

Temporary Use and Structure Standards (TU)

5.43 TU-03: Outdoor Sales Standards

This Temporary Use and Structure Standards (TU) section applies to the following zoning districts:

B1 B2 B3 B5 I1

- A. **Limitations:** As an Accessory Use to the Primary Use on the same lot or tract of land, a person conducting an established business in a principal building shall be permitted to temporarily display goods or merchandise.
- B. **Standards:** Outdoor sales shall conform with the following requirements:
1. Outdoor Sales shall only be permitted according to the applicable zoning district in *Article 2: Zoning Districts*. Such uses shall be allowed only as a Temporary Use, requiring a Temporary Use Permit.
 2. Areas designated for Outdoor Sales shall not exceed five-percent (5%) of the area of the lot.
 3. Areas designated for Outdoor Sales shall not be located within nor encroach upon:
 - a. Any minimum required setback yard;
 - b. Any drainage easement;
 - c. A fire lane;
 - d. A maneuvering aisle,
 - e. A parking space or spaces necessary to meet the minimum parking requirements of the other use(s) of the lot or parcel.
 4. Outdoor Sales may be located within parking areas, provided it:
 - a. Does not interfere with pedestrian or vehicular access or parking.
 - b. Does not create a visibility obstruction to moving vehicles within a parking lot.
 5. Goods or merchandise displayed in conjunction with an Outdoor Sale shall not exceed six (6) feet in height.
 6. Only three (3) Outdoor Sales, Temporary Use permits shall be issued per property per year. Outdoor Sales, Temporary Use Permits shall be issued for a term of five (5) consecutive days per permit.
 7. Signs for Outdoor Sales shall be prohibited except as provided by *Section 5.39: Sign Standards*.
 8. **Findings:** The Director of Community Services may approve an application for Outdoor Sales, Temporary Use as specified in this section only upon making the following findings:
 - a. The proposed use will not adversely affect adjacent structures and uses nor the surrounding neighborhood;
 - b. The proposed use will not adversely affect the circulation and flow of vehicular and pedestrian traffic in the immediate area;
 - c. The proposed use will not create a demand for additional parking which cannot be met safely and efficiently in existing parking areas;
 - d. The proposed use will not otherwise constitute a nuisance or be detrimental to the public welfare of the community.