

### Sections:

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### **23-101 Purpose and Intent:**

The purpose and intent of this Article is to provide for the temporary use of land for special events in a manner consistent with its normal use and beneficial to the general welfare of the public. Furthermore, it is the intent of this Article to protect nearby property owners, residents and businesses from special events which may be disruptive, obnoxious, unsafe or inappropriate given site conditions, traffic patterns, land use characteristics, and the nature of the proposed use. Finally, it is the intent of this Article to preserve the public health, safety and convenience.

### **23-102 Special Event Defined:**

The term “special event” shall mean a temporary, short-term use of land or structures, not otherwise included as a permitted or accessory use by these Regulations, for one or more of the following types of activities; provided, however, Type 6 uses will be considered a Special Event, but of a permanent nature:

1. Type 1. Fund-raising or non-commercial events for nonprofit religious, educational, or community service organizations; including any on-site signs and structures in conjunction with the event.
2. Type 2. Temporary banners attached to the wall of a building or placed across street rights-of-way.
3. Type 3. Promotional activities or devices intended to attract attention to a specific place, business, organization, event or district, such as signs, searchlights or balloons.
4. Type 4. Commercial activities intended to sell, lease, rent or promote specific merchandise, services or product lines, such as a tent sale, trade show, farmers market, Christmas tree sales, or product demonstration.
5. Type 5. Public or private events intended primarily for entertainment or amusement, such as concerts, festivals, carnivals, circuses or parades, or as temporary “one-time” activities of a generally short duration, particularly such activities as “locational” work by film companies. Additionally, the temporary placement of a portable asphalt plant and attendant materials and equipment during construction work on any public road when such placement is not adjacent to said construction but will be placed within 1 and ¼ miles of said construction may be allowed under this provision.
6. Type 6. Establishment of a private family burial plot, as defined in these Regulations.

The term “special event” shall not include amusement enterprises, garage sales at an individual residence, transient merchants, or off-site promotional signs.

### **23-103 Special Events Not Requiring a Permit:**

Special events meeting the Type 1 definition are allowed without a Special Event Permit, provided all of the following performance standards are met:

1. The special event is conducted entirely on private property owned or leased by the sponsoring organization as a permanent facility.
2. Any structure used in conjunction with the special event shall meet all applicable yard setbacks, shall be the subject of a valid zoning certificate, and shall be promptly removed upon cessation of the event.
3. The special event shall be restricted to hours of operation between 6:00 a.m. and 10:00 p.m., to a maximum duration of four (4) days, and to a maximum frequency for similar events of two (2) times per calendar year.

### **23-104 Special Events Subject to an Administrative Permit:**

Special events meeting the following standards may be issued a Special Event Permit administratively by the Zoning Administrator. In administering the provisions of this section, the Zoning Administrator shall be guided by applicable County policies as adopted by the Governing Body. Any applicant denied a Special Event Permit shall be notified in writing of the reasons for the denial and of the opportunity to appeal the denial to the Governing Body.

1. Special events meeting the Type 2 definition may be permitted administratively by the Zoning Administrator, provided that all of the following performance standards are met:
  - A. An application is made and a fee paid in accordance with Section 19-106.
  - B. No more than one banner will be displayed when attached to the wall of a building.
  - C. The banner shall not be more than 40 square feet in size.
  - D. The banner will be displayed for a maximum duration of fifteen (15) days per permit.
2. Special events meeting the Type 3 or Type 4 definition, and Type 1 events not meeting the standards of Section 19-103, may be permitted administratively by the Zoning Administrator subject to the prior review and approval of special arrangements for traffic and crowd control by the Sheriff, Fire Chief of the appropriate Fire District, and County Engineer. No such administrative permit shall be issued unless all of the following performance standards are met:
  - A. An application is made and a fee paid in accordance with Section 19-106.
  - B. The special event will not cause undue traffic congestion or accident potential given anticipated attendance and the design of adjacent streets, intersections and traffic controls.
  - C. The activity shall not cause the overcrowding of parking facilities given anticipated attendance and the possible reduction in the number of available spaces caused by the event itself.
  - D. The special event shall not endanger the public health, safety, or welfare given the nature of the activity, its location on the site, and its relationship to parking and access points.



- E. The special event shall not impair the usefulness, enjoyment or value of adjacent property due to the generation of excessive noise, dust, smoke, odor, glare, litter or visual pollution. Specific mitigation measures shall be presented.
- F. Any structure used in conjunction with the special event shall meet all sight distance requirements, shall be the subject of a valid zoning certificate, and shall be promptly removed upon the cessation of the event.
- G. The special event shall be conducted on private property where the property owner has granted the appropriate permission.
- H. The duration and hours of operation of the special event shall be consistent with the intent of the event and the surrounding land uses, but in no case shall the duration exceed ten (10) days.

### **23-105 Special Events Subject to Governing Body Approval:**

- 1. Any special event not meeting the criteria of Sections 23-103 or 23-104 may be granted a Special Event Permit by the Governing Body. Such permit may be subject to such conditions and safeguards as the Governing Body may deem necessary to protect the public health, safety and welfare. These conditions may include, but shall not be limited to:
  - A. Restrictions on the hours of operation, duration of the event, size of the activity, or other operational characteristic.
  - B. The posting of a performance bond to help ensure that the operation of the event and the subsequent restoration of the site are conducted according to Governing Body expectations.
  - C. The provision of traffic control or security personnel to increase the public safety and convenience.
  - D. Obtaining liability and personal injury insurance in such form and amount as the Governing Body may find necessary to protect the safety and general welfare of the community.
- 2. A Type 6 special event may be granted by the Governing Body; subject to the following conditions and requirements to protect the public health, safety and welfare:
  - A. The landowner must provide a survey, prepared by a licensed Kansas surveyor, providing sufficient detail to identify the location on the property of the burial plot. Said survey shall be recorded with the Marion County Register of Deeds office so that the location of the burial plot shall be known and identified on all deeds associated with the property in the future.
  - B. The landowner must provide the name of the funeral director under whom the burial has been supervised and the official documentation required by State law is being processed and filed with the Department of Vital Statistics; and/or any other recording requirements of law.
  - C. Any and other such conditions and restrictions as may be determined to be in the public interest.

### 23-106 Application and Fee:

1. No Special Event Permit shall be issued until an application has been submitted to the Zoning Administrator and the appropriate fee paid. The application shall be made on forms provided by the Zoning Administrator, and shall be accompanied by the following items as applicable:
  - A. A letter from the applicant describing the proposed event, the hours of operation, the duration of the event, anticipated attendance, and any structures, signs or attention-attracting devices used in conjunction with the event.
  - B. A sketch plan showing the location of the proposed activities, structures and signs in relation to existing buildings, parking areas, streets and property lines.
  - C. A letter from the property owner or manager, if different from the applicant, agreeing to the special event.
2. Each application for a Special Event Permit shall be accompanied by an application fee, except that such fee shall be waived for any applicant registered with the State of Kansas as a nonprofit organization. The fees shall be as established by the Governing Body by separate resolution.
3. The Special Event Permit shall be posted on the site for the duration of the event.