

**BERRYVILLE TOWN COUNCIL
MEETING AGENDA
Work Session
Berryville-Clarke County Government Center
101 Chalmers Court, Second Floor
Main Meeting Room
June 5, 2017
3:00 p.m.**

Item

Attachment

1. **Call to Order** – Patricia Dickinson, Mayor

2. **Approval of Agenda**

3. **Discussion** Town Council Goals and Objectives 1

4. **Discussion** Vision for growth / Availability Fees 2

5. **Other**

6. **Closed Session** – No closed session scheduled

7. **Adjourn**

↑ denotes an item on which a motion for action is included in the packet

Attachment 1

**Administrative Goals for the Town of Berryville
Fiscal Year 2018**

Goal 1: Improve Police Department administrative efficiency and accuracy.

Objective: Implementation of E-Citation in FY18.

Cost: \$21,000

Funding source: General Fund

Goal 2: Improve retention in the Police Department

Objective: Implement a tenure-based compensation plan in FY18.

Cost: \$2,500

Funding Source: General Fund

Objective: Complete an in house compensation study to identify any disparities in sworn officer compensation with competing employers. This is to be completed in FY18.

Cost: \$ TBD

Funding Source: General Fund

Objective: Fund, to the fullest extent possible, needed compensation adjustments identified in the compensation study. This is to be completed in FY18.

Cost: \$ 35,000

Funding Source: General Fund

Goal 3: Develop a plan for the stabilization and re-use of the livery stable at 23 East Main Street

Objective: Procure the services of an engineer to complete a building assessment of the stable in order to assess the building's condition and structural soundness and make recommendations of repairs needed to stabilize the structure. This will be completed in FY18.

Cost: \$ 15,000

Funding Source: General Fund

Goal 4: Improve Berryville's commercial climate by enhancing the appeal of the Business District and attracting business that fulfill the economic development goals of the Town.

Objective: Attract a hotel to Berryville within the next two years.

Cost: TBD

Funding Source: General Fund

Objective: Evaluate strategies for improving accessibility in the Downtown Business District. This is to be completed in FY18.

Cost: TBD

Funding Source: General Fund

Goal 5: Identify beautification projects that would improve the appearance of the Town and partner with other stakeholders to plan, fund, complete, and maintain said projects.

Objective: Plan and complete a landscaping project in the median of the 100 Block of Page Street. This is to be completed in FY18

Cost: TBD

Funding Source:

Goal 6: Develop plans that ensure tangible and intangible assets are maintained, accounted for, and maximized to their full potential.

Objective: Complete an organization-wide asset inventory in FY18.

Cost: TBD

Funding Source: General, Water, and Sewer Funds

Goal 7: Ensure that the Town's water and sewer fees, including availability and user fees, are calculated in a manner that will fund operations and capital improvement needs, while being fair and reasonable.

Objective: Procure the services of a consulting engineer to complete a water and sewer fee analysis and adopt revised fees. This is to be completed in FY18.

Cost: \$10,000

Funding Source: Water Fund 50% and Sewer Fund 50%

Goal 8: Ensure that the Town's salary structure is competitive.

Objective: Complete an in house compensation study and revised classification system. This will be completed in FY18.

Cost: TBD

Funding Source: General, Water, and Sewer Funds

Objective: Fund, to the fullest extent possible, needed compensation adjustments identified in the compensation study. This is to be completed in FY19.

Cost: TBD

Funding Source: General, Water, and Sewer Funds

Goal 9: Ensure that employee job descriptions are accurate and complete.

Objective: Staff will update all job descriptions that have not been updated within the last 2 years. This will be completed in FY18.

Cost: TBD

Funding Source: General, Water, and Sewer Funds

ADMINISTRATIVE GOALS FOR THE TOWN OF BERRYVILLE
FISCAL YEAR 2018

GOAL	OBJECTIVE	ESTIMATED COST (Out of Pocket)	MULTIYEAR FUNDING COMMITMENT	FY 2018 BUDGETED AMOUNT	FUNDING SOURCE	EXPECTED USE OF STAFF RESOURCES
#1 Improve PD Administration efficiency and accuracy	Implementation of E-Citation in FY 18	\$21,000	Y	\$25,000	GF 100-4094200-8903	Medium
#2 Improve retention in PD	Implement a tenure-based compensation plan in FY 18	\$2,500	N		GF	Medium
	Complete in-house compensation study to identify disparities in sworn officer compensation with competing employers To be completed in FY 18	\$TBD	N		GF	Medium
	Fund, to the fullest extent possible, needed compensation adjustments identified in the compensation study. To be completed in FY 18	\$35,000	Y		GF	Low
#3 Develop a plan for the stabilization and re-use of the livery stable at 23 East Main Street	Procure the services of an engineer to complete a building assessment of the stable in order to assess the building's condition and structural soundness and make recommendations of repairs needed to stabilize the structure. To be completed in FY 18	\$15,000	Y	\$15,000	GF 100-4094200-8901	Low
#4 Improve Berryville's commercial climate by enhancing the appeal of the Business District and attracting business that fulfills the economic development goals of the Town.	Attract a hotel to Berryville within the next two years	\$TBD	N		GF	High
	Evaluate strategies for improving accessibility in the Downtown Business District. To be completed in FY 18	\$TBD	Y		GF	High
#5 Identify beautification projects that would improve the appearance of the Town and partner with other stakeholders to plan, fund, complete and maintain said projects	Plan and complete a landscaping project in the median of the 100 Block of Page St. To be completed in FY 18	\$TBD	N		GF	Low*
#6 Develop plans that ensure tangible and intangible assets are maintained, accounted for, and maximized to their full potential.	Complete and organization-wide asset inventory in FY 18	\$TBD	Y**		GF, WF, & SF	High

ADMINISTRATIVE GOALS FOR THE TOWN OF BERRYVILLE
FISCAL YEAR 2018

GOAL	OBJECTIVE	ESTIMATED COST (Out of Pocket)	MULTIYEAR FUNDING COMMITMENT	FY 2018 BUDGETED AMOUNT	FUNDING SOURCE	EXPECTED USE OF STAFF RESOURCES	
#7	Ensure that the Town's water and sewer fees, including availability and user fees, are calculated in a manner that will fund operations and capital improvement needs, while being fair and reasonable.	Procure the services of a consulting engineer to complete a water and sewer fee analysis and adopt revised fees. To be completed in FY 18	\$20,000	N	\$10,000	WF 501-4012222-3146	High
					\$10,000	SF 502-4012222-3146	
#8	Ensure that the Town's salary structure is competitive.	Complete an in house compensation study and revised classification system. To be completed in FY 18				GF, WF, & SF	Medium
					\$TBD	Y	
#9	Ensure that employee job descriptions are accurate and complete.	Staff will update all job descriptions that have not been updated in the last two years. To be completed in FY 18				GF	High
					\$TBD	N	

*Assumes Town only reviewing project.

** Objective to complete review of water/sewer fees (Goal # 7) will address a portion of this objective.

Attachment 2

TOWN OF BERRYVILLE
SCHEDULE OF WATER AND SEWER FEES AND CHARGES

Effective June 24, 2015

I. USER FEES

A. WATER

\$8.40 per 1,000 gallons of usage
\$5.00 per month minimum charge

B. SEWER

\$ 17.00 per 1,000 gallons of usage
\$ 15.00 per month minimum charge

II. DEPOSITS AND ADMINISTRATIVE FEES

A. DEPOSITS

Residential: \$ 225

Business/Commercial (excluding Restaurants and Laundries): \$ 860

Restaurant: \$ 785

Laundry: \$2,450

B. ADMINISTRATIVE FEES

Late Fee: 10% of bill amount

Service Disconnection/Reconnection Fee: \$40

Returned Check/ACH Fee \$25

III. AVAILABILITY FEES

A. WATER

Type of Premises	Charge
1. Residential:	
Single Family Residential individual 5/8" meter	\$ 5,250 + meter charge
Town House, Duplex individual 5/8" meter	\$5,250 per unit + meter charge
Multi-Family	\$4,725 per unit + meter charge

2. Commercial, Industrial, Institutional, & Single Family greater than 5/8" meter:

Water Meter Size (Inches)	Demand Ratio	Radio Read	
		Avail. Fee	Meter Cost
5/8	1.0	\$ 5,250	Meter cost + 30% admin. fee
3/4	1.5	7,825	Meter cost + 30% admin. fee
1.0	2.5	13,125	Meter cost + 30% admin. fee
1.5	4.375	22,970	Meter cost + 30% admin. fee
2.0	8.0	42,000	Meter cost + 30% admin. fee
3.0	16.0	84,000	Meter cost + 30% admin. fee
4.0	25.0	131,250	Meter cost + 30% admin. fee
6.0	50.0	262,500	Meter cost + 30% admin. fee

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

Notes:

- (a) Multi-family residences are defined as any master metered group of apartment, town house, condominium or other residential units with each unit containing separate kitchen facilities.
- (b) In cases where a master meter is serving multi-family residences or a combination of multi-family and commercial units, the applicant will pay a fee based on the higher of (a) an amount derived by multiplying the unit charge of \$5,250 for multi-family residence times the total number of residential and commercial units to be served by a single meter, or (b) an amount based on the meter size as specified above.

B. SEWER

Water Meter Size (Inches)	Demand Ratio	Avail. Fee
5/8	1.0	\$ 22,750
¾	1.5	34,125
1.0	2.5	56,875
1.5	4.375	99,535
2.0	8.0	182,000
3.0	16.0	364,000
4.0	25.0	568,750
6.0	50.0	1,137,500

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

IV. LATERAL or CONNECTION FEES

A. WATER

Meter Size (Inches)	By Others	By Town
5/8	* (b)	cost + 10% (\$500 min.) & b
3/4	* (b)	cost + 10% (\$500 min.) & b
1.0	* (b)	cost + 10% (\$500 min.) & b
1.5	* (b)	(c) & (b)
2.0	* (b)	(c) & (b)
3.0	* (a) & (b)	(a) & (b)
4.0	* (a) & (b)	(a) & (b)
6.0	* (a) & (b)	(a) & (b)
Greater than 6"	* (a) & (b)	(a) & (b)

B. SEWER

<u>Lateral Size (Inches)</u>	<u>By Others</u>	<u>By Town</u>
4	*	cost + 10% (\$500 min.)
Greater than 4"	*	N/A (d)

Notes:

- (a) = Town of Berryville to furnish and install wet taps to existing mains at cost plus 10%. Contractor to furnish and install lines and vaults.
 - (b) = Town of Berryville to install meters.
 - (c) = Town of Berryville to provide 2" service line to property line with 2" ball valve at cost plus 10%. Contractor to furnish and install meter vault and meter setter.
 - (d) = Installed by contractor if larger than 4" required.
- * = Inspection fee applies, see Section V.

V. INSPECTIONS

A. Sanitary Sewer Camera Service & Storm Sewer Camera Service

Mains and Laterals Over 4-Inches in Diameter:

Mobilization Fee	\$250
Camera Fee	\$2.50 per linear foot

4-Inch Laterals:

Laterals Under 50-Feet in Length	\$100
Laterals 50-Feet in Length or Greater	\$100 plus \$2.50 per linear foot

B. Inspections

Approved Inspector or Town Staff.....	\$ 50 per hour
Licensed Professional Engineer	cost

Notes:

Cleaning lines will be required prior to camera use and is the responsibility of the applicant.

VI. SIGNIFICANT INDUSTRIAL USER FEES

Sewer system discharge permit	\$500
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VII. WATER METER TESTING

5/8" meter	\$ 100
All other meters	\$ 100 + cost

Notes: Fee is refunded if meter is found to be over registering

VIII. UNAUTHORIZED USE OF SERVICE

For unapproved water withdrawals from fire hydrants or any other part of the Town Water System, or when a customer willfully takes steps to reactivate service after service has been disconnected by the town on account of nonpayment of any charge owed to the town and the town is required to take some action to again discontinue service, such as removing the meter, etc., a charge for unauthorized use of service in the amount of two hundred and fifty dollars (\$250) shall be paid. This charge shall be in addition to any other charge for water and sewer utility services owed to the town, as well as any other legal remedies which the town may be able to pursue for unauthorized use of service.

Keith Dalton

From: Keith Dalton
Sent: Monday, January 30, 2017 10:58 AM
To: Keith Dalton
Cc: Christy Dunkle; Ann Phillips
Subject: FW: Agreement defining annexation rights
Attachments: 20151218103030256.pdf; 20151218102949450.pdf; 20151218102859693.pdf; 20151218102829156.pdf; 20151218102750098.pdf

TC:

As promised.

Take care,

Keith

Keith R. Dalton, Town Manager
Town of Berryville, Virginia
101 Chalmers Court, Suite A
Berryville, VA 22611

V 540.955.1099

F 540.955.4524

From: Keith Dalton
Sent: Tuesday, April 05, 2016 9:29 AM
To: 'David Weiss' <dweiss@clarkecounty.gov>
Subject: FW: Agreement defining annexation rights

From: Keith Dalton
Sent: Friday, December 18, 2015 11:46 AM
To: 'Dave Ash' <dash@clarkecounty.gov>
Cc: Brandon Stidham <bstidham@clarkecounty.gov>; Christy Dunkle <planner@berryvilleva.gov>
Subject: FW: Agreement defining annexation rights

Dave:

This email is sent to follow up and expand upon on my email of 2 October.

I still believe that we need to meet and discuss this matter. I think we need to get moving on a process that finalizes this matter soon.

In an effort to jump start things and facilitate conversation, I have taken the liberty of preparing a draft Amended Resolution and Agreement to be our starting point.

Please find attached:

Draft Amended Resolution and Agreement (dated 12/18/15)

Agreement Defining Annexation Rights (1988)

This document set the framework for creating the urban growth area that became known as the Berryville Area (more specifically AREA B).

Amended Resolution and Agreement

This document addressed some of the nuts and bolts not enumerated in the 1988 agreement. The BADA was created by this agreement.

Matrix

At present, we proceed with reviews in AREA B in accordance with this matrix.

BAP Update Presentation (portion)

This is included to highlight what I mean by AREA C (and what may be AREAs D & F for that matter) and what Brandon and Christy see as the path forward.

In my opinion, AREA C needs to be the Smallwood Farm. The land use designation for this sub-area should be Light Industrial /Research (the same as the CC Business Park). I think this should be created as soon as possible to provide for business park expansion.

Again, I would like for County staff to meet with Town staff and discuss this matter. In an effort to move things along, I am throwing out 3 meeting times for consideration:

- January 15 10 am
- January 21 10 am
- January 22 10 am

Let me know what works for your wing. If these dates/times do not work for your camp, then please suggest some dates/times that fit your schedules.

Thanks

Keith

Keith R. Dalton, Town Manager
Town of Berryville, Virginia
101 Chalmers Court, Suite A
Berryville, VA 22611

V 540.955.1099
F 540.955.4524

From: Keith Dalton
Sent: Friday, October 02, 2015 2:19 PM
To: Dave Ash <dash@clarkecounty.gov>
Cc: Brandon Stidham <bstidham@clarkecounty.gov>; Christy Dunkle <planner@berryvilleva.gov>
Subject: Agreement defining annexation rights

Dave:

The above-referenced agreement was adopted in 1988 and amended in 1992.

It is clear to me that we should sit down with Christy and Brandon to discuss the need to amend the agreement again.

This is clear to me that we should talk because of the:

- Confusion regarding initiating amendments to BAP
- Discussion of annexation area expansion in proposed BAP

We should look at clarifying amendment language, addressing new areas (if needed), and examining the role/need for the BADA. After such a meeting, I would like to touch base with my bosses and then set another meeting, this time including Bob Mitchell, to get us moving (assuming the elected officials want such a discussion to move forward).

The updated BAP should be approved by March. As such, we should be ready to have an agreement in front of the TC and BOS by February. Bob would have to speak to process details.

Your thoughts?

Thanks

Keith

Questions shown as **{bold}**

Amended
Resolution and Agreement

WHEREAS, on December 29, 1988, the Town of Berryville ("Town") and the County of Clarke ("County") entered into an Agreement Defining Annexation Rights; and

WHEREAS, said Agreement established an Urban Services Area around the Town, identified as "Area B" in that Agreement; and

WHEREAS, the Town and County have agreed to that the Town shall have extraterritorial subdivision jurisdiction in Area B, pursuant to Section 15.1-467, Code of Virginia; and

WHEREAS, on December 8, 1992 the Town approved an Amended Resolution and Agreement amending the Agreement and the County approved the same Amended Resolution and Agreement on December 15, 1992; and

WHEREAS, the Amended Resolution and Agreement created the Berryville Area Development Authority ("BADA") and established procedures for review of land use applications in Area B; and

WHEREAS, the Town and County desire to extend the Urban Services area around the Town by inclusion of "Area C" (see Attachment A); and

WHEREAS, the Town and County also desire extend the Town's extraterritorial subdivision jurisdiction to Area C and amend past agreements concerning the BADA and the review of land use applications in Area B.

NOW, THEREFORE, BE IT RESOLVED that the Town and County do hereby enter the following amended agreement:

1. The duration of this agreement shall be for so long as any portion of Area B or Area C has not been annexed by the Town or until this Agreement is revoked by either party by ninety (90) days written notice to the other.
2. As of July 1, 2016, all development applications for properties with in Area B shall be required to conform to requirements of the Town of Berryville: including but not limited to zoning ordinance, subdivision ordinance, site plan regulations, storm water ordinance, and erosion and sediment control

Questions shown as **{bold}**

- ordinance. **{Issue: Historic Access Corridor Overlay – Apply County Site Plan Ordinance instead? Possible?}**
3. The joint authority established by the Amended Resolution and Agreement, BADA, shall cease to exist on June 30, 2016 and the authority to administer the Town's Subdivision Ordinance and the Town's site development plan **{or County Site Plan Ordinance?}** regulations in Area B shall be vested in the Town's Planning Commission.
 4. Upon the creation of Area C, all land development applications within Area C shall be required to conform to requirements of the Town of Berryville: including but not limited to zoning ordinance, subdivision ordinance, site plan regulations, storm water ordinance, and erosion and sediment control ordinance, and the authority to administer the Town's Subdivision Ordinance and the Town's site development plan regulations in Area C shall be vested in the Town's Planning Commission. **{Same issue regarding Historic Access Corridor Overlay / also need to address land use designation and application of zoning in Area C}**
 5. The jointly adopted land use plan which was referenced in Section 6.a of the Agreement, known as the Berryville Area Plan (BAP), shall not be amended without joint approval of the Town and County. Amendments to the BAP shall be made in accordance with this section:
 - a. In accordance with Section 15.2-2230, Code of Virginia, the Berryville Planning Commission shall review the BAP every five (5) years and after holding a public hearing in accordance with Section 15.2-2204, Code of Virginia submit any recommended amendments to the Berryville Town Council and Clarke County Board of Supervisors. Both governing bodies shall review the plan, including any proposed amendments, and after holding a public hearing in accordance with Section 15.2-2204, Code of Virginia, render a decision on the plan and proposed amendments within 100 days of receipt of the recommendation from the Berryville Planning Commission. Both the Berryville Town Council and the Clarke County Board of Supervisors must approve any amendments to the BAP.
 - b. If either the Berryville Town Council, Clarke County Board of Supervisors, or the Berryville Planning Commission wish to recommend amendment of the BAP that is not a part of the regular review every 5 (five) years, then any one of those bodies may, by a resolution approved by a majority of the body, initiate review of an amendment to the BAP. Said proposed amendment shall be reviewed in accordance with this section:

Questions shown as **{bold}**

- i. Body that adopted a resolution to amend the BAP shall, within five (5) business days of the adoption of the resolution, forward a copy of the resolution to Berryville Town Council, Clarke County Board of Supervisors, and the Berryville Planning Commission.
- ii. The Berryville Planning Commission shall hold a public hearing in accordance with Section 15.2-2204, Code of Virginia and provide a recommendation on proposed amendment, and forward said recommendation to the Berryville Town Council and Clarke County Board of Supervisors within 100 days of referral.
- iii. Both the Berryville Town Council and the Clarke County Board of Supervisors shall a hold public hearing in accordance with Section 15.2-2204, Code of Virginia and render a decision on proposed amendment within 100 days of receiving recommendation from Town Planning Commission.
- iv. Nothing in this section should be interpreted in a manner that would preclude the Town Planning Commission, the Berryville Town Council, or the Clarke County Board of Supervisors from having joint public hearings to review proposed amendments.

Town of Berryville

_____ (SEAL)
Mayor

Date

Attest:

Recorder

County of Clarke

Questions shown as **{bold}**

Chairman (SEAL)

Date

Attest:

Clerk

{General Question – Do we want to put everything in one package (i.e. address items covered in the first two agreements and everything dealing with annexation and the like under one cover)?}

Activity:

- Proposed Draft to County (Ash/Stidham) and Council 12/18/15
- Proposed Draft to County (Weiss) 4/5/16
- Proposed Draft to Council 1/30/17
- Proposed Draft to Council 6/5/17

AGREEMENT DEFINING ANNEXATION RIGHTS

WHEREAS, the Town of Berryville, Virginia, (herein called "the Town"), and the County of Clarke, Virginia, (herein called "the County"), desire to enter into an agreement defining the Town's annexation rights in the future; and

WHEREAS, the Town Council has completed a study to determine the feasibility of annexing certain lands located in the County adjacent to the corporate limits of the Town; and

WHEREAS, the said study developed a map (see Attachment A) and metes and bounds descriptions (see Attachment B) outlining Areas "A" and "B" in which future annexation by the Town may take place; and

WHEREAS, the Town offers to permanently renounce its right to become a city; and

WHEREAS, the Town and the County desire to enter into an agreement to provide for the regular and orderly urban growth of the Town consistent with the County and Town Comprehensive Plans,

NOW, THEREFORE, WITNESSETH: That for and in consideration of the premises and in further consideration of the mutual premises and covenants herein contained, the Town and County do mutually agree as follows:

1. The Town, by the execution of this agreement as provided by §15.1-1058.1 of the Code of Virginia, 1950, as amended, does hereby permanently renounce its right to become a city.

2. It is the intent of the Town to annex the area designated as Area "A" in the proposed annexation map, which is attached hereto as Attachment A and incorporated herein by reference as a

part of this agreement, as of January 1, 1989. Such annexation shall be accomplished by enacting a Town Annexation Ordinance after the execution of this agreement by the parties.

3. Any tract of land in Area B, contiguous to the Town, or contiguous to land being simultaneously annexed by the Town, may be annexed by the Town, at its discretion, at any time after joint approval of the land use plan for Area B, as provided in paragraph 6 (a) of this agreement, and (a) the County has taken zoning action after January 1, 1988, to permit development on the tract which requires public water and/or sewer service or (b) the Town has approved a subdivision application for the tract which requires public water and/or sewer service or (c) by mutual agreement of the Town and the County. For purposes of this agreement, "zoning action" shall include zoning, rezoning, approval of a site development plan, or any action to permit a use not permitted by right pursuant to zoning regulations.

4. The annexation of property in Area B shall be effected by Town ordinance; provided, however, no such annexation ordinance shall be adopted by the Town unless prior formal notice has been given to the Board of Supervisors of the County announcing the intention of the Town to adopt such an ordinance, nor until a public hearing, advertised once a week for two successive weeks in a newspaper of general circulation in the County has been held on such proposed annexation. Any annexation ordinance adopted by the Town under the terms of this agreement shall include:

(a) a description of the area to be annexed, such description being of sufficient definiteness to enable location

of the boundaries of the area to be annexed;

(b) information which can be recorded on a map attached to the ordinance, indicating the location of subdivisions, major industrial and commercial sites and vacant areas, as well as other information relevant to the possible future uses of property within the area proposed for annexation; and

(c) a statement of the terms and conditions upon which the annexation will be effected, including provisions for the extension of utilities and for meeting an annexed area's service needs.

5. All annexation shall be made effective as of midnight on December 31 of the year specified, and certified copies of each adopted annexation ordinance shall be filed with the Circuit Court of Clarke County, the Secretary of the Commonwealth, and other State and Federal agencies which require knowledge of local government boundary changes.

6. a) The Town and County agree that in order to have coordinated and meaningful planning and land use regulation and administration in Area B, the County shall designate this area as the County's "Urban Services Area", in and for which Area the County and Town shall, jointly and formally, adopt a specific future land use plan by March 31, 1989. Such jointly adopted future land use plan, as it applies to Area B, shall not be amended in the future without joint approval of the Town and the County. In the event the County and Town do not jointly adopt the future land use plan for Area B by March 31, 1989, or such later date mutually agreed on by the County and Town, then the

parties agree that they will jointly adopt the future land use plan for Area B for which the joint public hearing was held on December 12, 1988. In order that subdivision regulations reflect Town standards for development, the Town or its designated agent shall have exclusive extraterritorial subdivision jurisdiction in all of the Area B - Urban Services Area upon joint adoption of the future land use plan as required herein. The Town and County agree that County zoning ordinances shall apply to all tracts of land in the Area B -- Urban Services Area and shall be administered by the County through its appointed officials until the effective date of annexation of each respective tract of land in Area B by the Town. The Town agrees to permit any land use approved by the County in Area B - Urban Services Area, subject to the performance by the landowner of any conditions or zoning proffers imposed by the County or granted by the applicant at the time of the land use approval, whether by rezoning, special permit, special exception, variance or waiver. Following annexation of an area, the Town or its designated agent shall assume the administration of all zoning and land use control ordinances for the area annexed pursuant to Town zoning and land use control ordinances.

b) The County agrees that all applications in Area B for zoning action shall be referred by the County Planning Administrator for a joint review by the County Planning Commission and Town Planning Commission. The respective commissions may meet jointly and shall make their recommendations jointly or severally, as each respective commission may so desire, to the County Board of Supervisors, as provided by law.

The Town agrees that provided such referrals are made in a timely fashion so as to allow adequate time for review, the Town Planning Commission shall in turn make a timely recommendation, if any, so as not to delay formal action by the County within the statutory time limits for same. Any such referrals by the County to the Town Planning Commission should be made no less than five (5) days prior to any meeting of the Commission during which presentation by the County Planning Administrator and action thereon by the Commission is desired.

c) The County recognizes that portions of Area A and Area B drain into the Town, and that zoning and development in those areas without the Town's review will create an unfair burden on the Town. As a result, the County agrees not to approve any zoning action in Area B - Urban Services Area until the Town has received and commented on the provision of storm water drainage control and the provision of Town public utilities.

7. The County agrees that it shall fund \$75,000 toward necessary stormwater drainage improvements to that portion of Town Run situated outside the existing, preannexation corporate boundaries of the Town at such time that the Town institutes the project.

8. Notwithstanding the terms of this agreement, the Town in no way relinquishes authority or power to use the traditional annexation process authorized by Article I, Chapter 25, Title 15.1 of the Code of Virginia as now in existence or as may be amended in the future, as to any land in the County including Areas A and B.

9. This agreement shall become void in the event no annexation ordinance is adopted by the Town within five (5) years of the date of the final approval of this agreement.

10. Notwithstanding the terms of this agreement, no one residing or owning property in Clarke County (including Areas A and B) is restricted in exercising his or her right to petition for voluntary annexation to the Town of Berryville under §15.1-1034 of the Code of Virginia of 1950, as amended. However, the Town shall reserve its right to reject such annexation petition by ordinance, as provided in § 15.1 - 1034 of the Code of Virginia, 1950, as amended.

11. The Town and County reserve the right to modify this agreement by joint consent. Review and modification of the Area B limits delineated in Attachments A and B, shall be considered in the event that major development is proposed outside the area, but is contingent on the provision of Town services. A request for review may be initiated by the Town or the County. If no such review is requested during the first thirty (30) years the agreement is in effect, one shall be scheduled during the thirtieth year jointly by the County and Town.

12. The Town agrees that upon the effective date of any annexation which is accomplished under the terms of this agreement, the Town shall extend its public safety and other general governmental services to the areas annexed at the same level as there exists within the Town.

Witness the following signatures and seals:

TOWN OF BERRYVILLE

BY: *Richard L. Ford* (SEAL)
Mayor

DATE: 12/29/88

Attest:

Boyle Potts Jr.

COUNTY OF CLARKE

BY: *John D. Hardisty* (SEAL)
Chairman

DATE: 12/29/88

Attest:

C. Robert Lewis, County Administrator

AMENDED
RESOLUTION AND AGREEMENT

WHEREAS, the Town of Berryville ("Town") and the County of Clarke ("County") have previously entered into an Agreement Defining Annexation Rights; and

WHEREAS, said Agreement establishes an Urban Services Area area around the Town, identified as "Area B" in that Agreement; and

WHEREAS, the County and Town have agreed that the Town shall have extraterritorial subdivision jurisdiction in Area B, pursuant to Section 15.1-467, Code of Virginia; and

WHEREAS, the Town and the County desire to provide for orderly development in Area B pursuant to the Town's subdivision ordinance and the applicable site development plan regulations of the Town and County zoning ordinances; and

WHEREAS, the Town and the County desire to provide for joint exercise of subdivision and site development plan review in Area B by the adoption by each of this resolution; and

WHEREAS, the Town and the County desire to provide for joint review of such other matters involving Area B as may be delegated from time to time to the Authority established by this Agreement; and

WHEREAS, the Town and the County desire to amend the prior Resolution and Agreement adopted by them in a joint meeting on March 27, 1990.

NOW, THEREFORE, BE IT RESOLVED that the Town and the County do hereby enter into the following amended agreement:

1. The duration of this agreement shall be for so long as any portion of Area B has not been annexed by the Town or until this Agreement is revoked by either party by ninety (90) days written notice to the other.

2. A joint authority, to be known as the Berryville Area Development Authority ("Authority"), is hereby created. The purpose of the Authority shall be to administer the Town's subdivision ordinance and the applicable site development plan regulations of the Town and County zoning ordinances in Area B, and to perform such other duties as may be delegated to it from time to time by the Town and the County.

3. The Authority shall be composed of a total of six (6) members, of which three (3) members shall be appointed by the Berryville Town Council and three (3) members shall be appointed by the Clarke County Board of Supervisors. Each jurisdiction will initially appoint one member for a three (3) year term, one member for a two (2) year term, and one member for a one (1) year term. Upon expiration of the initial terms, all terms shall be for three (3) years. Vacancies occurring other than through the expiration of a term shall be filled for the unexpired term by the appropriate governing body.

4. The Authority shall adopt by-laws, and shall annually elect officers.

5. The Town hereby delegates to the Authority, as its agent, the administration of (i) the Town subdivision ordinance,

(ii) the site development plan regulations of the Town zoning ordinance, and (iii) the Historic District regulations, if any, of the Town zoning ordinance, for property in Area B which is the subject of the application and for which no final certificate of occupancy has been granted.

6. The County hereby delegates to the Authority, as its agent, the administration of (i) the site development plan regulations of the County zoning ordinance, and (ii) the Historic Access Corridor Overlay District of the County zoning ordinance for property in Area B not in the Town.

7. The Authority is hereby vested with the responsibility for review and action on all subdivision applications and site development plan applications in Area B pursuant to the terms of this Amended Resolution and Agreement.

8. The County and the Town shall each designate one or more staff persons to serve the Authority.

9. Fees and bonds for subdivisions shall be payable to the Town; fees for site development plans shall be payable to the jurisdiction which is providing the primary staffing for the application; and bonds for site development plans shall be payable to the Town if the property is located in the Town, and otherwise to the County.

10. Expenses of the Authority related to the processing of a particular application (not including staff persons employed by the County or the Town) shall be the responsibility of and paid by the jurisdiction to which application fees are payable. All other expenses of the Authority shall be shared equally by

the County and Town. The Town shall act as fiscal agent for the Authority.

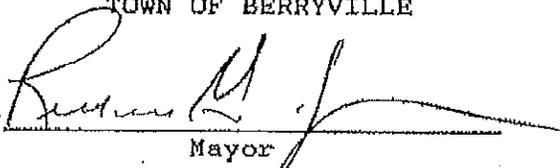
11. This Amended Resolution and Agreement amends and replaces, effective as of the date of adoption hereof by both the Town and County, the Resolution and Agreement adopted by the Town and the County in a joint meeting on March 27, 1990.

12. This Amended Resolution and Agreement may be amended by mutual agreement of the Town and the County.

DATE APPROVED BY
BERRYVILLE TOWN
COUNCIL:

12/8 _____, 1992

TOWN OF BERRYVILLE

By  _____
Mayor

DATE APPROVED BY
CLARKE COUNTY BOARD
OF SUPERVISORS;

12/15 _____, 1992

COUNTY OF CLARKE

By  _____
Chairman, Board of Supervisors

LAND USE APPLICATIONS/ACTIONS
ON LAND IN ANNEXATION AREA B

I. Land Located in the County

<u>Application</u>	<u>Review/Action By</u>	<u>Applicable Ordinance</u>	<u>Reference</u>
Subdivision	BADA	Town S.O.	- Annexation Agreement ¶6(a) - BADA Agreement ¶5
Site Plan	BADA ¹	County Z.O.	BADA Agreement ¶'s 5 and 6
Rezoning	BADA and Town P.C. recommend County BOS acts	County Z.O.	Annexation Agreement ¶6(b) County Z.O. §8-D-3
Special Use Permit	BADA and Town P.C. recommend County BOS acts	County Z.O.	Annexation Agreement ¶6(b) County Z.O. §5-B-2-d
Historic District	BADA (appeals to County BOS)	County Z.O. (Historic Access Corridor Overlay District)	- BADA Agreement ¶6 - County Z.O. §3-B-4-b

¹ The Town and County Zoning Ordinances each require site plan to be submitted with a SUP application, and each requires a site plan submitted with a SUP application to be acted upon by the governing body, as a separate approval. Therefore, under the existing BADA Agreement provisions, as to a site plan submitted with a SUP application, the BADA makes a recommendation on the site plan, the applicable Planning Commission make a recommendation on the SUP, and the governing body acting on the SUP takes action on the site plan as a separate approval.

II Land Located in the Town

<u>Application</u>	<u>Review/Action By</u>	<u>Applicable Ordinance</u>	<u>Reference</u>
Subdivision	BADA	Town S.O.	BADA Agreement ¶5
Site Plan	BADA ¹	Town Z.O.	BADA Agreement ¶5
Rezoning	Town P.C. recommends Town Council acts	Town Z.O.	
Special Use Permit	Town P.C. recommends Town Council acts	Town Z.O.	
Historic District	BADA ² (appeals to Town Council)	Town Z.O. (Historic District)	BADA Agreement ¶5 Town Z.O. §704.1

¹ The Town and County Zoning Ordinances each require site plan to be submitted with a SUP application, and each requires a site plan submitted with a SUP application to be acted upon by the governing body, as a separate approval. Therefore, under the existing BADA Agreement provisions, as to a site plan submitted with a SUP application, the BADA makes a recommendation on the site plan, the applicable Planning Commission make a recommendation on the SUP, and the governing body acting on the SUP takes action on the site plan as a separate approval.

² Action by the BADA is limited to those properties for which no final certificate of occupancy has been granted. Otherwise, the matter goes to the Town Architectural Review Board.

III. Berryville Area Plan (BAP) Review and Approval

Review/Action By

BADA recommends
BOS and Town Council approval

Reference

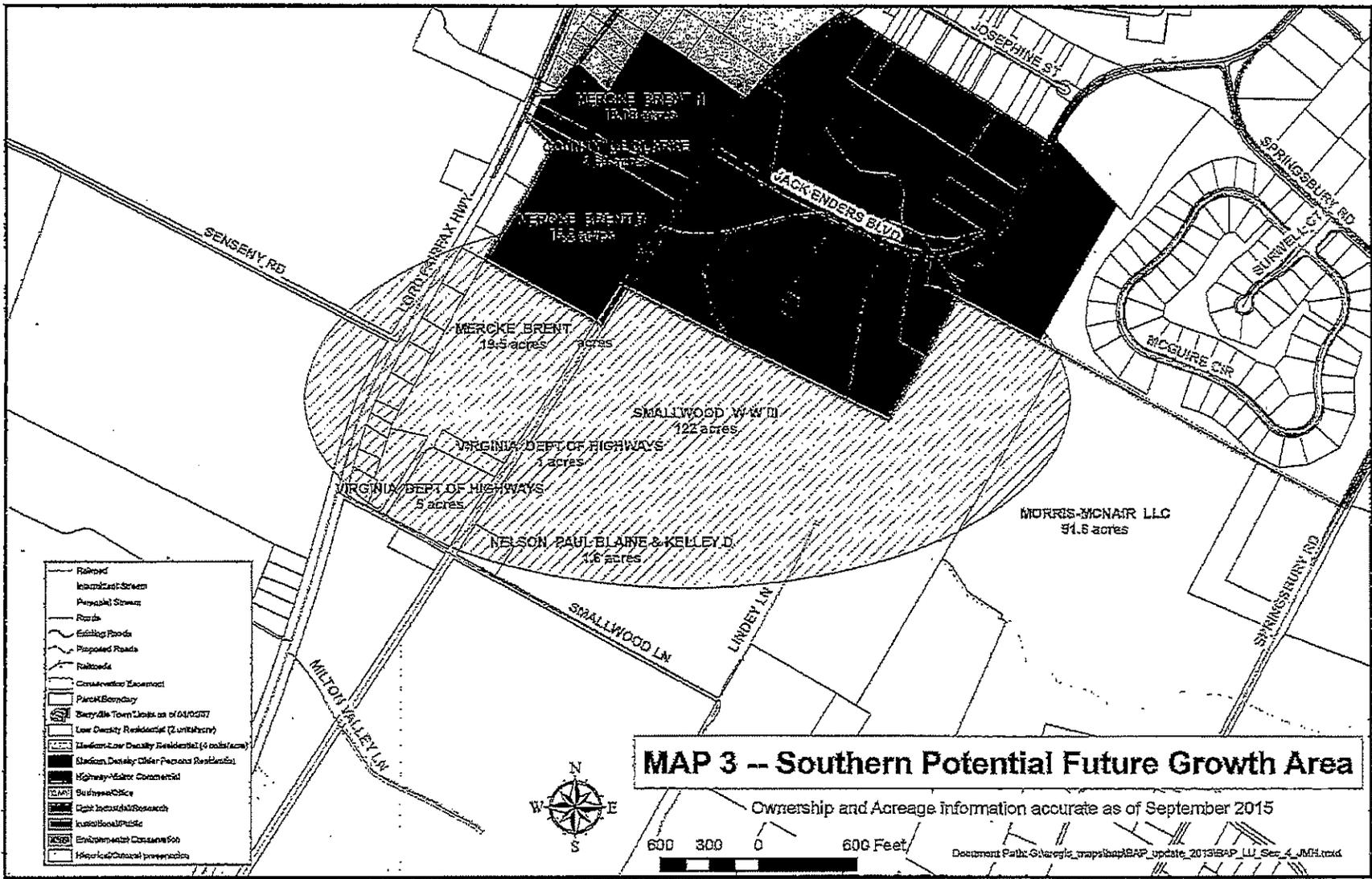
-BADA Agreement - 2008 Amendment
-Annexation Agreement - ¶6(a)

Potential Future Growth Areas

- **General areas without specific boundaries identified for future consideration by the Town and County for potential joint development and annexation.**
 - **No land use categories or planned uses are assigned at this time.**
 - **Town and County would have to jointly agree to study these areas – including a detailed analysis of development capacity – before proceeding to next steps of establishing new annexation area and adding as Sub-Areas to the Berryville Area Plan.**
-
-

Southern Potential Future Growth Area

- **Potential uses – Business/Office and Light Industrial/Research**
 - **Approximately 150 acres**
 - **Could be accessed from north by new road extending south from Jack Enders Boulevard**
 - **Limited public road access to US 340 (Smallwood Lane).**
 - **Significant rail crossing upgrades likely needed at Norfolk Southern Railroad**
 - **VDOT office and existing uses on US 340 present other obstacles to a US 340 connection**
 - **Existing conservation easement (Milton Valley Farm) borders the area to the South**
 - **Short-term priority**
-

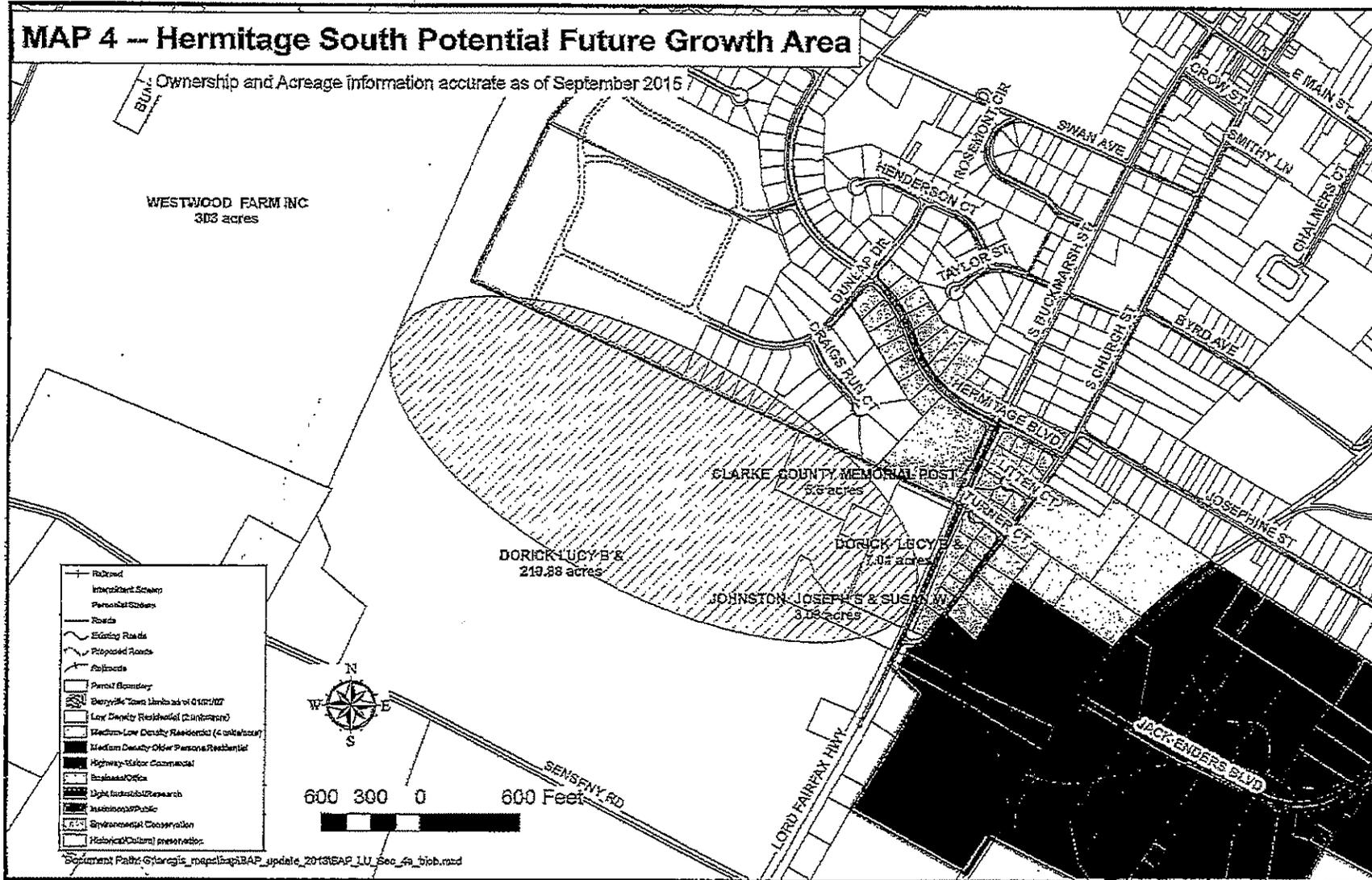


Hermitage South Potential Future Growth Area

- **Potential uses – Low density residential, medium density residential, commercial uses (consistent with Town ordinances), historic/cultural preservation**
 - **Approximately 75 acres**
 - **Could be accessed via US 340 and future streets in undeveloped section of Hermitage Subdivision.**
 - **Mitigate impact on historic home (Aurora, 453 South Buckmarsh Street)**
 - **Siting and landscaping considerations due to minimal tree coverage and location at Town's gateway**
 - **Long-term priority**
-

MAP 4 -- Hermitage South Potential Future Growth Area

Ownership and Acreage information accurate as of September 2015

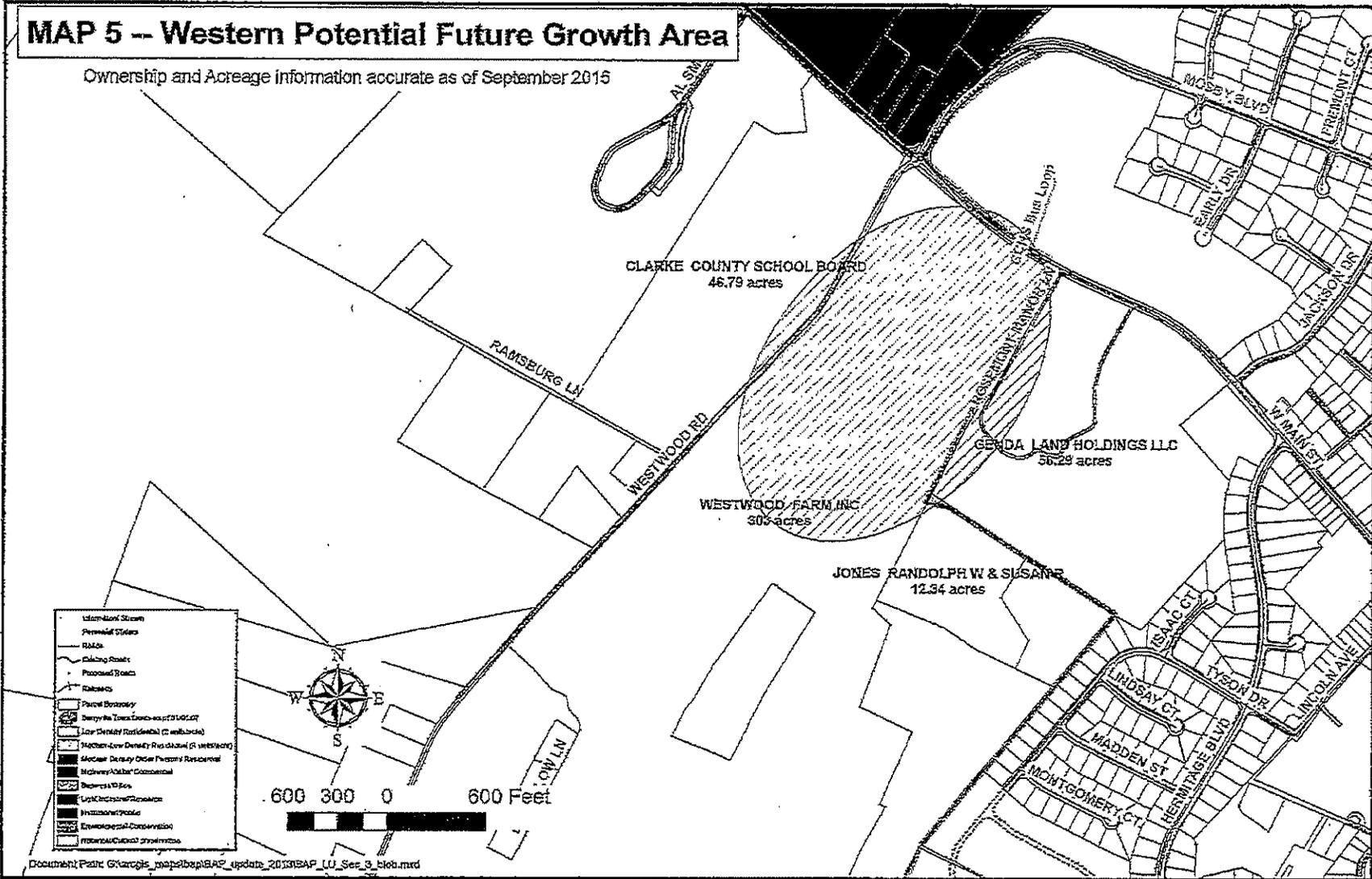


Western Potential Future Growth Area

- **Potential uses – Low density residential, medium density residential**
 - **Approximately 60 acres**
 - **Frontage on West Main Street and Westwood Road**
 - **Property is in long-term agricultural use as an orchard**
 - **Mitigate impact on Rosemont adjoining to the east**
 - **Siting and landscaping considerations due to minimal tree coverage and location at Town's gateway**
 - **Long-term priority**
-

MAP 5 -- Western Potential Future Growth Area

Ownership and Acreage information accurate as of September 2015



Potential Future Growth Areas (cont.)

- **Need for detailed study of a potential future growth area would be determined based on the following factors:**
 - **Degree of build-out in existing Sub-Areas**
 - **Available capacity of public water and public sewer to serve the new development area OR the ability to obtain additional required capacity through developer-funded improvements**
 - **Impact on current levels of service of public roads and emergency services and whether adverse impacts can be mitigated by developer-funded improvements**
 - **Impact on the capacity of the public school system including but not limited to enrollment capacity and classroom size**
-

Next Steps

- All comments received will be provided to the Berryville Area Development Authority (BADA) in a summary report for review at their November 18 meeting.
 - Written comments should be provided by November 9 in order to be included in the November 18 meeting packet.
 - Final Draft Plan document to be developed in response to comments received – to be presented to BADA at December 16 meeting.
 - BADA will schedule and hold a formal Public Hearing to recommend adoption of the Final Draft.
 - Once the BADA has acted on the Final Draft, it will be forwarded to Town Council and the Board of Supervisors for consideration and to schedule a formal Public Hearings for adoption.
 - Both Town Council and the Board of Supervisors must adopt the revised Plan in order for it to take effect.
-

TOWN OF BERRYVILLE

Department of Planning & Zoning

101 Chalmers Court, Suite A * Berryville, Virginia 22611

[T] 540/955-4081 * [F] 540/955-4524 * [E] planner@berryvilleva.gov

MEMO

DATE: May 19, 2017
TO: Keith
FROM: Christy 
RE: Annexation process

Keith-

Per your request, I have spoken with Brandon about the process for expanding the annexation area (Annexation Area C). Following are our initial thoughts on where we go from here:

- TC and BOS jointly agree to begin a formal study of the area identified in the Berryville Area Plan as the Southern Potential Future Growth Area (Map 5).
- Determine what items need to be included in the updated information (e.g., historical data, geographic/geologic information, soil/karst exploration, farmland characteristics map).
- Determine approximate costs and funding.
- Develop RFQ for hiring a consultant. We feel that a transportation consultant would be necessary as part of this process in order to identify current and future needs.

During the process referenced above, a review of the respective zoning and subdivision ordinances, specifically the BP zoning district, should occur.

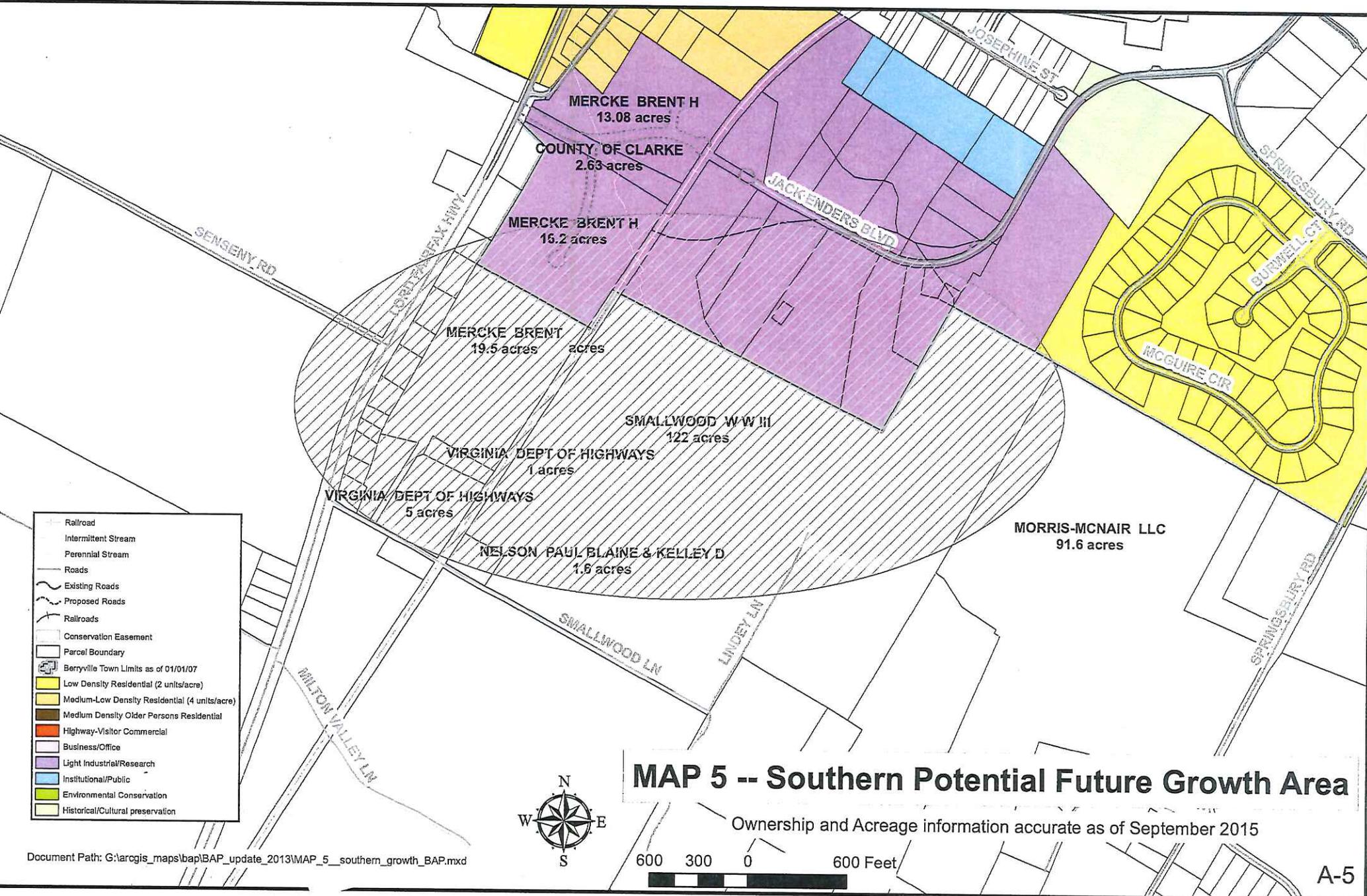
Rezoning processes will need discussed between TC and the BOS to include a review of Bob's matrix (attached); how to zone (or not zone) parcels within Annexation Area C; and how a transfer of proffers may occur. We have discussed the latter as it relates to Shenandoah Crossing.

(continued)

I have attached the following items to this memorandum:

- Map 5 Southern Potential Future Growth Area (Berryville Area Plan);
- Section 612 Business Park of the Berryville Zoning Ordinance;
- Map of Clarke County Business Park; and
- Matrix developed by Bob Mitchell to identify Town and County processes as identified in the Annexation Agreement.

Alison is creating a large scale map of the Business Park which will identify parcels, buildings, and utilities. I will add the specific businesses to the map upon receipt.



- Railroad
- Intermittent Stream
- Perennial Stream
- Roads
- Existing Roads
- Proposed Roads
- Railroads
- Conservation Easement
- Parcel Boundary
- Berryville Town Limits as of 01/01/07
- Low Density Residential (2 units/acre)
- Medium-Low Density Residential (4 units/acre)
- Medium Density Older Persons Residential
- Highway-Visitor Commercial
- Business/Office
- Light Industrial/Research
- Institutional/Public
- Environmental Conservation
- Historical/Cultural preservation

MERCCKE BRENT H
13.08 acres

COUNTY OF CLARKE
2.63 acres

MERCCKE BRENT H
16.2 acres

MERCCKE BRENT
19.5 acres

SMALLWOOD W W III
122 acres

VIRGINIA DEPT OF HIGHWAYS
1 acres

VIRGINIA DEPT OF HIGHWAYS
5 acres

NELSON PAUL BLAINE & KELLEY D
1.6 acres

MORRIS-MCNAIR LLC
91.6 acres

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
(jii)	622	Hospitals
(kkk)	623	Nursing & Residential Care Facilities
(lll)	624	Social Assistance
(mmm)	711	Performing Arts, Spectator Sports & Related Industries
(nnn)	712	Museums, Historical Sites & Like Institutions
(ooo)	713	Amusement, Gambling & Recreation Industries
(ppp)	721	Accommodation
(qqq)	722	Food Services & Drinking Places
(rrr)	812	Personal & Laundry Services
(sss)	813	Religious, Grant-making, Professional, and Like Organizations
(ttt)	814	Private Households
(uuu)	921	General Government Administration
(vvv)	922	Justice, Public Order & Safety Activities
(www)	923	Administration of Human Resource Programs
(xxx)	924	Administration of Environmental Quality Programs
(yyy)	925	Administration of Housing, Urban Planning, Community Development
(zzz)	926	Administration of Economic Programs
(aaaa)	927	Space Research & Technology
(bbbb)	928	National Security & International Affairs

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

612.6 MAXIMUM DENSITY

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

612.7 LOT SIZE REQUIREMENTS

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

612.8 BULK REGULATIONS

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

612.9 OPEN SPACE

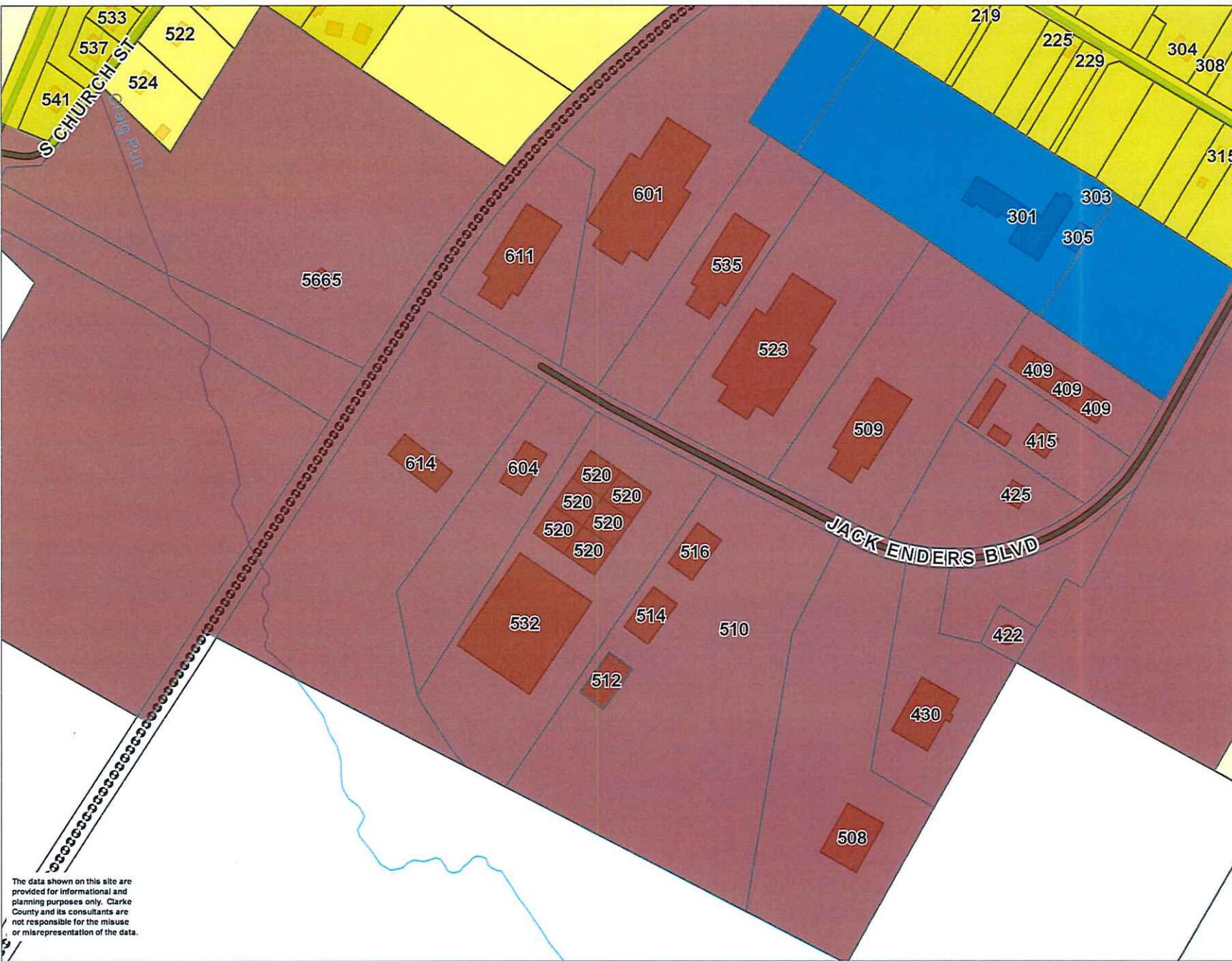
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|-----|--|
| (a) | An open space plan and landscape design program shall be submitted with applications for any land use governed by this district. |
| (b) | Fifteen (15) percent of the site shall be landscaped open space. |

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. |

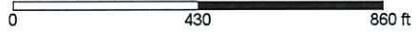
Section 612 Business Park (BP) District

- (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.



- Public
- Points of Interest
- Parcels
- Barryville 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.



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LAND USE APPLICATIONS/ACTIONS
ON LAND IN ANNEXATION AREA B

I. Land Located in the County

<u>Application</u>	<u>Review/Action By</u>	<u>Applicable Ordinance</u>	<u>Reference</u>
Subdivision	BADA	Town S.O.	- Annexation Agreement ¶6(a) - BADA Agreement ¶5
Site Plan	BADA ¹	County Z.O.	BADA Agreement ¶'s 5 and 6
Rezoning	BADA and Town P.C. recommend County BOS acts	County Z.O.	Annexation Agreement ¶6(b) County Z.O. §8-D-3
Special Use Permit	BADA and Town P.C. recommend County BOS acts	County Z.O.	Annexation Agreement ¶6(b) County Z.O. §5-B-2-d
Historic District	BADA (appeals to County BOS)	County Z.O. (Historic Access Corridor Overlay District)	- BADA Agreement ¶6 - County Z.O. §3-E-4-b.

¹ The Town and County Zoning Ordinances each require site plan to be submitted with a SUP application, and each requires a site plan submitted with a SUP application to be acted upon by the governing body, as a separate approval. Therefore, under the existing BADA Agreement provisions, as to a site plan submitted with a SUP application, the BADA makes a recommendation on the site plan, the applicable Planning Commission make a recommendation on the SUP, and the governing body acting on the SUP takes action on the site plan as a separate approval.

II. Land Located in the Town

<u>Application</u>	<u>Review/Action By</u>	<u>Applicable Ordinance</u>	<u>Reference</u>
Subdivision	BADA	Town S.O.	BADA Agreement ¶5
Site Plan	BADA ¹	Town Z.O.	BADA Agreement ¶5
Rezoning	Town P.C. recommends Town Council acts	Town Z.O.	
Special Use Permit	Town P.C. recommends Town Council acts	Town Z.O.	
Historic District	BADA ² (appeals to Town Council)	Town Z.O. (Historic District)	BADA Agreement ¶5 Town Z.O. §704.1

¹ The Town and County Zoning Ordinances each require site plan to be submitted with a SUP application, and each requires a site plan submitted with a SUP application to be acted upon by the governing body, as a separate approval. Therefore, under the existing BADA Agreement provisions, as to a site plan submitted with a SUP application, the BADA makes a recommendation on the site plan, the applicable Planning Commission make a recommendation on the SUP, and the governing body acting on the SUP takes action on the site plan as a separate approval.

² Action by the BADA is limited to those properties for which no final certificate of occupancy has been granted. Otherwise, the matter goes to the Town Architectural Review Board.

III. Berryville Area Plan (BAP) Review and Approval

Review/Action By

BADA recommends
BOS and Town Council approval

Reference

-BADA Agreement - 2008 Amendment
-Annexation Agreement - ¶6(a)



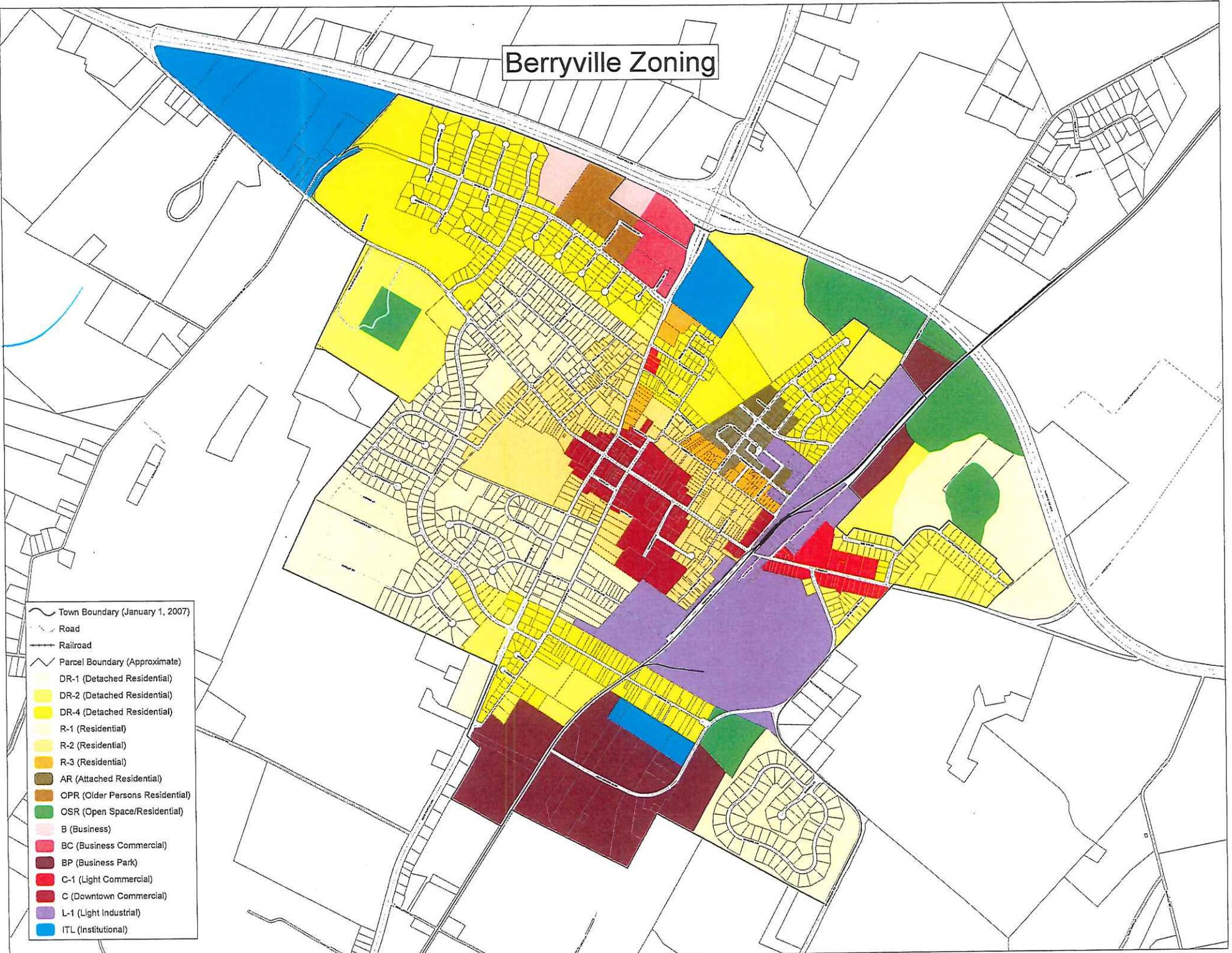
1 inch = 250 feet



Legend

-  Sewer Main
-  Railroad
-  Streets
-  Water Main
-  Town Boundary
-  Parcel Boundary
-  Structure

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)

Clarke County Business Park Businesses (May 23, 2017)

409 Jack Enders Boulevard (Owner Saint Thomas Partnership)

- Angry Sheep Motor Sports
- Appalachian Woodworks, LLC

415 Jack Enders Boulevard (Owner Occupant Broy & Son Pump Service)

425 Jack Enders Boulevard (Owner MBS Well Drillers, LLC)

- Singhas & Michael Corporation

430 Jack Enders Boulevard (Owner JCSG Properties, LLC)

508 Jack Enders Boulevard (Owner Occupant Pumpnickel Press)

509 Jack Enders Boulevard (Owner SJB, LLC)

- Champion Iron Works

512 Jack Enders Boulevard (Owner McGee Holdings, LLC)

- Lapointe Landscape Services, DBA Rivers Edge

514 Jack Enders Boulevard (Owner McGee Holdings, LLC)

- Southern Electrical Service Co

516 Jack Enders Boulevard (Owner McGee Holdings, LLC)

- Atlantic Construction, LLC
- La Rocca Granite, LLC
- McGee Holdings, LLC

520 Jack Enders Boulevard (Owner Loudoun Investments, LLC)

- Loudoun Services Inc. T/A LSI

523 Jack Enders Boulevard (Owner Kelley & Cochran Enterprises)

- Cochran's Lumber & Millwork

532 Jack Enders Boulevard (Owner Loudoun Investments, LLC)

- Trelleborg Marine Systems USA, Inc.

535 Jack Enders Boulevard (Owner Occupant Griffith Energy Services, Inc.)

601 Jack Enders Boulevard (Owner A M Investment Group, LLC)

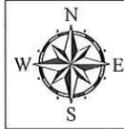
- AM-Liner East, Inc.

604 Jack Enders Boulevard (Owner The 101 Limited Partnership)

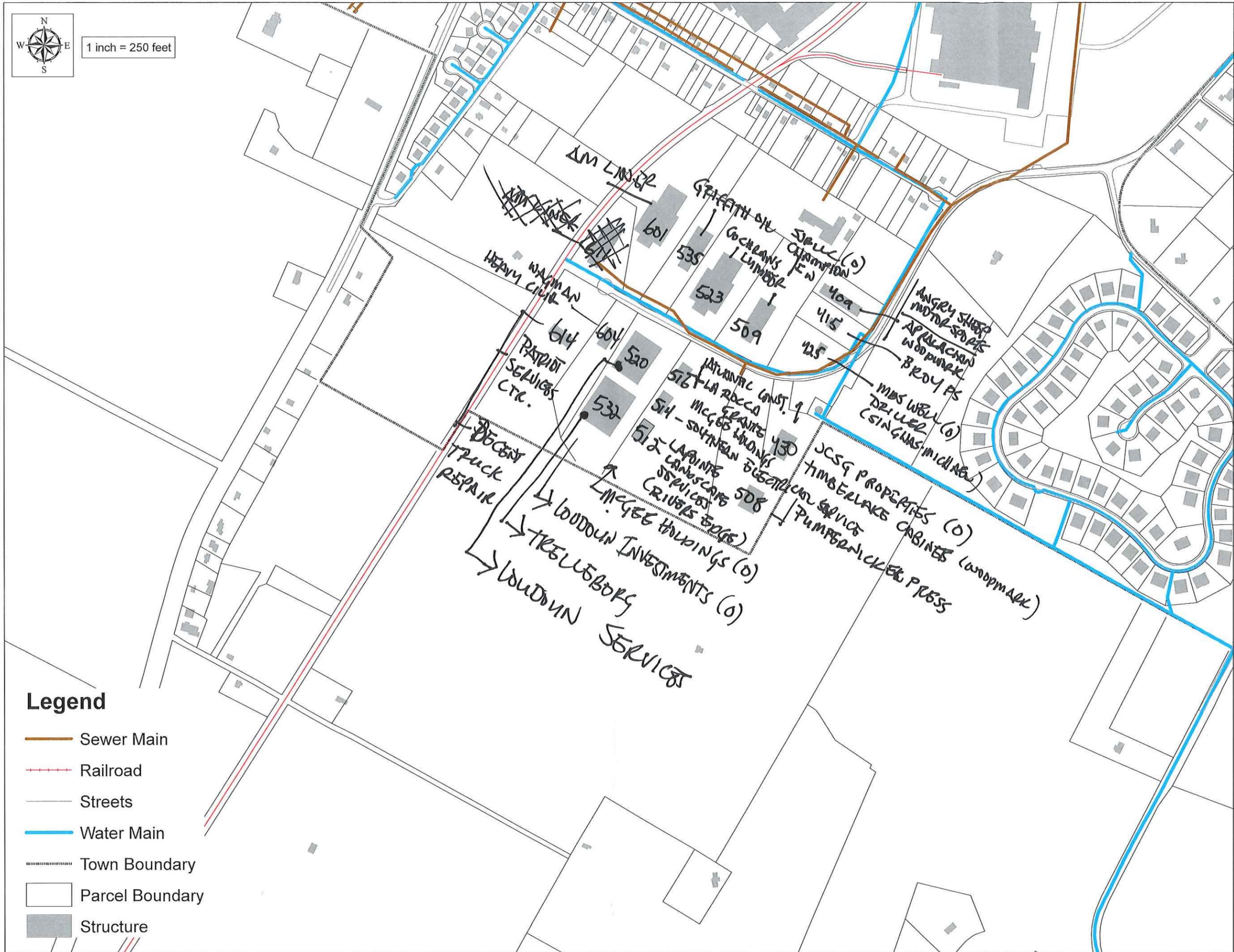
- Wagman Heavy Civil, Inc.

614 Jack Enders Boulevard (Owner Gill Hajinder)

- Patriot Services Center, Inc.
- Decent Truck Repair, Inc.



1 inch = 250 feet



Legend

-  Sewer Main
-  Railroad
-  Streets
-  Water Main
-  Town Boundary
-  Parcel Boundary
-  Structure