

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 City of Lowell.

15.2 Requirements for Special Event and Temporary Structure Permits

The *Planning, Zoning & 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 temporary structure is in compliance with all other applicable requirements, including applicable setback requirements of Article 8.

15.3 Special Events and Temporary Structures Allowed.

The special events and temporary structures may be established in the districts designated in Table 15.1 in accordance with the requirements in Section 15.2 and the additional standards included and/or referenced in Table 15.1 of this Ordinance.

TABLE 15.1 – Special Events & Temporary Structures

| Special Event and/or Temporary Structure(s) | Maximum Duration See note 5. | Maximum Frequency See note 5. | Districts | Permit Required | Additional Standards |
|---|--|---|---|------------------------|--|
| <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 | 5 per calendar year | “AG”, “MU”, “MS”, “CIV”, “C-85”, “C-74” | Yes | Not permitted within public right-of-way |
| Construction containers | During active building permit | During active building permit | All districts | No | See note 1 appearing below this table |
| Events of public interest on private property | 4 days | | “AG”, “MU”, “MS”, “CIV”, “C-85”, “C-74” | Yes | See notes 2 & 5 appearing below this table |

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|---|-----------|-----------------------|---|-----------------------------|---|
| Market, Tailgate - Fresh Foods | 1 day | 156 per calendar year | “AG”, “MU”, “MS”, “CIV”, “C-85”, “C-74” | See Note 6 below this table | Not permitted within public right-of-way per note 6 below this table |
| Food Trucks | 1 day | 156 per calendar year | All, see note 6 below this table | See Note 6 below this table | Not permitted within public right-of-way per note 6 below this table |
| Model home or real estate sales office | 1 year | N/A | “AG”, “SFR”, “RMST”, MU” | Yes | See note 3 appearing below this table |
| Outdoor bazaars and retail sales, with temporary structure(s) | 7 days | 2 per calendar year | “AG”, “MU-2”, “MS”, “CIV”, “C-85”, “C-74” | No | Not permitted within public right-of-way |
| Outdoor sidewalk and retail sales, without temporary structure(s) | unlimited | unlimited | “AG”, “MU-2”, “MS”, “CIV”, “C-85”, “C-74” | No | Sidewalks must have a minimum 5’-0” travel-way clear of obstructions at all times All products and advertising shall be limited to the area directly in front of the sponsoring vendor during business hours |
| Temporary portable office | 1 year | N/A | All districts | Yes | See note 4 below this table |

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|---|---------|---------------------|---------------|----|---|
| Storage container, portable on demand (POD) | 90 days | 2 per calendar year | All districts | No | See note 1 appearing below this table |
| Yard sales | 3 days | 3 per calendar year | All districts | No | See Article 17 of this Ordinance for 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 (POD) 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.
 - (b.) Traffic control shall be arranged by the operators of the event in accordance with the requirements of the City of Lowell Police Department and/or the Gaston 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 three (3) 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 City of Lowell Police Department 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 & 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 one year 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 & Subdivision Administrator*. The request shall be submitted to the *Planning, Zoning & Subdivision Administrator* at least 30 days prior to the expiration of the special event/temporary use permit.
 - (c.) No sleeping quarters are permitted within the model home or sales office during the period for which the structure is used for sales.
- (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 City of Lowell has issued either/or a zoning permit and/or approved preliminary plat, and/or a building permit.
 - (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 & Subdivision Administrator*.
- (5.) Required Interval between Events. A minimum of forty (40) consecutive days are required before recurrence of the same event to qualify as a Temporary Use. Uses found not in compliance with applicable limitations on duration and/or frequency shall be considered permanent and subject to applicable standards and specifications for permanent uses in accordance with this Ordinance.

(6.) Market, Tailgate - Fresh Foods & Food Trucks.

- (a.) Food Trucks serving prepared foods must provide a current health certificate upon request.
- (b.) No permit required if invited by the City for special events; however, location criteria of this Article remain applicable.
- (c.) May locate within designated on-street parking areas within public right-of-way during special events sponsored by the City.
- (d.) For locations on private property a no-cost permit is required along with written proof of property owner's permission if not invited by the City.
- (e.) Standards for Food Trucks in residential districts:
 - (i.) a property owner may sponsor a Food Truck to cater a private event on private property.
 - (ii.) A property and/or homeowners association may sponsor a Food Truck on common area property such as a clubhouse, pool facility, and/or park owned by the association.
- (f.) Food Trucks may be disqualified from participation in local events upon finding by the City Council of either or both of the following:
 - (i.) Vendors become a nuisance by increasing frequencies at locations all over the community, both supported and unsupported.
 - (ii.) Vendors become an itinerant merchant and poach activity to a point of generating complaints from brick & mortar businesses.