

Town of Berryville
Berryville-Clarke County
Government Center
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BERRYVILLE PLANNING COMMISSION
Berryville/Clarke County Government Center – 101 Chalmers Court
Main Meeting Room
November 28, 2017 - 7:30pm
Regular Meeting – Berryville/Clarke County Government Center

AGENDA

1. **Call to Order** - Doug Shaffer, Chair
2. **Approval of Agenda**
3. **Approval of Minutes** – July 25, 2017
4. **Approval of Comprehensive Plan Update Committee Minutes** – November 6, 2017

REGULAR SESSION

5. **Citizens' Forum**

NEW BUSINESS

6. **Set Public Hearing - Text Amendments – Attachment A**
Text amendments relating to production of craft beverage manufacturing

BUSINESS

7. **Planning and Zoning Update – Attachment B**
8. **Other**
9. **Adjourn**

Patricia Dickinson
Mayor

Harry Lee Arnold, Jr.
Recorder

Donna Marie McDonald
Ward 1

Council Members
Allen Kitselman, III
Ward 2

Erecka L. Gibson
Ward 3

David L. Tollett
Ward 4

Keith R. Dalton
Town Manager

PLANNING COMMISSION
Berryville-Clarke County Government Center
MINUTES OF REGULAR MEETING
July 25, 2017

A meeting of the Berryville Planning Commission was held on Tuesday, July 25, 2017 beginning at 6:45pm at 40 Cattleman's Lane in Berryville.

ATTENDANCE: Members of the Planning Commission present: Doug Shaffer, Chair, Kim Kemp, Vice Chair, Dale Barton, Gwen Malone, Michelle Marino, Krish Mathur, Sheryl Reid, William Steinmetz, Debbie Zimmerman

Staff present: Christy Dunkle, Assistant Town Manager/Planner

Others present: Dave Tollett (Planning Commission liaison), Don and Brenda Riesgraf, Clissy Friant Funkhouser

Press present: Cathy Kuehner

Chair Shaffer called the meeting to order at 6:46pm at 40 Cattleman's Lane. Staff explained the Special Use Permit request and introduced applicant Don Riesgraf. Mr. Riesgraf described his intentions for the site. He said he was going to remove the structure adjacent to the railroad tracks that was previously used by Moore and Dorsey. He identified the parcel boundary and a portion of the siding that he leases from Norfolk Southern Railroad. He indicated that Lloyd's Transfer has occupied the building on the south side of the parcel and will remain a tenant on the site. He said that the site would be fenced and that one gate would be installed with either a key pad a fob allowing 24-hour access. He said he was intending to install two lights that would be shielded downward.

There was a discussion about the adjacent zoning and that residentially zoned property is located on the east side of the site. Ms. Funkhouser said that a planting buffer would be helpful in addition to a fence along the property line. She asked for a description of contractor's storage. Mr. Riesgraf said he is anticipating some equipment and construction material but is expecting more recreational vehicles. He said that there would be no hazardous materials stored on the site. He added it would not turn into a junk yard stating that he had removed a number of junk vehicles on the parcel. Ms. Funkhouser asked if there would be any ministorage units and Mr. Riesgraf replied there would not be any on the site.

Mr. Riesgraf said he was fine with adding alternating Leland cypress to the property line next to the Friant property. He identified an area of stone and a rock outcropping on the site that will be retained. He said that the storage area will be gravel. There was a discussion about storm water. Mr. Riesgraf said that there is no standing water on the site and will not be any run-off as the storm water as there will not be any impervious surface added to the site.

Ms. Funkhouser asked about noise and Ms. Dunkle said there is Town Code language that addresses times that noise-generating activities in the Town may occur.

There was a discussion specific to the Friant property and the location of future housing. Ms. Dunkle said that the BADA had conducted a site visit several years ago during the Berryville Area Plan update process. She said that the modified land use map identifies additional residentially-zoned property rather than the previously-identified business park use to the north of the parcel. She said that BADA members said that this area may be used in the net developable acreage calculation and used a buffer between the industrial and residential zoning districts. Chair Shaffer asked if there was going to be an office on the site and Mr. Riesgraf said that would not be a structure built on the site at this point.

There being no further questions or discussion, Chair Shaffer recessed the meeting to the Government Center to reconvene at 7:30pm.

Chair Shaffer reconvened the Planning Commission meeting to the Government Center located at 101 Chalmers Court in Berryville at 7:30pm.

APPROVAL OF AGENDA

Chair Shaffer asked for approval of the agenda. Ms. Reid moved to approve the agenda as presented, seconded by Ms. Malone, the agenda was approved by voice vote.

APPROVAL OF MINUTES

Mr. Steinmetz moved to approve the minutes of the June 27, 2017 Planning Commission meeting, seconded by Ms. Marino, Ms. Malone abstained. The motion passed by voice vote.

APPROVAL OF COMPREHENSIVE PLAN COMMITTEE MINUTES

Chair Steinmetz asked for any changes on the minutes and a motion to approve the July 10, 2017 meeting minutes. Ms. Zimmerman made the motion to approve the minutes, Ms. Malone seconded, the motion passed by voice vote.

APPROVAL OF SENIOR FACILITIES COMMITTEE MINUTES

Chair Barton asked if there were changes to the July 10, 2017 minutes of the Senior Facilities Committee. There being none, Ms. Malone moved, seconded by Ms. Zimmerman, the motion passed by voice vote.

PUBLIC HEARINGS

Special Use Permit

Donald Riesgraf (Owner, DBSR, LLC), is requesting a Special Use Permit in order to allow contractor's establishment and light warehousing with outdoor storage per Section 609.3(a) of the Berryville Zoning Ordinance on the property located at 40 Cattleman's Lane, identified as Tax Map Parcel number 14A3-((A))-26, zoned L-1 Industrial. SUP 02-17

Chair Shaffer asked staff to describe the request. She gave the public hearing notice and adjacent property owner notification information. Ms. Dunkle said that Ms. Funkhouser had received an adjacent property owner notice and she met with her prior to the Planning Commission meeting. Chair Shaffer acknowledged Clissy Friant Funkhouser. Ms. Funkhouser said that she appreciated the effort of contacting adjacent property owners and the ability to discuss the matter with the Planning Commission. She said her family owns the property adjacent to the parcel under consideration for the Special Use Permit. She said she would like to have alternating cypress or coniferous plant as a screen in addition to a fence. She said she was not concerned about noise but she would like to assure that kids would not be able to access the site. There was a discussion about the buffer. Ms. Dunkle said that the Zoning Ordinance requires a buffer between industrial and residential zoning districts and that she would work with the applicant to identify it on the site plan. Ms. Zimmerman asked if there was a limit to the number of vehicles on the property and Ms. Dunkle said there was not. Ms. Dunkle said she discussed storage concerns with Mr. Lichty and he did not find anything that would regulate this type of storage. Ms. Dunkle reviewed Town Code Section 10-50 as it pertains to storage of recreational vehicles.

There was a discussion about access to the facility. Mr. Riesgraf said that he anticipated mostly daytime hours, similar to other public storage. The subject of lighting was discussed and the applicant said he is proposing limited lighting on the site. He said that the Town police department patrols the area frequently and he did not see the need for excessive lighting. Chair Shaffer asked about moving construction equipment during off hours. Ms. Dunkle said that the Town Code does not permit this type of noise-producing activity prior to 7:00am. Ms. Zimmerman asked about the maintenance of Cattleman's Lane. Mr. Riesgraf said that the owner, Norfolk Southern Railroad, does not do much maintenance to the road and that he is the one who has added stone and removes snow.

There being no further discussion, Ms. Marino made the motion to close the public hearing, seconded by Ms. Malone, the motion passed by voice vote.

Text Amendments

The Berryville Planning Commission is sponsoring text amendments to the Berryville Zoning Ordinance in order to remove references to the Town of Berryville Stormwater Management Ordinance and replacing them to reference the Commonwealth of Virginia Stormwater Management Program (VSMP) following the repeal of the Town's Stormwater Management Ordinance. TA 01-17

Ms. Dunkle read public hearing information. She said no comments had been received in the Planning Office. She said that the proposed amendments were needed to remove references to the Berryville Stormwater Management Ordinance which was repealed by Town Council in April. Vice Chair Kemp said that this was a matter of housekeeping. Chair Shaffer asked for additional discussion. There being no further discussion, Vice Chair Kemp made a motion to close the public hearing, seconded by Mr. Steinmetz, the motion passed by voice vote.

Text Amendments

The Berryville Planning Commission is sponsoring text amendments to the Berryville Zoning Ordinance in order to repeal and readopt Section 322 Erosion and Sediment Control updating the ordinance to align with regulations of the Commonwealth of Virginia.

TA 02-17

Ms. Dunkle read public hearing notice information and said that no comments were received in the Planning Office. She said that due to changes to the model ordinance for the Commonwealth of Virginia, Section 322 of the Berryville Zoning Ordinance need to be amended. She said that some of the changes include updates to Code of Virginia section references and the addition of several definitions. Chair Shaffer asked for any comments. There being no further discussion, Vice Chair Kemp made the motion to closed the public hearing, seconded by Ms. Zimmerman, the motion passed by voice vote.

REGULAR SESSION

Citizen's Forum

Chair Shaffer said no one had signed up to speak and asked if anyone would like to. There were no speakers.

Discussion – Public Hearings

Special Use Permit

Chair Shaffer asked staff how signage approval was handled on the site. Ms. Dunkle said that signage for this parcel is administratively approved. There was a discussion about the height of the fence. Mr. Steinmetz said he thought that an eight-foot fence with three barbed wire strands at the top would suffice. There was a discussion about lighting on the property. Ms. Funkhouser asked what the height of the lights would be and Mrs. Riesgraf said they would be approximately 15 feet high to reach above the height of a travel trailer. Mr. Riesgraf said that he will supply additional information to staff prior to the Council meeting. Chair Shaffer asked the applicant to confirm that there would be one entrance and Mr. Riesgraf confirmed that there will be one point of access.

There being no further discussion, Vice Chair Kemp made the motion to recommend Council approve Special Use Permit SUP 02-17 and to work with staff to identify the specific location and specifications for both fencing (eight foot fence with barbed wire for additional security) and lighting (height of poles, wattage, fixture details), seconded by Mr. Steinmetz, the motion passed by voice vote.

Text Amendments – Berryville Zoning Ordinance

Chair Shaffer asked for additional comments concerning modifications to the Berryville Zoning Ordinance. There being no additional discussion, Mr. Steinmetz moved to recommend that Council modify references to the Berryville Stormwater Management Ordinance in the zoning ordinance after its repeal in April as presented, seconded by Ms. Zimmerman, the motion passed by voice vote.

Text Amendments – Section 322 Erosion and Sediment Control

Chair Shaffer asked for any additional discussion on the matter. There being none, Mr. Steinmetz made the motion to recommend that Council repeal and readopt Section 322 Erosion and Sediment Control of the Berryville Zoning Ordinance in order to conform to changes to the Code of Virginia, seconded by Ms. Marino, the motion passed by voice vote.

NEW BUSINESS

Discussion – Senior Facilities

Chair Dale Barton said that the Committee had met and discussed current zoning and uses related to senior facilities and concluded that additional senior units could be detrimental to services and that an urgent care facility should be a priority. She reminded Commissioners that deed restrictions could be placed on specific developments which would be at the discretion of the developer. There was a discussion about process. Chair Shaffer asked staff to do additional research on the matter including the identification of parcel size under the respective zoning district and to continue the discussion at the next meeting. Mr. Steinmetz recommended that committee members present their findings to Council in the coming months.

OLD BUSINESS

PLANNING AND ZONING UPDATE

Ms. Dunkle reviewed the staff report. There was an update on the Mario's parking lot project.

OTHER

Mr. Steinmetz said that he attended the democratic caucus press conference on Monday and complimented staff and those involved with organizing the event.

Adjourn

There being no further business, Ms. Zimmerman made a motion to adjourn the meeting, seconded by Ms. Malone, the motion passed by voice vote at 8:14pm.

Doug Shaffer, Chair

Christy Dunkle, Recording Secretary

PLANNING COMMISSION
Comprehensive Plan Committee
MINUTES
Berryville-Clarke County Government Center – AB Meeting Room
November 6, 2017

A meeting of the Berryville Planning Commission Comprehensive Plan Committee was held on Monday, November 6, 2017 at 10:30 a.m. in the Berryville – Clarke County Government Center located at 101 Chalmers Court in Berryville, Virginia.

ATTENDANCE: Members of the Committee present: William Steinmetz, Chair, Gwen Malone

Absent: Debbie Zimmerman

Staff present: Christy Dunkle, Assistant Town Manager/Planner

Others: None

Chair Steinmetz called the meeting to order at 10:33a.m.

Chair Steinmetz noted that, due to work obligations, Ms. Marino resigned from the Committee.

DISCUSSION – Chapter 10 Goals and Objectives

Chair Steinmetz said that he had read the document and identified several outdated portions. There was a discussion about housing types and the demand for less expensive units in Berryville. Committee members reviewed the document and made recommendations for updates. The Committee directed staff to make the modifications and forward to the Committee prior to the next meeting.

Other

There were no other comments.

Adjourn

There being no further business, Ms. Malone made a motion to adjourn the meeting, seconded by Chair Steinmetz, the motion passed by voice vote at 11:27a.m.

William Steinmetz, Chair

Christy Dunkle, Recording Secretary

Several property owners, potential and current business owners, and developers have contacted staff to discuss “craft beer manufacturing” in the Town of Berryville. While Town Council modified the L-1 Industrial zoning district (Section 609.3(c)) to allow microbreweries, wineries, and distilleries in August of 2016, a definition was not established. Staff is requesting discussion on sponsorship of text amendments relating to this use including a definition and specific zoning districts where this use would be permitted. Other conversation should include additional districts where craft beverage manufacturing may be appropriate; proposed quantities of production identified in the definition; and ancillary uses.

General Information

The craft beverage industry, which includes various types of small-scale producers, has seen considerable growth in recent years in Virginia and nationwide. While craft breweries and wineries are currently the most prevalent type of these producers in the region, craft cider and mead producers, and distilleries should be considered with these amendments.

The Virginia Department of Alcoholic Beverage Control (ABC) issues various licenses to alcohol production facilities based on the type and production level of the respective establishment. The ABC licenses that are most relevant to these amendments are “brewery,” “winery,” and “distillery” licenses. Please note that “farm breweries” and “farm wineries” are licensed separately as production facilities operating on agriculturally zoned property and not the subject of these amendments. There are currently three wineries in the County and one cidery that currently manufactures in the Town of Berryville.

A number of surrounding jurisdictions, including Loudoun and Prince William counties and the Town of Herndon, define craft beverage production facilities as a specific use in their zoning ordinance. Current zoning provisions in Berryville allow craft beverage manufacturing in the L-1 zoning district under Section 609.2(e) which allows for the “production, processing, assembly, manufacturing...of materials, goods or products which conform to applicable Federal, State and local environmental performance standards...” While this section provides for production of craft beverage, it does not allow for tasting rooms, food service, or any other accessory uses that are currently components of many craft beverage production facilities.

Impacts to the Town’s water and sanitary sewer systems for manufacturing uses are vetted at the time of Site Plan review. Water needs for certain uses are reviewed by Utility and Planning staff with the applicants and their consultants. Sanitary sewer usage

is closely monitored by Utility staff and also reviewed during Site Plan review. The Town requires that a Material Safety Data Sheet (MSDS) be completed and approved to track items that may enter the collection system and adversely affect the plant. Pre-treatment of wastewater may be required by the Town.

Proposed Amendments

Definition

Staff is proposing the creation of a new land use designation referred to as “craft beverage manufacturing.” The following draft definition is presented for discussion and is followed by additional information on which the ordinance was based. This would be adopted as a part of Article I Definitions of the Berryville Zoning Ordinance:

Craft beverage manufacturing: *A facility, licensed in accordance with §4.1 of the Code of Virginia, as amended, in which beer, wine, cider, mead, distilled spirits, or other similar beverages are brewed, fermented, or distilled in quantities not to exceed 5,000 barrels of beer, or 10,000 gallons of distilled spirits, wine, cider, or mead annually. Accessory uses shall include tasting rooms at which the consumption of beer or distilled spirits manufactured on-site occurs, accessory food sales occur, and beer and/or distilled spirits manufactured on-site are sold. Tasting rooms shall not exceed 30% of the gross floor area. Retail sales permitted as an accessory use in the L-1 Industrial Zoning District shall be limited to 10% of the gross floor area of the establishment. Parking shall be provided in accordance with the requirements for manufacturing as set forth in Section 305.19 and 305.17 of the Berryville Zoning Ordinance based on square footage of manufacturing and eating establishment use, respectively. Storage of materials used in the production process shall only be permitted within a completely enclosed structure. All other outdoor storage shall be identified on an approved Site Plan and be completely screened from public view.*

Production

The maximum production figures identified are based on levels of ABC licensure. Beer production is measured in barrels while wine, cider, mead, and distilled spirits are measured by gallon. There are 31.5 US gallons per barrel. The lowest ABC brewery license allows up to 500 barrels of beer production annually, however staff recognizes that this is a very limited level of production. Ordinances reviewed in the development of this definition range from 5,000 to 15,000 barrels of beer and 5,000 to 36,000 gallons of distilled spirits per calendar year.

Tasting Rooms

Tasting rooms are an essential component to these types of establishments. These tasting rooms would feature only those products produced on-site. While off-street parking may dictate the size of the tasting room, there should be a discussion at the meeting concerning maximum floor area for this use. Ordinances reviewed by staff

identified from 30% to 49% gross floor area. Numbers proposed in the draft definition should be discussed by Planning Commission at the meeting.

Retail

Associated retail items are also a component of a craft beverage manufacturing facility. These items may include glassware, branded clothing, or other licensed apparel. As retail uses are currently permitted in the C-1 zoning district, the referenced retail in the definition would apply to the L-1 Industrial district only.

Parking

For parking in the L-1 Zoning District, staff recommends that the square footage allotted to the specific use shall apply per Section 305 of the Berryville Zoning Ordinance. Should this be the Planning Commission's recommendation, the manufacturing component would require one space for each employee on the maximum work shift plus space to accommodate all trucks and other vehicles used in connection therewith per Section 305.19. The area identified for a tasting room would reflect the requirement for eating establishments under Section 305.17 which requires one space per 100 square feet of floor area.

Outdoor Storage

Outdoor storage is currently addressed in the C-1 and L-1 zoning districts. The C-1 district, regulated under Section 607 of the Berryville Zoning Ordinance, addresses Storage of Materials and Refuse under item 607.10. As production waste from these facilities often produces odors and attract vermin, staff recommends the requirement that all materials used in the production process be stored in an enclosed structure. Non-production outdoor storage shall be identified on a Site Plan and shall be screened from public view.

Proposed C-1 Zoning Amendment

The purpose and intent of Section 607 C-1 Commercial District is to provide selected locations in the Town for light commercial activities that do not adversely impact adjoining residential neighborhoods. C-1 zoning is currently applied on East Main Street east Cattleman's Lane and the 300 block of North Buckmarsh Street. While a number of residential structures are located in these areas, there are also a number of properties that would be appropriate for this type of use. East Main Street is included in Town Code Section 16-9 Tourism Zone Incentives as identified on the Community Business Tourism Zone Map.

Proposed language in Section 607.3 in red:

- 607.3** SPECIAL PERMIT USES
(12/00)
- (a) Broadcast studios
 - (b) Business services and supply establishments
 - (c) Car wash
 - (d) Commercial recreational establishments

- (e) Drive-in banking facilities **(10/94)**
- (f) Fast-food restaurants
- (g) Hardware stores
- (h) Laundromats
- (i) Movie theaters
- (j) Plant nurseries
- (k) Public billiard parlors and pool rooms, bowling alleys, dance halls, health spas and clubs
- (l) Public utilities and related easements, except municipal utilities
- (m) Quick-service stores with unlimited hours of operation
- (n) Residential apartments, as a secondary use to principal structure
- (o) Retail stores over 5,000 square feet for each free-standing business or for each business in a shopping center, not to exceed a maximum of 15,000 square feet for each free-standing business or for each business in a shopping center. **(07/05)**
- (p) Repair service establishments, without outdoor service and/or outdoor storage
- (q) Service stations (without outdoor storage)
- (r) Single-family detached dwellings **(9/96)**
- (s) Schools, public or private
- (t) Three-story buildings
- (u) Veterinary hospitals
- (v) Wood product manufacturing (NAICS 321) except 3211 sawmills and wood preservation **(12/11)**
- (w) Craft beverage manufacturing (00/18)**

Proposed L-1 Zoning Amendment

The purpose and intent of Section 609 L-1 Industrial District is to provide locations within the Town for a broad range of general light-industrial uses, recreational and event venues, infill development, and employment-related businesses operating under well-governed performance standards. L-1 zoning is currently applied on East Main Street, First Street, and Station Road adjacent to the railroad tracks and Cattleman's Lane. This area is included in Town Code Section 16-9 Tourism Zone Incentives as identified on the Community Business Tourism Zone Map.

Proposed language in Section 609.2 in red:

609.2

PERMITTED USES (12/94)

- (a) Auction establishments (indoor only) **(5/95)**
- (b) Business and professional offices **(7/99)**
- (c) Business service, supply and delivery establishments
- (d) Contractor's establishments without outdoor storage
- (e) Establishments for the production, processing, assembly, manufacturing, compounding, cleaning, servicing, testing and repair of materials, goods or products which conform to applicable Federal, State and local environmental performance standards or other standards referenced by the Town as related to

- (a) air pollution; (b) fire and explosion hazards; (c) radiation hazards; (d) electromagnetic radiation and interference hazards; (e) liquid and solid wastes hazards; (f) noise and odor standards; and (g) vibration standards.
- (f) Existing or expansion of existing industrial uses in operation as of the date of adoption of this Ordinance which conform to the previous industrial zoning district requirements.
- (g) Farm supply establishments
- (h) Financial institutions
- (i) Indoor mini-storage facilities
- (j) Light manufacturing, fabrication, testing or repair establishments without outdoor storage
- (k) Light warehousing establishments, without outdoor storage
- (l) Light wholesale trade establishments, without outdoor storage
- (m) Printing and publishing establishments
- (n) Private training and vocational schools
- (o) Public utilities (sub-stations, pump stations, transmission/receiving facilities and lines for telecommunications and similar uses, storage tanks, etc.)
- (p) Sheet metal shops
- (q) Small animal veterinary hospitals, exclusive of boarding kennels
- (r) Vehicle and machinery service, and parts sales ("service" including but not limited to internal and external repair, body work, paint, car washes, etc.)
- (s) Welding shops
- (t) Craft beverage manufacturing (00/18)**

Economic Impacts of the Craft Beverage Industry

Craft Beer

(SOURCE: Brewers Association July 2014)

- 52% annual growth in volume among Virginia craft breweries;
- Virginia was 15th in the nation in 2013 for active breweries, expected to nearly double within three to five years;
- 2012 Senate bill 604 allowed retail beer sales on site at breweries, changing the industry in Virginia;
- Virginia Tourism Corporation estimated craft brewing impacted the economy by \$623 million in 2013 (\$21.2 million total) employing 8,163 people; and
- Expansion of regional brewers from other parts of the country (e.g., Devil's Backbone, New Belgium, Green Flash) to Virginia.

Other Impacts

- Creation of the Shenandoah Spirits Trail, a tourism initiative highlighting craft beverage manufacturers and associated uses in the valley;
- One cidery in Virginia in 2007 up to 19 in 2017 (SOURCE: Washington Post); and

- Significant use of local apples (Virginia ranked sixth in the nation in apple production with approximately 200 million pounds worth approximately \$35 million per year) in the production of cider.

Staff has forwarded this report to peers, producers involved in the craft beverage manufacturing industry for review and comment.

The following items are included in this packet:

- Code of Virginia § 4.1-206 and 208 as referenced in the proposed draft establishing the “craft beverage manufacturer” definition in Article I of the Berryville Zoning Ordinance;
- Sections 607 and 609 of the Berryville Zoning Ordinance regulated the C-1 Commercial District and L-1 Industrial District, respectively;
- Town Code Section 16-9 Tourism Zone Incentives with attachments including Tourism Zone Maps and application;
- Berryville Zoning Map

Recommendation

Discuss at the meeting to determine sponsorship of text amendments relating to the craft beverage manufacturing use.

Code of Virginia

Title 4.1. Alcoholic Beverage Control Act

Chapter 2. Administration of Licenses

§ 4.1-206. Alcoholic beverage licenses.

A. The Board may grant the following licenses relating to alcoholic beverages generally:

1. Distillers' licenses, which shall authorize the licensee to manufacture alcoholic beverages other than wine and beer, and to sell and deliver or ship the same, in accordance with Board regulations, in closed containers, to the Board and to persons outside the Commonwealth for resale outside the Commonwealth. When the Board has established a government store on the distiller's licensed premises pursuant to subsection D of § 4.1-119, such license shall also authorize the licensee to make a charge to consumers to participate in an organized tasting event conducted in accordance with subsection G of § 4.1-119 and Board regulations.

2. Limited distiller's licenses, to distilleries that manufacture not more than 36,000 gallons of alcoholic beverages other than wine or beer per calendar year, provided (i) the distillery is located on a farm in the Commonwealth on land zoned agricultural and owned or leased by such distillery or its owner and (ii) agricultural products used by such distillery in the manufacture of its alcoholic beverages are grown on the farm. Limited distiller's licensees shall be treated as distillers for all purposes of this title except as otherwise provided in this subdivision. For purposes of this subdivision, "land zoned agricultural" means (a) land zoned as an agricultural district or classification or (b) land otherwise permitted by a locality for limited distillery use. For purposes of this subdivision, "land zoned agricultural" does not include land zoned "residential conservation." Except for the limitation on land zoned "residential conservation," nothing in this definition shall otherwise limit or affect local zoning authority.

3. Fruit distillers' licenses, which shall authorize the licensee to manufacture any alcoholic beverages made from fruit or fruit juices, and to sell and deliver or ship the same, in accordance with Board regulations, in closed containers, to the Board and to persons outside the Commonwealth for resale outside the Commonwealth.

4. Banquet facility licenses to volunteer fire departments and volunteer emergency medical services agencies, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any person, and bona fide members and guests thereof, otherwise eligible for a banquet license. However, lawfully acquired alcoholic beverages shall not be purchased or sold by the licensee or sold or charged for in any way by the person permitted to use the premises. Such premises shall be a volunteer fire or volunteer emergency medical services agency station or both, regularly occupied as such and recognized by the governing body of the county, city, or town in which it is located. Under conditions as specified by Board regulation, such premises may be other than a volunteer fire or volunteer emergency medical services agency station, provided such other premises are occupied and under the control of the volunteer fire department or volunteer emergency medical services agency while the privileges of its license are being exercised.

5. Bed and breakfast licenses, which shall authorize the licensee to (i) serve alcoholic beverages in dining areas, private guest rooms and other designated areas to persons to whom overnight lodging

is being provided, with or without meals, for on-premises consumption only in such rooms and areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises and (ii) permit the consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in (a) bedrooms or private guest rooms or (b) other designated areas of the bed and breakfast establishment. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

6. Tasting licenses, which shall authorize the licensee to sell or give samples of alcoholic beverages of the type specified in the license in designated areas at events held by the licensee. A tasting license shall be issued for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. A separate license shall be required for each day of each tasting event. No tasting license shall be required for conduct authorized by § 4.1-201.1.

7. Museum licenses, which may be issued to nonprofit museums exempt from taxation under § 501(c)(3) of the Internal Revenue Code, which shall authorize the licensee to (i) permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide member and guests thereof and (ii) serve alcoholic beverages on the premises of the licensee to any bona fide member and guests thereof. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

8. Equine sporting event licenses, which may be issued to organizations holding equestrian, hunt and steeplechase events, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such event. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be (i) limited to the premises of the licensee, regularly occupied and utilized for equestrian, hunt and steeplechase events and (ii) exercised on no more than four calendar days per year.

9. Day spa licenses, which shall authorize the licensee to (i) permit the consumption of lawfully acquired wine or beer on the premises of the licensee by any bona fide customer of the day spa and (ii) serve wine or beer on the premises of the licensee to any such bona fide customer; however, the licensee shall not give more than two five-ounce glasses of wine or one 12-ounce glass of beer to any such customer, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. The privileges of this license shall be limited to the premises of the day spa regularly occupied and utilized as such.

10. Motor car sporting event facility licenses, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee. The privileges of this license shall be limited to those areas of the licensee's premises designated by the Board that are regularly occupied and utilized for motor car sporting events.

11. Meal-assembly kitchen license, which shall authorize the licensee to serve wine or beer on the premises of the licensee to any such bona fide customer attending either a private gathering or a special event; however, the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any such customer, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. The privileges of this license shall be limited to the premises of the meal-assembly kitchen regularly occupied and utilized as such.

12. Canal boat operator license, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide customer attending either a private gathering or a special event; however, the licensee shall not sell or otherwise charge a fee to such customer for the alcoholic beverages so consumed. The privileges of this license shall be limited to the premises of the licensee, including the canal, the canal boats while in operation, and any pathways adjacent thereto. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license.

13. Annual arts venue event licenses, to persons operating an arts venue, which shall authorize the licensee participating in a community art walk that is open to the public to serve lawfully acquired wine or beer on the premises of the licensee to adult patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee, and the licensee shall not give more than two five-ounce glasses of wine or one 12-ounce glass of beer to any one adult patron. The privileges of this license shall be (i) limited to the premises of the arts venue regularly occupied and used as such and (ii) exercised on no more than 12 calendar days per year.

14. Art instruction studio licenses, which shall authorize the licensee to serve wine or beer on the premises of the licensee to any such bona fide customer; however, the licensee shall not give more than two five-ounce glasses of wine or one 12-ounce glass of beer to any such customer, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. The privileges of this license shall be limited to the premises of the art instruction studio regularly occupied and utilized as such.

15. Commercial lifestyle center license, which may be issued only to a commercial owners' association governing a commercial lifestyle center, which shall authorize any retail on-premises restaurant licensee that is a tenant of the commercial lifestyle center to sell alcoholic beverages to any bona fide customer to whom alcoholic beverages may be lawfully sold for consumption on that portion of the licensed premises of the commercial lifestyle center designated by the Board, including (i) plazas, seating areas, concourses, walkways, or such other similar areas and (ii) the premises of any tenant location of the commercial lifestyle center that is not a retail licensee of the Board, upon approval of such tenant, but excluding any parking areas. Only alcoholic beverages purchased from such retail on-premises restaurant licensees may be consumed on the licensed premises of the commercial lifestyle center, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers with the name or logo of the restaurant licensee that sold the alcoholic beverage clearly displayed. Alcoholic beverages shall not be sold or charged for in any way by the commercial lifestyle center licensee. The licensee shall post appropriate signage clearly demarcating for the public the boundaries of the licensed premises; however, no physical barriers shall be required for this purpose. The licensee shall provide adequate security for the

licensed premises to ensure compliance with the applicable provisions of this title and Board regulations.

B. Any limited distillery that, prior to July 1, 2016, (i) holds a valid license granted by the Board in accordance with this title and (ii) is in compliance with the local zoning ordinance as an agricultural district or classification or as otherwise permitted by a locality for limited distillery use shall be allowed to continue such use as provided in § 15.2-2307, notwithstanding (a) the provisions of this section or (b) a subsequent change in ownership of the limited distillery on or after July 1, 2016, whether by transfer, acquisition, inheritance, or other means. Any such limited distillery located on land zoned residential conservation prior to July 1, 2016, may expand any existing building or structure and the uses thereof so long as specifically approved by the locality by special exception. Any such limited distillery located on land zoned residential conservation prior to July 1, 2016, may construct a new building or structure so long as specifically approved by the locality by special exception. All such licensees shall comply with the requirements of this title and Board regulations for renewal of such license or the issuance of a new license in the event of a change in ownership of the limited distillery on or after July 1, 2016.

Code 1950, § 4-25; 1952, c. 535; 1956, c. 520; 1962, c. 532; 1964, c. 210; 1970, cc. 627, 723; 1972, c. 679; 1973, c. 343; 1974, c. 267; 1975, c. 408; 1976, cc. 134, 447, 496, 703; 1977, c. 439; 1978, c. 190; 1979, c. 258; 1980, cc. 526, 528; 1981, cc. 410, 412; 1982, c. 66; 1984, c. 200; 1987, c. 365; 1988, c. 893; 1989, c. 42; 1990, c. 707; 1991, c. 628; 1992, cc. 215, 350; 1993, c. 866; 1996, cc. 584, 596; 1998, c. 489; 1999, c. 325; 2005, c. 911; 2006, cc. 737, 826; 2007, c. 101; 2008, c. 198; 2013, c. 476; 2014, c. 510; 2015, cc. 348, 393, 412, 502, 503, 695; 2016, c. 644; 2017, cc. 157, 492.

Code of Virginia

Title 4.1. Alcoholic Beverage Control Act

Chapter 2. Administration of Licenses

§ 4.1-208. Beer licenses.

A. The Board may grant the following licenses relating to beer:

1. Brewery licenses, which shall authorize the licensee to manufacture beer and to sell and deliver or ship the beer so manufactured, in accordance with Board regulations, in closed containers to (i) persons licensed to sell the beer at wholesale; (ii) persons licensed to sell beer at retail for the purpose of resale within a theme or amusement park owned and operated by the brewery or a parent, subsidiary or a company under common control of such brewery, or upon property of such brewery or a parent, subsidiary or a company under common control of such brewery contiguous to such premises, or in a development contiguous to such premises owned and operated by such brewery or a parent, subsidiary or a company under common control of such brewery; and (iii) persons outside the Commonwealth for resale outside the Commonwealth. Such license shall also authorize the licensee to sell at retail the brands of beer that the brewery owns at premises described in the brewery license for on-premises consumption and in closed containers for off-premises consumption.

Such license may also authorize individuals holding a brewery license to (a) operate a facility designed for and utilized exclusively for the education of persons in the manufacture of beer, including sampling by such individuals of beer products, within a theme or amusement park located upon the premises occupied by such brewery, or upon property of such person contiguous to such premises, or in a development contiguous to such premises owned and operated by such person or a wholly owned subsidiary or (b) offer samples of the brewery's products to individuals visiting the licensed premises, provided that such samples shall be provided only to individuals for consumption on the premises of such facility or licensed premises and only to individuals to whom such products may be lawfully sold.

2. Limited brewery licenses, to breweries that manufacture no more than 15,000 barrels of beer per calendar year, provided that (i) the brewery is located on a farm in the Commonwealth on land zoned agricultural and owned or leased by such brewery or its owner and (ii) agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its beer are grown on the farm. The licensed premises shall be limited to the portion of the farm on which agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its beer are grown and that is contiguous to the premises of such brewery where the beer is manufactured, exclusive of any residence and the curtilage thereof. However, the Board may, with notice to the local governing body in accordance with the provisions of § 4.1-230, also approve other portions of the farm to be included as part of the licensed premises. For purposes of this subdivision, "land zoned agricultural" means (a) land zoned as an agricultural district or classification or (b) land otherwise permitted by a locality for limited brewery use. For purposes of this subdivision, "land zoned agricultural" does not include land zoned "residential conservation." Except for the limitation on land zoned "residential conservation," nothing in this definition shall otherwise limit or affect local zoning authority.

Limited brewery licensees shall be treated as breweries for all purposes of this title except as otherwise provided in this subdivision.

3. Bottlers' licenses, which shall authorize the licensee to acquire and receive deliveries and shipments of beer in closed containers and to bottle, sell and deliver or ship it, in accordance with Board regulations to (i) wholesale beer licensees for the purpose of resale, (ii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and (iii) persons outside the Commonwealth for resale outside the Commonwealth.

4. Wholesale beer licenses, which shall authorize the licensee to acquire and receive deliveries and shipments of beer and to sell and deliver or ship the beer from one or more premises identified in the license, in accordance with Board regulations, in closed containers to (i) persons licensed under this chapter to sell such beer at wholesale or retail for the purpose of resale, (ii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and (iii) persons outside the Commonwealth for resale outside the Commonwealth.

No wholesale beer licensee shall purchase beer for resale from a person outside the Commonwealth who does not hold a beer importer's license unless such wholesale beer licensee holds a beer importer's license and purchases beer for resale pursuant to the privileges of such beer importer's license.

5. Beer importers' licenses, which shall authorize persons licensed within or outside the Commonwealth to sell and deliver or ship beer into the Commonwealth, in accordance with Board regulations, in closed containers, to persons in the Commonwealth licensed to sell beer at wholesale for the purpose of resale.

6. Retail on-premises beer licenses to:

a. Hotels, restaurants, and clubs, which shall authorize the licensee to sell beer, either with or without meals, only in dining areas and other designated areas of such restaurants, or in dining areas, private guest rooms, and other designated areas of such hotels or clubs, for consumption only in such rooms and areas. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

b. Persons operating dining cars, buffet cars, and club cars of trains, which shall authorize the licensee to sell beer, either with or without meals, in the dining cars, buffet cars, and club cars so operated by them for on-premises consumption when carrying passengers.

c. Persons operating sight-seeing boats, or special or charter boats, which shall authorize the licensee to sell beer, either with or without meals, on such boats operated by them for on-premises consumption when carrying passengers.

d. Grocery stores located in any town or in a rural area outside the corporate limits of any city or town, which shall authorize the licensee to sell beer for on-premises consumption in such establishments. No license shall be granted unless it appears affirmatively that a substantial public

demand for such licensed establishment exists and that public convenience and the purposes of this title will be promoted by granting the license.

e. Persons operating food concessions at coliseums, stadia, or similar facilities, which shall authorize the licensee to sell beer, in paper, plastic, or similar disposable containers or in single original metal cans, during the performance of professional sporting exhibitions, events or performances immediately subsequent thereto, to patrons within all seating areas, concourses, walkways, concession areas, and additional locations designated by the Board in such coliseums, stadia, or similar facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license.

f. Persons operating food concessions at any outdoor performing arts amphitheater, arena or similar facility which has seating for more than 3,500 persons and is located in Albemarle, Augusta, Pittsylvania, Nelson, or Rockingham Counties. Such license shall authorize the licensee to sell beer during the performance of any event, in paper, plastic or similar disposable containers or in single original metal cans, to patrons within all seating areas, concourses, walkways, concession areas, or similar facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license.

g. Persons operating food concessions at exhibition or exposition halls, convention centers or similar facilities located in any county operating under the urban county executive form of government or any city which is completely surrounded by such county, which shall authorize the licensee to sell beer during the event, in paper, plastic or similar disposable containers or in single original metal cans, to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, and such additional locations designated by the Board in such facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. For purposes of this subsection, "exhibition or exposition halls" and "convention centers" mean facilities conducting private or public trade shows or exhibitions in an indoor facility having in excess of 100,000 square feet of floor space.

7. Retail off-premises beer licenses, which shall authorize the licensee to sell beer in closed containers for off-premises consumption.

8. Retail off-premises brewery licenses to persons holding a brewery license which shall authorize the licensee to sell beer at the place of business designated in the brewery license, in closed containers which shall include growlers and other reusable containers, for off-premises consumption.

9. Retail on-and-off premises beer licenses to persons enumerated in subdivisions 6 a and 6 d, which shall accord all the privileges conferred by retail on-premises beer licenses and in addition, shall authorize the licensee to sell beer in closed containers for off-premises consumption.

B. Any farm winery or limited brewery that, prior to July 1, 2016, (i) holds a valid license granted by the Board in accordance with this title and (ii) is in compliance with the local zoning ordinance as an agricultural district or classification or as otherwise permitted by a locality for farm winery or

limited brewery use shall be allowed to continue such use as provided in § 15.2-2307, notwithstanding (a) the provisions of this section or (b) a subsequent change in ownership of the farm winery or limited brewery on or after July 1, 2016, whether by transfer, acquisition, inheritance, or other means. Any such farm winery or limited brewery located on land zoned residential conservation prior to July 1, 2016 may expand any existing building or structure and the uses thereof so long as specifically approved by the locality by special exception. Any such farm winery or limited brewery located on land zoned residential conservation prior to July 1, 2016 may construct a new building or structure so long as specifically approved by the locality by special exception. All such licensees shall comply with the requirements of this title and Board regulations for renewal of such license or the issuance of a new license in the event of a change in ownership of the farm winery or limited brewery on or after July 1, 2016.

Code 1950, § 4-25; 1952, c. 535; 1956, c. 520; 1962, c. 532; 1964, c. 210; 1970, cc. 627, 723; 1972, c. 679; 1973, c. 343; 1974, c. 267; 1975, c. 408; 1976, cc. 134, 447, 496, 703; 1977, c. 439; 1978, c. 190; 1979, c. 258; 1980, cc. 526, 528; 1981, cc. 410, 412; 1982, c. 66; 1984, c. 200; 1987, c. 365; 1988, c. 893; 1989, c. 42; 1990, c. 707; 1991, c. 628; 1992, cc. 215, 350; 1993, cc. 828, 866; 1994, c. 585; 1995, cc. 497, 518, 544, 570; 1996, cc. 443, 604; 1997, cc. 489, 646, 662; 2000, c. 1047; 2003, cc. 329, 1029, 1030; 2006, c. 845; 2007, cc. 813, 870, 932; 2012, c. 619; 2014, c. 365; 2015, c. 412; 2016, cc. 671, 710; 2017, cc. 76, 153.

SECTION 607 - C-1 COMMERCIAL DISTRICT

607.1 PURPOSE AND INTENT

The C-1 Commercial District is established to provide selected locations in the Town of Berryville for light commercial activities that do not adversely impact adjoining residential neighborhoods. The C-1 District is intended to accommodate local retail uses at locations compatible with the Berryville Area Master Plan.

607.2 PERMITTED USES

- (12/00)
- (a) Assembly of high-tech components and/or systems (not including manufacturing)
 - (b) Restaurants, exclusive of fast-food restaurants
 - (c) Newspaper office buildings, including printing and publishing facilities incidental to such uses
 - (d) Quick-service stores with limited hours of operation (6:00 a.m. – 10 p.m.).
 - (e) Civic and public benefit organizations
 - (f) Churches and other places of worship
 - (g) Government and other public buildings (including libraries, post offices, police stations, fire stations, and rescue squads)
 - (h) Financial institutions without drive-in facilities
 - (i) Hospitals, nursing, convalescent, or rest homes, in accordance with Section 311
 - (j) Funeral homes
 - (k) Furniture repair
 - (l) Business and professional offices
 - (m) Personal services (including music services, barber and beauty shops, tailor shops)
 - (n) Printing shops
 - (o) Retail stores with a maximum gross floor area of 5,000 square feet for each free-standing business or for each business in a shopping center. **(07/05)**
 - (p) Day care centers **(10/94)**
 - (q) Auction House **(11/02)**

607.3 SPECIAL PERMIT USES

- (12/00)
- (a) Broadcast studios
 - (b) Business services and supply establishments
 - (c) Car wash
 - (d) Commercial recreational establishments
 - (e) Drive-in banking facilities **(10/94)**
 - (f) Fast-food restaurants
 - (g) Hardware stores
 - (h) Laundromats
 - (i) Movie theaters
 - (j) Plant nurseries
 - (k) Public billiard parlors and pool rooms, bowling alleys, dance halls, health spas and clubs
 - (l) Public utilities and related easements, except municipal utilities
 - (m) Quick-service stores with unlimited hours of operation

Section 607 Commercial (C-1) District

- (n) Residential apartments, as a secondary use to principal structure
- (o) Retail stores over 5,000 square feet for each free-standing business or for each business in a shopping center, not to exceed a maximum of 15,000 square feet for each free-standing business or for each business in a shopping center. **(07/05)**
- (p) Repair service establishments, without outdoor service and/or outdoor storage
- (q) Service stations (without outdoor storage)
- (r) Single-family detached dwellings **(9/96)**
- (s) Schools, public or private
- (t) Three-story buildings
- (u) Veterinary hospitals
- (v) Wood product manufacturing (NAICS 321) except 3211 sawmills and wood preservation **(12/11)**

607.4 MAXIMUM FLOOR AREA RATIO

The maximum floor area ratio (FAR)—based on the net developable area of a lot—shall not exceed 0.25.

607.5 MINIMUM DISTRICT SIZE

Minimum district size: 1 acre

607.6 LOT SIZE REQUIREMENTS AND BULK REGULATIONS

- (a) Minimum lot area: 10,000 square feet
- (b) Minimum lot width: 100 feet
- (c) Maximum building height: 40 feet
- (d) Minimum yard requirements
 - (1) Front yard: 30 feet
 - (2) Side yard: 10 feet
 - (3) Rear yard: 30 feet

607.7 OPEN SPACE

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

607.8 PARKING AREA REGULATIONS FOR THE C-1 COMMERCIAL DISTRICT

- (a) All parking areas shall be located at least ten (10) feet from any property line except that parking areas may adjoin each other across common C-1 district property lines. Parking areas must be located at least thirty (30) feet from properties in contiguous residential districts.
- (b) All parking areas shall consist of off-street, on-site spaces and shall include designated spaces for the handicapped and elderly.
- (c) Refer to Section 305 for additional off-street parking requirements.

Section 607 Commercial (C-1) District

607.9 LANDSCAPING, BUFFERING AND SETBACK ADJACENT TO RESIDENTIAL AREAS

- (a) Where a lot is contiguous to a property located in any residential district, all buildings shall have a minimum setback of forty (40) feet from common property lines (5/94).
- (b) A landscaped buffer strip of fifteen (15) feet in width shall be provided, with landscape materials and placement subject to final plan approval. This buffer strip may be reduced to ten (10) feet with suitable fencing, but in such cases fence design shall be subject to final plan approval.

607.10 STORAGE OF MATERIALS AND REFUSE

- (a) The outdoor area devoted to storage, loading and display of goods shall be limited to that area so designated on an approved site plan.
- (b) Any establishment involved with the storage of fuel for sale, or for other purposes, shall be permitted only if the fuel is stored underground, except where otherwise permitted under provisions granted and other stipulations required by special use permit by the Town Council.
- (c) All refuse shall be contained in completely enclosed facilities and shall be screened.

607.11 STREET ENTRANCES

- (a) On a corner lot, no street entrance shall be located closer than sixty (60) feet to the curb line extended from the intersecting street.
- (b) (DELETED 4/98)
- (c) A freestanding use shall have no more than two street entrances on any single right-of-way.

607.12 GENERAL REQUIREMENTS

- (a) All uses shall be subject to final site plan approval.
- (b) Refer to Section 306 for off-street loading requirements.
- (c) Refer to Sections 301-304 for general regulations and other provisions which may supplement those cited herein.
- (d) Refer to specific Overlay Zoning Districts, where applicable.

SECTION 609 L-1 INDUSTRIAL DISTRICT

609.1 PURPOSE AND INTENT

The L-1 Industrial District is established to provide locations within the Town of Berryville for a broad range of general light-industrial uses, recreational and event venues, infill development, and employment-related businesses operating under well-governed performance standards. The specific uses permitted within the L-1 District must be in harmony with the cultural and environmental character of the Town of Berryville. No use should be permitted that might be harmful to the adjoining land uses and the residential ambience of the community at large. Adaptive reuse is encouraged in the L-1 District. Outdoor storage and heavy industrial uses are discouraged but may be permitted by special use and environmental performance review. The L-1 District recognizes and is to be applied to existing conforming industry in the Town of Berryville as of the date of adoption of this District. Existing industrial uses shall be considered as satisfying the purpose and intent of the L-1 District, but expansion of existing industrial uses shall conform to the provisions herein. **(08/16)**

609.2 PERMITTED USES (12/94)

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

609.3 SPECIAL PERMIT USES

- (a) All above permitted uses requiring outdoor storage **(10/94)**
- (b) Day care centers **(12/94)**
- (c) Eating establishments including microbreweries, wineries, and distilleries **(05/95, 08/16)**
- (d) Heliports
- (e) Laundry and dry cleaning establishments
- (f) Lumber yards and building materials establishments
- (g) Motor freight terminals
- (h) Retail sales incidental to a manufacturing, production or related use, provided that:
 - a) the gross floor area used for retail purposes (excluding storage) shall not occupy more than five-thousand (5,000) square feet of gross floor area on any one lot, and shall not exceed twenty-five (25) percent of the total floor area for the site; and
 - b) the areas dedicated for retail uses must be indicated on an approved site plan.The provisions of this Section shall not apply to those permitted or special permit uses for which retail sales are a primary activity. **(12/07)**
- (i) Scientific research, development, and training establishments
- (j) Service stations
- (k) Vehicle and machinery sales and rentals
- (l) Recreation, commercial indoor **(06/10)**
- (m) Retreat and conference centers **(08/16)**
- (n) Residential lofts and apartments **(08/16)**
- (o) Wholesale/retail food hubs **(08/16)**
- (p) Commercial kitchens **(08/16)**
- (q) Hotels, motels, and accommodations **(08/16)**

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

Section 609 Industrial (L-1) District

609.5 MAXIMUM LOT COVERAGE

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

609.6 MINIMUM DISTRICT SIZE

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

609.7 LOT SIZE REQUIREMENTS AND BULK REGULATIONS

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

609.8 OPEN SPACE

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

609.9 PARKING, PARKING ACCESS AND DRIVEWAYS

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

609.10 SETBACK, BUFFERING AND LANDSCAPING

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

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.

Section 609 Industrial (L-1) District

609.14 ADDITIONAL REQUIREMENTS

- (a) Public Streets within the L-1 District shall be constructed to industrial road standards as determined by the Town Council or its agent. Sidewalks may be required on one or both sides of the street.
- (b) Common property ownership agreements and covenants for L-1 District developments shall be reviewed and approved by the Town Council or its agent.
- (c) Refer to Section 306 for off-street loading requirements.
- (d) Refer to Sections 301-304 for general regulations and other provisions which may supplement those cited herein.
- (e) Refer to specific Overlay Zoning districts, where applicable.

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 October 11, 2016, 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 October 11, 2016, 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 October 11, 2016, 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 & Arts Personal Services & Offices Agritourism Recreation
Community Business Tourism (CBT)	Retail Dining Lodging Entertainment* Culture & Arts Personal Services & Offices Recreation Loft Apartments/Condominiums Wholesale/Retail Food Hub Commercial Kitchens

*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 Berryville Area Plan.
- (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.

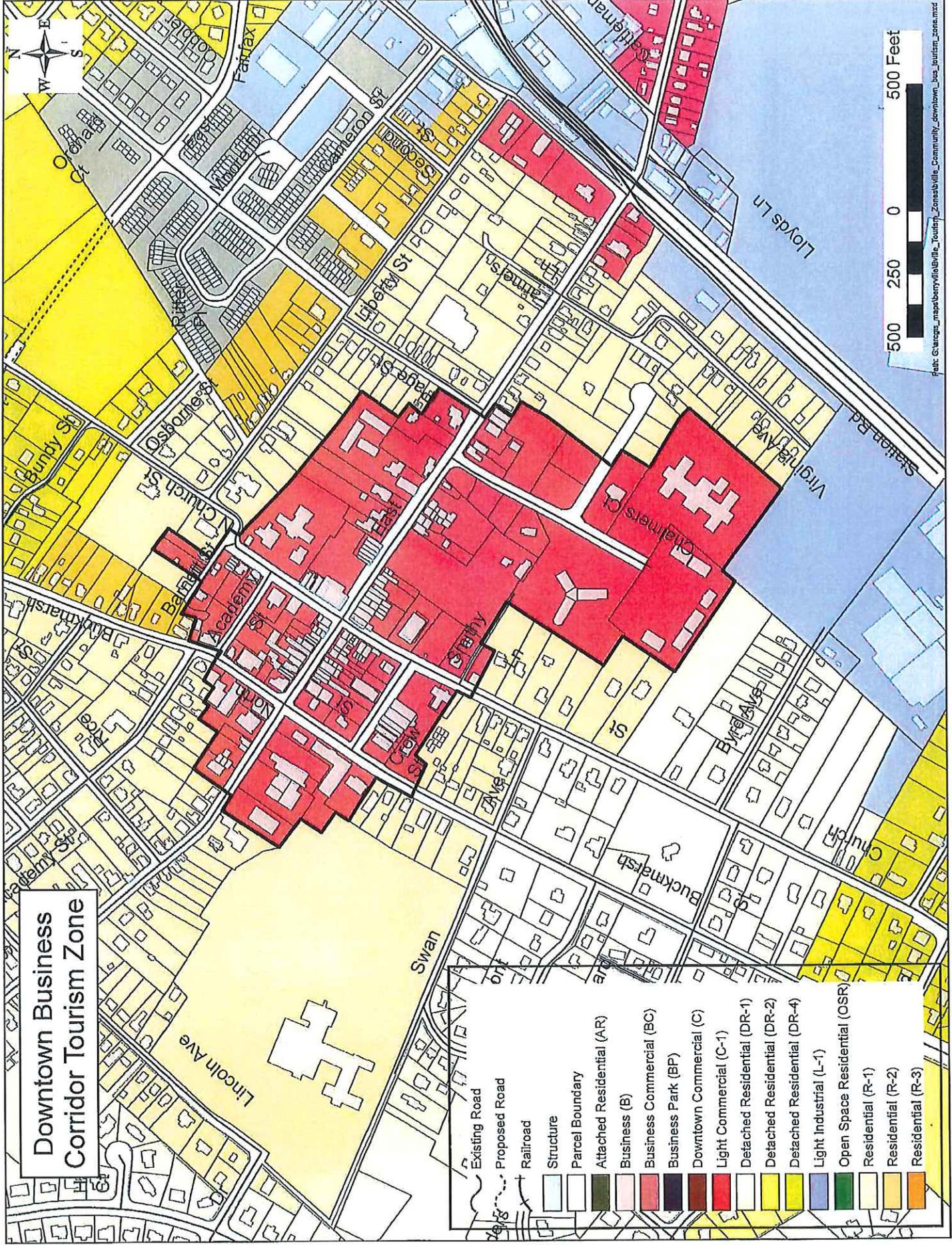
(3) Availability Fee Incentive. Eligible commercial land uses may be allowed to make payment of required availability fees over a period of time that does not exceed ten (10) years, without interest or fees,

subject to a lien on the property, or other guarantee, for the specified time period.

(e) Administration & Interpretation.

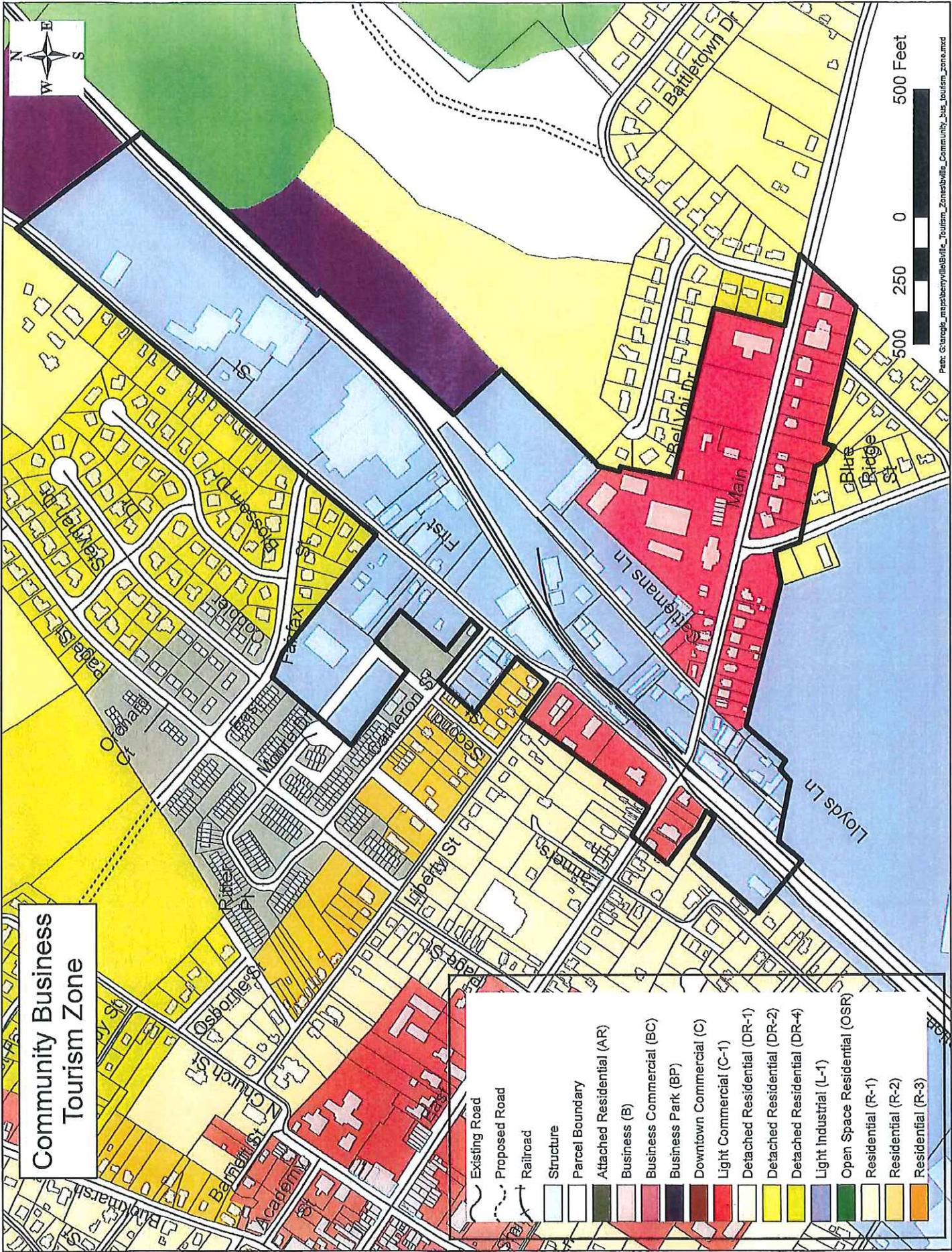
- (1) The Town Manager, or designee, is authorized to administer tourism zones.
- (2) Interpretations of this section shall be determined by the Town Manager after consultation with the Town Attorney.
- (3) All eligible businesses must submit an application for tourism incentives to the Town Business 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.

Downtown Business Corridor Tourism Zone



- Existing Road
- Proposed Road
- Railroad
- Structure
- Parcel Boundary
- Attached Residential (AR)
- Business (B)
- Business Commercial (BC)
- Business Park (BP)
- Downtown Commercial (C)
- Light Commercial (C-1)
- Detached Residential (DR-1)
- Detached Residential (DR-2)
- Detached Residential (DR-4)
- Light Industrial (L-1)
- Open Space Residential (OSR)
- Residential (R-1)
- Residential (R-2)
- Residential (R-3)





Community Business Tourism Zone

	Existing Road
	Proposed Road
	Railroad
	Structure
	Parcel Boundary
	Attached Residential (AR)
	Business (B)
	Business Commercial (BC)
	Business Park (BP)
	Downtown Commercial (C)
	Light Commercial (C-1)
	Detached Residential (DR-1)
	Detached Residential (DR-2)
	Detached Residential (DR-4)
	Light Industrial (L-1)
	Open Space Residential (OSR)
	Residential (R-1)
	Residential (R-2)
	Residential (R-3)

Plan: G:\erpc\map\mapberryville\Bville_Tourism_Zoning\Bville_Community_Bus_Tourism_Zone.mxd

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.

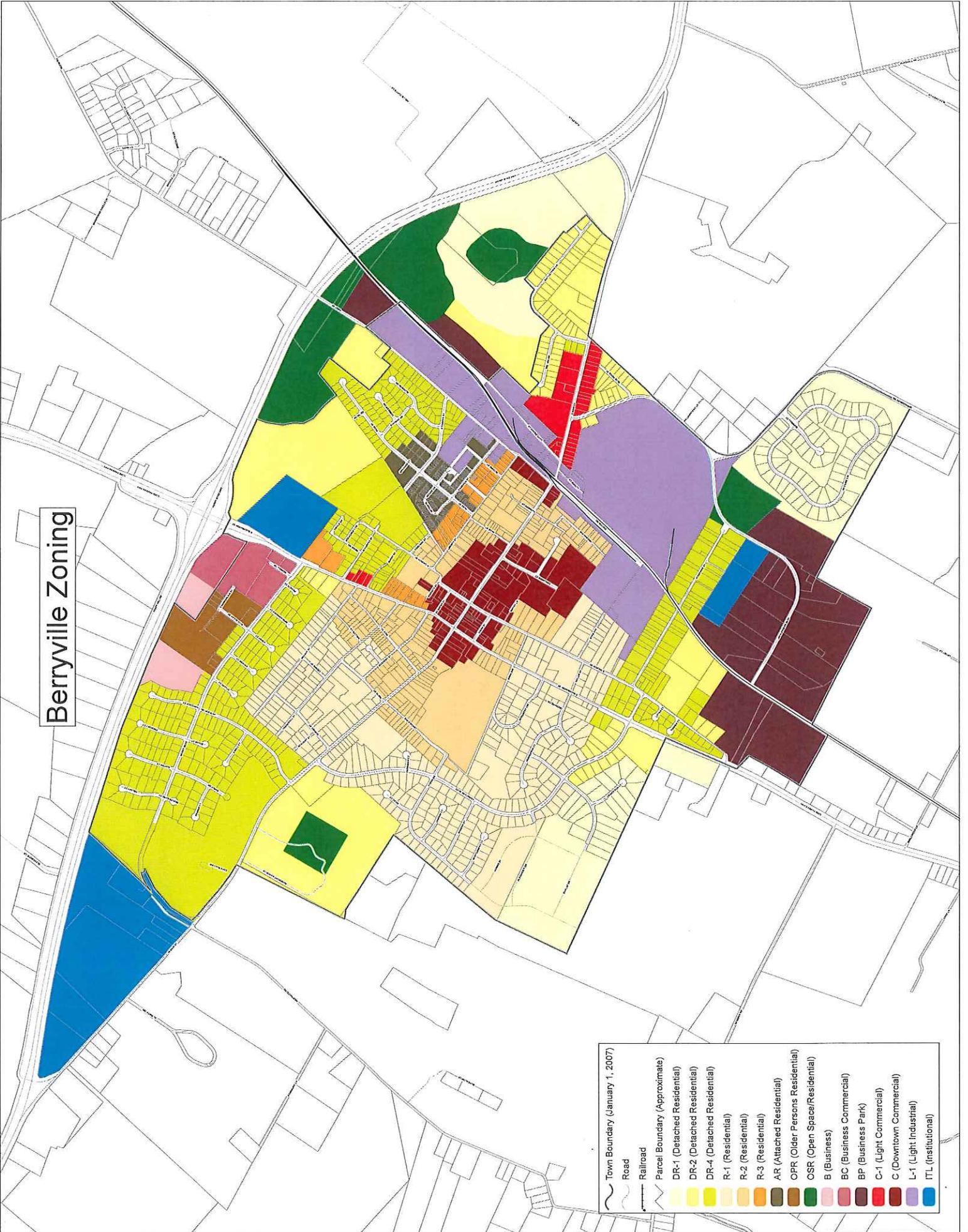
Signature of Applicant: _____ Date: _____

Name of Property Owner (PRINTED): _____

Signature of Property 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. A signed Performance Agreement is required prior to approval of this application.

Berryville Zoning



Town Council

Town Council held a meeting on Tuesday, November 14, 2017. Meeting minutes and agendas for Town Council meetings and for committee meetings are available on the Town's web site www.berryvilleva.gov.

Berryville Area Development Authority

The BADA did not meet in October. Their next scheduled meeting is Wednesday, December 27 at 7:00pm.

Architectural Review Board

The Architectural Review Board did not hold a November meeting. Their next meeting is scheduled for Wednesday, November 29, 2017 at 12:30pm. They will be judging the Holiday Parking Meter contest for Berryville Main Street.

Board of Zoning Appeals

The Board of Zoning Appeals has not held a meeting since the last Planning Commission meeting.