



Clarke County Planning Commission

AGENDA – Ordinances Committee Meeting

Thursday, September 19, 2024 – 2:00PM

Berryville/Clarke County Government Center – A/B Meeting Room

For more information on this public meeting, please contact the Clarke County Department of Planning at (540) 955-5132 or visit the Clarke County website at www.clarkecounty.gov.

1	Approval of Agenda	p. 1
2	Approval of Minutes – April 18, 2024 meeting	pp. 2-5
3	Introduction of Members and Non-voting Participants	--
4	New Business	--
A	Discussion, Development of New Double Tollgate Zoning District	--
	-- Staff memo	pp. 6-10
	-- Work plan	pp. 11-12
	-- Camp 7 map	p. 13
	-- Double Tollgate Plan Area map	p. 14
	-- Double Tollgate Area Plan guidance	pp. 15-20
	-- Highway Commercial (CH) District regulations	pp. 21-22
	-- Business Park (BP) District regulations	pp. 23-25
	-- County industrial zoning district regulations (repealed)	pp. 26-36
	-- Fauquier County Planned Commercial Industrial Development (PCID) District	pp. 37-46
	-- Current Zoning Ordinance uses	pp. 47-77
B	Schedule next meeting	--
5	Old Business ~ None scheduled	--
6	Adjourn	--

NOTE -- Members of the Board of Supervisors, Industrial Development Authority, and Economic Development Advisory Committee and other members of the Planning Commission will attend and participate in this meeting.

Upcoming Meetings:

- To be scheduled – October, November, January



Clarke County Planning Commission

DRAFT MINUTES – Ordinances Committee Meeting

Thursday, April 18, 2024 – 2:00PM

Berryville/Clarke County Government Center – A/B Meeting Room

ATTENDANCE:			
Randy Buckley (White Post)	✓	Frank Lee (Berryville)	✓
Ron King (Buckmarsh)	✓	Gwendolyn Malone (Berryville)	✓
George L. Ohrstrom, II (Ex Officio)	X		

STAFF PRESENT: Brandon Stidham (Director of Planning), Jeremy Camp (Senior Planner/Zoning Administrator)

CALL TO ORDER: By Mr. Stidham at 2:01PM.

1. Approval of Agenda

Members approved the agenda by consensus as presented by Staff.

2. Approval of Minutes – May 15, 2023 Meeting

Members voted unanimously to approve the May 15, 2023 meeting minutes as presented by Staff.

Motion to approve May 15, 2023 meeting minutes as presented by Staff:			
Buckley	AYE (moved)	Lee	AYE
King	ABSENT	Malone	AYE (seconded)

3. Old Business -- None

4. New Business – Proposed Text Amendments

Mr. Stidham said that he plans to bring a text amendment to the Committee at a later date dealing with handling of applications that have been filed for review and are affected by the adoption of an ordinance change. He noted that Loudoun County recently adopted a policy in which the Board of Supervisors adopts a resolution for each text amendment stating whether or not pending applications will be subject to previous or newly adopted ordinances.

Mr. Camp added that Staff is currently working with a business that has requested a zoning determination as to whether cannabis production is considered to be by-right agriculture. He said that these facilities are more industrial in scale and all growing and production activities are conducted within an enclosed building. Commissioner Lee asked if it is similar to a hydroponic lettuce facility and Mr. Stidham replied yes. Mr. Stidham added that the Virginia Department of Agriculture and Consumer Services does not regulate cannabis as it is regulated by the Virginia Alcoholic Beverage Control Board. He also noted that the Zoning Ordinance definition of agriculture includes the growing of plants of any kind. Commissioner Lee said that the only way that cannabis can be sold legally in Virginia is through a licensed dispensary and only to customers with a medical card provided by a doctor. Mr. Stidham said that the state issues a limited number of licenses for these growing facilities.

A. Cesspools and Other Unpermitted Onsite Sewage Disposal Systems

Mr. Stidham reviewed the staff report for this proposed text amendment.

Commissioner Lee said that he agrees with not allowing any more subdivisions with cesspools and unpermitted sewage disposal systems but has concerns with regulating existing permitted systems. He said that there are three different time periods in which Health Department approvals were given. He said up until the mid-1980s, reserve areas were not required. From the mid-1980s to about 1990, a 50% reserve area was required by the Health Department until the County began requiring a 100% reserve area in 1990. He noted that it will be difficult to find a reserve area for an existing system even using an alternative system, especially on smaller properties. He said if someone has an approved system on the property, that should suffice and we should focus on getting rid of cesspools and illegal systems by not allowing those property owners to subdivide. He added that in these cases, we should recommend but not require that these property owners upgrade to conforming systems. Mr. Stidham said that in these situations, Staff would recommend that the subdivider have their soil scientist make sure that they are not subdividing off the only suitable land for a reserve area for the existing system. Commissioner Lee said that you do not want to put a restriction on someone with a system that was permitted at one time and is continuing to function. He added that it will create a hardship to require reserve areas to be located for existing permitted systems in order to subdivide. Mr. Stidham noted that Staff has drafted the text amendment to apply only to cesspools and unpermitted systems and added that the Committee could discuss whether to extend the requirement to permitted, nonconforming systems. He added that owners of nonconforming systems would still be required to design a conforming system and show it on the plat but would not be required to construct the system. He then asked Commissioner Lee whether the Health Department would recognize a system that was approved in the 1950s and is still functioning and Commissioner Lee replied yes. Commissioner Lee reiterated that if you have a permitted system with no reserve or a 50% reserve that is functioning, you should be allowed to subdivide. He also noted that Health Department requirements have become much more restrictive over the years for new systems. He added that it will be very difficult for someone with an unpermitted system to get the Health Department to verify that it is a nonconforming system because of the requirements that they must meet.

Mr. Stidham noted the removal of the word “standard” from the first bullet, adding that it is confusing and could be interpreted in different ways including that the subdivider must show an existing conforming system on the plat. Commissioner Lee asked if we are going to require a 100% reserve area to be shown on the plat for all existing systems and Mr. Camp replied that this is currently required. Commissioner Lee noted that there will be situations where people will not be able to meet that requirement. Mr. Stidham replied that he cannot recall a situation in recent years where someone was prohibited from subdividing for this reason. Vice-Chair Buckley asked what the alternative would be if a 100% reserve area cannot be found. Commissioner Lee said that you can use an alternative system such as a drip system but there are other types of systems that are not allowed in the County such as direct discharge. Mr. Stidham gave an example of a 3 acre lot with an existing house being divided from a 30 acre lot, noting that the subdivider would have to design a 100% reserve for that existing system to prove that the only suitable area for a reserve is not being left on the residue lot. Vice-Chair Buckley said that he was concerned that a 100% reserve area for an existing drainfield has to be the same size as that drainfield, and Commissioner Lee added that alternative systems can be designed in a smaller size. Mr. Camp noted that the design has to be fully

permitted including resistivity testing and not just shown on paper. He added that if there is a cesspool or unpermitted system, then the text amendment would require the replacement system to be built. Commissioner King asked if there is a minimum lot size requirement for a septic system. Commissioner Lee replied no and Mr. Stidham added that it is driven by lot characteristics. Mr. Camp also noted that it is dependent on soil characteristics. Commissioner King asked if a drainfield can be placed on someone else's property. Commissioner Lee replied yes with an easement but that this is not allowed in Clarke County. Mr. Stidham added that it can be allowed with a variance from the Board of Septic and Well Appeals.

Members had no additional questions or comments.

B. Minor Commercial Public Assembly Accessory Use – Country Inns

Mr. Stidham reviewed the staff report for this proposed text amendment. Regarding allowing meal service only for overnight guests of the country inn, Mr. Stidham said that overnight guests would not be allowed to invite friends over for dinner at the country inn if they were also not staying overnight. He added that the intent is to treat country inns similar to bed-and-breakfast uses. Vice-Chair Buckley asked if this is the desired intent. Mr. Stidham noted that an alleged point of confusion with the Carter Hall case was that the applicants thought they could operate a restaurant because the current language allows for meal service. He said the proposed language makes it very clear that you cannot have a restaurant with a country inn. He also noted that restaurants are not an allowable use in the AOC and FOC Districts. Vice-Chair Buckley said that he could see an instance where an overnight guest wants to invite his brother who lives nearby to have dinner with him at the country inn. Mr. Stidham said we are trying to take a black-and-white approach, noting that the same logic could be used with an overnight guest wanting to have a family reunion of 25 people over dinner at the country inn. He said this would be difficult to police and we want country inns to be small-scale. He added that the original country inn regulations allowed for full-service restaurants but this was later changed. He also noted that meal service for 15 guest rooms would be pretty intensive on a well and septic system. Commissioner Lee asked if we had a country inn with 15 guest rooms and Mr. Stidham said that L'Auberge Provencale has 12 rooms. Mr. Camp suggested an alternative to limit meal service to the maximum number of overnight guests allowed. Mr. Stidham replied that this would still be difficult to police. He noted that if 2 overnight guests planned to have 28 relatives for dinner at the country inn and 50 relatives showed up, it would be difficult to prove. Vice-Chair Buckley added that you would be enforcing after the fact too. He also asked whether a distinction could be made if the country inn was on water and sewer. Mr. Stidham noted that the only AOC properties that are on water and sewer are on the utilities for a reason. He added that another approach to consider would be allowing food service businesses in AOC and FOC by special use permit. He said this would be driven by septic system capacity and he did not see how this would work. He also said that a common thread with these uses is that we do not want uses that add traffic to our back roads which you would be doing if you allowed restaurants in the rural areas. He added that you could require restaurants to have direct access to a primary highway. Commissioner Malone asked about the Battletown Inn in Berryville that had rooms and a restaurant and Mr. Stidham replied that they were set up more as a traditional hotel.

Members had no additional questions or comments.

C. Temporary Use of Major Recreational Equipment

Mr. Stidham reviewed the staff report for this proposed text amendment. Vice-Chair Buckley asked whether a temporary dwelling use should be described in the text amendment. Mr. Stidham replied that the temporary dwelling use is included in the same section as temporary use of major recreational equipment. He added that we always want to use terms of art and temporary dwelling is a use with a definition in the Zoning Ordinance.

Members had no additional questions or comments.

D. Regulation of Helicopter Use and Prohibition of Private Airstrips and Airports

Mr. Stidham reviewed the staff report for this proposed text amendment. Commissioner Lee asked if we have private airstrips in the County and Mr. Stidham replied that there is one in White Post and also one near the quarry that is still shown on Federal Aviation Administration maps. Vice-Chair Buckley noted that we would be limiting helicopter landing areas for residential uses but what about agricultural uses, adding that some farmers use helicopters for spraying. Mr. Stidham asked how often this happens and Vice-Chair Buckley replied that it is becoming more and more common and that a County producer may want to own their own helicopter for this function. Vice-Chair Buckley asked if prohibiting commercial helicopter use would prohibit farmers from using their own helicopters and Mr. Stidham replied yes. Mr. Camp noted that the text amendment would not prohibit a farmer or landowner from hiring a company that uses a helicopter for this function. Mr. Stidham said you could add “for agricultural purposes” but he cannot think of how that could be twisted into other applications.

Mr. Stidham noted that the text amendment currently does not allow helicopter landing areas to be hard surfaced but added that this could be allowed for someone that wants to use their driveway or other hard surfaced existing area. Vice-Chair Buckley asked what Staff’s objection is to hard surfacing and noted that some helicopter landing areas are relatively small. Mr. Stidham replied that concrete landing pads would be more visible to neighboring properties. Commissioner King said they could probably use asphalt which would be less visible. Vice-Chair Buckley noted that hard surfaced areas could be needed to wheel a helicopter into a storage building. Commissioner Lee said that he is not opposed to a hard surface. Mr. Stidham said that he will amend the language to allow for hard surfacing as an option.

Members had no additional questions or comments.

Mr. Stidham asked members if they were comfortable sending these text amendments to the full Commission for review and members agreed by consensus.

ADJOURN: Meeting was adjourned by consensus at 3:05PM.

Brandon Stidham, Clerk



Clarke County Department of Planning
Berryville-Clarke County Government Center
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Berryville, VA 22611

TO: Planning Commission Ordinances Committee – Randy Buckley, Ron King, Frank Lee, Gwen Malone, George Ohrstrom

Industrial Development Authority (IDA) representatives -- Bill Waite, Marcy Cantatore

Economic Development Advisory Committee (EDAC) representatives – Johnny Milleson, Mark Gribble

Board of Supervisors representatives – Bev McKay, Terri Catlett

FROM: Brandon Stidham, Planning Director

RE: Discussion, Development of New Double Tollgate Zoning District

DATE: September 12, 2024

This memo provides an overview of the project to develop a new zoning district for the Double Tollgate Plan Area. The project has been assigned to the Planning Commission’s Ordinances Committee with members from the County’s Industrial Development Authority (IDA), Economic Development Advisory Committee (EDAC), and Board of Supervisors participating as non-voting members.

Background

At their meeting on June 18, the Board of Supervisors adopted a resolution to approve the purchase of a 40.57 acre lot (Tax Map #27-A-10) from the Commonwealth of Virginia that is part of the former Camp 7 property. This lot is located in the Double Tollgate Plan Area, specifically within Sub-Area C (“Other State Properties”). The IDA has been directed to develop a plan for the highest and best use of the property to include necessary infrastructure improvements so that it may be used for economic development purposes.

The Board’s resolution also directs the Planning Commission, “to work with the Board of Supervisors and IDA to develop a new zoning district for the future rezoning of this property for a business park. The new zoning district should carefully consider potential industrial and business uses, setbacks, screening requirements, and other appropriate considerations for a successful business park.”

A new zoning district is necessary because the Zoning Ordinance currently does not contain a district that allows for industrial and business park uses to be conducted in Double Tollgate. The Business Park (BP) zoning district can only be applied to properties within the Berryville Annexation Area and other industrial zoning districts were removed from the Zoning Ordinance in the early 2000s. The Highway Commercial (CH) zoning district mainly allows business and retail uses but not industrial uses.

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The process for creating a new zoning district is as follows:

- To begin, a vision for district must be developed in order to define the scope for creating zoning regulations. This includes determining the appropriate use types (commercial, industrial, institutional, recreational, etc.), the desired scale of development (e.g., building and development area sizes), and the desired intensity of development (e.g., number of users, amount and type of traffic generators).
- The next step is to identify the uses to include in the new district which can include both current Zoning Ordinance uses and new uses. If new uses are developed, each use would have to be defined and use regulations created.
- Once the list of uses is established, the next step is to determine whether the proposed uses are to be by-right or special uses. If a use is by-right, it is reviewed and approved through an administrative process such as a site development plan or zoning permit review. If administrative requirements are met, the use must be approved by the County. If a use is a special use, a special use permit application is reviewed through a legislative process that includes Planning Commission and Board of Supervisors review with required public hearings. The Board of Supervisors is the approval authority and has the discretion to approve or deny the special use permit application and can impose conditions on an approval to mitigate impacts to surrounding properties, public infrastructure, and the environment.

Determining whether a use should be a special use is based on whether the use may or may not be compatible in all situations and require a case-by-case review through the special use permit process. From an economic development perspective, special uses present additional risks to developers as there is no guarantee of approval and there is also the possibility of permit revocation in the future if the use were to fall out of compliance with the approval.

- The final step is to determine whether the zoning district should be applied to the entire Plan Area or only to specific sub-areas within the Plan Area. The Double Tollgate Plan Area is described in greater detail below.

The Ordinances Committee has been assigned the task of developing the new zoning district as a text amendment to the Zoning Ordinance. When the aforementioned steps have been completed by the Committee, Staff will have sufficient direction to draft the text amendment language for the Committee's review and approval. The recommended text amendment will then be presented to the Planning Commission and Board of Supervisors for preliminary review and then formal public hearings for adoption.

Guidance from the Double Tollgate Area Plan

The Double Tollgate Area Plan was updated in 2022 to include the former Camp 7 properties in an expanded plan area. The "plan area" is the properties that are subject to the Area Plan's recommendations. The plan area is divided into three sub-areas (see enclosed map and descriptions) with different guidance based on the anticipated timing and uses of the properties:

- Sub-Area A – The original plan area consisting of CH-zoned properties located in close proximity to the intersection of US 340 and US 522.
- Sub-Area B – This sub-area consists of one property, a 65-acre lot owned by Rappahannock Electric Cooperative (REC) that is planned for their new regional headquarters. This property was conditionally zoned from Agricultural-Open Space Conservation (AOC) to CH with conditions in October 2023. It was previously part of the former Camp 7 properties.
- Sub-Area C – This sub-area contains the remaining Camp 7 properties including the approximately 40-acre lot purchased by the County. All lots in this sub-area are zoned AOC.

The Area Plan does not contemplate the development of a new zoning district however there is guidance that is applicable to the Committee’s charge:

- Sub-Area C is designated for governmental and AOC District uses but may be rezoned to the CH District under certain conditions, recognizing that ownership of these properties may change within the next five years. These conditions include that uses must be served by public water and public sewer and that the uses will not adversely affect the available capacity of public water and sewer for uses in Sub-Areas A and B.
- Objective 3 Strategy A states that, “*new development is limited to regionally serving commercial uses and agricultural support businesses that are compatible with the scale and character of the Plan Area.*” The term “commercial” is defined broadly in the Zoning Ordinance as, “*Any wholesale, retail, or service business activity established to carry on trade for a profit.*”
- Objective 3 Strategy D provides guidance regarding the development standards for this sub-area:

Maintain the high standards of existing site development regulations including but not limited to architectural design, landscaping, outdoor lighting, screening/buffering, and parking. Ensure that new or amended regulations effectively balance the need to remain “business-friendly” with the County’s desire for high quality development. Any rezoning of properties within the Plan Area to the Highway Commercial (CH) zoning district shall also include a rezoning to the Highway Access Corridor (HAC) overlay zoning district to recognize the need for compatible architectural design at the County’s southwestern gateway.

The Sub-Area C description also notes that development proposals to re-zone to the CH District shall contain the following elements:

- *A rezoning to the Highway Access Corridor Overlay District (HAC).*

- *Site layout, landscaping and screening, and the architectural design of structures shall be of a high quality by virtue of location at the County's southwestern gateway.*
- *Road improvements that prevent degradation of the safety, capacity, and functionality of the existing road network that could be caused by the development's proposed traffic generation.*
- *Interparcel access to adjacent Plan Area properties in order to limit new highway access points.*
- *Use of best management practices for stormwater management to protect ground and surface water quality.*

Staff has provided additional excerpts from the Area Plan and from the Comprehensive Plan that are applicable to this project (see attached). We will review these in greater detail at the meeting.

Project work plan and first meeting

A work plan for this project is included for your reference throughout this process. The purpose of our first meeting will be to introduce the project and to begin working on a vision for the new zoning district. County staff members will provide a project overview followed by a general discussion of the July visit to the former Camp 7 property by the IDA and BOS. Staff then will walk the Committee through the steps to create a new zoning district before moving on to the visioning session.

For the first part of the visioning session, members will be asked to comment generally on their ideas for development of the County property and how it relates to the creation of the new zoning district. This can include the types of uses that should be considered (and not considered), the scale and intensity of development, and possible design standards to make development in the new zoning district compatible with the property's location at a County gateway. The visioning session will continue to the second meeting with a "homework assignment" to be completed before this meeting. Members will be asked to assemble a list of preferred uses, uses or use types to avoid, and thoughts on general design standards. To aid in this assignment, Staff has included the following reference documents:

- Regulations for the Highway Commercial (CH) and Business Park (BP) Districts from the Zoning Ordinance.
- County industrial zoning district regulations that were repealed in the 2000s.
- A copy of Fauquier County's Planned Commercial Industrial Development (PCID) District which is applied to commercial and industrial properties at the former Vint Hill Farms Army Station in the eastern portion of their county. Vint Hill Farms has been redeveloped for commercial and industrial uses at its core and surrounded by residential and agricultural uses. This zoning district is one potential model the Committee could use as a resource.

Upcoming meetings

It is anticipated that the Committee will hold a total of four meetings to develop parameters for the district and to review the proposed ordinance language that will be drafted by Staff. Additional meetings can be scheduled at the Committee's discretion if necessary. The second and third meetings will be scheduled for October and November. Staff will spend the month of December developing the draft text amendment for the Committee to review at the fourth meeting in January.

The following dates are proposed for the Committee's upcoming meetings:

- Meeting #2 – Thursday, October 10 OR Thursday, October 17 (2:00PM)
- Meeting #3 – Thursday, November 7 OR Thursday, November 14 (2:00PM)
- Meeting #4 – Thursday, January 9 OR Tuesday, January 14 (2:00PM)

Please review your schedules so that we can finalize these dates at our September 19 meeting.

If you have questions or cannot attend the meeting, please do not hesitate to email me at bstidham@clarkecounty.gov or call (540) 955-5130.

ORDINANCES COMMITTEE WORK PLAN

DOUBLE TOLLGATE ZONING DISTRICT PROJECT

Ordinances Committee members:

- Randy Buckley, Ron King, Frank Lee, Gwen Malone, George Ohrstrom

Non-voting members:

- Industrial Development Authority (IDA) – Bill Waite, Marcy Cantatore
- Economic Development Advisory Committee (EDAC) – Johnny Milleson, Mark Gribble
- Board of Supervisors (BOS) – Bev McKay, Terri Catlett

MEETING 1 – Introduction and Visioning (Thursday, September 19)

1. Mission overview – Background on how we got here and BOS direction
2. Discuss IDA site visit with BOS including comments from attendees
3. Review of Double Tollgate Area Plan guidance including Plan Area map
4. Review of steps to create a new zoning district
5. Visioning session – Roundtable comments from attendees on their initial visions for development of the subject property and how it relates to creation of the new zoning district. To include general discussion of:
 - Uses
 - Scale and intensity of development
 - Design standards that can be developed into use regulations
6. Homework assignment for Meeting 2 – Each member to develop a list of preferred uses, uses or use types to avoid, and thoughts on general design standards. Staff to provide copies of the current Highway Commercial (CH) and Business Park (BP) District regulations, regulations for County industrial districts that were repealed in the 2000s, and current Zoning District uses and use regulations.

MEETING 2 – Continue Visioning Session (October TBD)

1. Staff review of comments made during Meeting 1 visioning session (outline to be provided)
2. Roundtable discussion of members' preferred uses and uses or use types to avoid. To include discussion of:
 - Whether all uses should be allowed by-right or whether some should be allowed only by special use permit
 - Whether the new zoning district should be allowed throughout the Plan Area or only on specific sub-areas

ORDINANCES COMMITTEE WORK PLAN DOUBLE TOLLGATE ZONING DISTRICT PROJECT

3. Roundtable discussion of members' desired general design standards
4. Staff recap of discussion results

MEETING 3 – Review initial district parameters (November TBD)

1. Staff presentation of initial zoning district framework:
 - Purpose statement – Describe the new zoning district and where it can be applied
 - Lot area, setback, lot coverage, and maximum structure height requirements
 - Any special design criteria noted by the members
 - List of allowable uses (by-right or special uses if applicable)
2. Roundtable discussion of initial framework
3. Discuss list of uses with goal of reaching a consensus on the list moving forward

STAFF WORK BEFORE MEETING 4:

- Create definitions and use regulations for the members' list of new uses
- Modify the lot density and dimensional requirements to match members' comments
- Progress report to Planning Commission and BOS in December

MEETING 4 – Review initial draft of zoning district text amendment (January TBD)

- Review description of zoning district, uses, and use regulations
- Determine whether to forward to Commission or continue work on initial draft

SOURCE OF TITLE:
 COMMONWEALTH OF VIRGINIA, DEPARTMENT OF CORRECTIONS
 DEED BOOK 75 PAGE 8
 DEED BOOK 127 PAGE 439
 DEED BOOK 619 PAGE 707
 COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION
 DEED BOOK 45 PAGE 408

SUBJECT PLATS OF REFERENCE:
 PLAT BY E.M. THOMSON DATED APRIL 20, 1954,
 RECORDED IN DEED BOOK 45 PAGE 10
 PLAT BY VIRGINIA DEPARTMENT OF HIGHWAYS RIGHT-OF-WAY DIVISION
 TYPED PLAT RECORDED IN DEED BOOK 47 & 48
 PLAT BY W.S. GEORGE RECORDED IN DEED BOOK 45 PAGE 23,
 RECORDED IN HIGHWAY PLAT BOOK 4 PAGE 23,
 PLAT BY LEE A. EBERT DATED JANUARY 7, 1966,
 RECORDED IN DEED BOOK 75 PAGE 10.

NOTES:
 1. THIS PLAT HAS BEEN PREPARED FROM AN ACTUAL FIELD SURVEY
 DONE AS PER DATE OF THIS PLAT UNDER DIRECTION OF THE
 COMMONWEALTH OF VIRGINIA, DEPARTMENT OF GENERAL SERVICES, BUREAU OF
 REAL ESTATE SERVICES, ALL DEPARTMENTS AND UTILITIES HAVE BEEN REMOVED
 FROM THIS PLAT.
 2. THIS DRAWING HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE
 REPORT AND DOES NOT HEREBY NECESSARILY INDICATE ALL
 ENCUMBRANCES ON THE PROPERTY.
 3. THE AREA SHOWN HEREON IS LOCATED IN FLOOD ZONE "X" AND IS
 DESIGNATED AS AN AREA OF MINIMAL FLOOD HAZARD AS DETERMINED BY
 THE FEDERAL EMERGENCY MANAGEMENT AGENCY AS SHOWN ON
 COMMUNITY-PANEL MAP #104000120 DATED SEPTEMBER 29, 2007.
 4. THE DRAWING HAS BEEN PREPARED AT THE REQUEST OF THE DEPARTMENT
 OF GENERAL SERVICES, BUREAU OF REAL ESTATE SERVICES.

Privately Owned (Yellow box with arrow pointing to the western portion of the site)

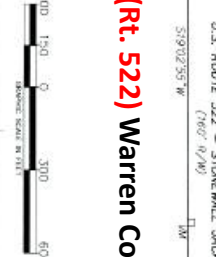
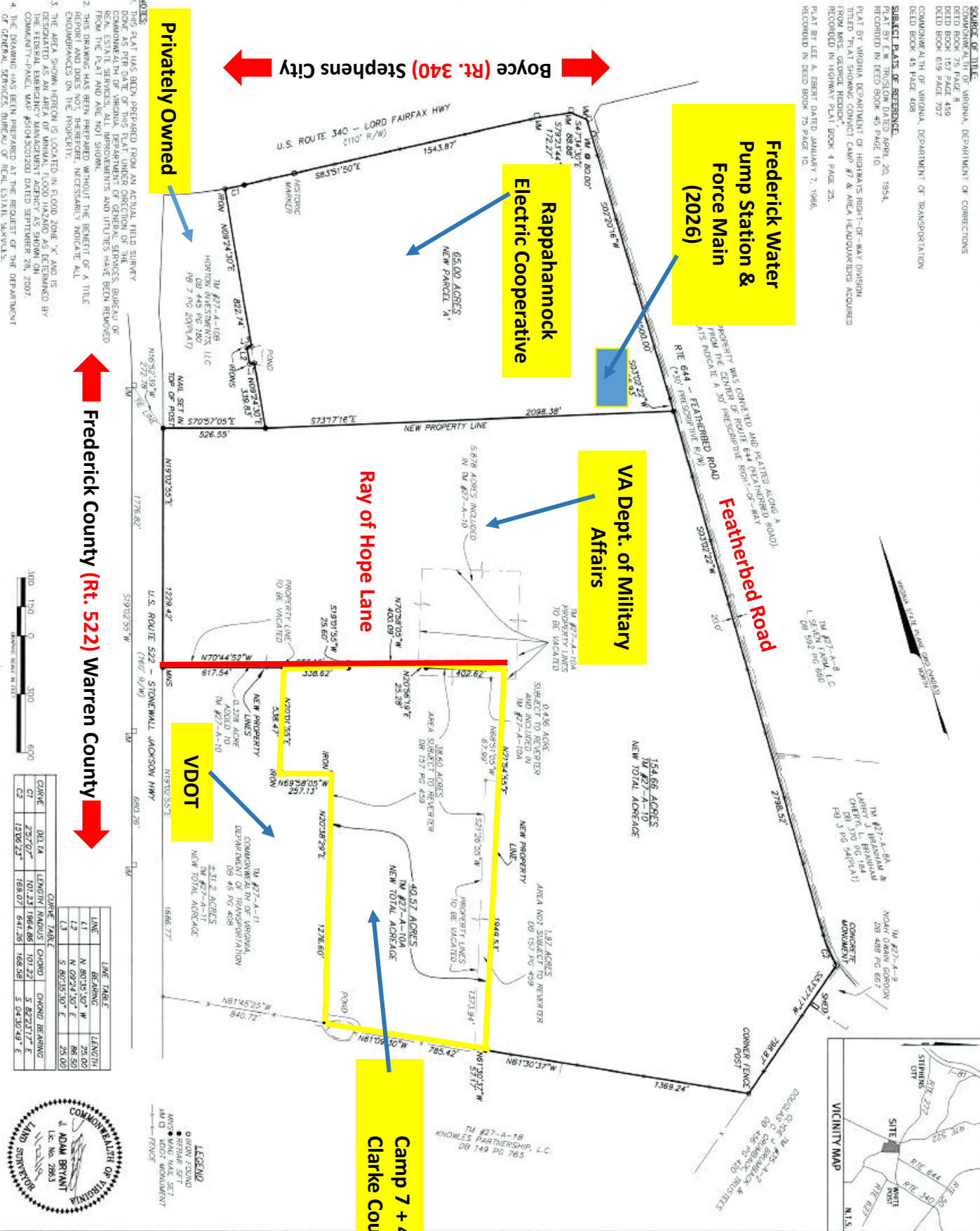
Boyce (Rt. 340) Stephens City (Red arrow pointing east from the western boundary)

VA Dept. of Military Affairs (Yellow box with arrow pointing to the central portion of the site)

Ray of Hope Lane (Red arrow pointing east from the central portion of the site)

VDOT (Yellow box with arrow pointing to the southern portion of the site)

Federick County (Rt. 522) Warren County (Red arrow pointing east from the southern boundary)



CHANG	DELTA	LENGTH	ANGLES	CHANG	CHANG BEARING
C1	237.07'	101.23'	194.48°	101.22'	S 82°23'17" E
C2	1506.23'	158.07'	641.28°	158.28'	S 64°30'49" E

LINE	BEARING	LENGTH
L1	N 80°15'57" W	23.00'
L2	N 09°24'50" E	86.50'
L3	S 80°35'10" E	23.00'

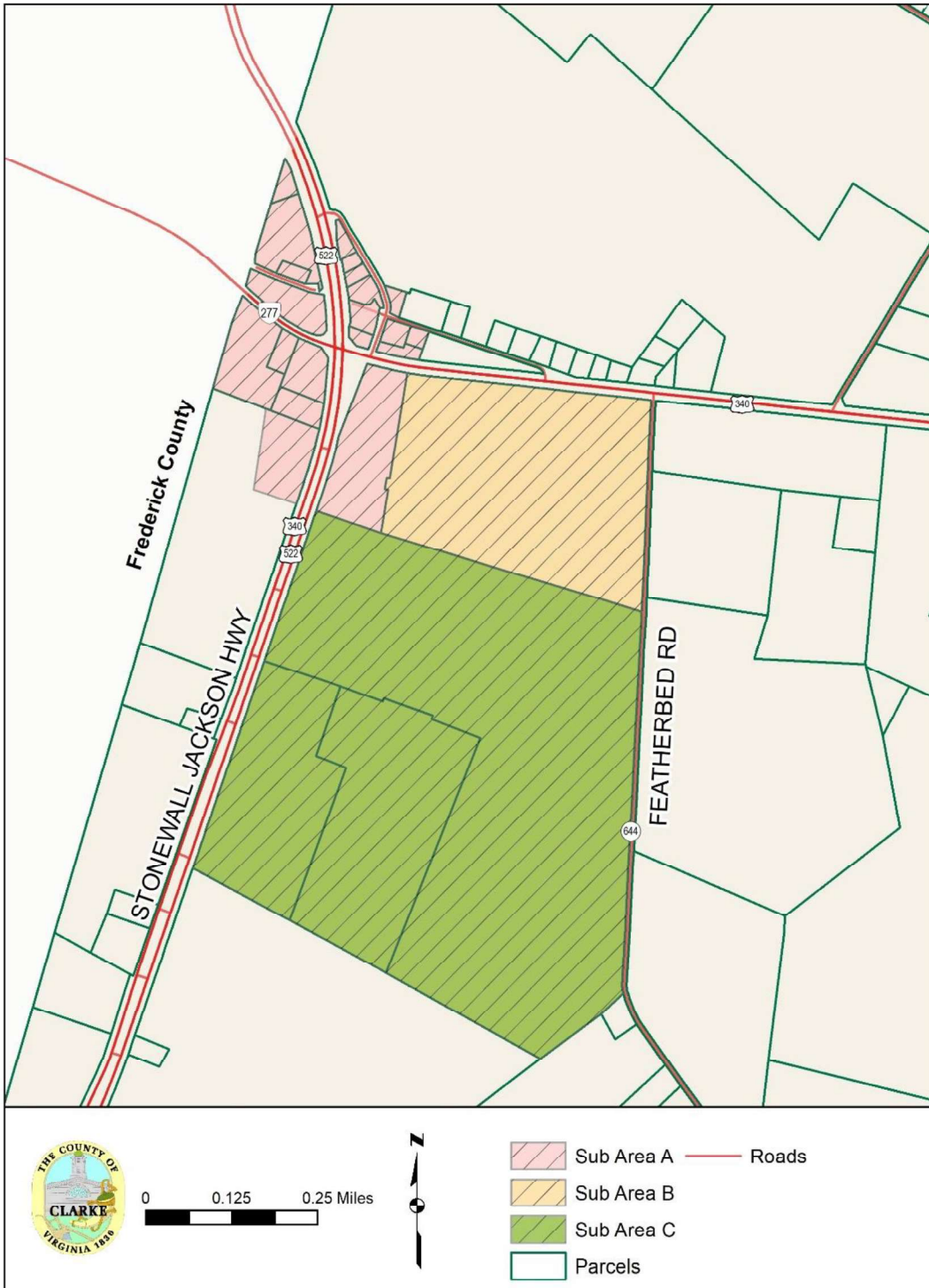


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URATION OF THE PROPERTIES OF
A, DEPARTMENT OF CORRECTIONS &
, DEPARTMENT OF TRANSPORTATION
STRICT - CLARKE COUNTY, VIRGINIA

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 434.847.0047 FAX

Double Tollgate Plan Area



DOUBLE TOLLGATE AREA PLAN – APPLICABLE GUIDANCE

II. PLAN AREA AND SUB-AREA POLICIES

The Double Tollgate Plan Area is divided into three Sub-Areas, each with specific development policies to guide their different projected development patterns:

Sub-Area A, Primary Commercial Development Area.

Sub-Area A contains all of the properties that were originally designated in the 2001 Area Plan and continued in the 2016 Area Plan. All properties or portions of properties in Sub-Area A are currently zoned Highway Commercial (CH) and Highway Access Corridor (HAC) Overlay District, and also located in close proximity to the intersection of U.S. 340/U.S. 522/Va. 277. By virtue of this zoning, these properties are most ready for commercial development or redevelopment and for public water and public sewer service.

Sub-Area B, State Property Designated for Economic Development.

Sub-Area B consists of one 65-acre lot. This property is currently owned by the Virginia Port Authority and was transferred to the Authority by the General Assembly in 2019 with the directive to work with Clarke County “to promote the use of the land for economic development purposes.” This property is located on the south side of U.S. 340 immediately east of Sub-Area A and extends to Featherbed Road (Rt. 644). It is currently zoned Agricultural-Open Space-Conservation (AOC). Policies are included to recommend parameters by which a rezoning for compatible commercial development projects could be achieved.

Sub-Area C, Other State Properties.

This Sub-Area includes the remaining three State properties currently owned by the Department of Military Affairs, Department of Corrections, and VDOT. This Sub-Area is included in the Plan Area in order for current and future uses on these State-owned properties to have access to public water and public sewer from Frederick County. Policies presume that governmental uses or permissible AOC District uses will be conducted in this Sub-Area but also provide flexibility for a range of uses to be served by public water and sewer under specific circumstances.

No new properties in private ownership are included in the Double Tollgate Plan Area. Per the Area Plan’s Goal #3, the Plan Area should not be expanded to include new areas until, at a minimum, Sub-Areas A and B reach full build-out and new public infrastructure resources are identified to serve an expanded Plan Area.

A. SUB-AREA A – Primary Commercial Development Area

- Description – Current plan area as described in the 2016 Double Tollgate Area Plan. Properties or portions of properties in Sub-Area A include:

Quadrant	Tax Map #	Area	Current Use
Northwestern	27-A-5A	0.78 acres	Retail (portion of flea market)
Northwestern	27A-A-9	5.13 acres	Retail (portion of flea market)
Northwestern	27A-A-11	0.57 acres	Retail (portion of flea market)
Northwestern	27A-A-12	3.26 acres	Retail (7-11 convenience store)
Northeastern	27A-A-7	0.38 acres	Single-family dwelling
Northeastern	27A-A-8	0.63 acres	Retail
Northeastern	27A-2-A	0.87 acres	Single-family dwelling
Northeastern	27A-2-B	0.45 acres	Single-family dwelling
Northeastern	27A-2-C	0.96 acres	Vacant
Northeastern	27A-A-16	0.47 acres	Vacant
Northeastern	27A-A-17	1.08 acres	Church
Northeastern	27A-3-A	0.77 acres	Single-family dwelling
Northeastern	27A-3-B	0.47 acres	Vacant
Northeastern	27A-3-C	0.67 acres	Single-family dwelling
Southeastern	27-A-10B	11.92 acres	Vacant
Southwestern	27-A-12	5.58 acres*	Vacant
Southwestern	27-A-12A	6.62 acres	Vacant
Southwestern	27A-A-13	1.06 acres	Vacant
Southwestern	27A-A-14	2.80 acres	Tourist attraction (Dinosaur Land)
Southwestern	27A-A-15	1.74 acres	Tourist attraction (Dinosaur Land)

* Approximate area of the portion of this lot that is located in the Double Tollgate Plan Area

Sub-Area A Policies

- Properties in Sub-Area A are zoned Highway Commercial (CH) and Highway Access Corridor (HAC) Overlay District. Properties should remain zoned CH and should not be rezoned to any other zoning district.
- Public water and sewer should be provided to this area.

B. SUB-AREA B – State Property Designated for Economic Development

- Description – State-owned property designated for economic development. Contains one lot owned by the Virginia Port Authority (27-A-10C, 65 acres) that is currently zoned Agricultural-Open Space-Conservation (AOC).

Sub-Area B Policies

- In order for commercial development to occur in Sub-Area B, this area must be designated for public water and public sewer service. Until such time as public water and public sewer is made available, Sub-Area B should be limited to the uses that are allowed in the AOC District.
- A rezoning of land in Sub-Area B to Highway Commercial (CH) is generally acceptable provided that public water and public sewer is available and contingent upon a proposed development plan containing the following elements:
 - Site layout, landscaping and screening, and the architectural design of structures shall be of a high quality by virtue of location at the County’s southwestern gateway.
 - Road improvements shall be provided that prevent degradation of the safety, capacity, and functionality of the existing road network that could be caused by the development’s proposed traffic generation.
 - Interparcel access shall be provided to adjacent Plan Area properties in order to limit new highway access points.
 - Use of best management practices for stormwater management to protect ground and surface water quality.
- Any rezoning of land in Sub-Area B to Highway Commercial (CH) shall also include the Highway Access Corridor (HAC) Overlay District in order to ensure high-quality, compatible architectural design for structures at the County’s southwestern gateway.

C. SUB-AREA C – Other State Properties

- Description – State properties in ownership by various State agencies. Contains three lots totaling 226.75 acres that are currently zoned Agricultural-Open Space-Conservation (AOC):
 - Virginia Department of Military Affairs, 154.66 acres (Tax Map #27-A-10)
 - Virginia Department of Corrections, 40.57 acres (Tax Map #27-A-10A)
 - Virginia Department of Transportation, 31.52 acres (Tax Map #27-A-11)

Sub-Area C Policies

- Sub-Area C is designated for governmental and AOC District uses which may be served by public water and public sewer except as noted below.
- Recognizing that ownership of these State-owned properties and proposed uses may change over the next five years, approval of permissible Highway Commercial (CH) District uses may only be acceptable if:

- Proposed uses on the subject property would be served by public water and public sewer.
- Public water and public sewer capacity is available for the proposed development in Sub-Area C without adversely impacting available capacity for commercial uses in Sub-Areas A and B.
- Any rezoning to the Highway Commercial (CH) District shall contain the following elements:
 - A rezoning to the Highway Access Corridor Overlay District (HAC).
 - Site layout, landscaping and screening, and the architectural design of structures shall be of a high quality by virtue of location at the County’s southwestern gateway.
 - Road improvements that prevent degradation of the safety, capacity, and functionality of the existing road network that could be caused by the development’s proposed traffic generation.
 - Interparcel access to adjacent Plan Area properties in order to limit new highway access points.
 - Use of best management practices for stormwater management to protect ground and surface water quality.

B. Plan Objectives and Strategies

Objective 1.

Invest County resources in a fiscally-responsible manner to support development and re-development of businesses in the Plan Area.

Strategy C.

Provide economic development resources and programs to support and facilitate future growth and re-development within the Plan Area in a manner consistent with Objective 10 (Economic Development) of the Comprehensive Plan*.

Objective 3.

Recognizing the Plan Area’s important location at the County’s southwestern gateway, establish and maintain regulations to ensure quality and efficient site development standards and compatible uses.

Strategy A.

Ensure that new development is limited to regionally serving commercial uses and agricultural support businesses that are compatible with the scale and character of the Plan Area. Prohibit the development of new residential uses in the Plan Area with the exception of owner-occupied or caretaker-occupied residences that are accessory to a business use.

Strategy B.

Evaluate site design standards that incorporate public safety elements for business owners, employees, and customers including but not limited to Crime Prevention through Environmental Design (CPTED) techniques.

Strategy C.

Work cooperatively with the Virginia Department of Transportation (VDOT) and private developers to fund transportation improvement projects that are consistent with the County’s Transportation Plan. Work with private developers specifically on voluntary provision of improvements to prevent degradation of the level of service of the Double Tollgate intersection and associated turn lanes.

Strategy D.

Maintain the high standards of existing site development regulations including but not limited to architectural design, landscaping, outdoor lighting, screening/buffering, and parking. Ensure that new or amended regulations effectively balance the need to remain “business-friendly” with the County’s desire for high quality development. Any rezoning of properties within the Plan Area to the Highway Commercial (CH) zoning district shall also include a rezoning to the Highway Access Corridor (HAC) overlay zoning district to recognize the need for compatible architectural design at the County’s southwestern gateway.

* Objective 10, Comprehensive Plan (applicable policies):

Objective 10 – Economic Development

Encourage economic growth that is compatible with the County's environmental quality, rural character, and residential neighborhoods, and that provides a healthy balance between revenues from residential and agricultural uses, and those from commercial and industrial uses.

Policies

- 2. Direct the location of compatible businesses to designated growth areas and existing commercial centers as allowed by the adopted plans for those areas.
- 3. Encourage new or expanded businesses that do not have the potential to cause significant degradation of the County’s natural resources and that do not adversely impact surrounding properties with noise, odor, or light pollution.
- 6. Promote economic development in the County’s unincorporated and rural areas that is highly compatible with the County’s land use philosophy and character. Focus on types of businesses that will not produce impacts which may result in significant degradation of natural resources, that will not require or increase demand for public infrastructure improvements or expansion, and that will not adversely impact existing nearby land uses or the conservation value of protected lands. These business sectors include but are not limited to agricultural operations, agricultural support businesses, and equine businesses

and related services.

8. Encourage the attraction of business activities that complement or that work in conjunction with existing industrial and commercial activities in the County, particularly active farming and forestry operations.
9. Ensure that new commercial development occurs according to the following provisions:
 - a. Does not degrade the level of service of the existing transportation network to unacceptable levels for safety, congestion, and functionality.
 - b. Ensures that access to and impacts on the transportation network are safe and do not impede traffic flow for emergency vehicles.
 - c. Meets all applicable zoning and building code regulations and all standards for water, sewage disposal, and waste disposal needs.
13. Promote the retention, attraction, and expansion of businesses and industries that support the land use goals of the County, in particular, businesses that generate a relatively high level of local tax revenue in relation to the number of jobs, create minimal impact on public services, and are compatible with the County's agricultural and natural resources.

4.1.5	Highway Commercial District	CH
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Purpose:

This district is intended to provide sufficient space in appropriate locations for a wide variety of commercial activities, generally serving a wide area and located on primary highways with more than 5,000 trips per day. The uses in this district should not be characterized by extensive warehousing, frequent heavy trucking activity, open storage of materials, or the nuisance factors of dust, odor, and noise associated with light industrial activities.

A. Lot Density and Dimensional Requirements. The density and dimensional requirements for lots shall be as set forth in the tables below.

TABLE 4.1.5[1], Lot Requirements

LOT AREA REQUIREMENTS	
-- Minimum area	20,000 square feet
-- Minimum frontage	100 feet
-- Minimum lot width	None

B. Building Requirements. Setback, structure height, and vegetated buffer width requirements shall be as set forth in the tables below:

TABLE 4.1.5[2], Building Requirements

BUILDING SETBACK – MINIMUM REQUIREMENTS	
-- From property lines of lots zoned AOC, FOC, or RR	25 feet
-- From all property lines of lots zoned CN or CH	10 feet
-- From intermittent streams	50 feet
-- From perennial streams and springs	100 feet
-- From edge of any public road right of way 50 feet or greater in width	35 feet
From centerline of any public road right of way less than 50 feet in width	60 feet
MAXIMUM LOT COVERAGE BY ALL IMPERVIOUS SURFACES	
-- All lots and structures	85%
MAXIMUM STRUCTURE HEIGHT*	
-- All lots and structures	40 feet

- * See [Subsection B-2](#) – Maximum height requirement for agricultural structures
- Structures shall have a maximum of three stories not including basements as defined by the Commercial Building Code, except as otherwise provided.
 - Maximum height requirement for agricultural structures. Agricultural structures shall have a maximum height of 50 feet in height except for silos which shall have a maximum

height of 100 feet. In no event shall the height of an agricultural structure exceed the distance from the structure to the nearest lot line.

C. **Uses and Use Regulations.** The list of allowable uses and use regulations for the CH District is located in [Section 5.2 \(Uses, Definitions, and Use Regulations – County Districts\)](#).

D. **Development Regulations.** The following development regulations for the CH District may be found in [Section 7.2 \(Site Development Plan Design Standards and Development Regulations\)](#):

- [Site Development Plan Requirements \(Section 7.2.1\)](#)
- [Streets, Public Rights of Way, and Pedestrian Facilities \(Section 7.2.2\)](#)
- [Public Utilities; Use of Private Wells and Onsite Sewage Disposal Systems \(Section 7.2.3\)](#)
- [Landscaping Design Standards \(Section 7.2.4\)](#)
- [Parking Regulations \(Section 7.2.5\)](#)
- [Outdoor Lighting Standards \(Section 7.2.6\)](#)
- [Environmental Reviews \(Section 7.2.7\)](#)
- [Plan Approval and Construction \(Section 7.2.8\)](#)

The following additional regulations apply to development and uses in the CH District:

- [Lot and Structure Regulations \(Section 7.1\)](#)
- [Sign Regulations \(Section 7.8\)](#)
- [Siting of Propane Tanks \(Section 7.10\)](#)
- [Use of Private Access Easements \(Section 7.11\)](#)
- [Parking and Storage of Inoperable Vehicles \(Section 7.12\)](#)

4.3.7	Business Park District	BP
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Purpose:

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 that are planned for Light Industrial/Research uses.

- A. Lot Density and Dimensional Requirements.** The density and dimensional requirements for lots shall be as set forth in the tables below.

TABLE 4.3.7[1], Lot Area/Width Requirements

-- Maximum floor area ratio (based on net developable area of lot)	0.35
-- Minimum district size	None
-- Minimum lot area	60,000 square feet
-- Minimum lot width	100 feet

- B. Building Requirements.** Setback, structure height, and vegetated buffer width requirements shall be as set forth in the tables below:

TABLE 4.3.7[2], Building Requirements

BUILDING SETBACK REQUIREMENTS	
Front yard	40 feet
Side yard (may be reduced where side yard abuts a railroad right of way)	25 feet
Rear yard (may be reduced where rear yard abuts a railroad right of way)	25 feet
Setback from property lines shared with zoning district whose permitted uses are not of a business, office, commercial, or industrial nature	60 feet
MAXIMUM BUILDING HEIGHT	
Maximum building height	40 feet

C. **Special District Regulations**

1. Open Space. An open space plan and landscape design program shall be submitted with applications for any land use governed by this district. 15% of the site shall be landscaped open space.
2. Parking, Streets, and Access. All parking requirements shall be met by off-street, on-site spaces as enumerated in [Section 7.2.5 \(Parking Regulations\)](#) and shall include designated spaces for the handicapped. 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. Off-street parking spaces shall be accessed via private driveways and shall not be directly accessed from public rights of way.

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.

3. Buffering and Landscaping.
 - a. Where a lot in the BP district is contiguous to property located in any residential or institutional district, a landscaped buffer strip of 25 feet in width shall be provided.
 - b. Where a lot is contiguous to property located in any business, office, or commercial district, a landscaped buffer strip of 10 feet in width shall be provided.
 - c. Where a lot is contiguous to property located in any industrial district, a landscaped buffer strip of 5 feet in width shall be provided.
 - d. Landscape materials and placement subject to site plan approval in all landscaped buffer strips.
4. Storage of Materials and Refuse. All refuse containers shall be screened by a solid and opaque wall or fence. The outdoor area devoted to storage, loading, and display of goods shall be limited to that area so designated on an approved site plan. All equipment, materials, and fuel storage tanks shall be contained entirely within a building or screened from public rights-of-way and contiguous lots which are zoned for residential or institutional uses.
5. Site Plans and Special Use Permits. All uses shall be subject to final site plan approval. Final site plans shall include a report indicating compliance with any locally adopted performance standards and land use criteria. 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. 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. Site plans for development in BP Business Park Districts shall include provisions for

- a. Adequate public facilities,
 - b. Development phasing,
 - c. Stormwater management facilities that comply with State stormwater management regulations,
 - d. Lighting and signing, and
 - e. Other special site features and land use considerations deemed necessary to serve the industrial district.
6. Covenants. Common property ownership agreements and covenants for BP Business Park District developments shall be reviewed and approved by the governing body or its agent.
7. Noise. Sound levels at the perimeter property line of any lot in the BP zoning district shall not exceed 65 decibels (dba).

D. Development Regulations. The following development regulations for the BP District may be found in [Section 7.2 \(Site Development Plan Design Standards and Development Regulations\)](#):

- [Site Development Plan Requirements \(Section 7.2.1\)](#)
- [Streets, Public Rights of Way, and Pedestrian Facilities \(Section 7.2.2\)](#)
- [Public Utilities; Use of Private Wells and Onsite Sewage Disposal Systems \(Section 7.2.3\)](#)
- [Landscaping Design Standards \(Section 7.2.4\)](#)
- [Parking Regulations \(Section 7.2.5\)](#)
- [Outdoor Lighting Standards \(Section 7.2.6\)](#)
- [Environmental Reviews \(Section 7.2.7\)](#)
- [Plan Approval and Construction \(Section 7.2.8\)](#)

The following additional regulations apply to development and uses in the BP District:

- [Lot and Structure Regulations \(Section 7.1\)](#)
- [Annexation Area B Development Regulations \(Section 7.7\)](#)
- [Sign Regulations \(Section 7.8\)](#)
- [Siting of Propane Tanks \(Section 7.10\)](#)
- [Parking and Storage of Inoperable Vehicles \(Section 7.12\)](#)

3-A-15 **LIGHT INDUSTRIAL DISTRICT (IL)**

Intent: This district is intended for certain types of industrial uses which do not emit heavy amounts of fumes, odors, or noise and which foster healthy economics and environmental conditions.

3-A-15-a Permitted Uses and Structures
(7-15-97)

3-A-15-a(1) Principal Uses and Structures

- 3-A-15-a(1)-(a) Agricultural, horticultural, orcharding, and forestry uses and structures
- 3-A-15-a(1)-(b) Airports and heliports, commercial
- 3-A-15-a(1)-(c) Building material sales yard
- 3-A-15-a(1)-(d) Fabrication, assembly and distribution of the following:
 - 3-A-15-a(1)-(d)-(1) Bags and containers
 - 3-A-15-a(1)-(d)-(2) Die-cut paperboard and cardboard
 - 3-A-15-a(1)-(d)-(3) Sanitary paper products
- 3-A-15-a(1)-(e) Laboratories: pharmaceutical, medical, experimental, photo, motion picture film
- 3-A-15-a(1)-(f) Machine shop
- 3-A-15-a(1)-(g) Manufacture, processing, compounding, fabrication, assembly, treatment and/or distribution of the following:
 - 3-A-15-a(1)-(g)-(1) Articles of merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semi-precious metals or stone, shell, straw, textiles, tobacco, wood, yarn and paint
 - 3-A-15-a(1)-(g)-(2) Bakery goods
 - 3-A-15-a(1)-(g)-(3) Cabinets
 - 3-A-15-a(1)-(g)-(4) Candy
 - 3-A-15-a(1)-(g)-(5) Clocks
 - 3-A-15-a(1)-(g)-(6) Communication equipment
 - 3-A-15-a(1)-(g)-(7) Computation equipment
 - 3-A-15-a(1)-(g)-(8) Cosmetics
 - 3-A-15-a(1)-(g)-(9) Dairy products
 - 3-A-15-a(1)-(g)-(10) Drugs
 - 3-A-15-a(1)-(g)-(11) Electric lighting and wiring equipment
 - 3-A-15-a(1)-(g)-(12) Electric appliances and machinery
 - 3-A-15-a(1)-(g)-(13) Electronic instruments and devices
 - 3-A-15-a(1)-(g)-(14) Farm machinery
 - 3-A-15-a(1)-(g)-(15) Feed and grain
 - 3-A-15-a(1)-(g)-(16) Food products
 - 3-A-15-a(1)-(g)-(17) Furniture

3-A-15-a-(1)-(g)-(18)	Glass products made of purchased glass
3-A-15-a-(1)-(g)-(19)	Household appliances
3-A-15-a-(1)-(g)-(20)	Lithographic and printing equipment
3-A-15-a-(1)-(g)-(21)	Medicines
3-A-15-a-(1)-(g)-(22)	Mobile homes
3-A-15-a-(1)-(g)-(23)	Musical instruments
3-A-15-a-(1)-(g)-(24)	Novelties
3-A-15-a-(1)-(g)-(25)	Optical products
3-A-15-a-(1)-(g)-(26)	Perfumes
3-A-15-a-(1)-(g)-(27)	Pharmaceuticals
3-A-15-a-(1)-(g)-(28)	Photographic equipment
3-A-15-a-(1)-(g)-(29)	Scientific and precision instruments
3-A-15-a-(1)-(g)-(30)	Service industry machines
3-A-15-a-(1)-(g)-(31)	Small parts, such as coils, condensers and transformers
3-A-15-a-(1)-(g)-(32)	Soap
3-A-15-a-(1)-(g)-(33)	Sporting and athletic goods
3-A-15-a-(1)-(g)-(34)	Stamps
3-A-15-a-(1)-(g)-(35)	Toiletries
3-A-15-a-(1)-(g)-(36)	Toys
3-A-15-a-(1)-(g)-(37)	Upholstery
3-A-15-a-(1)-(g)-(38)	Watches
3-A-15-a-(1)-(h)	Motor freight terminal
3-A-15-a-(1)-(i)	Motor vehicle painting, upholstering, repairing, rebuilding, reconditioning, body and fender repair work
3-A-15-a-(1)-(h)	Plumbing supplies storage
3-A-15-a-(1)-(j)	Pottery, figurines, and other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas
3-A-15-a-(1)-(k)	Prefabricated and modular housing components
3-A-15-a-(1)-(l)	Public utility booster or relay stations
3-A-15-a-(1)-(m)	Radios, television, audio equipment and supplies
3-A-15-a-(1)-(n)	Research, experimental, testing, and development activities
3-A-15-a-(1)-(o)	Sawmill
3-A-15-a-(1)-(p)	Warehouses
3-A-15-a-(1)-(q)	Welding Shop
3-A-15-a-(1)-(r)	Wholesale businesses

3-A-15-a-(2)

Accessory Uses and Structures

Uses and structures which are customarily accessory and clearly incidental and subordinate to the permitted principal uses and structures, including, but not limited to:

- 3-A-15-a-(2)-(a) Dwelling unit, provided:
- 3-A-15-a-(2)-(a)-(1) Such unit is in conjunction with any principal permitted use or structure;
- 3-A-15-a-(2)-(a)-(2) Only one such unit per establishment; and
- 3-A-15-a-(2)-(a)-(3) Such unit may be occupied only by the owner, manager, watchman, or caretaker of the establishment, and their immediate family
- 3-A-15-a-(2)-(b) Enclosed outdoor storage
- 3-A-15-a-(2)-(c) Parking areas and loading spaces
- 3-A-15-a-(2)-(d) Storage of lumber, building supplies, heavy machinery and the like
- 3-A-15-a-(2)-(e) Towers less than 50 feet high for Telecommunication Antennae

Uses and Structures Permitted with Special Use Permit

- 3-A-15-a-(3) Amusement Parks
- 3-A-15-a-(3)-(a) Borrow pit for road construction which is not under the jurisdiction of the Virginia Department of Highways
- 3-A-15-a-(3)-(b) Extraction of natural resources
- 3-A-15-a-(3)-(c) Fairgrounds
- 3-A-15-a-(3)-(d) Fuel storage
- 3-A-15-a-(3)-(e) Landfill, sanitary
- 3-A-15-a-(3)-(f) Public utility transformer substation
- 3-A-15-a-(3)-(g) Stables, commercial
- 3-A-15-a-(3)-(h) Steel fabrication
- 3-A-15-a-(3)-(i) Towers for Telecommunication Antennae
- 3-A-15-a-(3)-(j) (7-15-97)
- 3-A-15-a-(3)-(k) Water and sewer installations and treatment plants
- 3-A-15-a-(3)-(l) Zoo

3-A-15-b Minimum Lot Requirements

- 3-A-15-b-(1) Area: None
- 3-A-15-b-(2) Frontage: None
- 3-A-15-b-(3) Length/Width Ratio: None

3-A-15-c Minimum Yard Requirements

- 3-A-15-c-(1) Front Yard
- 3-A-15-c-(1)-(a) 35 feet from boundary of any street or right-of-way which is 50 feet or greater in width.
- 3-A-15-c-(1)-(b) 60 feet from the center line of any street or right-of-way less than 50 feet in width.
- 3-A-15-c-(2) Side Yard: 20 feet along property lines adjoining AOC, FOC, or Residential Districts.
- 3-A-15-c-(3) Rear Yard: 25 feet along property lines adjoining AOC, FOC, or Residential Districts.

December 1997

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3-A-15-d Maximum Lot Coverage by All Impervious Surfaces
50 percent

3-A-15-e Maximum Height of All Structures
35 feet; provided that a structure may be erected to a maximum height of 90 feet if it is set back from every lot line, in addition to each of the minimum required distances, a distance of two (2) feet for each one (1) foot of height that it exceeds the 35 foot maximum.

3-A-16 **HEAVY INDUSTRIAL DISTRICT (IH)**

Intent: This district is intended for intensive industrial operations which may create some nuisance, and which are not particularly compatible with residential, institutional, and commercial service establishments.

3-A-16-a Permitted Uses and Structures

(7-15-97)

3-A-16-a-(1) Principal Uses and Structures

3-A-16-a-(1)-(a)

All uses and structures permitted as principal permitted uses and structures in IL District

3-A-16-a-(1)-(b)

Asphalt mixing plant

3-A-16-a-(1)-(c)

Concrete mixing plant

3-A-16-a-(1)-(d)

Drying, freighting, trucking yard or terminal

3-A-16-a-(1)-(e)

Manufacture, processing, compounding, fabrication, assembly, treatment, and/or distribution of the following:

3-A-16-a-(1)-(e)-(1)

Batteries

3-A-16-a-(1)-(e)-(2)

Boats

3-A-16-a-(1)-(e)-(3)

Concrete block and cinder block

3-A-16-a-(1)-(e)-(4)

Farm machinery

3-A-16-a-(1)-(e)-(5)

Mobile homes

3-A-16-a-(1)-(e)-(6)

Motor vehicles

3-A-16-a-(1)-(e)-(7)

Prefabricated and modular homes

3-A-16-a-(1)-(e)-(8)

Preformed concrete products

3-A-16-a-(1)-(e)-(9)

Service industry machines

3-A-16-a-(1)-(f)

Steel fabrication

3-A-16-a-(1)-(g)

Storage yards or rental establishments for heavy equipment

3-A-16-a-(1)-(h)

Stone shaping, polishing and cutting

3-A-16-a-(1)-(i)

Tire retreading or recapping

3-A-16-a-(2) Accessory Uses and Structures

Uses and structures which are customarily accessory and clearly incidental and subordinate to the permitted principal uses and structures, including, but not limited to:

3-A-16-a-(2)-(a)

Dwelling unit, provided:

3-A-16-a-(2)-(a)-(1)

Such unit is in conjunction with any principal permitted use or structure;

3-A-16-a-(2)-(a)-(2)

Only one such unit per establishment; and

3-A-16-a-(2)-(a)-(3)

Such unit may be occupied only by the owner, manager, watchman, or caretaker of the establishment, and their immediate family

3-A-16-a-(2)-(b)

Enclosed outdoor storage

3-A-16-a-(2)-(c)

Parking areas and loading spaces

- 3-A-16-a-(2)-(d) Storage of lumber, building supplies, heavy machinery and the like
- 3-A-16-a-(2)-(e) Towers less than 50 feet high for Telecommunication Antennae (7-15-97)
- 3-A-16-a-(3) Uses and Structures Permitted with Special Use Permit
- 3-A-16-a-(3)-(a) Amusement parks
- 3-A-16-a-(3)-(b) Borrow pit for road construction which is not under the jurisdiction of the Virginia Department of Highways
- 3-A-16-a-(3)-(c) Extraction of natural resources
- 3-A-16-a-(3)-(d) Fairgrounds
- 3-A-16-a-(3)-(e) Fuel storage
- 3-A-16-a-(3)-(f) Landfill, sanitary
- 3-A-16-a-(3)-(g) Public utility transformer substation
- 3-A-16-a-(3)-(h) Stables, commercial
- 3-A-16-a-(3)-(i) Tower for Telecommunication Antennae (7-15-97)
- 3-A-16-a-(3)-(j) Water and sewer installations and treatment plants
- 3-A-16-a-(3)-(k) Zoo

- 3-A-16-b Minimum Lot Requirements
- 3-A-16-b-(1) Area: None
- 3-A-16-b-(2) Frontage: None
- 3-A-16-b-(3) Length/Width Ratio: None

- 3-A-16-c Minimum Yard Requirements
- 3-A-16-c-(1) Front Yard
- 3-A-16-c-(1)-(a) 35 feet from boundary of any street or right-of-way which is 50 feet or greater in width.
- 3-A-16-c-(1)-(b) 60 feet from the center line of any street or right-of-way less than 50 feet in width.
- 3-A-16-c-(2) Side Yard: 30 feet along property lines adjoining AOC, FOC, or Residential Districts
- 3-A-16-c-(3) Rear Yard: 35 feet along property lines adjoining AOC, FOC, or Residential Districts

- 3-A-16-d Maximum Lot Coverage by All Impervious Surfaces
50 Percent

- 3-A-16-e Maximum Height of All Structures
35 feet; provided that a structure may be erected to a maximum height of 90 feet if it is set back from every lot line, in addition to each of the minimum required distances, a distance of two (2) feet for each one (1) foot of height that it exceeds the 35 foot maximum.

3-A-11

BUSINESS INDUSTRIAL (BI)

Intent: The Business Industrial (BI) District is established to provide locations within the Berryville Area for a broad range of general light industrial uses and employment-related businesses operating under well governed performance standards. The specific uses permitted within the BI District must be in harmony with the cultural and environmental character of the Berryville Area. No use should be permitted which might be harmful to the adjoining land uses and the residential ambiance of the community at large. In general, outdoor storage and heavier industrial uses are discouraged but may be permitted by special use and environmental performance review.

The application of this district is intended for those locations within the Berryville Area which are planned for BI uses.

3-A-11-a

Permitted Uses

3-A-11-a-(1)

Auction establishments

3-A-11-a-(2)

Automotive service and repair establishments (including gas stations)

3-A-11-a-(3)

Contractors establishments, including shops and storage yards

3-A-11-a-(4)

Financial institutions (with or without drive-thru windows)

3-A-11-a-(5)

Industrial establishments for production, processing, assembly, manufacturing, compounding, cleaning, servicing, testing and repair of materials, goods or products which conform to federal, state and local environmental performance standards herein adopted and/or referenced by County 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 standards, and (g) vibration standards.

3-A-11-a-(6)

Lumber yards and building materials establishments

3-A-11-a-(7)

Mini-storage facilities (indoor only)

3-A-11-a-(8)

Public utilities (sub-stations, pump stations, transmission lines, storage tanks, etc.)

3-A-11-a-(9)

Restaurants with or without drive-thru

3-A-11-a-(10)

Schools, private training and vocational

3-A-11-a-(11)

Scientific research, development and training establishment

3-A-11-a-(12)

Warehousing and distribution establishments

3-A-11-a-(13)

Wholesale trade and distribution establishments

3-A-11-a-(14)

Uses as permitted in the Business-B zoning district

3-A-11-b Special Permit Uses

- 3-A-11-b-(1) Day Care Centers
- 3-A-11-b-(2) Heliports, as an accessory use

3-A-11-c Prohibited Uses

The specific uses which follow shall not be permitted in the BI Business Industrial zoning district.

- 3-A-11-c-(1) Acid manufacture
- 3-A-11-c-(2) Ammonia and chlorine manufacture
- 3-A-11-c-(3) Asphalt mixing plant
- 3-A-11-c-(4) Blast furnace
- 3-A-11-c-(5) Boiler works
- 3-A-11-c-(6) Bulk storage of flammable materials
- 3-A-11-c-(7) Coal, wood or wood distillation
- 3-A-11-c-(8) Concrete mixing and batching products
- 3-A-11-c-(9) Extraction and mining of rocks and minerals
- 3-A-11-c-(10) Fertilizer, lime or cement manufacture
- 3-A-11-c-(11) Fireworks or explosives manufacture
- 3-A-11-c-(12) Garbage incineration
- 3-A-11-c-(13) Herbicide Manufacturer
- 3-A-11-c-(14) Insecticide Manufacturer
- 3-A-11-c-(15) Junk yards
- 3-A-11-c-(16) Landfills
- 3-A-11-c-(17) Metal foundries and smelting
- 3-A-11-c-(18) Pesticide Manufacturer
- 3-A-11-c-(19) Petroleum, asphalt or related product refining
- 3-A-11-c-(20) Rendering plants
- 3-A-11-c-(21) Slaughterhouse
- 3-A-11-c-(22) Soap manufacture
- 3-A-11-c-(23) Stockyards
- 3-A-11-c-(24) Tanning and curing of skins
- 3-A-11-c-(25) Any other similar use which in the opinion of the governing body might be injurious or noxious by reason of odor, fumes, dust, smoke, vibration, noise or other cause.

3-A-11-d Maximum Density

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

3-A-11-e	<u>Lot Size Requirements</u>	
3-A-11-e(1)	Minimum district size:	Not regulated
3-A-11-e(2)	Minimum lot area:	20,000 square feet
3-A-11-e(3)	Minimum lot width:	100 feet

3-A-11-f	<u>Bulk Regulations</u>	
3-A-11-f(1)	Maximum building height:	40 feet
3-A-11-f(2)	Minimum yard requirements:	
3-A-11-f(2)-(a)	Front yard:	40 feet
3-A-11-f(2)-(b)	Side yard:	25 feet
3-A-11-f(2)-(c)	Rear yard:	25 feet
3-A-11-f(2)-(d)	Side and rear yard requirements may be waived where that side or rear yard abuts a railroad right-of-way.	
3-A-11-f(2)-(e)	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 60 feet from common property lines.	

3-A-11-g	<u>Open Space</u>	
3-A-11-g(1)	An open space plan and landscape design program shall be submitted with applications for any land use governed by this district.	

3-A-11-g(2) 15% of the site shall be landscaped open space.

3-A-11-h	<u>Additional Regulations</u>	
3-A-11-h(1)	Parking	
3-A-11-h(1)-(a)	All parking requirements shall be met by off-street, on-site spaces and shall include designated spaces for the handicapped.	

3-A-11-h(1)-(b) 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-A-11-h(1)-(c) Off-street parking spaces shall be accessed via private driveways and shall not be directly accessed from public rights of way.

- 3-A-11-h-(1)-(d) Public streets within or immediately adjacent to the BI 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.
- 3-A-11-h-(2) Buffering and Landscaping
- 3-A-11-h-(2)-(a) Where a parcel in the BI district is contiguous to property located in any residential or institutional district, a landscaped buffer strip of 25 feet in width shall be provided.
- 3-A-11-h-(2)-(b) Where a lot is contiguous to property located in any business, office, or commercial district, a landscaped buffer strip of 10 feet in width shall be provided.
- 3-A-11-h-(2)-(c) Where a lot is contiguous to property located in any industrial district, a landscaped buffer strip of 5 feet in width shall be provided.
- 3-A-11-h-(2)-(d) Landscape materials and placement subject to site plan approval in all landscaped buffer strips.
- 3-A-11-h-(3) Storage of Materials and Refuse
- 3-A-11-h-(3)-(a) All refuse containers shall be screened by a solid and opaque wall or fence.
- 3-A-11-h-(3)-(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 as otherwise approved by the Board of Supervisors by special use permit.
- 3-A-11-h-(3)-(c) The outdoor area devoted to storage, loading, and display of goods shall be limited to that area so designated on an approved site plan.
- 3-A-11-h-(3)-(d) 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.

3-A-11-h-(4)

Site Plans and Special Use Permits

3-A-11-h-(4)-(a)

All uses shall be subject to final site plan approval.

3-A-11-h-(4)-(b)

Final site plans shall include a report indicating compliance with any locally adopted performance standards and land use criteria.

3-A-11-h-(4)-(c)

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.

3-A-11-h-(4)-(d)

Any BI Business Industrial 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.

3-A-11-h-(4)-(e)

Site plans for development in BI Business Industrial Districts 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.

3-A-11-h-(5)

Covenants

3-A-11-h-(5)-(a)

Common property ownership agreements and covenants for BI Business Industrial District developments shall be reviewed and approved by the governing body or its agent.

the regulations prescribed by this ordinance shall not require the removal, lowering, or other change or alteration of any structure or vegetation not conforming to the regulations as of the effective date of this ordinance, or otherwise interfere with the continuance of a nonconforming use. Nothing contained in this ordinance shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this ordinance, and has been diligently prosecuted. Also, the general provisions of Article 10 of the Zoning Ordinance relating to nonconforming uses are applicable to this ordinance as well.

Notwithstanding the above paragraph, the owner of any existing nonconforming structure or vegetation is hereby required to permit the installation, operation, and maintenance thereon of whatever markers and lights might be deemed necessary by the FAA, the Virginia Department of Aviation, or the Zoning Administrator to indicate to operators of aircraft the presence of an airport obstruction. These markers and lights shall be installed, operated and maintained at the expense of airport owners and not the owner of the nonconforming structure in question.

4-508 **Permits, Variance and Appeals**

The provisions of Article 13 of the Zoning Ordinance shall apply.

PART 6 **PLANNED COMMERCIAL INDUSTRIAL DEVELOPMENT DISTRICT (PCID)**

4-601 **Purpose and Intent**

The Planned Commercial Industrial Development (PCID) District is intended to permit new development and redevelopment in accordance with the Comprehensive Plan of mixed-use limited commercial, business, recreational and light industrial park uses. PCID shall be planned and developed subject to an approved Development Plan and designed to complement surrounding land uses by means of appropriate siting of buildings and service areas, attractive architecture, and effective landscape buffering which protect property values in surrounding neighborhoods. PCID Districts shall be located within Service Districts and in locations designated for such use in the Comprehensive Plan. It is intended that these regulations provide flexibility in development by providing for a mix of compatible uses with flexibility in internal relationships of design elements. The PCID is not intended for more intensive commercial and industrial uses such as shopping malls, large-scale retail establishments and the more impactful and heavy industrial uses. Such uses are more appropriate for the existing C-2, C-3 and I-2 zoning districts.

4-602 **Size and Location**

The minimum area required for the establishment of a PCID district shall be 50 acres. Additional areas may be added to an established PCID if they adjoin and form a logical addition to the approved development of an established PCID. The procedure for an addition shall be the same as if an original application were filed and all requirements shall apply except the minimum acreage requirement above. The minimum acreage for such additions shall be five acres.

PCID districts shall be located in Service Districts as designated in the Comprehensive Plan. PCID districts shall have direct access to a major arterial or collector road. The PCID shall also be located within an area in the Service District that the

Comprehensive Plan designates for planned commercial and industrial development and which has sufficient infrastructure to support the proposed development, including roads, public facilities and utilities, or where sufficient infrastructure is planned and expected to be in place. In cases where necessary infrastructure is not yet available, the applicant for a PCID shall make provisions for the necessary infrastructure in the development plan.

4-603

Principal Uses Permitted

The following principal uses shall be permitted, subject to designations of areas and sites for such uses in the approved Development Plan and subject to the use limitations set forth in Section 4-605 and 4-606 below:

- Agriculture, horticulture, forestry or fishery
- Artisan's workshop and studio
- Auction house
- Bakery, commercial
- Bank or financial institution
- Barber/beauty shop
- Business service and supply service establishments
- College/University
- Commuter parking lot
- Conference or training center
- Convenience stores
- Contractors' offices and shops
- Continuing care facilities
- Construction office
- Data Center using recycled water for cooling and with all new power lines, including transmission or substation feed lines, placed underground
- Day care, child or adult
- Distribution facility
- Event facility
- Farmers market
- Health and fitness center/spa
- Hotel/Inn, less than 20 rooms
- Indoor sports/activity centers
- Laundry, dry cleaners, laundromat
- Manufacture, processing, fabrication and/or assembly of products such as, but not limited to scientific and precision instruments, photographic equipment, communication equipment, computation equipment, drugs, medicines, pharmaceuticals, household appliances, toys, sporting and athletic goods, die-cut paperboard and cardboard, glass products made of purchased glass, electric lighting and wiring equipment, service industry machines, lithographic and printing processes, industrial controls, radio and TV receiving sets, watches and clocks, bags and containers, sanitary paper products, optical goods, electrical machinery, wireless communications
- Medical care facility, major or minor
- Meeting halls for social, fraternal, civic, public and similar organizations
- Mobile Eating Establishments (subject to the Standards in Section 5-807 of the Zoning Ordinance)
- Motor vehicle service and repair, light
- Offices, administrative, business and professional
- Personal services

Place of worship, minor
 Plant nursery/greenhouse
 Postal Service, overnight courier collection and overnight mail distribution facility
 Printing service
 Private clubs
 Public and quasi-public uses, including but not limited to post office, library, museum, parks and recreation facilities, governmental office and service facilities, public safety facilities (fire and rescue, police)
 Radio and television recording/broadcasting studio
 Recycling drop off collection center, small
 Repair service establishments
 Research, experimental testing, or development activities
 Restaurants
 Retail sales with floor area less than 5,000 square feet
 Schools, primary and secondary
 Service Stations
 Swimming/tennis/racquet facility, indoor and outdoor
 Technical schools, indoor and outdoor
 Theater, indoor
 Vehicle Transportation Service Establishments
 Veterinary Clinic
 Warehousing facilities
 Water and sewer pumping stations
 Wholesale trade establishments

4-604

Secondary Uses Permitted

The following secondary uses shall be permitted only in a PCID which contains one or more principal use; such secondary uses shall be supportive and complementary to (i.e., which serves the users of) existing permitted principal uses. Areas and sites for such uses shall be shown in the approved Development Plan and subject to the use limitations set forth in Section 4-606 below:

- (a) Parks, playgrounds, community centers and non-commercial recreational and cultural facilities which are not commercial, public or quasi-public, including accessory outdoor events.
- (b) Electric, gas, water, sewer and communication facilities, including transformers, pipes, meters, pump stations and related facilities for distribution of local services. Electrical substations are not included.
- (c) Temporary buildings, the uses of which are incidental to construction operations during development being conducted on the same or adjoining tract or section and which shall be removed upon completion or abandonment of such construction.
- (d) Retail sales of products manufactured, assembled or distributed by a Principal User when in a Principal Use building and under ten percent (10%) of gross floor area.
- (e) The following may be included as Secondary Uses when within a Principal Use Building: fast food or take out restaurant, barber or beauty shop,

gymnasium, adult or child care facility, dry cleaners (pick up and drop off services only), financial or ATM facilities and mailing services.

- (f) Outdoor Class C events, less than 500 attendees.

4-605

Special Exception Uses

The following uses shall be subject to approval by the Board of Supervisors pursuant to the requirements of Article V:

- (a) Any use listed in Section 603 which was specifically prohibited in the original approval or any use listed in Section 604 above which was not specifically designated in the approved Development Plan establishing the PCID.
- (b) Any new structure or group of new structures comprising the same development or serving the same enterprise with an aggregate footprint exceeding 50,000 square feet.
- (c) Data Center not using recycled water for cooling and with all new power lines, including transmission or substation feed lines, placed underground.
- (d) Outdoor Class C events, 500 attendees or more
- (e) Hotel/motel, over 20 rooms
- (f) Hospital
- (g) Motor freight terminals
- (h) Place of worship, major
- (i) Retail sales with floor area 5,000 square feet or greater
- (j) Shopping centers under 200,000 square feet
- (k) Commercial golf course facility
- (l) Wastewater treatment facilities; water treatment facilities
- (m) Affordable Housing, Supportive Housing and Transitional Housing Facilities when proposed for use in an existing building.
- (n) Electrical Substation
- (o) Kennel, Minor, accessory to a Veterinary Clinic, subject to standards found in Section 5-1301.2 and the following additional limitations:
 - 1) Boarding shall not exceed 10% of the total square footage of the building.
 - 2) The use shall be strictly indoors with no outdoor runs or exercise pens.
 - 3) The use shall not be located within 500 feet of a property line containing an existing or planned residential, transient housing, or institutional use.
This setback may be reduced by the Board in conjunction with approval

of a Special Exception upon a finding a lesser setback is sufficient to protect the health, safety, and welfare of neighbors.

- (p) Kennel, Major, in conjunction with a Veterinary Clinic, subject to the standards found in 5-1301.2 and the following additional limitations:
 - 1) Boarding shall not exceed 50% of the total square footage of the building.
 - 2) The use shall be strictly indoors with no outdoor runs or exercise pens.
 - 3) The use shall only be located within designated commercial areas on the approved Concept Development Plan and the use shall not be located within 800 feet of a structure used for residential, transient housing, or hospitality use. This setback may be reduced by the Board in conjunction with approval of a Special Exception upon a finding a lesser setback is sufficient to protect the health, safety, and welfare of neighbors.

- (q) Multi-Family Residential uses in an existing building subject to the following standards:
 - 1) The structure shall be a minimum of 50 years old.
 - 2) All alterations to existing historic structures, and all additional accessory structures, including signs, shall be designed and constructed in a manner that conforms to the United States Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, as determined by the Virginia Department of Historic Resources (VHDR).
 - 3) No proposed alteration to a structure or dependency containing an adaptive use shall materially alter the exterior appearance of the structure from its historical appearance, as determined by the Virginia Department of Historic Resources (VHDR).

4-606

Use Limitations

Unless otherwise specified in this Article or modified pursuant to Section 4-612 below, all uses shall conform to the general and specific use limitations and performance standards of Article 6 (Accessory Uses, Accessory Service Uses and Home Occupations); Article 7 (Off-Street Parking and Loading, Public and Private Streets); Article 8 (Signs); and Article 9 (Performance Standards) of this Ordinance. Specific use limitations relating to the PCID are:

- (a) Access. No individual lots shall have direct access to an arterial or major collector road except within the Vint Hill PCID, where existing buildings, streets or utility locations require flexibility. In such case, access to the higher standard road shall only be allowed where approved by VDOT, consistent with their access management standards and the overall road plan.
- (b) Utility Location. All utility distribution lines shall be placed underground.
- (c) Site Planning. Within any PCID district, the site plan shall provide for efficient groupings of structures, uses and facilities, convenient and safe pedestrian access and for smooth and convenient vehicular traffic flow within the district and at points of entry and exit.
- (d) The maximum land area used for retail uses shall not exceed 25 percent of the total permitted Floor Area Ratio (FAR) of the PCID.

4-607

Lot and Building Requirements

Except as specified below and in Section 4-606, Use Limitations, above and as may be modified pursuant to Section 4-612 below by the Board of Supervisors in approving the PCID, lot size, lot width, yards and setbacks, height limits, road frontage and access shall be the same as specified in this ordinance for the conventional district for the same use or the conventional use most approximating the PCID use, except for a former Federal property where PCID design flexibility is needed to acknowledge existing site buildings, streets or utility system locations.

(a) Location Adjacent to Roads

No building, outdoor storage, areas for the collection of refuse, or loading areas shall be located any closer than 100 feet from the right-of-way of any arterial road, 75 feet from the right-of-way of a major collector and 35 feet from any private access easement or prescriptive easement.

(b) Location Adjacent to Agricultural and Residential Districts

No building, outdoor storage, areas for the collection of refuse or loading areas shall be permitted closer than 150 feet to any agricultural district, or to any existing or planned residential district, except for a former Federal property where PCID design flexibility is needed to acknowledge existing site buildings, streets or utility system locations.

Outdoor storage, areas for the collection of refuse and loading space located between buildings and such agricultural districts, or existing or planned residential districts where such uses are visible from the said agricultural or residential areas shall be effectively screened. To accomplish this screening a landscaping and screening plan must be submitted and approved as part of site plan review and approval.

(c) Building Height

The height of buildings shall not exceed two stories, except on former Federal properties, which can have a maximum of four stories.

4-608

Floor Area Ratio

The maximum floor area ratio permitted shall be a floor area ratio (FAR) of 25 percent of the gross area of the PCID, exclusive of floodplain.

4-609

Open Space, Landscaping and Buffering

(a) Open Space-General

The development plan for the PCID district shall provide for a minimum of 10% of the total site as open space. Open space shall not include vehicular areas such as streets, roads, travelways and parking lots. Open space may encompass public and private open space, buffer areas, utility easements, wetlands and floodplains. To ensure park-like character within such districts, and to minimize the impact upon agricultural and residential areas, open space and landscaping shall be located and organized in such a way as to maximize

the visual effect of green spaces as seen from public ways and adjoining agricultural and residential areas. Commercial golf courses acreage can be counted as Open Space.

(b) Screening and Buffering

Landscaping, buffering and screening shall be used to screen outdoor storage, areas for collection of refuse, loading areas and parking from streets, agricultural and residential uses. Where the PCID district is immediately adjacent to an existing or planned residential use, the development plan shall include a landscaping and buffering plan to minimize visual and noise impacts to residential uses from all uses on the PCID site.

4-610 Ownership, Operation and Maintenance of Common Open Space and Common Facilities

The approved Development Plan shall include provisions for the ownership, operation and management of all common open space, common private facilities, including private streets, parking, trails and pathways and lakes and commercial areas.

4-611 Architectural Controls and Design Standards

A PCID district is intended to be of a scale, size and location which encourages a harmonious environment and which embodies design features to maximize the park-like nature of the development and to minimize negative impacts on adjacent agricultural and residential properties. To this end, any application for rezoning to the PCID district shall include specific plans for architectural controls and design standards which shall be approved by the Board of Supervisors as part of the rezoning and shall govern the development and construction of improvements on the subject property. These plans shall specify how the controls and standards will be approved for individual projects, how they will be enforced and how and by whom they may be amended.

4-612 Modifications

In order to better accomplish the purposes of the PCID district as set forth in Section 4-601 the Board of Supervisors may, after review and recommendation by the Planning Commission, modify the regulations of this Ordinance and the Subdivision Ordinance upon a finding that the proposed modifications, although not literally in accord with applicable regulations, will satisfy public purposes of the ordinance and regulations to at least an equivalent degree. Modifications to regulations shall be requested and processed concurrent with the rezoning to the PCID district pursuant to provisions listed in Section 4-613 below and Section 13-200 of this Ordinance. However, no modifications shall be permitted which affect uses, use limitations as listed in Section 4-606 of this ordinance, floor area ratio of the PCID district, and requirements regulating setbacks from off-site roads and uses, except for a former Federal property where PCID design flexibility is needed to acknowledge existing site buildings, streets or utility system locations.

4-613 Rezoning to the Planned Commercial and Industrial Development District

Rezoning to the PCID district shall be established by amending the Zoning Map of Fauquier County. The procedures for such an amendment shall be generally as set

forth in Section 13-200 of this Ordinance except as provided below. In the event of conflict between the provisions of Section 13-200, the provisions below shall prevail.

1) Pre-Application Conference

Applicants for rezoning to the PCID shall meet with Department of Community Development staff and other appropriate review agencies to review the proposed Development Plan prior to formal submittal. The purpose of such conferences shall be to assist in bringing the application and material submitted therewith as nearly as possible into conformity with these or other regulations applying in the case. The conference shall also identify specific modifications to the regulations which may be requested pursuant to Section 4-612 above and which seem justified by alternative means to achieve the public purpose for such regulations to at least an equivalent degree. The timing and number of pre-application conferences shall be as mutually agreed to by the applicant and staff.

2) Development Plans - General

All rezoning to the PCID shall require a Development Plan approved by the Board of Supervisors. The approved Development Plan shall govern the development of the project and shall be binding on all current and future owners of the property. The Development Plan shall consist of a Concept Development Plan and other documents which may include, but not be limited to, proffer statements, dedications, contributions, and design standards

3) The Concept Development Plan

Applicant for rezoning to the PCID shall submit at time of application a proposed Concept Development Plan which shall include on one or more plats not exceeding 24 by 36 inches in size at a scale to be approved by the Director:

- a) The location and functional relationships of all land uses including the types, number of units and floor area ratio for each bay or mode of development.
- b) The location of roads, streets and travelways to provide vehicular traffic circulation, the proposed classification of streets and right-of-way requirements.
- c) The general location of proposed open space and the type of ownership proposed.
- d) The proposed phasing and sequence of the development plan for each phase and the projected start and completion dates, the density, and approximate type and number of structures, the percentage of each tract to be occupied by structures and the floor area ratio and general design standards for all uses.
- e) Topographic information with maximum contour intervals of five (5) feet at a scale to be approved by the Director, soils information to include a map identifying soil types at a scale to be approved by the Director, and the limits of floodplain, if any, on the site.

- f) The approximate limits of clearing and grading for each separate tract of development.
 - g) A conceptual landscaping and buffering plan.
- 4) Additional Submission Materials

The following additional materials shall be submitted at the time of the application. These materials are to be used by staff, the Planning Commission and the Board of Supervisors in reviewing and evaluating the application and may, along with the proposed Concept Development Plan and basic application materials required by Section 13-200 of this ordinance, form a basis for identification and mitigation of impacts of the proposed development and for making modifications to the proposal to allow it to better satisfy the purpose and intent of the PCID district and to meet all requirements of this ordinance. The required additional materials are:

- a) A statement which confirms the ownership or control of the property, the nature of the applicant's interest in the same, and the place of record of the latest instrument in the chain of title for each parcel constituting the subject property.
- b) Request for any modifications pursuant to Section 4-612 above. Such requests shall be specific as to all modifications that are being requested, why they are needed or desired and shall provide detailed justification as to how, if approved, the modifications will serve public purposes to at least an equivalent degree as the ordinances being modified.
- c) A traffic study to cover on-site traffic generation and distribution and off-site impacts. This traffic study must be acceptable to the Director as to content and technical form before the application is deemed to be complete.
- d) A statement indicating the extent, approximate timing and estimated costs of proposed off-site infrastructure improvements such as roads, water, sanitary sewer and stormwater management facilities necessary to construct the development. This statement should identify those facilities to be constructed by the applicant and explain how those to be constructed by others will be provided.
- e) A draft Proffer Statement to address mitigation of impacts, including but not limited to, transportation impacts, impacts on public facilities such as schools.

4-614

General Standards for Approval of a Rezoning to the Planned Commercial Industrial Development District

In addition to the specific requirements of this section and the standards for rezoning for all development contained in Section 13-200, the Planning Commission in its review and recommendation and the Board in its approval shall find that the following general standards relating to planned development have been satisfied:

- 1) The development is in substantial conformance to the adopted Comprehensive Plan with respect to type, character and intensity of use and public facilities.
- 2) The design of the development is of such that it achieves the adopted goals of the Comprehensive Plan and the stated purposes of the PCID Ordinance.
- 3) The development efficiently utilizes the available land and protects and preserves to the extent possible all scenic assets and natural features such as trees, streams and topographic features.
- 4) The development is designed to prevent substantial injury to the use and value of existing surrounding development, and shall not hinder, deter or impede development of surrounding properties in accordance with the adopted Comprehensive Plan.
- 5) The development shall be located in an area in which transportation, police and fire protection, other public facilities and utilities, including water and sewer, are or will be available and adequate for the uses proposed; provided, however, that the applicant shall make provision for such facilities or utilities which are not presently available.

4-615 Validity of the Approved Development Plan

The approved Development Plan shall specify the period of time for which the Plan shall remain valid and what actions must be performed and in what manner in order to continue or extend the period of validity. Upon expiration of any plan no

development may occur until the plan is reapproved by the Board of Supervisors in accordance with the provisions of Section 4-605 and Article V.

4-616 Deviations from and Modifications to the Approved Concept Plan

Development of the PCID district shall be in substantial conformance with the Concept Development Plan. Minor deviations from the approved Concept Plan may be permitted when the Director determines that such are necessary due to the requirements of topography, drainage, structural safety or vehicular circulation and such deviations will not materially alter the character of the approved Development Plan including the proposed development phasing and does not violate other binding components of the Plan including approved Proffers. In no case shall deviations include changes to the general location and types of land uses; or an increase of greater than 5% in overall floor area; or decreases in total area for open space. Changes not in conformance with this section or not deemed minor deviations shall require a special exception in conformance with Section 4-605 and Article V, provided however changes to any approved proffers shall be made in conformance with Section 13-200.

PART 7 4-700 PLANNED DEVELOPMENT MIXED USE DISTRICT (PDMU)

4-701 Purpose and Intent

The PDMU District is established to provide a limited range of commercial retail, service and office uses, as well as civic and residential uses. The district regulations are designed to allow the types of commercial uses that are compatible with public uses such as schools and which serve only the immediate neighborhood. In general,

USES, DEFINITIONS, AND USE REGULATIONS
COUNTY ZONING DISTRICTS

AGRICULTURAL USES

Agricultural Use	AOC	FOC	RR	CN	CH
Agricultural Building	A	A	X	X	A
Agriculture	P	P	X	X	P
Biosolids Land Application	A	A	X	X	X
Farm Winery, Farm Brewery, or Farm Distillery	P	P	X	X	X
Forestry	P	P	X	X	X
Intensive Livestock, Dairy, or Poultry Operation	P	P	X	X	X
Livestock Auction Markets	S	X	X	X	X
Small-scale Processing of Fruits and Vegetables	S	S	X	X	X
Wholesale or Retail Sale of Agricultural Products	A	A	X	X	X

P -- Permitted Use S -- Special Use P/S -- Permitted or Special Use
A -- Accessory Use X -- Prohibited Use

LIVESTOCK AUCTION MARKET
A commercial establishment wherein livestock is collected for sale and auctioned.

Use Regulations: None

SMALL-SCALE PROCESSING OF FRUITS AND VEGETABLES
An enterprise that does not require the installation of a Sewerage System & Treatment Works devoted to canning, drying, freezing, or otherwise preparing, preserving, packaging, and storing fruit, vegetables, and/or apiary products.

Use Regulations: None

BUSINESS USES

Business Use	AOC	FOC	RR	CN	CH
Automobile Repair Business	X	X	X	X	S
Bowling Alley	X	X	X	X	S
Catering	X	X	X	P	P
Commercial Boarding Kennel	X	X	X	X	P
Commercial Breeding Kennel	S	S	X	S	P
Commercial Center	X	X	X	X	P/S
Commercial Recreational Uses and Structures	X	X	X	S	S
Convenience Store with Gasoline Sales	X	X	X	X	P

Business Use	AOC	FOC	RR	CN	CH
Country Inns	S	S	X	P	X
Day Care Center	S	X	X	X	X
Farm Machinery Sales and Service	P/S	X	X	X	P
Farm Supplies Sales	P/S	X	X	S	P
Feed and Grain Mill	X	X	X	X	S
Financial Institutions	X	X	X	P	P
Firearms Sales and Service	X	X	X	S	S
Funeral Home	X	X	X	X	S
Hotels	X	X	X	X	P
Limited Extraction of Natural Resources	S	X	X	X	X
Personal Service Business	S	S	X	P/S	P/S
Professional Service Business	X	X	X	P	P
Restaurants	X	X	X	P	P
Retail Business	S	S	X	P/S	P/S
Sawmill	X	S	X	X	X
Self-Service Storage Facility	X	X	X	X	S
Shop for Welding, Blacksmith, Tinsmith, Woodworking	X	X	X	S	S
Solar Power Plant	S	X	X	X	X
Specialty Trade Contractor	S	S	X	X	X
Veterinary Clinic	S	S	X	S	P
Wireless Communication Facilities (WCFs) – See Table in use description below					

P -- Permitted Use **S -- Special Use** **P/S -- Permitted or Special Use**
A -- Accessory Use **X -- Prohibited Use**

AUTOMOBILE REPAIR BUSINESS
<p>A business primarily engaged in providing repair and maintenance services for automotive vehicles such as passenger cars, sport utility vehicles, pickup and other light trucks, small vans, and motorcycles.</p> <p>This use includes the following types of businesses:</p> <ul style="list-style-type: none"> • Oil change and lubrication shops, which primarily engage in checking and changing motor oil and lubricating the chassis • Automotive glass shops, which primarily engage in replacing, repairing, or tinting vehicle windows • General automotive repair garages or shops, which provide a wide range of mechanical and electrical repair and maintenance services including diagnosing, rebuilding, or reconditioning engines and other mechanical and electrical systems. <p>This use does not include the following types of businesses:</p> <ul style="list-style-type: none"> • Automotive painting or body shops • Heavy vehicle/equipment repair and servicing

Use Regulations:

1. All repair and maintenance services shall be conducted within an enclosed building. No outdoor storage shall be permitted.
2. No onsite disposal of waste fluids or chemicals shall be permitted.
3. Retail sale of automotive parts and supplies is permitted as an accessory use to the servicing of automotive vehicles.
4. A plan for the effective onsite containment and offsite disposal of waste fluids and other chemicals in accordance with State requirements shall be provided with the site development plan.

BOWLING ALLEY

A business containing facilities for the sport of bowling, open to the public for compensation.

Use Regulations:

1. The sale of meals or prepared food, which may include beverages and confections, is permitted as an accessory use to a bowling alley. Approvals or permits by applicable State agencies shall be obtained and remain active for the lifespan of this activity.
2. Assembly activities for compensation are permitted as an accessory use.

CATERING

A business that prepares a specific menu and amount of food for service to a client's guests or customers at a service location different from the permanent business location. Catering may also include cooking or performing final preparation of food at the service location.

Use Regulations:

1. Catering is allowed in the AOC and FOC Districts if operated as a home occupation and in compliance with the home occupation regulations.
2. A State permit for onsite food preparation shall be maintained in good standing throughout the lifespan of the use.

COMMERCIAL CENTER

A structure containing two or more commercial tenant spaces for occupancy by individual businesses.

Use Regulations:

1. As a permitted use, the maximum floor area of a commercial center is 15,000 square feet. As a special use, the maximum floor area of a commercial center is 50,000 square feet.
2. A commercial center may house any permitted or special use, or combination of both, subject to applicable use regulations.
3. No business shall occupy a free-standing building on a lot that is occupied by a commercial center.
4. For commercial centers located in the Historic Access Corridor (HAC) Overlay District, each commercial tenant space with an external public ingress/egress shall have an entrance and roof lines with a distinctive design from the other commercial tenant spaces within the center. This regulation does not apply to commercial tenant spaces that only

have internal public ingress/egress.

COMMERCIAL RECREATIONAL USES AND STRUCTURES

A business in which seasonal facilities directly related to outdoor recreation are provided for all or any of the following: Camping, lodging, picnicking, boating, fishing, swimming, outdoor games and sports, and activities incidental and related to the foregoing. A commercial recreation area does not include miniature golf grounds, golf driving ranges, mechanical amusement devices, or accessory uses such as refreshment stands, equipment sales or rentals.

Use Regulations: None

CONVENIENCE STORE WITH GASOLINE SALES

A business which carries a range of food and merchandise oriented to the convenience and needs of automotive travelers and nearby residents and offers onsite dispensing of gasoline and other petroleum products for sale.

Use Regulations:

1. The sale of meals or prepared food, which may include beverages and confections, is permitted as an accessory use to a convenience store with gasoline sales. Approvals or permits by applicable State agencies shall be obtained and remain active for the lifespan of this activity.
2. Gasoline Pump Canopy Regulations. Canopies covering gasoline pumps shall not exceed a height of 18 feet, 6 inches and shall not be closer than 10 feet to any property line or right-of-way.

DAY CARE CENTER

A business, licensed by the Commonwealth of Virginia, which offers daytime care for children or adults.

Use Regulations:

1. Day care centers are allowed only on lots with frontage on Federal primary highways, four-lane divided State primary highways, and business routes of State primary highways.

FARM MACHINERY SALES AND SERVICE

Buildings and land used for the onsite sale of machinery, equipment, and parts, and/or for the onsite service of machinery and equipment, manufactured primarily for use by an agricultural operation.

Use Regulations:

The following regulations shall apply to such uses that are proposed in the AOC District:

1. Approval of a site development plan per [Section 6.2.2](#) shall be required. A plan for the effective onsite containment and offsite disposal of fertilizers, pesticides/herbicides, and chemicals in accordance with State requirements shall be provided with the site

- development plan. No onsite disposal of fertilizers, pesticides/herbicides, or chemicals shall be permitted.
2. The lot on which a farm supplies sales business is located shall have frontage on a Federal primary highway (US 340, US 522, US 50/17) or four-lane divided State primary highway (VA 7) and shall have a commercial entrance approved by the Virginia Department of Transportation (VDOT).
 3. The total floor area of the building or buildings used for farm supplies sales shall be less than 12,000 square feet. A farm machinery sales and service business may exceed this limitation with approval of a special use permit.
 4. Outdoor storage of supplies shall only be permitted within the rear yard building envelope and shall be designated on the site plan. Outdoor storage areas shall be secured with fencing.
 5. Outdoor display of supplies shall only be permitted in a designated area within the building envelope not to exceed 750 square feet.
 6. Retail sale of non-agricultural merchandise is allowed so long as sale of such merchandise is accessory and clearly incidental to the sale of farm supplies.

FARM SUPPLIES SALES
Buildings and land used for the onsite sale of supplies that are primarily produced or manufactured for use by an agricultural operation.

Use Regulations:

The following regulations shall apply to such uses that are proposed in the AOC District:

1. Approval of a site development plan per [Section 6.2.2](#) shall be required. A plan for the effective onsite containment and offsite disposal of fertilizers, pesticides/herbicides, and chemicals in accordance with State requirements shall be provided with the site development plan. No onsite disposal of fertilizers, pesticides/herbicides, or chemicals shall be permitted.
2. The lot on which a farm supplies sales business is located shall have frontage on a Federal primary highway (US 340, US 522, US 50/17) or four-lane divided State primary highway (VA 7) and shall have a commercial entrance approved by the Virginia Department of Transportation (VDOT).
3. The total floor area of the building or buildings used for farm supplies sales shall be less than 12,000 square feet. A farm machinery sales and service business may exceed this limitation with approval of a special use permit.
4. Outdoor storage of supplies shall only be permitted within the rear yard building envelope and shall be designated on the site plan. Outdoor storage areas shall be secured with fencing.
5. Outdoor display of supplies shall only be permitted in a designated area within the building envelope not to exceed 750 square feet.
6. Retail sale of non-agricultural merchandise is allowed so long as sale of such merchandise is accessory and clearly incidental to the sale of farm supplies.

FEED AND GRAIN MILL

A business that is primarily engaged in the grinding of grains or dried vegetables to produce flour or meal.

Use Regulations: None

FINANCIAL INSTITUTION

A business which provides financial services which may include, but are not limited to, loans, savings, checking, money management and other similar services and includes, but is not limited to banks, savings and loan associations, credit unions, finance companies, and mortgage companies.

Use Regulations: None

FIREARMS SALES AND SERVICE

A business that is primarily engaged in the retail sale and maintenance of firearms, ammunition, and accessories. This use shall not include the manufacture of firearms or ammunition.

Use Regulations: None

FUNERAL HOME

An establishment used for human funeral services, which must include facilities on the premises for embalming and may or may not include facilities for the performance of autopsies, other surgical procedures, or cremation.

Use Regulations: None

HOTEL

Any place containing two or more guest rooms offering to the public compensation transitory lodging or sleeping accommodations, overnight or otherwise, with any period of continuous occupancy being not longer than 14 days, including but not limited to facilities known by varying nomenclatures or designations as hotels, motels, or travel lodges.

Use Regulations:

1. The minimum lot area required for a hotel shall be 2,000 square feet per unit exclusive of proprietor's dwelling, office and accessory building.

PERSONAL SERVICE BUSINESS

A business primarily engaged in the onsite provision of frequent or recurrent services of a personal nature such as hair, nail, or tanning salons.

Use Regulations:

1. Personal Service Businesses in the CN District. The total floor area of the building or buildings used for a personal service business shall not exceed 5,000 square feet. A maximum of two businesses per lot is allowed. Two businesses may be located in the

- same structure provided that the structure does not exceed 5,000 square feet in area and the businesses occupy shared space and not individual commercial tenant spaces.
2. Personal Service Businesses in the CH District. The total floor area of the building or buildings used for a personal service business shall not exceed 15,000 square feet. A personal service business may exceed this limitation with approval of a special use permit up to a maximum floor area of 50,000 square feet.
 3. Personal Service Businesses in the AOC and FOC Districts. The total gross floor area is limited to 3,000 square feet. Outdoor storage is not permitted.

PROFESSIONAL SERVICE BUSINESS

A business that does not involve the onsite sale of goods or commodities or dispensing of personal services and provides legal, architectural, engineering, real estate brokerage, insurance, accounting, art, photography, music, or similar related service to the public. Professional services also includes medical and dental offices.

Use Regulations: **None**

RESTAURANT

An establishment where meals or prepared food, which may include beverages and confections, are served to customers for a fee.

Use Regulations:

1. Drive-through service is permitted as an accessory activity to a restaurant. Drive-through service is prohibited in the Neighborhood Commercial (CN) District.
2. Entertainment (including live music, recorded music, or performance acts) is permitted as an accessory activity to a restaurant but shall be periodic in nature and remain accessory to the sale of food.
3. Catering may be operated as an accessory use to a restaurant.

RETAIL BUSINESS

Buildings or land used for onsite sale of merchandise at retail.

Use Regulations:

1. Outdoor storage is not permitted. Outdoor display of the business products is permitted. The area used for such display (excluding living plant material in containers or ball and burlap), top soil, or mulch) may cover up to 750 square feet.
2. Retail Businesses in the CN District. The total floor area of the building or buildings used for a retail and service business shall not exceed 5,000 square feet. A maximum of two businesses per lot is allowed. Two businesses may be located in the same structure provided that the structure does not exceed 5,000 square feet in area and the businesses occupy shared space and not individual commercial tenant spaces.
3. Retail Businesses in the CH District. The total floor area of the building or buildings used for a retail and service business shall not exceed 15,000 square feet. A retail and service business may exceed this limitation with approval of a special use permit up to a maximum floor area of 50,000 square feet.

4. Retail Businesses in the AOC and FOC Districts. The total gross floor area is limited to 3,000 square feet. Outdoor storage is not permitted. Outdoor display of the business products is permitted. The area used for such display may cover up to 750 square feet, except for the area used for outdoor display of living plant material (in containers or ball and burlap), top soil, or mulch, which may cover up to 2250 square feet.

SAWMILL

A business established for the purpose of sawing or cutting of logs or trees into rough slabs.

Use Regulations: None

SELF-SERVICE STORAGE FACILITY

A building or group of buildings divided into separate self-contained units or areas offered for rent for self-service storage of household and personal property. The storage units or areas are designed to allow private access by the tenant for storing and removing personal property. Accessory uses may include leasing offices, outdoor storage of boats and recreational vehicles, and incidental sales or rental of moving supplies and equipment such as boxes and dollies.

Use Regulations:

Not more than one outdoor vehicle storage space for each 750 square feet of indoor storage area for vehicles and trailers in operating condition, fully assembled, and displaying appropriate and current county license, state plates, and inspection sticker.

SHOP FOR WELDING, BLACKSMITH, TINSMITH, WOODWORKING

A business established for the purpose of fabricating, crafting, or repairing products from metal or wood.

Use Regulations: None

SPECIALTY TRADE CONTRACTOR

The definition for this use is referenced as the Specialty Trade Contractors subsector (#238) in the North American Industry Classification System (NAICS) Manual, 2017 Edition (U.S. Office of Management and Budget).

Use Regulations:

1. Maximum floor area. The maximum floor area of a building housing a special trade contractor use is 1,800 square feet. For lots with access to a primary highway with more than 5,000 vehicle trips a day, the maximum structure size is 3,000 square feet.
2. Minimum lot size. For buildings housing a special trade contractor use with a floor area up to 1,800 square feet, the minimum lot size is two acres. For such buildings with a floor area over 1,800 square feet and up to 3,000 square feet, the minimum lot size is 10 acres.
3. Setbacks. Building setbacks are as established in the zoning district regulations. For buildings with a floor area over 1,800 square feet and up to 3,000 square feet, the minimum setback is 200 feet from all property lines, rights of way, and access easements.

4. Storage of equipment and materials. As determined by the Planning Commission, there may be limited exterior storage of equipment or materials based on site related circumstances. Such storage shall be shielded from view from adjacent lots, public rights of way, and private access easements by solid fencing, evergreen trees, and/or topographic features.

VETERINARY CLINIC

A facility for the medical care and treatment of animals including companion animals and agricultural animals. Such facilities may provide grooming and boarding services as well as limited retail sales of pet-related merchandise.

Use Regulations:

1. In the AOC, FOC, and CN Districts, companion animals shall be confined in an enclosed building, which shall be climate controlled and be constructed of sound absorbing materials so as to mitigate animal noise at adjacent property lines. Such an enclosed facility may also include a fenced exercise area. Such enclosed facilities and exercise areas shall be at least 200 feet from any property line. Areas of confinement not fully enclosed (such as dog runs) shall be at least 500 feet from any property line.

WIRELESS COMMUNICATION FACILITY (WCF)

All infrastructures and equipment including, but not limited to, structures, antennas, transmission cables, equipment shelters, equipment cabinets, utility pedestals, ground equipment, fencing, signage, and other ancillary equipment associated with the transmission or reception of wireless communications.

Use Regulations:

1. Purpose and Objectives; Telecommunications Engineering Study.
 - a. Purpose. The purpose of this section and the Wireless Communication Facility Design Standards in [Section 7.3](#) is to provide for the siting of Wireless Communication Facilities (WCFs) by establishing requirements for the siting, construction and modification of monopoles, towers, stealth structures, support structures, and associated equipment.
 - b. Objectives. The objectives of this section are:
 - To reduce the adverse visual impact of such facilities.
 - To encourage the placement of WCFs in locations with appropriate vegetative cover and screening, and encourage co-location of antennas as an alternative to construction of new WCFs.
 - To promote alternative stealth structure design
 - To facilitate deployment of WCFs to provide coverage to residents and businesses of Clarke County in a manner consistent with the County's character
 - c. Telecommunications Infrastructure and Broadband Study. This section is intended to be applied in conjunction with the County's [Telecommunications Infrastructure and Broadband Study](#). The Study's proposed locations for new WCFs are a guide to maximize telecommunications service to residents and

businesses and to minimize adverse impact on the County’s scenic and historic resources.

2. Classes of Wireless Communication Facilities. WCFs shall be divided into the following classes:
- a. Class 1. WCFs with a height not to exceed fifty (50) feet above ground level (AGL). Such design shall be limited to a monopole or “stealth” design. Antennas must be surface mounted on the monopole.
 - b. Class 2. WCFs with a height not to exceed eight (80) feet above ground level (AGL). Such facilities shall be limited to a monopole or “stealth” design. Antennas must be surface mounted on the monopole.
 - c. Class 3. WCFs with a height not to exceed one hundred and twenty (120) feet above ground level (AGL). Such facilities shall be limited to a monopole design as the support structure.
 - d. Class 4. WCFs with a height not to exceed one hundred and ninety nine (199) feet above ground level (AGL). Such facilities shall be limited to a monopole design as the support structure.
 - e. Class 5. Amateur radio antennas subject to the limitations of [Va. Code §15.2-2293.1](#) and Federal Communications Commission (FCC) provisions specified in the Code of Federal Regulations.
 - f. Class 6. Freestanding antenna support structures with a height not to exceed one hundred (100) feet above ground level, and building or structure mounted antenna support structures with a height not to exceed eighty (80) feet above ground level. Antenna support structures shall not exceed the maximum height of the tree canopy on the topographic crest of the Blue Ridge Mountains.

Class	Maximum Height	Approval Authority	Site Development Plan Required?	Engineering Review Required?	Permitted Design Type(s)
1	50 feet	Zoning Administrator	Yes*	Yes*	Monopole or stealth with surface-mounted antennas
2	80 feet	Planning Commission	Yes	Yes	Monopole or stealth with surface-mounted antennas
3	120 feet	Board of Supervisors	Yes	Yes	Monopole
4	199 feet	Board of Supervisors	Yes	Yes	Monopole
5	Per State law	Zoning Administrator	Yes*	Yes*	Per State law
6	80 or 100 feet	Zoning Administrator	No	No	Monopole or lattice

* Depending on the nature and design of the Class 1 or Class 5 WCF, the Zoning Administrator has the discretion to waive certain site development plan requirements. Review by engineering consultant(s) is subject to the Zoning Administrator’s discretion.

3. General Use Standards.
 - a. All WCFs must meet current standards and regulations of the Federal Aviation Administration (FAA), FCC, and any other agency of the county, state, or federal government with the authority to regulate WCFs. If regulations change and WCFs are required to comply with such changes, the owners of the WCFs governed by this ordinance shall bring WCFs into compliance within six (6) months of the effective date of such change in standards or regulations. Failure to comply shall constitute grounds for the removal of the WCFs at the owner's expense.
 - b. WCFs shall be considered either a principal or accessory use.

4. By-right uses. The uses listed in this subsection are deemed to be by-right uses subject to review and approval of a site development plan demonstrating compliance with this section, the Wireless Communication Facility (WCF) Design Standards in [Section 7.3](#), and other applicable sections of the Zoning Ordinance:
 - a. Co-location. Co-location of new antennas, electronics, cables, and ground support equipment to include cabinets, shelters, power supply transformers, generators, fuel tanks, power meters and other required support equipment on existing WCFs or other structures. The site development plan shall be subject to administrative review and approval by the Zoning Administrator. Third-party engineering review may be required if deemed necessary by the Zoning Administrator.
 - b. Class 1 and Class 5 WCFs. The site development plan shall be subject to administrative review and approval by the Zoning Administrator. Third-party engineering review may be required if deemed necessary by the Zoning Administrator.
 - c. Class 2 WCFs. The site development plan shall be subject to administrative review and approval by the Planning Commission including third-party engineering review.
 - d. Class 6 antenna support structures.
 - Freestanding. A zoning permit issued by the Zoning Administrator shall be required for freestanding antenna support structures.
 - Building or structure mounted. A zoning permit issued by the Zoning Administrator shall be required for an antenna support structure that is installed in the ground and attached to a building or structure for additional support. No zoning permit shall be required for an antenna support structure that is mounted on a building or structure.
 - e. Distributed antenna systems (DAS). Installing a DAS (such as a cable microcell network) through the use of multiple low-powered transmitters/receivers attached to existing wireless systems, such as conventional cable or telephone equipment, or similar technology that does not require the use of WCFs. The site development plan shall be subject to administrative review and approval by the Zoning Administrator. Third-party engineering review may be required if deemed necessary by the Zoning Administrator.

- f. WCF upgrades/equipment and maintenance of an existing wireless provider on a WCF. The site development plan shall be subject to administrative review and approval by the Zoning Administrator. Third-party engineering review may be required if deemed necessary by the Zoning Administrator.
5. Special Uses. The uses listed in this subsection require issuance of a Special Use Permit including review and approval of a site development plan demonstrating compliance with this section, the Wireless Communication Facility (WCF) Design Standards in [Section 7.3](#), and other applicable sections of the Zoning Ordinance:
 - a. Class 3 & 4 WCFs.
 - b. Any Class 3 or Class 4 WCF which is being rebuilt on the same lot to accommodate the co-location of an additional WCF. The rebuilt WCF shall meet all requirements of this section and the Wireless Communication Facility (WCF) Design Standards in [Section 7.3](#). There shall only be one (1) WCF per Special Use Permit in the designated compound area.

In granting a Special Use Permit, the Planning Commission may recommend and the Board of Supervisors may impose conditions to the extent that the Board concludes such conditions are necessary to minimize any adverse effect of the proposed WCF on adjoining properties.

6. Co-location of antennas as required by Federal law. Notwithstanding any provision of this Ordinance related to Special Use Permit requirements and procedures on any specific special use condition placed on an approved WCF, the Zoning Administrator shall administratively approve a site development plan to allow co-location, removal or replacement of antennas, electronics, cables, and ground support equipment to include cabinets, shelters, power supply transformers, generators, fuel tanks, power meters and other required support equipment on existing Class 1, 2, 3, or 4 WCFs as required by Federal law, that meets all of the following standards:
 - a. The co-location, removal, or replacement of equipment does not result in the WCF failing to meet the requirements of [Section 7.3B \(Setbacks and Buffering\)](#).
 - b. Installation of the proposed equipment does not increase the height of the WCF by more than 10% of the original approved height or by the height needed to provide 20 feet of separation from the closest antenna array location on the WCF, whichever is greater, except that the mounting of the proposed equipment may exceed these limits if necessary to avoid interference with equipment existing on the WCF. For any request to exceed height limits to avoid interference with existing equipment on the WCF, the applicant shall provide a report by a licensed engineer to justify the request. Such report shall be evaluated the County's engineering consultant and the applicant shall be responsible for reimbursing the county for all costs associated with the consultant's review.
 - c. Installation of the proposed equipment would not involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four, or more than one new equipment shelter. New equipment shelters and cabinets shall be located within the existing approved compound.

- d. Installation of the proposed equipment would not involve excavation outside the boundaries of the WCF site depicted on the original approved site development plan.
- 7. Compliance with Federal and State regulations required. Compliance with all Federal Aviation Administration and Federal Communication Commission requirements, including review by the Virginia Department of Historic Resources of properties eligible for listing and listed on the [National Register of Historic Places in accord with Section 106 procedures](#), shall be demonstrated in writing if required by statute.
- 8. Commercial use of Class 5 WCFs prohibited. There shall be no co-locations of any commercial antennas or equipment on any Class 5 amateur radio WCF for service other than the owner/operator of the Class 5 structure. If any commercial service is located on the WCF, the Class 5 WCF shall lose its status as a Class 5 WCF and shall become a commercial facility and be treated as such under County, State and Federal regulations.
- 9. Existing monopoles and telecommunication towers. Monopoles in existence as of the adoption date of this ordinance shall be considered as WCFs with a Class that corresponds to the monopole’s height. Existing telecommunication towers in excess of 199 feet in height or having a design other than a monopole shall not be considered WCFs for the purpose of this ordinance.

RECREATION/EDUCATION/ASSEMBLY USES

Recreation/Education/Assembly Use	AOC	FOC	RR	CN	CH
Campground	S	S	X	X	X
Churches and Other Places of Worship	S	S	S	P	P
Community Center	X	X	X	P	X
Historic Mill	P	X	X	P	X
Historic Structure Museum	S	S	S	X	X
Indoor Theater	X	X	X	S	P
Minor Commercial Public Assembly	S	S	X	X	X
Private Club	S	S	X	P	P
Summer Camp	S	S	X	X	X

P -- Permitted Use S -- Special Use
A -- Accessory Use X -- Prohibited Use

COMMUNITY CENTER
A building used for recreational, social, educational, and cultural activities, open to the public or a designated part of the public and usually owned and operated by a public or nonprofit group or agency. This use includes community centers focused on serving senior citizens or youth.

Use Regulations: None

INDOOR THEATER

A building or portion of a building used to show motion pictures or for drama, dance, musical, or other live performances.

Use Regulations:

1. The minimum required lot area for an indoor theater shall be one acre.

MINOR COMMERCIAL PUBLIC ASSEMBLY

A business which provides, for a fee, a venue for temporary public or private assemblies including meetings, conferences, weddings, parties, and similar events for six or more event days in a calendar year on property other than that owned by Federal, State, or local government.

Use Regulations:

1. Minimum lot area. A lot, or multiple adjoining lots under the same ownership, containing a minor commercial public assembly use shall have a minimum lot area of six acres.
2. Maximum number of attendees. The maximum number of attendees allowed onsite at an event at any one time is 149. Attendees shall include all individuals present including but not limited to guests, employees, caterers, and attendants.

PUBLIC AND MISCELLANEOUS USES

Public and Miscellaneous Use	AOC	FOC	RR	CN	CH
Animal Shelter, Governmental	S	S	X	S	P
Cemetery	S	S	X	P	P
Community Services Facility	S	S	S	P	P
Fire and/or Rescue Squads	X	X	X	P	P
Passive Use Public Park	S	S	S	P	P
Public Utility Facility	S	S	X	P	P
Small Wind Energy System	A/S	A/S	A/S	A/S	A/S

P -- Permitted Use S -- Special Use A/S – Accessory or Special Use
A -- Accessory Use X -- Prohibited Use

COMMUNITY SERVICES FACILITY

Definition:

Lots, buildings, and/or accessory structures that are owned and/or operated by Federal, State, or local government or by non-profit or not-for-profit entities to provide a service or benefit to the general public. Community services facilities include:

- Community centers operated by governmental entities
- Government offices
- Libraries
- Museums (other than historic structure museums)
- Playgrounds, parks, and non-commercial recreational facilities

- Schools for day students serving grades Pre-K through 12. Advanced and continuing education, training, and retraining activities for students and adults is permitted as an accessory use
- Visitor centers

Use Regulations:

1. Private schools shall not be located on a lot less than three (3) acres in size.
2. Permanent overnight sleeping facilities shall not be permitted.
3. The sale of meals or prepared food in a permanent structure (e.g., snack bar), which may include beverages and confections, is permitted as an accessory activity. Approvals or permits by applicable State agencies shall be obtained and remain active for the lifespan of this activity.

FIRE AND/OR RESCUE SQUADS

A facility for the provision of local rapid response emergency services such as firefighting and mobile medical emergency services, including areas for the storage and maintenance of emergency vehicles, and equipment and facilities for the housing and feeding of emergency personnel while on duty.

Use Regulations:

1. Permanent overnight sleeping facilities may be provided as an accessory activity only for the employees/staff of fire and/or rescue squad facilities. Such sleeping facilities shall not have more than 150 square feet per person.

PUBLIC UTILITY FACILITY

Public facilities and structures for exclusively public purposes that are owned, operated, or managed by any department or branch of the federal government; Commonwealth of Virginia; Clarke County or Town of Berryville governments; the Clarke County Sanitary Authority; or any licensed public utility. This use includes facilities for provision of water or sanitary sewer services, citizen convenience centers for solid waste and/or recyclable material collection, and public utility substations. This use does not include solar power plants.

Use Regulations:

1. No such activity shall occur unless and until all applicable Federal and Commonwealth of Virginia requirements concerning safety and environmental impact have been met.
2. No minimum lot area or width shall be required for a lot containing such activities.

USES, DEFINITIONS, AND USE REGULATIONS
BERRYVILLE ANNEXATION AREA ZONING DISTRICTS

AGRICULTURAL USES

Agricultural Use	OSR	DR-1	DR-2	DR-4	BC	B	ITL
Agriculture	X	X	X	X	X	X	P
Plant nurseries	S	S	S	S	P	P	X

P -- Permitted Use S -- Special Use P/S – Permitted or Special Use
A -- Accessory Use X -- Prohibited Use P/A – Permitted or Accessory

PLANT NURSERIES
-- Not Defined

Use Regulations:

The onsite sale of nursery products is prohibited at plant nurseries approved by special use permit in the OSR, DR-1, DR-2, and DR-4 Districts.

BUSINESS USES

Business Use	OSR	DR-1	DR-2	DR-4	BC	B	ITL
Antique sales (indoor only)	X	X	X	X	P	P	X
Auction establishments (indoor only)	X	X	X	X	X	P	X
Automobile sales	X	X	X	X	P	X	X
Automobile service and repair establishments (including gas stations)	X	X	X	X	P	P	X
Bakeries (with accessory retail sales)	X	X	X	X	X	P	X
Bed and breakfast lodging	X	S	S	S	X	X	X
Broadcast station, studios, and offices for radio and television	X	X	X	X	P	P	X
Car washes	X	X	X	X	P	X	X
Cleaning of carpets and rugs	X	X	X	X	X	P	X
Contractor's establishments	X	X	X	X	X	P	X
Country Inn	S	X	X	X	X	X	X
Day care centers	X	X	S	S	P	S	P
Financial Institutions (with or without drive-thru windows)	X	X	X	X	P	P	X
Funeral homes	X	X	X	X	P	X	P
Grocery store (with at least 25,000 square feet gross floor area)	X	X	X	X	P	X	X
Hospitals	X	X	X	X	X	X	S

Use	OSR	DR-1	DR-2	DR-4	BC	B	ITL
Hotels and motels	X	X	X	X	P	X	X
Laundromat	X	X	X	X	P	X	X
Lumber yards and building materials establishments	X	X	X	X	X	S	X
Machinery sales and service	X	X	X	X	X	P	X
Manufacturing, processing, assembly, or repair activities	X	X	X	X	X	P	X
Medical care facilities, licensed	X	X	X	X	P	P	S
Mini-storage facilities (indoor only)	X	X	X	X	X	P	X
Offices, business or professional	X	X	X	X	P	P	X
Pharmaceutical centers	X	X	X	X	S	S	X
Printing and publishing	X	X	X	X	X	P	X
Restaurants with or without drive-thru	X	X	X	X	P	P	X
Retail stores and shops as an accessory use to the primary permitted use on the parcel	X	X	X	X	A	A	X
Scientific research and development establishments	X	X	X	X	S	S	X
Veterinary hospitals (small animals), exclusive of outdoor boarding kennels	X	X	X	X	P	P	X
Warehousing and distribution establishments	X	X	X	X	X	P	X
Wholesale trade and distribution establishments	X	X	X	X	X	P	X

P -- Permitted Use **S -- Special Use** **P/S – Permitted or Special Use**
A -- Accessory Use **X -- Prohibited Use** **P/A – Permitted or Accessory**

ANTIQUÉ SALES (INDOOR ONLY)
 -- Not Defined

Use Regulations: None

AUCTION ESTABLISHMENTS (INDOOR ONLY)
 An establishment, excluding community centers and publicly owned property, used for the sale of property, other than livestock, to bidders by an auctioneer.

Use Regulations:

1. No outside storage of materials is permitted.
2. Outside auction activities and display shall only occur in areas so designated on an approved site plan.
3. Auction activities shall not begin prior to 8:00a.m. and shall not continue past 10:00p.m.

AUTOMOBILE SALES

A lot arranged, designed, or used for the storage and display for sale of any new or used motor vehicle capable of independent operation or any type of travel trailer and recreation vehicle provided the travel trailer and recreation vehicle is unoccupied, and where repair work is done wholly enclosed within a building.

Use Regulations: None

AUTOMOBILE SERVICE AND REPAIR ESTABLISHMENTS (INCLUDING GAS STATIONS)

Any place of business with pumps and underground storage tanks, having as its purpose the servicing, at retail, of motor vehicles, but not including a paint or body shop, machine shop, or vulcanizing shop.

Use Regulations:

1. All vehicle repair shall take place in a fully enclosed building.
2. A convenience store may be operated as an accessory use provided that it does not occupy more than 3,000 square feet of gross floor area, excluding storage. Convenience store accessory uses are allowed only in the BC District.

BAKERIES (WITH ACCESSORY RETAIL SALES)

-- Not Defined

Use Regulations:

Retail sales are allowed as an accessory use to a bakery provided:

1. The retail activity is directly related, ancillary, subordinate, and incidental to the primary permitted use;
2. The gross floor area of the retail activity (excluding storage) does not exceed ten (10) percent of the gross floor area of the primary permitted use;
3. The gross floor area of the retail activity (excluding storage) does not occupy more than 1,500 square feet; and
4. The gross floor area for storage related to the retail activity does not exceed 500 square feet.

BROADCAST STATION, STUDIOS, AND OFFICES FOR RADIO AND TELEVISION

-- Not Defined

Use Regulations: None

CAR WASHES

-- Not Defined

Use Regulations: None

CLEANING OF CARPETS AND RUGS

-- Not Defined

Use Regulations: None

CONTRACTOR’S ESTABLISHMENTS

-- Not Defined

Use Regulations: None

DAY CARE CENTERS

A day care program offered to two or more persons in a facility that is not a residence for any family. The persons receiving care may be either children (“child care center” or “nursery school”) or adults (“elder care” or “adult care”).

Use Regulations:

1. Day care centers shall be licensed, when required by the Commonwealth of Virginia.
2. Use regulations for child care centers and nursery schools:
 - a. The minimum lot area shall be of such size that one-hundred (100) square feet of usable outdoor recreation area shall be provided for each child that may use the space at any one time. Such area shall be delineated on a plat submitted at the time the application is filed.
 - b. The usable outdoor recreation area shall be limited to:
 - (1) That area not covered by buildings or required off-street parking spaces.
 - (2) That area outside the limits of the required front yard
 - (3) Only that area which is developed for active outdoor recreation purposes.
 - (4) An area which occupies no more than eighty (80) percent of the combined total areas of the required rear and side yards.
 - c. All such uses shall be located so as to have direct access to an existing or programmed public street of sufficient right-of-way and cross section width to accommodate pedestrian and vehicular traffic to and from the use as determined by the administrative body. To assist in making this determination, each applicant, at the time of application, shall provide an estimate of the maximum expected trip generation, the distribution of these trips by mode and time of day, and the expected service area of the facility.
 - d. All such uses shall be located so as to permit the pick-up and delivery of all persons on the site.

FINANCIAL INSTITUTIONS (WITH OR WITHOUT DRIVE-THRU WINDOWS)

-- Not Defined

Use Regulations: None

FUNERAL HOMES

An establishment used for human funeral services, which must include facilities on the premises for embalming and may or may not include facilities for the performance of autopsies, other surgical procedures, or cremation.

Use Regulations: None

GROCERY STORE (WITH AT LEAST 25,000 SQUARE FEET GROSS FLOOR AREA)

-- Not Defined

Use Regulations: None

HOSPITALS

Any institution receiving in-patients and rendering medical, surgical and/or obstetrical care. This shall include general hospitals and institutions in which service is limited to special fields such as cardiac, eye, ear, nose, and throat, pediatric, orthopedic, skin and cancer, mental, tuberculosis, chronic disease and obstetrics. The term "hospital" shall also include sanitariums and sanitariums including those wherein feeble-minded and mental patients, epileptics, alcoholics, senile psychotics and drug addicts are treated or cared for under the supervision of licensed medical personnel.

Use Regulations:

1. All applications for hospitals shall be filed at the same time as the application for a State Medical Facilities Certificate of Public Need.
2. In the governing body's granting of an approval to the applicant, in addition to the information provided by the applicant, the governing body may solicit information and comment from such providers and consumers of health planning organizations as may seem appropriate, provided that the governing body shall not be bound by any such information or comment.
3. No such use shall be located on a lot containing less than five (5) acres.

HOTELS AND MOTELS

Hotel

A building designed or occupied as the temporary abiding place for fourteen (14) or more individuals who are, for compensation, lodged, with or without meals, and in which no provision is made for cooking in individual rooms or suites.

Motel

An establishment consisting of a group of living or sleeping accommodations, each with a bathroom and closet space, located on a single zoning lot, and designed for use by transient automobile tourists; less than 50 percent of the living and sleeping accommodations are occupied or designed for occupancy by persons other than transient automobile tourists.

Use Regulations: None

LAUNDROMAT

A building or part thereof where clothes or other household articles are washed or dry-cleaned in self-service machines with a capacity for washing not exceeding twenty-five (25) pounds dry weight and where such washed clothes and articles may also be dried or ironed and no delivery services provided in connection therewith.

Use Regulations: None

LUMBER YARDS AND BUILDING MATERIALS ESTABLISHMENTS

-- Not Defined

Use Regulations: None

MACHINERY SALES AND SERVICE

-- Not Defined

Use Regulations: None

MANUFACTURING, PROCESSING, ASSEMBLY, OR REPAIR ACTIVITIES

-- Not Defined

Use Regulations:

1. Manufacturing, processing, assembly or repair activities shall not be objectionable because of smoke, odor, dust, or noise, or result in air or water pollution levels above any local, state or federal regulations.

MEDICAL CARE FACILITIES, LICENSED

Skilled nursing facilities and nursing facility care, licensed by the Virginia Department of Health and providing 24-hour medical care to residents.

Use Regulations:

1. All applications for medical care facilities shall be filed at the same time as the application for a State Medical Facilities Certificate of Public Need.
2. In the governing body’s granting of an approval to the applicant, in addition to the information provided by the applicant, the governing body may solicit information and comment from such providers and consumers of health planning organizations as may seem appropriate, provided that the governing body shall not be bound by any such information or comment.
3. No such use shall be located on a lot containing less than five (5) acres.

MINI-STORAGE FACILITIES (INDOOR ONLY)

-- Not Defined

Use Regulations: None

OFFICES, BUSINESS OR PROFESSIONAL

A structure used by a person or persons, in offering a service which requires specialized knowledge gained by intensive academic preparation such as medicine, law, engineering, dentistry, and other like endeavors.

Use Regulations:

1. All activity and equipment (other than parking) must be housed in a fully enclosed building.
2. No noise or odor produced as a result of activity in such offices shall be discernible beyond the boundaries of the lot.
3. All vehicular access to the site shall be from a public road.
4. No display in the building shall be visible from outside the building.

PHARMACEUTICAL CENTERS

An establishment in which only pharmaceutical services are provided. Its purpose shall be limited to providing the public and various health professionals with information and articles intended for the use in diagnosis, cure, mitigation, treatment, or prevention of a disease state, including drugs and medical instruments or devices of the type used under the strict supervision of a physician in the treatment of a specific disease entity. No articles shall be displayed for sale, except for those articles directly related to the diagnosis, cure, mitigation, treatment, or prevention of a disease. Articles displayed for sale and product advertisements shall not be visible from outside the building.

Use Regulations: None

PRINTING AND PUBLISHING

-- Not Defined

Use Regulations: None

RESTAURANTS WITH OR WITHOUT DRIVE-THRU

Restaurant

Any building in which for compensation, food or beverages are dispensed for consumption on the premises, including, among other establishments, fast-food restaurants, cafes, tea rooms, confectionery shops, and refreshment stands.

Fast-food restaurant

Any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages in motor vehicles on the premises; a refreshment stand; a "drive-through" or primarily a "carry-out" establishment. Food may also be eaten inside.

Use Regulations: None

RETAIL STORES AND SHOPS AS AN ACCESSORY USE TO THE PRIMARY PERMITTED USE ON THE PARCEL

Buildings for display and sale of merchandise at retail or rendering of personal services, but specifically exclusive of coal, wood, oil storage, lumberyards, and contractor storage yards.

Use Regulations:

Retail stores and shops are allowed as an accessory use to the primary permitted use on the parcel, provided:

1. The retail store or shop is directly related, ancillary, subordinate, and incidental to the primary permitted use;
2. The gross floor area of the retail store or shop (excluding storage) does not exceed ten (10) percent of the gross floor area of the primary permitted use;
3. The gross floor area of the retail store or shop (excluding storage) does not occupy more than 1,500 square feet; and
4. The gross floor area for storage related to the retail store or shop does not exceed 500 square feet.

SCIENTIFIC RESEARCH AND DEVELOPMENT ESTABLISHMENTS

-- Not Defined

Use Regulations: None

VETERINARY HOSPITALS (SMALL ANIMALS), EXCLUSIVE OF OUTDOOR BOARDING KENNELS

-- Not Defined

Use Regulations: None

WAREHOUSING AND DISTRIBUTION ESTABLISHMENTS

-- Not Defined

Use Regulations: None

WHOLESALE TRADE AND DISTRIBUTION ESTABLISHMENTS

-- Not Defined

Use Regulations: None

RECREATION/EDUCATION/ASSEMBLY USES

Recreation/Education/Assembly Use	OSR	DR-1	DR-2	DR-4	BC	B	ITL
Churches and other places of worship	X	S	S	S	P	P	P
Clubs or lodges (including civic and public benefit organizations)	X	X	X	X	P	P	P
Commercial/public swimming pools, tennis courts, and golf courses	S	S	S	S	X	X	X
Conference centers and retreat houses	X	X	X	X	S	P	S
Fairgrounds	X	X	X	X	X	X	P
Libraries, museums, shrines, and historic markers	S	S	S	S	X	X	X
Public or private schools	S	S	S	S	P	P	P
Recreation Facilities (Indoor/Outdoor), Parks, Playgrounds, and Related Uses	S	S	S	S	P	P	P
Sports arenas and stadiums as a principal use	X	X	X	X	X	X	S
Theaters, indoor	X	X	X	X	S	X	X

P -- Permitted Use S -- Special Use P/S -- Permitted or Special Use
A -- Accessory Use X -- Prohibited Use P/A -- Permitted or Accessory

COMMERCIAL/PUBLIC SWIMMING POOLS, TENNIS COURTS, AND GOLF COURSES
-- Not Defined

Use Regulations: None

CONFERENCE CENTERS AND RETREAT HOUSES
-- Not Defined

Use Regulations:

1. No building shall be located closer than fifty (50) feet to any street right-of-way line.
2. No building shall be located closer than one-hundred (100) feet to any lot line which abuts a residential district.

PUBLIC OR PRIVATE SCHOOLS
-- Not Defined

Use Regulations:

1. Two-hundred (200) square feet of usable outdoor recreation area shall be provided for each child in grades K-3 that may use the space at any one time, and
2. Four-hundred thirty (430) square feet of usable outdoor recreation area shall be provided for each child in grades 4-12 that may use the space at any one time.

3. Such usable outdoor recreation area shall be delineated on a plat submitted at the time the application is filed.
4. For the purpose of these open space provisions, usable outdoor recreation shall be limited to:
 - a. That area not covered by buildings or required off-street parking spaces.
 - b. That area outside the limits of the required front yard.
 - c. Only that area which is developed for active outdoor recreation purposes.
 - d. An area which occupies no more than eighty (80) per cent of the combined total areas of the required rear and side yards.

RECREATION FACILITIES (INDOOR/OUTDOOR), PARKS, PLAYGROUNDS, AND RELATED USES

Commercial indoor recreation facility

A sports or activity facility either open to the general public for a fee or for members and their guests, located in an enclosed building or structure designed to accommodate gatherings for athletic, training, recreational purposes, games, martial arts, and the like. Office, retail sales and rentals, food service and other uses commonly established in such facilities and related parking shall be permitted as ancillary uses and shall not occupy more than 5,000 square feet of gross floor area (not including storage) on any one lot and shall not exceed twenty-five (25) percent of total floor area for the site. The areas dedicated to ancillary uses must be indicated on an approved site plan.

Use Regulations: None

SPORTS ARENAS AND STADIUMS AS A PRINCIPAL USE

-- Not Defined

Use Regulations: None

THEATERS, INDOOR

-- Not Defined

Use Regulations: None

PUBLIC AND MISCELLANEOUS USES

Public and Miscellaneous Uses	OSR	DR-1	DR-2	DR-4	BC	B	ITL
Cemetery	X	S	S	S	X	X	P
Community buildings, public and private	X	X	X	S	X	X	X
Fire stations	X	S	S	S	X	X	X
Government and other public buildings (including police, fire, and postal facilities; excluding retail and services uses, except as an accessory use)	X	X	X	X	P	P	P
Public Utility Facility	S	S	S	S	P	P	P

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A -- Accessory Use X -- Prohibited Use P/A – Permitted or Accessory

COMMUNITY BUILDINGS, PUBLIC AND PRIVATE
 -- Not Defined

Use Regulations: None

FIRE STATIONS
 -- Not Defined

Use Regulations: None

GOVERNMENT AND OTHER PUBLIC BUILDINGS (INCLUDING POLICE, FIRE, AND POSTAL FACILITIES; EXCLUDING RETAIL AND SERVICES USES, EXCEPT AS AN ACCESSORY USE)
 -- Not Defined

Use Regulations:

1. Retail sales are allowed as an accessory use provided:
 - a. The retail activity is directly related, ancillary, subordinate, and incidental to the primary permitted use;
 - b. The gross floor area of the retail activity (excluding storage) does not exceed ten (10) percent of the gross floor area of the primary permitted use;
 - c. The gross floor area of the retail activity (excluding storage) does not occupy more than 1,500 square feet; and
 - d. The gross floor area for storage related to the retail activity does not exceed 500 square feet.

PUBLIC UTILITY FACILITY

Public facilities and structures for exclusively public purposes that are owned, operated, or managed by any department or branch of the federal government; Commonwealth of Virginia; Clarke County or Town of Berryville governments; the Clarke County Sanitary Authority; or any licensed public utility. This use includes facilities for provision of water or sanitary sewer services, citizen convenience centers for solid waste and/or recyclable material collection, and public utility substations. This use does not include solar power plants, large photovoltaic.

Use Regulations:

1. No such activity shall occur unless and until all applicable Federal and Commonwealth of Virginia requirements concerning safety and environmental impact have been met.
2. No minimum lot area or width shall be required for a lot containing such activities.

BUSINESS PARK (BP) DISTRICT USES

The BP District's permitted, accessory, and special uses are taken from the [North American Industrial Classification \(NAICS\) Manual \(U.S. Office of Management and Budget\)](#). The NAICS Manual contains detailed definitions for each use listed below. The NAICS code for each use also includes all subcategories within that code with the exception of any that are specifically excluded from the use. For example, NAICS code 3121 would include subcategories numbered as 31211 and 312111 but would not include 3122.

Unless noted below, the [1997 Edition of the NAICS Manual](#) shall be applied.

NAICS Code	Permitted Uses
22112	Utilities - Electric Power Transmission, Control, & Distribution
2212	Natural Gas Distribution
2213	Water, Sewage, & Other Systems
233	Building, Developing & General Contracting
234	Heavy Construction
235	Special Trade Contractors
311	Food Manufacturing -- Exclude 3116 (Animal Slaughtering & Processing) and 3117 (Seafood Product Preparation & Packaging)
3121	Beverage Manufacturing
314	Textile Product Mills
315	Apparel Manufacturing
316	Leather and Allied Product Manufacturing -- Exclude 3161 (Leather & Hide Tanning & Finishing)
321	Wood Product Manufacturing -- Exclude 3211 (Sawmills & Wood Preservation)
3222	Converted Paper Product Manufacturing
323	Printing & Related Support Activities

3261	Plastics Product Manufacturing
332	Fabricated Metal Product Manufacturing -- Exclude 3328 (Coating/Engrave/Heat Treating & Other Activity) and 33292,3,4,5 (Small Arms Ammunition, Other Ammunition, Small Arms, and Other Ordnance & Accessories Manufacturing)
334	Computer & Electronic Product Manufacturing
335	Electrical Equipment, Appliance, & Component Manufacturing -- Exclude 335911 (Storage Battery) and 335912 (Primary Battery Manufacturing)
337	Furniture and Related Products Manufacturing
339	Miscellaneous Manufacturing
421	Wholesale Trade, Durable Goods -- Exclude 42152 (Coal & Other Mineral & Ore Wholesale)
422	Wholesale Trade, Nondurable Goods -- Exclude 42244 (Poultry & Poultry Product Wholesale), 42252 (Livestock Wholesale), 4226 (Chemical & Allied Products Wholesale) and 4227 (Petroleum & Petroleum Products Wholesale)
453998	General Merchandise Auction Houses (within 1000 feet of a state designated primary highway)
454	Non-store Retailers
4885	Freight Transportation Arrangement
488991	Packing & Crating
493	Warehousing & Storage
511	Publishing Industries
512	Motion Picture & Sound Recording Industries
513	Broadcasting & Telecommunications
514	Information & Data Processing Services
5324	Commercial/Industrial Equipment Rental & Leasing
5417	Scientific Research and Development Services
561	Administrative & Support Services -- Exclude 5615 (Travel Arrangement & Reservation Services)
811	Repair & Maintenance
NAICS Code	Accessory Uses
6244	Child Day Care Services
7222	Limited Service Eating Places
4533	Used Merchandise Store (in a structure existing as of 1 March 2001 that is within 1000 feet of a state designated primary highway and that is accessory to General merchandise Auction House and does not exceed 10% of the total proposed gross floor area of the General Merchandise Auction House, as shown on the project site plan or occupy more than 2,000 square feet of gross floor area.)

NAICS Code	Special Uses and Structures
3116	Animal Slaughtering & Processing
3117	Seafood Product Preparation & Packaging
321114	Wood Preservation
3254	Pharmaceutical & Medicine Manufacturing
325910	Printing Ink Manufacturing
327991	Cut Stone & Stone Product Manufacturing
333	Machinery Manufacturing
336	Transportation Equipment Manufacturing
484	Truck Transportation
6215	Medical & Diagnostic Laboratories
81233	Linen & Uniform Supply
713940	Fitness and Recreational Sports Centers
424710	Petroleum Bulk Stations and Terminals*

* Reference 2007 NAICS Manual

NAICS Code	Prohibited Uses
11	Agriculture, Forestry, Fishing, & Hunting
21	Mining
2211	Electric Power Generation
3122	Tobacco Manufacturing
313	Textile Mills
3161	Leather & Hide Tanning & Finishing
3211	Sawmills & Wood Preservation
3221	Pulp, Paper & Paperboard Mills
324	Petroleum & Coal Products Manufacturing
325	Chemical Manufacturing
3262	Rubber Product Manufacturing
327	Nonmetallic Mineral Product Manufacturing -- 327991 (Cut Stone & Stone Product Manufacturing) is allowed as a special use as referenced above
331	Primary Metal Manufacturing
3328	Coating/Engraving/Heat Treating & Other Activity
33292	Small Arms Ammunition Manufacturing
33293	Ammunition (excluding Small Arms) Manufacturing
33294	Small Arms Manufacturing
33295	Other Ordnance & Accessories Manufacturing
335911	Storage Battery Manufacturing
335912	Primary Battery Manufacturing

42152	Coal & Other Mineral & Ore Wholesale
42244	Poultry & Poultry Product Wholesale
42252	Livestock Wholesale
4226	Chemical and Allied Products Wholesale
4247	Petroleum & Petroleum Products Wholesale* -- 42471 (Petroleum Bulk Stations and Terminals) is allowed as a special use as referenced above
441	Motor Vehicle & Parts Dealers
442	Furniture & Home Furnishings Stores
443	Electronics & Appliance Stores
444	Building Material & Garden Equipment and Supply Dealers
445	Food & Beverage Stores
446	Health & Personal Care Stores
447	Gasoline Stations
448	Clothing & Clothing Accessories Stores
451	Sporting Goods, Hobby, Book & Music Stores
452	General Merchandise Stores
453	Miscellaneous Store Retailers -- 4533 (Used Merchandise Store) is allowed as an accessory use as referenced above
481	Air Transportation
482	Rail Transportation
483	Water Transportation
485	Transit & Ground Passenger Transportation
486	Pipeline Transportation
487	Scenic & Sightseeing Transportation
488	Transportation Support Activities -- 4885 (Freight Transportation Arrangement) and 488991 (Packing & Crating) are allowed as permitted uses as referenced above
491	Postal Service
492	Couriers & Messengers
521	Monetary Authorities - Central Bank
522	Credit Intermediation & Related Activities
523	Security, Commodity Contracts & Like Activity
524	Insurance Carriers & Related Activities
525	Funds, Trusts & Other Financial Vehicles
531	Real Estate
5321	Automotive Equipment Rental & Leasing
5322	Consumer Goods Rental
5323	General Rental Centers

* Reference 2007 NAICS Manual

533	Lessors of Other Non-financial Intangible Asset
541	Professional, Scientific & Technical Services
551	Management of Companies & Enterprises
5615	Travel Arrangement & Reservation Services
562	Waste Management & Remediation Services
611	Educational Services
621	Ambulatory Health Care Services
622	Hospitals
623	Nursing & Residential Care Facilities
624	Social Assistance
711	Performing Arts, Spectator Sports & Related Industries
712	Museums, Historical Sites & Like Institutions
713	Amusement, Gambling & Recreation Industries
721	Accommodation
722	Food Services & Drinking Places
812	Personal & Laundry Services
813	Religious, Grant-making, Professional, and Like Organizations
814	Private Households
921	General Government Administration
922	Justice, Public Order & Safety Activities
923	Administration of Human Resource Programs
924	Administration of Environmental Quality Programs
925	Administration of Housing, Urban Planning, Community Development
926	Administration of Economic Programs
927	Space Research & Technology
928	National Security & International Affairs