



Department of Planning and Development
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Wilmington, NC 28402-1810

Temporary Use Application

Applications shall be submitted at least two weeks prior to proposed temporary use.

Applicant's Name: \_\_\_\_\_

Applicant's Address: \_\_\_\_\_

Email: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Site Address: \_\_\_\_\_

Description of Event or Business: \_\_\_\_\_

\_\_\_\_\_

Is there on-site parking? Yes No

Number of spaces used for temporary use: \_\_\_\_\_

Estimated number of customers or participants: \_\_\_\_\_

Dates: \_\_\_\_\_ Hours of Operation: \_\_\_\_\_

Explain any traffic control measures: \_\_\_\_\_

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Fees: Small (i.e. tree sales; weekend): \$25.00 Large (i.e. regional event): \$50.00

Attachments: Statement of Owner Site Plan/Attachment Criteria Fire Department Authorization

OFFICE USE ONLY:

Permit Number: \_\_\_\_\_ Zoning: \_\_\_\_\_

Valid Until: \_\_\_\_\_ Number of Permits Issued at Site: \_\_\_\_\_

Officer Approval: \_\_\_\_\_ Date: \_\_\_\_\_

Comments: \_\_\_\_\_

**Table 18-229: Use table for accessory uses**

Accessory use	Maximum duration per site occurrence	Maximum annual occurrences	Permitted districts
Circuses or carnivals	14 days	1	Nonresidential districts
Contractor's office or mobile offices for the displaced during construction	During construction period only	1	All districts
	6 months	1	All residential districts
	1 year	1	All nonresidential districts
Evangelistic and religious related congregations	14 days	2	All nonresidential districts
Fairs or other special recreational or entertainment events	1 day except 14 days for annual events	1	Commercial or industrial districts and specific locations as set forth in this section
Family health care structure	As long as the qualified person is in need of assistance	N/A	Any single-dwelling residential district
Helicopter tours	1 day, except 2 days shall be permitted for Azalea Festival and Riverfest	6	LI
Mobile food unit	5 consecutive hours	52	All nonresidential and mixed-use districts
	2 consecutive hours	52	Residential districts
Accessory use	Maximum duration per site occurrence	Maximum annual occurrences	Permitted districts
Nonpermanent housing and facilities in redevelopment and disaster areas	18 months, unless authorized longer by council resolution	N/A	Within a designated redevelopment area or a disaster area
Open lot sales for agriculture, crafts, and related products	60 days	2	All districts set forth in this article
Outdoor concert or other entertainment event	5 consecutive hours	2	All nonresidential districts
Portable storage units	6 months in any rolling 365-day period	1	All districts
Real estate sales office	5 years or until 80 percent of subdivision lots are sold, whichever is first	N/A	All residential districts
Sales, special fundraising for nonprofit organizations	3 days	8	All districts
Sales, special or flea markets	7 consecutive days or 2 consecutive weekends (Friday-Sunday)	8	Commercial or industrial districts
	Once per week on Saturday only		UMX district
Wireless telecommunication towers	90 days	2	All nonresidential districts and property
Yard sales	2 days	2	All districts

**Per City Code Section 18-230, the following guidelines shall apply to all the allowable temporary uses.**

**A. Zoning permit**

1. A zoning permit shall be required prior to issuance of a certificate of occupancy.
2. An application for a zoning permit shall demonstrate compliance with all applicable regulations.

**B. Parking and traffic plan**

For circuses, carnivals, bazaars, evangelistic or religious congregations, open lot sales, fairs or special entertainment events and special sales, each permit applicant shall submit a parking and traffic plan which, shall include the following:

1. Indication of area to be used by operator's vehicles and customers;
2. Designation of entrances and exits, traffic flow, and parking areas;
3. Total number of parking spaces available;
4. Estimated number of customers or participants;
5. Plans for ensuring compliance with section 5-62 of the city of Wilmington Code of Ordinances; and
6. Traffic control measures.

**C. Noise control plan**

1. The applicant shall also submit a plan for compliance with the Noise Control Ordinance as contained in Article 2 of Chapter 6 of the city of Wilmington Code of Ordinances.

2. Permitted hours of operation for circuses, carnivals, bazaars, fairs and special entertainment events are set forth in section 6- 20 of the city of Wilmington Code of Ordinances.

#### **D. Water and sewer connections**

If a temporary use is to be installed for six months or longer, the facility shall be connected to public water and sanitary sewer provided by the Cape Fear Public Utility Authority. Otherwise, approved portable toilets shall be provided as deemed necessary by the city manager. A plan shall be submitted for providing the facilities.

#### **E. Tent or temporary structure**

1. Where a tent or similar structure is to be used in any zoning district, the following requirements shall be met:
  - a. A limitation on the number of occupants in a structure shall be observed as per the instruction of the city manager.
  - b. In conjunction with an occupancy limit, a seating plan, if seating is provided for an audience, must also be submitted and approved by the city manager.
  - c. If a tent is to be used for human occupancy, a certificate of insurance must be submitted which will cover liability on the part of the applicant or sponsor in the event of an accident.
  - d. A certificate of flame resistance shall be submitted which will provide assurance that the structure has been properly treated with flame retardant and has been maintained as such.
2. Where temporary structures, tents, mobile offices, accessory uses, existing structures, or similar uses are required in connection with the temporary use, a sketch plan or layout generally drawn to scale shall be submitted and shall show the location or placement of:
  - a. Temporary uses, structures, and accessory uses, adjacent streets, parking, attendant accessory uses, existing or proposed structures, traffic movement or flow pattern; and entrances and exits.

#### **F. Waste management**

1. The letter of intent shall also address waste management requirements or needs for the site and special maintenance efforts to ensure that the site remains free from debris or a build-up of trash, weeds or other adverse conditions constituting nuisances.
2. The sponsor, owner, or manager of any such temporary use shall be responsible for ensuring that the site remains free of debris or waste upon the conclusion of each day's sale or such use.

#### **Section 18-231: Construction field offices or trailers during construction activity**

1. Such uses shall be removed prior to the issuance of the final certificate of occupancy for a development.
2. Temporary accommodations for the displaced shall be allowed only on the construction site and for the specific purpose of providing temporary relocation of office or work/activity space required during construction activities involving renovation, expansion, or reconstruction of an existing building. Such temporary shall not apply to residential renovation, expansion, or reconstruction except as allowed in this section and such facilities shall not be used for residential dwelling purposes.
3. Such use may be placed on the construction site no earlier than 30 days prior to construction and shall be removed no later than 30 days following completion of construction.
4. Construction trailers may be allowed subject the following standards.

- a. Such trailers shall be limited to sites where construction is ongoing, and a valid building permit has been issued and remains active.
- b. Trailers shall be set back a minimum of 10 feet from all property lines.
- c. Trailers may be allowed in residential districts for initial construction only, not to include residential additions or renovations, and shall be removed prior to the issuance of the final certificate of occupancy.

**Section 18-232: Fairs and related temporary recreational or entertainment events**

Fairs and similar events that usually occur only once per calendar year and that are held either in public parks, if authorized by the city manager, or on school grounds, if authorized by the school, shall be allowed if in compliance all applicable standards.

**Section 18-233: Family health care unit**

1. Any person proposing to install a temporary family health care unit shall first obtain an annual zoning permit. The applicant shall provide written certification of impairment from a North Carolina licensed physician and provide evidence of compliance with this section. Annual renewal of the doctor's certification will be required with renewal of the zoning permit.
2. Only one temporary family health care unit shall be allowed on a lot. Such units shall comply with all setback requirements that apply to the principal building.
3. Such units shall be:
  - a. Transportable;
  - b. Primarily assembled at a location other than its site of installation;
  - c. Limited to one occupant, who shall be the mentally or physically impaired person;
4. No more than 300 square feet;
5. Compliant with the North Carolina State Building Code and NCGS 143-139.1(b); and
6. Not placed on a foundation.
7. Any such unit shall be connected to water and sewer services provided by the Cape Fear Public Utility Authority, electric utilities, and all applicable state regulations, as if the unit were permanent real property. No signage, advertising, or other means of promoting the existence of the unit shall be permitted anywhere on the lot. Any such unit installed pursuant to this section shall be removed no more than 60 days from the date on which the mentally or physically impaired person is no longer receiving or is no longer in need of the assistance provided for in this section.

**Section 18-234: Helicopter tours**

1. No more than six temporary helicopter tour permits shall be issued in any calendar year for any single lot.
2. No more than 12 total temporary helicopter tour permits shall be issued citywide in any calendar year, regardless of location.
3. There shall be a minimum of 30 days between such uses in a single location or for an individual business/operator.
4. A specific time schedule for each use shall be established for each individual proposed location at the time of application and subject to review and approval by appropriate city officials.
5. With the zoning permit application, the applicant shall submit a plan demonstrating methods for mitigating noise and public safety concerns and a flight plan for each tour.

**Section 18-235: Mobile food unit**

1. All mobile food unit operators shall obtain an annual zoning permit. Permits shall be issued for the period beginning July 1 and ending June 30 of each year. This permit shall be posted in a visible location on the mobile food unit.
2. Mobile food unit operators shall have the signed approval of the property owner for each location at which the mobile food unit operates. This approval must be made available for inspection upon request.
3. Within the central business district mobile food units shall not operate on more than two individual sites per day.
4. Mobile food units shall not be located within 75 feet of the main entrance of the nearest restaurant during the restaurant's posted hours of operation. This distance may be reduced to 25 feet for food carts less than five feet in length.
5. Mobile food units shall be located at least five feet from any fire hydrant, sidewalk, utility boxes, handicap ramps, and building entrances. The required sidewalk setback does not apply to food carts less than five feet in length.
6. Mobile food unit operators are responsible for the proper disposal of waste and trash associated with the operation. City trash receptacles shall not be used for this purpose. Operators shall remove all waste and trash prior to leaving each location or as needed to maintain the health and safety of the public.
7. All associated equipment, including trash receptacles and signage, must be within three feet of the mobile food unit.
8. No fire lanes, vehicular access ways, or pedestrian walkways may be obstructed or encroached upon by the mobile food unit.
9. No amplified microphones or bullhorns shall be permitted as part of the mobile food unit operation.
10. Except in residential districts, mobile food units shall not operate from any public right-of-way, including from any on street parking space.
11. Operators of mobile food units shall be responsible for compliance with the applicable standards of article 4 of the city of Wilmington Code of Ordinances.

**Section 18-236: Nonpermanent housing and facilities in redevelopment and disaster areas**

1. Temporary housing, manufactured housing, and nonpermanent facilities, including recreational vehicles and travel trailers, for the displaced because of a natural or man-made disaster or a publicly sponsored redevelopment or rehabilitation project shall be allowed provided they meet the following requirements. Redevelopment or rehabilitation shall be considered publicly sponsored if the city council has, by formal action, designated an area as a with defined boundaries and under specific conditions.
2. The unit must be sited in accordance with the dimensional requirements in Table 18-236: Dimensional standards for nonpermanent housing
3. Each unit shall meet the applicable requirements and standards for areas where base flood elevation data has been provided, including standards for recreational vehicles and temporary residential structures.
4. All units shall be connected to public water and sanitary sewer provided by the Cape Fear Public Utility Authority.
5. Off-street parking to accommodate a minimum of one car per manufactured housing unit must be provided on the site.

6. All units shall be removed from the site within 30 days after completion of construction or rehabilitation work on the affected principal dwelling units.
7. Provision shall be made for solid waste management in compliance with city of Wilmington Code of Ordinances.

<b>Table 18-236: Dimensional standards for non-permanent housing</b>	
<b>Minimum Setbacks</b>	
Distance between each housing unit	15
Distance between any housing unit and any building on the lot	20
Setback from any street right-of-way	15
Parent lot lines	20

**Section 18-237: Open lot sales for agricultural, craft, and related products**

1. Temporary sales of farm produce are allowed in all districts provided the produce or products for sale have been grown, raised, or produced on the lot where the produce sales are being conducted. In addition, such temporary sales may occur at any time during the year when products grown or produced on the lot are ready for sale.
2. Temporary lot sales of agricultural and related products produced off the sales lot site shall be allowed in all commercial and mixed-use districts. Nothing in this chapter shall prevent such temporary farm produce sales from being conducted upon the premises of the city of Wilmington recreation or park sites, religious institutions, or school grounds regardless of their district location, provided such use is authorized by the city manager. In addition, all such sales shall meet the following requirements:
  - a. No more than 5,000 square feet shall be utilized for each sales area.
  - b. No permanent structures shall be erected in connection with the sales lot.

**Section 18-238: Real estate sales office**

1. At no time shall office facilities be used to market, lease, sell, or otherwise promote properties outside of the development.
2. No additional off-street parking shall be provided.
3. Such sales offices shall be within an existing single-dwelling home or multiple-dwelling unit or community building.
4. When the building ceases to be used as a sales office, it shall be limited to occupancy by only those uses permitted within the zoning district. In no case shall other office uses be permitted.

**Section 18-239: Sales, special or flea markets**

Temporary special sales or “flea markets” in commercial, mixed-use, or industrial districts (occasional sidewalk or parking lot sales) may be permitted if they meet the following requirements:

1. No more than 5,000 square feet of area shall be used for each such sales area.
2. A minimum four-foot clear pedestrian area shall be maintained along all pedestrian ways.
3. No fire lanes or vehicular access ways may be obstructed or encroached upon.

4. Marked pedestrian ways shall be required. Pedestrians shall not be compelled to walk across unmarked drive aisles or through parking spaces to reach the temporary sales area.
5. No more than five temporary sales per business or premises shall be permitted in any calendar year.
6. There shall be a minimum 45 days between such sales in a single location or for an individual business.
7. No time extensions shall be granted for special sales.

**Section 18-240: Wireless telecommunication towers**

1. Such towers shall not exceed 100 feet in height.
2. All regulations pertaining to setbacks, spacing, safety zones, EMF emissions, and reception interference applicable to permanent wireless communication towers in Section 18-186 shall also apply to these temporary towers.

**Section 18-241: Yard sales**

1. Yard sales shall be limited to two occurrences within a 12-month period.
2. Each occurrence shall be for up to two days and only during daylight hours.