

Temporary Use Permit Application

Sanford, Lee County and Broadway, NC

Sanford/Lee Co. Zoning & Design Review Dept., 115 Chatham Street, Sanford, NC 27330

Staff Contact: Tanner O'quin at 919-718-4656, Ext. 5398 or tanner.oquin@sanfordnc.net.

This application pertains to zoning/planning only. It is the responsibility of the application to secure all required approvals.

Applicant Name: _____

Address: _____

Telephone: _____ **Email:** _____

Print / Signature: _____ **Date:** _____

TEMPORARY USES

UDO, Article 5 Supplemental Development Regulations, Section 5.34 Temporary Uses

PURPOSE: This section establishes criteria for particular temporary uses in order to ensure that their operation will not be detrimental to the public health, safety and general welfare, that the use is consistent with the purpose and intent of the UDO and the specific zoning district in which it will be located, that the use is compatible in intensity, characteristics and appearance with existing land uses in the immediate vicinity of the temporary use, and that the use, value and qualities of the neighborhood surrounding the Temporary Use will not be adversely affected by the use or activities associated with it. This section permits uses on a short-term basis and certain seasonal or transient uses not otherwise allowed in the applicable zoning district. Prior to conducting or establishing a temporary use, approval of a Temporary Use Permit by the Zoning & Design Review Dept. is required. Staff shall review all applications and make a determination as to whether the proposed temporary use event conforms to the standards.

For reference, Article 5, Supplemental Development Regulations, Section 5.34 is provided on pages 2, 3 & 4.

Temporary Use Address: _____

Site Developed as: _____

Days and Hours of Operation: Days _____ - _____ Hours: _____ to _____

Facility Type: (tent, canopy, booth, construction trailer, etc.) _____

For tents over 200sf and canopies over 400sf, please attach a copy of a Fire Retardant Certification.

For tents over 200sf and canopies over 400sf, the Fire Dept. requires a \$50.00 Temporary Membrane Structure fee for each tent or canopy. This fee is processed by completing a Fire Protection/Sprinkler Permit Application and submitting it with the fee to the Sanford/Lee Co. Building Inspections Dept. at 115 Chatham St. (ground floor).

Noise Mechanisms to be Used: (outdoor speakers, amplifiers, etc.) _____

Means of Clean-Up After Event: _____

Means of Trash Collection & Disposal: _____

Location/Access to Restroom Facilities: _____

The site occupied by the Temporary Use shall be left free of debris, liter, or any other evidence of the Temporary Use upon completion/removal of the use.

A site plan illustrating existing conditions, parking areas, the location of tents/canopies and other structures on site is required to be submitted with this application.

FOR ZONING & DESIGN REVIEW DEPT. OFFICE USE ONLY

PIN: _____ ADDRESS: _____

JURISDICTION: _____ City of Sanford _____ Lee County _____ Town of Broadway

Review Date: _____ Reviewed By: _____ Compliance: YES / NO

Notes: _____ Form created: 2018-07-17 AJMc Page 1 of 4

UDO, Article 5 Supplemental Development Regulations, Section 5.34 Temporary Uses

5.34.1 PURPOSE.

5.34.1.1 This section establishes criteria for particular temporary uses in order to ensure that their operation will not be detrimental to the public health, safety and general welfare, that the use is consistent with the purpose and intent of this Ordinance and the specific zoning district in which it will be located, that the use is compatible in intensity, characteristics and appearance with existing land uses in the immediate vicinity of the temporary use, and that the use, value and qualities of the neighborhood surrounding the Temporary use will not be adversely affected by the use or activities associated with it.

5.34.1.2 This Section permits uses on a short-term basis and certain seasonal or transient uses not otherwise allowed in the applicable zoning district. Prior to conducting or establishing a temporary use, approval of a Temporary Use Permit by the Community Development Department is required pursuant to this Section. The Administrator shall review all applications for a temporary use permit and shall make a determination as to whether the proposed temporary use event conforms to the standards as set forth in this Section 5.34.

5.34.2 STANDARDS.

5.34.2.1 **GENERAL STANDARDS FOR ALL TEMPORARY USES.** The following standards shall be required for all manner of temporary uses or events.

- There shall be only one temporary use event held at any one time on a given tax parcel.
- The operator of the temporary event shall obtain written permission from the owner of the property onto which the proposed temporary event is planned.
- For any temporary use event, all sale and display items shall not be located within any public street right-of-way, sight triangle or required landscaping planting yard as set forth in Article 7 of this Ordinance.
- No event shall locate in any off-street parking area if such spaces are necessary to meet the minimum number of off-street parking spaces as required by this Ordinance.
- The operator of the temporary use event is responsible for the removal of all equipment, trash or other debris upon cessation of the event.
- No recreational vehicles shall be permitted to be used in conjunction with a temporary use event (except as associated with carnivals or amusement events as set forth under 5.34.2.7, below).

5.34.2.2 **TEMPORARY RETAIL SALES** (excluding agri-tourism sales). Any person or persons, corporation, or agent who engages in the business of periodic outdoor sales (and/or exhibiting for sale) of retail goods and/or merchandise who in furtherance of such purpose leases, uses or occupies any lot, tract or space shall conform to the following requirements:

- Temporary retail sales may only be permitted only within non-residential zoning districts (NC, O&I, CBD, C-1, C-2, LI, and HI).
- No more than six (6) periodic retail sales events shall be permitted per tax parcel within a given calendar year.
- A periodic retail sales event shall be permitted to operate up to a maximum of ten (10) consecutive days, except that concessionaire vendors (see Appendix A for definition) are exempt from this time limit. A minimum thirty (30) day separation shall be required between periodic retail sales events that are to be conducted on the same parcel.
- A single temporary sign (size permitted as set forth in Section 11.10.4 of this Ordinance) shall be allowed for the duration of the temporary sales event.

5.34.2.3 **AGRI-TOURISM/SEASONAL SALES.** This category is intended to cover the spectrum of all temporary uses or events that are related to agricultural products, including but not limited to seasonal fresh produce stands, seasonal sales of holiday related product, and/or temporary events related to farms and/or farming operations.

- **OUTDOOR SEASONAL FRESH PRODUCE STANDS (LEE COUNTY AND ETJ AREAS)** - The outdoor sale of fresh agricultural produce (commonly known as a “produce stand”) shall be permitted as a temporary use in all zoning districts within the zoning jurisdiction of Lee County and within the extraterritorial jurisdiction of Sanford and Broadway. There shall be no time limit for seasonal produce stands within the zoning jurisdiction of Lee County or the ETJ areas.
- **OUTDOOR SEASONAL FRESH PRODUCE STANDS (CITY OF SANFORD)** - The outdoor sale of fresh agricultural produce (commonly known as a “produce stand”) shall be permitted as a temporary use in all non-residential zoning districts within the municipal limits of the City of Sanford. Said produce stands shall be permitted up to ten (10) consecutive days within on calendar year.
- **OUTDOOR SEASONAL FRESH PRODUCE STANDS (TOWN OF BROADWAY)** - The outdoor sale of fresh agricultural produce (commonly known as a “produce stand”) shall be permitted as a temporary use in all non-residential zoning districts within the zoning jurisdiction of the Town of Broadway. Said produce stands shall be permitted up to thirty (30) consecutive days within one calendar year.
- **SEASONAL HOLIDAY SALES** – The outdoor sale of Christmas trees, pumpkins or other agricultural products customarily associated with a specific holiday shall be permitted as a temporary use in all non-residential zoning districts and in the RA District. Seasonal holiday sales shall be permitted up to forty-five (45) consecutive days during the respective holiday season.
- **AGRI-TOURISM (LEE COUNTY AND ETJ AREAS)** - Agri-tourism events in support of any existing bona fide farming operation are permitted as a temporary use in all zoning districts within the zoning jurisdiction of Lee County and extraterritorial jurisdiction of Sanford and Broadway. Agri-tourism uses may include, but not limited to, the sale of agricultural products as produced from the farm, corn mazes, petting zoos related to customary farm animals, hay rides, and agriculture related educational programs. An agri-tourism event shall be permitted to operate up to a maximum of sixty (60) consecutive days. Such events may include concessions. A single temporary sign shall be allowed in accordance with Section 11.10.2. Agri-tourism events are not recognized within the municipal limits of the City of Sanford and/or the Town of Broadway and any such event must conform to one of the other temporary events as defined in this Section 5.34.

5.34.2.4 **SPECIAL EVENTS OF A RELIGIOUS, CHARITABLE OR CIVIC NATURE.** Any person or organization that desires to conduct a temporary event that is of a religious, charitable or civic nature shall conform to the following requirements:

- A temporary event of a religious, charitable or civic nature shall be permitted only within:
 - Non-residential zoning districts; or
 - Within any residential zoning district wherein such lot is developed as a religious complex or other non-residential use. Vacant lots and/or lots containing existing single-family dwellings shall not be permitted to conduct such temporary use events.
- A temporary event of a religious, charitable or civic nature shall be permitted to operate up to a maximum of thirty (30) consecutive days.
- A single temporary sign (size permitted as set forth in Section 11.10.2 of this Ordinance) shall be allowed for the duration of the temporary event.

5.34.2.5 **TEMPORARY CONSTRUCTION USES.** Contractors’ offices and/or equipment/ storage sheds that are a customary accessory to a construction project (residential or non-residential) may be allowed under a temporary use permit.

- Placement of such a temporary construction units is limited to a period of time determined by an estimated project completion date and as approved by the Community Development Department.
- All temporary buildings shall be completely removed from the site within ten (10) days of issuance of a Certificate of Occupancy.
- Modular office trailers are permitted as a temporary construction use.
- Such a temporary use may be allowed in all zoning districts.

5.34.2.6 TEMPORARY REAL ESTATE USES. Any developer, real estate professional or other similar organization that desires to establish a temporary sales/leasing office within a new residential development shall be permitted one (1) temporary structure under the following conditions:

- A construction trailer, temporary manufactured unit or “model” home may be used as a temporary real estate office in any new construction project for the sale or lease of units within that specific development project only.
- A temporary real estate use may exist until such time that the project is completely sold off or leased out.
- Such a temporary use may be allowed in all zoning districts.
- MODEL HOME. A temporary real estate office within a “model home” within a new residential development shall be permitted provided that such home conforms to all applicable building codes.

5.34.2.7 CARNIVALS AND OTHER AMUSEMENT EVENTS – Carnivals, amusement rides or other similar events that are not associated with a religious, charitable, or civic organization as set forth under Section 5.34.2.4 shall be permitted as a temporary use in the C-2, HC, LI and/or HI zoning districts. Such temporary events shall be limited to a maximum operating time of ten (10) consecutive days.

5.34.2.8 SIMILAR AND COMPATIBLE TEMPORARY USES NOT SPECIFIED. If a particular temporary use is not listed in the Ordinance, the Administrator shall have the authority to grant a temporary use permit for uses that are similar and compatible to those allowed as temporary uses in this Section. Determination of what constitutes similar and compatible shall be made by the Administrator. In such instances, the applicant shall provide the following information: type of use; number of employees; parking/circulation needs; hours of operation; and duration of operation; and any other information as requested by the Administrator.

5.34.2.9 TEMPORARY RESIDENCE USE (TRAVEL TRAILERS/RECREATIONAL VEHICLES / MOTOR HOMES/CAMPERS) – *Permitted with development standards in the Residential Agricultural (RA), Residential Restricted (RR) and the Residential Single-family (R-20) zoning districts within unincorporated Lee County, and ETJ areas of Sanford and Broadway.*

The purpose of this Section is to provide a permit process for the temporary occupancy of travel trailers, recreational vehicles, motor homes and campers to ensure compliance with applicable zoning, building and environmental health regulations. Travel Trailers/Recreational Vehicles, Motor Homes/Campers shall be permitted as a temporary residence during the construction of a property owner’s new single-family dwelling, major remodeling to the owner’s existing single-family dwelling or under certain unforeseen circumstances subject to the following requirements and conditions:

- Issuance of a Building Permit for a new single-family dwelling or for major remodeling to an existing single-family dwelling.
- Issuance of a Temporary Use Permit (TUP) for a period not to exceed twelve (12) months. The Temporary Use Permit may be renewed two times for six (6) months and in no case shall it be valid for more than two (2) years from the date of its original issuance.
- The Temporary Use Permit shall become invalid upon completion, expiration or cancellation of the building permit. The TUP may be cancelled for non-compliance with the conditions as specified in this section.
- The property owner shall connect the temporary unit to an approved septic system, public sewer system or dispose of the wastewater in a lawfully approved way.
- The temporary unit shall comply with the minimum building setbacks as set forth in Table 4.7-1: Density and Dimensional Standards.
- After construction is completed and upon issuance of a Certificate of Occupancy, the temporary unit shall be disconnected from all utilities and or/sewage disposal systems within 60-days and can no longer be occupied as a permanent residence.