

(Published in the Miami County Republic on June 3, 2009)

ORDINANCE NO. 2990

**AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE (LDO) RELATED
TO FAIRGROUNDS**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PAOLA,
KANSAS:**

Section 1. That Sections 03.337, 23.250 & 23.290 of the LDO are amended as shown on Attachment A herein.

Section 2. That all ordinances or parts of ordinances in conflict herewith are repealed.

Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

PASSED BY the Council this 26th day of May, 2009.

APPROVED BY the Mayor this 26th day of May, 2009.

Artie Stuteville, Mayor

ATTEST: (seal)

Daniel G. Droste, City Clerk

ATTACHMENT A

SECTION 03.337 SPECIAL EVENTS

Special events in stadiums or public parks may be regulated by the City and are not limited by this Section. Events held on fairgrounds are exempt from these regulations (see §23.250(G)). All other special events shall meet the following standards:

- A. The special event shall be limited to four (4) successive days.
- B. If deemed necessary by the Police Department, property access shall be controlled by special traffic personnel. Prior to receiving a permit, the applicant must provide a written communication from the Police Department indicating adequate provisions have been made.
- C. The Community Development Department shall approve the sanitary provisions. Prior to receiving a permit, the applicant must provide a written communication from the Community Department indicating adequate provisions have been made.
- D. The Building Inspector shall approve all electric and lighting facilities. Prior to receiving a permit, the applicant must provide a written communication from the Building Inspector indicating adequate provisions have been made.
- E. Maximum noise levels may be established. The levels shall be based on the distance of the site to adjoining residential uses and any history of complaints about similar events.
- F. The applicant shall provide surety for complete site restoration upon the event's conclusion or should the permit be revoked.

SECTION 23.250 AMUSEMENT AND RESORT USES

- A. **Outdoor Recreation.** These uses include:
 - 1. Public areas (open to community or development residents) for active recreational activities including, but not limited to: jogging, cycling, tot-lots, playing fields, playgrounds, outdoor swimming pools, and tennis courts (SIC 7999 part); golf courses, (full-sized (nine [9] holes, regulation length) regardless of ownership (SIC 7992) and membership golf, country, and shooting clubs (SIC 7997).
 - 2. Passive recreational uses including, but not limited to: arboretums, wildlife sanctuaries, forests, areas for hiking, nature areas, and other passive recreation-oriented parks.
 - 3. Picnic areas, garden plots, and beaches.
 - 4. Fairgrounds as defined by this Ordinance.
- B. **Indoor Recreation.** This use includes:
 - 1. Recreational uses that are public (open to community or development residents) including community recreation centers, gymnasiums, indoor swimming pools, or tennis, racquetball, or handball courts (SIC 7999 part).
 - 2. Specifically excluded are health and exercise clubs (SIC 7991) and uses listed as commercial amusement uses.

- C. **Commercial Amusement, Outdoor.** (SIC 7833, 7929, 794, 7996, 7997, 7999) This use includes, but is not limited to: fairgrounds, outdoor stadiums, racing facilities, rodeos, music arenas, theme parks, amusement parks, miniature golf establishments, water slides, batting cages, and shooting ranges.
- D. **Commercial Amusement, Indoor.** (SIC 7832, 792, 793, 7941, 7993, 7997, 7999) This use includes, but is not limited to, all indoor commercial amusement facilities: bowling alleys, indoor sports arenas, movie theaters, indoor skating rinks (ice or roller), video arcades, pool halls, and shooting arcades.
- E. **Campgrounds.** This is a form of commercial lodging where guests bring tents, travel trailers, campers, or other similar forms of shelter. The campground rents pads to the guests.
- F. **Resorts.**
 - 1. This use applies only to resorts or commercial lodgings which are located and designed with some combination of recreational uses or natural areas that provide a minimum of seventy-five (75) percent open space on the site.
 - 2. Such uses shall provide a full range of recreation opportunities such as marinas, beaches or pools, tennis or golf, equestrian, or other special recreation opportunities.
 - 3. Such uses shall contain several restaurants and shops to serve the guests.
- G. **Fairgrounds.** This is a place where the County Fair is held, as well as utilized as a meeting hall for social, fraternal, civic, public and similar organizations. It may also be utilized as an event venue for spectator and non-spectator field events and activities such as concerts, tractor pulls, rodeos, circuses, festivals, arts and craft shows, family reunions, wedding receptions and similar receptions, and other community-related arts, cultural, agricultural, and educational activities. Any such activities are permitted uses of the fairgrounds and exempt from the requirement of obtaining a Special Use Permit as set forth in §03.337 Special Events.

SECTION 23.290 TEMPORARY USES

- A. **Christmas Tree Sales.** Outdoor sale of evergreen trees during the Christmas holiday season.
- B. **Contractor's Office.** This includes watchman's trailers, construction equipment sheds, contractor's trailers and similar uses incidental to a construction project. Sleeping and/or cooking facilities may also be permitted.
- C. **Outdoor Sales.** Outdoor sales or merchandise, by either the store owner/occupant, outside the store in question on either the public sidewalk, a private sidewalk, or pedestrian area. It also includes sales in the Paola Square. This use excludes sales associated with a public interest or special event.
- D. **Public Interest Event.** Outdoor gatherings, auctions, art sales, and bake sales for the benefit of the community or community service or non-profit organizations.
- E. **Special Event.** These events may include, but are not limited to, outdoor concerts, auctions, tractor pulls, carnivals, circuses, outdoor religious meetings, rodeos, and special entertainment at commercial properties. Such uses often travel to various communities or involve noisy events regardless of purpose. Only events that are not related to the primary use of the property require compliance with §03.337. For example, a wedding or wedding reception occurring at a church is related to the primary use of the property and would not require a Special Use Permit.
- F. **Model Homes/Sales Office.** A dwelling unit in a subdivision used as a sales office, or a modular unit used as a sales office for a subdivision.

- G. **Farmstand.** This is a temporary or vehicle used in the sale of agricultural produce, in season, at least fifty (50) percent of which is grown by the seller.
- H. **Concrete/Asphalt Batch Plant.** A concrete or asphalt batch plant assembled on a site for the construction of a particular road improvement. The location of the site shall be a condition of the permit.
- I. **Truck Load Sale.** This use includes those activities which bring goods to a retail use in trucks and sell that merchandise from the trucks or a temporary outdoor or tented sales area.