



# Department of Planning & Zoning

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## M E M O R A N D U M

**TO:** Brenda Garton, County Administrator  
Ted Wilmot, County Attorney  
Garrey Curry, Asst. Co. Administrator for Comm. Dev.

**CC:** Carol Steele, Director of Parks, Recreation and Tourism  
Planning and Zoning Staff

**FROM:** Anne Ducey-Ortiz, Director of Planning and Zoning

**DATE:** August 15, 2013

**SUBJECT:** Special Events and Zoning Permits

The purpose of this memorandum is to document recent discussions and direction regarding the regulation of special events. A 2005 opinion from the County Attorney (copy attached) provided staff with direction that a "one-time" special event was not subject to zoning, but suggested an opportunity for the Board to develop some kind of administrative process to ensure that such events are held safely and without undue disturbance to non-participating citizens. The Board did not take any action to move in that direction.

This past year the Board reviewed several related sections of the County Code, including Chapter 10, pertaining to licenses for itinerant merchants at special events, and the recently repealed Chapter 6, pertaining to Demonstrations and Parades. At some time during review of each of these sections of code, staff reiterated that the county did not have a process to "permit" special events and that they were not considered a "use" pursuant to zoning. Again, the Board did not take any action to develop and administrative process for review of special "one-time" events.

From a zoning perspective, nothing has changed based on the Board's recent decisions to not specifically address this issue, but I wanted to document that it was discussed in again in 2013. We will continue to distinguish between "one-time" events and more permanent or seasonal uses, such as commercial recreation and amusement enterprises, which would require a zoning permit and potentially a special exception and site plan, but based on these recent discussions, the direction we received in 2005 still stands.

Enclosure:  
August 10, 2005 Memo from County Attorney to Board of Supervisors



COPY

FOR DENISE


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### MEMORANDUM

TO: Board of Supervisors

FROM: Daniel Stuck, County Attorney, 

DATE: August 10, 2005

SUBJECT: Regulation of "one-time" special events such as Mud Bogs

Since late April 2005, there have been two occasions when the Codes Compliance office has been made aware of events called "Mud Bogs" being conducted on private property in the County. The first event, in late April or early May, was held on a farm on Waverly Road in the east end of the County, just off Route 14. Ron Peaks was concerned with the operation and verbally instructed the sponsors not to conduct the event because he considered it to be a violation of the County zoning ordinance prohibiting the operation of a recreation and amusement enterprise in the rural countryside district of the county without a special exception permit. Nevertheless, the event was held. There have been no indications since that event that the sponsoring of Mud Bog gatherings is an ongoing enterprise at the Waverly Road farm.

On Saturday, July 30, 2005, another Mud Bog was held in the north end of the County, on a farm about a mile south of Glenss. Again, the Codes Compliance office was contacted about the event and the callers complained about the disruptive nature of such an event, reporting that one had been held a year ago. The County has no report of such an event a year ago, but once the sponsor of this event was contacted, he did admit that there was one held about a year ago, but that it was different, and not for charity. He claims to have learned from prior experience and has put additional facilities in place for this event, such as a wash station for trucks so that they do not get onto Route 17 covered with mud.

At issue is whether these Mud Bog events being held on private property constitute a violation of the zoning code. There are two provisions that are relevant, but neither offer firm guidance to the Codes Compliance officer as to whether the zoning code is being violated when a one-time event is conducted.

Section 2-2 defines recreation and amusement enterprises as participant and/or spectator uses operated as a business. The section further identifies typical uses to include enterprises such as sports arenas; outdoor amusement parks, driving ranges, archery ranges and miniature golf. The section appears to apply to what might be deemed an ongoing business enterprise, not a one-time recreation or amusement event.

There is also what might be called a "catch-all" provision in Section 14-21. Section 14-21 provides that uses not specifically permitted shall not be allowed. However, it is certainly not clear that Section 14-21 addresses a one-time recreation or amusement event. The provision appears to contemplate that an ongoing use that is not specifically permitted requires the user to apply for an amendment to the ordinance. It is my opinion that these types of temporary events are not prohibited or regulated by the current zoning ordinance.

To prevent future issues with one-time events being held in the County, the Board may want to consider requiring the sponsors of such events to obtain approval through an administrative permit or some other mechanism before the events are held. Such an ordinance would set out standards for conducting carnivals, circuses, fairs, festivals, athletic contests, mud bogs, horse races, or other one-time special events. The neighbors and general public receive some protection because before the permit can be granted, the organizer must post a bond or letter of credit, and demonstrate that the event will be equipped with safe and sanitary facilities, safe ingress and egress for cars and pedestrians, and in general, show that the location staging the event will be a safe place for people to gather.

If the Board decides to address this issue in some way, my office stands ready to assist you.

DMS:ladn

cc: William H. Whitley, County Administrator

Ron Peaks, Director of Codes Compliance