

VILLAGE OF WESLEY CHAPEL

6490 Weddington Road, Wesley Chapel, NC 28104

704 839-0157

704 839-0170 (fax)

TEMPORARY USE PERMIT

Permit #: TU-_____ Date of Application _____ Check # _____

Applicant's Name _____

Applicant's Mailing Address _____

Phone: _____ Fax: _____

Property Location _____

Existing Zoning _____

Temporary uses are allowable, after the Zoning Administrator has issued a temporary use permit, for sidewalk/special sales event, not to exceed three (3) days, and mobile vendors or turkey shoots, sales of Christmas trees, 4-H shows, and charitable uses of a limited nature, not to exceed forty five (45) days. Sidewalks/Special Sales Events and Mobile vendors shall comply with the following definitions;

Sidewalk/Special Sales Events

A temporary event where a commercial business, religious institution, non-profit organization, charitable organization, or public entity engages in the sponsoring of a promotion or activity for the purpose of selling or offering merchandise, food and/or entertainment beyond the normal retail or display space of the sponsoring entity.

Mobile Vendor

A person who sells retail merchandise, food or beverages, to the public from any vehicle, which is designed to be readily movable and located within the boundaries of the Village. Mobile vendors include pushcarts, mobile kitchens, hot dog carts, pretzel wagons, or similar uses. Foods are limited to prepackaged food unless the unit is equipped and approved to handle food preparation. All vendors shall comply with all applicable State and County Health Department requirements.

Describe the nature of the proposed Temporary Use, Location, Date and Time:

Describe how solid waste will be handled for the event:

Will food be served at the event? If yes, will there be any mobile vendors? If any food is served, a copy of the approval from the Union County Health Department will need to be furnished.

Will any public safety officers be needed for the event? Please provide necessary documentation if officers are to be provided..

Will portable restrooms be required for the event? If yes, please provide necessary documentation.

Will any signs advertising the event be needed? If yes, a separate sign application form will need to be completed.

Certificates of insurance with the Village of Wesley Chapel as additional named insured are needed from the applicant and any participating parties for the event.

Temporary uses are to comply with the following regulations and applicants shall complete this application and attach any and all documentation required for compliance;

- 4.7.3** Turkey shoots not prohibited by the Firearms Ordinance, sales of agricultural plant products (as defined in Article 2), 4-H shows, charitable uses, Federal, State or Local Government-sponsored public events and/or non-profit organization-sponsored events of a limited nature and for a limited time may be allowed, but shall be specifically permitted. Vehicles and trailers may remain on the property overnight with written permission from the event organizer, with the exception of vehicles or trailers

containing hazardous materials, such as explosives, fireworks, or fuel, which shall not be left overnight. One (1) On-Premises sign, limited to twelve (12) square feet and not in violation of Section 8.5, shall be permitted for the duration of the use, as specified in an approved application. Parking, ingress and egress shall be adequate and not represent a safety hazard. The use shall not disturb neighboring properties with respect to noise, vibration, lighting or odor. Each such permit shall be issued for a period of forty-five (45) days.

A Temporary use permit shall not be issued for any single property more than four (4) times per calendar year, except that there shall be no limit on the number of temporary use permits issued for Federal, State or Local government-sponsored public events and/or non-profit organization-sponsored events.

Temporary use permits shall not be approved and can be revoked should the Zoning Administrator determine the required criteria have not been met, or no acceptable remedy proposed/implemented, at any point during the application or operation of the temporary use. *(Rev. 02.08.2010, 12.13.2010, 10.18.2011, 10.14.2013, 08.10.2015)*

- 4.7.4** Structures, whether temporary or permanent, located in a subdivision, and used as sales offices for the subdivision development are allowable, but shall be specifically permitted. Such permits shall be issued by the Zoning Administrator for a period of one (1) year, and are renewable for a period of time as determined by the Village Council, provided the development is being actively marketed. At the completion of the sales in a tract, the temporary structure(s) shall be removed, and any permanent structure(s), temporarily used as a sales office shall be used only for a purpose otherwise permitted in that district.
- 4.7.5** Sidewalk/Special Sales Events shall not be located within public right-of-way, shall not obstruct ingress/egress to a parking area, shall be held with permission of the property owner, shall not operate beyond the operating hours of the sponsoring entity or between 11:00 pm and 5:00 am (whichever is more restrictive), shall provide adequate restroom facilities and shall be specifically permitted. A Temporary Use Permit shall be issued to the sponsoring entity by the Zoning Administrator, if approved, for a period of three (3) days and shall include any additional conditions deemed appropriate by the Zoning Administrator. The permit shall authorize all participating mobile vendors, however, mobile vendors are required to adhere to all applicable regulations in Section 4.7.6. *(Sec. 4.7.5 added 02.08.2010)*
- 4.7.6** Mobile Vendor. *(Sec. 4.7.6, including (a) – (m) added 02.08.2010)* No

mobile vendor shall be installed, maintained, or operated in any zone unless the standards and requirements set forth in this Section are complied with and maintained. Mobile vendors are allowed only in commercial and industrial zones or any zone on Village of Wesley Chapel-owned property or non-profit institutional property, subject to the approval of a Temporary Use Permit by the Zoning Administrator. Such a Temporary Use Permit shall include any conditions appropriate to assure compliance of the requirements of this section, shall be limited to forty five (45) days in duration and may include additional conditions and requirements that are found appropriate to assure the use will not be detrimental to health, safety, peace, morals, comfort or general welfare of persons residing or working in the neighborhood:

- (a) Every mobile vendor shall be a temporary day-to-day use and all equipment, including any stand, cart, table, or vehicle, shall be removed at the end of each sales day, excepting those vendors associated with a sidewalk/special sales event where removal of equipment is not customary.
- (b) Every mobile vendor shall have written permission from the property owner or lessee of property on which the vendor is located, a copy of which shall be filed with the operators' application. The operator shall also have a copy of the permission statement required by these provisions at the vendor location for inspection upon request by any person authorized to enforce the provisions of this Section.
- (c) No activities relating to the operation of a mobile vendor, including customer parking, shall occur, without express permission from the property owner
- (d) All stands, carts, vehicles, and display of merchandise shall be set back not less than ten (10) feet from any property line.
- (e) No mobile vendor, stand, cart, vehicle, merchandise, or parking area shall be located which restricts the visibility of vehicles along any adjacent streets or of vehicles entering or exiting the site.
- (f) One temporary/portable sign shall be allowed, not to exceed six (6) square feet in area, and shall be removed when vendor has completed daily sales activity. No sign shall obstruct view of bicyclists or motorist using any street, private driveway, approach to any street intersection, or which interferes with the effectiveness of or obscures any traffic sign, device or signal.
- (g) No food items shall be prepared and/or sold for immediate consumption on site, except for sidewalk/special sales events.
- (h) Only one vendor at a time may conduct business on any parcel of property, except commercial shopping center properties or sidewalk/special sales events.
- (i) At least one trash receptacle shall be provided on-site.

(j) Shall not operate beyond the operating hours of the property owner/associated business entity or between 11:00 pm and 5:00 am (whichever is more restrictive),

(k) Sale of produce is permitted only in accordance with applicable State of North Carolina laws.

(l) The area used for sales or display of merchandise by the temporary concession shall be limited to 300 square feet. Such area shall be identified on the Use Permit and the Use Permit shall be valid only for the area so identified.

(m) A parking plan shall be submitted by the applicant and approved by the Zoning Administrator to ensure adequate access, circulation, capacity and safety.

Fireworks displays shall be required to have an application submitted to the Zoning Administrator at least sixty (60) days in advance of the event. Applications must include proof of a qualified operator and adequate insurance, as well as all documentation required by the Union County Fire Marshall's Office. The application will also need to be submitted by the applicant to the Union County Fire Marshall's Office for their review. The Village Council will vote to approve or deny the application at a meeting of the Village Council. The Village will provide the Union County Fire Marshall's office with a letter stating that Council approved the application and the date of the Council meeting at which the application was voted upon. Any approval of an application by the Village Council shall be contingent upon the applicant receiving final approval from the Union County Fire Marshall's Office.

Permit Fee: Attach a Check Made Payable to the *Village of Wesley Chapel* in the amount of **\$75, Non-profit and not-for-profit organizations are exempt from fee.** Send completed application and attachments to:

Village of Wesley Chapel
6490 Weddington Road
Wesley Chapel, NC 28104

I hereby certify that all of the information provided for this application and all attachments is true and correct to the best of my knowledge. I further certify that I am familiar with all the requirements of the Zoning Ordinance concerning this proposed use. Any violation of the Zoning Ordinance will be grounds for revoking this permit and any subsequent permit issued the Village of Wesley Chapel.

APPLICANT _____ DATE _____

(This Portion of the Application Shall be Filled Out by the Zoning Administrator)

Based on the information hereby furnished to me and my knowledge of the Village of Wesley Chapel Zoning Ordinance, I hereby _____ this zoning

Permit.

Approve

Disapprove

Zoning Administrator

Date