

RESOLUTION NUMBER 2012-004

A RESOLUTION CONCERNING THE AMENDMENT OF CERTAIN SECTIONS OF THE ZONING REGULATIONS OF JEFFERSON COUNTY, KANSAS CONCERNING ARTICLE 29, SPECIAL EVENTS. PUBLIC HEARING CASE NUMBER TA2012/02.

Section 29-102 Special Events Defined: The term “special event” shall mean a temporary, short-term use or 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 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, or product demonstration.
5. Type 5. *Seasonal sales for Farmer’s Markets, Produce Stands, Christmas Tree Sales area, and other similar agricultural product sales.*
6. Type 6. 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 or concrete plant and attendant materials and equipment during construction work on any public road.

AND, Amend **Section 29-104** – Special Events Subject to an Administrative Permit, to establish a longer maximum time-frame for the seasonal sale of agricultural products.

2. Special events meeting the Type 3, Type 4, or *Type 5* definitions, and Type 1 events not meeting the standards of Section 29-103, 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, *Road and Bridge Superintendent*. 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 29-106.
- 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 of 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 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.
 1. *Seasonal sales for Farmer's Markets, Produce Stands, Christmas Tree Sales area, and other similar agricultural product sales shall be for either: a time span not to exceed 90 consecutive days a year; or no more than two (2) days per week for 24 consecutive weeks.*
 2. *For Type 1, Type 3 and Type 4 Special Events the permit shall be for no more than ten (10) consecutive days.*

Recipient of Text Amendments

NOW THEREFORE, BE IT RESOLVED, that on this 27th day of February, 2012, that Text Amendment TA2012/04 be adopted into the Jefferson County Zoning Regulations as follows:

Section 29-102 Special Events Defined: The term "special event" shall mean a temporary, short-term use or 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 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, or product demonstration.
5. Type 5. *Seasonal sales for Farmer's Markets, Produce Stands, Christmas Tree Sales area, and other similar agricultural product sales.*
6. Type 6. 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 or concrete plant and attendant materials and equipment during construction work on any public road.

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2. Special events meeting the Type 3, Type 4, or *Type 5* definitions, and Type 1 events not meeting the standards of Section 29-103, 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, *Road and Bridge Superintendent*. 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 29-106.
 - 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 of 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 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.
 1. *Seasonal sales for Farmer's Markets, Produce Stands, Christmas Tree Sales area, and other similar agricultural product sales shall be for either: a time span*

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2. *For Type 1, Type 3 and Type 4 Special Events the permit shall be for no more than ten (10) consecutive days.*

Dated this 27th day of February, 2012.

BOARD OF COUNTY COMMISSIONERS

/s/ Chairman – Richard Malm

/s/ Vice-Chair – Lynn Luck

/s/ Member - Roy Dunnaway

ATTEST:

By: Linda M. Buttron, Jefferson County Clerk