

CHAPTER XXVI. SPECIAL EVENTS

ARTICLE 1. General Provisions

ARTICLE 1. GENERAL PROVISIONS

26-101. **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.

26-102. **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:

1. **TYPE 1.** Fund-raising or non-commercial events for nonprofit religious, educational, or community service organization; 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 events intended primarily for entertainment or amusement, such as concerts, festivals, carnivals, circuses, or parades.

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

26-103. **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 use 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 to two (2) times per calendar year.

26-104. 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 City 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 fee paid in accordance with Section 26-106.
 - b. No more than one banner will be displayed when attached to the wall of the building.
 - c. The size and design of the banners will be appropriate given the size of the building to which they are attached and the character of the surrounding neighborhood.
 - 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 event not meeting the standards of Section 26-103, 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 Chief of Police, Fire Chief, and City Engineer or City Utilities Superintendent. No such administrative permit shall be issued unless all of the following performance standards are met:
 - a. An application if made and fee paid in accordance Section 26-106.

- 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 the generation of excessive noise, smoke, odor, glare, litter, or visual pollution.
- f. Any structure used in conjunction with the special event shall meet all sight distance requirements, shall be the subject of a valid building permit, and shall be promptly removed upon 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.

26-105. **SPECIAL EVENT SUBJECT TO GOVERNING BODY APPROVAL.** Any special event meeting the criteria of Section 26-103 or 26-104 may be granted a Special Event Permit by the Governing Body. Such permit may be subject to such conditions and safeguards the Governing Body may deem necessary to protect the public health, safety, and welfare. These conditions may include, but shall not be limited to:

- 1. Restrictions on the hours of operation, duration of the event, size of the activity, or other operational characteristics.
- 2. 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 the Governing Body's expectations.
- 3. The provision of traffic control or security personnel to increase the public safety and convenience.

4. 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.

26-106. 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 structure, 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.