

Public Hearing Notice

The Clarke County Board of Supervisors will conduct three public hearings in the Berryville Clarke County Government Center Main Meeting Room, 101 Chalmers Court, 2nd Floor, Berryville, VA, on Tuesday, July 16, 2024, at 6:30 pm, or as soon thereafter as the matters may be heard, to hear public comment on the following:

PH2024-11: TA-24-02, Minor Commercial Public Assembly Use – Country Inns. Proposed text amendment to amend the “country inn” use per Section 5.2C (Uses, Definitions, and Use Regulations–Business Uses) of the Zoning Ordinance. The purpose is to eliminate minor commercial public assembly as an allowable accessory use and to clarify that the sale of meals or prepared food is limited to overnight guests only. The text amendment also deletes reference to Code of Clarke County Chapter 57 (Special Events).

Information regarding the above matters, including a full copy of the proposed text changes, is available to the public in the Clarke County Administration office and on the County website. Any person desiring to speak on the above matters should appear at the appointed time and place. Written copies of statements are requested but not required. Clarke County does not discriminate on the basis of handicapped status in admission to its programs and activities. Accommodations will be made for handicapped persons upon prior request.

Chris Boies – County Administrator

ZONING ORDINANCE TEXT AMENDMENT (TA-24-02)
Minor Commercial Public Assembly Accessory Use – Country Inns
July 16, 2024 Board of Supervisors Meeting – PUBLIC HEARING
STAFF REPORT – Department of Planning

The purpose of this staff report is to provide information to the Planning Commission and Board of Supervisors to assist them in reviewing this proposed ordinance amendment. It may be useful to members of the general public interested in this proposed amendment.

Description:

Proposed text amendment to amend the “country inn” use per Section 5.2C (Uses, Definitions, and Use Regulations – Business Uses) of the Zoning Ordinance. The purpose is to eliminate minor commercial public assembly as an allowable accessory use and to clarify that the sale of meals or prepared food is limited to overnight guests only. The text amendment also deletes reference to Code of Clarke County Chapter 57 (Special Events).

Requested Action:

Conduct advertised public hearing and take action on the proposed text amendment.

Staff Analysis:

The “country inn” special use allows minor commercial public assembly activities to be approved as an accessory use subject to the requirements of use regulation 3. Following the Carter Hall special use permit application deliberation, some planning commissioners indicated a preference for removing this as an accessory use. If this accessory use is removed, applicants who want to operate a country inn and have minor commercial public assembly activities would be required to get a special use permit for a country inn and a separate special use permit for a minor commercial public assembly use.

The proposed changes below would remove use regulation 3 and reference to “permanent place(s) of public assembly” in the definition of “country inn.” Staff also recommends removal of use regulation 8 referencing compliance with County Code Chapter 57 requirements for any special events. Special events are not considered to be minor commercial public assembly uses however reference to them in the use regulations could give the impression that country inns are appropriate places to hold special events. Removal of use regulation 8 would not prohibit special events from being approved at country inns.

Language is also added to use regulation 2 to clarify that meal service is only allowed for overnight guests of the country inn. This ensures that meal service is not expanded to the general public and operated as a restaurant. The language would also prohibit meal service to individuals who may be visiting guests at the country inn but who are not staying overnight. Corresponding language in the definition would also be deleted.

Planning Commission Recommendation:

Following a duly advertised public hearing on June 7, 2024, the Commission voted 9-0-2 (Hunt, King absent) to recommend adoption of the text amendment to the Board of Supervisors. There were no speakers at the Commission’s public hearing.

Staff Recommendation:

Staff has no outstanding concerns with the adoption of this text amendment.

History:

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| April 18, 2024. | Ordinances Committee agreed by consensus to forward the proposed text amendment to the full Commission for consideration. |
| April 30, 2024. | Placed on the Commission’s Work Session agenda for initial discussion. |
| May 3, 2024. | Commission voted 9-0-2 (Hunt, Staelin absent) to initiate consideration of the text amendment and to schedule public hearing for the June 7, 2024 Business Meeting. |
| June 7, 2024. | Commission voted 9-0-2 (Hunt, King absent) to recommend adoption of the text amendment to the Board of Supervisors. |
| June 18, 2024. | Board of Supervisors voted unanimously to schedule public hearing for the July 16, 2024 meeting. |
| July 16, 2024. | Placed on the Board of Supervisors’ agenda and advertised for public hearing. |

Ordinance Amendment Text (changes shown in bold italics with strikethroughs where necessary):

COUNTRY INN	
Permitted Use	CN
Accessory Use	None
Special Use	AOC, FOC

Definition:

A business offering for compensation to the public guestrooms for transitory lodging or sleeping accommodations for a period of fewer than 30 consecutive days. ~~As accessory uses to a country inn, meal service and/or permanent place(s) of public assembly may be provided.~~

Use Regulations:

1. Maximum occupancy and use of onsite sewage disposal system.
 - a. A maximum of 15 guest rooms for transitory lodging or sleeping accommodations shall be permitted subject to compliance with Virginia Department of Health (VDH) regulations for onsite sewage disposal systems if applicable. The maximum occupancy shall not exceed the maximum occupancy allowed by the onsite sewage disposal system permit issued by the Virginia Department of Health (VDH). If the onsite sewage disposal system serving the country inn is shared with another structure or structures, the maximum occupancy of all structures shall not exceed the maximum occupancy allowed by the onsite sewage disposal system permit.
 - b. An application for a country inn that is served by an onsite sewage disposal system shall be reviewed by VDH in conjunction with the site development plan application review. Written confirmation by VDH that the existing onsite sewage disposal system can support the proposed maximum capacity of the country inn shall be a prerequisite to approval of a site development plan.
 - c. If a country inn is served by an onsite sewage disposal system, that system shall be maintained and remain in an operable condition for the life of the use. In the event that the system fails as determined by the Virginia Department of Health (VDH), the zoning administrator may issue a notice of violation to cease the country inn use until the system is repaired or replaced and is approved in writing by VDH.
2. The sale of meals or prepared food *to overnight guests only*, which may include beverages and confections, is permitted as an accessory use to a country inn. Approvals or permits by applicable State agencies shall be obtained and remain active for the lifespan of this activity.

- ~~3. Assembly activities for compensation are permitted as an accessory use. The maximum number of building occupants during an assembly activity shall not exceed 149, or the maximum occupancy of the facility as approved by the Building Department, whichever is lesser.~~
3. One bathroom shall be provided per each bedroom in structures less than 50 years old or one bathroom shall be provided per each two bedrooms in structures 50 years or older.
4. Any need for parking shall be met off the street and other than in a required front yard, and shall conform in all other ways with the provisions of [Section 7.2.5 \(Parking Regulations\)](#).
5. No equipment, process, or vehicles which create unreasonable noise, vibration, glare, fumes or odors which are detectable to the normal sense off the premises shall be permitted.
6. Regulations for country inns in the AOC and FOC Districts:
 - a. A country inn shall require the use of a dwelling unit right (DUR).
 - b. If a country inn is developed in a structure other than an existing single-family dwelling, the structure shall be designed to resemble a single-family dwelling and constructed to enable the structure to be converted to a single-family dwelling if the country inn use is discontinued. Architectural renderings and construction plans for the proposed structure shall be submitted for review with the special use permit application.
- ~~8. Special events shall comply with [Chapter 57 of the Code of Clarke County](#).~~