

4.6 TEMPORARY USES AND STRUCTURES

4.6.1 Permit Required

A) **General**

A temporary use or structure for one or more of the following described uses shall be permitted in any zoning district. All temporary uses and structures shall obtain a Temporary Use Permit pursuant to the procedures set forth in Sec. 2.3.11 *Temporary Use*.

B) **General Regulations**

The general regulations of this subsection shall apply to all allowed temporary uses unless otherwise expressly stated.

- 1) *Temporary signs*. No temporary signs shall be permitted in a public right-of-way or off-premises of the temporary use. All temporary signs shall meet the requirements of 8.7.1 *Signs, Permitted Signs: Location, Size, and Number*.
- 2) *Conditions of approval*. Temporary uses shall not violate any applicable conditions of approval that apply to the principal use on the site.
- 3) *Obtain all other applicable permits*. The operator must obtain all other required permits applicable to the temporary use.
- 4) *Not located in public right-of-way*. Temporary uses shall not be located within a public right-of-way.
- 5) Temporary uses and activities or special events shall not jeopardize the public health or safety, or be injurious or detrimental to properties adjacent to, or in the vicinity of, the proposed location of the activity.

C) **Uses Allowed**

Temporary uses shall be allowed in accordance with the standards of this subsection.

- 1) *Fairs, carnivals, circuses and tent revivals and other public gatherings*. Fairs, carnivals, circuses and tent revivals and other public gatherings shall be allowed as follows:
 - a) In the B2 Downtown Business District, the TND-CZ Traditional Neighborhood District, the PUD-CZ Planned Unit Development District, SD-CZ Sustainable Development District, and the MEC-CZ Major Employment Center District, such uses shall be allowed for up

to seven (7) consecutive days. Five (5) events are allowed per calendar year.

- b) In Residential districts (except the RA Residential Agricultural and RR Rural Residential Districts) and O&I Office and Institutional District, such uses may be allowed for up to four (4) consecutive days on the site of a school or church use. Two (2) events are allowed each calendar year.
 - c) In the RA Residential Agricultural and RR Rural Residential Districts, such uses may be allowed for up to seven (7) consecutive days. One (1) event is allowed per calendar year.
- 2) *Natural disaster or other health and safety emergencies.* Temporary uses and structures needed as the result of a natural disaster or other health and safety emergencies are allowed for the duration of the emergency.
 - 3) *Produce stands.* Produce stands are allowed as temporary uses in the RA Residential Agricultural District, the RR Rural Residential District, the B2 Downtown Business District, the TND-CZ Traditional Neighborhood District, the SD-CZ Sustainable Development Conditional Zoning District, and the PUD-CZ Planned Unit Development District for up to two (2) months at a time. Two (2) events are allowed in each calendar year.
 - 4) *Seasonal outdoor sales.* Seasonal outdoor sales are allowed for up to one (1) month at one time. Seasonal outdoor sales shall not consist of inventory that a business typically sells. Seasonal outdoor sales include, but are not limited to, fireworks displays, Christmas tree lots, pumpkin sales, etc. Two (2) events are allowed on the same parcel each calendar year in all districts except the LD Low Density Residential District, the MD Medium Density Residential District, the HDSF High Density Single-Family Residential District, and the HDMF High Density Multi-Family Residential District. Churches and non-profit organizations are exempt from this section and can conduct seasonal outdoor sales in any zoning district and are not limited to two (2) events per calendar year.
 - 5) *Promotional event.* For-profit promotional events are those events that occur outside of a building, not including outdoor service areas used on a regular basis for such business. Such events are allowed provided that:
 - a) The size and location of the promotional event shall be reasonably related to the existing business and in no case shall interfere with the day-to-day business operations of on-site or adjacent businesses. A plan showing the layout of the promotional event is required.
 - b) Outside the Downtown Festival District, the frequency and duration of the for-profit promotional event shall be permitted only under subsection (i) or (ii) as determined by the business at the time of first application in each calendar year as follows:
 - (i) (No more than three (3) promotional events shall occur at any one business per calendar year; the promotional event shall be limited to no more than 14 days in length; or
 - (ii) No more than six (6) promotional events shall occur at any one business per calendar year; the promotional event shall be limited to no more than one (1) days in length.

- c) Within the Downtown Festival District, the following standards shall apply:
 - (i) No more than one (1) promotional event shall occur at any one business per calendar month.
 - (ii) The promotional event shall be limited to one (1) day in length.
 - (iii) All outdoor areas associated with a promotional event shall be located at least 45 feet from a residential zoning district or a conforming detached single-family dwelling, not to include the HDMF or MORR districts.

- 6) *Temporary construction, security, and real estate sales offices.* Temporary construction, security, and real estate sales offices shall be allowed as follows:
 - a) The owner of a construction project may place on the construction site a temporary office for use by construction, security, and real estate sales personnel. Recreational vehicles, tents, or similar structures are prohibited for use as temporary construction, security, and real estate sales offices.
 - b) The temporary office shall be located on the lot on which construction or development is occurring and shall not be located within 25 feet of any neighboring residential use within a separate development. For the purposes of this provision, phases of a development are not considered separate developments.
 - c) The office shall be removed within 10 days after final inspection of the permanent structure or expiration of the corresponding building permit, whichever event occurs first. In the case of residential development projects, the office must be removed within 10 days of sale or lease of all dwelling units.

- 7) *Temporary heated pool structures.* Temporary heated pool structures, such as, but not limited to, tents are allowed provided that:
 - a) The pool to be covered by the temporary heated pool structure is a community pool that is used for non-commercial activities only.
 - b) The structure is erected for less than 180 days per year.
 - c) The structure is erected for the sole purpose of allowing swimming in heated pools to occur during cold weather months.

- 8) *Temporary health care structure.* A temporary health care structure, as defined by NCGS 160D-915, shall be allowed as an accessory use to a single-family detached dwelling within a Residential zoning district. Such structure shall comply with the use standards found in NCGS 160D-915.

- 9) *Other temporary uses.* The Planning Director may approve other temporary uses and activities or special events if it is determined that such uses would not jeopardize the public health or safety, or be injurious or detrimental to properties adjacent to, or in the vicinity of, the proposed location of the activity.

4.6.2 No Permit Required

A) ***Residential Yard Sales***

- 1) Sales shall occur no more than two consecutive days and may not occur outside of the hours of 7am to 7pm.
- 2) There shall be no more than four (4) sales at each address during each calendar year.
- 3) Signs shall meet the requirements in Sec. 8.7 *Signs*.