

19.3.11(2) **SEASONAL BUSINESS USE.** (Amended 12/04/91, 5/6/92, 07/07/93, 04/06/94, 07/07/99, 03/03/04, 04/05/06)

- A. **Required Districts:** CUP (with a commercial component), MIX (with a commercial component), C-1, C-2, M-1A, M-1, and M-2. Allowable in AG-1 and residentially zoned districts only when the property is occupied by a church, school, lodge/retreat, farm, plant nursery, etc., existing as a conforming or a lawful non-conforming nonresidential use. The issuance of this permit does not constitute an expansion or extension of a non-conforming use.
- B. **Standards:**
1. An Administrative Permit shall not be issued for the same seasonal business use more than once in any calendar year. Said seasonal business use must correlate to a calendar holiday or event. Said permit shall not exceed a total of 30 consecutive days for each use. Said permit must be posted on site such that it is visible from the street. An application for said permit shall be made no less than 14 days prior to the event. Example: One permit may be issued for the sale of Christmas trees for a maximum of 30 consecutive days. A second permit may be issued for the sale of pumpkins for a maximum of 30 consecutive days.
 2. The hours of operation shall be 8:00 a.m. to 8:00 p.m., Sunday through Thursday and 8:00 a.m. to 10:00 p.m., Friday through Saturday.
 3. Two copies of a drawing, no larger in size than 11" x 17", with dimensions (distances in feet) of the activity's location from the site's property lines and other minimum distance requirements as specified by this Section shall be submitted to the Department of Environment and Community Department for approval. Said drawing shall also depict north arrow, curb cuts and traffic patterns.
 4. The applicant shall provide a notarized written permission statement of the property owner or lease holder of the subject site to the Department of Environment and Community Development. A 24-hour contact number of the property owner or lease holder shall be provided along with permit application.
 5. The property on which the roadside vendor is permitted must be located at least 1500 feet from a permanent business or another vendor which offers the same or similar merchandise as that of the vendor. Vendor shall provide names of all established businesses

which sell similar or the same merchandise within 1500 feet of the proposed vendor site.

6. Any display or sales activity shall maintain a minimum 20-foot setback from the right-of-way and shall not be located within a required landscape strip or buffer. Said displays shall also maintain a minimum setback of 10 feet from any internal drive or permitted curb cut.
7. A minimum of 6 parking spaces shall be provided for the exclusive use of the seasonal business and shall not occupy the minimum required parking spaces for any other use on site.
8. No temporary sanitary facility or trash receptacle may be located within 100 feet of a property line of a residential use.
9. No tent, table or other temporary structure shall be located within 100 feet of a residential structure. Sales from vehicles are prohibited.

Tents less than 5,000 square feet do not require a building permit; tents equal to or greater than 5,000 square feet require structural plan review and a building permit.

All tents are subject to the approval of the Fire Department.

10. No equipment, vehicle, display or sales activity shall block access to a public facility such as a telephone booth, mail box, parking meter, fire hydrant, fire alarm box, traffic control box, driveway or other access point.
11. A sound level of 65 dBA shall not be exceeded at adjacent property lines of any residential use.
12. Signage shall be in accordance with Article 33, Section 33.4.12.B.19.