

ARTICLE 15

SPECIAL EVENTS AND TEMPORARY STRUCTURES

15.1 General standards and limitations

- 15.1-1 Purpose. It is the purpose of this section to provide specific guidelines and standards for permits associated with both special events and temporary structures. The holding of special events and the placement of temporary structures are subject to permits in accordance with the standards contained in this section.

Many types of special events are subject to town permit approval, while others are not. Similarly, placement of many types of temporary structures must be preceded by obtaining town permits, while others are not.

Special events may be accompanied by the need for placement of temporary structures, but some do not. Similarly, the placement of a temporary structure can support a special event, while placement of other types of temporary structures are unrelated to special events. Where special events are planned to be supported by temporary structures, town approvals for both special events and temporary structures must first be obtained and two separate applications and approvals would be required.

15.2 Requirements for Special Events

- 15.2-1 The following categories of Special Events require town permits:
- (A) Sales and events of seasonal merchandise such as Christmas trees and pumpkins by commercial vendors except in instances where the merchandise is located in an area with a permanent cover (such as a veranda) or in an area that is used year round for the display and sale of the seasonal merchandise.
 - (B) Sales and events of seasonal merchandise such as Christmas trees and pumpkins by institutional and/or not-for-profit (501c(3)), or “NFP” organizations.
 - (C) Farmers markets
 - (D) Outdoor bazaars and retail sales, including sidewalk sales conducted on sidewalks in the public right of way (but not including yard sales held upon single individual residential properties)
 - (E) Community events and festivals and events of public interest expected to attract in excess of 100 people (these include events such as outdoor concerts, carnivals, fairs, tent revivals, public fireworks displays, haunted houses, corn mazes, etc.)
 - (F) Neighborhood yard sales involving multiple vendors
 - (G) Neighborhood block parties where street closures are planned
 - (H) Parades
 - (I) Marathons (run, walk, ride)
 - (J) Significant public gatherings not covered by any of the above

Each of the above special events are subject to standards as more fully described in Section 15.2-3 and Table 15-1 below.

- 15.2-2 The following categories of Special Events do not require town permits:
- (A) Events for which fewer than 100 attendees are expected
 - (B) Events contained to single properties where attendance will be restricted to individuals or groups affiliated with the property (e.g. end of year school picnic on school grounds)
 - (C) Yard or garage sales held by individual residents
 - (D) Block parties where street closures are not planned
- 15.2-3 Approval. The Planning & Zoning Administrator shall have the authority to issue permit for Special Events only upon a finding that the proposed Special Event satisfy the following requirements (where applicable):
- (A) The Special Event is permitted under all applicable provisions under this Section
 - (B) The property upon which the event is planned contains sufficient physical space to support the planned event
 - (C) Parking is deemed adequate to accommodate the proposed event (in addition to required parking for any permanent uses also located on or near the site)
 - (D) The applicant has provided a vehicular and transportation safety plan to address potential vehicular or pedestrian traffic conditions, and adequate space is provided for vehicular and pedestrian access and maneuvering.
 - (E) Adequate sanitary facilities, utility, drainage, refuse management and similar necessary facilities, services, and provisions will be available to serve employees, patrons and participants of the Special Event.
 - (F) Security personnel and safety precautions are provided.
 - (G) Applications for other permits and approvals required by other jurisdictional agencies charged with enforcing applicable regulations have been made
 - (H) In the event that the Special Event also requires Temporary Structure permit(s), that those permit(s) have also been applied for
 - (I) Special events cannot encroach upon required buffers, street tree planting strips or other required landscape areas.
 - (J) Signage for special events shall conform with temporary signage requirements contained in Article 17.8.
 - (K) Consent from the owner(s) of property upon which the special event is to be held must be obtained.

The uses in Table 15-1 may be established as Special Events in accordance with the requirements in Section 15.2-3, in addition to the specific requirements below.

Table 15-1

	Special Event	Maximum duration	Maximum frequency	Permitted districts	Additional standards
(A)	Seasonal merchandise/ Commercial vendor	30 consecutive days/event	2/ calendar year	AG, C74, TMU, IND, MFO	See note 1 below
(B)	Seasonal merchandise/ institutional or NFP ⁽¹⁾	45 consecutive days/event	2/ calendar year	All	See note 1 below
(C)	Farmers markets	2 consecutive days	30/ calendar year	AG, MSP, MS, CIV, TMU, IND, C74	See note 2 below
(D)	Bazaars, retail & sidewalk sales	3 consecutive days	6/ calendar year	MSP, MS, TMU, CIV, IND, C74	See note 2 below
(E)	Community events	3 consecutive days	12/ calendar year	AG, MSP, MS, CIV, TMU, IND, C74	See note 3 below
(F)	Neighborhood yard sales	Noon Friday to noon Monday	3/ calendar year	AG, SFR, R/MST, MSP	See note 4 below
(G)	Neighborhood block party	Noon Friday to noon Monday	3/ calendar year	AG, SFR, R/MST, MSP	See note 5 below
(H)	Parade	8 consecutive hours	3/ calendar year	MSP, MS, TMU, CIV, IND, C74	See note 6 below
(I)	Marathons	8 consecutive hours	3/ calendar year	MSP, MS, TMU, CIV, IND, C74	See note 7 below
(J)	Significant public gatherings not covered above	4 hours	4/ calendar year	AG, MSP, MS, CIV, TMU, IND	See note 8 below

⁽¹⁾Not-for-profit

NOTES:

- 1) Seasonal merchandise: Not permitted to be conducted within public right-of-way
- 2) Sidewalks must have minimum 5-foot travel-way clear of obstructions at all times; all products and advertising shall be limited to the area directly in front of sponsoring vendor
- 3) Permit will be subject to the following:
 - Traffic control shall be arranged by event operators in accordance with requirements of Town of Marshville Police Department and/or Union County Sheriff’s office as applicable;
 - Public parking for exclusive use of the 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 and from the parking area. No parking shall be permitted on any road or public right-of-way except as allowed by the Special Event permit
 - Site shall be cleared of all debris within twenty four (24) hours after closing of the event.
 - A public safety plan (approved by local law enforcement agencies) identifying the means by which public safety will be ensured during the conduct of the special event. 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 Marshville Police Department and/or Union County Sheriff’s Office shall have the right to order the event to be closed.

- 4) Neighborhood yard sale signs shall not be posted earlier than 72 hours prior to the yard sale, and signs shall be removed within 48 hours of the end of the yard sale.
- 5) If street closures are proposed, must be approved by Town of Marshville Police Department.
- 6) The parade route and street closures must be approved by Town of Marshville Police Department.
- 7) The marathon route and street closures must be approved by Town of Marshville Police Department.
- 8) The location of the planned event must be approved by the Town of Marshville Police Department.

15.3 Requirements for Temporary Structures.

15.3-1 The following categories of Temporary Structures require town permits:

- (A) Tents erected for the purpose of accommodating merchandise for sale
- (B) Tents erected for the purpose of accommodating special events for which permits are required (above)
- (C) Other types of temporary structures intended to support special events for which permits are required (above)
- (D) Trucks, trailers, and other portable or mobile structures from which food or other merchandise intended for sale is offered during special events
- (E) Trucks, trailers and other portable buildings from which food or other merchandise intended for sale is offered but unaffiliated with any special event
- (F) Shipping containers storage containers and tractor trailers intended to support on-site construction or renovation activity
- (G) Trailers intended for use as temporary sales offices associated with real estate transactions, and as construction field offices
- (H) Portable or mobile buildings intended to serve as office or classroom space when the intended length of placement is for one year or less
- (I) Structures proposed to be located on town property, including on town-maintained roads

Each of the above temporary structures are subject to standards as more fully described in Section 15.3-3 and Table 15-2 below.

15.3-2 The following categories of Temporary Structures do not require town permits:

- (A) Temporary on-demand portable storage containers (PODS) when restricted to site placement of 90 days or fewer in duration or when only one container is placed on the site (container to not be placed within public right-of-way)
- (B) Construction dumpsters associated with active construction or demolition activity (dumpster to not be placed within public right-of-way)
- (C) Structures not included in the above definitions, or for which no timeline for removal can be determined (these structures shall be considered permanent structures and will be subject to the Zoning Permit requirements described in Article 7.1)
- (D) Tents smaller than 100 square feet

15.3-3 Approval. The Planning & Zoning Administrator shall have the authority to issue permit for Temporary Structures only upon a finding that the proposed Temporary Structures satisfy the following requirements:

- (A) The Temporary Structure is permitted under all applicable provisions under this Section
- (B) The property upon which the Temporary Structure is proposed contains sufficient space to support the structure, including conformance with building setback requirements of the zoning districts in which they are to be located as described in Article 8.
- (C) The property upon which the Temporary Structure is proposed contains sufficient parking to support both the existing use of the property as well as the use proposed within the Temporary Structure.
- (D) Adequate sanitary facilities, utility, drainage, refuse management and similar necessary facilities, services, and provisions will be available to serve occupants of the Temporary Structure.
- (E) Applications for other permits and approvals required by other jurisdictional agencies charged with enforcing applicable regulations have been made
- (F) In the event that the Special Event also requires Temporary Structure permit(s), that those permit(s) have also been applied for
- (G) The Temporary Structure cannot encroach upon required setbacks, buffers, street tree planting strips or other required landscape areas.
- (H) Consent from the owner of property upon which the temporary structure is proposed to be placed must be obtained.

The uses in Table 15-2 may be established for Temporary Structures in accordance with the requirements in Section 15.3, in addition to the specific requirements below.

Table 15-2

	Temporary structure	Maximum duration	Maximum frequency	Permitted districts	Additional standards
(A)	Tents used for merchandise sales (100 square feet and larger)	30 consecutive days/ event	2/ calendar year	AG, C74, TMU, IND, MFO (all districts if vendor is NFP ¹)	See note 1 below
(B)	Tents used for Special Events (100 square feet and larger)	3 consecutive days/event	12/ calendar year	Governed by Special Event restriction	See note 1 below
(C)	Structures used to support Special Events	Governed by Special Event restriction	Governed by Special Event restriction	Governed by Special Event restriction	See note 2 below
(D)	Structures selling food merchandise unaffiliated with special event	One year from date of permit issuance	Not limited, but renewals beyond one year shall be treated as permanent structures	AG, TMU, C74, IND, MS, MFO	See note 3 below
(E)	Structures selling non-food merchandise unaffiliated with special event	One year from date of permit issuance	Not limited, but renewals beyond one year shall be treated as permanent structures	TMU, C74, IND, MS	See note 4 below
(F)	Construction supporting storage containers	During active building permit/ activity	During active building permit/ activity	All districts	See note 5 below
(G)	Sales & construction field offices	3 years	N/A	AG, SFR, R/MST, MSP	See note 6 below
(H)	Portable/ mobile buildings with less than 1 year duration	One year	N/A	Districts in which intended use of building is permissible	See note 7 below

⁽¹⁾ Not-for-profit

NOTES:

- 1) Tent shall not be erected within public right-of-way or in any manner that would impede public access
- 2) A Location Plan is to be prepared and submitted illustrating the following:
 - the location and dimensions of all temporary structures included within the permit application
 - the manner in which electrical power and water are to be furnished to the structures
 - signage associated with the structure (other than signage that may be permanently affixed to the structure)
 - a description of the activity to be housed within the structure (including what merchandise is to be sold)
 - if existing parking is to be displaced by the temporary structure, the means in which the parking is to be supplanted.
- 3) Structures shall conform to the following requirements:
 - Structure locations shall be approved in writing by the owner of the property upon which the structure is proposed to be placed

- Applicant will be required to submit a site plan indicating the placement of the temporary structure on the site, in addition to site features such as parking, vehicular and pedestrian access, and buffers (if located on a district boundary where Article 11.6 of Development Ordinance prescribes buffers)
 - Signage on the site shall conform to the requirements of Article 17 of Development Ordinance
 - On-site consumption of food sold from the structure will be permitted only when property owner or adjoining owner commit to providing rest room facilities for patrons
 - Temporary structures can relocate during the permit period but new locations must first be approved by the town
 - Property upon which structure is proposed for placement shall be maintained in a neat and sanitary condition at all times
 - Hours of operation shall be limited to between 10 AM and 8 10 PM
- 4) Structures shall conform to the following requirements:
- Structure locations shall be approved in writing by the owner of the property upon which the structure is proposed to be placed
 - Applicant will be required to submit a site plan indicating the placement of the temporary structure on the site, in addition to site features such as parking, vehicular and pedestrian access, and buffers (if located on a district boundary where Article 11.6 of Development Ordinance prescribes buffers)
 - Signage on the site shall conform to the requirements of Article 17 of Development Ordinance
 - Temporary structures can relocate during the permit period but new locations must first be approved by the town
 - Property upon which structure is proposed for placement shall be maintained in a neat and sanitary condition at all times
 - Hours of operation shall be limited to between 10 AM and 10 PM
- 5) Construction storage containers (including shipping containers, tractor trailers and box trucks) 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 structure while a valid building permit is in effect for the construction project occurring on the site. Construction containers shall not be placed within public right-of-way or where they would be impediment to public safety
- 6) A model home sales office shall be allowed within a new residential development of more than eight units or lots, subject to the following:
- there is to be no more than one temporary real estate office in the development
 - 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 Administrator. The request shall be submitted at least 30 days prior to the expiration of the Temporary Structure permit.
 - A temporary construction field office structure shall be allowed for a duration not to exceed the time during which active construction or development upon the site

is occurring. If active development ceases on the site the temporary structure must be removed within 30 days.

- 7) Permit is valid for a period of one year, after which the temporary structure must be removed within 30 days. The period may be extended for additional one-year periods, for good cause shown, upon approval of a written request for such an extension by the Planning & Zoning Administrator. The request shall be submitted at least 30 days prior to the expiration of the one year period. Alternately, the temporary structure may be established permanently on the site to be permitted through the Zoning Permit process in Article 7.

15.3-4 The requirements in this Section are not intended to be used for the placement of Temporary Structures beyond the time thresholds established under “Maximum Duration” in Table 15-2. The establishment of structures intended to remain beyond those limits are subject to the review requirements as permanent structures more fully described in Article 7 (Permits and Procedures). Similarly, this Section is not to be used to establish placement of manufactured or mobile homes (whose placement is discussed in Article 9.2-3 and 9.3-3). Finally, this Section does not apply to the outdoor storage of recreational vehicles, which is discussed in Section 12.10.