

CLARKE COUNTY PLANNING COMMISSION
TABLE OF CONTENTS – COMBINED MEETING PACKET
May 4, 2021 Work Session
May 7, 2021 Business Meeting Packet

<u>Item #</u>	<u>Description</u>	<u>Pages</u>
	MAY 4, 2021 WORK SESSION	
1	Meeting Agenda	1
3A	Zoning and Subdivision Ordinance Update Project	2-78
	-- Staff Memo	2-3
	-- Substantive Edits to Zoning Ordinance Draft Version 5 for Version 6 Public Hearing Draft	4-6
	-- Substantive Edits to Subdivision Ordinance Draft Version 3 for Version 4 Public Hearing Draft	7
	-- Substantive Edits to Definitions Article III Draft Version 5 for Version 6 Public Hearing Draft	8
	-- Draft Outline of Project Webpage	9
	-- Proposed Revision of the Clarke County Zoning and Subdivision Ordinances – Narrative Summary (DRAFT)	10-23
	-- Summary of Proposed Changes to Current Zoning Ordinance Articles (DRAFT)	24-49
	-- Changes to Zoning Ordinance Uses – County Zoning Districts (DRAFT)	50-57
	-- Summary of Proposed Changes to Current Subdivision Ordinance Articles (DRAFT)	58-66
	-- Summary of Proposed Changes to Current Zoning and Subdivision Ordinance Definitions (DRAFT)	67-75
	-- Revised Work Plan for Project Completion (Revised 4/23/2021)	76-78
	MAY 7, 2021 BUSINESS MEETING	
1	Meeting Agenda	79
2	Approval of Minutes	80-87
	A. March 30, 2021 Work Session	80-81
	B. April 2, 2021 Business Meeting	82-87



Clarke County Planning Commission

AGENDA – Work Session

Tuesday, May 4, 2021 – 3:00PM

Berryville/Clarke County Government Center– Main Meeting Room

- 1. Approval of Work Session Agenda**
- 2. Review of May 7, 2021 Business Meeting Agenda Items**
- 3. Old Business Items**
 - A. Zoning and Subdivision Ordinance Update Project
 - (1) Discuss final edits to draft Zoning Ordinance (Article I), Subdivision Ordinance (Article II), and Definitions (Article III)
 - (2) Review draft public information documents for website
 - (3) Review modifications to work plan – Public Hearing and outreach format
- 4. New Business Items**
- 5. Other Business**
- 6. Adjourn**



Clarke County Planning Department

101 Chalmers Court, Suite B

Berryville, Virginia 22611

(540) 955-5132

www.clarkecounty.gov

TO: Planning Commission

FROM: Brandon Stidham, Planning Director

**RE: Zoning & Subdivision Ordinance Update Project –
May 4 Work Session and May 7 Business Meeting**

DATE: April 28, 2021

The two goals of the May Planning Commission meetings are:

1. To determine whether the Planning Commission is ready to accept the current drafts of the Zoning Ordinance (Article I), Subdivision Ordinance (Article II), and Definitions Article (Article III) and schedule formal Public Hearing.
2. To decide on the date and time of the Public Hearing and how comment will be received by the Commission until formal action is taken to recommend adoption of the drafts to the Board of Supervisors.

At the May 4 Work Session, Staff will review the final list of substantive edits to the drafts (see attached) which were identified through quality control during the preparation of the public outreach documents. Commissioners are encouraged to propose any additional edits and concerns during this discussion. Staff will also review a draft outline for the proposed Ordinance Update Project webpage (see attached) that will be launched shortly after the Commission schedules Public Hearing. The webpage will include five new documents designed to provide descriptive summaries of the Ordinance changes (see attached). These comprehensive summaries were developed to be used in concert with the Public Hearing Notice to ensure that citizens and interested stakeholders can understand the scope of the update, the substantive changes, and the new format in the most efficient manner possible. The summaries hopefully will encourage stakeholders to contact Staff with their questions and concerns.

Staff will close the discussion by reviewing the revised Work Plan which shows the modified Public Hearing approach that was discussed at the April 2 Business Meeting. As you will note, Staff is recommending that the Commission schedule Public Hearing for the evening of **Wednesday, June 9** instead of the previously discussed date of Tuesday, June 1. The Commission indicated interest in automatically continuing the Public Hearing to the July 2 Business Meeting in order to maximize public input. Since the June Business Meeting will be held on Friday, June 4, Staff recommends moving the Public Hearing to June 9 to avoid confusion with whether public comment can be provided at the June Business Meeting. The later Public Hearing date will also provide additional time to finalize the complex Public Hearing Notice that Staff is currently working with the County Attorney to develop.

If the Commission is prepared to schedule Public Hearing, a formal action item is scheduled for the May 7 Business Meeting. If you have any questions prior to the meetings, please do not hesitate to contact me.

**SUBSTANTIVE EDITS TO ZONING ORDINANCE DRAFT VERSION 5
FOR VERSION 6 PUBLIC HEARING DRAFT**

Section 1 – General Provisions

-- No changes

Section 2 – Administration

-- No changes

Section 3 – Sliding-Scale Zoning

-- No changes

Section 4 – Zoning Districts

- 4.2.4B Historic Overlay District – Certificates of Appropriateness – Add edited language from current Section 3-E-3-e-2 as a new second sentence to this section:

A Certificate of Appropriateness shall also be required prior to the razing, demolition, or moving of any historic landmark, building, or structure within a Historic Overlay District.

Section 5 – Uses

- 5.2C (Business Uses) – “Financial Institutions” is not in alphabetical order in this Section and in the Uses Chart on Page 5-28.
- 5.2D (Recreation/Education/Assembly Uses) –
 - “Churches and Other Places of Worship” (Page 5-58) – Add current supplementary regulation in Section 3-C-2-z-2 as a new use regulation with the following edits:

~~***No church, parish house, convent, monastery, or similar institution, shall be constructed on a parcel of land less than two acres in area.***~~

Churches and other places of worship shall not be located on a lot less than two acres in size.

- ‘Community Services Facility’ (Page 5-65) – Add current supplementary regulation in Section 3-C-2-z-1 as a new use regulation with the following edits:

~~***No private school shall be permitted***~~ ***Private schools shall not be located on a parcel of land lot less than three acres in size.***

Section 6 – Permits and Review Processes

-- No changes

Section 7 – Design Standards and Development Regulations

- 7.2.5B-1 – Add current definition of “surface, all-weather” as a second sentence to this section with edits as follows:

An all-weather surface shall consist of a concrete, asphalt, or macadam surface *designed* for commercial, ~~industrial, multi-family residential, and townhouse residential~~ uses. ~~A gravel, crushed rock, or similar surface for single and two-family residential uses.~~

- Table 7.8[1] – Freestanding Sign Area and Height Requirements by Zoning District – Add two new rows as follows:

Zoning District	Maximum Area	Maximum Height
Annexation Area Residential Districts (OSR, DR-1, DR-2, DR-4)		
-- Fronting on road with speed limit <55MPH	2 square feet	4 feet
-- Fronting on road with speed limit of 55MPH or more	4 square feet	4 feet
Annexation Area Commercial Districts (BC, B, BP, ITL)		
-- Fronting on road with speed limit 25 MPH or less	8 square feet	6 feet
-- Fronting on road with speed limit >25MPH and < 55MPH	16 square feet	8 feet
-- Fronting on road with speed limit of 55MPH or more	24 square feet	10 feet

- 7.8.2A (Freestanding Signs) – Add current minimum setback requirement edited as follows:

2. *The minimum setback for freestanding signs shall be a* distance equal to the height of the sign from public highways, private access easements, and property lines.

- Table 7.8[2] – Temporary Sign Maximum Area Requirements by District – Add two new rows as follows:

Zoning District	Maximum Total Area of Signage	Maximum Number Per Lot
Annexation Area Residential Districts (OSR, DR-1, DR-4)	2 square feet	2
Annexation Area Commercial Districts (BC, B, BP, ITL)	16 square feet	2

Section 8 – Performance and Maintenance Guarantees

-- No changes

Section 9 – Nonconformities

-- No changes

Section 10 – Enforcement

-- No changes

**SUBSTANTIVE EDITS TO SUBDIVISION ORDINANCE DRAFT VERSION 3
FOR VERSION 4 PUBLIC HEARING DRAFT**

Section 1 – General Provisions

-- No changes

Section 2 – Administration

-- No changes

Section 3 – Review Processes

-- No changes

Section 4 – Plat and Construction Plan Requirements

- 4.4.1A-1 – Add a new subsection d to clarify that agricultural lots shall not be reduced in size below 20 acres:

d. In no case shall an agricultural lot be reduced in size below twenty acres.

Section 5 – Performance and Maintenance Guarantees

-- No changes

Section 6 – Enforcement

-- No changes

**SUBSTANTIVE EDITS TO DEFINITIONS ARTICLE III DRAFT VERSION 5
FOR VERSION 6 PUBLIC HEARING DRAFT**

Section 1 – Application of Article and General Rules for Interpretation

-- No changes.

Section 2 – Definitions

- Replace the definition for “Structure, Historic” with the definition for “Historic Structure” and delete the term “Historic Structure.” This definition was revised to comply with the mandated update to the County’s Flood Plain Overlay District regulations. The outdated definition was retained in error in draft Version 5.
- Amend the definition of “Streams, intermittent or perennial” as follows to clarify that the Shenandoah River and Opequon Creek are considered perennial streams:

Any stream that is depicted as intermittent or perennial on the most recent [U.S. Geological Survey 7½ minute topographic quadrangle \(scale 1:24,000\)](#). A millrace or other such manmade flowing surface water shall be considered an intermittent stream.
The Shenandoah River and Opequon Creek shall be considered perennial streams.

DRAFT OUTLINE – PROJECT WEBPAGE

PROPOSED AMENDMENTS TO THE CLARKE COUNTY ZONING ORDINANCE AND CLARKE COUNTY SUBDIVISION ORDINANCE

1. **Project Overview and Scope Description**
2. **Public Hearing, Input, and Adoption Process Description**

LINK TO:

[Planning Commission Public Hearing Notice](#)

3. **Planning Department Staff contacts; How to get access to hard copies of documentation**
4. **How to Use the Public Outreach Documents Description**

LINKS TO CURRENT ORDINANCES:

[Current Zoning Ordinance \(2020\)](#)

[Current Subdivision Ordinance \(2020\)](#)

LINKS TO PROPOSED DRAFT ORDINANCES:

[Article I – Zoning Ordinance \(DRAFT\)](#)

[Article II – Subdivision Ordinance \(DRAFT\)](#)

[Article III – Definitions](#)

LINKS TO DESCRIPTIVE SUMMARY DOCUMENTS:

[Proposed Revision of the Clarke County Zoning and Subdivision Ordinances
Narrative Summary](#)

[Summary of Proposed Changes to Current Zoning Ordinance Articles](#)

[Changes to Zoning Ordinance Uses – County Zoning Districts](#)

[Summary of Proposed Changes to Current Subdivision Ordinance Articles](#)

[Summary of Proposed Changes to Current Zoning and Subdivision Ordinance
Definitions](#)

LINK TO:

[Working Draft – Guidance Manual to Clarke County Zoning and Subdivision
Ordinances](#)

DRAFT

PROPOSED REVISION OF THE CLARKE COUNTY ZONING AND SUBDIVISION ORDINANCES NARRATIVE SUMMARY

Overview

This document provides an overview of the proposed Clarke County Zoning and Subdivision Ordinances (proposed new Code of Clarke County Chapter 200). It is intended to provide a descriptive summary of the new and amended provisions as they appear in the proposed draft. For descriptive summaries of changes from the perspective of the current Ordinances, please consult the following documents:

- Summary of Proposed Changes to Current Zoning Ordinance Articles
- Changes to Zoning Ordinance Uses – County Zoning Districts
- Summary of Proposed Changes to Current Subdivision Ordinance Articles
- Summary of Proposed Changes to Current Zoning and Subdivision Ordinance Definitions

The goal of these documents is to inform County residents, business owners, and interested stakeholders of the scope and nature of the Ordinance amendments in the most effective possible manner. Any questions regarding the proposed Clarke County Zoning and Subdivision Ordinances may be directed to:

- Brandon Stidham (Director of Planning)
(540) 955-5130, bstidham@clarkecounty.gov
- Jeremy Camp (Zoning Administrator)
(540) 955-5131, jcamp@clarkecounty.gov

DRAFT

ZONING ORDINANCE – ARTICLE I

Section 1 (General Provisions) contains regulations on the enactment of the Zoning Ordinance, rules for managing the transition from the previous to this current Ordinance, and how the Ordinance is to be applied generally.

New and amended provisions in Section 1:

- Language to repeal the current Zoning Ordinance with the proposed Ordinance effective on the date of adoption by the Board of Supervisors. Transitional provisions are included to govern zoning violations, nonconformities, and applications pending as of the adoption date of the new Ordinance. (Sections 1.1 and 1.4)
- Reference to new Article III (Zoning and Subdivision Ordinance Definitions) as containing the applicable definitions for Zoning Ordinance terms. (Section 1.5.1).
- New rules for determining the meaning of words, phrases, and provisions that are not defined in Article III. (Sections 1.5.2 – 1.5.4, and 1.5.9)
- New rules for computation of time in the context of applying Ordinance provisions. (Section 1.5.5).

Section 2 (Administration) contains provisions pertaining to the general administration of the Zoning Ordinance including rules governing the Official Zoning Map, issuance of permits and approvals, submission and acceptance of applications, public hearing management, and authority for fees. This Section also contains detailed descriptions of advisory and decision-making bodies and their composition, roles, and responsibilities.

New and amended provisions in Section 2:

- New section created to describe the roles and responsibilities of all advisory and decision-making bodies that administer and review applications under the Zoning Ordinance including the Board of Supervisors, Planning Commission, Berryville Area Development Authority, Historic Preservation Commission, Board of Zoning Appeals, and Zoning Administrator. (Sections 2.2.2 – 2.2.7)
- New sections included to describe technical consultants employed by the County and agencies/departments that review and provide recommendations on applications (Sections 2.2.8 and 2.2.9).
- New section containing rules for filing applications including pre-application conferences, acceptance of a complete application, who may file an application besides the property owner, and deferral and withdrawal of applications. (Section 2.4)
- Clarification in new Section 2.5 that public hearings shall be conducted in accordance with Code of Virginia requirements. A new table is included to summarize which

DRAFT

applications require public hearings before advisory and decision-making bodies.

- Centralized reference to application fees in the Department of Planning Fee Schedule which is amended from time to time by the Board of Supervisors. (Section 2.6)

Section 3 (Sliding-Scale Zoning) addresses the allocation of single-family detached dwelling unit rights (DURs) on lots in the AOC and FOC Zoning Districts.

New and amended provisions in Section 3:

- Moved the definitions for “farmstead” and “tract” to this Section instead of Definitions Article III as they are only applicable to this Section. Modified the definition of “farmstead” to reflect the historical interpretation of current Section 3-D-2 that a farmstead would have been located on a lot of at least six acres in size. Modified the definition of “tract” by moving language regarding lots divided by a public road to new Section 3.12. (Section 3.1B)
- Added clarifying language that DURs can only be allocated, re-allocated, or transferred in accordance with this Section. Created a new table (Table 3.2[2], Compliance with Dwelling Unit Right (DUR) Allocation Table 3.2[1] Required) that lists different Subdivision Ordinance land transaction types (subdivision and non-subdivision processes) and whether compliance with the DUR allocation table is required for those transactions. (Section 3.2)
- Added language to allow property descriptions recorded in the County land records to be used as evidence to support existence of an error in the 1980 tax map. (Section 3.5A)

Section 4 (Zoning Districts) contains the descriptions of the County Zoning Districts, County Overlay Districts, and Berryville Annexation Area Zoning Districts. Each Zoning District description includes a purpose statement; lot dimension, density, and building requirements; and special district regulations.

New and amended provisions in Section 4:

- Zoning districts are now organized by County Zoning Districts (Section 4.1), County Overlay Districts (Section 4.2), and Berryville Annexation Area Zoning Districts (Section 4.3). Language is added to Section 4.1 (Applicability) stating that County Zoning Districts shall only apply to areas of the County not subject to an annexation agreement between the County and Town of Berryville. Language is added to Section 4.3 (Applicability) stating that Berryville Annexation Area Zoning Districts shall only apply to areas of the County that are subject to an annexation agreement between the County and Town.
- Zoning district descriptions do not include the list of allowable uses. All uses are moved to new Section 5 (Uses).

DRAFT

- The Flood Plain (FP) Overlay District provisions in Section 4.2.1 have been edited extensively to comply with an updated mandated by the Federal Emergency Management Agency (FEMA) and the Virginia Department of Conservation and Recreation (DCR). New and revised provisions were developed using DCR's model ordinance. Provisions unique to Clarke County were preserved unless in direct conflict with the DCR model ordinance.
- Citations to applicable development and special regulations are included with each County and Berryville Annexation Area zoning district description.

Section 5 (Uses) contains the definitions and use regulations for all permitted, accessory, and special uses regulated by this Ordinance along with tables listing how the uses are allowable in the County and Berryville Annexation Area Zoning Districts. Uses are organized into the following five categories: Agricultural Uses, Residential Uses, Business Uses, Recreation/Education/Assembly Uses, and Public and Miscellaneous Uses. Temporary uses are not organized by category.

New and amended provisions in Section 5:

- Language is added to specify that the list of uses in Section 5 is the complete list of uses allowed by the Zoning Ordinance. This clarifies that if a proposed use does not clearly fit the definition of an allowable use, it will be considered a prohibited use.
- Descriptions of each use contain:
 - A chart showing the zoning districts in which they are allowed as a permitted, accessory or special use
 - A use definition
 - List of use regulations (if applicable)
 - List of required review processes
- Uses are divided into uses allowed in County zoning districts (Section 5.2) and uses allowed in Annexation Area zoning districts (Section 5.3) and are intended to be separate and distinct uses allowed only in those areas. Definitions and use regulations for County zoning districts were imported from the current Zoning Ordinance with amendments where applicable. Definitions and use regulations for Annexation Area zoning districts were imported from the Town of Berryville Zoning Ordinance.
- Uses are also organized within five use categories – agricultural uses, residential uses, business uses, recreation/education/assembly uses, and public and miscellaneous uses.
- A new section for Temporary Uses (Section 5.4) is created using a combination of new and current regulations. Temporary uses apply to both County and Annexation Area zoning districts and include:

DRAFT

- Agritourism Activity
- Model Home
- Temporary Dwelling
- Temporary Office Trailer
- Temporary Structure
- Temporary Use of Major Recreational Equipment
- Temporary Vendor
- Yard Sale

For a descriptive summary of changes to current Zoning Ordinance uses, please review the document titled Changes to Zoning Ordinance Uses – County Zoning Districts.

Section 6 (Permits and Review Processes) contains detailed descriptions of all the permit types and review processes administered through the Zoning Ordinance. Processes are categorized as follows: Administrative Processes, Legislative Processes, Quasi-Judicial Processes, and Zoning Administrator Letters. Section 6 focuses specifically on defining the various review processes, their review criteria and procedures, and any applicable time limitations and deadlines.

New and amended provisions in Section 6:

- Section 6.1 provides cross-references to regulations for issuance of permits and approvals (Section 2.3), application submission and acceptance (Section 2.4), and design standards and development regulations (Section 7). Language is also included to direct readers to the Guidance Manual to the Clarke County Zoning and Subdivision Ordinances for the administrative requirements to submitting an application (e.g., application forms, number of copies to provide, etc.).
- Section 6.2.1 contains a new review process for Zoning Permits which reflects current Planning Department practices.
- Section 6.2.4 contains a new review process for Administrative Site Development Plan review in which the Zoning Administrator is the approval authority. This is a formalized process for minor changes to a use that would otherwise require a site development plan approval by the Planning Commission. Clear parameters are established for this review process which is intended to replace the current Zoning Administrator waiver of site plan requirements (see current Section 6-C).
- Maximum Lot Size Exception is now formatted as a review process (Section 6.2.6).
- Review of Pre-Harvest Plans (Section 6.2.7), Intensive Livestock, Dairy, or Poultry Facility Development Plans (Section 6.2.8), and Stream Buffer Mitigation Plans (Section 6.2.9) are now formatted as review processes.
- The review criteria for Special Use Permit (Section 6.3.1C-2) and Rezoning (Section 6.3.3D-2) applications have been amended extensively for clarity and consistency purposes. Review criteria are now referenced as “review factors” that are not intended to be an exclusive checklist of compulsory items, allowing any other case-specific factors to

DRAFT

be considered. Current criteria referencing administrative/technical reviews by agencies and departments are removed. Review of impacts to property values is also removed.

- Special Use Permit applications for lots on private access easements now require the owners of all lots on which the private access easement is located – from the public road to the subject property for the application – to be applicants and sign the special use permit application. (Section 6.3.1C-3).
- New requirements for transferability of Special Use Permits, acceptance of adopted conditions, and access for inspections are now included. These were previously conditions that were commonly added to approved Special Use Permits. (Section 6.3.1C-4 through 6)
- Section 6.3.5 contains a new review process for Amendment of Proffered Conditions with provisions that conform to current Code of Virginia requirements.
- Section 6.5 is created to describe the process and effect of written determinations issued by the Zoning Administrator including Zoning Certification letters, Zoning Determination letters, and Zoning Violation letters.
- Section 6.6 is created to describe the review process required by Va. Code Section 15.2-2232 for the review of proposed public facility projects.

Section 7 (Design Standards and Development Regulations) contains the technical regulations that apply to the development and operation of certain uses enumerated in Section 5 (Uses). These regulations can apply to uses in specific zoning districts or to uses generally in all districts, and many are applied in conjunction with the review processes listed in Section 6 (Permits and Review Processes).

New and amended provisions in Section 7:

- Section 7.1 consolidates all general provisions (not zoning district specific) governing lots and structures that are found in different sections of the current Zoning Ordinance.
- Section 7.2 consolidates all design standards and development regulations for site development plans. Changes include:
 - Edits for clarity and consistency purposes to the list of required site development plan components (Section 7.2.1A).
 - Landscaping design standards (Section 7.2.4) are amended as follows:
 - Specifies which design professionals may prepare landscaping plans based on project size (Section 7.2.4B).
 - New language added to allow credit against required landscaping for preservation of existing trees (Section 7.2.4C).

DRAFT

- Regulations for required buffer area landscaping are clarified (Section 7.2.4D). Current table for buffer area width requirements (Table 7.2.4[2]) is modified to tie use categories to specific zoning districts for clarity purposes.
- Tree and shrub specifications are now depicted in table form (Table 7.2.4[5]). Leyland cypress are now listed as a prohibited species.
- New language is added to allow for alternative landscaping plans to be proposed to address site specific conditions.
- Parking requirements (Section 7.2.5) are amended as follows:
 - The table for calculating joint parking facilities (Table 7.2.5[1]) is updated using the original source document and a sample calculation is provided.
 - Minimum off-street parking requirements are now included in Table 7.2.5[2] with uses organized by use category and whether they are a County or Annexation Area Zoning District. Parking requirements for Annexation Area Zoning Districts were imported from the current Town of Berryville Zoning Ordinance.
- The setback from property lines and structures for Class 1-4 wireless communication facilities (WCFs) is increased to the WCF's fall zone plus 10% of the WCF's height OR the WCF's fall zone plus 10% of the WCF's height and required perimeter buffer area, whichever is greater. (Section 7.3B-1)
- Vegetated property buffer requirements for the AOC and FOC Districts are moved from the current zoning district sections (Sections 3-A-1 and 3-A-2) to new Sections 7.4.1 and 7.4.2.
- Outdoor lighting requirements for the AOC, FOC, and RR Districts are currently listed in Code of Clarke County Chapter 189. These requirements are added to the Zoning Ordinance as new Sections 7.4.3 and 7.5.1.
- Section 7.4.4 contains new standards for private driveway construction to avoid requiring property owners with long driveways to comply with the full construction standards for private access easements. These standards focus on limiting excessive slope and ensuring proper ingress/egress for emergency services vehicles.
- Section 7.8 contains the revised regulations for signs. For a detailed list of changes to the current regulations, consult the document titled Summary of Proposed Changes to Current Zoning Ordinance Articles.

Section 8 (Performance and Maintenance Guarantees) contains the requirements for posting performance and maintenance guarantees (e.g., bonds, letters of credit) for construction, maintenance, and/or removal of improvements.

DRAFT

- Section 8.1 contains the requirements for providing performance guarantees for required improvements. Language has been edited for clarity purposes.
- Section 8.2 contains new provisions for maintenance guarantees for certain improvements such as landscaping to ensure viability after installation. The format is designed to mirror the amended format used for performance guarantees in Section 8.1.

Section 9 (Nonconformities) contains the regulations for nonconforming lots, uses, and structures currently found in Section 4-K. A detailed summary of changes to current provisions is included in the document titled Summary of Proposed Changes to Current Zoning Ordinance Articles.

Section 9.6 contains new provisions to address compliance with site development plan requirements when a use has nonconforming features such as landscaping, parking, lighting, or signage that does not meet current requirements.

Section 10 (Enforcement) establishes procedures through which the County seeks to ensure compliance with the provisions of this Ordinance and obtain corrections for Ordinance violations. It also sets forth the remedies and penalties that apply to violations of this Ordinance. The provisions of this article are intended to encourage the voluntary correction of violations, where possible.

Section 10 has been amended primarily for clarity purposes and to conform to Code of Virginia requirements.

Appendix

Future amendments to the Zoning Ordinance will be referenced in the Appendix by date of adoption, title, and sections amended.

DRAFT

SUBDIVISION ORDINANCE – ARTICLE II

Section 1 (General Provisions) contains regulations on the enactment of the Subdivision Ordinance, rules for managing the transition from the previous to this current Ordinance, and how the Ordinance is to be applied generally.

New and amended provisions in Section 1:

- Language to repeal the current Subdivision Ordinance with the proposed Ordinance effective on the date of adoption by the Board of Supervisors. Transitional provisions are included to govern zoning violations, nonconformities, and applications pending as of the adoption date of the new Ordinance. (Sections 1.1 and 1.4)
- Reference to new Article III (Zoning and Subdivision Ordinance Definitions) as containing the applicable definitions for Subdivision Ordinance terms. (Section 1.5.1).
- New rules for determining the meaning of words, phrases, and provisions that are not defined in Article III. (Sections 1.5.2 – 1.5.4, and 1.5.9)
- New rules for computation of time in the context of applying Ordinance provisions. (Section 1.5.5).

Section 2 (Administration) contains provisions pertaining to the general administration of the Subdivision Ordinance including submission and acceptance of applications, public hearing management, and authority for fees. The Section also contains detailed descriptions of advisory and decision-making bodies and their composition, roles, and responsibilities.

New and amended provisions in Section 2:

- New section created to describe the roles and responsibilities of all advisory and decision-making bodies that administer and review applications under the Zoning Ordinance including the Zoning Administrator, Planning Commission, and Board of Supervisors. (Sections 2.1.2 – 2.1.4)
- New sections included to describe technical consultants employed by the County and agencies/departments that review and provide recommendations on applications (Sections 2.1.5 and 2.1.6).
- New section containing rules for filing applications including pre-application conferences, acceptance of a complete application, who may file an application besides the property owner, and deferral and withdrawal of applications. (Section 2.2)
- Clarification in new Section 2.3 that public hearings shall be conducted in accordance with Code of Virginia requirements. A new table is included to summarize which applications require public hearings before advisory and decision-making bodies.

DRAFT

- Centralized reference to application fees in the Department of Planning Fee Schedule which is amended from time to time by the Board of Supervisors. (Section 2.4)
- Clarification in new Section 2.5 that text amendments to the Subdivision Ordinance can only originate from the Planning Commission or Board of Supervisors. The Code of Virginia does not provide a mechanism for an interested party to apply for a text amendment.

Section 3 (Review Processes) contains detailed descriptions of all review processes administered through the Subdivision Ordinance. Processes are organized by subdivision and non-subdivision review processes.

New and amended provisions in Section 3:

- The preliminary plat review process has been replaced with a single-step review process for subdivisions. The preliminary plat process was eliminated because it is most effectively used for subdivisions with large numbers of lots and phased development. Subdivisions with a significant number of lots would most likely occur in the Berryville Annexation Area where the Town of Berryville, not the County, has subdivision jurisdiction. An additional reason for eliminating the preliminary plat process is that historically applicants would file applications that meet all preliminary and record plat requirements in order to avoid a two-step process.
- Separate formal review processes are established for minor subdivisions (Section 3.2.1) and major subdivisions (Section 3.2.2).
- The Code of Virginia requires that local subdivision ordinances provide for the division of lots for conveyance to qualifying family members. Section 3.2.3 was created to clarify that either the minor or major subdivision process can be followed to create lots for conveyance to family members.
- A new review process is established for creation of public utility lot divisions (Section 3.3.5). These lots are referenced in the current Subdivision Ordinance without specific provisions for how such lots are created. A public utility lot division can only be approved to create a lot that will house a public utility facility use as described in Zoning Ordinance (Article I) Section 5.2E (County Uses) or Section 5.3E (Annexation Area Districts).
- A new review process is established for court-ordered partitions of land (Section 3.3.6). This process clarifies that a plat showing lots created by court-ordered partitions may only be approved if the plat and lots meet all requirements of the County's Zoning and Subdivision Ordinances, the Code of Virginia, and any other applicable State and Federal regulations.
- Construction plan review is formalized into a new review process (Section 3.4) required when there is proposed construction of private access easements and private roads, land

DRAFT

disturbance requiring an Erosion and Sediment Control plan, installation of public utilities, or construction of common use elements. This review process is incorporated into other subdivision and non-subdivision review processes for review and approval by the approval authority.

Section 4 (Plat and Construction Plan Requirements) contains the technical regulations that apply to subdivision and non-subdivision applications described in Section 3 (Review Processes). These regulations include but are not limited to platting requirements, required application documentation, design standards for infrastructure improvements, and special regulations for certain types of subdivision and non-subdivision applications.

New and amended provisions in Section 4:

- The required components of a minor and major subdivision plat application are now consolidated under Sections 4.1.1 and 4.1.2 with edits for clarity and consistency.
- Section 4.1.3 now lists all required components of the record plat submission for subdivisions.
- Section 4.2 contains the application requirements for non-subdivision application types – administrative land division, boundary line adjustment, merger, vacation of plat, and public utility lot division.
- Required components of a construction plan are enumerated in Section 4.3 and have been amended using elements from the requirements for a site development plan found in Zoning Ordinance (Article I) Section 7.2.1.
- Section 4.4 contains special regulations that apply with subdivision and non-subdivision applications in certain specific situations:
 - Section 4.4.1 addresses boundary line adjustment regulations in the AOC and FOC Districts and other specific situations.
 - Section 4.4.2 contains the special regulations for subdividing land in the FOC District.
 - Section 4.4.3 cross-references the Flood Plain (FP) Overlay District regulations in Zoning Ordinance (Article I) Section 4.2.1 for subdividing in the flood plain.
 - Section 4.4.4 contains regulations for subdivisions and boundary line adjustments along jurisdictional boundaries. New provisions are included to require a boundary survey when a subdivision or boundary line adjustment occurs along a jurisdictional boundary and there is no change to the lot area or existing boundary lines of the portion of the lot located in Clarke County.
 - Section 4.4.5 contains special regulations for administrative land divisions.

DRAFT

- Section 4.5 is the new consolidated location for subdivision and construction plan design standards. The most significant changes are to Section 4.5.3 containing the regulations for private access easements:
 - Private access easements are now categorized based on their degree of conformance with current design requirements:
 - Private Road – Complies with all design requirements and has a minimum easement width of 30 feet.
 - Major Access Easement – An existing private access easement that has a minimum easement width of 30 feet but does not comply with all current design requirements.
 - Minor Access Easement – An existing private access easement that does not have a minimum easement width of 30 feet.
 - If a lot or lots are proposed to be added to a major access easement, the approval authority may waive compliance with some or all design requirements contingent upon the applicant obtaining written consent to the waiver from all lot owners that are served by the major access easement.
 - Language is added to require construction plan approval and posting of performance guarantees when constructing or modifying a private access easement in conjunction with a subdivision.
- Section 4.6 contains the required documents and statements to be submitted with a record plat including a deed or deed of dedication as applicable, environmental inventory and impact statement, and consumer disclosure statement.

Section 5 (Performance and Maintenance Guarantees) contains the requirements for posting performance and maintenance guarantees (e.g., bonds, letters of credit) for construction and/or maintenance of improvements.

- Section 5.1 contains the requirements for providing performance guarantees for required improvements. Language has been edited for clarity purposes.
- Section 5.2 contains new provisions for maintenance guarantees for certain improvements such as landscaping to ensure viability after installation. The format is designed to mirror the amended format used for performance guarantees in Section 5.1.

Section 6 (Enforcement) establishes procedures through which the County seeks to ensure compliance with the provisions of this Ordinance and obtain corrections for Ordinance violations. It also sets forth the remedies and penalties that apply to violations of this Ordinance. The provisions of this article are intended to encourage the voluntary correction of violations, where possible.

Section 6 has been amended primarily for clarity purposes and to conform to Code of Virginia requirements.

DRAFT

DEFINITIONS – ARTICLE III

Section 2 of this Article contains definitions of terms found in the Zoning Ordinance (Article I) and the Subdivision Ordinance (Article II). **Section 1** contains general rules for interpretation of the definitions. The definitions in this Article apply uniformly to the terms found in the Zoning and Subdivision Ordinances.

GUIDANCE MANUAL TO THE CLARKE COUNTY ZONING AND SUBDIVISION ORDINANCES

The Guidance Manual to the Clarke County Zoning and Subdivision Ordinances is a companion document to the Ordinances. It is designed to present regulations, processes, and other important information in a customer-friendly format for citizens, business owners, and design professionals.

The Guidance Manual is organized in a “frequently-asked questions” format addressing common types of applications and requests for information on zoning regulations, divisions of land and adjustments of boundary lines, and other important land use and development matters. It is maintained by the Department of Planning and is periodically updated to include new and revised information of use to the public.

The Guidance Manual provides plain-language descriptions of rules, regulations, and processes. It is not intended to be a substitute for the Zoning and Subdivision Ordinances. Please consult the Ordinances to review the law governing these rules, regulations, and processes.

The Guidance Manual is organized as follows:

General Information -- This section provides important background information on different aspects of the County’s land development regulations and land use philosophy.

Information for Residents -- This section contains important information on some of the most common questions that residents have about building on or developing their land. These questions are answered in a checklist format and contain applicable ordinance section references, timelines, and contact information for key personnel and review agencies. The section also contains information on how to file a zoning complaint, potential remedies if a project cannot be approved, and how neighborhood restrictive covenants correlate to zoning and subdivision regulations.

Information for Businesses -- This section answers common questions posed by business owners looking to locate their business in the County or to expand their existing businesses. These questions are answered in a checklist format and contain applicable ordinance section references, timelines, and contact information for key personnel and review agencies.

Agricultural Information -- This section provides information for all residents on agriculture and agricultural activities in Clarke County. Regulations for construction of agricultural buildings

DRAFT

and operating agricultural-related businesses are included. Background information on the land application of biosolids and the County's guidelines and regulations pertaining to this activity are also included in this section.

Special Events -- Information for organizers of events that are open to the public are found in this section including when events are regulated by the County Zoning Ordinance, when they are regulated under the County's Special Events Ordinance, and what permits and approvals are required.

Information for Design Professionals -- This section is specifically developed for surveyors, architects, engineers, and other design professionals who may be working on projects for County landowners or business owners. Background information, timelines, checklists, and other procedural requirements for common review processes are found here in a customer-friendly format including:

- Current versions of the Ordinances and where to find adopted amendments during the year
- Rules regarding application filing deadlines, pre-application meetings, application requirements, and fees
- Checklists and sample timelines for site development plans, subdivision plats, boundary line adjustment plats, special use permits, variances, and appeals

As described in the changes to the Zoning and Subdivision Ordinances, some current Ordinance provisions have been removed from the Ordinances and are now located in the Guidance Manual. These include:

- Administrative provisions such as the format and number of copies of a plat, plan, and/or supporting documentation to be submitted with an application and application filing deadlines. These are limited to provisions that fall under the Zoning Administrator's authority to create and amend.
- Advisory provisions that recommend but do not require actions. An example includes the current subdivision design principles found in Section 8-A-1-c of the Subdivision Ordinance.
- Provisions that exceed the County's scope of authority under the Code of Virginia but to which the County encourages voluntary compliance. An example is the list of biosolids application standards found in current Section 3-C-2-b-3 of the Zoning Ordinance.

DRAFT

SUMMARY OF PROPOSED CHANGES TO CURRENT ZONING ORDINANCE ARTICLES

This document provides descriptive summaries of the substantive and technical changes to each Article of the current (2020) Clarke County Zoning Ordinance. The document is not intended to be an all-inclusive list of changes and does not include descriptions of all minor formatting changes or wording changes for clarification purposes. For descriptive summaries of new provisions incorporated into the revised Zoning Ordinance (Article I), consult the document titled Proposed Revision of the Clarke County Zoning and Subdivision Ordinances – Narrative Summary.

ARTICLE 1 – Authority, Purposes and Intent, Planning Commission, and Zoning Administrator

- Moved Planning Commission and Zoning Administrator sections to new Section 2.2 which summarizes the role and responsibilities of all advisory and decision-making bodies.
- Zoning Administrator written zoning decisions (current Sections 1-D-4 and 1-D-5) moved to new Section 6.5 dedicated to Zoning Administrator Letters. Notice of violation language moved to new Section 10.4 (Enforcement) and expanded to describe investigation procedures and issuance of Notices of Violation.

ARTICLE 2 – Districts, Zoning Map and District Boundaries

- Section 2-A (Establishment of Districts) moved to new Section 4 (Zoning Districts) and reformatted to describe County Zoning Districts, Annexation Area Zoning Districts, and County Overlay Districts.
- Section 2-B (Official Zoning Map) moved to new Section 2.1 (Official Zoning Map). Updated language to clarify and simplify the wording.
- Section 2-C (Rules for Location of District Boundaries) moved to new Section 2.1.3 (Rules for Location of District Boundaries). Clarified that the Zoning Administrator is responsible for interpreting the district boundaries on the Official Zoning Map.
- Established a review process for zoning district map interpretations by the Board of Zoning Appeals in Section 6.4.4 (Interpretation of Zoning District Map). Current language is in Section 2-C-2.

ARTICLE 3 – District Regulations

- All County Zoning Districts (AOC, FOC, RR, CN, and CH), Annexation Area Zoning Districts (OSR, DR-1, DR-2, DR-4, BC, B, BP, and ITL), and County Overlay Districts (Flood Plain-FP, Spring Conservation-SC, Stream Protection-SPO, Historic-H, and

DRAFT

Historic Access Corridor-HAC) are moved to new Section 4 (Zoning Districts).

- All Uses are moved to new Section 5 (Uses). This new section includes each allowable use with a definition, use regulations (if applicable), and a chart listing the zoning districts in which they are allowed by-right, with a special use permit, or are prohibited.
- Some uses, their allowable districts, their definitions, and/or their use regulations are amended. New uses have been added some current uses have been deleted – see the document titled Changes to Zoning Ordinance Uses – County Zoning Districts for a summary of changes.
- Moved maximum lot size exception provisions in current Section 3-A-1-b to new Section 6.2.6 and established as a review process.
- Moved AOC District vegetated property buffer requirements (Section 3-A-1-f) to new Section 7.4.1 (Vegetated Property Buffer Requirements – AOC District)
- Moved FOC District vegetated property buffer and clearing limits requirements (Section 3-A-2-f) to new Section 7.4.2 (Vegetated Property Buffer Requirements – FOC District)
- Deleted minimum lot size and lot width requirements for AOC lots created for “other permitted uses” per Section 3-A-1-b-2. This section has not been applied as a restriction on locating non-residential uses on lots. Separate minimum lot size and width requirements for "other permitted uses" appears to apply to the creation of new lots for non-residential use. Minimum lot sizes for uses should be addressed in use regulations and not in conjunction with a subdivision. NOTE -- This regulation may have originated with the creation of more restrictive minimum lot sizes for residential uses in the early 1990s.
- Moved prohibition on use of waterworks and sewerage treatment works in the AOC District (Section 3-A-1-e) and FOC District (Section 3-A-2-e) to new Section 7.4.5 (Waterworks and Sewerage Treatment Works).
- Moved private driveway standards in the AOC District (Section 3-A-1-g) and FOC District (Section 3-A-2-g) to new Section 7.4.4 (Private Driveway Standards) and added new construction standards to differentiate from private road construction standards.
- Section 3-B (Application of District Regulations) – Deleted or moved subsections as follows:
 - 3-B-1 – Deleted as unnecessary.
 - 3-B-2 – Moved to new Section 9.1B (Use, Occupancy, and Construction)
 - 3-B-3 – Deleted as unnecessary.

DRAFT

- 3-B-4 – Deleted as this subsection can be interpreted as requiring separate building envelopes for each structure on a lot.
- 3-B-5 – Deleted as unnecessary.
- 3-B-6 – Deleted as unnecessary.
- 3-B-7 – Deleted as unnecessary.
- 3-B-8 – Deleted this subsection as it is outdated and in conflict with current Zoning Ordinance provisions relating to uses and sliding-scale zoning.
- Section 3-C (Supplementary regulations) – Renamed “use regulations” and incorporated into the applicable County uses in new Section 5 (Uses). Changes to current use regulations are as follows:
 - Amusement parks (3-C-2-a) – Deleted as there is no corresponding use.
 - Bio-solids Land Application (3-C-2-b) – Deleted regulations from the Zoning Ordinance that exceed State code requirements and moved them to the Guidance Manual to encourage voluntary compliance.
 - Circuses, carnivals, and similar temporary activities (3-C-2-e) – Deleted as there is no corresponding use.
 - Limited extraction of natural resources (3-C-2-j) – Deleted subsection 3 as stone quarries are no longer an allowable use.
 - Forestry uses and structures (3-C-2-k) – Moved Pre-Harvest Plan requirements to new Section 7.9 (Pre-Harvest Plan Regulations).
 - Gasoline pump canopies (3-C-2-l) – Moved to use regulations for new “convenience store with gasoline sales” use.
 - Home occupations (3-C-2-n) – Changes as follows:
 - Clarified who is allowed to conduct a home occupation and that all activities must be conducted on the lot containing the residence.
 - Home occupations are required to obtain and maintain all required permits, licenses, and approvals in good standing throughout the life of the use.
 - For home occupations that have customers, clients or students that come to the home, the maximum number that can be on the property at any one point in time is 12 persons in the AOC and FOC Districts regardless of

DRAFT

property size.

- Parking for employees that do not work on the property on a regular basis is limited to 1 space in the RR District and 3 in the AOC and FOC Districts. If the AOC/FOC lot is less than six acres in size, the parking spaces must be screened from view from adjacent properties and public rights of way.
 - Clarified what is considered to be “business equipment,” “business product,” and “licensed business vehicles.” Modified regulations according to lot size and zoning district and incorporated into a new table (see Table, “Use/Storage of Equipment and Storage of Vehicles”).
 - Deleted reference to “boarding and rooming homes” and “tourist homes” as these are not listed uses and are not currently defined.
 - New language to allow a special use to be operated as a home occupation if it can be done so within the parameters of the home occupation use regulations.
- Hospitals (3-C-2-o) – Deleted regulations as hospitals are not an allowable use in County Zoning Districts.
 - Intensive livestock, dairy, or poultry facility (3-C-2-q) – Moved development plan regulations (3-C-2-q-3) to new Section 6.2.8 (Intensive Livestock, Dairy, or Poultry Facility Development Plan) and established as a review process.
 - Hotels (3-C-2-p) and motels (3-C-2-v) – Supplementary regulations combined under “hotel” use.
 - Motor vehicle sales and service (3-C-2-w) – Deleted regulations as this use is proposed for deletion.
 - Noncommercial telecommunication antennae, structures up to 80 feet high (3-C-2-x) – Deleted regulations as this use expired on October 18, 2014. See current regulations for Class 6 antenna support structures under “Wireless Communication Facility (WCF)” use.
 - Siting of propane tanks (3-C-2-y) – Moved to new Section 7.10.
 - Public and semi-public uses (3-C-2-z) – Subsection 1 pertaining to private schools is added to County use regulations for “community services facility.” Subsection 2 is added to County use regulations for “churches and other places of worship.”

DRAFT

- Public assemblies (3-C-2-aa) – Incorporated into County use regulations for “minor commercial public assembly” use.
 - Racetracks (3-C-2-cc) – Deleted regulations as racetracks are not an allowable use.
 - Recreational facilities as an institutional use (3-C-2-dd) – Deleted regulations as they currently apply to recreational facilities in the ITL District. Town of Berryville use regulations will be used for this Annexation Area use.
 - Retail and service businesses that are permitted principle uses (3-C-2-ee) – Incorporated into County use regulations for “retail business” use.
 - Retail and service businesses that are special uses (3-C-2-ff) – Incorporated into County use regulations for “retail business” use.
 - Theaters (3-C-2-ii) – Regulations for indoor theaters retained in the County use “indoor theater.” Deleted regulations for “outdoor, motion picture theater” as “outdoor theater” is proposed for deletion.
 - Veterinary Services, Animal Hospitals, Commercial Boarding Kennels, Breeding Kennels, Animal Shelters (3-C-2-jj) – Regulations moved to new individual County uses for “veterinary clinic,” “commercial boarding kennel,” “commercial breeding kennel,” and “animal shelter, governmental.” Regulations are modified as applicable to the uses in specific zoning districts.
 - Wayside stands (3-C-2-kk) – Deleted regulations as this is no longer an allowable use. See County use “wholesale or retail sale of agricultural products.”
- Supplementary Regulations for Development in Annexation Area B (3-C-3) – Moved to new Section 7.7 (Annexation Area B Development Regulations).
 - Private Access Easements (3-C-4) – Moved to new Section 7.11 (Use of Private Access Easements). Also reference changes to private access easement regulations in Subdivision Ordinance Article II, Section 4.5.3 (Private Access Easements).
 - Allocation of Single-Family Detached Dwelling Unit Rights in the Agricultural-Open Space-Conservation (AOC) and the Forestal-Open Space-Conservation (FOC) Districts and Lot Size in the AOC District (3-D-4) – Moved to new Section 3 (Sliding-Scale Zoning) with the following changes:
 - Moved definition of “farmstead” to Section 3.1B (Definitions). Deleted language in definition requiring a farmstead to be occupied by the owner or operator of an agricultural and/or forestall operation.

DRAFT

- Moved definition of “tract” to Section 3.1B (Definitions). Added language to clarify that a tract is the lot existing as of October 17, 1980 upon which the initial allocation of dwelling unit rights was made in accordance with this Section. Moved language about lots divided by a public road to new Section 3.12 (Lots Divided by a Public Road).
- Moved Allocations (3-D-2) to new Section 3.2 and added language to note that DURs can only be allocated, re-allocated, or transferred in accordance with the provisions of Section 3. Added a new table (See Table 3.2[2], Compliance with Dwelling Unit Right (DUR) Allocation Table 3.2[1] Required).
- Moved Section 3-D-5 (Errors in 1980 Tax Map) to new Section 3.5 and added language to Subsection A to allow a property description as evidence of tax map error in addition to a plat.
- Moved Section 3-D-6 (Burden of Proof) to new Section 3.6 and replaced “maximum lot size increase” with “allocation” as the new term is more applicable to this Section.
- Moved Section 3-D-9 (Boundary Line Adjustment of Lots or Parcels of Land in the AOC/FOC Districts) to new Section 3.9 (Boundary Line Adjustments of Lots in the AOC and FOC Districts) and simplified the language in Subsection A to reference compliance with the DUR allocation table (Table 3.2[1]).
- Moved Section 3-D-10 to new Section 3.10. Deleted “and approved by the Clarke County Board of Supervisors” in Subsection A3 as the Board does not approved conservation easements accepted by outside easement-holders.
- Section 3-E (Schedule of Overlay District Regulations) moved to new Section 4.2 (County Overlay Districts) with the following changes:
 - Section 3-E-1 (Flood Plain District (FP)) moved to new Section 4.2.1 (Flood Plain Overlay District (FP)). Extensive changes were made to this Section in order to comply with an update mandated by the Federal Emergency Management Agency (FEMA) and the Virginia Department of Conservation and Recreation (DCR). New and revised provisions were developed using DCR’s model ordinance. Provisions unique to Clarke County were preserved unless in direct conflict with the DCR model ordinance.
 - Section 3-E-3 (Historic Districts (H)) moved to new Section 4.2.4 (Historic Overlay District with minor changes for clarity purposes and to update code citations. Subsection (d) (Historic Preservation Commission) moved to new Section 2.2.5. Subsection (e) (Certificate of Appropriateness) moved to new Section 6.2.5B as a review process.

DRAFT

- Section 3-E-4 (Historic Access Corridor Overlay District (HC)) moved to new Section 4.2.5 (Historic Access Corridor Overlay District (HAC)) with minor changes for clarity purposes and to update code citations. Subsection (c) moved to new Section 6.2.5C as a review process. Subsection (d) moved to new Section 7.6 (Historic Access Corridor Overlay District (HAC) Design Standards). Additional substantive changes as follows:
 - Section 3-E-4-c-4 – Deleted the required number of copies to be provided with an application. This will be moved to the Guidance Manual.
 - Section 3-E-4-c-8 – Changed required public meeting before the Planning Commission to a public hearing.
- Section 3-E-5 (Stream Protection Overlay District (SP)) moved to new Section 4.2.3 (Stream Protection Overlay District (SPO)) with changes as follows:
 - Incorporated buffer widths and slope percentages from current Section 3-E-5-a into new Table 4.2.3[1] (Increased Buffer Widths for Sloped Stream Banks).
 - Deleted current 3-E-5-a-2 as it is advisory language (“should”) and is not compulsory.
 - Incorporated stream buffer plantings from current Section 3-E-5-b-3 into new Table 4.2.3[2] (Planting Specifications).
 - Incorporated required plant material from current Section 3-E-5-b-4 into new Table 4.2.3[3] (Required Plant Material in Buffer Area).
 - Moved mitigation plan requirements in current Section 3-E-5-f to new Section 6.2.9 (Stream Buffer Mitigation Plan) as a review process.

ARTICLE 4 – General Regulations

- Deleted Section 4-A (Application) as unnecessary.
- Uses Generally (Section 4-B) is a “catch-all” section containing several different provisions related to uses. Subsections within current 4-B are moved and/or amended as follows:
 - Section 4-B-1 (Uses Not Provided For) describes the process for Zoning Ordinance text amendments to add a new use. Text amendments are addressed as a review process in new Section 6.3.6 – it is not necessary to have a separate review process for text amendments to add a new use. The portions of the process regarding initiating consideration of a text amendment and time limit for review are amended to conform to Code of Virginia requirements.

DRAFT

- Section 4-B-2 (Structure That is Temporary) – Created four new temporary uses from this current section in new Section 5.4. These are “temporary dwelling,” “temporary office trailer,” “temporary structure,” and “temporary use of recreational vehicles.” Subsection (b) pertaining to temporary parking of manufactured (mobile) homes or structures is moved to the use regulations for “manufactured home.”
- Section 4-B-3 (Houses Displayed for Advertising Purposes) – Moved to new temporary use “Model Home” in new Section 5.4. Required to be located in the subdivision or development that the model home is being used to market.
- Section 4-B-4 (Temporary Structure) moved to new temporary use “Temporary Structure” in new Section 5.4.
- Residential Occupancy of Accessory Buildings (Section 4-C-1) moved to use regulations for “Accessory Structure” in new Section 5.2.
- Parking, Storage, or Use of Major Recreational Equipment (Section 4-C-2) moved to use regulations for “Temporary Use of Major Recreational Equipment” in new Section 5.4.
- Limitation on Parking or Storage of Inoperable Vehicles (Section 4-C-3) moved to new Section 7.12 (Parking and Storage of Inoperable Vehicles). Language referencing inoperable vehicles on properties zoned for residential, agricultural, forestal, or commercial purposes is deleted as these regulations apply to all zoning districts. Removal notice requirements in subsection (c) deleted – notice requirements for zoning violations in general (new Subsection 10) apply.
- General Requirements Concerning Arrangement and Location of Structures (Section 4-D) is moved to new Section 7.1.2A.
- Erection of More Than One Principal Structure on Lot (Section 4-E) is moved to new Section 7.1.2B.
- Stormwater Management (Section 4-F) is moved to new Section 7.2.7B.
- Lot Regulations (Section 4-G) is moved to new Section 7.1.1 (Lot Regulations and Measurements) or Section 7.1.2 (Structure Regulations) with edits as follows:
 - Section 4-G-1 (Lot Access Requirements) is deleted as a building permit cannot be denied on grounds that a lot does not have access to a public road or private access easement.
 - Section 4-G-2 (Visibility Clearance at Intersections) methodology is updated in consultation with the Virginia Department of Transportation on methods they use for determining sight distance. Moved to new Section 7.1.1F.

DRAFT

- Section 4-G-3 (Uses and Structures Permitted in Required Setback Areas) is moved to new Section 7.1.2C. Regulations for gasoline pump canopies are repeated in the use regulations for “convenience store with gasoline sales.”
- Section 4-G-4 (Regular Lots) is moved to new Section 7.1.1C.
- Section 4-G-5 (Irregular Lots) is moved to new Section 7.1.1D.
- Section 4-G-6 (Lot Coverage by Buildings) is moved to new Section 7.1.1E.
- Height Regulations (Section 4-H) is moved to new Section 7.1.2D (Structure Height Regulations) with edits as follows:
 - Subsection 2-a (Fire Protection) is deleted – would be addressed by applicable building and fire codes and the departments responsible for enforcing those codes.
 - Subsection 2-b (Aviation Hazards) is deleted – would be regulated by the Federal Aviation Administration.
 - Subsection 3-a-1 – Exception for agricultural structures to height requirements is moved to the regulations for zoning districts that allow agriculture as a permitted use – AOC (new Section 4.1.1B-2), FOC (new Section 4.1.2B-4), CH (new Section 4.1.5B-2), and ITL (new Section 4.3.8B-1).
 - Removed “tower” from Subsection 3-a-4 to avoid confusion with wireless communication facilities (WCFs).
- Sign Regulations (Section 4-I) is moved to new Section 7.8 with significant edits as follows:
 - Subsection 1 (General) is deleted and replaced with a new Section 7.8.1 (General Provisions) that addresses zoning permit requirements, governmental sign exemptions, and how to calculate sign area.
 - Subsection 2 (Signs Prohibited) is moved to new Section 7.8.3 with the following edits:
 - Subsection 2-a (Violates Virginia law) is deleted as this repeats the language for billboard signs in Subsection 2-g.
 - Subsection 2-b (Other Than on Property or Structure to Which It Directs Attention) is mostly deleted as an illegal content-based description. Provisions pertaining to governmental signage is retained in new Section 7.8.1.

DRAFT

- Subsection 2-e (Casts Glare on Highway or Adjoining Property) is moved under 7.8.2A-3c (Illumination of freestanding signs).
- Subsection 2-g (Billboards) edited to reference applicable Code of Virginia requirements.
- Subsection 2-h is deleted as it does not make sense.
- Subsection 2-i (Changeable message signs) is moved to new Section 7.8.2D as a new class of permitted signs subject to the area requirements for freestanding or wall-mounted signs as applicable.
- Subsection 2-k (Time and temperature signs) is merged into new Section 7.8.2D as a type of changeable message sign.
- Subsection 3 (Signs Permitted) is moved to new Section 7.8.2 (Permitted Signs) with edits as follows:
 - Subsection 3-a is deleted as zoning authority over signs on County properties cannot be delegated to the Town of Berryville.
 - Maximum area and height table in Subsection 3-b-1 is reformatted in new Table 7.8[1] (Freestanding Sign Area and Height Requirements by Zoning District). For Annexation Area Residential Districts (OSR, DR-1, DR-2, and DR-4), maximum area and height requirements for RR District Permitted Uses are applied. For Annexation Area Commercial Districts (BC, B, BP, and ITL), requirements for the CN District are applied.
 - Subsection 3-d (Hunting, Fishing, or Trespassing Signs) is moved to new Section 7.8.2F (Signs prohibiting hunting, fishing, and/or trespassing). Language is clarified and new wording added to state that no zoning permit is required.
 - Subsection 3-e (Directional signs in all zoning districts) is moved to new Section 7.8.2A-4 and edited to apply only to onsite freestanding signs that delineate the flow of traffic from the public right of way to property entrances and exits. These signs are not counted against the total number of allowable freestanding signs on a lot.
 - Subsection 3-f (Temporary signs) is moved to new Section 7.8.2C and edited as follows:
 - No zoning permit is required for a temporary sign but compliance with the regulations is required.

DRAFT

- Maximum number of temporary signs in all districts is 2. Maximum total area of signage is 16 square feet in all districts except for the RR District and Annexation Area Residential Districts (OSR, DR-1, DR-2, and DR-4) where the maximum total area of signage is 2 square feet.
- Temporary signs can be posted for a maximum of 60 days and shall be removed within 7 days of completion of the activity or event referenced on the temporary sign.
- Added new regulations for “attention-getting devices.”
 - Subsection 3-g (Freestanding community events information signs) is deleted as a content-based restriction. Either freestanding or temporary sign regulations would be applied.
- Subsection 4 (Removal of signs) is deleted as it conflicts with State code requirements.
- Subsection 5 (Nonconforming signs and removal) is moved to new Section 9.5 (Nonconforming Signs) and rewritten to apply standard regulations for nonconforming structures and special regulations for signs from the Code of Virginia. Reference to this section is included in new Section 7.8.4.
- Subsection 6 (Traffic hazards) is deleted. Language regarding sign illumination is in new Section 7.8.2A-3.
- Subsection 7 (Sign permits) is moved to new Section 7.8.1A (Permit required) with updated language to conform to new Ordinance format.
- Subsection 8 (Appeals) is deleted. The standard processes for variances (new Section 6.4.2) and appeals (new Section 6.4.3) are applied.
- Sign ordinance definitions in Subsection 9 (Definitions) are moved to new Article III.
- Section 4-J (Off-Street Parking) – Moved to new Section 7.2.5 (Parking Regulations) with a clarified format and edits as follows:
 - Subsection 1 (General Specifications) references to off-street parking chart depicted in Table 7.2.5[2] that replaces current Section 4-J-10.
 - Subsection 5 (Limitations on Use) references to District Regulations is amended to reference Use Regulations for allowable uses in new Section 5 (Uses).

DRAFT

- Subsection 7 (Joint Parking Facilities) uses a table that does not make sense. This is replaced with new Table 7.2.5[1] (Factors for Joint Parking Facility Calculation) that uses data from the original source of the current table in a format that now makes sense. An illustrative example is added to demonstrate how to use the table.
- Subsection 10 (Off-Street Parking Standards) currently lists parking requirements for uses as well as activities that are not specific allowable uses. This section is reformatted into new Table 7.2.5[2] (Minimum Off-Street Parking Requirements) that applies parking requirements for each allowable County use, Annexation Area use, and Temporary use listed in new Section 5 (Uses). Requirements are organized by use category and by use. Where no current parking requirements exist for a use, new requirements were developed from similar uses.
- Subsection 12 (Minimum Parking and Loading Spaces for Uses Not Specified) is deleted as unnecessary since parking requirements for all listed uses have been established.
- Section 4-K (Nonconforming Lots, Uses and Structures) – Moved to new Section 9 (Nonconformities) with edits as follows:
 - Subsection 3 (Nonconforming Lots of Record) is moved to new Section 9.2 (Nonconforming Lots) with the following edits:
 - In Subsection 3-a (General), the language regarding application of setback requirements to lots nonconforming as to width is deleted. This language requires application of the side yard setback that was in effect on the date the plat of the lot was recorded. In some cases, there is no recorded plat for a lot or the plat was recorded prior to the adoption of the first Zoning Ordinance.
 - Subsection 3-b (Prohibition against creation of other lots below width and area requirements for district) is deleted as unnecessary. Other provisions of the Zoning Ordinance ensure compliance with the intent of this subsection.
 - Subsection 3-d (Damage or destruction of conforming use and/or structure) is deleted. Uses cannot be damaged or destroyed and replacement of damaged or destroyed structures is addressed in new Subsection 9.4 (Nonconforming Structures).
 - Subsection 4 (Nonconforming Uses of Land) is moved to new Section 9.3 (Nonconforming Uses) with the following edits:

DRAFT

- Subsections 4-b-1, 2, and 4 are combined into new Section 9.3A-1 (No Expansion of Nonconforming Use).
- Subsection 4-b-3 is deleted as unnecessary.
- Subsection 4-b-5, which allows a nonconforming use to be replaced with a different nonconforming use by following the special use permit process, is deleted.
- Section 4-b-8 regarding off-premises signs is deleted. Nonconforming signs are addressed in new Section 9.5 with specific reference to State Code requirements for billboards in Section 9.5D.
- Subsection 5 (Nonconforming Structures) is moved to new Section 9.4 with the following edits:
 - Subsection 5-b-1 (Not Enlarged) is moved to new Section 9.4A-1 with language added to clarify that conforming portions of a nonconforming structure may be enlarged or extended so long as the nonconforming elements are not expanded.
 - Subsection 5-b-3 (Destruction of Structure) is moved to new Section 9.4A-3 with language added to track Code of Virginia requirements.
 - Subsection 5-b-4 (Unsafe Structures) is moved to new Section 9.4A-4 with language regarding nonconforming uses deleted (not applicable to a nonconforming structure).
- Subsection 6 (Uses Eligible for Special Use Permits Not Nonconforming Uses) was actually deleted by text amendment in 2009 but was not removed from the current Ordinance. This subsection will not be included in the revised Ordinance.
- Subsection 7 (Changes in District Boundaries) is deleted as unnecessary.

ARTICLE 5 – Special Use Permits

- Article 5 is moved to new Section 6.3.1 (Special Use Permit) and formatted as a review process. A new Section 6.3.2 (Special Use Permit Amendment) is established as a review process for amending previously approved special use permits.
- Section 5-A (General) is deleted as unnecessary.
- Section 5-B (Procedure) is formatted into the new standard layout for review processes (Procedures – Subsection B, Review Criteria and Regulations – Subsection C, Expiration – Subsection D, and Revocation – Subsection E. Edits are as follows:

DRAFT

- Subsection 1-a (Pre-application Conference Requirement) is moved to new Subsection 6.3.1B-2. Standard procedures for pre-application conferences are found in new Section 2.4B (Pre-Application Conference).
- Subsection 1-b regarding who may apply for a special use permit is addressed in new Section 2.4.2 (Application Filing and Representation by Person or Entity Other Than Property Owner).
- Subsection 1-c regarding number of copies to be provided is deleted – now referenced in the Guidance Manual. Reference to site development plan submission requirement is in new Section 6.3.1B-3a.
- Subsection 1-d referencing the Zoning Administrator’s authority to request additional information is incorporated into the Zoning Administrator description in new Section 2.2.7 (Zoning Administrator).
- Subsection 2 (Recommendation by Planning Commission) is reformatted to reference “advisory body” which can be either the Planning Commission or Berryville Area Development Authority depending upon the location of the subject property. Subsection is reformatted in new Section 6.3.1B-3 which describes the application filing, processing, and review by approval authority processes.
- Subsection 3 (Action by Board of Supervisors) is reformatted in new Section 6.3.1B-3 which describes the application filing, processing, and review by approval authority processes.
- Subsection 4 (Procedures before Planning Commission and Board of Supervisors) is also reformatted in new Section 6.3.1B-3. The process for deferral of applications is described in new Section 2.4.3 (Deferral of Application Review).
- Subsection 5 (Criteria for Action on Special Use Permit) is amended as follows to reference review “factors” that can be considered in addition to any other factors deemed applicable by the approval authority, in considering a special use permit application:
 - Subsection 5-a – Amended to reference implementing component plans. New 6.3.1C-2a.
 - Subsection 5-b – Deleted as unnecessary.
 - Subsection 5-c – Changed the word “consistent” to “compatible.” New 6.3.1C-2b.

DRAFT

- Subsection 5-d – Deleted criterion regarding impact to property values as interpretation is very subjective.
- Subsection 5-e -- Clarified that undue adverse impacts on conservation value or impeding operations of an active agricultural or forestal operation will be considered. New Section 6.3.1C-2c.
- Subsection 5-f – Clarified that compliance with Virginia Department of Transportation (VDOT) requirements is required. New Section 6.3.1C-2d.
- Subsection 5-g – Minor edits. New Section 6.3.1C-2e.
- Subsection 5-h – Wording expanded to describe specific rare and irreplaceable natural areas and areas of outstanding natural beauty. New Section 6.3.1C-2f.
- Subsection 5-i – Incorporated wildlife and plant habitats into Section 6.3.1C-2f.
- Subsection 5-j – Minor edits. New Section 6.3.1C-2h.
- Subsection 5-k – Minor edits. New Section 6.3.1C-2i.
- Subsection 5-l – Incorporated undue surface or groundwater pollution into new Section 6.3.1C-2f.
- Subsection 5-m – Deleted as septic system impacts would be addressed by the Virginia Department of Health (VDH).
- Subsection 5-n – Deleted as soil erosion would be addressed through review of an erosion and sediment control plan.
- Subsection 5-o – Deleted as flooding would be addressed through flood plain regulations found in Section 4.2.1 (Flood Plain Overlay District) and through the Virginia Department of Environmental Quality’s (DEQ) review of a stormwater management plan.
- Subsection 5-p – Deleted as DEQ regulates air pollution. Undue odors or fumes are addressed in new Subsection 6.3.1C-2g.
- Subsection 5-q – Moved to new Subsection 6.3.1C-2g with no changes.
- Subsection 5-r – Deleted as unnecessary.

DRAFT

- Subsection 5-s – Rewritten to focus on whether screening and/or buffering is provided to mitigate detrimental visual impacts.
- Subsection 6 (Special Use Deemed Approved) is deleted. Existing deemed special uses are addressed in new Section 9.7 (Deemed Special Use Status) and will continue to be recognized unless revoked by the Board of Supervisors.
- Subsection 5-C (Revocation) – Moved to new Section 6.3.1E. Deleted last sentence in current Subsection 1 regarding special use permits approved before November 16, 2004 as this regulation is outdated.
- Subsection 5-D (Required Amendment) – Moved to new Section 6.3.2 and reformatted as the review process for Special Use Permit Amendment.

ARTICLE 6 – Site Development Plans

- Article 6 provisions pertaining to the application and review of a site development plan is moved to new Section 6.2.2 (Site Development Plan) and reformatted as a review process. New Section 6.2.3 (Site Development Plan Amendment) is established as a review process for amending previously approved site development plans. New Section 6.2.4 (Administrative Site Development Plan) is established as a review process for certain site development plans that can be approved by the Zoning Administrator.

Required elements of a site development plan and applicable design standards and regulations are moved to new Section 7.2 (Site Development Plan Design Standards and Development Regulations).

- Section 6-A (Intent) is incorporated into the descriptive header for new Section 6.2.2.
- Section 6-B (When Required) is moved to new Section 6.2.2A with minor edits for clarity purposes.
- Section 6-C (Waiver of Requirements) – This section is edited and divided into “Waiver of Review Process” in new Section 6.2.2C-1 and “Waiver of Requirements” in new Section 7.2.1B. The former allows the Zoning Administrator to allow a zoning permit application to be filed instead of a site development plan for additions or modifications to buildings, structures, and uses if the addition does not substantially affect the intent of this section. The latter allows the approval authority to waive certain design standards or development requirements if the waiver is not inconsistent with Section 7.2, if undue hardship would result, or if the requirement is unreasonable.
- Section 6-D (Administration) – Subsections 1 and 2 pertaining to when the Planning Commission and BADA act as approval authority is edited and moved to new Section 6.2.2B-1. Subsections 3 and 4 are deleted as unnecessary – duties of the Commission and BADA are outlined in their respective administrative sections in new Section 2 (Administration). Subsection 5 regarding inspections is amended to authorize only the

DRAFT

Zoning Administrator to conduct inspections.

- Section 6-E (Procedures) – This section is generally moved to new Section 6.2.2B (Review Procedures) with edits and deletions described below:
 - Subsection 1 (Pre-Application Conference Requirement) is moved to new Subsection 6.2.2B-2. Standard procedures for pre-application conferences are found in new Section 2.4B (Pre-Application Conference).
 - Subsection 2 (Application) is reformatted in new Section 6.2.2B-3 (Application Filing, Processing, and Review by Approval Authority). Language regarding required number of copies and format for electronic submission are deleted and moved to the Guidance Manual. Section 2-f regarding fees is addressed generally in the new administrative section on Fees (Section 2.6).
 - Subsection 3 (Action on Site Plan Application) is edited as follows:
 - Subsections 3-a and 3-b are incorporated into new Section 6.2.2B-3 (Application Filing, Processing, and Review by Approval Authority).
 - Subsection 3-c (Action by the Administrative Body) is moved to new Section 6.2.2C-3 (Action by the Approval Authority). In 3-c-1, deleted requirement that a site development plan be in conformance with the Comprehensive Plan or Berryville Area Plan. In 3-c-2, clarified that the approval authority can grant approval conditioned upon the applicant making certain administrative changes or modifications to be verified by the Zoning Administrator upon completion. In 3-c-2, deleted requirement that the approval authority provide reasons for disapproval in writing and replaced with requirement that the reasons be stated in the motion to deny the application.
 - Subsection 3-d (Appeals) is amended to require appeal to the Board of Zoning Appeals as specified in the Code of Virginia.
 - Clarified Subsection 3-e in new Subsection 6.2.2B-1c that the Board of Supervisors is the approval authority for site development plans submitted with rezoning or special use permit applications.
 - Subsection 4 (Compliance with Conditions) is moved to new Section 6.2.2B-4 (Submission of Final Plan for Signature). Specific filing requirements (e.g., number of copies) is deleted and moved to the Guidance Manual.
 - Subsection 5 (Approval Expiration) is moved to new Section 6.2.2D (Expiration).
- Section 6-F (Specifications) is deleted and moved to the Guidance Manual. New Section 2.2.7 authorizes the Zoning Administrator to establish administrative procedures such as

DRAFT

the quantity, format, and size of site development plans to be submitted.

- Section 6-G (Contents) is moved to new Section 7.2.1A (Required Components of a Site Development Plan) with edits as follows:
 - New Subsection 2 requiring source of title of the owner of record.
 - Current Subsections 2 and 3 are combined into new Subsection 3.
 - Deleted second sentence in Subsection 9 regarding size and height of existing buildings as it is redundant with new Subsection 15. Moved to new Subsection 10.
 - Deleted second sentence in Subsection 12 as VDOT's curb and gutter requirements would apply.
 - Replaced Subsection 13 with new Subsection 24 referencing a required off-street parking plan per new Section 7.2.5 (Parking Regulations).
 - Replaced Subsections 14 and 23 with new Subsection 23 referencing a required landscaping plan per new Section 7.2.4 (Landscaping Design Standards) and a new Subsection 25 referencing a required outdoor lighting plan per Section 7.2.6 (Outdoor Lighting Standards).
 - Deleted Subsection 16 regarding stormwater management – defer to DEQ stormwater management oversight.
 - Replaced Subsection 17 with new Subsection 26 referencing a required erosion and sediment control plan demonstrating compliance with County Code Chapter 148).
 - Replaced Subsection 19 with new Subsection 27 referencing flood plain information for any portion of the subject property in the Flood Plain Overlay District.
 - Replaced Subsection 20 with sign information demonstrating compliance with new Section 7.8 (Sign Regulations).
 - Moved Subsection 22 to new Subsection 7.2.4C (Existing Trees) requiring the referenced information to be shown on the landscaping plan.
 - Deleted Subsection 26 requiring distance to nearest school or school site as this bears to relation to any current or proposed regulation.
 - Replaced Subsection 35 regarding traffic studies and information with new Subsection 32 regarding transportation information submitted to VDOT for

DRAFT

compliance review.

- Moved Subsection 36 to new Subsection 33 and edited to apply only to projects in the Berryville Annexation Area.
- Moved Subsection 38 to new Subsection 35 with new reference to Section 8 (Performance and Maintenance Guarantees).
- Section 6-H (Improvements and Minimum Standards) -- This section is divided mostly among various subsections in new Section 7.2 (Site Development Plan Design Standards and Development Regulations) with edits as described below:
 - Subsection 1 (Streets and Rights of Way) is moved to new Section 7.2.2 (Streets, Public Rights-of-Way, and Pedestrian Facilities) with the following edits:
 - Added language to note that traffic studies can be required by VDOT.
 - Deleted second sentence in Subsection 1-b as the approval authority should not be modifying street design standards.
 - In Subsection 1-d, changed “connectors” and “connections” to “access points.”
 - Modified Subsection 1-e to reference compliance with implementing component plans in addition to the Comprehensive Plan and Berryville Area Plan. Removed “to the satisfaction of the Administrative Body or Agent” as VDOT would be responsible for approving road construction.
 - Amended Subsection 2 (Cul-de-Sacs) to reference VDOT requirements instead of Subdivision Ordinance. Moved to new Section 7.2.2G.
 - Subsection 3 (Parking) is deleted as parking is addressed by new Section 7.2.5 (Parking Regulations).
 - Subsection 7 (Water and Sewer Systems) is moved to new Section 7.2.3B and renamed “Public Water and Public Sewer Systems” to distinguish from private systems.
 - Subsection 8 (Site Development Plans; Improvements and Minimum Standards; Stormwater Management) is moved to new 7.2.7B (Stormwater Management) and edited to state that if a stormwater management plan is required by state law, a copy of the submission must be filed with the site development plan and the stormwater management plan must be approved before the site development plan can be approved.

DRAFT

- Subsection 10 (Landscaping Design Standards) is moved to new Section 7.2.4 and edited as follows:
 - Subsection a (Purpose) – Moved to new Section 7.2.4A and deleted Code of Virginia references in Subsections 6 and 7 as unnecessary.
 - Added new Section 7.2.4B (Preparation of Landscaping Plan and Certification of Plantings) to describe which professionals may prepare a landscaping plan under which circumstances. Also requires inspection by specified professionals of any existing trees proposed for credit, and final inspection of all new plantings.
 - Subsection b (Existing Trees) – Moved to new Section 7.2.4C and rewritten to incorporate provisions for tree protection during construction and replacement of trees damaged or destroyed during construction. Includes a new Subsection 4 to allow credit for preservation of existing trees.
 - Subsection c (Buffer-areas) – Moved to new Section 7.2.4D (Buffer Area Landscaping). Minimum buffer area width requirements are clarified in new Table 7.2.4[2] with new use categories and explanations of which zoning districts are included in each category. Required plant material is clarified in new Table 7.2.4[3] with minimum planting size requirements clarified in new Table 7.2.4[4]. Concepts regarding use of fences, walls, and additional plant material incorporated into new Section 7.2.4H which allows for an alternative landscaping plan.
 - Tree and shrub specifications in Subsection 7-a through e are incorporated into new Table 7.2.4[5] (Specifications for Trees and Shrubs). Leyland cypress is now listed as a prohibited evergreen species.
 - New Section 7.2.4H allows for alternative landscaping plans to be proposed to address site specific conditions. Allows for reduced planting rates, alternative locations due to presence of public facilities, provision of screening fences and walls, and other methods to achieve the intent of this Section.
 - Subsection g (Maintenance Standards) is moved to new Section 7.2.4I (Maintenance Standards). Prohibition on use of public water or groundwater for watering plant material more than one year after installation is deleted. Language regarding rain catchment systems is moved to the alternative landscaping plan section (new Section 7.2.4H).
 - Added new Section 7.2.4J (Performance Guarantee) to allow a certificate of occupancy to be issued without planting landscaping with the posting of a surety. Added new Section 7.2.4K (Maintenance Guarantee) to ensure

DRAFT

the viability of new plantings for up to one year from issuance of certificate of occupancy or from the date of final installation of all plantings.

- Subsection 11 (Outdoor Lighting Standards) is moved to new Section 7.2.6. Definitions in Subsection a-8 are moved to new Article III (Definitions).
- Subsection 12 (Design Standards for Wireless Communication Facilities (WCFs) is moved to new Section 7.3 (Wireless Communication Facility (WCF) Design Standards) with the following edits:
 - Moved Subsection a-1 to new Section 7.3A-1 and added language to clarify that Class 5 (amateur radio antennas) and Class 6 (antenna support structures) WCFs are not required to be a monopole or stealth design.
 - Moved Subsection a-3 (Height requirements) to the use standards for the Wireless Communication Facility (WCF) use in Section 5.2C (Business Uses).
 - Moved Subsection a-5 (Setbacks and buffering) to new Section 7.3B with the following edits:
 - Edited current Subsection a-5-a (Setback from property lines and structures) to increase the setback from property lines and structures for Class 1-4 WCFs to the WCF's fall zone plus 10% of the WCF's height, or the WCF's fall zone plus 10% of the WCF's height and required perimeter buffer area, whichever is greater.
 - Edited current Subsection a-5-c (Method for measuring setback distances) to delete language generally exempting guy lines from side and rear yard setback requirements.
 - Moved Subsection b (Application Requirements) to new Section 7.3C with the following edits:
 - Edited current Subsection b-1-g to conform to Code of Virginia requirements which no longer allows localities to require a statement justifying the need for a proposed WCF. New language in Section 7.3C-1g now requires a description of how the location of a proposed WCF is consistent with the guidance provided in the County's Telecommunications Engineering Study.
 - Edited current Subsection b-3-a to require a zoning permit application with a site sketch for Class 5 WCFs instead of a site development plan. Subsections b3-b and c are moved to the use regulations for the WCF use in new Section 5.2C. Current

DRAFT

Subsection b-3-a moved to new Section 7.3C-3a.

- “Review Procedures by Class” table is deleted and moved to the Guidance Manual.
- Subsection 13 (Erosion and Sediment Control) is moved to new Section 7.2.7A and edited to reference the requirements of Code of Clarke County Chapter 148 (Erosion and Sediment Control Ordinance) which governs the County’s program. Reference to the Zoning Administrator/Code Enforcement Officer is deleted as Chapter 148 describes the plan approval authority.
- Subsection 15 (Sinkhole and Karst Features) is moved to new Section 7.2.7D (Geotechnical Issues – Karst and Sinkholes) with the following edits:
 - Definitions in Subsection b are moved to new Article III (Definitions).
 - In Subsection c (Site Review), reference to “examination for karst features” to be completed prior to any public hearing process is amended to require submission of a report in conjunction with the site development plan.
- Section 6-I (Construction and Bonding) – Moved to new Section 7.2.8 (Plan Approval and Construction) with the following edits:
 - Referenced the posting of all required performance guarantees per Section 8 (Performance and Maintenance Guarantees) prior to conducting any site improvement activities.
 - Deleted reference to approval of an erosion and sediment control plan, approval of bonding, and installation of erosion control measures in Subsections 1-a through c as redundant.
 - Deleted Subsection 4 regarding posting of a bond as redundant.
- Section 6-J (Revisions) – Moved to new Section 7.2.8C (Minor Revisions) and expanded to clarify when the Zoning Administrator can approve a minor revision and what constitutes one. Also requires revised plan sheets to be provided by the applicant and written justification for approval of the minor revision by the Zoning Administrator.
- Section 6-K (Termination and Extension) – This section is deleted as it is referenced in the review process for site development plans (new Section 6.2.2).

DRAFT

ARTICLE 7 – Appeals, Variances, Interpretations, and Modifications

- Section 7-A (Appeals, Variances, Interpretations, and Modifications) – This current section has been divided as follows:
 - Subsections 1-a through m (Board of Zoning Appeals – Organization and Procedures) are moved to new Section 2.2.6 (Board of Zoning Appeals) and edited to match the format of this new section.
 - Subsections 1-n (Hearings – Procedures) is moved to new Section 6.4.1A (General Procedures – Board of Zoning Appeals; Hearings).
 - Subsection o (Appeal of Decision of Board) is moved to new Section 6.4.1B (Appeal of Board of Zoning Appeals Decision).
 - Subsection 2 (Appeals of Administrative Determinations) is moved to new Section 6.4.3 (Appeal) and edited to match the format of this new review process section. Additional edits as follows:
 - Reference to modifications in current Subsection 2-b is deleted as zoning administrator-issued modifications is proposed for deletion. Moved to new Section 6.4.3B-1.
 - Second sentence in current Subsection 2-e is deleted and replaced with reference to the general requirements for public hearings in new Section 2.5 (Public Hearings). Moved to new Section 6.4.3B-2.
 - Subsection 3 (Variances) is moved to new Section 6.4.2 and edited to match the format of this new review process section. Additional edits as follows:
 - Current Subsection c regarding Planning Commission involvement in the review of variance applications is deleted.
 - Reference to modifications in current Subsection 3-e-2-e is deleted as zoning administrator-issued modifications is proposed for deletion. Moved to new Section 6.4.2C-2e.
 - Subsection 4 (Zoning District Map Interpretations) is moved to new Section 6.4.4 (Interpretation of Zoning District Map) and edited to match the format of this new review process section. Second sentence in Subsection 4 is edited to reference the general public hearing section in new Section 2.5.
 - Subsection 5 (Limitations on Powers of Board) is deleted as unnecessary.

DRAFT

- Section 7-B (Modifications) is proposed for deletion.

ARTICLE 8 – Amendments

- This current section combines the review processes for rezoning, conditional zoning, amendment of proffered conditions, and text amendments. These processes are reformatted and moved to the following new sections as separate review processes:

Rezoning – new Section 6.3.3

Conditional Zoning – new Section 6.3.4

Amendment of Proffered Conditions – new Section 6.3.5

Text Amendment – new Section 6.3.6

- Subsection B-1-b (Text Amendment) is amended to clarify the list of who can apply for a text amendment by referencing new Section 2.4.2 (Application Filing and Representation by Person or Entity Other than Property Owner).
- Section 8-C-6 (Site Development Plan) is amended to make submission of a site development plan or subdivision plat optional for conditional zoning applications per new Section 6.3.4B-3a.
- Section 8-D-2-d authorizes the Planning Commission to require applicant submission of any such information as it may deem necessary to determine whether the proposed amendment is detrimental to public health, safety, or general welfare. This section is deleted as it is overbroad.
- Section 8-E-2-b is deleted as unnecessary.
 - Subsection 8-E-3 (Criteria for Action on Proposed Amendment) is amended as follows to reference review “factors” that can be considered in addition to any other factors deemed applicable by the approval authority, in considering a rezoning (see new Section 6.3.3D-2) or conditional zoning (see new Section 6.3.4C-1) application:
 - Subsection 3-a – Amended to reference implementing component plans. New 6.3.3D-2a.
 - Subsection 3-b – Deleted as unnecessary.
 - Subsection 3-c – Changed the word “consistent” to “compatible.” New 6.3.3D-2b.

DRAFT

- Subsection 3-d – Deleted criterion regarding impact to property values as interpretation is very subjective.
- Subsection 3-e -- Clarified that undue adverse impacts on conservation value or impeding operations of an active agricultural or forestal operation will be considered. New Section 6.3.3D-2c.
- Subsection 3-f – Clarified that compliance with Virginia Department of Transportation (VDOT) requirements is required. New Section 6.3.3D-2d.
- Subsection 3-g – Minor edits. New Section 6.3.3D-2e.
- Subsection 3-h – Wording expanded to describe specific rare and irreplaceable natural areas and areas of outstanding natural beauty. New Section 6.3.3D-2f.
- Subsection 3-i – Incorporated wildlife and plant habitats into Section 6.3.3D-2f.
- Subsection 3-j – Minor edits. New Section 6.3.3D-2h.
- Subsection 3-k – Minor edits. New Section 6.3.3D-2i.
- Subsection 3-l – Incorporated undue surface or groundwater pollution into new Section 6.3.3D-2f.
- Subsection 3-m – Deleted as septic system impacts would be addressed by the Virginia Department of Health (VDH).
- Subsection 3-n – Deleted as soil erosion would be addressed through review of an erosion and sediment control plan.
- Subsection 3-o – Deleted as flooding would be addressed through flood plain regulations found in Section 4.2.1 (Flood Plain Overlay District) and through the Virginia Department of Environmental Quality’s (DEQ) review of a stormwater management plan.
- Subsection 3-p – Deleted as DEQ regulates air pollution. Undue odors or fumes are addressed in new Subsection 6.3.3D-2g.
- Subsection 3-q – Moved to new Subsection 6.3.3D-2g with no changes.

DRAFT

ARTICLE 9 – DEFINITIONS

- Most Zoning Ordinance definitions are moved to new Article III (Definitions). Definitions for uses are moved to the specific use section in new Section 5 (Uses). See these sections for specific edits, additions, and deletions.

ARTICLE 10 – Administration Provisions

- Section 10-A (Conflict with Statutes, Local Ordinances, or Regulations) – Moved to new Section 1.3.2 and replaced with a clearer and simplified version.
- Section 10-B (Issuance of Permits and Licenses) – Moved to new Section 2.3 and replaced “licenses” with “approvals.”
- Section 10-C (Violations and Penalties) – Violations moved to new Section 10.2 (Specific Violations) and expanded to include a list of examples of violations. Penalties moved to new Section 10.5 (Remedies and Penalties) and expanded to describe the list of remedies available to correct violations. Current 10-D (Remedies Not Exclusive) is also moved to new Section 10.5.
- Section 10-E (Public Hearings) – This section is moved to new Section 2.5. Current language is replaced with a reference to compliance with Code of Virginia Section 15.2-2204 regarding the conduct of public hearings. Language is also included to note that the Zoning Administrator is responsible for preparing and effecting the public hearing notification including all required mailings and advertisements and posting of notification signage on the subject property.
- Section 10-F (Fees) – This section is moved to new Section 2.6 and is edited to refer to the County’s fee schedule adopted by the Board of Supervisors. Language is added to note that an applicant may also be required to bear the costs of professional services employed to review the application.
- Section 10-H (Repeal of Conflicting Ordinances) – This section is moved to new Section 1.4.1. Reference to the current Zoning Ordinance adoption date of August 14, 1985 is added. Second sentence regarding repeal of all or parts of other ordinances in conflict with this Ordinance is deleted as overbroad.
- Section 10-I (Effective Date) – Moved to new Section 1.1 (Ordinance Authority, Enactment, and Effective Date). Language is added to reference the Code of Virginia authority for adoption of a local zoning ordinance. The effective date of the adoption of the revised Zoning Ordinance will be added when that date is determined.

CHANGES TO ZONING ORDINANCE USES -- COUNTY ZONING DISTRICTS (DRAFT)

Note -- This chart outlines the changes to the County Zoning District uses listed in new Section 5.2 (AOC, FOC, RR, CN, and CH Districts). The changes to uses in the Berryville Annexation Area Districts listed in new Section 5.3 (OSR, DR-1, DR-2, DR-4, BC, B, BP and ITL Districts) involved incorporating current definitions and use regulations from the Town of Berryville Zoning Ordinance.

AGRICULTURAL USES -- SECTION 5.2A		
Use	Substantive Changes	Definition
Agricultural Building	New use	New
Agriculture	Deleted as special use the RR District	Minor edits
Bio-solids land application, to the extent required by State law	Added as permitted use in FOC District; renamed " Biosolids Land Application "	Minor edits
Breweries, Farm	Renamed " Farm Brewery "	No change
Distilleries, Farm	Renamed " Farm Distillery "	No change
Forestry	Deleted as special use in the RR District and as permitted use in the CH District	Replaced with new definition
Intensive Livestock, Dairy, or Poultry Operation	New use created from "agriculture" and current supplementary regulations	Minor edits
Livestock auction markets	None	No change
Small-scale processing of fruits and vegetables	None	No change
Wholesale or retail sale of agricultural products, grown or processed in conjunction with an agricultural operation, that is clearly accessory and incidental to that agricultural operation.	Renamed " Wholesale or Retail Sale of Agricultural Products "	New
Wineries, Farm	Renamed " Farm Winery "	No change

AOC -- Agricultural-Open Space-Conservation District (see Section 4.1.1)

FOC -- Forestal-Open Space-Conservation District (see Section 4.1.2)

RR -- Rural Residential District (see Section 4.1.3)

CN -- Neighborhood Commercial District (see Section 4.1.4)

CH -- Highway Commercial District (see Section 4.1.5)

RESIDENTIAL USES -- SECTION 5.2B		
Use	Substantive Changes	Definition
Accessory Uses and Structures	Renamed " Accessory Structure " for AOC, FOC, and RR Districts; created new use " Commercial Accessory Structure " for CH and CN Districts	Replaced with new definition
Dwelling (less than 600 sf)	Renamed " Minor Dwelling "; added new regulations for onsite sewage disposal systems	New
Dwelling unit for owner, manager, watchman, or caretaker and their immediate family	Renamed " Commercial District Accessory Dwelling "	New
Group home	New use created from definition for "single-family dwelling"; required by State law	New
Home garden	New use created to distinguish from "agriculture"	New
Home occupation	Several substantive changes to use regulations (see document, "Summary of Changes to Current Zoning Ordinance Articles")	Minor edits
Manufactured home	New use created to distinguish from "single-family dwelling"	No change
Non-residential building	New use created to distinguish from "accessory structure"; limited in size and allowed to be located on AOC or FOC lot without a single-family dwelling	New
Single-family detached dwelling	Renamed " Single-Family Dwelling "; added new regulations for "secondary dwellings"	Replaced with new definition
Temporary family health care structure	None	New
Tenant houses	Renamed " Tenant House "; Added new regulations for onsite sewage disposal systems	Replaced with new definition

AOC -- Agricultural-Open Space-Conservation District (see Section 4.1.1)

FOC -- Forestal-Open Space-Conservation District (see Section 4.1.2)

RR -- Rural Residential District (see Section 4.1.3)

CN -- Neighborhood Commercial District (see Section 4.1.4)

CH -- Highway Commercial District (see Section 4.1.5)

BUSINESS USES -- SECTION 5.2C		
Use	Substantive Changes	Definition
Automobile repair business	New use added to replace "gasoline filling stations for servicing and repair of motor vehicles when in a completely enclosed structure" and "garages for storage and repair of motor vehicles when in a completely enclosed structure"; allowed by special use in CH District; deleted as special use in CN District	New
Bowling alleys	Removed as special use in CN District	New
Catering	New use created to distinguish from "restaurant"	New
Broadcast studios	Deleted as an allowable use	n/a
Commercial accessory structure	New use created to distinguish from "accessory structure" in AOC, FOC, and RR Districts	New
Commercial boarding kennel	Use split from current use, "Veterinary services, animal hospitals, commercial boarding kennels, breeding kennels"	Replaced with new definition
Commercial breeding kennel	Use split from current use, "Veterinary services, animal hospitals, commercial boarding kennels, breeding kennels"	Replaced with new definition
Commercial center	New use split from "retail and service business" and designed to apply to shopping centers and retail buildings with more than one business; allowed as a permitted and special use in the CH District only subject to size limitations	New
Convenience store with gasoline sales	New use added to replace "gasoline filling stations for servicing and repair of motor vehicles when in a completely enclosed structure"; allowed as a permitted use in CH District	New
Country inn	Added language to require a country inn to use a DUR; if developed as a new structure, the structure shall be designed to resemble a single-family dwelling capable of being converted to a single-family dwelling use	Minor edits
Dance halls	Deleted as an allowable use	n/a
Day care centers (allowed only on parcels fronting on the business routes of Primary Highways as designated by VDOT)	Renamed " Day Care Center "	Replaced with new definition
Enclosed outdoor storage	Deleted as an allowable use	n/a
Extraction of natural resources -- limited	Renamed " Limited Extraction of Natural Resources "	No change

Use	Substantive Changes	Definition
Farm machinery sales and service	None	No change
Farm supplies sales	None	No change
Feed and grain mill	None	New
Financial Institutions	None	New
Firearms sales and service	None	New
Funeral home	Renamed from "Undertaking establishments, mortuaries, funeral homes;" deleted as an allowable use in the CN District, changed to a special use in the CH District	Replaced with new definition
Gasoline filling stations for servicing and repair of motor vehicles when in a completely enclosed structure	Use replaced by " Convenience Store with Gasoline Sales " and " Automobile Repair Business "	n/a
Gasoline sales	Freestanding gas stations are deleted as an allowable use; Use replaced by " Convenience Store with Gasoline Sales "	n/a
Garages for storage and repair of motor vehicles when in a completely enclosed structure	Use replaced by " Automobile Repair Business "	n/a
Hotel	New use combining hotels, motels, and travel lodges	Replaced with new definition
Mini-storage units, and, as an accessory use, outdoor vehicle storage	Renamed " Self-Service Storage Facility "	n/a
Motels	Use replaced by "hotel" (includes motel)	n/a
Motor vehicles sales, service, and rental	Deleted as an allowable use	n/a
Offices	Merged into " Professional Service Business " use	n/a
Parking areas and loading spaces	Deleted as a standalone use; will continue to be regulated as a component of a business site per Section 7.2.5	n/a
Pool rooms, billiard parlors, game arcades	Deleted as an allowable use	n/a
Personal service business	New use created to differentiate from " Retail Business and " Professional Service Business "	New
Professional services	Renamed " Professional Service Business ;" incorporates current "Office" use	Replaced with new definition
Recreational structures and uses (commercial)	Renamed " Commercial Recreational Uses and Structures "	Minor edits

Use	Substantive Changes	Definition
Restaurants	"Catering" use created as a standalone use and as an accessory activity to restaurant; added regulations for drive-throughs, entertainment activities	Replaced with new definition
Restaurants with entertainment, nightclubs, taverns, bars	Deleted as standalone use -- entertainment activities folded into "restaurant" use	n/a
Retail and service businesses	Renamed " Retail Business "; other retail and service business uses with floor area thresholds are combined under the retail business use as regulations; regulations added for two businesses on same lot in CN District	Replaced with new definition
Retail and service businesses (with a maximum gross floor area of 5,000 square feet for each free-standing business or for each business in a shopping center)	Deleted as a standalone use -- floor threshold concepts incorporated as " Retail Business " use regulations	n/a
Retail and service businesses (with a maximum gross floor area of 15,000 square feet for each free-standing business or for each business in a shopping center)	Deleted as a standalone use -- floor threshold concepts incorporated as " Retail Business " use regulations	n/a
Retail and service businesses (with a gross floor area of 15,000 square feet but less than 50,000 square feet for each free-standing business or for each business in a shopping center)	Deleted as a standalone use -- floor threshold concepts incorporated as " Retail Business " use regulations	n/a
Sawmills	None	New
Self-service storage facility	Renamed from "Mini-storage units, and, as an accessory use, outdoor vehicle storage"	New
Shops for welding, blacksmith, tinsmith, woodworking	None	New
Solar power plant, large photovoltaic	Renamed " Solar Power Plant "	No change
Special trade contractor	Renamed " Specialty Trade Contractor " to match NAICS terminology	New -- references NAICS definition
Stone cutting, monument works	Deleted as an allowable use	n/a
Truck stop (no motor freight terminal)	Deleted as an allowable use	n/a

Use	Substantive Changes	Definition
Undertaking establishments, mortuaries, funeral homes	Renamed " Funeral Home "	n/a
Veterinary clinic	Use split from current use, "Veterinary services, animal hospitals, commercial boarding kennels, breeding kennels"	New
Veterinary services, animal hospitals, breeding kennels of more than 15 canine animals, animal shelter/governmental	Use divided into separate uses -- " Commercial Boarding Kennel, " " Commercial Breeding Kennel, " " Veterinary Clinic, " and " Animal Shelter, Governmental "	n/a
Veterinary services, animal hospitals, breeding kennels	Use divided into separate uses -- " Commercial Boarding Kennel, " " Commercial Breeding Kennel, " and " Veterinary Clinic "	n/a
Veterinary services, animal hospitals, commercial boarding kennels, breeding	Use divided into separate uses -- " Commercial Boarding Kennel, " " Commercial Breeding Kennel, " and " Veterinary	n/a
Warehousing	Deleted as an allowable use	n/a
Wireless communication facilities (WCFs)	Increased required setback to WCF height + 10%	No change

AOC -- Agricultural-Open Space-Conservation District (see Section 4.1.1)

FOC -- Forestal-Open Space-Conservation District (see Section 4.1.2)

RR -- Rural Residential District (see Section 4.1.3)

CN -- Neighborhood Commercial District (see Section 4.1.4)

CH -- Highway Commercial District (see Section 4.1.5)

RECREATION/EDUCATION/ASSEMBLY USES -- SECTION 5.2D		
Use	Substantive Changes	Definition
Campgrounds	None	Minor edits
Churches and other places of religious assembly	Renamed " Churches and Other Places of Worship "	Minor edits
Churches and other places of religious assembly (with a maximum seating capacity in the main assembly area of 300 people)	Combined under " Churches and Other Places of Worship "	n/a
Clubs (private)	Renamed " Private Club "; added requirement that private clubs in AOC and FOC as special use have frontage on a primary highway and approved commercial entrance; permitted use in CN and CH Districts, special use in AOC and FOC Districts	Replaced with new definition
Clubs, lodges (private)	Combined under " Private Club "	n/a
Community centers	None	New
Golf course	Deleted as an allowable use	n/a
Historic mill	None	No change
Historic structure museums	None	No change
Open space	Deleted as a use -- not necessary to regulate open space as a use	n/a
Public assemblies, minor commercial	Renamed " Minor Commercial Public Assembly "	Replaced with new definition
Summer camps	None	No change
Theaters, indoor	Renamed " Indoor Theater "	New
Theaters, outdoor	Deleted as an allowable use	New

AOC -- Agricultural-Open Space-Conservation District (see Section 4.1.1)

FOC -- Forestal-Open Space-Conservation District (see Section 4.1.2)

RR -- Rural Residential District (see Section 4.1.3)

CN -- Neighborhood Commercial District (see Section 4.1.4)

CH -- Highway Commercial District (see Section 4.1.5)

PUBLIC AND MISCELLANEOUS USES -- SECTION 5.2E

Use	Substantive Changes	Definition
Animal shelter, governmental	Use split from current use, "veterinary services, animal hospitals, breeding kennels of more than 15 canine animals, animal shelter/governmental;" permitted use in CH District, special use in AOC, FOC, and CN Districts	No change
Cemeteries	Renamed " Cemetery "	New
Community services	Renamed " Community Services Facility "; split " Fire and/or Rescue Squads " and " Passive-Use Public Park " as separate new uses	Minor edits
Fire and/or rescue squads	Use split from current use "community services" and combined with "volunteer fire and/or rescue squads"	New
Passive-use public park	Use split from current use, "community services"	Minor edits
Public utility uses and structures	Renamed " Public Utility Facility "; added "citizen convenience centers for solid waste and/or recyclable material collection" to definition; permitted use in CN and CH Districts, special use in AOC and FOC Districts	New
Public utility uses and structures, except extensive storage or storage as a primary use	Combined under " Public Utility Facility "	n/a
Sanitary landfills	Deleted as an allowable use	n/a
Wind turbine, small	Renamed " Small Wind Energy System "	Minor edits
Volunteer fire and/or rescue squads	Renamed " Fire and/or Rescue Squads "	New

AOC -- Agricultural-Open Space-Conservation District (see Section 4.1.1)

FOC -- Forestal-Open Space-Conservation District (see Section 4.1.2)

RR -- Rural Residential District (see Section 4.1.3)

CN -- Neighborhood Commercial District (see Section 4.1.4)

CH -- Highway Commercial District (see Section 4.1.5)

DRAFT

SUMMARY OF PROPOSED CHANGES TO CURRENT SUBDIVISION ORDINANCE ARTICLES

This document provides descriptive summaries of the substantive and technical changes to each Article of the current (2020) Clarke County Subdivision Ordinance. The document is not intended to be an all-inclusive list of changes and does not include descriptions of all minor formatting changes or wording changes for clarification purposes. For descriptive summaries of new provisions incorporated into the revised Subdivision Ordinance (Article II), consult the document titled Proposed Revision of the Clarke County Zoning and Subdivision Ordinances – Narrative Summary.

ARTICLE 1 – Purpose, Title and General Provisions

- Purpose (Section 1-A) moved to new Section 1.2 (Purposes and Intent). Title (Section 1-B) moved to new Section 1.1 (Ordinance Authority, Enactment, and Effective Date).
- General Provisions-Private Contracts (Section 1-C-1) moved to new Section 1.3.4. Section 1-C-2 (Interpretation) is deleted as unnecessary.

ARTICLE 2 – Usage and Definitions

- General usage provisions (Section 2-A) are moved to new Article III (Definitions), Section 1.2 (General Usage of Terms)
- Most Subdivision Ordinance definitions are moved to new Article III (Definitions). See document titled Summary of Proposed Changes to Zoning and Subdivision Ordinance Definitions.

ARTICLE 3 – Administration

- Moved Section 3-A (Administration by Planning Commission) to new Section 2.1.3 (Planning Commission) which outlines the role and responsibilities of the Commission under the Subdivision Ordinance. Language is edited to conform to the new format of this Section.
- Section 3-B (Performance of Duties) is deleted as unnecessary.
- Section 3-C (Regulations) is deleted – authority for administrative rules and procedures is included under the Zoning Administrator responsibilities in new Section 2.1.2.
- Section 3-D (Obtaining Opinions) is moved to new Section 2.1.6 (Federal, State, and Local Review Agencies and Departments) and edited to reference the typical agencies and departments that are consulted on applications.
- Section 3-E (Subdivision of Land in Two Jurisdictions) is moved to new Section 4.4.4 (Subdivisions and Boundary Line Adjustments along Jurisdictional Boundaries).

DRAFT

Language is edited to reference “lot” uniformly instead of “tract,” “parcel,” and “property.”

ARTICLE 4 – Procedure for Subdivision Approval

- Pre-Application Conference Requirement (Section 4-A) is moved to new Section 2.2.1B (Pre-Application Conference) and edited for clarity purposes.
- Application (Section 4-B) is edited extensively as follows:
 - New Section 3 (Review Processes) is developed to outline the application processes for subdivision and non-subdivision review processes:
 - Subdivision processes – Minor Subdivision (new Section 3.2.1) and Major Subdivision (new Section 3.2.2).
 - Non-subdivision processes – Administrative Land Division (new Section 3.3.1), Boundary Line Adjustment (new Section 3.3.2), Merger (new Section 3.3.3), Vacation of Plat (new Section 3.3.4), Public Utility Lot Division (new Section 3.3.5) and Court-Ordered Partitions of Land (new Section 3.3.6).
 - The preliminary plat process is eliminated as it is most applicable to large subdivisions and phased developments which do not occur under the County’s development regulations. Applicants will follow a single-step plat review process.
 - Technical requirements for plat submission in Section 4-B-4-a are deleted and will be moved to the Guidance Manual.
 - Payment of fees (Section 4-B-5) are now referenced in new Section 2.4 (Fees)
 - Plans for Water and Sewerage Facilities (Section 4-B-6) are incorporated into the required components for minor subdivisions (new Section 4.1.1A) and major subdivisions (new Section 4.1.2A). Current Section 4-B-6-c is deleted as being outdated and potentially in conflict with the County’s well and septic ordinances.
 - Section 4-B-7 regarding acceptance of public streets is incorporated into the required components for major subdivisions (new Section 4.1.2A-6).
- Acceptance for Filing (Section 4-C) is edited as follows:
 - Sections 4-C-1 and 4-C-2 regarding the scope of the Zoning Administrator’s authority to require additional necessary information, establish filing deadlines, and determine application completeness are incorporated into new Section 2.1.2C (Administrative Authority). Acceptance of a complete application is described

DRAFT

generally in new Section 2.2.1C.

- Routing of applications to review agencies is described for minor subdivisions in new Section 3.2.1D and for major subdivisions in new Section 3.2.2D.
- The location of documents for public review (Section 4-C-4 and Section 4-D) is moved to new Section 2.2.5 (Public Disclosure).
- Fees (Section 4-C-5) are addressed in new Section 2.4.
- Review agencies listed in Section 4-E-1 are now referenced in Section 2.1.6 (Federal, State, and Local Review Agencies and Departments). Preparation of a staff report referenced in Section 4-E-2 are incorporated into the review processes for minor and major subdivisions (new Sections 3.2.1 and 3.2.2).
- Public Hearings (Section 4-F) are described generally in new Section 2.3 and are edited to reflect current State code requirements. Public hearings are required only for major subdivisions and are described in new Section 3.2.2D (Application Filing, Processing, and Review by Approval Authority).
- Section 4-G (Action on Preliminary Plat) is deleted entirely with the elimination of the preliminary plat process.
- Section 4-H (Submission of Plans and Profiles) is incorporated to new Section 4.5 (Subdivision and Construction Plan Design Standards) which expands the requirements for submission of construction plans. Review of construction plans is now listed as a review process in new Section 3.4 (Construction Plan Review Process). The numbers of copies to be provided are addressed in the Guidance Manual.
- Section 4-I (Submission of Record Plat) moved to new Section 4.1.3 (Record Plat Requirements for Subdivisions) and expanded to contain all required components of a record plat submission. The numbers of copies to be provided are addressed in the Guidance Manual.
- Provisions in Section 4-J (Action on Record Plat) have been incorporated into the review processes for minor subdivisions (new Section 3.2.1) and major subdivisions (new Section 3.2.2).
- Provisions in Section 4-K (Recordation of Plats) pertaining to plat recordation generally have been moved to new Section 3.1.3 (Plat Recordation).
- Section 4-L (Burden of Proof) is deleted as unnecessary.
- Section 4-M (Administrative Land Divisions) is moved to new Section 4.4.5 (Administrative Land Divisions – Special Regulations). Administrative land divisions

DRAFT

are established as a review process in new Section 4.2.1.

- Section 4-N (Applications for Subdivisions in the Forestal-Open Space-Conservation (FOC) District) is moved to new Section 4.4.2 (Subdivision of Land in the Forestal-Open Space-Conservation (FOC) District) with minor edits for clarity and consistency purposes.

ARTICLE 5 – Environmental Inventory and Impact Statement

- Moved to new Section 4.6.2. Current Section 5-A-1-1 is deleted as vague and confusing.

ARTICLE 6 – Consumer Disclosure Statement

- Moved to new Section 4.6.3. Cost estimates for public utility services in Section 6-A-6 is deleted as unnecessary and unenforceable. Section 6-A-10 regarding statements in the consumer disclosure statement being binding covenants is deleted as unenforceable. Deleted Section 6-C (Recordation) as the consumer disclosure statement should not be recorded with the record plat.

ARTICLE 7 – Details of Plat Requirements

- Section 7-A (Exploratory Sketch Plans) is deleted. These plans only apply to sectional development described in Section 9-D-1 which will also be deleted.
- Section 7-B (Preliminary Plat) and Section 7-C (Record Plat) are merged into a new Section 4.1.3 (Record Plat Requirements for Subdivisions) with the preliminary plat process being eliminated. New sections are edited for clarity and consistency purposes. Additional modifications to these two Sections are described as follows:
 - Section 7-B-4-a – Third sentence referencing future lots is deleted. Future lots should not be shown on a record plat.
 - Section 7-B-5-c – Moved to new Section 4.5.3B-8 (Restrictive Covenants Requirement) and edited for clarity and consistency purposes.
 - Section 7-C-2 – Deleted with elimination of preliminary plat process.
 - Section 7-C-3-a – Deleted as requirements for original tracings are outdated.
 - Section 7-C-3-d – Moved to new Section 4.5.6 (Private Wells and Onsite Sewage Disposal Systems) and edited for clarity and consistency purposes. Edited Subsection 3 to require drainfield capacity to be provided with the record plat application but not shown on the record plat.
 - Section 7-C-3-e – Deleted as redundant.

DRAFT

- Section 7-C-3-p – Edited the wording of the Emergency Services Notice per County Attorney review.
- Section 7-C-4-c – Addressed in new Section 5 (Performance and Maintenance Guarantees).
- Section 7-C-4-e – Moved to new Section 4.3 (Construction Plan Requirements).
- Section 7-C-4-i – Moved to new Section 4.3 and expanded to require an erosion and sediment control plan for any project that meets the minimum threshold for plan submission.

ARTICLE 8 – Design Requirements

- Section 8-A (Design Principles) contains subdivision design principles that are advisory and not compulsory in nature. These are deleted from the Ordinance and moved to the Guidance Manual.
- Section 8-B (Lots and Building Areas) is moved to new Section 4.5.1 with edits for clarity and consistency purposes. Additional edits are as follows:
 - Second sentence in Section 8-B-1 is deleted as confusing. Provisions are divided into separate subsections in new Section 4.5.1 as there is no reason to group them.
 - Section 8-B-4 – Deleted as the Planning Commission cannot require greater setbacks.
 - Section 8-B-5 – Deleted as lot design cannot be mandated on a case-by-case basis according to the proposed use.
 - Section 8-B-6 – Deleted as the Planning Commission cannot have broad discretion to allow double-frontage lots and review criteria does not make sense.
 - Section 8-B-7 is deleted as unnecessary.
- Section 8-C (Streets) is moved to new Section 4.5.2 (Public Streets) with edits for clarity and consistency purposes. Additional edits are as follows:
 - Section 8-C-2 – Deleted as you cannot legally require dedication for road improvements.
 - Section 8-C-3 and 4 – Deleted as these two subsections conflict with one another and you cannot require interparcel access.

DRAFT

- Section 8-C-5 – Replaced with reference to County Code Section 56 which supersedes this section for street naming.
- Section 8-C-8 – Deleted as you cannot require road features to control ingress/egress as described in this subsection.
- Section 8-C-11 – Deleted as redundant.
- Section 8-C-14 – Deleted as you cannot impose more stringent requirements on a case-by-case basis.
- Section 8-D (Pedestrian Circulation) is deleted as it is vague and inapplicable to subdivisions under County regulations.
- Section 8-E (Common Open Space) is deleted as you cannot require dedication of common open space in an administrative review process.
- Section 8-F (Public Facilities) is deleted as you cannot require dedication of land for public facilities in an administrative review process.
- Section 8-H (Unsafe Land) is deleted as the current section is not enforceable as written.
- Section 8-I (Drainage) is incorporated into new Section 4.5.5 (Stormwater Management) and updated.
- Section 8-J (Private Access Easements) is moved to new Section 4.5.3 with edits for clarity and consistency purposes. Additional edits are as follows:
 - Section 8-J-1-b is deleted as unnecessary.
 - Section 8-J-1-b is deleted as erosion and sediment control is addressed in conjunction with construction plan requirements in new Section 4.3.
 - Section 8-J-1-f regarding private driveways longer than 150 feet is deleted. New driveway standard is proposed in Zoning Ordinance Section 7.4.4 (Private Driveway Standards).

ARTICLE 9 – General Regulations

- Section 9-A (Mutual Responsibility) is deleted as unnecessary.
- Section 9-B (Transfers, Sales, and Permits to Build) is edited and moved to new Section 3.1.2 (Transfers and Permits to Build) with reference to sale of land deleted.
- Section 9-C (Subdivision Not Exempt from Other Laws) is deleted as unnecessary.

DRAFT

- Section 9-D (Sectional Development) – This section is deleted as it imposes time-based limitations which are not allowed by the Code of Virginia. Language requiring phases of construction to be outlined is added to new Section 4.3 (Construction Plan Requirements).
- Section 9-E (Normal Requirements and Variances) – This section is deleted as the Code of Virginia does not authorize variances to subdivision ordinance requirements.
- Section 9-F (Dedication of Streets) – First sentence is retained and moved to new Section 4.5.2A-1. Remainder of current section is deleted as unnecessary.
- Section 9-G (Planning Commission Agenda) – This section is deleted and the concept is incorporated into the review processes in new Section 3 in which the Commission is the approval authority.
- Section 9-H (Planned Development) is deleted as outdated -- planned development regulations were removed from the Zoning Ordinance many years ago.
- Section 9-I (Conflicts in Regulations) is moved to new Section 1.3.2 (Conflict with Statutes, Local Ordinances, or Regulations) and edited with clearer and more detailed language.

ARTICLE 10 – Special Regulations

- Section 10-A (Cluster Subdivisions) – This section is deleted as cluster subdivisions are only allowed in Annexation Area districts where the Town of Berryville has extraterritorial jurisdiction over subdivisions. Not necessary to retain.
- Section 10-B (Septic Tanks) – Moved to new Section 4.5.6 (Private Wells and Onsite Sewage Disposal Systems) and edited with clearer, modernized language.
- Section 10-C (Flood Plains) – This section is moved to new Section 4.4.3 (Subdivision of Land in the Flood Plain (FP) Overlay District) and replaced with language referencing the Flood Plain Overlay District regulations in new Zoning Ordinance Section 4.2.1. Changes made in conjunction with the mandated update of the County’s flood plain regulations.
- Section 10-D (Boundary Line Adjustments) – This section is established as a non-subdivision review process in new Section 3.3.2 with the boundary line adjustment regulations moved to new Section 4.4.1 (Boundary Line Adjustments – Special Regulations). Additional edits are as follows:
 - Current Section 10-D-1-a-1 is moved to new Section 4.4.1A-1 with language added to clarify that in no case may an agricultural lot be reduced in size below 20 acres. Also added low quality land characteristics language from new Zoning

DRAFT

Ordinance Section 6.2.6 (Maximum Lot Size Exception).

- Moved Section 10-D-2 to new Section 3.3.2A and added language from Code of Virginia Section 15.2-2275.
- Replaced Section 10-D-4 with language from new Zoning Ordinance Section 3.9 regarding the allocation of dwelling unit rights with a boundary line adjustment.
- Section 10-E (Merger) is moved to new Section 3.3.3 and formatted as a non-subdivision review process.
- Section 10-F (Certain Mergers, Boundary Line Adjustments, and Administrative Land Divisions) – This section is deleted and authority for review of applications under these scenarios is moved to the Zoning Administrator. As a matter of practice, the Planning Commission’s Plans Review Committee will evaluate these applications as a review agency.

ARTICLE 11 – Improvements and Bonds

- Section 11-A (Improvements) – Edits and deletions as follows:
 - Sections 11-A-1-a and b are incorporated into the language of new Sections 4.1.3 (Record Plat Requirements for Subdivisions) and 4.3 (Construction Plan Requirements).
 - Section 11-A-1-c is replaced with new language in Section 6.4 (Violations and Penalties) to reflect the County’s remedies under the Code of Virginia.
 - Section 11-A-2 (Monuments) is replaced with new language in Section 4.5.7 that directs to State standards for land boundary surveying practice.
 - Section 11-A-3 (Street Improvements) is deleted as redundant. Applicable language is now found in new Section 4.5.2 (Public Streets).
 - Section 11-A-4 (Street Name Signs) is deleted as it has been superseded by County Code Chapter 56.
 - Section 11-A-5 (Half Streets) is moved to new Section 4.5.2I.
 - Section 11-A-6 (Improvements; Stormwater Management) is incorporated into new Section 4.5.5 (Stormwater Management) with clarified and modernized language.
 - Section 11-A-7 is moved to new Section 4.5.4A (Public Utilities)

DRAFT

- Section 11-B (Agreements and Bonds) is replaced with new Section 5 (Performance and Maintenance Guarantees) which contains clearer and more detailed language and processes for posting sureties for subdivision construction and ongoing maintenance of applicable improvements.
- Section 11-C (Construction Responsibilities) is moved to new Section 4.3C-4.

ARTICLE 12 – Effectual Clauses

- Section 12-A (Violations and Penalties) is replaced with new language in Section 6.4 to reflect the County’s remedies under the Code of Virginia.
- Section 12-B (Appeals) is moved to new Section 3.5.
- Section 12-C (Validity) is moved to new Section 1.3.3 (Severability) and replaced with clearer language.
- Section 12-D (Amendments) is moved to new Section 2.5 (Text Amendments) and edited to reference Code of Virginia requirements and to remove the 63-day review period as inconsistent with State Code.
- Section 12-E (Vacation of Plat) is moved to new Section 3.3.4 and formatted as a non-subdivision review process.
- Section 12-F (Fees) is moved to new Section 2.4 and edited to reference the Department’s fee schedule.
- Section 12-G (Effective Date) is incorporated into new Section 1.1 (Ordinance Authority, Enactment, and Effective Date).

DRAFT

SUMMARY OF PROPOSED CHANGES TO CURRENT ZONING AND SUBDIVISION ORDINANCE DEFINITIONS

This document provides an accounting of the changes and deletions made to the current Zoning and Subdivision Ordinances, and the addition of new definitions, to proposed Article III (Definitions). Note that defined terms for allowable uses are moved to new Section 5 (Uses) and terms for boards and commissions are moved to Section 2 (Administration). Other current terms that provide regulatory specifications or apply specifically to a particular regulation are moved to those applicable sections.

Term	In current Zoning Ord.?	In current Subdiv. Ord.?	New Defined Term?	Amended Definition?
Access	Yes	No	No	No
Accessory building	Yes	No	No	Yes
Administrative land division	No	Yes	No	Yes
Adverse drainage condition	No	Yes	No	Yes
Agricultural products	Yes	No	No	No
Alley	Yes	Yes	No	Yes
Alteration	Yes	No	No	Yes
Antenna support structure	Yes	No	No	No
Applicant	No	No	Yes	No
Application	No	No	Yes	No
Attention-getting device	No	No	Yes	No
Base flood	Yes	No	No	Yes
Base flood elevation	Yes	No	No	Yes
Basement	Yes	No	No	No
Berryville Annexation Area	No	No	Yes	No
Billboard	No	No	Yes	No
Boundary line adjustment	Yes	Yes	No	Yes
Buffer area	No	No	Yes	No
Buildable area	Yes	No	No	Yes
Building	Yes	No	No	Yes
Building, elevated	No	No	Yes	No
Building, main	Yes	No	No	No
Building permit	No	No	Yes	No
Candela	Yes	No	No	No
Carport	Yes	No	No	Yes
Cellar	Yes	No	No	No
Center line	Yes	No	No	Yes
Certificate of occupancy	No	No	Yes	No
Certified arborist	Yes	No	No	No
Clear cut	Yes	No	No	No
Co-location	Yes	No	No	No
Commercial	Yes	No	No	No

DRAFT

Term	In current Zoning Ord.?	In current Subdiv. Ord.?	New Defined Term?	Amended Definition?
Commercial tenant space	No	No	Yes	No
Companion animal	Yes	No	No	No
Compound area	Yes	No	No	Yes
Comprehensive Plan	Yes	No	No	Yes
Covenant	No	Yes	No	No
Dairy	Yes	No	No	No
Development	Yes	Yes	No	Yes
Distributed antenna system (DAS)	Yes	No	No	No
Drive-through service	No	No	Yes	No
Driveway	Yes	No	No	Yes
Duplex	Yes	No	No	Yes
Dwelling	Yes	No	No	Yes
Dwelling, accessory	No	No	Yes	No
Dwelling, secondary	No	No	Yes	No
Dwelling unit	Yes	No	No	Yes
Easement	Yes	Yes	No	Yes
Easement, drainage	No	Yes	No	Yes
Easement, private access	Yes	Yes	No	Yes
Encroachment	Yes	No	No	No
Entertainment	No	No	Yes	No
Erect	Yes	No	No	No
Existing construction	No	No	Yes	No
Expansion	No	No	Yes	No
Exploratory sketch plan	No	Yes	No	Yes
Fall zone	Yes	No	No	No
Family	Yes	No	No	Yes
Fixture, lighting	Yes	No	No	Yes
Fixture, full cut-off	Yes	No	No	Yes
Flood or flooding	Yes	No	No	Yes
Flood Insurance Rate Map (FIRM)	No	No	Yes	No
Flood Insurance Study (FIS)	No	No	Yes	No
Floodplain or flood prone area	Yes	No	No	Yes
Floodplain, ten-year	Yes	No	No	Yes
Floodproofing	No	No	Yes	No
Floodway	Yes	No	No	Yes
Floor area	Yes	No	No	No
Foot-candle	Yes	No	No	No
Foot-candle (average maintained)	Yes	No	No	No
Freeboard	No	No	Yes	No
Frontage	Yes	No	No	Yes
Functionally dependent use	No	No	Yes	No

DRAFT

Term	In current Zoning Ord.?	In current Subdiv. Ord.?	New Defined Term?	Amended Definition?
Garage	Yes	No	No	No
Geotechnical engineer (GE)	Yes	No	No	No
Glare	Yes	No	No	No
Highest adjacent grade	No	No	Yes	No
Historic	Yes	No	No	No
Historic landmark	Yes	No	No	No
Historic preservation	Yes	No	No	No
Hydrologic and hydraulic engineering analysis	No	No	Yes	No
Impervious surfaces	Yes	No	No	No
Incidental	No	No	Yes	No
Ingress/egress	No	No	Yes	No
Inoperable vehicle	Yes	No	No	Yes
Karst feature	Yes	No	No	No
Light trespass	Yes	No	No	No
Letters of Map Change (LOMC)	No	No	Yes	No
Livestock	Yes	No	No	Yes
Livestock, dairy, poultry structure	Yes	No	No	No
Lot	Yes	Yes	No	Yes
Lot, corner	Yes	No	No	Yes
Lot, interior	Yes	Yes	No	Yes
Lot, irregular	Yes	No	No	No
Lot line	No	Yes	No	Yes
Lot, nonconforming	Yes	No	No	Yes
Lot of record	Yes	Yes	No	Yes
Lot, regular	Yes	No	No	No
Lot, residual	No	Yes	No	Yes
Lot, through	Yes	No	No	No
Lowest adjacent grade	No	No	Yes	No
Lowest floor	Yes	No	No	No
Luminaire	Yes	No	No	No
Maneuvering space	Yes	No	No	No
Mean sea level	No	No	Yes	No
Merger	Yes	Yes	No	Yes
Monopole	Yes	No	No	No
Nadir	Yes	No	No	No
New construction	Yes	No	No	Yes
No-clear areas	Yes	No	No	No
Non-profit organization	Yes	No	No	Yes
Open space	Yes	No	No	No
Overlay district	No	No	Yes	No

DRAFT

Term	In current Zoning Ord.?	In current Subdiv. Ord.?	New Defined Term?	Amended Definition?
Owner	No	No	Yes	No
Parent parcel	No	No	Yes	No
Parking area	Yes	No	No	Yes
Parking, off-street	Yes	No	No	No
Parking space, off-street	Yes	No	No	Yes
Permit	No	No	Yes	No
Permitted commercial tower development area (PCTDA)	Yes	No	No	No
Person	No	No	Yes	No
Plat	No	Yes	No	Yes
Plat, record	No	Yes	No	No
Porch	Yes	No	No	Yes
Post-FIRM structure	No	No	Yes	No
Pre-FIRM structure	No	No	Yes	No
Poultry	Yes	No	No	Yes
Principal use	No	No	Yes	No
Public dance hall	No	No	Yes	No
Public outdoor recreational facility lighting	Yes	No	No	No
Recreational equipment, major	Yes	No	No	Yes
Recreational vehicle	Yes	No	No	No
Repetitive loss structure	No	No	Yes	No
Rhythm	Yes	No	No	Yes
Road	Yes	No	No	Yes
Screening	No	No	Yes	No
Setback	Yes	No	No	Yes
Severe repetitive loss structure	No	No	Yes	No
Shallow flooding area	Yes	No	No	No
Shipping container	No	No	Yes	No
Sign	Yes	No	No	No
Sign, animated	Yes	No	No	No
Sign, changeable message	Yes	No	No	No
Sign, directional	Yes	No	No	No
Sign, electronic display	Yes	No	No	No
Sign, freestanding	Yes	No	No	No
Sign, illuminated	Yes	No	No	No
Sign, roof	No	No	Yes	No
Sign, temporary	Yes	No	No	Yes
Sign, time and temperature	Yes	No	No	Yes
Sign, wall	Yes	No	No	Yes
Sinkhole	Yes	No	No	Yes

DRAFT

Term	In current Zoning Ord.?	In current Subdiv. Ord.?	New Defined Term?	Amended Definition?
Slippage soils	Yes	No	No	No
Special event	No	No	Yes	No
Special flood hazard area	Yes	No	No	No
Start of construction	Yes	No	No	Yes
Stealth technology	Yes	No	No	No
Streams, intermittent or perennial	Yes	No	No	Yes
Street	Yes	Yes	No	Yes
Street, cul-de-sac	No	Yes	No	Yes
Structure	Yes	No	No	Yes
Structure, historic	Yes	No	No	Yes
Structure, nonconforming	Yes	No	No	Yes
Structure, principal	No	No	Yes	No
Subdivision	No	Yes	No	Yes
Subdivider	No	Yes	No	No
Substantial damage	Yes	No	No	Yes
Substantial improvement	Yes	No	No	Yes
Townhouse	Yes	No	No	No
Tree canopy	Yes	No	No	No
Tree canopy coverage	Yes	No	No	No
Tree diameter at breast height (DBH)	Yes	No	No	No
Tree drip line	Yes	No	No	No
Tree, mature	Yes	No	No	No
Tree protective barrier	Yes	No	No	No
Tree pruning	Yes	No	No	No
Tree removal	Yes	No	No	No
Use	Yes	No	No	Yes
Use, accessory	Yes	No	No	Yes
Use, change of	No	No	Yes	No
Use, nonconforming	Yes	No	No	Yes
Use, temporary	No	No	Yes	No
Visual fabric	Yes	No	No	No
Watercourse	Yes	No	No	No
Xeriscape practices	Yes	No	No	No
Yard	Yes	No	No	Yes
Yard, front	Yes	No	No	Yes
Yard, rear	Yes	No	No	Yes
Yard, required	Yes	No	No	Yes
Yard, side	Yes	No	No	Yes
Zoning district	No	No	Yes	No
Zoning permit	No	No	Yes	No

DRAFT

Current Definitions for Uses Moved to New Section 5 (Uses)

- Agriculture
- Animal shelter/governmental
- Bed-and-breakfast (see “Home occupation”)
- Bio-solids land application (minor changes to comply with State Code requirements)
- Brewery, farm (see “Farm brewery”)
- Camp, summer (see “Summer camp”)
- Campground
- Camping unit (see “Campground”)
- Campsite (see “Campground”)
- Churches and other places of assembly (see “Churches and places of worship”)
- Club (private) (see “Private Club”)
- Community services (see “Community services facility”)
- Country inn
- Day-care center
- Day-care center, home (see “Home occupation”)
- Distillery, farm (see “Farm distillery”)
- Dwelling, single-family (see “Single-family dwelling”)
- Dwelling, temporary (see “Temporary dwelling”)
- Extraction of natural resources – limited (see “Limited extraction of natural resources”)
- Fairground
- Farm machinery sales and service
- Farm supplies sales
- Forestry
- Funeral parlor (see “Funeral home”)
- Gasoline filling station (see “Convenience store with gasoline sales”)
- Historic structure museum
- Home occupation
- Hospital
- Hotel
- Intensive livestock, dairy, or poultry facility
- Kennel, breeding (see “Commercial breeding kennel”)
- Kennel, commercial boarding (see “Commercial boarding kennel”)
- Livestock auction market
- Manufactured home
- Passive-use public parks
- Professional office (see “Professional service business”)
- Public assemblies, minor commercial (see “Minor commercial public assembly”)
- Recreation uses and structures, commercial (see “Commercial recreational uses and structures”)
- Restaurant
- Retail and service business (see “Retail business” and “Personal service business”)

DRAFT

- Shopping center (see “Commercial center”)
- Small-scale processing of fruit and vegetables
- Solar power plant, large photovoltaic (see “Solar power plant”)
- Structure, temporary (see “Temporary structure”)
- Tenant house
- Wind energy system, small (see “Small wind energy system”)
- Wind turbine (see “Small wind energy system”)
- Wind turbine total height (see “Small wind energy system”)
- Winery, farm (see “Farm Winery”)
- Wireless communication facility (WCF)

Current Definitions Moved to Other New Sections

- Board of Supervisors (Zoning Ordinance Section 2.2.2 and Subdivision Ordinance Section 2.1.4)
- Board of Zoning Appeals (Zoning Ordinance Section 2.2.6)
- Certificate of appropriateness (Zoning Ordinance Section 6.2.5)
- Commission (see “Planning Commission” – Zoning Ordinance Section 2.2.3 and Subdivision Ordinance Section 2.1.3)
- County (see Article III (Definitions) Section 1.2H)
- Farmstead (see Zoning Ordinance Section 3.1)
- Height (see Zoning Ordinance Section 7.1.1A-5)
- Historic Preservation Commission (see Zoning Ordinance Section 2.2.5)
- Livestock/animal units (see “Agriculture” use in Zoning Ordinance Section 5.2A)
- Lot area (see Zoning Ordinance Section 7.1.1A-1)
- Lot coverage (see Zoning Ordinance Section 7.1.1A-4)
- Lot, depth of (see Zoning Ordinance Section 7.1.1A-3, “Lot Depth”)
- Lot, width of (see Zoning Ordinance Section 7.1.1A-2, “Lot Width”)
- Net developable acre (See Zoning Ordinance Section 7.1.1A-8)
- Planning Commission (see “Planning Commission” – Zoning Ordinance Section 2.2.3 and Subdivision Ordinance Section 2.1.3)
- Sewerage system and treatment works (see Zoning Ordinance Section 7.4.5, Waterworks and Sewerage System and Treatment Works)
- Sign, area of (see Zoning Ordinance Section 7.8.1C (Calculating the Area of a Sign))
- Subdivision, major (see Subdivision Ordinance Section 3.2.2)
- Subdivision, minor (see Subdivision Ordinance Section 3.2.1)
- Surface, all-weather (see Zoning Ordinance Section 7.2.5B-1)
- Tract (see Zoning Ordinance Section 3.1)
- Waterworks (see Zoning Ordinance Section 7.4.5, Waterworks and Sewerage System and Treatment Works)
- Zoning Administrator (see Zoning Ordinance Section 2.2.7)

DRAFT

Deleted Terms

- Airport, heliport, flight strip
- Amendment
- Amusement park
- Automobile graveyard
- Block
- Board
- Building, height of (see definition of “height”)
- Building setback line (see definition of “setback”)
- Carnival
- Circuit court
- Circus
- Consulting forester
- Convalescent home
- Court
- Dedication for road purposes
- Developer
- Dwelling, detached
- Dwelling, multi-family
- Dwelling, portable
- Dwelling, semi-detached
- Dwelling, two-family
- Engineer
- Flood, one-hundred year
- Flood, one-hundred year (intermediate regional flood)
- Flood plain (see “Flood plain or flood prone area”)
- Golf course
- Governing body
- Health official
- Health official; health officer
- Highway engineer
- Housing for older persons
- Improvement
- Junkyard
- Jurisdiction
- Kennel
- Labor camp
- Light fixture, recessed canopy (see Zoning Ordinance Section 7.2.6B-5)
- Lot, double-frontage (see “Lot, through”)
- Lot of record, record lot (see “Lot of record”)
- Modular home
- Motel (see “Hotel”)

DRAFT

- Percolation test or soil borings
- Plan
- Plat, preliminary
- Property
- Resident engineer
- Resubdivide
- Sanitary landfill
- Seasonal bakery
- Stable, commercial
- Street or alley, public use of
- Street, major
- Street, minor
- Street, service road or drive
- Street width
- Structural alteration (deleted to resolve conflict with definition of “alteration, structural;” term renamed “alteration”)
- Substandard divisions
- Tree
- Wayside stand

**ZONING AND SUBDIVISION ORDINANCE UPDATE PROJECT
REVISED WORK PLAN FOR PROJECT COMPLETION
(REVISED DRAFT – 4/23/2021)**

Project Completion Timeline Summary

- May 7, 2021 Commission Business Meeting:
 - Continued discussion of final versions of the revised Ordinances and Definitions Article and final public review schedule and outreach initiatives (if any).
 - **ACTION ITEM** -- Consider accepting the final versions and scheduling formal Public Hearing and outreach initiatives. This would mark completion of Step 5 and beginning of Step 6.
- May 18, 2021 Board of Supervisors Meeting – Staff update on project to Board of Supervisors at their monthly work session.
- Wednesday, June 9, 2021 Commission Special Meeting – Planning Commission Public Hearing on draft Ordinances and Definitions Article. Public Hearing advertisement to run in Winchester Star on May 26 and June 2. Advertisement will note that the Public Hearing will be continued to the Commission’s July 2, 2021 Business Meeting.
- July 2, 2021 Commission Business Meeting – Planning Commission continued Public Hearing; formal action to recommend adoption of revised Ordinances and Definitions Article.
- July 20, 2021 Board of Supervisors Meeting – Board consideration of revised Ordinances and Definitions Article. Action item is to schedule Public Hearing for August 17, 2021 meeting.
- August 17, 2021 Board of Supervisors Meeting (evening session) – Board Public Hearing on revised Ordinances and Definitions Article.
- September 21, 2021 Board of Supervisors Meeting – Board adoption date.

Steps Completed to Date:

STEP 1 – Adopt work plan, project policies, and timeline

STEP 2 – Discuss and provide formal direction on policy and technical issues

STEP 3 – Approve framework for draft Ordinances

STEP 4 – Present draft Zoning Ordinance, Subdivision Ordinance, Definitions Article, and Guidance Manual to Ordinances Committee for final approval

Steps Remaining:

STEP 5 – Presentation of Initial Draft Ordinances for Planning Commission and Board of Supervisors Review

Summary

The final action item for Step 5 is for the Commission to accept the drafts of the revised Zoning Ordinance (Version 5), Subdivision Ordinance (Version 3), and Definitions Article (Version 5) for final consideration, Public Hearings, and adoption.

Status of Drafts

The Subdivision Ordinance (Version 3) was distributed to the Commission at the March 5 Business Meeting. The Zoning Ordinance (Version 5) and Definitions Article (Version 5) will be distributed to the Commission at the March 30 Work Session. All drafts are considered final pending any changes requested by the Commission and any technical changes that may be requested by the Virginia Department of Conservation and Recreation on the revised Flood Plain Overlay District regulations.

Guidance Manual

Guidance Manual Version 1 is complete and will be distributed to the Planning Commission on March 30 and to the Board of Supervisors on May 10 for informational purposes. Since the Guidance Manual is not part of the Ordinances, it is not required to be adopted by the Commission and Board of Supervisors separately or in conjunction with the Ordinances. No additional work is expected to be done on the Guidance Manual until after the Ordinance Update Project is completed.

STEP 6 – Public Outreach, Formal Public Hearings, and Adoption

Summary

Step 6 will begin concurrently with the Commission's acceptance of the final draft Ordinances and Definitions Article. In determining when to schedule a formal Public Hearing, the Commission will also need to decide whether to conduct additional public outreach measures such as informal workshops prior to conducting the Public Hearing. Once the Public Hearing is conducted, the Commission will need to take formal action in the form of a recommendation to the Board of Supervisors on the draft Ordinances and Definitions Article.

After the Commission has acted on their formal recommendation, the draft Ordinances and Definitions Article will be forwarded to the Board of Supervisors for final consideration. The process will be repeated at the Board level to schedule a formal Public Hearing, determine whether to hold additional public outreach measures, conduct the Public Hearing, and take formal action on the draft Ordinances and Definitions Article. Formal action by the Board would be one of the following:

1. To adopt the Ordinances and Definitions Article
2. To defer action for additional work by Staff

3. To defer action for additional work and remand to the Planning Commission, or
4. To deny adoption of the Ordinances and Definitions Article.

Staff strongly recommends against adopting either Ordinance or the Definitions Article individually – all three Articles were developed as a unit and are not designed to work in conjunction with the current Ordinances.

Staff recommends the Commission and Board schedule their formal Public Hearing process over two months instead of the typical one month timeframe. This extended timeline can be used in the following ways:

- Schedule Public Hearing one month in advance. Hold the Public Hearing but defer any action until the next monthly meeting. This approach is shown in the Timeline Summary on Page 1.
- Schedule Public Hearing two months in advance instead of one month and hold and informal public information meeting (or meetings) during this time period.
- Schedule Public Hearing one month in advance. Hold informal public information meeting (or meetings) on the same afternoon/evening (or a few days prior to) as the Public Hearing. Defer any action until next monthly meeting.

STEP 7 – Wrap-Up Activities

Following Board adoption of the Ordinances and Definitions Article, Staff will incorporate any changes made by the Board in conjunction with their adoption and will create the final adopted versions of the Ordinances and Definitions Article. Any changes made by the Board to the final adopted versions will be communicated to the Commission at their next scheduled meeting.

Electronic copies of all three Articles will be finalized and made available within one week of the adoption date. Hard copies will be sent out for printing with a small number of copies printed in-house for immediate usage. Staff will finalize the Guidance Manual and make it available to the public within 30 days of the adoption date of the Ordinances and Definitions. The Guidance Manual does not have to be formally adopted by the Commission or the Board.

Copies of all pertinent meeting minutes, public drafts, tracking spreadsheets, and other important information will be archived by Staff within 60 days of the adoption date.



Clarke County Planning Commission

AGENDA – Business Meeting

Friday, May 7, 2021 – 9:00AM

Berryville/Clarke County Government Center – Main Meeting Room

1. Approval of Agenda
2. Approval of Minutes
 - A. March 30, 2021 Work Session
 - B. April 2, 2021 Business Meeting

SET PUBLIC HEARING

3. Proposed Amendments to the Clarke County Zoning Ordinance (Chapter 188) and Subdivision Ordinance (Chapter 161), Recodification to new Chapter 200 (Clarke County Zoning and Subdivision Ordinances)
4. Board/Committee Reports
 - A. Board of Supervisors (Matthew Bass)
 - B. Board of Septic & Well Appeals (George Ohrstrom, II)
 - C. Board of Zoning Appeals (Anne Caldwell)
 - D. Historic Preservation Commission (Doug Kruhm)
 - E. Conservation Easement Authority (George Ohrstrom, II)
 - F. Broadband Implementation Committee (Brandon Stidham)

Other Business

Adjourn

UPCOMING MEETINGS:
<p style="text-align: center;">Work Session Tuesday, June 1, 2021 (3:00PM) Main Meeting Room</p>
<p style="text-align: center;">Special Meeting – Public Hearing Zoning and Subdivision Ordinances Tuesday, June 1, 2021 (6:00PM) OR Wednesday, June 9 (6:00PM) – TO BE DETERMINED Main Meeting Room</p>
<p style="text-align: center;">Business Meeting Friday, June 4, 2021 (9:00AM) Main Meeting Room</p>



Clarke County Planning Commission

DRAFT MINUTES – Work Session

Tuesday, March 30, 2021 – 3:00PM

Berryville/Clarke County Government Center – Main Meeting Room

ATTENDANCE:			
George L. Ohrstrom, II (Chair/Russell)	✓E	Pearce Hunt (Russell)	✓
Randy Buckley (Vice-Chair/White Post)	X	Scott Kreider (Buckmarsh)	✓
Matthew Bass (Board of Supervisors)	✓	Douglas Kruhm (Buckmarsh)	✓
Anne Caldwell (Millwood)	✓	Frank Lee (Berryville)	✓
Buster Dunning (White Post)	X	Gwendolyn Malone (Berryville)	✓
Robert Glover (Millwood)	✓	Doug Lawrence (BOS alternate)	X

E – Denotes electronic participation

Notes: George L. Ohrstrom, II participated electronically due to health issues related to the current pandemic.

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

CALL TO ORDER: By Mr. Stidham at 3:05PM.

Zoning and Subdivision Ordinance Update Project Overview Presentation

Mr. Stidham stated that he will be giving an overview presentation on the revised Zoning Ordinance (Article I), Definitions (Article II), and Guidance Manual today. He added that at the April 2 Business Meeting, he will be making a presentation on changes to the draft Ordinances since the 2019 joint workshops with the Board of Supervisors. He also said that Mr. Camp would be making a presentation on the mandated revision of the Flood Plain Overlay District regulations. He noted that the Business Meeting would conclude with a discussion of next steps including scheduling public hearing and any outreach initiatives for the project. Mr. Stidham then began his presentation.

Regarding the update project generally, Chair Ohrstrom said that it is important to note that having the Ordinances better coordinated with one another and discrepancies addressed makes them more legally defensible. Mr. Stidham said that this is a good point to raise and probably something that should be referenced in the public hearing advertisement that will be developed.

Regarding the Guidance Manual, Chair Ohrstrom asked for clarification on zoning complaints. Mr. Stidham replied that this section addresses citizen complaints about violations of Zoning Ordinance provisions. Chair Ohrstrom asked if this section explains how to file a zoning complaint and Mr. Stidham replied yes.

Chair Ohrstrom thanked Staff for the work on the project noting that this will help make the County's regulations much more clear and organized.

Mr. Stidham said that Commissioners should be completely comfortable with these draft Ordinances before they are ready to schedule public hearing and move forward to the next steps, hopefully in May. He noted that there is an updated Work Plan in the meeting packet.

New Business Items

None

Other Business

None

ADJOURN: The Work Session was adjourned by consensus at 3:59PM.

Brandon Stidham (Clerk)



Clarke County Planning Commission

DRAFT MINUTES -- Business Meeting

Friday, April 2, 2020 – 9:00 AM

Berryville/Clarke County Government Center - Main Meeting Room

ATTENDANCE:			
George L. Ohrstrom, II (Chair/Russell)	✓E	Pearce Hunt (Russell)	✓
Randy Buckley (Vice-Chair/White Post)	✓	Scott Kreider (Buckmarsh)	✓
Matthew Bass (Board of Supervisors)	✓	Douglas Kruhm (Buckmarsh)	✓
Anne Caldwell (Millwood)	✓	Frank Lee (Berryville)	✓
Buster Dunning (White Post)	✓	Gwendolyn Malone (Berryville)	✓
Robert Glover (Millwood)	✓	Doug Lawrence (BOS alternate)	X

E – Denotes electronic participation

L – Denotes arrived late

Note: George L. Ohrstrom, II participated electronically due to health issues related to the current pandemic.

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

CALL TO ORDER:

Chair Ohrstrom called the meeting to order at 9:02AM.

1. Approval of Agenda

The Commission voted unanimously to approve the meeting agenda as presented by Staff.

Motion to approve the April 2 Business Meeting agenda as presented by Staff:			
Ohrstrom (Chair)	AYE	Hunt	AYE
Buckley (Vice-Chair)	AYE	Kreider	AYE
Bass	AYE	Kruhm	AYE
Caldwell	AYE	Lee	AYE (moved)
Dunning	AYE	Malone	AYE (seconded)
Glover	AYE		

2. Approval of March 5, 2021 Business Meeting Minutes

The commission voted unanimously to approve the March 5, 2021 Business Meeting minutes as presented by Staff.

Motion to approve the March 5, 2021 Business Meeting minutes as presented by Staff:			
Ohrstrom (Chair)	AYE	Hunt	AYE
Buckley (Vice-Chair)	AYE	Kreider	AYE
Bass	AYE	Kruhm	ABSTAINED
Caldwell	AYE (moved)	Lee	AYE
Dunning	AYE	Malone	AYE (seconded)
Glover	AYE		

Discussion Items

3. Zoning and Subdivision Ordinance Update Project

Mr. Stidham gave a Powerpoint presentation on changes that have been made to the draft Zoning Ordinance, Subdivision Ordinance, and Definitions Article since the fall 2019 joint workshops with the Board of Supervisors.

Regarding the proposed agricultural building use, Chair Ohrstrom asked if a pre-harvest plan has a minimum acreage requirement. Mr. Stidham replied that he did not know off the top of his head and that he did not think that the Zoning Ordinance has a minimum acreage requirement.

Regarding commercial boarding kennels, Chair Ohrstrom asked if it is correct that we no longer allow this use in the AOC and FOC Districts. Mr. Stidham replied yes and that the use was removed from those districts a few years ago following a controversial boarding kennel special use permit case. He added that the text amendment did not change the regulations for commercial breeding kennels.

Mr. Stidham reviewed the proposed next steps in having the Commission accept the draft Ordinances and schedule Public Hearing. Chair Ohrstrom asked whether the Commission would accept the Ordinances after the Public Hearing is held. Mr. Stidham replied that the Commission would be accepting the Ordinances as the drafts to be taken to Public Hearing, not the final drafts that the Commission would recommend the Board of Supervisors to adopt.

Following the conclusion of Mr. Stidham’s presentation, Chair Ohrstrom said that it might be better to start an “open house” style public comment session with the Staff presentation so that people can formulate their questions for the informal comment portion and the formal Public Hearing held later. Commissioner Glover asked the other Commissioners how much public comment we expect to receive on a project like this as he was not on the Commission when the Comprehensive Plan was last updated. Commissioner Caldwell said that the Mountain Land Plan update generated a huge amount of public participation. She added that they held several workshops and had an extensive informal presentation. She also said that this project may generate a reasonable amount of input but also noted that it is very complicated and hard to digest. She said that it might be best to have the informal public comment session and then wait a month to conduct the Public Hearing to give people time to think about it and form questions. Chair Ohrstrom said that posting to the County website and Facebook page are important to inform the public and make the project available to them. Commissioner Caldwell suggested having Cathy Kuehner write articles on the project for the Winchester Star to print. Mr. Stidham said that in the outreach materials and public

hearing advertisement, he also plans to emphasize what is not being changed in the revised Ordinances to help people better understand the scope of the project. He added that he thinks the feedback that will be received will be on stakeholders' very specific issues and how changes to specific sections of the Ordinances will impact their issues. Commissioner Kreider said that he agrees with having the Staff presentation first but does not agree with the open house approach as it does not allow for a record to be kept of the questions people are asking. Commissioners agreed that this is a good point. Commissioner Bass noted that public information should include the draft Guidance Manual as most people will probably end up referencing it first before reading the Ordinances. Commissioner Hunt agreed and said that it helps him a lot as a new Commissioner.

In response to Commissioners' comments, Mr. Stidham suggested having a special meeting in June with the Public Hearing to be held at 7:00PM and advertise the Staff presentation with question-and-answer period to begin at 6:00PM. Chair Ohrstrom replied that it does not appear to give people enough time to think about the issues and speak at the Public Hearing. Mr. Stidham noted that if you do not have the Public Hearing on the same night as the question-and-answer session, the Commission may end up having a back and forth discussion with citizens without being in a formal Public Hearing. Vice-Chair Buckley said that this format could also be burdensome to citizens by asking them to come out to multiple meetings if they have an issue. Chair Ohrstrom said that he was trying to maximize opportunities for public participation but this could definitely be an issue. Mr. Stidham suggested deferring the Public Hearing to July if the Commission receives lots of questions in June and Commissioners liked this idea. Mr. Stidham asked if the Public Hearing should be a special meeting or held in conjunction with the June Business Meeting. Chair Ohrstrom said it should be a special meeting held in the evening to maximize participation. Mr. Stidham recommended the evening of the June 1 Work Session for this special meeting and Commissioners agreed. Mr. Stidham said that he would write all of this up and present it in May for the Commission's action.

Chair Ohrstrom asked if Commissioners had additional comments. Commissioner Caldwell said that she had some minor edits of a non-substantive nature that she would discuss with Mr. Stidham. Chair Ohrstrom said that he had concerns with the Zoning Administrator having the power to delegate their authority without limitation. He added that there should be some guideline regarding to whom this authority can be delegated. Mr. Stidham said that changes to State code adopted several years ago makes any written determination issued by the Zoning Administrator binding on the County. He noted that historically, Planning Department technical staff members have been required to be sworn in as a "zoning administrator." The new Ordinance language clarifies that there is only one Zoning Administrator for State code purposes and that this person can delegate review and approval authority to other staff members as necessary to manage the department workload. He added that the Zoning Administrator will not be able to delegate their authority outside of the department.

Commissioner Kruhm asked when the draft Ordinances would be made available to the public as he was approached by two realtors interested in learning more about the County's Zoning and Subdivision Ordinances. Mr. Stidham said that May will be the Commission's first opportunity to decide whether to accept the draft Ordinances and schedule Public Hearing. He said that the draft Ordinances and other outreach materials would be made available to the public after the Commission has formally scheduled the Public Hearing. He also noted to Commissioner Kruhm

that the realtors who approached him should probably bring their questions to Staff as the current Ordinances will remain in effect for several months until the revised Ordinances are adopted. Commissioner Kruhm asked if they would be able to attend work sessions and Mr. Stidham replied yes and that all Commission meetings are open to the public.

Regarding the Guidance Manual, Chair Ohrstrom said that this will be a valuable resource to help interested parties learn how Clarke County's regulations differ from other counties. He also asked Mr. Stidham how the concept was developed and whether other counties use guidance manuals. Mr. Stidham replied that he picked this up from a consulting firm that recommended using a guidance manual as a way of decluttering your ordinance and moving administrative items to a separate document. Chair Ohrstrom said that Staff did an excellent job on developing the Guidance Manual. Commissioner Bass asked if a personnel directory of all County staff could be included and Mr. Stidham said yes. Commissioner Bass also suggested including an index in the back and charts similar to the ones developed for the short-term residential rental discussion. Mr. Stidham replied that once the text amendment is resolved, he will include the charts and new information in that section of the Guidance Manual. Commissioner Bass also asked about the statement that the County's well and septic system requirements are more stringent than State minimum requirements. Mr. Stidham replied that he thinks our current regulations are in compliance with State code requirements, adding that the limits on alternative septic systems and biosolids land application that have been previously removed are the only provisions he is aware of that were not consistent with State code requirements.

Mr. Stidham said that moving forward if Commissioners have any questions to contact either him or Mr. Camp. He added that the goal is for the Commission to accept the drafts in May and schedule Public Hearing but that the timeline can certainly be extended if there are additional concerns to be addressed.

Mr. Camp gave a Powerpoint presentation on the State-mandated revisions to the Flood Plain (FP) Overlay District regulations. Regarding the special flood hazard areas, Chair Ohrstrom asked if the documents are on the County website. Mr. Camp said that the official maps can be downloaded from the Federal Emergency Management Agency (FEMA) website. Mr. Stidham added that the flood plain areas are included in Mapsonline and Mr. Camp added that they are in the County GIS as a layer.

Commissioner Glover asked how boat ramps for personal use are addressed in these regulations and suggested that they should be in the prohibited use category. Mr. Stidham noted that a text amendment to the Stream Protection Overlay District was adopted a few years ago to allow boat ramps and similar structures to be constructed with permit approval from the Planning Department subject to use of best management practices. He added that most people do not go through this process and build the structures without County approval.

Commissioner Glover asked how the base flood elevation is determined and Mr. Camp replied that FEMA determines this when they update the flood maps. Commissioner Glover asked if this is the 100-year flood plain. Mr. Camp said that the floodway varies based on the presence of bridges and the lay of the land so it is not always consistent.

Commissioner Kruhm asked how septic systems in the flood plain are addressed. Mr. Camp replied that you can have a drainfield in a flood plain but it has to be designed differently to be flood-proofed. Commissioner Kruhm asked who makes the determination of whether a drainfield can be located in a flood plain and the design requirements. Mr. Camp replied that this is the Virginia Department of Health's (VDH) responsibility. Commissioner Lee noted that State regulations allow drainfield in flood plains so long as the area is not inundated for more than 48 hours. He said VDH will strongly discourage and most often deny requests for drainfields in the flood plain in Clarke County. He added that no drainfield can go in the 10-year flood plain and that you have to show cause as to why a drainfield has to be located in the 100-year flood plain. Commissioner Glover said we are fortunate because we do not have the problem of developers trying to find new ways to build in the flood plain. He asked Mr. Camp how Clarke County's regulations compare to Front Royal and Warren County's regulations. Mr. Camp replied that Clarke County restricts more uses than those jurisdictions do and that Front Royal has a lot of development in the flood plain.

Regarding transient recreational uses, Commissioner Bass said he envisions a traveling carnival and asked about whether these regulations are geared towards activities at Watermelon Park. Mr. Camp replied that Watermelon Park has a special use permit and some grandfathered elements but that transient recreational use provisions would apply to some of their accessory activities.

Commissioner Glover asked if they have a dump station for the RVs. Mr. Stidham said that he does not know but added that they redid their septic system a few years ago. Chair Ohrstrom noted that their grandfathered status likely prevents them from having to comply with all current septic system requirements. He asked if a change in use would require full compliance with all regulations and Mr. Stidham replied yes. Commissioner Glover asked if eliminating the tent camping and going to RVs only was a change in use and Mr. Stidham replied no. Commissioner Glover said that what they have now is more intensive. Mr. Stidham replied that their 1999 special use permit approval allows for a significant number of campsites. Mr. Camp added that they are approved for 60 RV sites and 600 tent sites.

4. Board/Committee Reports

Board of Supervisors

Commissioner Bass said that the Public Hearing on the budget is scheduled for next Tuesday at 6:30PM. He added that the hot topics include the proposed 2% meals tax, proposed increase of the transient occupancy tax to 3.5%, and the proposed cigarette tax of 40 cents per pack applicable only to businesses in the County. He said he has received limited comments from his constituency on the budget. He said that John Staelin recently provided a final report on the work of the Monument Committee. He also said the Board adopted the manufactured home text amendment recommended by the Commission.

Board of Septic & Well Appeals (BSA)

Chair Ohrstrom said that there have been no applications for the BSA.

Board of Zoning Appeals (BZA)

Commissioner Caldwell said that the BZA will be meeting on April 19 at 10:00AM to review a variance application for the garage in White Post. She said she has not seen the actual application.

Historic Preservation Commission (HPC)

Commissioner Kruhm said that he thought he had been replaced on the HPC. Mr. Stidham said that he did not know this and would check on it.

Conservation Easement Authority

Chair Ohrstrom said that the Authority has had a lot going on. He said there have been pot shots taken at various items and that he will keep the Commission updated as the Authority works through these issues.

Broadband Implementation Committee

Mr. Stidham said that the Committee's next meeting has been rescheduled to Wednesday, April 21 at 2:00PM.

Regarding his comments on the proposed budget, Commissioner Bass elaborated that the Board's goal is to diversify revenue for the County and to help lower the real estate tax rate.

Chair Ohrstrom asked about the process if there is a Commissioner that wants to change their assignment to a committee that is not a Commission standing committee. Mr. Stidham said that those committees are appointed by the Board of Supervisors and the Board would look to the Commission for a recommendation for an appointee.

Other Business

Chair Ohrstrom noted that today is Debbie Bean's last official Planning Commission meeting. He said that he wants to personally want to thank her for her service and friendship and her good-natured approachability. He also wanted to thank her on a professional basis, noting that she often had to take minutes under difficult circumstances and did an excellent job. Commissioners gave Ms. Bean a round of applause.

Adjourn

The meeting was adjourned by consensus at 10:28AM.

Randy Buckley (Vice Chair)

Brandon Stidham, Clerk