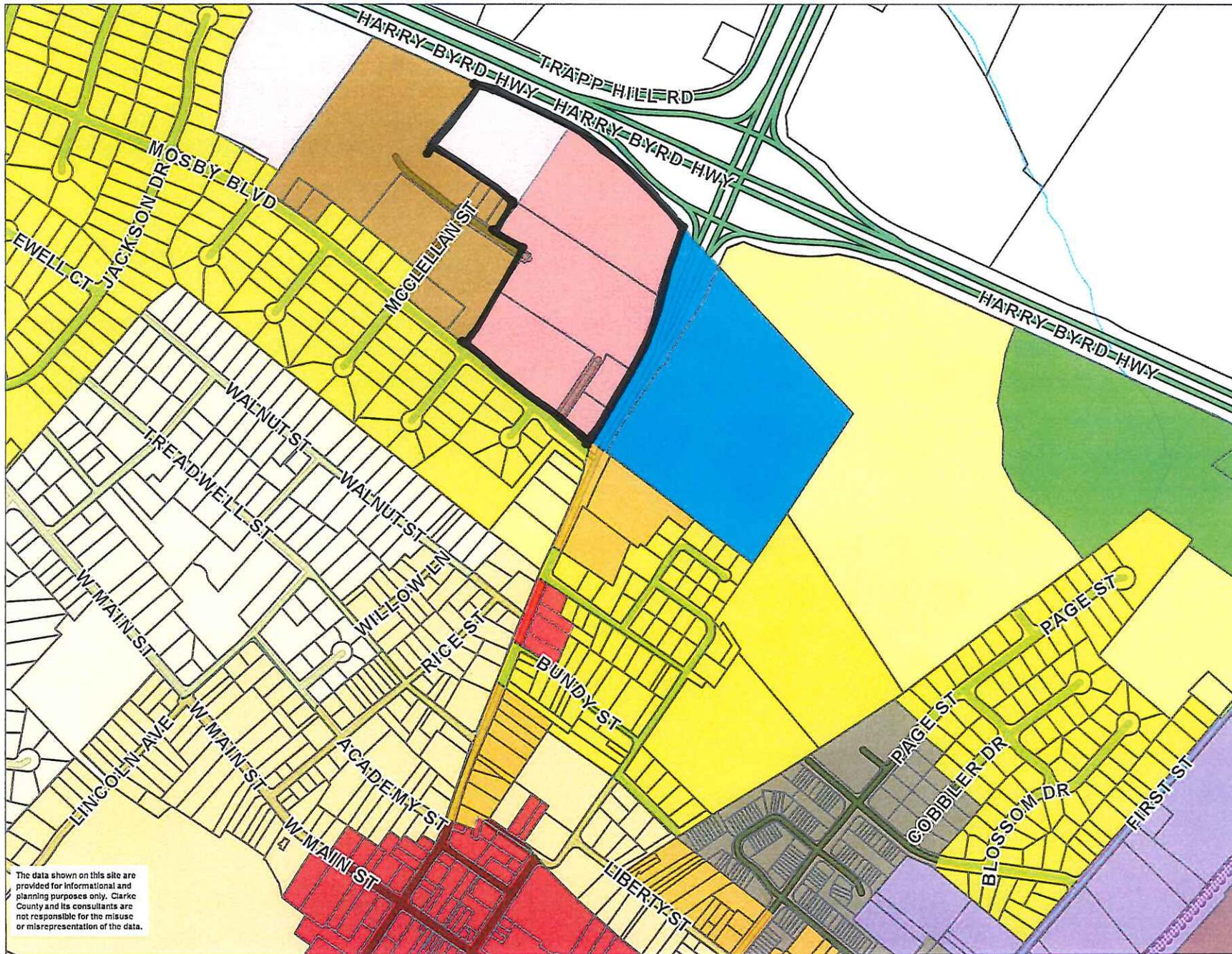
Signature of Applicant: _____ Date: _____

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.

ENTRANCE CORRIDOR TOURISM ZONE



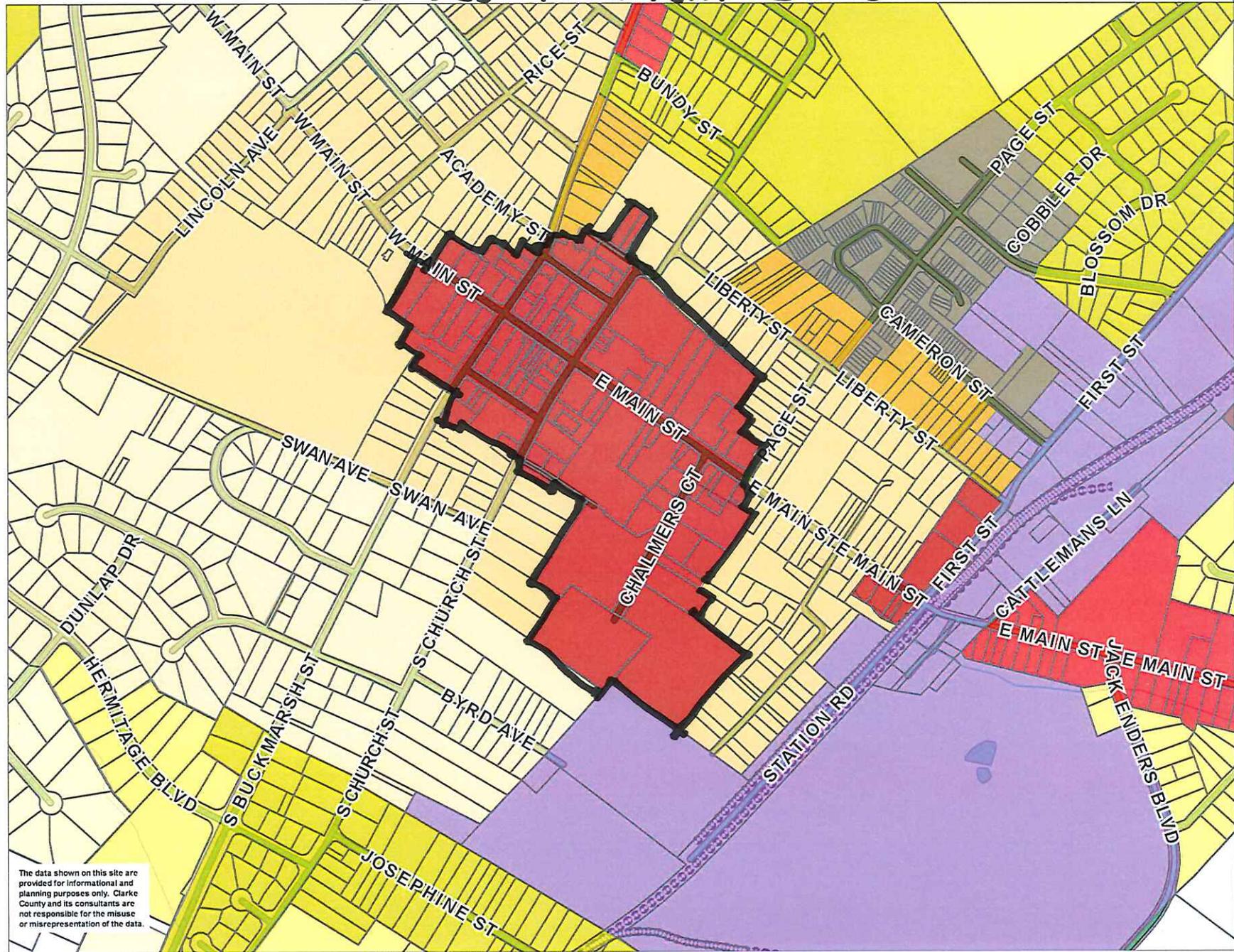
- Points of Interest
- Parcels
- Berryville Zoning
 - Detached Res-1 (DR-1)
 - Detached Res-2 (DR-2)
 - Detached Res-4 (DR-4)
 - Residential-1 (R-1)
 - Residential-2 (R-2)
 - Residential-3 (R-3)
 - Attached Res (AR)
 - Older Persons Res (OP)
 - Open Space Res (OSF)
 - Business (B)
 - Business Park (BP)
 - Bus Commercial (BC)
 - Light Commercial (C-1)
 - Downtown Commercial (C)
 - Light Industrial (L-1)
 - Institutional (ITL)
- 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

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.



Printed on 03/22/2016 at 11:54 AM

DOWNTOWN BUSINESS TOURISM ZONE



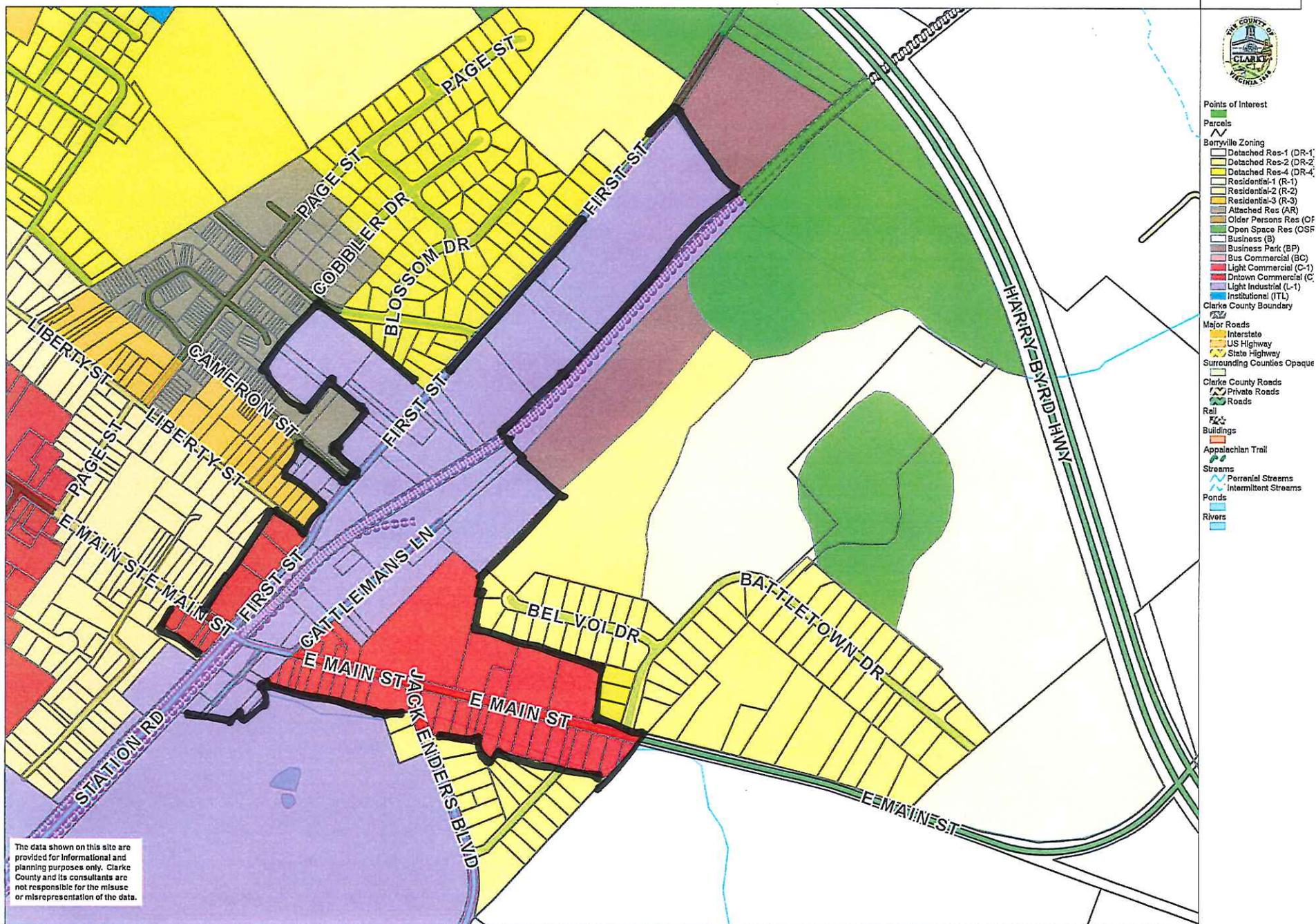
- Points of Interest
- Parcels
- Berryville Zoning
 - Detached Res-1 (DR-1)
 - Detached Res-2 (DR-2)
 - Detached Res-4 (DR-4)
 - Residential-1 (R-1)
 - Residential-2 (R-2)
 - Residential-3 (R-3)
 - Attached Res (AR)
 - Older Persons Res (OP)
 - Open Space Res (OSF)
 - Business (B)
 - Business Park (BP)
 - Bus Commercial (BC)
 - Light Commercial (C-1)
 - Downtown Commercial (C)
 - Light Industrial (L-1)
 - Institutional (ITL)
- 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

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.

0 800 1600 ft

Printed on 03/22/2016 at 11:52 AM

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.

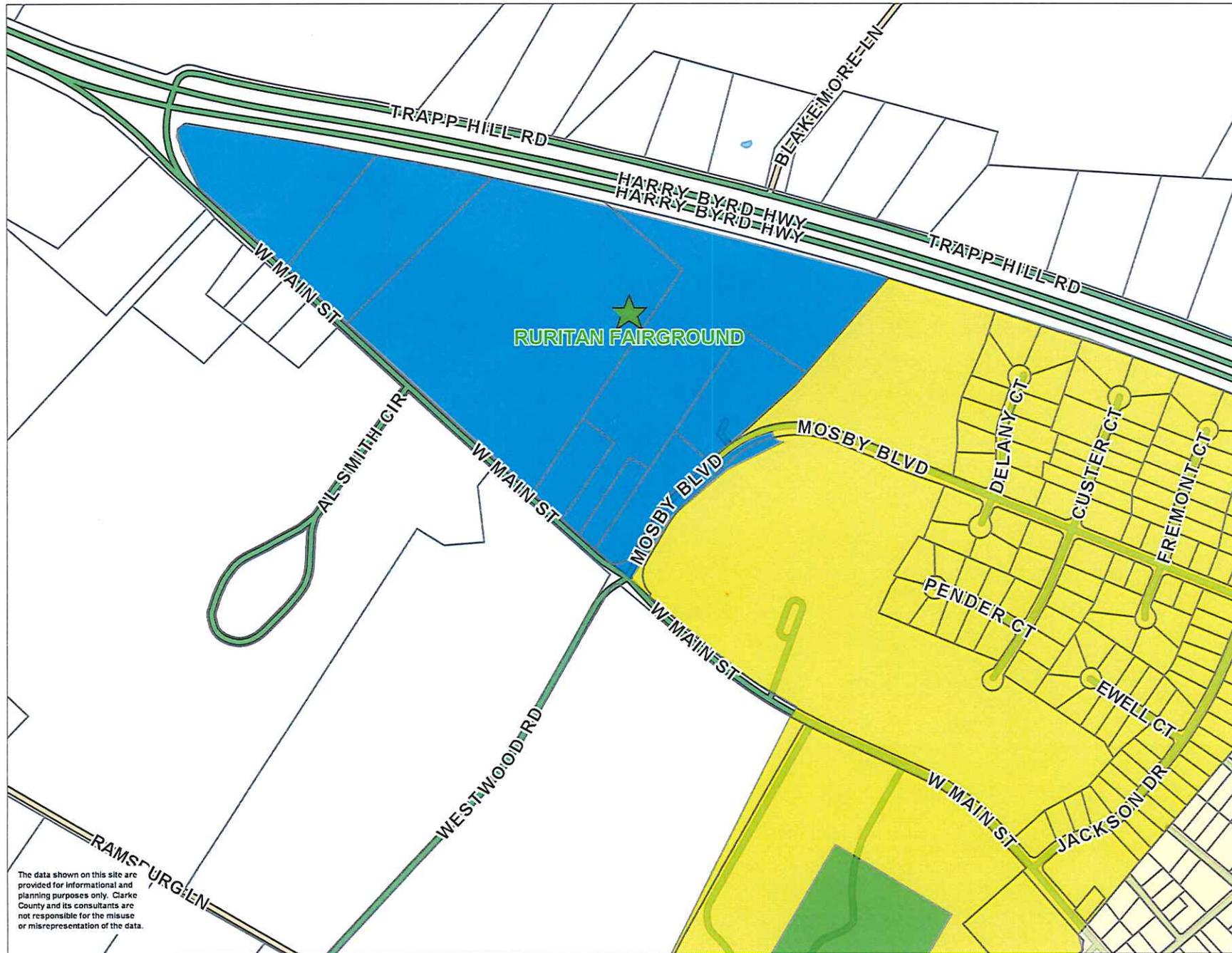
0 800 1600 ft

Printed on 03/22/2016 at 11:41 AM

Clarke County MapsOnline



- Points of Interest
- Parcels
- Berryville Zoning
 - Detached Res-1 (DR-1)
 - Detached Res-2 (DR-2)
 - Detached Res-4 (DR-4)
 - Residential-1 (R-1)
 - Residential-2 (R-2)
 - Residential-3 (R-3)
 - Attached Res (AR)
 - Older Persons Res (OP)
 - Open Space Res (OSF)
 - Business (B)
 - Business Park (BP)
 - Bus Commercial (BC)
 - Light Commercial (C-1)
 - Downtown Commercial (C)
 - Light Industrial (L-1)
 - Institutional (ITL)
- 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

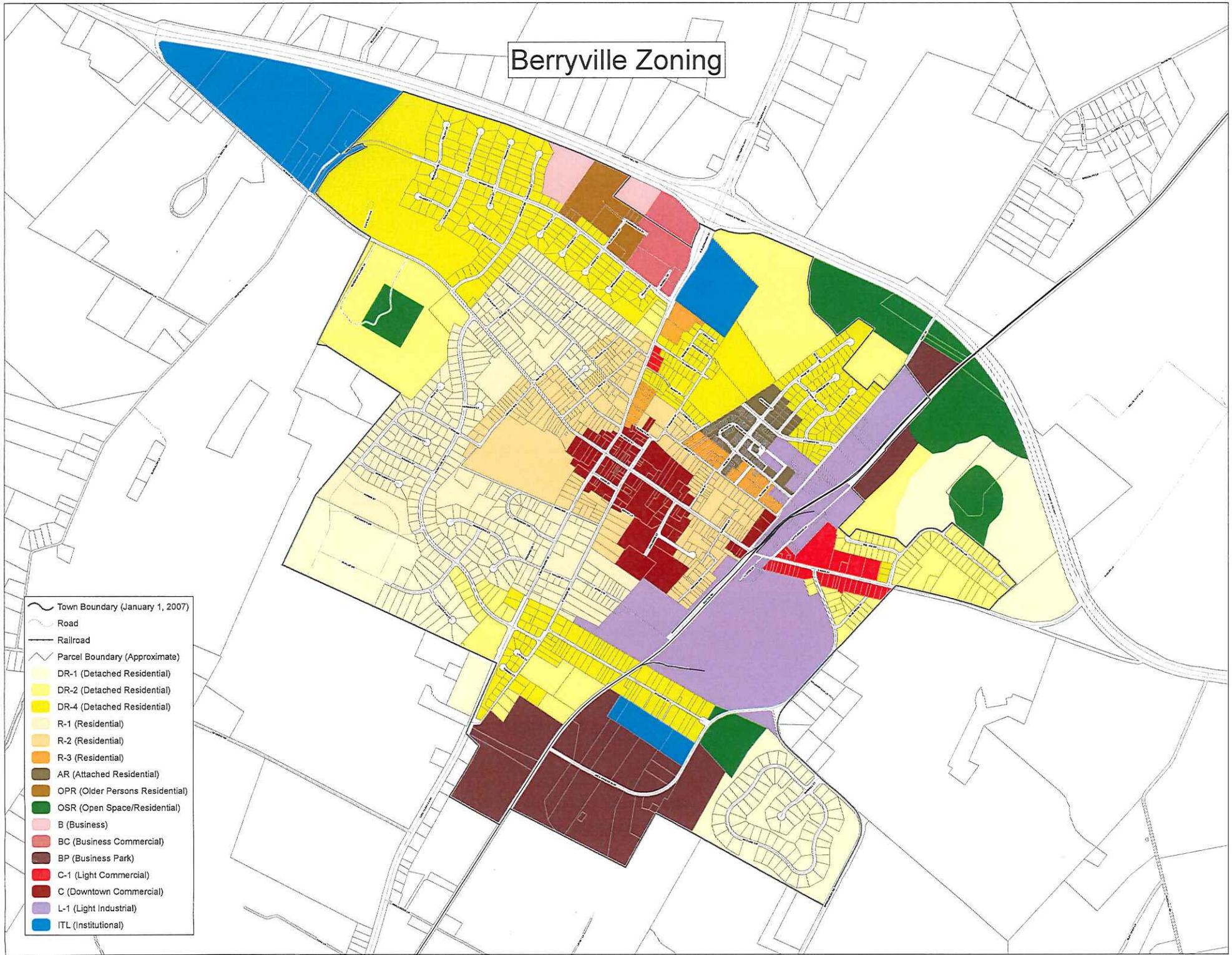


The data shown on this site are provided for informational and planning purposes only. Clarke County and its consultants are not responsible for the misuse or misrepresentation of the data.



Printed on 03/22/2016 at 11:55 AM

Berryville Zoning



**BERRYVILLE TOWN COUNCIL
COMMUNITY IMPROVEMENTS COMMITTEE
TOD Signage
March 29, 2016**

Updated costs were distributed to staff by the County on March 22, 2016 however there were some discrepancies in the final costs. Staff will keep Council updated on the progress of the TOD signage.

March 1, 2016 Staff Report

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.

**BERRYVILLE TOWN COUNCIL
COMMUNITY IMPROVEMENTS COMMITTEE
Wayfinding Signage
March 29, 2016**

No update on wayfinding signage.

March 1, 2016 Staff Report

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.

**BERRYVILLE TOWN COUNCIL
COMMUNITY IMPROVEMENTS COMMITTEE
Discussion - Street Lights
March 29, 2016**

LED streetlights were installed on Wednesday, March 16, 2016 at locations on Smith and Treadwell streets. Staff informed 12 residents in the area that the pilot program with Rappahannock Electric Cooperative was going to occur and requested input from them (correspondence follows this report). Two residents have responded thus far, both indicating they liked the light that was emitted (one liked the 40 watt, the other the 70 watt) by the LED. Staff will keep Council informed and will generate a report of comments to REC.

March 1, 2016 Staff Report

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.

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 10, 2016

The Town of Berryville and Rappahannock Electric Cooperative (REC) are discussing the benefits of converting the existing high pressure sodium street lights to LED lights throughout the Town. The pilot program will be on four existing light poles on Smith and Treadwell streets as indicated on the attached plan. The work will be completed on or before March 16, 2016.

We are requesting input on these new lights by March 28, 2016 in order to discuss the installation with Town Council Community Improvements Committee at their March 29, 2016 meeting in the AB Meeting room of the Berryville-Clarke County Government Center located at 101 Chalmers Court at 5:00pm.

According to *A Municipal Guide for Converting to LED Street Lighting*, benefits of LED lights include:

- improved nighttime visibility and safety through better color rendering, more uniform lighting distributions and the elimination of many dark areas between poles
- Reduced direct and reflected uplight which are the primary causes of urban sky glow
- 40-80% energy savings (depending on incumbent lighting source and lighting design criteria)
- 50-75% street lighting maintenance savings.

On the downside, there are two major obstacles to an LED street lighting conversion project:

- The first cost of an LED street light conversion will require a significant capital outlay. LED lights are considerably (2-4 times) more expensive than conventional HID "cobra-head" style lights.
- Because of the lack of standardized wattages and the complexities of getting new rates approved, most regulated Investor Owned Utilities (IOU's) today don't offer LED street light tariffs for unmetered street lights. Therefore, even if a city converts all of the street lights to LEDs and reduces the power consumption by 50% or greater, most IOUs will only reduce the street lighting bill slightly or not at all. However most IOU's are aware of the benefits provided by LED technology in street lighting and many are working to develop these tariffs.

SOURCE: Leotek Electronics USA LLC

(over)

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

Additional information on LED street lighting is available at the following web site:
LED Lighting Facts – A Program of the United States Department of Energy
<http://www.lightingfacts.com/>

You will see on the attached map that there will be two different wattages installed. Those on the west side of Smith Street south of Academy Street will be 70 watts and one installed on Smith north of Academy and at the intersection of Treadwell and Smith will be 40 watts.

Should you have any questions on the installation or the lights themselves, please contact me at planner@berryvilleva.gov or 955-4081.

We appreciate your input.

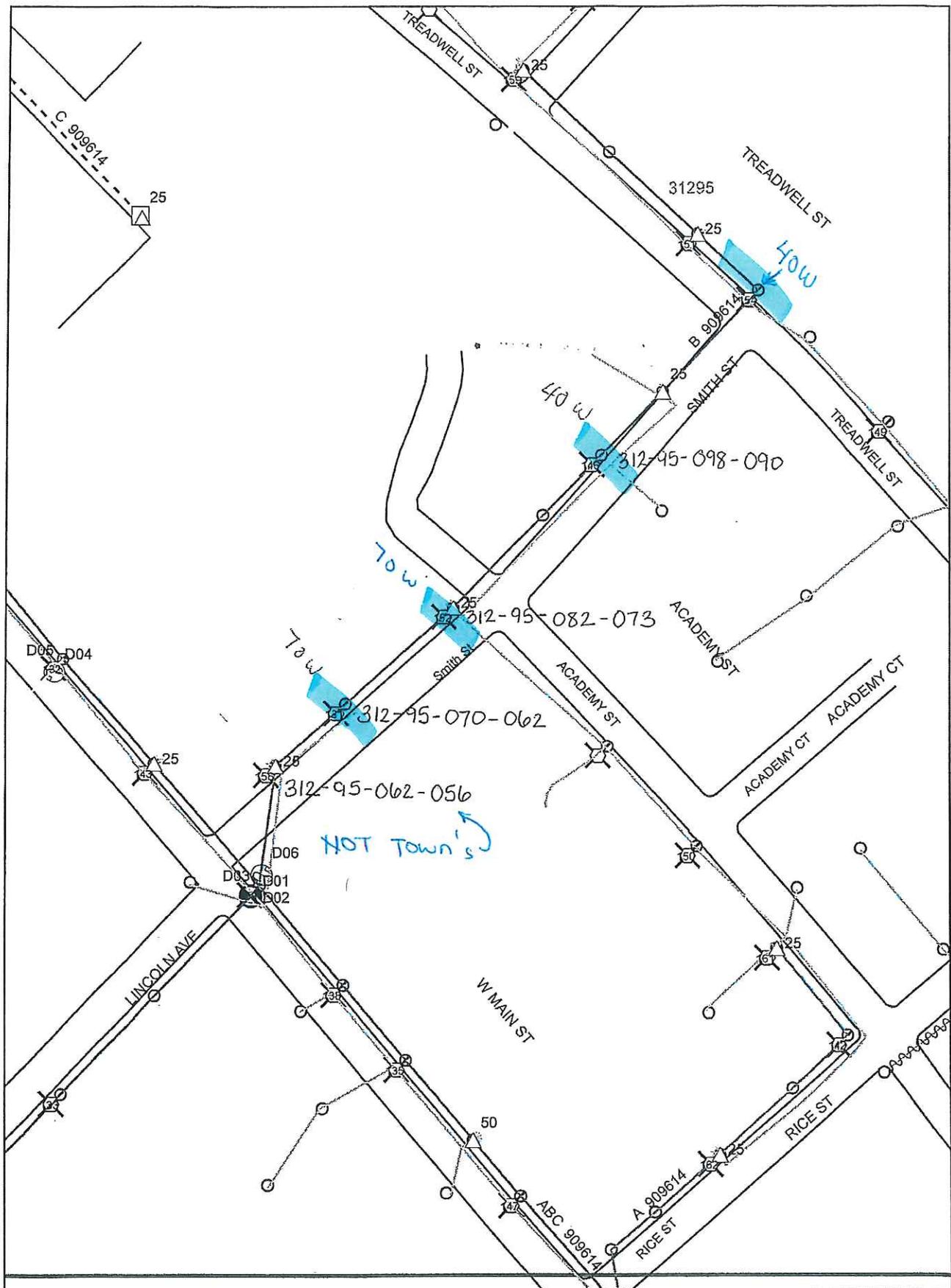
Sincerely,

A handwritten signature in black ink, appearing to read 'Christy Dunkle', with a long, sweeping tail that extends downwards and to the right.

Christy Dunkle
Assistant Town Manager

Cc: Town Council, via email
Keith Dalton, via email
Ann Phillips, via email

Enc./1



**BERRYVILLE TOWN COUNCIL
COMMUNITY IMPROVEMENTS COMMITTEE
Discussion – Establishing L-2 Zoning District
March 29, 2016**

Staff has been contacted by potential business owners interested in properties within the L-1 Industrial zoning district over the past year. While current zoning allows for some of the uses that have been discussed, staff is requesting that additional uses in an industrial-based zoning district be considered.

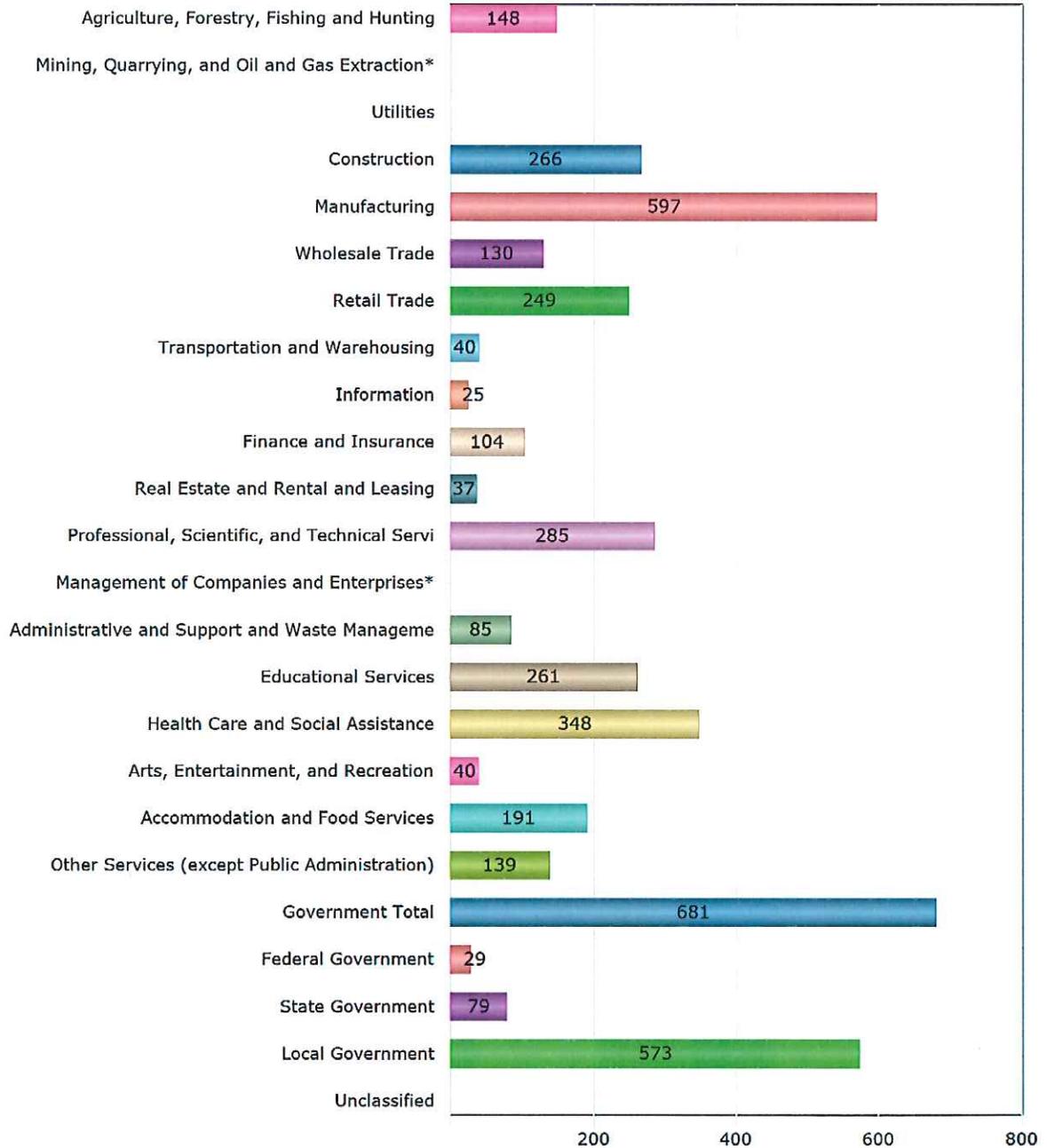
While a significant number of jobs in Clarke County are manufacturing, as identified on the Virginia Employment Commission's Employment by Industry chart included after this report, the second chart (New Hires by Industry) shows a significant drop in future manufacturing jobs. Today, growing trends for "postindustrial" urban areas emphasize tourism, revitalized downtowns and efforts to attract a "creative class" of workers. Industrial zoning should allow for redevelopment of infill areas, adaptive reuse of structures, and uses that encourage both. A balance of industrial/manufacturing employment opportunities should remain in Berryville which allow for living wages for workers with limited formal education. The Business Park (BP) zoning district in Annexation Area B and proposed in areas identified in the update of the Berryville Area Plan maintains a number of manufacturing uses as identified in Section 612 of the Berryville Zoning Ordinance.

Sensitivity to residential zoning districts along First Street and potential impacts of uses should be considered when discussing the opportunity for new uses in the proposed L-2 zoning district. Transportation links should also be discussed, particularly the intersection of First Street and East Main Street. Water and sanitary sewer facilities are located in this area with natural gas close by.

Staff is requesting a discussion concerning future uses and location of proposed L-2 zoning within the Town of Berryville.

The two charts referenced above, Section 609 L-1 Industrial, Section 612 BP Business Park, and draft Section 616 L-2 Industrial of the Berryville Zoning Ordinance follow this report.

Employment by Industry



Total: 3,740

Note: Asterisk (*) indicates non-disclosable data.

Source: Virginia Employment Commission, Quarterly Census of Employment and Wages (QCEW), 2nd Quarter (April, May, June) 2015.

New Hires by Industry



Total: 817

Source: U.S. Census Bureau, Local Employment Dynamics (LED) Program, 1st Quarter (January, February, March) 2014, all ownerships.

SECTION 609 L-1 INDUSTRIAL DISTRICT

609.1 PURPOSE AND INTENT

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

609.2 PERMITTED USES (12/94)

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

609.3 SPECIAL PERMIT USES

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

609.4 PROHIBITED USES

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

- (a) Asphalt mixing plants
- (b) Blast furnaces
- (c) Boiler works
- (d) Bulk storage of flammable materials
- (e) Coal, wood or wood distillation
- (f) Concrete mixing and batching products
- (g) Extraction or mining of rocks and minerals
- (h) Garbage incineration
- (i) Junk yards
- (j) Landfills
- (k) Manufacture of ammonia, chlorine, fertilizer, lime, cement, fireworks, explosives, soaps, acids, pesticides, herbicides or insecticides
- (l) Metal foundries and smelting
- (m) Petroleum, asphalt or related product refining
- (n) Rendering plants
- (o) Slaughterhouses
- (p) Stockyards
- (q) Tanning and curing of skins
- (r) Any other similar use which in the opinion of the Town Council might be injurious or noxious by reason of odor, fumes, dust, smoke, vibration, noise or other cause

609.5 MAXIMUM LOT COVERAGE

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

Section 609 Industrial (L-1) District

609.6 MINIMUM DISTRICT SIZE

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

609.7 LOT SIZE REQUIREMENTS AND BULK REGULATIONS

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

609.8 OPEN SPACE

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

609.9 PARKING, PARKING ACCESS AND DRIVEWAYS

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

609.10 SETBACK, BUFFERING AND LANDSCAPING

- (a) Where an L-1 lot is contiguous to property located in a district other than an L-1, I, C-1 or C-2 District, all buildings shall have a minimum 60-foot setback from lot lines. In particular instances the Town Council may waive the 60-foot setback requirement, upon recommendation from the Planning Commission. **(5/94)**
- (b) Where an L-1 lot is contiguous to property located in a district other than an L-1, I, C-1 or C-2 District, a landscaped buffer strip of 30 feet in width shall be provided, with landscape materials and placement subject to final plan approval. Where contiguous to a C-1 or C-2 District property, the landscaped buffer strip shall be 15 feet. Approved fencing or additional buffering may be used in lieu of landscaping. **(5/94)**

Section 609 Industrial (L-1) District

609.11 STORAGE OF GOODS, MATERIALS, FUEL AND REFUSE

- (a) The outdoor area devoted to storage, loading and display of goods shall be limited to that area so designated on an approved site plan.
- (b) All equipment and materials shall be contained entirely within a building or screened from public rights-of-way and contiguous properties that are in land uses other than industrial in nature.
- (c) Any establishment involved with the storage of fuel for sale, or for other purposes, shall be permitted only if the fuel is stored underground, except where otherwise permitted under provisions granted and stipulations required by the Town Council.
- (d) All refuse shall be contained in completely enclosed facilities and shall be screened.

609.12 STREET ENTRANCES

- (a) On a corner lot, no street entrance shall be located closer than 60-feet to the curb line extended from the intersecting street. This distance may be increased with respect to the types and turning radii of vehicles using the site.
- (b) No street entrance shall be located closer than 30 feet to a side or rear lot line, unless a common street entrance serves adjacent uses, and in no instance shall the distance between separate street entrances serving adjacent uses be less than 60 feet. The maximum width of such street entrances shall not exceed thirty feet (30').
- (c) A freestanding use shall have no more than two street entrances on any single right-of-way, and such street entrances shall have a minimum distance of 90 feet between them.

609.13 SITE PLAN REQUIREMENTS AND PERFORMANCE STANDARDS

- (a) All uses shall be subject to final site plan approval.
- (b) Any L-1 District land use application which is not in strict compliance with the pre-existing approved master site plan and preliminary plat for the district shall require an amendment to that master site plan and preliminary plat prior to site plan approval of the specific use.
- (c) Master site plans and preliminary plats for L-1 Districts shall include provisions for:
 - (1) adequate public facilities;
 - (2) development phasing;
 - (3) stormwater management facilities to address the ultimate development coverage within the district;
 - (4) lighting and signing; and
 - (5) other special features and land use considerations deemed necessary to serve the industrial district.
- (d) Applications for all uses subject to special use permits shall be accompanied by a report indicating the compliance with and use compatibility issues related to the Town's applicable performance standards.

609.14 ADDITIONAL REQUIREMENTS

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

Section 609 Industrial (L-1) District

- (b) Common property ownership agreements and covenants for L-1 District developments shall be reviewed and approved by the Town Council or its agent.
- (c) Refer to Section 306 for off-street loading requirements.
- (d) Refer to Sections 301-304 for general regulations and other provisions which may supplement those cited herein.
- (e) Refer to specific Overlay Zoning districts, where applicable.

SECTION 612 BI BUSINESS INDUSTRIAL (Deleted 7/99)

SECTION 612 BUSINESS PARK (BP) (Adopted 7/99)

612.1 INTENT

The Business Park (BP) District is established to provide locations within the Berryville Area for a broad range of light industrial and business uses. Such uses should be capital intensive (rather than labor intensive), having a significant investment in machinery and tools that should generate maximum revenue for local government. Such uses should promote horizontal and vertical integration of industrial and business activities, so that new businesses enhance and expand the base of existing businesses. All uses shall be in harmony with the cultural and environmental character of the Berryville Area and conform to all Federal, State, and local environmental performance standards. Transportation and site planning of all land uses shall have the goal of minimizing traffic congestion. The application of this district is intended for those locations within the Berryville Area which are planned for Light Industrial/Research uses.

The following list of Permitted Uses, Accessory Uses, Uses allowed by Special Permit, and Prohibited Uses comprehensively addresses every use defined by the North American Industrial Classification System (NAICS) Codes as contained in the NAICS Manual, U.S. Office of Management and Budget, 1997. This Manual shall be used to define the uses listed and assist in the determination of the status of proposed uses. The three-, four-, or five-digit categories listed below include all sub-categories except as noted; for example, 3121 includes 31211, 312111, but does not include 3122.

612.2 PERMITTED USES

The following uses are permitted by right unless subsequently listed as an Accessory Use, a Use allowed by Special Permit, or as a Prohibited Use.

NAICS Code

(a)	22112	Utilities - Electric Power Transmission, Control, & Distribution
(b)	2212	Natural Gas Distribution
(c)	2213	Water, Sewage, & Other Systems
(d)	233	Building, Developing & General Contracting
(e)	234	Heavy Construction
(f)	235	Special Trade Contractors
(g)	311	Food Manufacturing (except 3116 Animal Slaughtering & Processing and 3117 Seafood Product Preparation & Packaging)
(h)	3121	Beverage Manufacturing
(i)	314	Textile Product Mills
(j)	315	Apparel Manufacturing
(k)	316	Leather and Allied Product Manufacturing (except 3161 Leather & Hide Tanning & Finishing)
(l)	321	Wood Product Manufacturing (except 3211 Sawmills & Wood Preservation)
(m)	3222	Converted Paper Product Manufacturing
(n)	323	Printing & Related Support Activities
(o)	3261	Plastics Product Manufacturing

Section 612 Business Park (BP) District

- (p) 332 Fabricated Metal Product Manufacturing (except 3328 Coating/Engrave/Heat Treating & Other Activity and 33292,3,4,5 Small Arms Ammunition, Other Ammunition, Small Arms, and Other Ordnance & Accessories Manufacturing)
- (q) 334 Computer & Electronic Product Manufacturing
- (r) 335 Electrical Equipment, Appliance, & Component Manufacturing (except 335911 Storage Battery and 335912 Primary Battery Manufacturing)
- (s) 337 Furniture and Related Products Manufacturing
- (t) 339 Miscellaneous Manufacturing
- (u) 421 Wholesale Trade, Durable Goods (except 42152 Coal & Other Mineral & Ore Wholesale)
- (v) 422 Wholesale Trade, Non-durable Goods (except 42244 Poultry & Poultry Product Wholesale, 42252 Livestock Wholesale, 4226 Chemical & Allied Products Wholesale and 4227 Petroleum & Petroleum Products Wholesale)
- (w) 454 Non-store Retailers
- (x) 4885 Freight Transportation Arrangement
- (y) 488991 Packing & Crating
- (z) 493 Warehousing & Storage
- (aa) 511 Publishing Industries
- (bb) 512 Motion Picture & Sound Recording Industries
- (cc) 513 Broadcasting & Telecommunications
- (dd) 514 Information & Data Processing Services
- (ee) 5324 Commercial/Industrial Equipment Rental & Leasing
- (ff) 5417 Scientific Research and Development Services
- (gg) 561 Administrative & Support Services (except 5615 Travel Arrangement & Reservation Services)
- (hh) 811 Repair & Maintenance

612.3 ACCESSORY USES

Uses that are customarily accessory and clearly incidental and subordinate to the permitted uses:

NAICS Code

- (a) 6244 Child Day Care Services
- (b) 7222 Limited Service Eating Places

612.4 SPECIAL PERMIT USES

NAICS Code

- (a) 3116 Animal Slaughtering & Processing
- (b) 3117 Seafood Product Preparation & Packaging
- (c) 321114 Wood Preservation
- (d) 3254 Pharmaceutical & Medicine Manufacturing
- (e) 32591 Printing Ink Manufacturing
- (f) 327991 Cut Stone & Stone Product Manufacturing
- (g) 333 Machinery Manufacturing

Section 612 Business Park (BP) District

- (h) 336 Transportation Equipment Manufacturing
- (i) 484 Truck Transportation
- (j) 6215 Medical & Diagnostic Laboratories
- (k) 81233 Linen & Uniform Supply
- (l) 71394 Recreation, commercial indoor **(06/10)**
- (m) 424710 Petroleum Bulk Stations and Terminals* **(9/12)**

612.5 PROHIBITED USES

Uses not listed above (either as permitted uses, accessory uses, or special permit uses) are prohibited, specifically including the following:

NAICS Code

- (a) 11 Agriculture, Forestry, Fishing, & Hunting
- (b) 21 Mining
- (c) 2211 Electric Power Generation
- (d) 3122 Tobacco Manufacturing
- (e) 313 Textile Mills
- (f) 3161 Leather & Hide Tanning & Finishing
- (g) 3211 Sawmills & Wood Preservation
- (h) 3221 Pulp, Paper & Paperboard Mills
- (i) 324 Petroleum & Coal Products Manufacturing
- (j) 325 Chemical Manufacturing
- (k) 3262 Rubber Product Manufacturing
- (l) 327 Nonmetallic Mineral Product Manufacturing (except 327991 Cut Stone & Stone Product Manufacturing)
- (m) 331 Primary Metal Manufacturing
- (n) 3328 Coating/Engraving/Heat Treating & Other Activity
- (o) 33292 Small Arms Ammunition Manufacturing
- (p) 33293 Ammunition (excluding Small Arms) Manufacturing
- (q) 33294 Small Arms Manufacturing
- (r) 33295 Other Ordnance & Accessories Manufacturing
- (s) 335911 Storage Battery Manufacturing
- (t) 335912 Primary Battery Manufacturing
- (u) 42152 Coal & Other Mineral & Ore Wholesale
- (v) 42244 Poultry & Poultry Product Wholesale
- (w) 42252 Livestock Wholesale
- (x) 4226 Chemical and Allied Products Wholesale
- (y) 4247 Petroleum & Petroleum Products Merchant Wholesalers except 42471 Petroleum Bulk Stations and Terminals* **(9/12)**
- (z) 441 Motor Vehicle & Parts Dealers
- (aa) 442 Furniture & Home Furnishings Stores
- (bb) 443 Electronics & Appliance Stores
- (cc) 444 Building Material & Garden Equipment and Supply Dealers
- (dd) 445 Food & Beverage Stores
- (ee) 446 Health & Personal Care Stores
- (ff) 447 Gasoline Stations
- (gg) 448 Clothing & Clothing Accessories Stores
- (hh) 451 Sporting Goods, Hobby, Book & Music Stores
- (ii) 452 General Merchandise Stores

Section 612 Business Park (BP) District

(jj)	453	Miscellaneous Store Retailers
(kk)	481	Air Transportation
(ll)	482	Rail Transportation
(mm)	483	Water Transportation
(nn)	485	Transit & Ground Passenger Transportation
(oo)	486	Pipeline Transportation
(pp)	487	Scenic & Sightseeing Transportation
(qq)	488	Transportation Support Activities (except 4885 Freight Transportation Arrangement and 488991 Packing & Crating)
(rr)	491	Postal Service
(ss)	492	Couriers & Messengers
(tt)	521	Monetary Authorities - Central Bank
(uu)	522	Credit Intermediation & Related Activities
(vv)	523	Security, Commodity Contracts & Like Activity
(ww)	524	Insurance Carriers & Related Activities
(xx)	525	Funds, Trusts & Other Financial Vehicles
(yy)	531	Real Estate
(zz)	5321	Automotive Equipment Rental & Leasing
(aaa)	5322	Consumer Goods Rental
(bbb)	5323	General Rental Centers
(ccc)	533	Lessors of Other Non-financial Intangible Asset
(ddd)	541	Professional, Scientific & Technical Services
(eee)	551	Management of Companies & Enterprises
(fff)	5615	Travel Arrangement & Reservation Services
(ggg)	562	Waste Management & Remediation Services
(hhh)	611	Educational Services
(iii)	621	Ambulatory Health Care Services
(jjj)	622	Hospitals
(kkk)	623	Nursing & Residential Care Facilities
(lll)	624	Social Assistance
(mmm)	711	Performing Arts, Spectator Sports & Related Industries
(nnn)	712	Museums, Historical Sites & Like Institutions
(ooo)	713	Amusement, Gambling & Recreation Industries
(ppp)	721	Accommodation
(qqq)	722	Food Services & Drinking Places
(rrr)	812	Personal & Laundry Services
(sss)	813	Religious, Grant-making, Professional, and Like Organizations
(ttt)	814	Private Households
(uuu)	921	General Government Administration
(vvv)	922	Justice, Public Order & Safety Activities
(www)	923	Administration of Human Resource Programs
(xxx)	924	Administration of Environmental Quality Programs
(yyy)	925	Administration of Housing, Urban Planning, Community Development
(zzz)	926	Administration of Economic Programs
(aaaa)	927	Space Research & Technology
(bbbb)	928	National Security & International Affairs

*Reflects 2007 NAICS Code (replaces 1997 NAICS Code 4227) (9/12)

Section 612 Business Park (BP) District

612.6 MAXIMUM DENSITY

The maximum floor area ratio shall not exceed 0.35, based on net developable area of lot.

612.7 LOT SIZE REQUIREMENTS

- | | | |
|-----|------------------------|--------------------|
| (a) | Minimum district size: | Not regulated |
| (b) | Minimum lot area: | 60,000 square feet |
| (c) | Minimum lot width: | 100 feet |

612.8 BULK REGULATIONS

- | | | |
|-----|--|---------|
| (a) | Maximum building height: | 40 feet |
| (b) | Minimum yard requirements | |
| | (1) Front yard: | 40 feet |
| | (2) Side yard: | 25 feet |
| | (3) Rear yard: | 25 feet |
| | (4) Side and rear yard requirements may be waived where that side or rear yard abuts a railroad right-of-way. | |
| | (5) Where a lot is contiguous to property located in any zoning district whose permitted uses are not of a business, office, commercial, or industrial nature, all buildings shall have a minimum setback of sixty (60) feet from common property lines. | |

612.9 OPEN SPACE

- | | |
|-----|--|
| (a) | An open space plan and landscape design program shall be submitted with applications for any land use governed by this district. |
| (b) | Fifteen (15) percent of the site shall be landscaped open space. |

612.10 ADDITIONAL REGULATIONS

- | | |
|-----|---|
| (a) | <u>Parking</u> |
| | (1) All parking requirements shall be met by off-street, on-site spaces and shall include designated spaces for the handicapped. |
| | (2) The location, spacing, and number of private driveway entrances shall comply with Virginia Department of Transportation standards and shall be subject to final site plan approval. |
| | (3) Off-street parking spaces shall be accessed via private driveways and shall not be directly accessed from public rights-of-way. |
| | (4) Public streets within or immediately adjacent to the BP zoning district shall be constructed to industrial road standards if determined necessary by the administrative body. Sidewalks may be required on such streets if determined necessary by the administrative body. |
| (b) | <u>Buffering and Landscaping</u> |
| | (1) Where a parcel in the BP district is contiguous to property located in any residential or institutional district, a landscaped buffer strip of twenty-five (25) feet in width shall be provided. |
| | (2) Where a lot is contiguous to property located in any business, office, or commercial district, a landscaped buffer strip of ten (10) feet in width shall be provided. |

Section 612 Business Park (BP) District

- (3) Where a lot is contiguous to property located in any industrial district, a landscaped buffer strip of five (5) feet in width shall be provided.
 - (4) Landscape materials and placement subject to site plan approval in all landscaped buffer strips.
- (c) Storage of Materials and Refuse
- (1) All refuse containers shall be screened by a solid and opaque wall or fence.
 - (2) Any establishment involved with the storage of fuel for sale, or for other purposes, shall be permitted only if the fuel is stored underground, except as otherwise approved by the Town of Berryville by Special Use Permit.
 - (3) The outdoor area devoted to storage, loading, and display of goods shall be limited to that area so designated on an approved site plan.
 - (4) All equipment and materials shall be contained entirely within a building or screened from public rights-of-way and contiguous parcels, which are zoned for residential or institutional uses.
- (d) Site Plans and Special Use Permits
- (1) All uses shall be subject to final site plan approval.
 - (2) Final site plans shall include a report indicating compliance with any locally adopted performance standards and land use criteria.
 - (3) Applications for all uses subject to special use permits shall be accompanied by an environmental impact assessment addressing land use compatibility issues related to locally adopted performance standards.
 - (4) Any BP Business Park District land use application which is not in strict conformance with the pre-existing approved master site plan and preliminary plat for the district shall require an amendment to that master site plan and preliminary plat prior to site plan approval of the specific use.
 - (5) Site plans for development in BP Business Park District shall include provisions for (a) adequate public facilities, (b) development phasing, (c) stormwater management facilities to address the ultimate development coverage within the district, (d) lighting and signing, and (e) other special site features and land use considerations deemed necessary to serve the industrial district.
- (e) Covenants
- (1) Common property ownership agreements and covenants for BP Business Park District developments shall be reviewed and approved by the governing body or its agent.

ARTICLE VI – ADDITIONAL DISTRICTS (2/90)

SECTION 616 L-2 INDUSTRIAL DISTRICT **DRAFT**

616.1 PURPOSE AND INTENT

The ~~L-1~~ L-2 Industrial District is established to provide locations within the Town of Berryville for a broad range of general light-industrial uses **and, recreational and event venues, infill development and** employment-related businesses operating under well-governed performance standards. The specific uses permitted within the ~~L-1~~ L-2 District must be in harmony with the cultural and environmental character of the Town of Berryville. No use should be permitted that might be harmful to the adjoining land uses and the residential ambience of the community at large. **Adaptive reuse is encouraged in the L-2 District.** The ~~L-1~~ L-2 District recognizes and is to be applied to existing conforming industry in the Town of Berryville as of the date of adoption of this District. Existing industrial uses shall be considered as satisfying the purpose and intent of the ~~L-1~~ L-2 District, but expansion of existing industrial uses shall conform to the provisions herein.

616.2 PERMITTED USES (12/94)

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

Section 616 Industrial (L-2) District

616.3 SPECIAL PERMIT USES

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

616.4 PROHIBITED USES

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

- (a) Asphalt mixing plants
- (b) Blast furnaces
- (c) Boiler works
- (d) Bulk storage of flammable materials
- (e) Coal, wood or wood distillation
- (f) Concrete mixing and batching products
- (g) Extraction or mining of rocks and minerals
- (h) Garbage incineration
- (i) Junk yards
- (j) Landfills
- (k) Manufacture of ammonia, chlorine, fertilizer, lime, cement, fireworks, explosives, soaps, acids, pesticides, herbicides or insecticides
- (l) Metal foundries and smelting
- (m) Petroleum, asphalt or related product refining
- (n) Rendering plants
- (o) Slaughterhouses
- (p) Stockyards
- (q) Tanning and curing of skins
- (r) Any other similar use which in the opinion of the Town Council might be injurious or noxious by reason of odor, fumes, dust, smoke, vibration, noise or other cause

616.5 MAXIMUM LOT COVERAGE

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

Section 616 Industrial (L-2) District

616.6 MINIMUM DISTRICT SIZE

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

616.7 LOT SIZE REQUIREMENTS AND BULK REGULATIONS

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

616.8 OPEN SPACE

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

616.9 PARKING, PARKING ACCESS AND DRIVEWAYS

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

616.10 SETBACK, BUFFERING AND LANDSCAPING

- (a) Where an L-1 lot is contiguous to property located in a district other than an L-1, **L-2 I**, C-1 or C-2 District, all buildings shall have a minimum 60-foot setback from lot lines. In particular instances the Town Council may waive the 60-foot setback requirement, upon recommendation from the Planning Commission. **(5/94)**
- (b) Where an ~~L-1~~ **L-2** lot is contiguous to property located in a district other than an L-1, **L-2 I**, C-1 or C-2 District, a landscaped buffer strip of 30 feet in width shall be provided, with landscape materials and placement subject to final plan approval. Where contiguous to a C-1 or C-2 District property, the landscaped buffer strip shall be 15 feet. Approved fencing or additional buffering may be used in lieu of landscaping. **(5/94)**

Section 616 Industrial (L-2) District

616.11 STORAGE OF GOODS, MATERIALS, FUEL AND REFUSE

- (a) The outdoor area devoted to storage, loading and display of goods shall be limited to that area so designated on an approved site plan.
- (b) All equipment and materials shall be contained entirely within a building or screened from public rights-of-way and contiguous properties that are in land uses other than industrial in nature.
- (c) Any establishment involved with the storage of fuel for sale, or for other purposes, shall be permitted only if the fuel is stored underground, except where otherwise permitted under provisions granted and stipulations required by the Town Council.
- (d) All refuse shall be contained in completely enclosed facilities and shall be screened.

616.12 STREET ENTRANCES

- (a) On a corner lot, no street entrance shall be located closer than 60-feet to the curb line extended from the intersecting street. This distance may be increased with respect to the types and turning radii of vehicles using the site.
- (b) No street entrance shall be located closer than 30 feet to a side or rear lot line, unless a common street entrance serves adjacent uses, and in no instance shall the distance between separate street entrances serving adjacent uses be less than 60 feet. The maximum width of such street entrances shall not exceed thirty feet (30').
- (c) A freestanding use shall have no more than two street entrances on any single right-of-way, and such street entrances shall have a minimum distance of 90 feet between them.

616.13 SITE PLAN REQUIREMENTS AND PERFORMANCE STANDARDS

- (a) All uses shall be subject to final site plan approval.
- (b) Any ~~L-1~~ **L-2** District land use application which is not in strict compliance with the pre-existing approved master site plan and preliminary plat for the district shall require an amendment to that master site plan and preliminary plat prior to site plan approval of the specific use.
- (c) Master site plans and preliminary plats for ~~L-1~~ **L-2** Districts shall include provisions for:
 - (1) adequate public facilities;
 - (2) development phasing;
 - (3) stormwater management facilities to address the ultimate development coverage within the district;
 - (4) lighting and signing; and
 - (5) other special features and land use considerations deemed necessary to serve the industrial district.
- (d) Applications for all uses subject to special use permits shall be accompanied by a report indicating the compliance with and use compatibility issues related to the Town's applicable performance standards.

616.14 ADDITIONAL REQUIREMENTS

- (a) Public Streets within the ~~L-1~~ **L-2** District shall be constructed to industrial road standards as determined by the Town Council or its agent. Sidewalks may be required on one or both sides of the street.

Section 616 Industrial (L-2) District

- (b) Common property ownership agreements and covenants for ~~L-1~~ **L-2** District developments shall be reviewed and approved by the Town Council or its agent.
- (c) Refer to Section 306 for off-street loading requirements.
- (d) Refer to Sections 301-304 for general regulations and other provisions which may supplement those cited herein.
- (e) Refer to specific Overlay Zoning districts, where applicable.

DRAFT