

Clarke County Board of Supervisors



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To: Board of Supervisors

From: Chris Boies

Re: Special Events Ordinance Review

Date: August 10, 2022

A review of Chapter 57, Special Events, of the Code of Clarke County has been completed as authorized by the Board at the May 9th work session. Proposed revisions to the ordinance are attached to this memo. Some background information and an explanation of the proposed changes is below.

5-year permit history: Since 2016, eight special event permits have been issued under the provisions of Chapter 57. This includes three large and three medium event permits approved by the Board of Supervisors and two small event permits approved by County Administration. The large events were a dog show at Long Branch, Pasture Palooza on Minniewood Lane, and various multiple-day festivals at Watermelon Park. The three medium events were a rhythm and brews festival at Long Branch, the Blue Ridge Hunt Point-to-Point and another Pasture Palooza event on Minniewood Lane. The two small events were a community Easter egg hunt and an equestrian exhibit opening, both of which were held at Long Branch. Festivals are no longer being held on the Minniewood Lane or Watermelon Park properties. We are currently processing a small event application for a location on Route 7 near the intersection of Crums Church Road.

Proposed Ordinance Changes: Below is a summary of the major changes proposed to Chapter 57:

57.2, 57.3.1, 57.6(n): Makes it clear that noise associated with all special events, even those not requiring a permit, must follow the noise ordinance. There was previously some contradicting language on this matter.

57.2: A sliding scale has been included which increases the size of the parcel for medium events from 6 acres to ~~10 acres~~ (changed to 25 acres at work session) and large events from 6 acres to ~~20 acres~~ (changed to 50 acres at work session).

57.3: Changes the approval for small events to the Board of Supervisors, meaning the Board would review all special event permit applications. The current ordinance requires the County Administrator to approve a small event if all provisions of the ordinance have been met, even if neighbors strongly object to the proposed event. There have only been two small event permits issued since 2016 so this is not expected to be an overwhelming burden for the Board.

57.3: Limits the number of days a special event can occur on a parcel (parcels if multiple parcels are part of an application) to five days in a calendar year. Previously only small events had a number of days limit. The Zoning Ordinance contains a use called "minor commercial public assembly" which is defined as having public or private assemblies for six or more event days in a calendar year. This change would draw a clear line of when a property is being used for special events purposes under this chapter and when they need to get zoning approval. A minor commercial public assembly requires a special use permit in AOC and FOC zoning districts.

57.3.1: Makes it clear that Agritourism activities are handled through the Zoning Ordinance and not the Special Events Chapter.

57.4.b: Changes the application process to require that applicants attend an on-site meeting with all of the review agencies at the proposed location of the special event. This will allow the applicant to understand the review agencies requirements before finalizing their application. The change also ensures that all of the review agencies receive the same information about the application at the same time. We had an issue with a review agency evaluating the wrong property for the last special events permit application processed. We have also added Planning & Zoning as a review agency.

57.4.c.(5): Adds language to address a concern previously expressed by the public. If a proposed special event is to be held on a property accessed by a private road, all property owners must sign off on the application.

57.4.e: Changes the public comment/hearing process. The current ordinance requires that a public hearing be held for large event permits, leaves it to the Board's discretion to hold a public hearing for a medium event, and requires no public hearing for a small event permit. This change allows for public comments to be received for any size permit at an evening session of the Board. The applicant would present the application first and citizen comments would follow. Allowing public comments without calling it a public hearing allows the Board to hear feedback from citizens and adjoining property owners without having to authorize a public hearing (adds 30 days to the process) and advertising in the local newspaper (costs for this continue to increase). This language also includes a requirement that the county notify adjacent property owners of the upcoming Board meeting and place a sign on the proposed special event property with information about the meeting. Currently, the applicant notifies property owners of the proposed event and there is no requirement to place a sign on the property. There were issues with notification to adjoining property owners during the last special event permit request. All of this language strengthens the notification to the public process and simplifies how public comments are received concerning proposed special event permits.

57.6.u: Notes that any camping associated with a special events permit must comply with the Clarke County Zoning Ordinance. Brandon plans to bring this issue before the Planning Commission in the future to see if any changes to the Zoning Ordinance are warranted.

57.11: Updates the effective date of the ordinance. The new effective date will become the day the Board of Supervisors approves the revised ordinance. There are currently no approved special event permits for future events. As mentioned earlier, there is a small special events permit being processed currently and it would follow the existing regulations.