

# **CHAPTER 21**

## **TEMPORARY USES**

### **21.01 AUTHORIZATION**

- A. Temporary uses as defined in Chapter 28 and as herein specified may be permitted in accordance with the provisions set forth in this Chapter.
  
- B. The Zoning Inspector may, upon proper application, issue a Temporary Use Permit for any of the temporary uses listed below. The Zoning Inspector shall either approve or disapprove such application within ten (10) days of receipt of application and shall notify the applicant in writing of the decision. In the event that the application is disapproved, the Zoning Inspector shall explain in writing the reasons for disapproval and shall include such explanation with the notice of disapproval.

### **21.02 APPLICATION**

- A. Each application for a Temporary Use Permit shall contain the following information:
  - 1. Name, address, and telephone number of the applicant;
  - 2. A description of the property where the temporary use is to occur, including the location of the property and any existing and/or proposed uses;
  - 3. A statement explaining the need for the temporary use;
  - 4. If applicable, a site plan showing any temporary structures and their relationship to adjacent land uses and structures;
  - 5. A description of the type, size and location of any signs connected with the temporary use;
  - 6. The date on which the temporary use will commence and the anticipated duration of such use;
  - 7. Such other information as may be required by the Zoning Inspector,
  - 8. Any required fees for said permit as may be established by the Board of Trustees, Miami Township; and
  - 9. A copy of vendor's license, vendor number and Federal I.D. number.

### **21.03 PERMITTED TEMPORARY USES**

- A. Permits may be issued for the following temporary uses, provided that they meet these requirements and are not otherwise in conflict with the provisions of this Chapter:
  - 1. Mobile homes for use as office structures on construction sites, provided that such structures shall be located on the lot on which construction takes place and shall be removed once construction ceases.
  - 2. The temporary outdoor sale of seasonal merchandise such as garden supplies, pumpkins, and Christmas trees and gifts, not to exceed forty-five (45) days in duration and only in the Commercial and Industrial Districts.

3. Retail sales of goods from vehicles in the Commercial and Industrial Districts only, provided that:
    - a. Written authorization is filed with the Zoning Inspector from the owner of record of the lot from where the activity is taking place;
    - b. That such sales are for no more than five (5) days in any sixty (60) day period;
    - c. When not in use, any commercial vehicle from which sales are conducted is to be stored in an enclosed garage or designated off-street loading space; and
    - d. Provided that such sales are accessory to the existing commercial development.
  4. Farmers markets limited to the sale of food and produce items, raw and prepared foodstuffs, plants and cut flowers in the Commercial, Industrial, and Agricultural Districts during the normal growing season for such uses.
  5. The temporary outdoor sale of hand-crafted items and artwork is allowed only in conjunction with a temporary event, except as otherwise provided by this Chapter.
  6. Carnivals and festivals, not to exceed four (4) days in duration.
  7. Temporary signs for the period of the temporary permit with the size, setbacks, and heights as regulated by Chapter 24.
  8. Food Vendors as regulated herein.
- B. The Zoning Inspector may include any additional conditions or restrictions to the issuance of a Temporary Use Permit as deemed necessary to insure the public health and safety.
- C. All merchandise, temporary structures, and other uses incidental to the temporary use shall be setback so as not to interfere with line of sight but not less than fifteen (15) feet from the road right- of-way.

**21.04 FOOD VENDORS**

- A. Subject to these regulations, a Food Vendor may with approval of the property owner Appear in the O-1, B-1, B-2, I, H, MU, PBD or in the Miamiville Planned Business Development Overlay districts.
- B. Subject to these regulations, a Food Vendor may Appear in a Residential district if:
  1. At a multifamily development with approval of the property owner, or
  2. At a school, government property or private club by approval of the property owner, or
  3. At a neighborhood community pool or clubhouse by approval of the property owner, or
  4. At a church with approval of the property owner.
- C. The same Food Vendor may make three Appearances at a Location over a period of three consecutive weeks.
  1. No single Appearance may exceed a period of 48 hours.

2. No Food Vendor shall make more than one Appearance at a Location during any given week.
  3. After three consecutive weeks, the Food Vendor may not make an Appearance at that Location for at least three weeks.
  4. In no event may a Food Vendor Appear more than six times at a Location over any 10 week period.
  5. After the sixth Appearance at a Location over a given 10 week period, the Food Vendor may not make an Appearance at that Location for at least three weeks.
- D. A Food Vendor may display one advertising sign, not to exceed 16 square feet, and one menu sign, not to exceed 16 square feet.
1. Signs may not contain lights or be lighted.
  2. Signs or menus attached to or permanently painted on a food truck or trailer are not regulated.
  3. No other temporary signs or attention gathering devices are permitted to be displayed by Food Vendors.
- E. Food Vendors shall comply with the following site arrangement and safety precautions. To determine compliance with these standards, zoning staff may require that a site plan, application and fee for a temporary use be submitted and approved prior to a Food Vendor setting up at a Location, or if problems are identified after setup.
1. Food Vendor equipment and vehicles may conduct operations in parking lots, unused portions of lots, or empty lots, but may not interfere with parking, circulation, driveway entrances and exits, sight lines or entrances to other businesses.
  2. A ten foot setback from the right of way shall be maintained for all items associated with the Food Vendor.
  3. Food Vendors and equipment may occupy parking areas, but sufficient parking for customer traffic for the Food Vendor as well as any existing businesses at the Location must remain.
  4. Temporary tables and chairs may be setup by the Food Vendor, subject to these same rules.
  5. Food Vendors shall be able to demonstrate compliance with applicable fire and health authority rules and permitting. Necessary permits shall be produced if requested.
- F. Food Vendors must obtain and produce if requested written permission of the property owner for the premises on which they locate. If permission cannot be produced, the Food Vendor shall cease operations at the premises.
- G. Food Vendors are not required to obtain a Temporary Use Permit as specified in this Chapter if they remain in compliance with these regulations. However, if determined to be noncompliant or if determined to be necessary by zoning staff for

safety review, a Zoning Certificate for a Temporary Use under this Chapter will be required.

- H. Subject to subsection 21.04G, Food Vendor regulations specified herein are not applicable to:
  - 1. Sales occurring on public roads, such as with traditional ice cream trucks;
  - 2. Food Vendors associated with and located on the same premises as a permanent restaurant, brewery or tavern;
  - 3. Food Vendors serving an active construction site;
  - 4. Food Vendors invited by a business, nonprofit or civic organization to serve its employees or patrons at its premises;
  - 5. Food Vendors participating in festivals or special events;
  - 6. Activities exempt under Ohio law;
  - 7. Door to door sales or home deliveries.
  
- I. The following definitions apply to the regulations contained within this Chapter:
  - 1. Food Vendor – an adult person or business selling food, beverages or food novelties not in a permanent building, such as from a truck, stand or trailer;
  - 2. Appear or Appearance – the presence of a Food Vendor or Food Vendor equipment, whether operating or not;
  - 3. Location – the premises where a Food Vendor makes an Appearance, or any place within a one-half mile radius thereof.