

ORDINANCE NO. 2316

AN ORDINANCE TO AMEND CHAPTER 115, ARTICLES IV, VI, X, XI, XIA AND XII OF THE CODE OF SUSSEX COUNTY BY DELETING THE CONDITIONAL USE LANGUAGE FOR CIRCUS AND CARNIVAL GROUNDS, AMUSEMENT PARK OR MIDWAYS, INSERTING A BROADER DEFINITION OF SPECIAL EVENTS TO BE DEFINED AS CONDITIONAL USES IN AR-1 AND AR-2 AGRICULTURAL RESIDENTIAL DISTRICTS, GR GENERAL RESIDENTIAL DISTRICT, B-1 NEIGHBORHOOD BUSINESS DISTRICT, C-1 GENERAL COMMERCIAL DISTRICT, CR-1 COMMERCIAL RESIDENTIAL DISTRICT AND M MARINE DISTRICT, AND TO SUBJECT ALL SPECIAL EVENTS, REGARDLESS OF DURATION, TO THE SUSSEX COUNTY SPECIAL EVENT POLICY

WHEREAS, Sussex County Code, Chapter 115, Article IV, § 115-22, Article VI, § 115-39, Article X, § 115-71, Article XI, § 115-79, Article XIA, § 115-83.5 and Article XII, § 115-87 each currently includes as a conditional use, “Circus or carnival grounds, amusement park or midways, permanent or for a temporary time period exceeding three (3) days. The Director may, without requiring a conditional use application, grant approval of a circus or carnival ground, amusement park or midway for a maximum of three days for a nonprofit organization, upon receipt of an application”; and

WHEREAS, Sussex County desires to broaden the definition in each of the foregoing provisions to create a more comprehensive definition of what constitutes a Special Event that will be deemed a conditional use in the aforesaid districts and subject all Special Events to the Sussex County Special Event Policy, regardless of duration; and

WHEREAS, Sussex County desires to delete in its entirety the current language regarding “Circus or carnival grounds, amusement park or midways...” found in Sussex County Code, Chapter 115, Article IV, § 115-22, Article VI, § 115-39, Article X, § 115-71, Article XI, § 115-79, Article XIA, § 115-83.5 and Article XII, § 115-87 and insert new language in each provision as hereinafter set forth.

NOW THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. Amend Sussex County Code, Chapter 115, Article IV, § 115-22, Conditional uses, in AR-1 and AR-2 Districts, by deleting the current language in its entirety and as shown in brackets below:

[Circus or carnival grounds, amusement park or midways, permanent or for a temporary time period exceeding three days. The Director may, without requiring a conditional use application, grant approval of a circus or carnival ground, amusement park or midway for a maximum of three days for a nonprofit organization, upon receipt of an application.]

Section 2. Amend Sussex County Code, Chapter 115, Article IV, § 115-22, Conditional uses, in AR-1 and AR-2 Districts by inserting the underlined language therein as follows:

“Special Events such as circuses or carnival grounds, amusement parks or midways, festivals, concerts, races/walks or any other special event or mass gathering, being held outdoors or within a temporary structure or at a site and for a purpose different from the designated use and usual occupancy of the premises and located on unincorporated lands within Sussex County, permanent or for a temporary time period exceeding three (3) days. Special Events as defined herein, with a duration not exceeding three (3) days, are not subject to the conditional use process. Upon receipt of an application, the Director or his designee may grant approval of a Special Event not exceeding three (3) days. All Special Events, regardless of duration, shall be subject to the requirements of the Sussex County Special Event Policy.”

Section 3. Amend Sussex County Code, Chapter 115, Article VI, § 115-39, Conditional uses, in GR General Residential Districts, by deleting the current language in its entirety and as shown in brackets below:

[Circus or carnival grounds, amusement park or midways, permanent or for a temporary time period exceeding three days. The Director may, without requiring a conditional use application, grant approval of a circus or carnival ground, amusement park or midway for a maximum of three days for a nonprofit organization, upon receipt of an application.]

Section 4. Amend Sussex County Code, Chapter 115, Article VI, § 115-39, Conditional uses, in GR General Residential Districts by inserting the underlined language therein as follows:

“Special Events such as circuses or carnival grounds, amusement parks or midways, festivals, concerts, races/walks or any other special event or mass gathering, being held outdoors or within a temporary structure or at a site and for a purpose different from the designated use and usual occupancy of the premises and located on unincorporated lands within Sussex County, permanent or for a temporary time period exceeding three (3) days. Special Events as defined herein, with a duration not exceeding three (3) days, are not subject to the conditional use process. Upon receipt of an application, the Director or his designee may grant approval of a Special Event not exceeding three (3) days. All Special Events, regardless of

duration, shall be subject to the requirements of the Sussex County Special Event Policy.”

Section 5. Amend Sussex County Code, Chapter 115, Article X, § 115-71, Conditional uses, in B-1 Neighborhood Business Districts by deleting the current language in its entirety and as shown in brackets below:

[Circus or carnival grounds, amusement park or midways, permanent or for a temporary time period exceeding three days. The Director may, without requiring a conditional use application, grant approval of a circus or carnival ground, amusement park or midway for a maximum of three days for a nonprofit organization, upon receipt of an application.]

Section 6. Amend Sussex County Code, Chapter 115, Article X, § 115-71, Conditional uses, in B-1 Neighborhood Business Districts by inserting the underlined language therein as follows:

“Special Events such as circuses or carnival grounds, amusement parks or midways, festivals, concerts, races/walks or any other special event or mass gathering, being held outdoors or within a temporary structure or at a site and for a purpose different from the designated use and usual occupancy of the premises and located on unincorporated lands within Sussex County, permanent or for a temporary time period exceeding three (3) days. Special Events as defined herein, with a duration not exceeding three (3) days, are not subject to the conditional use process. Upon receipt of an application, the Director or his designee may grant approval of a Special Event not exceeding three (3) days. All Special Events, regardless of duration, shall be subject to the requirements of the Sussex County Special Event Policy.”

Section 7. Amend Sussex County Code, Chapter 115, Article XI, § 115-79, Conditional uses, in C-1 General Commercial Districts by deleting the current language in its entirety and as shown in brackets below:

[Circus or carnival grounds, amusement park or midways, permanent or for a temporary time period exceeding three days. The Director may, without requiring a conditional use application, grant approval of a circus or carnival ground, amusement park or midway for a maximum of three days for a nonprofit organization, upon receipt of an application.]

Section 8. Amend Sussex County Code, Chapter 115, Article XI, § 115-79, Conditional uses, in C-1 General Commercial Districts by inserting the underlined language therein as follows:

“Special Events such as circuses or carnival grounds, amusement parks or midways, festivals, concerts, races/walks or any other special event or mass gathering, being held outdoors or within a temporary structure or at a site and for a

purpose different from the designated use and usual occupancy of the premises and located on unincorporated lands within Sussex County, permanent or for a temporary time period exceeding three (3) days. Special Events as defined herein, with a duration not exceeding three (3) days, are not subject to the conditional use process. Upon receipt of an application, the Director or his designee may grant approval of a Special Event not exceeding three (3) days. All Special Events, regardless of duration, shall be subject to the requirements of the Sussex County Special Event Policy.”

Section 9. Amend Sussex County Code, Chapter 115, Article XIA, § 115-83.5, Conditional uses, in CR-1 Commercial Residential Districts by deleting the current language in its entirety and as shown in brackets below:

[Circus or carnival grounds, amusement park or midways, permanent or for a temporary time period exceeding three days. The Director may, without requiring a conditional use application, grant approval of a circus or carnival ground, amusement park or midway for a maximum of three days for a nonprofit organization, upon receipt of an application.]

Section 10. Amend Sussex County Code, Chapter 115, Article XIA, § 115-83.5, Conditional uses, in CR-1 Commercial Residential Districts by inserting the underlined language therein as follows:

“Special Events such as circuses or carnival grounds, amusement parks or midways, festivals, concerts, races/walks or any other special event or mass gathering, being held outdoors or within a temporary structure or at a site and for a purpose different from the designated use and usual occupancy of the premises and located on unincorporated lands within Sussex County, permanent or for a temporary time period exceeding three (3) days. Special Events as defined herein, with a duration not exceeding three (3) days, are not subject to the conditional use process. Upon receipt of an application, the Director or his designee may grant approval of a Special Event not exceeding three (3) days. All Special Events, regardless of duration, shall be subject to the requirements of the Sussex County Special Event Policy.”

Section 11. Amend Sussex County Code, Chapter 115, Article XII, § 115-87, Conditional uses, in M Marine Districts by deleting the current language in its entirety and as shown in brackets below:

[Circus or carnival grounds, amusement park or midways, permanent or for a temporary time period exceeding three days. The Director may, without requiring a conditional use application, grant approval of a circus or carnival ground, amusement park or midway for a maximum of three days for a nonprofit organization, upon receipt of an application.]

Section 12. Amend Sussex County Code, Chapter 115, Article XII, § 115-87, Conditional uses, in M Marine Districts by inserting the underlined language therein as follows:

“Special Events such as circuses or carnival grounds, amusement parks or midways, festivals, concerts, races/walks or any other special event or mass gathering, being held outdoors or within a temporary structure or at a site and for a purpose different from the designated use and usual occupancy of the premises and located on unincorporated lands within Sussex County, permanent or for a temporary time period exceeding three (3) days. Special Events as defined herein, with a duration not exceeding three (3) days, are not subject to the conditional use process. Upon receipt of an application, the Director or his designee may grant approval of a Special Event not exceeding three (3) days. All Special Events, regardless of duration, shall be subject to the requirements of the Sussex County Special Event Policy.”

Section 13. Effective Date. This Ordinance shall become effective on August 20, 2013.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2316 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 20TH DAY OF AUGUST 2013.



ROBIN A. GRIFFITH
CLERK OF THE COUNCIL