

BERRYVILLE AREA DEVELOPMENT AUTHORITY

MEETING AGENDA

Wednesday, March 27, 2024, 1:00pm

**Berryville – Clarke County Government Center A/B Meeting Room
101 Chalmers Court – Berryville, Virginia**

- 1. Call to Order – Allen Kitselman (Chair)**
- 2. Approval of Agenda**
- 3. Approval of Minutes – February 28, 2024 Meeting**
- 4. Berryville Area Plan update process – Residential Density and Housing Types (continued discussion)**
- 5. Other Business**
- 6. Adjourn**

NEXT MEETING – Wednesday, April 24 (1:00PM)



BERRYVILLE AREA DEVELOPMENT AUTHORITY

DRAFT MINUTES – REGULAR MEETING

Wednesday, February 28, 2024 at 1:00 p.m.

Berryville-Clarke County Government Center – Main Meeting Room
101 Chalmers Court – Berryville, Virginia

A regular meeting of the Berryville Area Development Authority (BADA) was held on Wednesday, February 28, 2024.

ATTENDANCE

Authority Members Present: Diane Harrison; John Hudson; Allen Kitselman; George L. Ohrstrom, II (remote); Kathy Smart; David Weiss

Authority Members Absent: no one

Staff Present: Christy Dunkle (Berryville Community Development Director), Brandon Stidham (County Planning Director), Keith Dalton (Berryville Town Manager)

Chair Kitselman called the meeting to order at 1:01 p.m. Chair Kitselman said that Vice Chair Ohrstrom is participating by phone due to medical reasons.

APPROVAL OF AGENDA

The Authority voted 6-0-0 to approve the agenda as presented.

Yes: Harrison (seconded), Hudson, Kitselman, Ohrstrom, Smart (moved), Weiss

No: None

APPROVAL OF MINUTES – JANUARY 24, 2024

The Authority voted 6-0-0 to approve the minutes of the January 24, 2024 meeting as presented.

Yes: Harrison, Hudson, Kitselman, Ohrstrom (moved), Smart (seconded), Weiss

No: None

BERRYVILLE AREA PLAN UPDTE PROCESS – RESIDENTIAL DENSITY AND HOUSING TYPES

Mr. Stidham referenced the memo in the packet and said this is an extensive topic which may take several meetings to cover, recommending that the Authority take the time to discuss the topics and materials. He said that Mr. Dalton was in attendance to discuss the Town's utility systems. Mr. Hudson complimented Mr. Stidham on the packet layout.

Mr. Stidham said he asked Mr. Dalton to come to the meeting to discuss Town utilities, adding that the original residential and commercial yields in the Berryville Area Plan were based on the Town's ability to provide water and sewer services within the area. Mr. Stidham referenced the memo from Mr. Dalton included in the packet. Vice Chair Ohrstrom asked Mr. Dalton about the lifespan of both water and wastewater treatment plants. Mr. Dalton said that the wastewater plant, that went online in 2012, and the lifespan of the facility goes in two directions: the treatment capacity and the useful life of buildings and machinery. He said the engineers have estimated that the lifetime of this plant is at least forty years for the facility. He said that concerning the process, the membranes are replaced every ten to twelve years, adding that the Town has recently replaced them. He said that the capacity is a different discussion and that when the wastewater plant was built, he prepared the site for two phases of expansion, from 1.1 million gallons per day to 1.4 million gallons per day. Mr. Dalton said that the Preliminary Engineering Report estimated that Phase I would accept the capacities until 2060 or beyond at the 1.5% annual growth rate that has been planned for the last 30 years. He added that the water and sewer plants are both at approximately 50% capacity.

Mr. Dalton said that, concerning expansion, when the water treatment plant treats 80% of the capacity for three concurrent months, the Town would need to begin discussions with the Virginia Department of Health on upgrading the facility capacity. He said that when the sewer plant achieves a 90-day rolling average of 95% of capacity, the expansion process would begin.

Mr. Stidham asked if there is room for the water treatment plant to expand. Mr. Dalton said there are 17 acres on the site and that VDOT right-of-way is within that acreage. Mr. Dalton said that the footprint of the building could expand and described the plans for the current upgrade. He said the 19-acre sewer plant, which was more land intensive, was modified with the 2012 upgrade and the primary treatment lagoon was abandoned.

Ms. Smart asked how many gallons per day are removed from and returned to the Shenandoah River through the Town's processes. Mr. Dalton responded by saying an average of 425 gallons comes from the river and approximately 375 gallons are returned to the river daily. He said there is some system loss, metering errors likely occur, loss in the distribution system, and irrigation eventually comes through the ground water to the river eventually. He noted that there are some localities who do inter-basin transfers in which the water is not returned to its source. He concluded by saying the Town returns the water to the Shenandoah River after treatment.

Mr. Stidham continued with the housing update discussion. He said the annexation agreement requires that we retain the sub-areas until each is built-out. He referenced several sub-areas that were removed in the previous update in 2015.

Mr. Stidham reviewed information on Sub-Area 1 and said there is no specific guidelines for low- to moderate-income housing that is permitted in the Institutional zoning district in the narrative. There was a discussion about low- to moderate-income levels and market rates and whether to encourage this type of

development in Sub-Area 1. Vice Chair Ohrstrom asked for a definition of low- to moderate- income housing and how do you force developers to build these units rather than large single-family houses. Mr. Stidham said this use is in the zoning ordinances as a use by special permit. He said when a special use permit application is submitted, the developer would have to identify how the units will be kept affordable. Mr. Stidham noted that the use regulations for this use are lacking. He suggested additional definition to the narrative. Vice Chair Ohrstrom discussed the density identified in the Plan and discrepancies therein. Mr. Stidham agreed and said there is a discrepancy in the guidance language. He added that there could be a scenario in the Western Gateway where the church would want to build low- to moderate-income housing on a smaller scale on their property. Mr. Hudson asked about future housing development and the possible desire to alter what's there. Mr. Stidham said a rezoning would not be required adding that a special use permit and subdivision would be. He said the guidance for such development would need to be included in the Berryville Area Plan. There was a discussion on how the numbers would be based. Mr. Weiss said it is important for the Town and County to have the ability to say what type of development should occur in these areas. He added that traffic would make this type of residential development in Sub-Area 1 prohibitive.

The consensus among Board members was that Sub-Area 1 was not appropriate for residential uses. Vice Chair Ohrstrom suggested discussing the current uses in the Institutional zoning district at the next meeting.

Mr. Stidham discussed Sub-Area 2. He said the Ruritan fairgrounds, two residential lots, Town Public Works facilities, and a fitness center are located within this area. He discussed the intent of the Ruritan board to be placed under conservation easement. He said the County encouraged them to find an easement holder that would align with their needs. He said this would likely resolve the issue about the 540 low- to moderate-income residential units. He said staff did not see where this number of units had been considered for utility usage. Mr. Stidham suggested dividing the sub-area in to 2-A and B, identifying the fairgrounds as a historic and cultural use while leaving the other parcels open for a potential development. There was a discussion about why the Clarke County Easement Authority (CCEA) was hesitant to hold this type of recreational easement. Mr. Weiss added that this type of easement does not meet current criteria established by the CCEA. There was a discussion about dividing Sub-Area 2 into three parts. It was determined that the Town's Public Works facility should be removed from the Plan. Authority members directed staff to illustrate this scenario and present the information at the next meeting.

Mr. Stidham discussed Sub-Areas 3 and 4 which include Battlefield Estates. Mr. Stidham said these sub-areas have reached buildout and recommended that these areas be removed from the Plan. He said during the last update, it was determined that Sub-Area 3 should remain in the Plan due to the potential development in the stormwater management facility at the high school should the Virginia Department of Environmental Quality modify their requirements. There was a consensus to remove these sub-areas from the Plan.

Mr. Stidham recommended retaining Sub-Area 5 as there are two unbuilt lots remaining. He discussed the configuration of Sub-Area 6. He asked members if they thought The Retreat at Berryville should be considered residential or commercial. There was a discussion about the individual rooms not having kitchen facilities in each room. It was determined that it would not be considered 80 housing units by Authority members. Mr. Weiss asked if there was a formula applied for water and sanitary sewer usage for these types of facilities. Mr. Stidham said that if it is not treated as a residential use, it would be considered a commercial use. Ms. Dunkle said she would research the question to discuss at the next meeting. Mr. Stidham added that we have not accounted for commercial units in the chart, only residential. He said there could be a couple of large commercial users who may use up some of the capacity.

Mr. Stidham discussed Sub-Area 6A which includes Robert Regan Village, stating that the Plan had identified 300 residential units in the Older Person Residential (OPR) with 120 of them multifamily. He said the total number of units exceeded that amount with the addition of the 120 multifamily units at the Regan Village development which was added to the existing 60 units at Mary Hardesty House to total 180 units. He added that development in this sub-area has not exceeded the 300-unit total capacity identified in the Plan. He asked Authority members how the additional 60 multifamily units and total number of units constructed should be addressed. Mr. Hudson noted that the Commonwealth Assisted Living facility has not been addressed. He said that the facility has one- or two-bedroom units without kitchen facilities. There was a discussion about lot yield in the sub-areas and the assumption of fixed capacities with residential and commercial development. Mr. Stidham said that water and sewer capacities should be available for commercial uses at all times.

Mr. Stidham said that non-residential uses dig into residential capacities and if the Town doesn't have the capacity, it would not be approved. There was a discussion about removing the Sub-Area and how to account for the flows. Mr. Stidham said the sub-area is near build out with one residential lot remaining. He asked Authority members about the 117 units currently identified in the Plan and whether to remove them or apply to the unused lot yield in the annexation area. He suggested revisiting this yield in the future meetings.

Mr. Stidham said that Sub-Area 9 included the Shenandoah Crossing subdivision, adding that it was reconfigured from the original Plan which included a portion of Darbybrook (formerly Apple Glen). He discussed the original by-right development plan in the 1990's. He said that 82 houses have been constructed with 54 units identified in the Plan as a factor of the early subdivision. Mr. Stidham said he has made a note to discuss the removal of 28 dwelling units in future discussions. He recommended removal from the Plan. Authority members agreed by consensus.

Mr. Stidham reviewed Sub-Areas 10, 11, and 12A. He said Sub-Area 10 was annexed into the Town in 2022 and identifies a development potential of six dwelling units. He discussed the Soldiers Rest Property and (Sub-Area 12A) and recommended no changes to any of these areas.

Mr. Stidham recommended discussing Sub-Areas 13, 14, and 15, which are currently under consideration for a rezoning, at the next meeting and skip ahead to discuss other sub-areas. He said that staff recommends removing Sub-Area 18 as Berryville Glen has been built out. Vice Chair Ohrstrom suggested that the sub-areas be re-numbered in sequential order for clarity. Chair Kitselman suggested that a reference to the history of the plan needs to be included. Mr. Stidham said he could enumerate the changes in the chart while simplifying that as well.

There was a discussion about Sub-Area 19B. It was determined that this property would be retained in the Plan. Mr. Stidham discussed Sub-Area 20 which includes the Johnson-Williams Apartments and Josephine School Museum. He said that there is no guidance currently in the narrative. Vice Chair Ohrstrom said this is an appropriate area for low- to moderate-income housing development. There was a discussion about the County-owned parcel and problematic access to the site. Mr. Weiss requested that staff provide the list of uses in the ITL zoning district for the next meeting.

Mr. Stidham described the sub-areas 25, 26, and 27A. There was a consensus that Sub-Areas 25 and 26 should be removed and to wait on 27A.

Mr. Weiss discussed the pool of residual units and whether there are other localities who identify them as such. Mr. Stidham responded by saying he has not seen any other localities that work together to make this determination. There was a discussion about the importance of the Town and County partnership.

ADJOURN

There being no further business and on a motion from Mr. Hudson, seconded by Ms. Smart, Chair Kitselman adjourned the meeting at 2:10 p.m.

Allen Kitselman, Chair

Christy Dunkle, Clerk



Clarke County Department of Planning
Berryville-Clarke County Government Center
101 Chalmers Court, Suite B
Berryville, VA 22611

TO: Berryville Area Development Authority members

FROM: Brandon Stidham, Planning Director

**RE: Berryville Area Plan update – Residential Density and Housing Types
(Continued Discussion)**

DATE: March 20, 2024

For the March 27 BADA meeting, we will continue with the Residential Density and Housing Types discussion beginning with the Sub-Areas that we did not discuss at the February meeting:

- 13 – Buckmarsh Run Conservation Area
- 14 – Northeast Residential Transition Area
- 15 – Northeastern Residential Growth Area
- 16 – Bel Voi Preservation Area
- 17 – Eastern Gateway
- 27A – Hermitage Residential Growth Area
- 27B – Southern Gateway Residential Growth Area

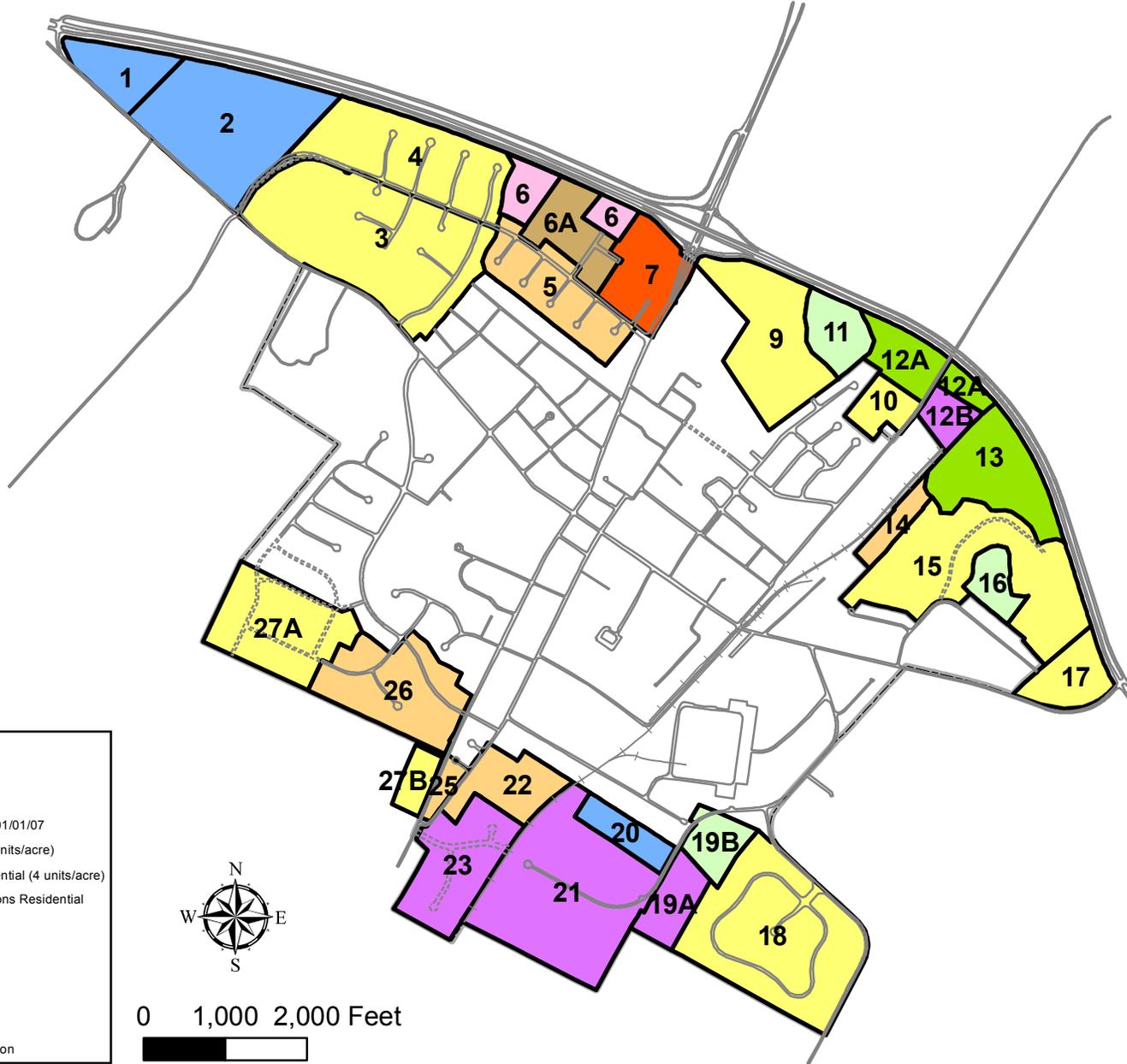
Following the Sub-Area discussion, we will review the potential modifications to the yields shown in the Modified Table and discuss how the resultant numbers may impact future residential development. For your reference, we have included the Sub-Area map, descriptions, and Modified Table documents from the February meeting packet. If time permits, we will also discuss how to address affordable housing in the draft Area Plan.

Members inquired about typical water and sewer usage at the Town’s assisted living facilities. Ms. Dunkle will present this data at the meeting. Staff has also included copies of the allowable uses in the Institutional (ITL) zoning district from the Town and County zoning ordinances as requested by the members.

If you have questions in advance of the meeting, please do not hesitate to contact me.

(540) 955-5132
www.clarkecounty.gov

MAP 4 -- Berryville Area Plan Land Uses (2015)



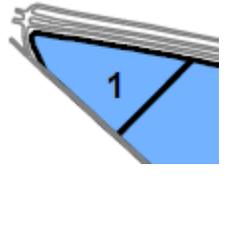
Existing Roads
 Proposed Roads
 Railroads
 Berryville Town Limits as of 01/01/07
 Low Density Residential (2 units/acre)
 Medium-Low Density Residential (4 units/acre)
 Medium Density Older Persons Residential
 Highway-Visitor Commercial
 Business/Office
 Light Industrial/Research
 Institutional/Public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

0 1,000 2,000 Feet

DRAFT – 2/28/2024 BADA MEETING

RESIDENTIAL SUB-AREAS DISCUSSION

1. Western Gateway (County)

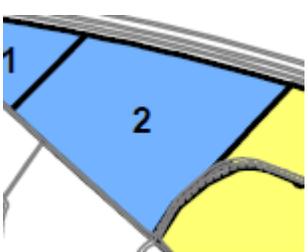
 A map showing a triangular sub-area labeled '1' in blue, bounded by West Main Street and Route 7.	<ul style="list-style-type: none">• <u>Location</u> – Corner of West Main Street and Route 7• <u>Land use</u> -- Institutional• <u>Approximate area</u> – 16.6 acres• <u>Changes since last update</u> – None• <u>Residential yield (2015)</u> – n/a (see low-to-moderate income housing discussion)
---	--

- Low-to-moderate income housing could be developed with a special use permit in ITL zoning.
- Plan does not provide residential guidance.

Discussion Question:

- Should language be included to address potential future residential development?

2. Fairgrounds (County)

 A map showing a sub-area labeled '2' in blue, bounded by West Main Street and other streets. A yellow area is also visible.	<ul style="list-style-type: none">• <u>Location</u> – North side of West Main Street• <u>Land use</u> -- Institutional• <u>Approximate area</u> – 58.9 acres• <u>Changes since last update</u> – None, however the Ruritans are evaluating the possibility of placing the Fairgrounds into permanent conservation easement• <u>Residential yield (2015)</u> – n/a (see low-to-moderate income housing discussion)
---	---

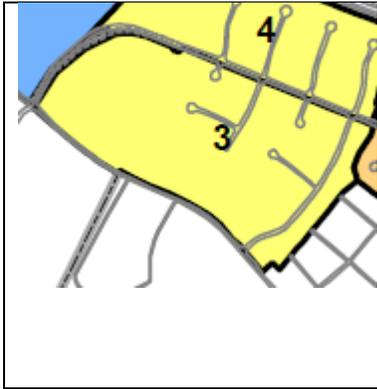
- Sub-Area includes the fairgrounds, fitness center/karate studio, 2 residential lots, and the Town's facilities.
- Low-to-moderate income housing could be developed with a special use permit in ITL zoning.
- Plan recommends density of 12 dwelling units/acre and maximum of 540 dwelling units. These dwelling units were not contemplated in the Plan's projected development yields.

Discussion Questions:

- Should the residential guidance be retained, modified, or removed? If retained or modified, how should the additional residential density be reconciled with the Plan's projected development yields?
- If Fairgrounds is placed into conservation easement, should it be re-designated as historical/cultural preservation as a separate Sub-Area?

DRAFT – 2/28/2024 BADA MEETING

3. Clarke County High School/Battlefield Estates South (Town)

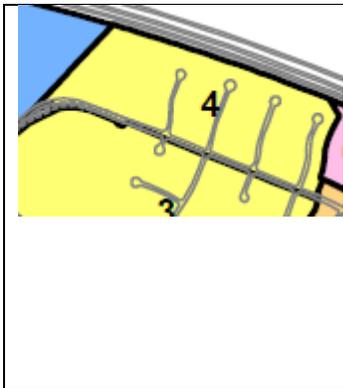


- Location – South side of Mosby Boulevard
- Land use – Low-density residential
- Approximate area – 84.4 acres
- Changes since last update – Unbuilt lots completed
- Residential yield (2015) – 143 dwelling units
- Dwelling units used/Unbuilt remaining – 74/0
- Excess dwelling units – 69 (2015 chart is over by 2 dwelling units)
- **Built out – Staff recommends removal from Plan**

Discussion Question:

- This Sub-Area is built out – should it be removed from the Plan?

4. Battlefield Estates North (Town)



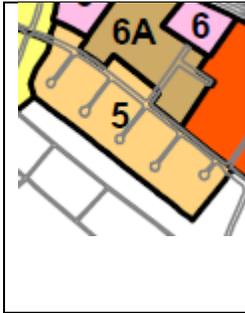
- Location – North side of Mosby Boulevard
- Land use – Low-density residential
- Approximate area – 50.1 acres
- Changes since last update – Unbuilt lots completed
- Residential yield (2015) – 80 dwelling units
- Dwelling units used/Unbuilt remaining – 70/0
- Excess dwelling units – 10 (2015 chart is over by 8 dwelling units)
- **Built out – Staff recommends removal from Plan**

Discussion Question:

- This Sub-Area is built out – should it be removed from the Plan?

DRAFT – 2/28/2024 BADA MEETING

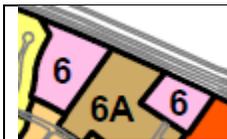
5. Battlefield Estates East (Town)



- Location – South side of Mosby Boulevard
- Land use – Medium-low density residential
- Approximate area – 30.8 acres
- Changes since last update – None
- Residential yield (2015) – 62 dwelling units
- Dwelling units used/Unbuilt remaining – 60/2
- Excess dwelling units – 0

- Sub-Area has two unbuilt residential lots remaining.

6. Mosby Business Area/Battlefield Estates Business (Town)



- Location – 450 Mosby Boulevard (The Retreat at Berryville)
- Land use – Business/Office
- Approximate area – 15.95 acres
- Changes since last update – 80 unit assisted living facility constructed
- Residential yield (2015) – n/a

Discussion Question:

- The Retreat at Berryville assisted living facility was built in this Sub-Area as a commercial use. Should it be treated as a residential use for residential development yield purposes? Or should it be treated as a medical facility and not count towards the residential yield?

6A. Mosby Flexible Residential Area (Town)



- Location – Between Mosby Boulevard and Chamberlain Street; Mary Hardesty House and Robert Regan Village
- Land use – Medium-density older persons residential
- Approximate area – 19.2 acres
- Changes since last update – 120-unit older persons residential apartments constructed
- Residential yield (2015) – 300 dwelling units including a maximum 120 multi-family residential units
- Dwelling units used/Unbuilt remaining – 180 multi-family used, 3, single family used; 1 single-family lot remains, 117 dwelling units

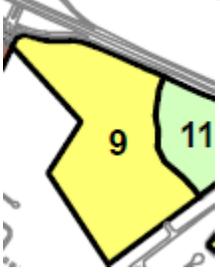
DRAFT – 2/28/2024 BADA MEETING

- This Sub-Area was programmed with a planned yield of 300 dwelling units to include no more than 120 multi-family units.
- Robert Regan Village was developed with 120 total multi-family units and Mary Hardesty House was developed with a total of 60 multi-family units for a total of 180 multi-family units. This exceeds the Plan’s maximum yield of 120 multi-family units but is under the maximum 300 dwelling unit yield.
- Three single-family residential lots were developed and one lot remains undeveloped.

Discussion Questions:

- How should the 60 additional multi-family units approved over the planned limit be addressed?
- The Sub-Area has 117 of the 300 total dwelling units remaining. How should this be addressed?
- Should guidance be amended to indicate that future development potential in this Sub-Area is limited to one remaining lot as the remaining available land is taken up by Robert Regan Village and Mary Hardesty House?

9. Northern Residential Growth Area (Town)

	<ul style="list-style-type: none">• <u>Location</u> – Shenandoah Crossing Subdivision• <u>Land use</u> – Low-density residential• <u>Approximate area</u> – 41.7 acres• <u>Changes since last update</u> – Shenandoah Crossing subdivision developed• <u>Residential yield (2015)</u> – 54 dwelling units• <u>Dwelling units used/Unbuilt remaining</u> – 82/0• <u>Excess dwelling units</u> – 0• <u>Dwelling units built over yield</u> -- 28• <u>Built out</u> – Staff recommends removal from Plan
--	--

- Shenandoah Crossing was built with 82 lots under current zoning, exceeding the projected residential yield by 26 dwelling units.

Discussion Question

- Should the additional 26 dwelling units be subtracted from the number of excess dwelling units available for use elsewhere?

DRAFT – 2/28/2024 BADA MEETING

10. First Street Residential Area (Town)

	<ul style="list-style-type: none">• <u>Location</u> – 343 First Street• <u>Land use</u> – Low-density residential• <u>Approximate area</u> – 9.5 acres• <u>Changes since last update</u> – Annexed in 2021• <u>Residential yield (2015)</u> – 6 dwelling units• <u>Dwelling units used/Unbuilt remaining</u> – 0/6• <u>Excess dwelling units</u> – 0
---	--

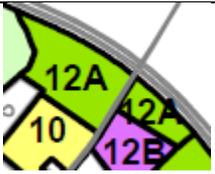
- No comments or discussion questions.

11. Soldier’s Rest Preservation Area (Town)

	<ul style="list-style-type: none">• <u>Location</u> – Western portion of 198 Petal Drive (Soldier’s Rest)• <u>Land use</u> – Historical-cultural preservation/limited residential• <u>Approximate area</u> – 13.8 acres• <u>Changes since last update</u> – None• <u>Residential yield (2015)</u> – 1 dwelling unit• <u>Dwelling units used/Unbuilt remaining</u> – 1/0• <u>Excess dwelling units</u> – 0
---	---

- No comments or discussion questions.

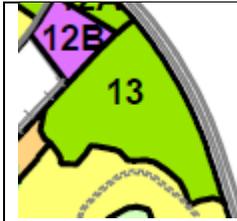
12A. First Street Conservation Area (County)

	<ul style="list-style-type: none">• <u>Location</u> – 429 First Street and eastern portion of 198 Petal Drive• <u>Land use</u> – Environmental conservation/limited residential• <u>Approximate area</u> – 26.3 acres• <u>Changes since last update</u> – None• <u>Residential yield (2015)</u> – 0• <u>Dwelling units used/Unbuilt remaining</u> – 2/0• <u>Excess dwelling units</u> – 0
---	---

- No comments or discussion questions.

DRAFT – 2/28/2024 BADA MEETING

13. Buckmarsh Run Conservation Area (Town)



- Location – Low-lying northern portion of Friant property
- Land use – Environmental conservation/limited residential
- Approximate area – 32 acres
- Changes since last update – Annexed by Town in 2021; proposed residential rezoning currently under review (D.R. Horton/Friant)
- Residential yield (2015) – 3
- Dwelling units used/Unbuilt remaining – 0/3
- Excess dwelling units – 0

Discussion Question:

- This question applies to Sub-Areas 13-17. How does the BADA feel about the Plan’s guidance for allowing additional density (master plan design elements) as it relates to the pending Friant property conditional zoning application?

14. Northeast Residential Transition Area (Town)



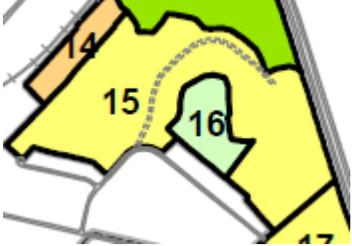
- Location—Business Park (BP) zoned portion of the Friant property adjacent to railroad
- Land use – Medium-low density residential
- Approximate area – 7.2 acres
- Changes since last update – Annexed by Town in 2021; proposed residential rezoning currently under review (D.R. Horton/Friant)
- Residential yield (2015) – 28
- Dwelling units used/Unbuilt remaining – 0/28
- Excess dwelling units – 0

Discussion Question:

- This question applies to Sub-Areas 13-17. How does the BADA feel about the Plan’s guidance for allowing additional density (master plan design elements) as it relates to the pending Friant property conditional zoning application?

DRAFT – 2/28/2024 BADA MEETING

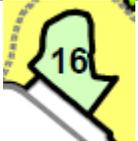
15. Northeastern Residential Growth Area (Town)

	<ul style="list-style-type: none">• <u>Location</u> – Balance of the Friant property• <u>Land use</u> – Low-density residential• <u>Approximate area</u> – 63.1 acres• <u>Changes since last update</u> – Annexed by Town in 2021; proposed residential rezoning currently under review (D.R. Horton/Friant)• <u>Residential yield (2015)</u> – 81• <u>Dwelling units used/Unbuilt remaining</u> – 0/81• <u>Excess dwelling units</u> – 0
---	---

Discussion Question:

- This question applies to Sub-Areas 13-17. How does the BADA feel about the Plan’s guidance for allowing additional density (master plan design elements) as it relates to the pending Friant property conditional zoning application?

16. Bel Voi Preservation Area (Town)

	<ul style="list-style-type: none">• <u>Location</u> – 29 Battletown Drive (Bel Voi) and a portion of the Friant property adjoining to the east• <u>Land use</u> – Historical-Cultural Preservation/Limited Residential• <u>Approximate area</u> – 8.9 acres• <u>Changes since last update</u> – Annexed by Town in 2021; proposed residential rezoning currently under review (D.R. Horton/Friant)• <u>Residential yield (2015)</u> – 1• <u>Dwelling units used/Unbuilt remaining</u> – 1/0• <u>Excess dwelling units</u> – 0
--	---

Discussion Question:

- This question applies to Sub-Areas 13-17. How does the BADA feel about the Plan’s guidance for allowing additional density (master plan design elements) as it relates to the pending Friant property conditional zoning application?

DRAFT – 2/28/2024 BADA MEETING

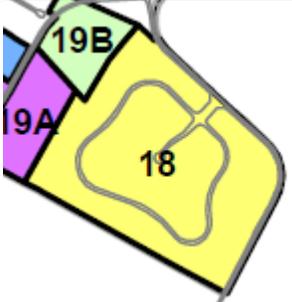
17. Eastern Gateway (County)

	<ul style="list-style-type: none"> • <u>Location</u> – Corner of East Main Street and Route 7 (Profundus/Audley) • <u>Land use</u> – Low-density residential • <u>Approximate area</u> – 15.1 acres • <u>Changes since last update</u> – Proposed residential rezoning currently under review (D.R. Horton/Friant) that would be accessed through this Sub-Area • <u>Residential yield (2015)</u> – 25 • <u>Dwelling units used/Unbuilt remaining</u> – 0/25 • <u>Excess dwelling units</u> – 0
---	--

Discussion Questions:

- This question applies to Sub-Areas 13-17. How does the BADA feel about the Plan’s guidance for allowing additional density (master plan design elements) as it relates to the pending Friant property conditional zoning application?
- Is low-density residential the best land use category for this property?

18. Berryville Glen (Town)

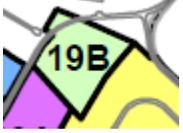
	<ul style="list-style-type: none"> • <u>Location</u> –Berryville Glen Subdivision (Springsbury Road) • <u>Land use</u> – Low-density residential • <u>Approximate area</u> – 75.1 acres • <u>Changes since last update</u> – Berryville Glen subdivision and unbuilt lots completed • <u>Residential yield (2015)</u> – 116 dwelling units • <u>Dwelling units used/Unbuilt remaining</u> – 71/0 • <u>Excess dwelling units</u> – 45 • <u>Built out</u> – Staff recommends removal from Plan
---	---

Discussion Question:

- This Sub-Area is built out – should it be removed from the Plan?

DRAFT – 2/28/2024 BADA MEETING

19B. Dandridge Acres Preservation Area (Town)

	<ul style="list-style-type: none">• <u>Location</u> – 28 Jack Enders Boulevard (Dandridge Acres)• <u>Land use</u> – Historical-Cultural Preservation/Limited Residential• <u>Approximate area</u> – 10 acres• <u>Changes since last update</u> – None• <u>Residential yield (2015)</u> – 1• <u>Dwelling units used/Unbuilt remaining</u> – 1/0• <u>Excess dwelling units</u> – 0
---	--

- No comments or discussion questions.

20. Johnson-Williams Institutional Area (Town)

	<ul style="list-style-type: none">• <u>Location</u> – 301-305 Josephine Street (Johnson-Williams Apartments and Josephine School Community Museum)• <u>Land use</u> – Institutional/public• <u>Approximate area</u> – 10.3 acres• <u>Changes since last update</u> – None• <u>Residential yield (2015)</u> – n/a (see low-to-moderate income housing discussion)
---	--

- Low-to-moderate income housing could be developed with a special use permit in ITL zoning.
- Plan does not provide residential guidance.

Discussion Question:

- Should language be included to address residential development?

22. South Church St. Residential Area (Town)

	<ul style="list-style-type: none">• <u>Location</u> – East side of South Church Street (contains developed and undeveloped lots)• <u>Land use</u> – Medium-low density residential• <u>Approximate area</u> – 19 acres• <u>Changes since last update</u> – None• <u>Residential yield (2015)</u> – 35• <u>Dwelling units used/Unbuilt remaining</u> – 4/31• <u>Excess dwelling units</u> – 0
---	--

DRAFT – 2/28/2024 BADA MEETING

Discussion Question:

- Is medium-low density residential still an appropriate land use for this Sub-Area?

25. Southgate Residential Area (Town)

	<ul style="list-style-type: none">• <u>Location</u> – South Church Street between US 340 and Turner Court• <u>Land use</u> – Medium-low density residential• <u>Approximate area</u> – 4.7 acres• <u>Changes since last update</u> – Unbuilt lots completed• <u>Residential yield (2015)</u> – 7 dwelling units• <u>Dwelling units used/Unbuilt remaining</u> – 7/0• <u>Excess dwelling units</u> – 3• <u>Built out</u> – Staff recommends removal from Plan
---	--

Discussion Question:

- This Sub-Area is built out – should it be removed from the Plan?

26. Hermitage Boulevard Residential Area (Town)

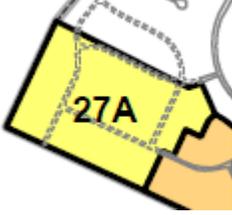
	<ul style="list-style-type: none">• <u>Location</u> – Hermitage Subdivision (south side of Hermitage Boulevard containing Craig’s Run Court, original section of Dunlap Drive, and stormwater management facility)• <u>Land use</u> – Medium-low density residential• <u>Approximate area</u> – 38.6 acres• <u>Changes since last update</u> – None• <u>Residential yield (2015)</u> – 38 dwelling units• <u>Dwelling units used/Unbuilt remaining</u> – 38/0• <u>Excess dwelling units</u> – 0• <u>Built out</u> – Staff recommends removal from Plan
---	--

Discussion Question:

- This Sub-Area is built out but was retained in the Plan because the existing stormwater management area could potentially be redeveloped. Staff no longer thinks this is a possibility. Should this Sub-Area be removed from the Plan?

DRAFT – 2/28/2024 BADA MEETING

27A. Hermitage Residential Growth Area (Town)

	<ul style="list-style-type: none">• <u>Location</u> – Majority of Hermitage Section 5 (northern portion is location outside of the Annexation Area)• <u>Land use</u> – Low-density residential• <u>Approximate area</u> – 34.4 acres• <u>Changes since last update</u> – Hermitage Section 5 subdivision and unbuilt lots completed• <u>Residential yield (2015)</u> – 91 dwelling units (included lots located outside of the Annexation Area)• <u>Dwelling units used/Unbuilt remaining</u> – 36/0• <u>Excess dwelling units</u> – 19• <u>Built out</u> – Staff recommends removal from Plan
---	--

- Hermitage Section 5 is located partly in the Annexation Area – the northern portion is outside of the Annexation Area. A total of 71 lots were built in Section 5 and several areas were removed from development for stormwater management purposes. The total number of lots developed in the Sub-Area boundaries is 36 and the projected maximum yield was 55 units, resulting in 19 unused dwelling units.

Discussion Questions:

- This Sub-Area is built out – should it be removed from the Plan?
- Should the 19 unused dwelling units be reassigned for use in other Sub-Areas?

27B. Southern Gateway Residential Growth Area (County)

	<ul style="list-style-type: none">• <u>Location</u> – 443 South Buckmarsh Street (Dorick/Byrd property)• <u>Land use</u> – Low-density residential• <u>Approximate area</u> – 7 acres• <u>Changes since last update</u> – None• <u>Residential yield (2015)</u> – 14 dwelling units• <u>Dwelling units used/Unbuilt remaining</u> – 0/14• <u>Excess dwelling units</u> – 0
---	--

Discussion Question:

- Is low-density residential the appropriate land use for this Sub-Area given its size and location? Should the Sub-Area be eliminated and folded into consideration of the Hermitage South potential future growth area? Should a different land use type (e.g., commercial) be considered?

MODIFIED TABLE FOR BADA RESIDENTIAL DENSITIES DISCUSSION

Sub Area	Title	Planned Land Use	Residential Types	Planned Res. Density	Approx. Area (acres)	Revised Yield (2015)	Res. Units Used (2024) ⁶	Remaining Dwelling Units ⁶	Unbuilt Dwelling Units ⁶	Unused Dwelling Units ⁹	Notes
1	Western Gateway	Institutional	SFD, SFA, MF/OPR	n/a	16.6	n/a	0	n/a	n/a	n/a	See 1
2	Fairgrounds	Institutional	SFD, SFA, MF/OPR	n/a	58.9	n/a	0	n/a	n/a	n/a	See 1
3	CCHS/Battlefield Estates South	Low-Density Res.	SFD	2 RU/AC	84.4	143	74 73	69 74	0 4	69 74	n/a
4	Battlefield Estates North	Low-Density Res.	SFD	2 RU/AC	50.1	80	70 63	10 48	0 7	10 48	n/a
5	Battlefield Estates East	Med-Low Density Res.	SFD	4 RU/AC	30.8	62	60 58	0	2 4	0	n/a
6	Battlefield Estates Business	Business/Office	n/a	0.3 FAR	15.95	n/a	n/a	n/a	n/a	n/a	See 10
6A	Mosby Flexible Residential Area	Med-Density OPR	SFD, SFA, MF/OPR	n/a	19.2	300 (max 120 multi-family)	183 including 180 multi-family 3	117	n/a	117	See 2 and 8
9	Northern Residential Growth Area	Low-Density Res.	SFD	2 RU/AC	41.7	54	82 54	0	0 54	-28	n/a
10	First Street Residential Area	Low-Density Res.	SFD	2 RU/AC	9.5	6	0	6	6	0	n/a
11	Soldier's Rest Preservation Area	Limited Residential	SFD	1 RU/10 AC	13.8	1	1	0	0	0	n/a
12A	First Street Conservation Area	Limited Residential	SFD	1 RU/10 AC	26.3	0	0	0	0	0	n/a
13	Buckmarsh Run Conservation Area	Limited Residential	SFD	1 RU/10 AC	32	3	0	3	3	0	n/a
14	Northeast Residential Transition Area	Med-Low Density Res.	SFD	4 RU/AC	7.2	28	0	28	0	0	See 7
15	Northeastern Residential Growth Area	Low-Density Res.	SFD	2 RU/AC	63.1	81	0	81	0	0	See 7
16	Bel Voi Preservation Area	Limited Residential	SFD	1 RU/10 AC	8.9	1	1	0	0	0	n/a
17	Eastern Gateway	Low-Density Res.	SFD	2 RU/AC	15.1	25	0	25	0	0	n/a
18	Berryville Glen	Low-Density Res.	SFD	2 RU/AC	75.1	116	71 45	0 45	0 26	45	n/a
19B	Dandridge Acres Preservation Area	Limited Residential	SFD	1 RU/10 AC	10	1	1	0	0	0	n/a
20	Johnson-Williams Institutional Area	Institutional	SFD, SFA, MF/OPR	n/a	10.3	n/a	40	n/a	n/a	n/a	See 1 and 3
22	South Church St. Residential Area	Med-Low Density Res.	SFD	4 RU/AC	19	35	4	31	0	0	n/a
24	Southgate (Removed in 2015)									3	

MODIFIED TABLE FOR BADA RESIDENTIAL DENSITIES DISCUSSION

25	Southgate Residential Area	Med-Low Density Res.	SFD	4 RU/AC	4.7	7	4	3	0 3	3	n/a
26	Hermitage Blvd. Residential Area	Med-Low Density Res.	SFD	4 RU/AC	38.6	38	38	0	0	0	n/a
27A	Hermitage Residential Growth Area	Low-Density Res.	SFD	2 RU/AC	34.4	91	36 91	0 55	0 36	19 55	n/a
27B	Southern Gateway Residential Growth Area	Low-Density Res.	SFD	2 RU/AC	7	14	0	14	0	0	n/a

1 The Institutional Designation recommends housing for low to moderate income, elderly, and handicapped individuals. Density is driven by the zoning district classification assigned to the parcel. Sub-Area 1 contains no guidance for residential uses. Sub-Area 2 includes language for 12 dwelling units/acre with maximum of 540 dwelling units.

2 Density of Older Persons Residential is to be determined by site plan for specific projects.

3 Existing Johnson-Williams Apartments contains 40 residential units

4 Sub-Area 14 was originally listed as Sub-Area 14A and recommended for Light Industrial Uses

5 Sub-Area 21 (Clarke County Business Park) is composed of original Sub-Areas 19A, 19D, 21A, and 21B.

6 Residential units used refers to the number of units constructed and to be subtracted from the total yield. Updated for 2024.

Remaining residential units refers to units remaining from the total yield that have not been assigned to a future development via plat or plan approval.

Unbuilt residential units refers to units that have been approved by the governing body via subdivision plat or site plan but have not been developed.

7 Sub-Areas 14 and 15 may be candidates for additional density at 4 units/acre with additional units taken from the total number of unused units in the Annexation Area.

8 Sub-Area 6A includes an alternate design option allowing a maximum of 50 units to be developed under the Attached Residential (AR) zoning district.

9 3 additional unused dwelling units came from Sub-Area 24 which was removed from the Plan with the 2015 update.

10 Sub-Area 6 contains a 70+ unit assisted living facility.

SFD:

Single-family detached residential

SFA: Single-family attached residential (duplex, triplex, quadplex, townhouse)

MF/OPR: Multi-family older persons residential (apartments, condominiums)

RU: Residential unit

AC: Acre

 Sub-Areas with unused residential units that could be re-allocated to other Sub-Areas subject to Plan recommendations.

 Candidate for removal from Plan

 Changes noted by Staff

SECTION 613 - INSTITUTIONAL (ITL)

613.1 PURPOSE AND INTENT

The Institutional District (ITL) is created to identify locations for municipal government properties and land uses (both Town, County, State and/or Federal), semi-public uses, residential uses serving general public purpose, and natural open space resources deemed necessary in providing areas for “passive” and “active” recreational areas within the precincts of the Berryville Area Plan. This district is established to clearly identify these lands and to distinguish them from other areas of the Berryville Area which are held appropriate for private urban land uses. Lands in this designation are primarily intended for governmental agency use and mixed-use (public/private) orientations.

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

613.2 PERMITTED USES

- (a) Agricultural, horticultural and farming uses
- (b) Cemeteries
- (c) Day care centers
- (d) Churches and other places of worship
- (e) Clubs or Lodges (including civic and public benefit organizations)
- (f) Government and other public buildings (including police, fire, library, museum, and postal facilities)
- (g) Public utilities uses (sub-stations, pump stations, storage tanks, railroad sidings, etc.) and related easements
- (h) Recreation facilities (indoor or outdoor), parks, playgrounds, fairgrounds, etc.
- (i) Schools, public or private

613.3 SPECIAL PERMIT USES

- (a) Conference centers and retreat houses
- (b) Hospitals and medical care facilities
- (c) Housing for low- and moderate- income households
- (d) Sports arenas or stadiums as a principal use

613.4 LOT SIZE, HEIGHT AND BULK REQUIREMENTS

- (a) When the lot size, height, bulk and setbacks are not explicitly addressed in the Additional Regulations section below, then non-residential uses shall comply with all the requirements of the Business Commercial BC District for conventional lots, including those for lot size, bulk, density, height and open space. Residential uses shall comply with all requirements of the Attached Residential AR District.
- (b) All residential buildings shall be located not closer than one-hundred (100) feet from a railroad right-of-way.

613.5 OPEN SPACE

- (a) An open space plan and landscape design program shall be submitted with applications for any land use governed by this district.

613.6 ADDITIONAL REGULATIONS

(a) General Regulations

- (1) All uses shall be subject to site plan review.
- (2) Applications for residential uses shall be submitted with copies of deed covenants with prospective purchasers, or conservation easements with the Town and/or County, describing land management practices to be followed by which ever party or parties are responsible for regular maintenance, mowing or gardening.

(b) Additional Standards for Child Care Centers and Nursery Schools

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

(c) Additional Standards for Public Uses

- (1) For public uses, a certified copy of the law, ordinance, resolution or other official act adopted by the governmental entity proposing the use, authorizing the establishment of the proposed use at the proposed location, shall be provided.
- (2) For public uses, a statement by an official or officer of the governmental body shall be presented giving the exact reasons for selecting the particular site as the location for the proposed facility.
- (3) For public uses, it shall be concluded that the proposed location of the use is necessary for the rendering of efficient governmental services to residents of properties within the Town of Berryville and the County of Clarke.

Section 613 Institutional (ITL) District

- (d) Additional Standards for Public or Private Schools
- (1) Two-hundred (200) square feet of usable outdoor recreation area shall be provided for each child in grades K-3 that may use the space at any one time, and
 - (2) Four-hundred thirty (430) square feet of usable outdoor recreation area shall be provided for each child in grades 4-12 that may use the space at any one time.
 - (3) Such usable outdoor recreation area shall be delineated on a plat submitted at the time the application is filed.
 - (4) For the purpose of these open space provisions, usable outdoor recreation shall be limited to:
 - a. That area not covered by buildings or required off-street parking spaces.
 - b. That area outside the limits of the required front yard.
 - c. Only that area which is developed for active outdoor recreation purposes.
 - d. An area which occupies no more than eighty (80) per cent of the combined total areas of the required rear and side yards.
- (e) Additional Standards for Conference Centers and Retreat Houses
- (1) No building shall be located closer than fifty (50) feet to any street right-of-way line.
 - (2) No building shall be located closer than one-hundred (100) feet to any lot line which abuts a residential district.
- (f) Additional Standards for Hospitals and Medical Care Facilities
- (1) All applications for medical care facilities shall be filed at the same time as the application for a State Medical Facilities Certificate of Public Need.
 - (2) In the governing body's granting of an approval to the applicant, in addition to the information provided by the applicant, the governing body may solicit information and comment from such providers and consumers of health planning organizations as may seem appropriate, provided that the governing body shall not be bound by any such information or comment.
 - (3) No such use shall be located on a lot containing less than five (5) acres.
- (g) Additional Standards for Housing Low- to Moderate- Income Households
- (1) Such housing shall be occupied only by households having an income not greater than eighty (80) percent of the median household income in Clarke County.
 - (2) Such housing may be in the form of Multifamily, Attached Single-Family, or Detached Single-Family.
 - (3) All requirements for such housing including uses, density, lot size, bulk, height, setbacks and open space, shall be those found in the AR Residential Zoning District with the following requirements for Multi-family development:
 - (a) Maximum Density: 12 units per net developable acre
 - (b) Minimum District Size: 3 acres

Section 613 Institutional (ITL) District

- (c) Bulk and Open Space Regulations for Multifamily structures:
 - (1) Maximum building height: 35 feet
 - (2) Minimum yard requirements
 - (i) Front: 25 feet
 - (ii) Side: 25 feet
 - (iii) Rear: 45 feet
 - (3) Minimum building separation between multifamily structures on the same parcel: 25 feet
 - (4) Forty (40) percent of the site shall be open space.
 - (5) Such housing for the elderly (62 or older, or handicapped and 55 or older) may include general nursing facilities designed solely for the residents as an accessory use.
 - (6) All facilities of the development shall be solely for the use of the residents, employees and invited guests, but not for the general public.

COUNTY ZONING ORDINANCE -- Institutional (ITL) District Uses

Agricultural Uses	Use Type(s)
Agriculture	Permitted

Residential Uses	Use Type(s)
Housing for low and moderate income households	Special

Business Uses	Use Type(s)
Day care centers	Permitted
Funeral homes	Permitted
Hospitals	Special
Medical care facilities, licensed	Special

Recreation/Education/Assembly Uses	Use Type(s)
Churches and other places of worship	Permitted
Clubs or lodges (including civic and public benefit organizations)	Permitted
Conference centers and retreat houses	Special
Fairgrounds	Permitted
Public or private schools	Permitted
Recreation Facilities (Indoor/Outdoor), Parks, Playgrounds, and Related Uses	Permitted
Sports arenas and stadiums as a principal use	Permitted

Public and Miscellaneous Uses	Use Type(s)
Cemetery	Permitted
Government and other public buildings (including police, fire, and postal facilities; excluding retail and services uses, except as an accessory use)	Permitted
Public Utility Facility	Permitted

Use Definitions and Regulations

AGRICULTURE	
Permitted Use	ITL
Accessory Use	None
Special Use	None

Definition:

The use of land for tilling of the soil; the growing of crops or plant growth of any kind, including fruit, flowers, and ornamental plants; pasturage; dairying; or the raising of poultry and/or livestock.

Use Regulations: None

Required Review Processes: None

HOUSING FOR LOW AND MODERATE INCOME HOUSEHOLDS	
Permitted Use	None
Accessory Use	None
Special Use	ITL

Definition: None

Use Regulations:

1. Such housing shall be occupied only by households having an income not greater than eighty (80) percent of the median household income in Clarke County.
2. Such housing may be in the form of Multifamily, Attached Single-Family, or Detached Single-Family.
3. Housing for the elderly (62 or older, or handicapped and 55 or older) may include general nursing facilities designed solely for the residents as an accessory use.
4. All facilities of the development shall be solely for the use of the residents, employees and invited guests, but not for the general public.

Required Review Processes:

1. Special Use Permit Review is required per [Section 6.3.1](#).
2. Site Development Plan Review is required per [Section 6.2.2](#).
3. Certificate of Appropriateness review is required per [Section 6.2.5](#) for lots located within the Historic Access Corridor (HAC) Overlay District.

DAY CARE CENTERS	
Permitted Use	BC, ITL
Accessory Use	None
Special Use	B, DR-2, DR-4

Definition:

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

Use Regulations:

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

Required Review Processes:

1. Special Use Permit Review is required per [Section 6.3.1](#) for uses in the B, DR-2, and DR-4 Districts.
2. Site Development Plan Review is required per [Section 6.2.2](#) for uses in all Districts.
3. Certificate of Appropriateness review is required per [Section 6.2.5](#) for lots located within the Historic Access Corridor (HAC) Overlay District.

FUNERAL HOMES	
Permitted Use	BC, ITL
Accessory Use	None
Special Use	None

Definition

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

Use Regulations: None

Required Review Processes:

1. Site Development Plan Review is required per [Section 6.2.2](#).
2. Certificate of Appropriateness review is required per [Section 6.2.5](#) for lots located within the Historic Access Corridor (HAC) Overlay District.

HOSPITALS	
Permitted Use	None
Accessory Use	None
Special Use	ITL

Definitions:

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

Use Regulations:

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

Required Review Processes:

1. Special Use Permit Review is required per [Section 6.3.1](#).

2. Site Development Plan Review is required per [Section 6.2.2](#).
3. Certificate of Appropriateness review is required per [Section 6.2.5](#) for lots located within the Historic Access Corridor (HAC) Overlay District.

MEDICAL CARE FACILITIES, LICENSED	
Permitted Use	BC, B
Accessory Use	None
Special Use	ITL

Definition:

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

Use Regulations:

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

Required Review Processes:

1. Special Use Permit Review is required per [Section 6.3.1](#) for ITL District uses.
2. Site Development Plan Review is required per [Section 6.2.2](#) for all District uses.
3. Certificate of Appropriateness review is required per [Section 6.2.5](#) for lots located within the Historic Access Corridor (HAC) Overlay District.

CHURCHES AND OTHER PLACES OF WORSHIP	
Permitted Use	BC, B, ITL
Accessory Use	None
Special Use	DR-1, DR-2, DR-4

Definition: None

Use Regulations: None

Required Review Processes:

1. Special Use Permit Review is required per [Section 6.3.1](#) for uses in the DR-1, DR-2, and DR-4 Districts.

2. Site Development Plan Review is required per [Section 6.2.2](#) for uses in all Districts.
3. Certificate of Appropriateness review is required per [Section 6.2.5](#) for lots located within the Historic Access Corridor (HAC) Overlay District.

CLUBS OR LODGES (INCLUDING CIVIC AND PUBLIC BENEFIT ORGANIZATIONS)	
Permitted Use	BC, B, ITL
Accessory Use	None
Special Use	None

Definition: None

Use Regulations: None

Required Review Processes:

1. Site Development Plan Review is required per [Section 6.2.2](#).
2. Certificate of Appropriateness review is required per [Section 6.2.5](#) for lots located within the Historic Access Corridor (HAC) Overlay District.

CONFERENCE CENTERS AND RETREAT HOUSES	
Permitted Use	B
Accessory Use	None
Special Use	BC, ITL

Definition: None

Use Regulations:

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

Required Review Processes:

1. Special Use Permit Review is required per [Section 6.3.1](#) for uses in the BC and ITL Districts.
2. Site Development Plan Review is required per [Section 6.2.2](#) for uses in all Districts.
3. Certificate of Appropriateness review is required per [Section 6.2.5](#) for lots located within the Historic Access Corridor (HAC) Overlay District.

FAIRGROUNDS	
Permitted Use	ITL
Accessory Use	None
Special Use	None

Definition:

A lot or lots used, either temporarily or permanently (as permitted herein), as the site of any fair, exposition, or public display.

Use Regulations: None

Required Review Processes:

1. Site Development Plan Review is required per [Section 6.2.2](#).
2. Certificate of Appropriateness review is required per [Section 6.2.5](#) for lots located within the Historic Access Corridor (HAC) Overlay District.

PUBLIC OR PRIVATE SCHOOLS	
Permitted Use	B, BC, ITL
Accessory Use	None
Special Use	OSR, DR-1, DR-2, DR-4

Definition: None

Use Regulations:

1. Two-hundred (200) square feet of usable outdoor recreation area shall be provided for each child in grades K-3 that may use the space at any one time, and
2. Four-hundred thirty (430) square feet of usable outdoor recreation area shall be provided for each child in grades 4-12 that may use the space at any one time.
3. Such usable outdoor recreation area shall be delineated on a plat submitted at the time the application is filed.
4. For the purpose of these open space provisions, usable outdoor recreation shall be limited to:
 - a. That area not covered by buildings or required off-street parking spaces.
 - b. That area outside the limits of the required front yard.
 - c. Only that area which is developed for active outdoor recreation purposes.
 - d. An area which occupies no more than eighty (80) per cent of the combined total areas of the required rear and side yards.

Required Review Processes:

1. Special Use Permit Review is required per [Section 6.3.1](#) for uses in the OSR, DR-1, DR-2, and DR-4 Districts.
2. Site Development Plan Review is required per [Section 6.2.2](#) for uses in all Districts.

- Certificate of Appropriateness review is required per [Section 6.2.5](#) for lots located within the Historic Access Corridor (HAC) Overlay District.

RECREATION FACILITIES (INDOOR/OUTDOOR), PARKS, PLAYGROUNDS, AND RELATED USES	
Permitted Use	BC, B, ITL
Accessory Use	None
Special Use	OSR, DR-1, DR-2, DR-4

Definition:

Commercial indoor recreation facility

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

Use Regulations: None

Required Review Processes:

- Special Use Permit Review is required per [Section 6.3.1](#) for uses in the OSR, DR-1, DR-2, and DR-4 Districts.
- Site Development Plan Review is required per [Section 6.2.2](#) for uses in all Districts.
- Certificate of Appropriateness review is required per [Section 6.2.5](#) for lots located within the Historic Access Corridor (HAC) Overlay District.

SPORTS ARENAS AND STADIUMS AS A PRINCIPAL USE	
Permitted Use	None
Accessory Use	None
Special Use	ITL

Definition: None

Use Regulations: None

Required Review Processes:

- Special Use Permit Review is required per [Section 6.3.1](#).
- Site Development Plan Review is required per [Section 6.2.2](#).

3. Certificate of Appropriateness review is required per [Section 6.2.5](#) for lots located within the Historic Access Corridor (HAC) Overlay District.

CEMETERY	
Permitted Use	ITL
Accessory Use	None
Special Use	DR-1, DR-2, DR-4

Definition:

A place of burial of the human dead, or remains of the human dead.

Use Regulations: None

Required Review Processes:

1. Special Use Permit Review is required per [Section 6.3.1](#).
2. Site Development Plan Review is required per [Section 6.2.2](#).
3. Certificate of Appropriateness review is required per [Section 6.2.5](#) for lots located within the Historic Access Corridor (HAC) Overlay District.

GOVERNMENT AND OTHER PUBLIC BUILDINGS (INCLUDING POLICE, FIRE, AND POSTAL FACILITIES; EXCLUDING RETAIL AND SERVICES USES, EXCEPT AS AN ACCESSORY USE)	
Permitted Use	BC, B, ITL
Accessory Use	None
Special Use	None

Definition: None

Use Regulations:

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

Required Review Processes:

1. Site Development Plan Review is required per [Section 6.2.2](#).

2. Certificate of Appropriateness review is required per [Section 6.2.5](#) for lots located within the Historic Access Corridor (HAC) Overlay District.

PUBLIC UTILITY FACILITY	
Permitted Use	BC, B, ITL
Accessory Use	None
Special Use	OSR, DR-1, DR-2, DR-4

Definition:

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

Use Regulations:

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

Required Review Processes:

1. Special Use Permit Review is required per [Section 6.3.1](#) for uses proposed in the OSR, DR-1, DR-2, and DR-4 Districts.
2. Site Development Plan Review is required per [Section 6.2.2](#) for uses in all Districts.
3. Certificate of Appropriateness review is required per [Section 6.2.5](#) for lots located within the Historic Access Corridor (HAC) Overlay District.