

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 Wednesday, September 25, 2024, at 6:30 pm, or as soon thereafter as the matters may be heard, to hear public comment on the following:

PH2024-16: TA-24-04, Temporary Use of Major Recreational Equipment. The Clarke County Board of Supervisors intends to adopt a proposed text amendment to amend “temporary use of major recreational equipment” per Zoning Ordinance Section 5.4 (Uses, Definitions, and Use Regulations – Temporary Uses and Structures). The purpose is to clarify that use of major recreational equipment for camping or sleeping is prohibited in the RR, OSR, DR-1, DR-2, and DR-4 zoning districts, and is allowed in the AOC and FOC zoning districts only in accordance with the “temporary camping” temporary use or other zoning approval. The text amendment also clarifies that major recreational equipment may not be used for residential purposes in these zoning districts except in accordance with the “temporary dwelling” use.

Information regarding the above matters, including a copy of the full text of the proposed amendment and special use permit application, is on file and available to the public in the Clarke County Administration office (101 Chalmers Court, Suite B, Berryville VA) and on the County website (www.clarkecounty.gov). Any person desiring to speak on the above matters should appear at the appointed time and place. 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-24-04)
Temporary Use of Major Recreational Equipment
September 25, 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 “temporary use of major recreational equipment” per Zoning Ordinance Section 5.4 (Uses, Definitions, and Use Regulations – Temporary Uses and Structures). The purpose is to clarify that use of major recreational equipment for camping or sleeping is prohibited in the RR, OSR, DR-1, DR-2, and DR-4 zoning districts, and is allowed in the AOC and FOC zoning districts only in accordance with the “temporary camping” temporary use or other zoning approval. The text amendment also clarifies that major recreational equipment may not be used for residential purposes in these zoning districts except in accordance with the “temporary dwelling” use.

Requested Action:

Conduct advertised Public Hearing and take action on the proposed text amendment.

Update:

At the August 20, 2024 meeting, Board members inquired whether amending use regulation 3 to allow major recreational equipment to be parked or stored in a side yard would require a separate public hearing to be advertised and held on this issue. Staff reviewed this question with the County Attorney who determined that the Board can amend this section without having to advertise and hold a separate public hearing.

Staff Analysis:

“Major recreational equipment” is defined as:

A boat, boat trailer, travel trailer, pick-up truck camper or cap, motor coach, motorized dwelling, tent trailer, or similar recreational vehicle or equipment, as well as any cases, boxes, or towing trailers used for transporting recreational equipment, whether or not occupied by such equipment.

Use regulation 1 for the temporary use, “Temporary Use of Major Recreational Equipment,” states that “no major recreational equipment shall be used for living, sleeping, or other occupancy on lots zoned RR, OSR, DR-1, DR-2, and DR-4 except as a temporary dwelling use.” The intent of this language is to prevent people from camping or residing in major recreational equipment in these zoning districts. This section does not reference any limitations on usage of major recreational equipment in the AOC and FOC Districts with the intent being that they can be used for temporary camping by the property owner, family, and guests in these districts. The absence of language to address AOC and FOC District usage could be interpreted by some as allowing major recreational equipment to be used for residential purposes in these districts.

New language is added to use regulation 2 to clarify that camping or sleeping in major recreational equipment is prohibited in the aforementioned residential zoning districts, and is allowed in the AOC and FOC zoning districts only in accordance with the “temporary camping” temporary use (proposed in text amendment TA-23-01, Regulations for Permanent Campgrounds and Temporary Camping) or in conjunction with other County zoning approval.

Language is also added to use regulation 2 to clarify the current rule that use of major recreational equipment for residential purposes is only allowed with zoning permit approval as a “temporary dwelling” use during construction of a permanent residence or in hardship instances when the applicant’s residence on the same lot has been destroyed by natural causes.

For parking or storage of major recreational equipment that is six feet or more in height and not located within a garage, carport, or other building, use regulation 3 prohibits that equipment from being parked or stored in any required front or side yard in all zoning districts. New language is added to allow a minor exception to this prohibition – such equipment may be parked temporarily in a front or side yard for a period not to exceed 24 hours for loading and unloading only.

The proposed text amendment language is included at the end of this report.

Planning Commission Recommendation:

Following a duly advertised public hearing on July 12, 2024, the Commission voted 9-0-2 (Glover, Ohrstrom absent) to recommend adoption of the text amendment. No one spoke for or against the text amendment at the public hearing.

Staff Recommendation:

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

History:

April 18, 2024. Policy & Transportation 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.

June 7, 2024. Commission voted 9-0-2 (Hunt, King absent) to schedule public hearing for the July 12, 2024 Business Meeting.

July 12, 2024. Commission voted 9-0-2 (Glover, Ohrstrom absent) to recommend adoption of the text amendment.

August 20, 2024.

Board of Supervisors voted to schedule public hearing for the September 25, 2024 meeting.

September 25, 2024.

Placed on the Board’s meeting agenda and advertised for public hearing.

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

TEMPORARY USE OF MAJOR RECREATIONAL EQUIPMENT	
Permitted Use	None
Accessory Use	AOC, FOC, RR, OSR, DR-1, DR-2, DR-4
Special Use	None

Definition:

The temporary parking, storage, or non-residential use of major recreational equipment on a lot.

Use Regulations:

The following regulations shall apply to the temporary use of major recreational equipment which includes parking and storage.

1. ***Usage in residential zoning districts. Use of major recreational equipment for camping or sleeping is prohibited on lots zoned RR, OSR, DR-1, DR-2, and DR-4. Major recreational equipment shall only be used for residential purposes in accordance with the “temporary dwelling” use.***
2. ***Usage in the AOC and FOC Districts. Use of major recreational equipment for camping or sleeping shall only be allowed in accordance with the “temporary camping” temporary use, or in conjunction with other zoning approval. Major recreational equipment shall only be used for residential purposes in accordance with the “temporary dwelling” use.***

~~No major recreational equipment shall be used for living, sleeping, or other occupancy on lots zoned RR, OSR, DR-1, DR-2, and DR-4 except as a temporary dwelling use.~~

3. Major recreational equipment six feet or more in average height, ***that is*** not parked or stored in a garage, carport, or other building, shall not be located in any required front or side yard, ***provided however that such equipment may be temporarily parked in a required front or side yard for a period not to exceed 24 hours for loading and unloading.*** Major recreational equipment six feet or more in average height ***that is stored outside of a garage, carport, or other building*** ~~and~~ shall be located at least three feet from all buildings.

4. Major recreational equipment that is not in operating condition shall not be parked outdoors and shall be stored in a garage, carport, or other building.

Required Review Processes: **None**