

<b>B</b>	<b>ZONING REGULATIONS FOR PUBLIC ASSEMBLY ACTIVITIES</b>
This section describes zoning regulations governing for-profit and non-profit public assembly activities in Clarke County.	
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As noted in [Section A](#), the [Code of Clarke County’s Special Events Ordinance \(Chapter 57\)](#) and the [Clarke County Zoning Ordinance](#) are each used to regulate special events and public assembly activities under specific circumstances. These regulations are not intended to overlap. The Special Events Ordinance was designed to regulate temporary outdoor events and assembly activities that are held no more than five times per calendar year on a lot or group of adjoining lots. Where an activity exceeds the scope of the Special Events Ordinance – in particular when the events and activities are operated with greater frequency and as a business – applicable zoning regulations are likely to apply.

Businesses that rely on events and public assembly activities throughout the year, in whole or in part, likely do not meet the criteria for a special event permit. These businesses will likely require zoning approval for a “**minor commercial public assembly use**” per the [Clarke County Zoning Ordinance](#). A minor commercial public assembly use is a business which:

- Provides, for a fee, a venue for temporary public or private assemblies including meetings, conferences, weddings, parties, and similar events;
- Operates on property other than that owned by Federal, State, or local government;
- Operates in a permanent structure, temporary structure, and/or outdoors;
- The public is invited or admitted to attend limited to a maximum attendance of 149 persons at any one time including guests, employees, caterers and attendees;
- Operates for six or more event days in a calendar year;
- Does not occur in the Towns of Berryville or Boyce; AND
- Operates on a lot of six (6) or more acres. A lot of six (6) or more acres may include adjoining lots with the same owner that have a total area of six (6) or more acres.

A minor commercial public assembly use is allowable in the Agricultural-Open Space-Conservation (AOC) and Forestal-Open Space-Conservation (FOC) Districts with approval of a special use permit ([Zoning Ordinance Section 6.3.1](#)) and site development plan ([Zoning Ordinance Section 6.2.2](#)) by the Board of Supervisors. This review process usually takes a minimum of 4-6 months to complete from the date that a complete application is filed. Applications are reviewed by the County Planning Commission and public hearings by both the Commission and Board are required.

Some types of businesses and non-profit organizations may hold public assembly activities and events on a limited basis in conjunction with the zoning approval for their business or organization. These uses are described generally below.

### **For Profit**

- **Agritourism activity (see “Agricultural Information – Regulations for Agribusinesses” section).** Agritourism activities are temporary activities conducted as an accessory use to an agricultural operation, allowing the general public to view or participate in agricultural activities for recreational, entertainment, or educational purposes. Agritourism activities require approval of a zoning permit by the Zoning Administrator and are allowable in the Agricultural-Open Space-Conservation (AOC) and Forestal-Open Space-Conservation (FOC) Districts with approval of a zoning permit ([Zoning Ordinance Section 6.2.1](#)) by the Zoning Administrator.
- **Indoor theater.** An indoor theater is a building or a portion of a building used to show motion pictures or for drama, dance, musical, or other live performances. Maximum attendance for events at a community center is limited to the building occupancy limitation as approved by the Building Department. Indoor theaters are allowed in the Highway Commercial (CH) District with approval of a site development plan by the Planning Commission, and in the Neighborhood Commercial (CN) District with approval of a special use permit ([Zoning Ordinance Section 6.3.1](#)) and site development plan ([Zoning Ordinance Section 6.2.2](#)) by the Board of Supervisors.

### **Non-profit**

- **Churches and other places of worship.** A church or other place of worship is permitted to have an assembly or social hall for public assembly activities. Assembly activities are limited to those conducted in conjunction with the church or place of worship’s operations and do not extend to use by outside groups or customers. Churches and other places of worship are allowable in the Highway Commercial (CH) and Neighborhood Commercial (CN) Districts with approval of a site development plan ([Zoning Ordinance Section 6.2.2](#)) by the Planning Commission. They are also allowable in the Agricultural-Open Space-Conservation (AOC) District, Forestal-Open Space-Conservation (FOC) District, and Rural Residential (RR) District with approval of a special use permit ([Zoning Ordinance Section 6.3.1](#)) and site development plan ([Zoning Ordinance Section 6.2.2](#)) approved by the Board of Supervisors.

- **Community center.** A community center is a building used for recreational, social, educational, and cultural activities, open to the public or a designated part of the public and usually owned and operated by a public or nonprofit group or agency. Maximum attendance for events at a community center is limited to the building occupancy limitation as approved by the Building Department. Community centers are allowable in the Neighborhood Commercial (CN) District with approval of a site development plan ([Zoning Ordinance Section 6.2.2](#)) by the Planning Commission.
- **Private club.** A private club consists of buildings or facilities owned and operated by associations and organizations of a fraternal or social character not operated or maintained for profit and whose members meet certain prescribed qualifications for membership. Private clubs include lodges and country clubs; events are limited to those conducted in conjunction with the organization's operations and do not extend to use by outside groups or customers. Maximum attendance for events at a private club is limited to the building occupancy limitation as approved by the Building Department. They are allowable in the Highway Commercial (CH) and Neighborhood Commercial (CN) Districts with approval of a site development plan ([Zoning Ordinance Section 6.2.2](#)) by the Planning Commission, and in the Agricultural-Open Space-Conservation (AOC) and Forestal-Open Space-Conservation (FOC) Districts with approval of a special use permit ([Zoning Ordinance Section 6.3.1](#)) and site development plan ([Zoning Ordinance Section 6.2.2](#)) by the Board of Supervisors.
- **Fairgrounds.** A fairground is a lot or lots used either temporarily or permanently as the site of any fair, exposition, or public display. Fairgrounds are only permitted on lots zoned Institutional (ITL) and located within the Berryville Annexation Area. Approval of a site development plan ([Zoning Ordinance Section 6.2.2](#)) by the Berryville Area Development Authority is required.