

4. Signage and Visibility.
  - (a) No sign other than as permitted pursuant to Paragraph 9-106 F3 shall advertise the presence or conduct of the home occupation.
  - (b) Except for the identification sign permitted in Subparagraph C4(a) above, no home occupation shall be in any manner visible or apparent from any public or private street.
5. Traffic Limitations. No home occupation shall generate more traffic than is typical of residences in the area.
6. Nuisance-causing Activities. In addition to the foregoing specific limitations, no home occupation shall cause any nuisance or be noxious, offensive or hazardous.
7. Licensing Requirements. Every home occupation shall be subject to applicable business licensing and inspection requirements.

#### **9-103: TEMPORARY USES**

- J. Authorization. Subject to the limitations of this Section 9-103, temporary uses as hereinafter specified are permitted in the zoning districts hereinafter specified.
- K. Definition. A temporary use is a use that:
  1. Is established for a fixed period of time with the intent to discontinue such use upon the expiration of such time; and
  2. Does not involve the construction or alteration of any permanent structure.
- L. Certificate of Zoning Compliance Required; Special Standards for Issuance and Revocation.
  1. Certificate Required. Except as provided in Paragraphs DI and D13 below, no temporary use shall be established or maintained unless a Certificate of Zoning Compliance evidencing the compliance of such use with the provisions of this Code shall have first been issued in accordance with Section 11-401 of this Code; provided, however, that permitted temporary uses of publicly owned or leased buildings and property, other than those included in Paragraph D13 below, shall be exempt from this requirement.
  2. Bases for Certificate Denial. Such a Certificate may be denied if the Community Development Director determines that the applicant has failed to comply with the standards, conditions or terms of any previously issued zoning certificate for a temporary use or that the permanent use of the subject property fails to comply in all respects with the provisions of all City Ordinances regulating the development, use and maintenance of the property. Such a certificate shall be denied if the Community Development Director determines that the public health, safety or welfare would be, or may reasonably be expected to be, impaired by the issuance thereof.

3. Conditions on Certificate. Such a Certificate may be conditioned upon such special requirements as the Community Development Director may determine are necessary to achieve the purposes of this Code and to protect the public health, safety, and welfare.
  4. Revocation of Certificate. Such a Certificate shall be revoked if any of the standards and conditions imposed pursuant to this Section 9-103, or such certificate, are violated.
- M. Permitted Temporary Uses. Subject to the specific regulations and time limits that follow, and to the other applicable regulations of the district in which the use is permitted, the following temporary uses, and no others, are permitted in the zoning districts herein specified:
1. Garage Sales. In any residential district, but only in compliance with the following terms and conditions:
    - (a) Garage Sale Defined. The term “garage sale” includes all general sales of goods open to the public, conducted from a residential premises including, but not limited to, all sales entitled “garage,” “lawn,” “yard,” “attic,” “porch,” “room,” “backyard,” “patio,” “flea market,” “rummage,” “estate,” or “moving” sale.
    - (b) Permit Required. It shall be unlawful for any person to conduct or allow a garage sale involving the sale of multiple new items of the same description without applying for and obtaining a permit therefore. Such permit shall be without charge and in a form acceptable to the Community Development Director.
    - (c) Certificate of Zoning Compliance. No Certificate of Zoning Compliance shall be required for garage sales authorized pursuant to this Paragraph 1.
    - (d) Frequency. Garage sales shall be limited to a period not to exceed three consecutive days. No more than four garage sales shall be conducted from the same dwelling unit in any calendar years, and no more than one such sale shall occur in any 30-day period.
    - (e) Hours of Operation. No garage sales shall operate before 7:30 a.m. or after sunset on any day.
    - (f) Sign Limitations. Notwithstanding the provisions of Section 9-106 of this Code, only off-site directional signs not to exceed four square feet in area shall be permitted for the purpose of advertising garage sales. Such signs shall not be erected in excess of 24 hours prior to the commencement of the garage sale and shall be removed within two (2) hours after the termination of the sale.

- (g) Location of Sale. No portion of any garage sale shall take place on any public or private landscaped area, on any public sidewalk, or on any public right-of-way.
2. Indoor and Outdoor Art, Craft and Plant Shows. In any commercial, open space or institutional building district; provided, however, that any such use shall require the specific prior approval of the Community Development Director on the basis of the adequacy of the parcel size, parking provisions, traffic access and the absence of undue adverse impact on other properties. Any such sale shall be limited to a period not to exceed three consecutive days. In addition to the foregoing indoor and outdoor art, craft and plant shows shall be permitted in a residential district as part of a garage sale and subject to the garage sale regulations in Paragraph 9-103 D1 of this Code.
  3. Christmas Tree Sales. In any commercial or manufacturing district and, when conducted by a not-for-profit religious, philanthropic or civic group or organization on property owned or leased by such group or organization, in any open space or institutional buildings district; provided, however, that any such use in any open space or institutional buildings district shall be conducted solely by the officers, directors, members, and employees of any such group or organization, and any proceeds of such Christmas Tree sales shall accrue solely to such group or organization; provided, further, that any such use shall require the specific prior approval of the Community Development Director on the basis of the adequacy of the parcel size, parking provisions, traffic access, and the absence of undue adverse impact on other properties. Such use shall be limited to a period not to exceed 45 days. Display of Christmas trees need not comply with the yard requirements of this Code, except that no tree shall be displayed within the Sight Triangle defined in Subsection 12-206 S of this Code.
  4. Contractors' Office and Equipment Sheds. In any district when accessory to a construction project. No such use shall contain any sleeping or cooking accommodations. Such use shall be limited to a period not to exceed the duration of the active construction phase of such project.
  5. Real Estate Offices, Including Model Units. In any district when such use is accessory to a new development. No such use shall contain any sleeping or cooking accommodations unless located in a model dwelling unit. Such use shall be limited to the period of the active selling or leasing of units or space in such development and to activities related to the development in which such office is located. No such office shall be used as the general office or headquarters of any firm.
  6. Carnivals and Circuses. In any non-residential district, but only when sponsored by a not-for-profit religious, philanthropic or civic group or organization; provided, however, that any such use shall require the specific prior approval of the Community Development Director on the basis of the adequacy of the parcel size, parking provisions, traffic access and the absence of undue adverse impact on other properties. Such use shall be limited to a period not to exceed ten (10) days. Such use need not comply with the yard requirements of this Code except

that structures or equipment that might block the view of operators of motor vehicles on any public or private street shall not be located within the Sight Triangle defined in Subsection 12-206 S of this Code. Such use need not comply with the maximum height requirements of this Code. The concessionaire responsible for the operation of any such carnival or circus shall:

- (a) Submit in advance of the event date a site layout displaying adequate ingress and egress routes for emergency vehicles and no dead-end aisles; and
  - (b) Provide for a thorough clean-up of the site upon termination of the event.
7. Sales of Overstock, Seconds and Similar Goods in Districts Where Not a Permitted Use. In the II District when accessory to any use permitted or specially permitted in such district; but only in compliance with the following conditions:
- (a) Existing Inventory Only. No products shall be sold except such products as are manufactured, warehoused or distributed in the normal course of business of the principal use operated on the zoning lot in question. No products shall be brought in from other sources for purposes of temporary sale.
  - (b) No Outdoor Sales. Any area in which such a temporary retail use takes place, including the sale and display of products, shall be fully enclosed.
  - (c) Number and Duration of Sales Limited. Not more than four (4) such temporary uses shall be conducted on the same premises in any calendar year, or more than one (1) such sale in any calendar quarter. In each calendar quarter, one (1) such sale may be for a period of not more than three (3) successive days.
8. Tents. In any district, in connection with any permitted, accessory, temporary or special permit use no tent shall be allowed to remain for a period of more than four (4) days longer than the period during which the use with which it is associated is allowed to remain or, in the absence of any such period, ten (10) days. Unless waived in writing by the Community Development Director, every tent shall comply with bulk, yard and space requirements applicable to accessory uses pursuant to Subsection 9-101 E of the Article.
9. Civic Uses of Public Property. In the IB District or OS District, any civic use of any public building or property when authorized by the governmental agency owning or controlling such property; provided that no such use shall impose an undue adverse effect on neighboring streets or property.
10. Unique Events. In any district for a period not to exceed seven (7) consecutive days; subject to such conditions and security requirements as the Community Development Director determines are necessary. Unique events shall include motion picture, video and television filming.

11. Electrical Substations. In any district; provided, however, that any such use shall require the specific prior approval of the Community Development Director on the basis of need and impact on surrounding properties.
  12. Temporary Location of Local Government Uses. The activities of units of local government and public school district may be temporarily located in any non-residential district, but only during periods of reconstruction, renovation or expansion of existing facilities for those activities at another location. No such temporary relocation shall be allowed without the prior approval by the corporate authorities by resolution duly adopted. The corporate authorities may, but shall not be required to, hold a public hearing prior to adoption of such approval resolution. Such approval by the corporate authorities shall be in lieu of any Certificate of Zoning Compliance and shall be subject to the special standards contained in Subsection C of this Section and the use limitations contained in Subsection F of this Section, all as determined and imposed by the corporate authorities, in its sole discretion.
- N. Bulk, Yard and Space Regulations. Except as expressly provided otherwise in Subsection D above, every temporary use shall comply with the bulk, yard, and space regulations applicable in the district in which such temporary use is located.
- O. Use Limitations.
1. General Limitations. Every temporary use shall comply with the use limitations applicable in the district in which it is located as well as with the limitations made applicable to specified temporary use by Subsection D above. No temporary use shall be permitted in any district if it would have a significant negative impact, including aesthetic impact, on any adjacent property or on the area as a whole.
  2. Hours and Days of Operation. No temporary use shall be operated during any hours or on any days of the week except such as are designated by the Community Development Director, in the certificate required by Subsection C of this Section, on the basis of the nature of the temporary use and the character of the surrounding area.
  3. Public Safety. No temporary use shall be permitted unless the Fire and Police Departments shall have first certified that such use will result in no additional, undue on-site or off-site threat to public safety. No temporary use shall be operated except in accordance with such restrictions and conditions as said Departments may require in connection with such certification. If required by the Community Development Director, operator of the temporary use shall employ a fire watch team and appropriate security personnel.
  4. Traffic. No temporary use shall be permitted if additional vehicular traffic reasonably expected to be generated by such temporary use would have undue detrimental effects on surrounding streets and uses.
  5. Conflicts With Other Temporary Uses. No temporary use shall be permitted if such use would conflict with another previously authorized temporary use.

6. Parking. Before approving any temporary use, the Community Development Director shall make an assessment of the total number of off-street parking spaces that will be reasonably required in connection with the proposed temporary use, on the basis of the particular use, its intensity, and the availability of other parking facilities in the area, and shall approve such temporary use only if such off-street parking is provided. No temporary use shall be authorized that would, in the opinion of the Community Development Director, unreasonably reduce the amount of off-street parking spaces available for use in connection with permanent uses located on the zoning lot in questions.

Additional Conditions. Every temporary use shall, in addition, comply with, and the Community Development Director may impose, such other conditions as may reasonably be necessary to achieve the purposes of this Code or to protect the public health, safety, and welfare.