



Town of Smithfield
 Planning Department
 P.O. Box 761 or
 350 East Market Street
 Smithfield, NC 27577

Temporary Use Permit Application

Completed applications should be submitted to the Town of Smithfield Planning Department **at least four weeks prior to the event**. Email applications to julie.edmonds@smithfield-nc.com or drop off in the Planning Department. All applicants should read the following pages before completing all sections required. Incomplete applications may increase the permit processing time. If a person other than the property owner signs this application, a notarized written authorization from the property owner must be attached.

TYPES OF EVENT

- Expansion or replacement of existing facilities
- Sale of agricultural products grown off-site
- Sale of fireworks
- Special event, over 100 people in attendance
- Athletic event on streets, greenways
- other (please describe) _____

- Construction Trailer
- Real estate sales office or model home
- Sale of non-agricultural products, except fireworks
- Not-for-profit event, over 100 people in attendance
- Town recognized event _____
- Live Band / Concert _____

PERMIT FEE \$100

Name of Event _____	Location of Event (exact street address) _____
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Applicant name _____ E-mail address _____

Address _____ Zip _____

Day phone _____ Mobile phone _____

Event Date _____

Event set-up date /start time _____ Event clean-up date/end time _____

Sound amplification hours _____ Will food or goods be sold? _____

Security provided by Smithfield Police or private security (describe duties): _____

Private agency name & phone, if applicable: _____

Will any Town property be used (i.e., streets, parks, greenways)? _____

Are event trash cans needed? _____ How many? _____

Do you wish to: Restrict animals at this event? (Circle Yes No) Prohibit Fireworks? (Circle Yes No)

I hereby certify that the information contained in this application is true to the best of my knowledge and I further certify that this event will be conducted per all applicable local laws. I certify that I have received the attached information concerning the regulations for Temporary Uses. I certify that I have notified all adjoining property owners of the planned temporary use.

Applicant's name (print) _____ Signature _____ Date _____

PLEASE RETURN THIS PERMIT TO THE PLANNING DEPARTMENT WITH \$100.00 FEE.

Method of payment: Cash _____ Check # _____ Credit Card _____ Amount \$ _____

Reviewing Planner: _____ Date: _____

(Note: See attached letter)

TEMPORARY USE PERMIT PROCEDURES AND SUBMITTAL REQUIREMENTS

The Town of Smithfield requires a Temporary Use Permit, approved by the Planning Department, for various uses. The applicant should contact Town departments directly to make arrangements for public safety personnel or Town property for the event. A list of departments and phone numbers are located below. Failure to make timely arrangements may cause denial of the permit if the Town feels the public health or safety may be affected, or that inadequate steps have been taken to insure that no property damage will be done to Town property. **Property owner notification is required for all types of events.** Attach a signed and notarized affidavit verifying that all adjoining property owners have been notified of the date, time, and description of this event. If the notification was in written form, attach a copy of the letter delivered to adjoining property owners.

Fire Department shall be contacted for tents and membrane structures larger than 200 square feet and canopies larger than 400 square feet.

Events taking place on public streets, in public parks

- Complete route, including all intersections where assistance will be needed.
- Details of site where event will begin and end
- Traffic access on/off site
- Location/number of off-street parking spaces
- Restroom facilities and trash removal
- Proposed sign

Events taking place at one site

- Location of all temporary structures
- Proposed signage
- Uses on adjacent properties
- Traffic access on/off site
- Location/number of off-street parking spaces
- Restroom facilities and trash removal
- Proposed sign

Temporary sale of goods

- Location of any tent or temporary structure
- Location of pedestrian, vehicular and emergency ingress/egress over entire property
- Location/number of off-street parking spaces
- Restroom facilities and trash removal
- Proposed sign

Model sales home, temporary real estate or other office

- Location/number of off-street parking spaces
- Location of any temporary structure
- Proposed sign
- Model sales homes and temporary real estate office must meet the ADA (American Disabilities Act) standards for handicap access to the facility and restrooms. Upon approval of this temporary use permit, you will be required to obtain applicable permits from the Permits and Inspections Department and meet the ADA requirements.

Expansion or replacement of existing facilities – Factory-fabricated, transportable buildings that are designed to arrive at the site ready for occupancy, except for minor unpacking and connection to utilities, and designed for removal to, and installation at other sites, may be placed on a property to serve as the following, subject to applicable ordinances:

- a) Expansion space for existing churches, health care facilities, and government offices, under specific situations;
- b) Temporary classroom space to augment an existing school facility;
- c) Temporary office for construction and security personnel during the construction of a development;
- d) Temporary quarters for recreational facilities which are being provided in conjunction with a new residential development;
- e) Temporary quarters for a non-residential use when the permanent building has been destroyed by a fire or other physical catastrophe; and
- f) One temporary office per site to include, but not be limited to, the following uses: hiring, membership solicitation, apartment office/leasing, and other general office uses.

Real estate sales offices and model sales homes – One temporary real estate sales office or model sales home may be allowed as incidental to a new residential or non-residential development. Real estate sales trailers must be removed at the issuance of the first certificate of occupancy for the development.

Construction Signs.

An on-site temporary sign identifying the names of the individuals and/or firms connected with the construction of an active project. Fence wraps displaying signage when affixed to perimeter fencing at a construction site are exempt until the certificate of occupancy is issued for the final portion of any construction at that site or 24 months from the time the fence wrap was installed, whichever is shorter. If construction is not completed at the end of 24 months from the time the fence wrap was installed, the Town may regulate the signage but shall continue to allow fence wrapping materials to be affixed to the perimeter fencing. No fence wrap affixed pursuant to this subsection may display any advertising other than advertising sponsored by a person directly involved in the construction project and for which monetary compensation for the advertisement is not paid or required.

Sale of goods other than agricultural products: Merchants may display and/or sell goods in the Town on a temporary basis without establishing a permanent place of business, subject to the requirements of the ordinances. The outdoor display and/or sale of goods consistent with the provisions in 7.30.3 of the UDO are considered an accessory use and do not require a temporary use permit. Additionally:

- a) The proposed display or sale of goods for commercial purposes may not occur within 200 feet of an occupied residential dwelling unit.
- b) A temporary display or sale of goods for commercial, public, or institutional purposes shall take place on a developed site where the principal use is retail sales, or on an immediately adjacent developed outparcel of such a site. Upon approval of the Planning Director, temporary sales of goods for a public or institutional purpose may take place on public property.
- c) A temporary display or sale of products shall be limited in scope to similar or complimentary products to those offered by the existing principal use.
- d) Submittal requirements include written permission from the property owner, a sketch plan showing the location of any tent or temporary structure to be used, the location of pedestrian, vehicular, and emergency ingress and egress, the location and number of available off-street parking spaces, the location, size, color, and design of any temporary sign, and electrical power connection, if applicable.
- e) The hours of operation are limited to 7:30 a.m.-10 p.m., or the same hours as the principal use, whichever is more restrictive.
- f) The temporary sale of non-agricultural products shall be allowed on an individual parcel or site for no more than 90 total days per calendar year, and no more often than three events per calendar year.

Sale of agricultural products grown off-site: For purposes of this section, agricultural products are defined as products obtained primarily through farming or agricultural activities, including but not limited to: pumpkins; grains and seed crops; fruits of all kinds; vegetables; nursery, floral, ornamental, and greenhouse products; trees and forest products, including Christmas trees, firewood, and pine straw; bees and beekeeping products; seafood; dairy products, any USDA-recognized agricultural product. For purposes of this section, processed or prepared food products of any kind shall not be considered as agricultural products. Additionally:

- a) As well as locations listed above, the temporary sale of agricultural products may occur from a vacant lot.
- b) The temporary sale of agricultural products is exempt from the requirement to be similar to the products of the principal use.
- c) The temporary sale of agricultural products may be accomplished from a vehicle, trailer, or shipping container, per Section 7.30.4.3 of the UDO.
- d) The temporary sale of agricultural products shall be allowed on an individual parcel or site for no more than 180 total days per calendar year, and no more often than three events per calendar year.

Agricultural Sign: Signs advertising agricultural products for sale shall be allowed provided that:

1. On properties where agricultural products for sale are grown and sold, one ground sign is allowed facing each road on which the property has frontage;
2. On other private properties, with the permission of the property owner provided that:
 - a. Only agricultural goods grown on property located within Smithfield or its extra-territorial jurisdiction may be sold.
 - b. No more than one such sign may be erected on any other single piece of property, and
 - c. No person, entity or family shall be entitled to permits for more than four off-premises agricultural signs for any sale location.
3. Such signs may be up only during the season while agricultural products are actually for sale at the location and shall in no case remain in place for more than 90 days; and
4. Such signs shall not exceed 42 inches in height and 16 square feet each in area.

Sale of fireworks: The temporary sale of fireworks may be allowed subject to issuance of a temporary use permit pursuant to 7.30.5 of the UDO. The sale of fireworks and other pyrotechnics shall meet all requirements for the temporary sale of non-agricultural goods, except are exempt from the similar product provisions.

Restrictions on Fireworks

Section 13-13(9) of the Smithfield Code of Ordinances allows an applicant to request the Town to prohibit the possession, discharge, and/or other use of pyrotechnics other than those used for which a lawful permit has been issued. If the applicant checks "yes" on the application, all types of fireworks, including smoke bombs, sparklers, party poppers, etc., sold legally to the public would be banned at the event. If the applicant checks "no," fireworks sold legally to the general public would be allowed while more dangerous fireworks (rockets, Roman candles, and other exploding fireworks) would still require special permits and approvals. If the applicant wishes to ban all fireworks public notification of such prohibition will be the responsibility of the applicant, both prior to and at the event itself.

Temporary use permits are **NOT** required for the following types of events, but may be subject to the maximum allowable time frames and temporary signage requirements.

- a) Athletic events held at approved sports facilities;
- b) Temporary not-for-profit car washes held on developed sites;
- c) Block parties occurring entirely upon the grounds of a private residence or common area of a multi-family residential development;
- d) Other events with 99 people or fewer in attendance provided there is little likelihood of damage to public or private property, injury to persons, public disturbances or nuisances, unsafe impediments to pedestrian or vehicular travel, or other significant adverse effects upon the public health, safety, or welfare;
- e) Private events which are not open to members of the general public typically has a duration of less than 12 hours, and which is not expected to have significant negative impacts on surrounding properties, such as wedding ceremonies, funerals, and private parties, etc.; and
- f) Events which occur or take place entirely within the boundaries of a parcel or parcels which possess development plan approval for such activities, i.e. assembly halls, convention centers, amphitheaters, or event centers, etc.

Town-recognized events: These are defined as events which is in part, or wholly, sponsored by the Town, recognized by the Town, or proclaimed as a Town-recognized event by the Town Council. Such events shall include only those listed on the Town-recognized Event List as maintained by the Town Clerk. The Town-recognized Event List may be amended as needed by the Town Council. The event sponsors are required to complete temporary use permits and are subject to the maximum allowable time frames, temporary signage requirements, and specific regulations as listed in 7.30.7 of the UDO.

Restrictions on Animals

Section 4-7 of the Smithfield Code of Ordinances allows that the applicant, for approval of an event, may request that animals not be permitted within the boundaries and confines of the event, with the exception of guide dogs and animals used in the event itself. Upon approval of the request by the Town Manager, responsibility for giving proper notice to the public will rest with the applicant, both in pre-event advertising and through notices posted at the event itself.

Privilege License

If this event is located within Town limits, anyone who will be conducting business at this event (i.e., selling goods, receiving payment, soliciting, etc.) is required to have a Smithfield privilege license. To obtain one, have them contact the Finance Department at 934-2116 ext. 1135.

Working with various Town Departments

While the application will be forwarded to the necessary departments for their review, the applicant may need to contact various Town departments directly to make arrangements to utilize Public Safety personnel or Town property for the event.

Police Department – 934-2121

To arrange for police assistance in traffic control, parking direction, route layout, etc. If Smithfield police officers will be needed, whether off- or on-duty, arrangements **must be made no less than four weeks prior to the event.**

Emergency Services (Fire or EMS Division) – 934-2468

To apply for fireworks sales permit or public fireworks display permit and tent permit **ONLY IF** any **one** single tent is over 200 square feet and any **one** single canopy is over 400 square feet. To arrange for rescue squad personnel or equipment present at your event

Permits and Inspections – 934-2116 ext.1112 or ext.1111

To apply for permits for temporary structures as well as permits for temporary power needed for the event.

Public Works – 934-2596

To arrange for barricades, trash and/or rubbish removal by the Town, including arrangements for dumpsters.

Parks and Recreation, – 934-2148

To arrange for use of Town property, such as Town Commons Stage, Parks or Greenway.

Town Recognized Events List

Through this approval and future ordinance amendments, Temporary Use Permits will be required; however, no fees will be associated with the permit applications submitted for events on the Town Recognized Events list. Requiring permits will reduce scheduling conflicts and will facilitate better internal communication and coordination among Staff.

The following list includes those events that are recognized by the Town of Smithfield as “town recognized events.” This list may be amended as required only by action of the Town Council.

- Ham and Yam Festival
- Arts Walk
- Ava Gardner Festival
- Tree Lighting
- Christmas Parade
- Town Board Events
- DSDC Events
- Fireworks
- Veterans Day
- Easter Sunrise Service
- Endless Yard Sale

While exempt from temporary use fees and sign permits, accepting any of these events as town-recognized would not exempt them from Police or Fire Department regulations or building permit requirements, if necessary. This list is maintained in the Town Clerk’s office and may be amended only through Town Council action.

Special Events

Any organized event, specifically including, but not limited to, a circus, carnival, cultural event, fair, party, communal camping, or celebration, which reasonably may be expected to attract more than 100 persons at any one time, or which otherwise may reasonably be expected to increase the risk of:

- Damage to public or private property, beyond normal wear and tear;
- Injury to persons;
- Public or private disturbances or nuisances;
- Unsafe impediments or distractions to, or congestion of, vehicular or pedestrian travel;
- Significant additional police, fire, trash removal, maintenance, or other public services, demands; or
- Other significant adverse effects upon the public health, safety, or welfare

The term “special event” shall not include any organized activities conducted at sites and facilities that are legal uses and structures under this Ordinance and that are typically intended and used for such activities. Examples of such activities include, but are not necessarily limited to, sporting events such as 10K runs not held on public right-of-way, golf, soccer, softball, and baseball tournaments conducted on courses or fields intended and used for such activities; wedding services conducted at reception halls or similar facilities; funeral services conducted at funeral homes or cemeteries; religious services, wedding services, and funeral services conducted at places of worship; or noncommercial activities occurring within, or upon the grounds of, a private residence or upon the common areas of a multi-family residential development.