

4.5. - Temporary Uses

4.5.1. - Purpose

This section allows for the establishment of specific temporary uses of limited duration, provided that such uses do not negatively affect adjacent land, and provided that such temporary uses are discontinued upon the expiration of a set time period. Temporary uses shall not involve the construction or alteration of any permanent building or structure.

4.5.2. - Applicability

The standards in this section apply to non-permanent uses that take place on a temporary basis whether on the same site or in different locations in the jurisdiction. The activities listed in this section require the issuance of a zoning compliance permit, except as exempted, in accordance with the standards in Section 2.5.15, Zoning Compliance Permit.

4.5.3. - General Standards For Temporary Uses

All temporary uses shall comply with the following general standards, unless otherwise specified in this Ordinance:

A. **General Standards**

1. Secure written permission from the landowner;
2. Obtain the appropriate permits and licenses from the City and other agencies;
3. ~~No signs are permitted, other than as specified in Section 4.5.4 Specific Standards for Temporary Uses; Comply with the requirements for temporary signs in Section 5.7, Signage;~~
4. Meet public utility and City requirements for proper connection to water, sewer, electrical and other utility service connections, as applicable;
5. Not violate the applicable conditions of approval that apply to a site or use on the site;
6. Not result in a situation where the principal use, if present, fails to comply with the standards of this Ordinance;
7. Contain sufficient land area for the temporary use and for the parking and traffic movement associated with the temporary use, without impacting environmentally sensitive lands;
8. Not remain in place for more than 90 days if located within a special flood hazard area;
9. Provide adequate on-site restroom facilities; and
10. Cease all outdoor activities within 500 feet of a residential use by 10:00 pm.

B. **General Conditions** In approving a temporary use permit, the Planning and Development Director is authorized to impose any of the following general conditions upon the premises benefited by the permit as may be necessary to reduce or minimize any potential adverse impacts upon other property in the area, as long as the condition relates to a situation created or aggravated by the proposed temporary use. The Planning and Development Director is authorized, where appropriate, to require:

1. Provision of temporary parking facilities, including vehicular access and egress;
2. Control of nuisance factors, such as but not limited to, the prevention of glare or direct illumination of adjacent properties, noise, vibrations, smoke, dust, dirt, odors, gases, and heat;
3. Regulation of placement, height and size, location of equipment and open spaces, including buffer areas and other yards;
4. Provision of sanitary and medical facilities;
5. Provision of solid waste collection and disposal;

6. Provision of security and safety measures;
7. Use of an alternate location or date;
8. Modification or elimination of certain proposed activities;
9. Regulation of operating hours and days, including limitation of the duration to a shorter time period than requested or specified in this subsection; and
10. Submission of a financial guarantee to ensure that any temporary use will be removed from the lot or site within a reasonable time and the lot or site will be restored to its former condition.

4.5.4. - Standards for Specific Temporary Uses

A. **Construction-Related Uses** A temporary construction-related use is permitted on a lot in a residential, business, special, or planned development district, subject to the following standards:

1. Temporary construction-related uses, including construction and business offices, storage buildings, equipment and outdoor storage lots, and employee parking areas, may occur on the same lot or site as the construction activity, or on a lot or site that is adjacent to the construction site.
2. The temporary use permit shall not be issued until a site plan is approved or a building permit is issued for a principal structure, except as allowed in Section 2.3.12, Effect of Development Approval.
3. Real estate and construction signs are allowed in accordance with Section 5.7.7, Signs Allowed Without a Sign Permit.
34. A temporary construction-related use shall be removed within 30 days of issuance of a certificate of occupancy for the structure, or removed immediately if the building permit expires or is revoked.

B. **Itinerant Merchant Sales** Itinerant merchant sales, not including mobile food vendors, are permitted on a lot in a business, special, or planned development district, subject to the following standards:

1. The sale of merchandise, products, or material must be a permitted principal use in the zoning district where the sales are temporarily located.
2. Itinerant merchant sales shall be located on a lot with a principal use and located outside of street rights-of way, required sight distance easements, required landscape areas, vehicular circulation areas, or areas where pedestrian access is needed to ensure safe movement through or across a site.
3. No signage is permitted other than signage that is affixed to the vehicle, trailer or stand.
4. All merchandise and related materials shall be removed from the site or properly stored each day following the sale.
5. The maximum period of operation of itinerant merchant sales shall be from 8:00 AM to 11:00 PM.
6. Permitted itinerant merchant sales shall be limited in duration to a maximum of 30 continuous days and there shall not be more than 3 itinerant merchant sales on a lot per calendar year.

C. **Mobile Food Vendors**

1. **Exempt Vendors** Mobile food vendors are not subject to the requirements of Section 4.5, Temporary Uses, but are subject to the applicable provisions of the City Code of Ordinances if:

- (a) They operate for 2 or fewer days within a 180-day period on a lot with an established principal use;
 - (b) They operate in the public right-of-way;
 - (c) They are considered part of a special event allowed in accordance with Section 4.5.4 E, Special Events; or
 - (d) They are a part of a private event where food is not sold to the general public.
2. **Subject to this Ordinance** Mobile food vendors that are not exempted are permitted on a lot in a business, special, or planned development district, subject to the following standards:
- (a) The sale of food must be a permitted principal use in the zoning district where the mobile food vendor is temporarily located.
 - (b) Mobile food vendors shall be located on a lot located outside of street rights-of-way, required landscape areas, vehicular circulation areas, or areas where pedestrian access is needed to ensure safe movement through or across a site.
 - (c) Mobile food vendors shall not obstruct visibility for motorists at any street intersection in accordance with the standards of Chapter 6 of the City Code, Visibility at Intersections.
 - (d) One A-Frame sign in accordance with Section 5.7.7, Signs Allowed Without a Sign Permit, and any No signage is permitted other than signage that is affixed to the vehicle, trailer, cart, or stand, **is allowed.**
 - (e) The vendor shall properly dispose all solid waste, grease and liquid waste and the vehicle, trailer, cart, or stand shall be removed from the site each day.
 - (f) The maximum period of operation of mobile food vendors shall be from 6:00 AM to 11:00 PM, or until the time the principal use on the lot closes, whichever is greater.
 - (g) Permitted mobile food vendors shall be limited in duration to a maximum of 12 months, except that the temporary use permit may be renewed.
- D. **Outdoor Seasonal Sales** Outdoor seasonal sales are permitted on a lot in a residential, business, special, or planned development district, subject to the following standards:
1. Seasonal sales shall be limited to seasonal agricultural products such as Christmas trees, pumpkins, and living plants.
 2. Outdoor seasonal sales shall only be allowed on a lot in a residential, office or institutional zoning district when operated by and on the site of a religious institution or nonprofit organization.
 3. The maximum hours of operation of an outdoor seasonal sales use shall be from 8:00 AM to 11:00 PM, except when located in a residential district, then the seasonal sales use shall cease by 10:00 PM.
 4. Exterior lighting shall comply with the requirements in Section 5.10, Exterior Lighting.
 - 5- One limited duration sign per lot frontage is allowed. The sign shall comply with Section 5.7.12, Limited Duration Signs.
 6. One recreational vehicle is allowed as a temporary dwelling for security purposes in association with the seasonal sales use, provided it meets the general standards of Section 4.5.4 F, Temporary Dwelling, and is removed at the end of the sales.
 - 6.7 Outdoor seasonal sales shall be limited in duration to a maximum of 90 days and there shall not be more than 3 seasonal sales on a lot per calendar year.
 - 7-8. The on-site accessory sales of seasonal products by an agricultural use or retail sales use is not considered outdoor seasonal sales and is not subject to these standards.

- E. **Special Events** A special event is an infrequent, temporary activity not otherwise allowed by this Ordinance as defined in Section 10.4 of this Ordinance.
1. **Exempt Events** A special event is not subject to the requirements in Section 4.5, Temporary Uses, if the event is sponsored by the City, a county, or the State.
 2. **Subject to this Ordinance** A special event not exempted from the standards in this section is permitted on a lot in a business, special, or planned development district, subject to the following standards:
 - (a) Circuses, carnivals and similar amusements may be subject to the applicable provisions of the City Code of Ordinances.
 - (b) Temporary dwelling(s) are allowed in association with the special event provided they meet the general standards of Section 4.5.4 F, Temporary Dwelling, and are removed at the end of the event.
 - (c) Signs located on the lot where a special event is held are allowed in accordance with Section 5.7.12., Limited Duration Signs.
 - (d) A special event shall be limited in duration to a maximum of 14 days, unless otherwise specifically authorized by the Planning and Development Director.
- F. **Temporary Dwelling** A temporary dwelling is permitted on a lot in a residential, business, special, or planned development district, subject to the following standards:
1. **General Standards**
 - (a) A temporary dwelling may be either a dwelling that meets all applicable NC State Building code requirements for a dwelling or a recreational vehicle.
 - (b) The temporary dwelling shall be located on a lot and meet the dimensional standards of the zoning district to the maximum extent practicable.
 2. **Temporary Emergency Dwelling**
 - (a) Temporary emergency dwellings operated by a religious institution, governmental agency, or nonprofit organization may be located on a lot at least 1 acre in area to provide emergency shelter where fire, flood, or other natural disaster has displaced persons.
 - (b) The temporary dwellings shall be limited in duration to a maximum of 6 months, except that the temporary use permit may be renewed for good cause shown.
 3. **Temporary Construction Dwelling**
 - (a) One temporary dwelling may be used to house occupants of the principal dwelling under construction or subject to repair or casualty damage.
 - (b) Temporary dwellings may be used on a construction site and occupied by persons having construction or security responsibilities over such construction site.
 - (c) Temporary dwellings shall be located on the same lot as the structure under construction.
 - (d) The temporary use permit shall not be issued until a site plan is approved or a building permit is issued for a principal structure.
 - (e) A temporary dwelling shall be removed within 30 days of issuance of a certificate of occupancy for the structure, or removed immediately if the building permit expires or is revoked.
- G. **Temporary Health Care Structure** One temporary health care structure is permitted on a lot with a single-family detached dwelling, subject to the following standards:
1. **Structure** A temporary health care structure is one that:

- (a) Is transportable and primarily assembled at a location other than the site of installation;
- (b) Is located on a lot with an existing single-family detached dwelling;
- (c) Is limited to 1 occupant who is a mentally or physically impaired person related to the caregiver;
- (d) Is used by a caregiver or legal guardian in providing care for 1 mentally or physically impaired person on property owned or occupied as the caregiver's or guardian's residence;
- (e) Has no more than 300 square feet of gross floor area;
- (f) Is connected with water, sewer and electricity by branching service from the single-family detached dwelling;
- (g) Has the same street address and mailbox as the existing single-family detached dwelling;
- (h) Uses the same driveway as the existing single-family dwelling, unless the structure is accessed from a right-of-way not used by the dwelling (e.g., a rear alley or separate street access on a corner or through lot);
- (i) Meets the dimensional standards of the zoning district for a single-family detached dwelling; and
- (j) Meets the applicable provisions in the NC State Building Code; however, is not located on a permanent foundation.

2. Need and Relationship

- (a) The occupant of the structure must be a mentally or physically impaired person that is a resident of the State who requires assistance with 2 or more activities of daily living (bathing, dressing, personal hygiene, ambulation or locomotion, transferring, toileting, and eating) as certified in writing by a physician licensed to practice in this State.
- (b) The caregiver must be an individual 18 years of age or older who provides care for the mentally or physically impaired person and is a first or second degree relative of the impaired person. A first or second degree relative is a spouse, lineal ascendant, lineal descendant, sibling, uncle, aunt, nephew or niece, including half, step, and in-law relationships.

3. Permit Conditions

- (a) Once the applicant provides sufficient proof that the temporary health care structure meets all standards, then the temporary structure shall be permitted for a period of 12 months.
- (b) The applicant may renew the zoning compliance permit for a 12-month period and continue to renew it provided the applicant provides evidence of continued need and compliance with these standards.
- (c) The City may make permit renewal and periodic inspections of the temporary structure at reasonable times convenient to the applicant.
- (d) No signage shall be permitted on the exterior of the temporary structure or on the lot that identifies or promotes the existence of the structure.
- (e) The temporary structure shall not be subdivided or otherwise separated in ownership from the single-family detached dwelling.
- (f) The temporary structure shall be removed within 60 days if the impaired occupant is no longer receiving or in need of assistance.

- (g) The temporary use permit may be revoked or other enforcement actions taken if these standards are violated.
- H. **Temporary LCID Landfill** A temporary land clearing and inert debris landfill (LCID) is permitted on a lot in a residential, business, special, or planned development district, subject to the following standards:
1. A temporary LCID may not exceed 2 acres in area and shall meet all applicable State regulations for a LCID.
 2. It shall be permitted for a period not to exceed 12 months, except that the temporary use permit may be renewed for good cause shown.
 3. A LCID not meeting these standards constitutes a minor landfill, which is subject to other standards contained in this Ordinance.
 4. One freestanding sign per lot frontage is allowed. The sign shall be a maximum of 32 square feet, 6 feet in height and may be externally illuminated.
- I. **Temporary Real Estate Office** A temporary real estate office is permitted on a lot in a residential, business, special, or planned development district, subject to the following standards:
1. The office is located on a lot that is part of the real estate development being sold or leased.
 2. Real estate and construction signs are allowed in accordance with Section 5.7.7, Signs Allowed Without a Sign Permit. Signage complies with the standards of Section 5.7, Signage.
 3. The office complies with the dimensional standards of the zoning district in which it is located.
 4. The temporary office is converted into a dwelling or removed within 30 days after all units are sold or leased.
- J. **Temporary Wireless Telecommunications Facility** A temporary wireless telecommunications facility, also known as a COW, is permitted on a lot in a residential, business, special, or planned development district, subject to the following standards:
1. A temporary wireless telecommunications facility may be allowed on a lot after a disaster or other emergency for a period not to exceed 30 days, except that the temporary use permit may be renewed for good cause shown.
 2. A temporary wireless telecommunications facility may be allowed on a lot to evaluate the technical feasibility of a site for a period not to exceed 14 days, except that the temporary use permit may be renewed for good cause shown.
 3. A temporary wireless telecommunications facility may be allowed on a lot in association with an event where the anticipated demand cannot be handled by existing facilities for a period not to exceed 14 days.
 4. A temporary wireless telecommunications facility may be allowed on a lot with an existing permanent wireless telecommunications facility where the permanent structure is undergoing reconstruction or maintenance and the temporary facility is needed to maintain sufficient levels of service. The temporary facility shall be removed after reconstruction or maintenance is complete and service restored on the permanent structure.
 5. All temporary wireless telecommunications facilities, including all supporting cables and anchors, shall be contained on the lot.