

ORDINANCE NO. ZRR-3302

AN ORDINANCE OF THE CITY OF OVERLAND PARK, KANSAS RELATING TO THE UNIFIED DEVELOPMENT ORDINANCE AND THE REGULATION OF SPECIAL EVENTS; AMENDING AND REPEALING EXISTING OVERLAND PARK MUNICIPAL CODE SECTIONS 18.380.010, 18.380.020, 18.380.030, 18.380.040, 18.380.050, 18.380.060 AND 18.380.070 AND PROVIDING SUBSTITUTE PROVISIONS THEREFOR.

WHEREAS, after conducting a public hearing on November 9, 2020, the Planning Commission adopted a recommendation of this Ordinance to revise the City’s regulations in the Unified Development Ordinance regarding special events; and

WHEREAS, at the recommendation of City staff and the Planning Commission, the Governing Body hereby revises the City’s regulations of special events in Chapter 18.380 of the Unified Development Ordinance as set forth hereafter.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERLAND PARK, KANSAS, AS FOLLOWS:

SECTION 1. Overland Park Municipal Code Section 18.380.010 is hereby amended to read as follows:

18.380.010 Purpose and Intent

The purpose and intent of this Chapter 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 Chapter 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 Chapter to preserve the public health, safety, welfare and convenience.

SECTION 2. Overland Park Municipal Code Section 18.380.020 is hereby amended to read as follows:

18.380.020 Special Event Defined

The term “Special Event” shall mean a temporary, short-term use of property or promotional activities or devices occurring outside of a permanent building and not otherwise included as a permitted or accessory use by these zoning regulations.

The term “Special Event” shall not include activities specifically regulated by other Sections of the Overland Park Municipal Code, including but not limited to:

- Amusement enterprises (see 5.08)
- Christmas tree sales (see 5.16)
- Garage sales (see 5.44)
- Transient merchants (see 5.70)
- Temporary signs (18.440.130)

The term "Special Event" shall also not include people dressed in costumes or uniforms, provided no signs or attention attracting devices related to a specific product, service, business or organization are utilized.

For the purposes of these regulations, Special Events will be categorized into one of the types detailed in Sections 18.380.040 through 18.380.070. Events not meeting any of the type categories are not permitted under this Chapter. Signs accessory to a Special Event must comply with the requirements of Chapter 18.440 - Signs. Final determination of the proper categorization shall be made by the Director of Planning and Development Services, or his or her designee.

Note: A Special Event Permit may be combined with a parade permit. See Chapter 12.16 - Parades.

SECTION 3. Overland Park Municipal Code Section 18.380.030 is hereby amended to read as follows:

18.380.030 Special Event Limitations

- A. All Special Events are subject to all applicable provisions of the Overland Park Municipal Code, including, but not limited to, tent permits, temporary food service permits, temporary liquor licenses, noise regulations, parade permits and building codes, unless specifically exempted by the terms of a Special Event Permit.
- B. All promotional devices, structures, and activities associated with a Special Event must be located on private property unless specifically approved otherwise.
- C. The numerical limits on Type 2 Special Events that can be staff approved shall also include any Type 3 Special Events held at the same business location.
- D. When required, a Special Event Permit shall be issued prior to the event taking place.

SECTION 4. Overland Park Municipal Code Section 18.380.040 is hereby amended to read as follows:

18.380.040 Type 1 Special Events

- A. Type 1 Special Events are exterior events and activities that are open to and promoted to the public that for fund-raising or non-commercial events for nonprofit religious, educational, political, community-service or neighborhood support organizations held on private property owned, leased or utilized by the sponsoring organization as a permanent facility; including events sponsored by and contained within the boundaries of a homes association or neighborhood organization recognized by the City. Examples include, but are not limited to, speakers, services, classes, programs or similar events. Type 1 Special Events require a Special Event Permit.
- B. Type 1 Special Event Permits may be approved administratively by the Planning & Development Services Department provided that:
 - 1. No more than 4 Special Event Permits of any type are issued per location per calendar year;
 - 2. The Special Event duration does not exceed 10 days; and
 - 3. City staff determines that the impact on adjacent properties is likely to be minimal given the hours of operation, the nature of the activities, the size of anticipated attendance, and the anticipated noise level.

Type 1 Special Event Permits that are not approved administratively may be reviewed and approved by the Governing Body with whatever limits or restrictions they deem appropriate, provided, consideration is taken to:

1. Minimize impact to neighboring properties (hours of operation, the nature of the activities, the size of anticipated attendance, and the anticipated noise level); and
2. Be consistent with the aesthetic and operational guidelines adopted by the City.

SECTION 5. Overland Park Municipal Code Section 18.380.050 is hereby amended to read as follows:

18.380.050 Type 2 Special Events

- A. Type 2 Special Events are any of the following:
1. Promotional activities or attention-attracting devices related to a specific place, business, organization, event or district, including, but not limited to, searchlights or balloons;
 2. Commercial activities intended to sell, lease, rent or promote specific merchandise, services or product lines, including, but not limited to, a tent sale, trade show, or product demonstration; and/or
 3. Fund-raising activities on behalf of a nonprofit religious, educational or community service organization sponsored by and at the location of a different organization or business.
 4. Signs or flags not otherwise allowed in Chapter 18.440.
- B. Type 2 Special Events require a Special Event Permit, and are subject to the following requirements:
1. Special Event Permits involving only flags or temporary signs not otherwise allowed in Chapter 18.440 may be approved administratively by the Planning & Development Services Department provided that:
 - a. The City staff has issued no more than 4 Special Event Permits of any type per business location per calendar year in nonresidential districts or 2 Special Event Permits of any type per business location per calendar year in residential districts;
 - b. The Special Event duration does not exceed 10 days; and
 - c. The Special Event is consistent with the aesthetic and operational guidelines adopted by the City.
 2. Special Event Permits involving temporary outdoor structures, inflatable objects larger than 8 cubic feet, air- or mechanically-animated devices, or beams of light may be approved administratively by the Planning & Development Services Department provided that:
 - a. No more than 4 Special Event Permits of any type are issued per business location per calendar year in nonresidential districts or 2 Special Event Permits of any type per calendar year in residential districts;
 - b. The Special Event duration does not exceed 5 days;
 - c. The Special Event is consistent with the aesthetic and operational guidelines adopted by the City; and
 - d. City staff determines that the impact on adjacent properties and the surrounding neighborhood is likely to be minimal given the hours of operation, the nature of the activities, the size of anticipated attendance, and the anticipated noise level.
- C. Type 2 Special Event Permits that are not approved administratively may be reviewed and approved by the Governing Body with whatever limits or restrictions they deem appropriate, provided, consideration is taken to:

1. Minimize impact to neighboring properties (hours of operation, the nature of the activities, the size of anticipated attendance, and the anticipated noise level); and
2. Be consistent with the aesthetic and operational guidelines adopted by the City.

SECTION 6. Overland Park Municipal Code Section 18.380.060 is hereby amended to read as follows:

18.380.060 Type 3 Special Events

- A. Type 3 Special Events are any of the following, which may be allowed in Commercial and Industrial Districts; General Urban and Workshop Frontages in the DFD, Downtown Form District; and non-residential uses in residential districts:
 1. Public events intended primarily for entertainment or amusement, such as concerts, festivals or sporting events that go beyond a facility's normal operation;
 2. Temporary use of digital display, and projected images displayed for a temporary period of time; or
 3. Recurring, regularly scheduled events that are intended to foster community spirit such as a farmers market.
- B. Type 3 Special Events may include a calendar of additional related promotional or entertainment activities, provided such Special Events do not span a time period of more than one year.
- C. Type 3 Special Events require a Special Event Permit prior to the event taking place.
- D. Type 3 Special Events require approval by the City Council; provided, however, that the Director of Planning and Development Services (or designee) may approve a Type 3 Special Event Permit for one-day events where the small size of the Special Event, the capacity of the Special Event location, and any prior history of the Special Event make problems with noise, traffic or crowd control unlikely.

SECTION 7. Overland Park Municipal Code Section 18.380.070 is hereby amended to read as follows:

18.380.070 Type 4 Special Events

- A. Type 4 Special Events are the use of a tent or other temporary structure for the purpose of providing temporary shelter for a non-commercial event not generally open to the public. Restrictions and permit requirements are as follows:
 1. The short-term use of tents or other temporary structures to accommodate a private party or by-invitation-only event - No Special Event Permit is required, unless the tent or temporary structure is larger than 900 s.f. in area. For tents or temporary structures 900 s.f. and larger, City staff may approve a Special Event Permit for a period of not more than 3 days.
 2. The use of tents or other temporary structures by a public or nonprofit agency in response to a natural or man-made disaster - A Special Event Permit is required and may be approved by the City Manager for a period of not more than 90 days. Longer durations may be approved by the City Council.

SECTION 8. Existing Overland Park Municipal Code Sections 18.380.010, 18.380.020, 18.380.030, 18.380.040, 18.380.050, 18.380.060 and 18.380.070 are hereby repealed.

SECTION 9. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, unenforceable, or otherwise void, such decision shall not affect the validity of the remaining portions of this Ordinance and the provisions hereby adopted.

SECTION 10. Nothing in this Ordinance shall be construed to affect any notice of violation, suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as set forth in this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 11. This ordinance shall take effect and be in force from January 1, 2021 and after its publication in the official City newspaper as required.

PASSED by the City Council this 7th day of December, 2020.

APPROVED by the Mayor this 7th day of December, 2020.

CITY OF OVERLAND PARK, KANSAS

(SEAL)

(s) Carl Gerlach
Carl Gerlach, Mayor

ATTEST:

APPROVED AS TO FORM:

(s) Elizabeth Kelley
Elizabeth Kelley
City Clerk

(s) Stephen B. Horner
Stephen B. Horner
Senior Assistant City Attorney