

Excerpt from Ordinance 619

Approved February 27, 2017

Sec. 20-964. - Temporary outdoor events, sidewalk sales, seasonal sales, and special events.

(1) *Purpose.* It is the intent of this section to provide for temporary outdoor events, sidewalk sales, seasonal sales, and special events which are distinguished from permanent outside business activities that are allowed only by conditional use permit or interim use permit approved by the City Council. It is the intent of this section to promote the health, safety, general welfare, aesthetics, and image of the community by facilitating and regulating temporary outdoor events, sidewalk sales, seasonal sales, and special events in the following manner:

- a. Establish standards which permit businesses and organizations to conduct temporary outdoor events, sidewalk sales, and seasonal sales in zoning districts where they are permitted accessory uses, and permit businesses, organizations, and individuals to sponsor special events while:
 1. Ensuring that temporary outdoor events, sidewalk sales, seasonal sales, and special events do not create safety hazards by occupying required parking spaces, emergency access, by impeding the efficient movement of pedestrian and vehicular traffic, or by placing an excessive burden on city services.
 2. Ensuring that appropriate and necessary insurances and licenses for temporary outdoor events, sidewalk sales, seasonal sales, and special events are obtained.
 3. Providing open and transparent standards, guidelines, and procedures for an administrative review of temporary events, sidewalk sales, seasonal sales, and special events.
- a. Allow temporary events and sidewalk sales which require an outdoor location, while providing standards that will assure compatibility with the underlying zoning district and adjacent property uses. These events and sidewalk sales can include but are not limited to product demonstrations or promotions, employee or customer appreciation events, corporate anniversary celebrations, and grand openings.
- b. Allow certain uses which are seasonal in nature, while providing standards that will assure compatibility with the underlying zoning district and adjacent property uses. These uses can include but are not limited to farmers' markets, produce stands, and outdoor sales associated with public or religious holidays.
- c. Limit temporary outdoor sales to activities which are short-term or seasonal and which do not require permanent improvements to the site.
- d. Allow for special events, while providing standards that assure the health, safety, general welfare, aesthetics, and image of the community. Special events can include

but are not limited to concerts, car shows, races and walks, parades, and festivals.

(2) *Findings.* The city recognizes that temporary outdoor events, sidewalk sales, seasonal sales, and special events play an important role in the success of businesses and in fostering an active, integrated, and appealing community. The city finds it necessary for the promotion and preservation of the public health, safety, welfare and aesthetics of the community that the location, size, and appearance of temporary outdoor events, sidewalk sales, seasonal sales, and special events be controlled. Further, the city finds that:

- a. Temporary outdoor events, sidewalk sales, seasonal sales, and special events are an integral component of economic development.
- b. Temporary outdoor events, sidewalk sales, seasonal sales, and special events have a direct impact on and a relationship to the image of the community.
- c. Temporary outdoor events, seasonal or sidewalk sales activities may present an obstacle to effective firefighting and other emergency services by blocking necessary exits, fire lanes, or turnaround areas.
- d. Uncontrolled and unlimited temporary outdoor events, sidewalk sales, seasonal sales, and special events can adversely impact the image and aesthetics of the community and, thereby, undermine economic value and growth.
- e. Uncontrolled temporary outdoor events, sidewalk sales, seasonal sales, and special events may conflict with existing and neighboring uses.
- f. Temporary outdoor events, sidewalk sales, seasonal sales, and special events can exceed the city's capacity to provide municipal services. These municipal services include, but are not limited to, sanitary facilities, fire, police, and utility services. Regulation is needed to ensure that the health, safety, and general welfare of the community are not negatively impacted.

(3) *Permit Required.* No person shall sponsor, host, or organize a temporary outdoor event, sidewalk sale, seasonal sale, or special event without the relevant permit issued pursuant to this section.

- a. A temporary outdoor event permit shall be required for an activity which will be entirely confined to the applicant's property, will last no longer than seventy-two hours, and is not reasonably expected to impact traffic, parking, public safety, or other municipal services. Typically, temporary events and sidewalk sales requiring an outdoor location would require this permit.
- b. A seasonal sales permit shall be required for a commercial activity which will be entirely confined to the applicant's property, will last longer than seventy-two hours, and is not reasonably expected to impact traffic, parking, public safety, or other municipal services. Typically, seasonal sales requiring an outdoor location would

require this permit.

- c. A special event permit shall be required for an activity which will require the use of public spaces or services, or which is reasonably expected to impact traffic, parking, public safety, or other municipal services.

(4) *Exemptions.* The following events shall not require a permit under this section:

- a. Indoor events not reasonably expected to impact traffic, parking, public safety, or other municipal services.
- b. Non-commercial private events, including but not limited to, weddings, wedding receptions, anniversaries, birthdays, family reunions, funeral processions, and graduation parties.
- c. Events for which a Public Gathering Permit has been issued as provided for in Sec. 14-58, provided that the event is entirely confined to a city park and cannot be reasonably expected to impact traffic, parking, public safety, or other municipal services.
- d. Community Events organized by or in partnership with the City of Chanhassen.

(5) *Application for permit.* The applicant shall submit an application for the relevant permit to the City Manager or their designee. Applications for temporary outdoor events and seasonal sales permits shall be submitted on forms provided by the city at least ten business days prior to the date of the requested activity. Applications for special events shall be submitted on forms provided by the city at least sixty days prior to the date of the requested activity. The City Manager or their designee may waive the ten or sixty-day requirement if they find extenuating circumstances require a shorter review period. Included with application should be:

- a. A signed letter of permission from the owner of the property, if different than applicant, stating that the applicant has permission to conduct the event.
- b. A concise statement describing the purpose and nature of the activity, description of any commercial activity, dates and times of operation, number of employees or volunteers involved, estimated number of attendees, provisions for on-site parking and security, and any other pertinent information required by the City Manager or their designee to fully evaluate the application.
- c. A site plan or aerial photo of the property showing sufficient detail to evaluate the event's location and the placement of any temporary structures associated with the event. The City Manager or their designee may require a copy of an approved site plan, drawn to scale, or an "as-built" survey, which accurately represents existing conditions on the site, including entrances and exits, and bona fide parking and driving areas, and which accurately indicates any proposed temporary structures,

including tents, stands, chemical toilets and signs, when, in their judgement, such a plan is necessary to properly evaluate the permit.

- d. An accurate floor plan of any building on the property, when, in the judgment of the City Manager or their designee, such a plan is necessary to properly evaluate the location of the activity and the effectiveness of building entrances and exits.
- e. Proof of liability insurance. The certificate of insurance must name the City, its officials, employees, and agents as additional insured. The limits of insurance will not be less than: one million dollars (\$1,000,000.00) each occurrence; two million dollars (\$2,000,000.00) general aggregate. The City may waive or reduce this requirement in the event that:
 1. The applicant signs a verified statement that the required insurance coverage cannot be obtained; or,
 2. The City Manager or their designee determines that the insurance requirements are in excess of the risk presented by the proposed activity.
- f. Applications or valid permits for all regulated activities associated with the event including, but not limited to, loudspeaker or similar device, temporary lifting of no parking requirements, street closures for neighborhood events, race addendum and those required for the sale of produce, prepared food, and/or alcohol.
- g. If applying for a special event permit the applicant shall also provide:
 1. A list of public spaces or services the event requires.
 2. A statement detailing the events expected impact on traffic, parking, public safety, and any other relevant public services. A detailed plan for how the applicant will manage and mitigate these impacts shall also be included.
- h. A nonrefundable fee which shall be imposed in accordance with the fee schedule established by the City Council. The intent of this section is to recover costs associated with administering the ordinance from which this section derives. Permit fees shall reflect the costs of reviewing and processing permits, as well as costs associated with periodic enforcement activities and compliance checks.

(6) *Procedure.* The application will be processed as follows:

- a. The City Manager or their designee shall review applications for administrative permits and shall determine if the proposal is in compliance with all applicable codes, ordinances, and the specific standards for temporary outdoor events, seasonal sales, or special events as set forth in this section. The application shall also be reviewed by the public safety department and any other appropriate review agencies.

- b. If the proposal is in compliance with all applicable codes, ordinances, and the general and specific standards for temporary outdoor events, seasonal sales, or special events as set forth in this section, a written permit shall be issued to the applicant. Any conditions necessary to assure compliance with applicable codes, ordinances, and the standards in this section shall be attached to the permit.
- c. If the City Manager or their designee finds grounds for denying the permit, these findings shall be communicated to the applicant and the application for the permit shall be considered denied; unless, within ten days of the date of such notice, the applicant submits revised plans and/or information with which brings the proposal into compliance.
- d. If the City Manager or their designee deny an application for a temporary outdoor event, seasonal sale, or special event, the applicant may appeal the decision to the City Council. Such an appeal must be submitted to the City Manager in writing no later than ten days from the date of the decision.

(7) *Grounds for Denial.* A sales or event permit application may be denied if based on the application and other relevant information, the city finds that:

- a. Information contained in the application or otherwise submitted by the applicant is false or insufficient to allow for an effective evaluation of the proposed sale or event.
- b. The applicant fails to provide required or requested supplemental information after having been notified by the city that additional documentation is required.
- c. The applicant fails to agree to all conditions and terms of permit.
- d. The applicant has outstanding fees due to the city, unresolved code enforcement or noncompliant building permit issues, has violated the terms and conditions of a previously issued sale or event permit, or has had a previously issued sale or event permit revoked by the city.
- e. The type of sale or event is not permitted by zoning or other statute.
- f. The time, hours, location, size, or nature of the sale or event will substantially disrupt or burden traffic, parking, public safety, or other municipal services and the city does not have sufficient resources to mitigate these impacts.
- g. The location or time of the sale or event conflicts with previously scheduled sales or events, and the city does not have sufficient resources available to adequately support both sales or events and/or normal operation of the city.
- h. The location of the sale or event would interfere with construction or maintenance work scheduled to take place upon or along public property or right of way.

- i. The location of the sale or event would cause undue hardship for adjacent uses.
- j. The sale or event is likely to endanger public safety, health, or property.
- k. The applicant does not have the required liability insurance.

(8) *Permit Conditions.* The city may place conditions on the time, place, and other aspects of any sale or event allowed by this section as deemed necessary to mitigate the activity's impact on traffic, parking, public safety, or other municipal services. These conditions may include, but are not limited to:

- a. Changing the date(s), time(s), route, or location of the proposed activity.
- b. Removing or altering an aspect of the activity which cannot be mitigated sufficiently to ensure public safety and welfare, or which causes liability to the city.
- c. Alterations to the traffic control or safety/emergency plan.
- d. Limiting the activity's maximum attendance.
- e. Restricting the sale or consumption of food or alcohol.
- f. Removal of advertising/promotional materials.
- g. Requirements for the cleanup and restoration of any public property.
 - 1. The applicant may be required to provide the city with an escrow in order to guarantee the cleanup and restoration of public property. The amount of the escrow shall be determined by the Engineering Department for potential impacts to streets and areas with the City Right of Way and by the Park and Recreation Department for potential impacts to parks and trails.
- h. Requirements for appropriate sanitation facilities, waste receptacles, and availability of potable water.
- i. Requirements designed to ensure compliance with applicable local, state, and federal laws.
- j. Any other conditions which the city deems necessary.

(9) Limitations; general conditions.

- a. All activities allowed by this section:
 - 1. The site shall be cleared and all remaining debris removed from the sales or event site on the last remaining day of the permit.
 - 2. Acceptable space for off-street parking and traffic circulation generated by the use must be provided. Curb and gutter with drive approaches is desired to provide safe turn movements.

3. Lighting shall be compatible with surrounding adjacent uses.
 4. Signage should be limited to window signs, and one outdoor sign no greater than 24 square feet. Other signage for purposes of traffic direction and control may be authorized by the City Manager or their designee.
 5. Front yard, side yard, and rear yard setbacks shall be a minimum of ten feet.
 6. All other pertinent city and state permits must be obtained.
 7. The approved permit shall be kept on the premises for the duration of the activity.
 8. No outdoor speaker system shall be allowed without permission from the city.
- b. Temporary outdoor events:
1. Shall be permitted for the period specified in the administrative permit.
 2. Shall not exceed 15 days per calendar year per property or center.
 3. Shall have a maximum duration of three days.
- c. Seasonal sales:
1. Permitted temporary outdoor sales activities are limited to the following:
 - a. Christmas tree sales.
 - b. Seasonal Holiday Markets
 - c. Seasonal Produce Stands
 2. Shall be for the period specified in the administrative permit.
 3. Shall not exceed 120 days per calendar year per property or center.
 4. There shall be no more than three sales activities per year per property or center.
- d. Special events:
1. Shall be permitted for the period specified in the administrative permit.
 2. Shall have a maximum duration of seven days.
 3. There shall be no more than four special event permits issued per property or center per calendar year.
- (10) *Administration and enforcement.*

- a. The city may inspect the property on which the sale or event is being held before the start of the sale or event and/or during the sale or event to verify compliance with the provisions of this section or any permit conditions.
- b. The City Manager or their designee may, upon written notice, suspend or revoke the sale or event permit of any person who violates any of the provisions of this section or any of the conditions of the permit.
- c. Any sale or event permit issued may be summarily revoked by the city's chief law enforcement officer or fire chief at any time when by reason of an emergency, the law enforcement officer or fire chief determines that the safety of the public or property requires such revocation.
- d. If, at any time, a permit under the provisions of this section is suspended or revoked, it shall thereafter be unlawful for that person or organization to operate, open, maintain, manage or conduct any temporary outdoor event, seasonal sale, or special event.
- e. Violation of an issued permit or the provisions of this section may be grounds for denial of future permit applications during a calendar year.