



Outdoor Sales Information

Planning

City-County Development Services Center

101 City Hall Plaza, Durham, NC 27701 | <https://dsc.durhamnc.gov> | 919-560-4137

1. GENERAL INFORMATION

Outdoor sales is a broad category of commercial activities that include garage or yard sales, food trucks, pushcarts, and stands with tables and/or tents. Some outdoor sales are allowed in the public right-of-way, and others on private property. Each of these types of outdoor sales has its own set of rules.

2. FOOD TRUCKS

Food trucks are allowed to operate both in the public right-of-way and on private property, in commercial and design zoning districts, following the rules below. In addition, the Durham County Health Department has requirements and requires a separate application (see section 10 for contact information).

Food trucks can operate **without any permits** or approvals when:

- a. The truck is located on a construction site; or
- b. The truck is located in the Downtown Design zoning district; or
- c. The truck is located elsewhere, but is the only food truck on the parcel at the time, and is there for no more than four hours a day.

Food trucks must obtain a **Temporary Use Permit** (valid for up to 90 days in any given year) when:

- a. More than one food truck is located on a parcel at a time; and/or
- b. The truck stays on the same parcel for longer than four hours a day.

Food trucks must complete a **Street Vendor Registration** when the truck is located in the public right-of-way, such as in on-street parking or loading spaces. The following additional rules apply in these situations:

- a. A truck may only occupy one on-street parking space;
- b. Applicable parking meter rates must be paid and time limits apply;
- c. Seating (tables and chairs) for customers is not allowed;
- d. Containers for trash and recycling must be provided within 15 feet of the truck;
- e. Awnings attached to the truck are allowed, but tents are prohibited;
- f. Access to and from the street and driveways must be maintained;
- g. A minimum of four feet of clear space (five feet in downtown) must be maintained for pedestrians on the sidewalk;
- h. Trucks are not allowed to be located within 50 feet of a restaurant entrance or outdoor dining area (when the restaurant is open) without the restaurant's permission;
- i. Trucks are not allowed to be located within 20 feet of bank entrances or exits;
- j. Trucks are not allowed to be located within 10 feet of street intersections, crosswalks, bus shelters, taxi stands, building entrances and exits, fire stations, police stations, and fire hydrants;
- k. Trucks are not allowed to be located within a 10-foot by 40-foot area starting at any bus stop sign (see diagram on next page); and
- l. Only one moveable, freestanding sign, no larger than 2½ feet by 4 feet is allowed.

3. PUSHCARTS

Pushcarts are allowed to operate both in the public right-of-way and on private property, in commercial and design zoning districts, following the rules below. In addition, the Durham County Health Department has requirements and requires a separate application (see section 10 for contact information).

Pushcarts can operate **without any permits** or approvals when:

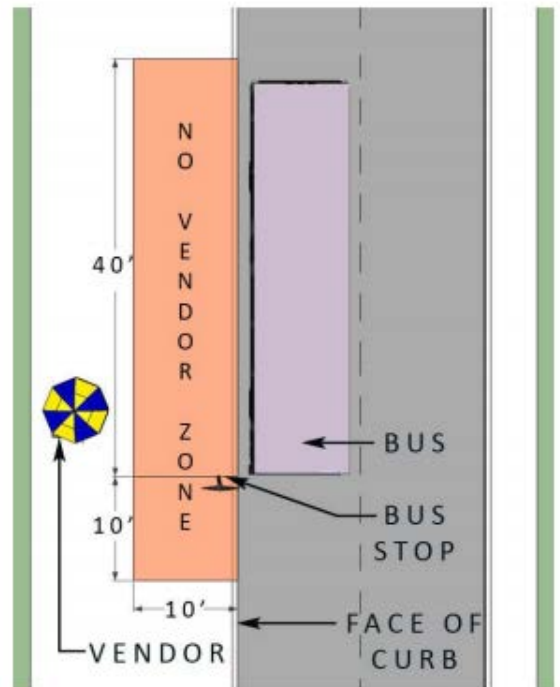
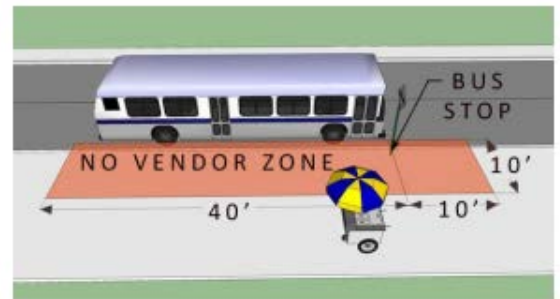
- a. The cart is located on a construction site; or
- b. The cart is located in the Downtown Design zoning district; or
- c. The cart is located elsewhere, but is the only cart on the parcel at the time, and is there for no more than four hours a day.

Pushcarts must obtain a **Temporary Use Permit** (valid for up to 90 days in any given year) when:

- a. More than one cart is located on a parcel at a time; and/or
- b. The cart stays on the same parcel for longer than four hours a day.

Pushcarts must complete a **Street Vendor Registration** when the cart is located in the public right-of-way, on a sidewalk. The following additional rules apply in these situations:

- a. Seating (tables and chairs) for customers is not allowed;
- b. Containers for trash and recycling must be provided within 15 feet of the cart;
- c. Umbrellas attached to the cart are allowed, but tents are prohibited;
- d. Access to and from the street and driveways must be maintained;
- e. A minimum of four feet of clear space (five feet in downtown) must be maintained for pedestrians on the sidewalk at all times;
- f. Carts are not allowed to be located within 10 feet of other pushcarts;
- g. Carts are not allowed to be located within 50 feet of a restaurant entrance or outdoor dining area (when the restaurant is open) without the restaurant's permission;
- h. Carts are not allowed to be located within 20 feet of bank entrances or exits;
- i. Carts are not allowed to be located within 10 feet of street intersections, crosswalks, bus shelters, taxi stands, building entrances and exits, fire stations, police stations, and fire hydrants;
- j. Carts are not allowed to be located within a 10-foot by 40-foot area starting at any bus stop sign (see diagram); and
- k. One moveable, freestanding sign, no larger than 2½ feet by 4 feet is allowed.



4. OTHER MOBILE VENDORS

Other types of mobile vendors are allowed to operate both in the public right-of-way and on private property, in commercial and design zoning districts, if they follow the rules below. In addition, the Durham County Health Department has requirements and requires a separate application (see section 10 for contact information).

Mobile vendors can operate **without any permits** or approvals when:

- a. The mobile vendor is the only vendor on a parcel at the time;
- b. The mobile vendor is there for no more than four hours a day (this does not apply to vendors selling home-grown produce); and
- c. The outdoor sales area cannot exceed 400 square feet of space, unless only pumpkins, Christmas trees or fireworks are being sold.

Mobile vendors must obtain a **Temporary Use Permit** (valid for up to 90 days in any given year) when:

- a. The mobile vendor stays on the same parcel for longer than four hours a day; and/or
- b. More than one mobile vendor is located on a parcel at a time (such as a seasonal outdoor market).

A **Site Plan** is required for outdoor markets that operate year-round in the same location. Consultation with Planning Department staff is recommended to determine applicable requirements.

5. FARMERS' MARKETS

Farmers markets are allowed in any nonresidential district and in residential districts only when located on properties used for education, places of worship, parks, community service, or government services. Farmers' markets can be allowed with one of the following approvals.

A **Temporary Use Permit** is intended for farmers' markets where no physical improvements are proposed to be built. In this case the permit is valid for one year and has the following requirements:

- a. A manager must be present on-site at all times the market is open;
- b. Vendors must produce the items sold, which are limited to food, beverage, farm products and/or value-added farm products;
- c. Containers for trash and recycling must be provided and the property must be clean when the market is not in operation;
- d. Markets may be open for business a maximum of 5 hours per day, between 7:00 a.m. and 9:00 p.m. (1½ hours are allowed before and after for setup and take down);
- e. Markets may only be open two days per week; an additional day per week or 2 hours per day is allowed three times a year for holidays or special events;
- f. One temporary sign is allowed per street frontage and does not require a sign permit; the sign must be 24 square feet or less in area and only displayed during hours of operation; and
- g. Outdoor market parking must be provided in the amount specified per Unified Development Ordinance section 10.3.1B.

A **Site Plan** is required for farmers' markets where physical improvements are to be built. Consultation with Planning Department staff is recommended to determine applicable requirements.

6. CHRISTMAS TREE LOTS

Christmas tree lots are allowed in nonresidential zoning districts without any permits or approvals and in residential zoning districts with a **Temporary Use Permit**. They are limited to 60 days of operation.

7. GARAGE OR YARD SALES

Garage or yard sales are allowed in residential zoning districts, **without any permits** or approvals if they follow the rules below.

- a. Sales can only occur during daylight hours;
- b. Sales can only last two consecutive days; and
- c. Each property can have no more than one sale every three months.

Sales that do not meet the requirements are allowed with a **Temporary Use Permit**.

8. OUTDOOR DISPLAYS FOR BUSINESSES IN BUILDINGS

Businesses may display products for sale outside of their building through approval of a **Site Plan**, if they follow the rules below:

- a. Displays can only be outdoors during the hours the business is open;
- b. The display area has to be at least five feet away from any public entrance;
- c. The display area cannot occupy more than 50% of the building frontage;
- d. Displays cannot block sidewalks or parking areas; and
- e. Displays cannot be located in the public right-of-way, except in downtown.

If the display is for an agricultural business only items 4 and 5 above apply, and a site plan is not required.

9. RESOURCES TO CONTACT

For Street Vendor Registrations, Temporary Use Permits or Site Plans:

Development Services Center
Durham City-County Planning Department
101 City Hall Plaza
Durham, NC 27701
919.560.4137
https://dsc.mojohelpdesk.com/login/create_request#/ticket-form/32468

For food preparation inspections and food truck and pushcart inspections:

Durham County Health Department
Environmental Health Division
414 E. Main Street
Durham, NC 27701
919.560.7800
<https://www.dcopublichealth.org/services/environmental-health/forms-applications>

For approval for home-based food preparation (such as baked good and jellies):

N.C. Department of Agriculture and Consumer Services
Food and Drug Protection Division
4000 Reedy Creek Road
Raleigh, NC 27607
919.733.7366
<http://www.ncagr.gov/fooddrug/index.htm>