

## ARTICLE 15

### SPECIAL EVENTS AND TEMPORARY STRUCTURES

#### 15.1 General standards and limitations.

It is the purpose of this section to provide specific guidelines and standards for special events and temporary structures. A special event or temporary structure allowed in a particular zoning district shall be treated as a use with additional standards and shall comply with all listed requirements for such event or structure as set forth in sections 15.2 and 15.3 below. These standards do not regulate events sponsored by the Town of Midland.

#### 15.2 Requirements for Special Event and Temporary Structure Permits.

The *Planning, Zoning and Subdivision Administrator* shall issue a permit only upon finding that the proposed special event and/or temporary structure(s) satisfies the following requirements:

- (1) The special event and/or temporary structure is permitted under subsection 15.3 below.
- (2) The property contains sufficient space to support the special event and/or temporary structure.
- (3) Parking is deemed adequate to accommodate the proposed special event and/or temporary structure in addition to required parking for any permanent use or uses also located at the site.
- (4) The special event and/or temporary structure will not create hazardous vehicular or pedestrian traffic conditions and adequate space is provided for access and maneuvering.
- (5) Adequate sanitary facilities, utility, drainage, refuse management and similar necessary facilities and services will be available to serve employees, patrons and/or participants.
- (6) Security personnel and safety precautions are provided.
- (7) All permits required by applicable construction codes have been made and occupancy approved by the agency charged with enforcing such regulations.
- (8) Special events are allowed to encroach within required building setbacks, but cannot be located within required buffers, street tree planting strips, or other required landscaped areas. Temporary structures must comply with minimum setback requirements of the zoning districts in which they are located.
- (9) The special event and/or temporary structure is in compliance with all other applicable requirements.

#### 15.3 Special Events and Temporary Structures Allowed.

The uses and structures in Table 15.1 may be established as special events and/or temporary structures in the zoning districts listed in accordance with the requirements in Section 15.2.

Table 15.1

| <b>Special Event or Temporary Structure</b>   | <b>Maximum Duration</b>       | <b>Maximum Frequency</b>      | <b>Permitted Districts</b>  | <b>Permit Required</b> | <b>Additional Standards</b>              |
|---|-------------------------------|-------------------------------|---|------------------------|--|
| <p>Christmas trees, pumpkins or other seasonal material sales/events by: commercial vendors</p> <hr/> <p>Christmas trees, pumpkins or other seasonal material sales/events by: institutional and/or registered non-profit organizations 501C(3)</p> | 45 days                       | 2 per calendar year           | <p>AG, C 601, C 24/27, OM, OMP, IND, MFO</p> <hr/> <p>All districts</p> | No                     | Not permitted within public right-of-way |
| Construction containers   | During active building permit | During active building permit | All districts   | No                     | See note 1 below                         |
| Events of public interest   | 3 days                        | 4 per year                    | AG, MSP, OMP, MS, OM, CIV, IND, C 601, C 24/27                          | No                     | See note 2 below                         |
| Farmer market   | 2 days                        | 30 per year                   | AG, MSP, OMP, MS, OM, CIV, IND, C 601, C 24/27                          | No                     | Not permitted within public right-of-way |
| Model home or real estate sales office  | 3 years                       | N/A                           | AG, SFR, R/MST, R/OMT, MSP, OMP   | Yes                    | See note 3 below                         |
| Outdoor bazaars and retail sales, with temporary structure(s)   | 7 days                        | 2 per year                    | MSP, OMP, MS, OM, CIV, IND, C 601, C 24/27                              | Yes                    | Not permitted within public right-of-way |

|   |                            |            |  |     |   |
|---|----------------------------|------------|--|-----|---|
| Outdoor sidewalk and retail sales, without temporary structure(s) | 3 days                     | 6 per year | MSP, OMP, MS, OM, CIV, IND, C 601, C 24/27 | Yes | Sidewalks must have a minimum 5'-0" travel-way clear of obstructions at all times<br><br>All products and advertising shall be limited to the area directly in front of the sponsoring vendor |
| Temporary portable office   | 1 year                     | N/A        | All districts                              | Yes | See note 4 below  |
| Storage container, portable on demand                             | 90 days                    | 2 per year | All districts                              | No  | See note 1 below  |
| Yard sales  | Noon Friday to noon Monday | 3 per year | AG, SFR, R/MST, R/OMT, MSP, OMP            | No  | See Section 17.8-2 of this Ordinance (Sign Regulations)   |

**NOTES:**

1. Construction and storage containers. Construction and storage containers are not intended to be used for long-term on-site storage and any such use in any zoning district is expressly prohibited. Construction containers shall be allowed as a temporary use while a valid building permit is in effect for the construction project. Storage containers shall be allowed as a temporary use when in compliance with the following standards:

- A) Each container shall be in compliance with any applicable sign regulations.
- B) In residential districts, portable on-demand storage units may be located for a period of time not to exceed ninety (90) consecutive days in duration from the time of delivery to the time of removal, two times per calendar year, provided they are placed in a location where sight visibility is not obstructed. Further, these units shall be located in a manner which does not hinder access to the site or to off-street parking spaces.
- C) In all non-residential districts, portable on-demand storage units may be located for a period of time not to exceed ninety (90) consecutive days in duration from the time of delivery to the time of removal, up to two times per calendar year, provided they are placed on a paved surface and do not obstruct sight visibility. Further, these units shall be located in a manner which does not hinder access to the site or to off-street parking spaces. Multiple units may be used at one time.

2. Event of public interest. An event of public interest is a special event involving the expected congregation of 100 or more persons at any one event. An event of public interest includes, but is

not limited to: picnics, dinner dances, fund raisers, haunted houses, outdoor concerts, auctions, carnivals, fairs, tent revival meetings, and supervised public display of fireworks. An event of public interest shall be subject to the following standards:

- A) All activities and uses shall be limited to the dates and hours of operation specified in the permit, if applicable.
- B) Traffic control shall be arranged by the operators of the event in accordance with the requirements of the Town of Midland and/or the Cabarrus County Sheriff's Office, as applicable.
- C) Public parking for the exclusive use of the facility/event shall be provided and a stabilized drive to the parking area shall be maintained. It is the responsibility of the operators to guide traffic to these areas. No parking shall be permitted on any road or public right-of-way except as allowed by the temporary use permit.
- D) The site shall be cleared of all debris within twenty-four (24) hours after the closing of the event and cleared of all temporary structures within seven days after closing of the event.
- E) An approved public safety plan identifying the means by which public safety will be ensured during the conduct of the special event shall be required for an event of public interest. If the public safety plan is violated or if unforeseen circumstances arise that result in the special event becoming a threat to the public health, safety or welfare, authorized personnel from the Town of Midland and/or Cabarrus County Sheriff's Office shall have the right to order the event to be closed.

3. Model home or real estate sales office. A model home sales office shall be allowed within a new residential development of more than eight units or lots, subject to approval by the *Planning, Zoning and Subdivision Administrator* as a temporary structure, subject to the following:

- A) There is no more than one temporary real estate sales office in the development.
- B) Model home sales office may be approved for a period of up to three years or when all units are sold to resident owners, whichever occurs first. This period may be extended for additional six-month periods, for good cause shown, upon approval of a written request for such an extension by the *Planning, Zoning and Subdivision Administrator*. The request shall be submitted to the *Planning, Zoning and Subdivision Administrator* at least 30 days prior to the expiration of the special event/temporary use permit.

4. Temporary portable office. A temporary portable office may be placed on a property to serve as the following:

- A) Temporary offices for construction and security personnel during the construction of a development for which the Town of Midland has issued either/or a zoning permit and/or approved preliminary plat, and for which Cabarrus County has issued a building permit on behalf of the Town.
- B) Disaster relief and/or emergency management related uses including medical facilities. Temporary portable offices for emergency relief and/or management may be approved for a period of up to one year. This period may be extended for additional six-month periods, for good cause shown, upon approval of a written request for such an extension by the *Planning, Zoning and Subdivision Administrator*.