

SECTION 12

TEMPORARY USES

12.1 GENERAL PROVISIONS:

- 12.1-1 *Authorized Temporary Uses:* Authorized temporary uses are listed in the Temporary Use Chart at the end of this Section 12.
- 12.1-2 *Construction:* A temporary use shall not involve the construction or alteration of any permanent structure.
- 12.1-3 *Prohibitions:* No temporary use shall infringe on public safety, cause traffic interference or congestion, block pedestrian access, block access to a fire department connection or fire lane, or create undue adverse effects on neighboring properties.
- 12.1-4 *Access requirements:* No temporary use shall reduce a drive aisle or access aisle below the minimum distance as required in Section 18, Off-Street Parking and Loading.
- 12.1-5 *Parking Requirements:* No temporary use shall be authorized that would reduce the amount of off-street parking spaces more than 10% below the required number of spaces in relation to the permanent uses located on the zoning lot.
- 12.1-6 *Restoration and Clean Up:* Upon termination of a temporary use, the applicant shall clean up the area where the use was located and restore it to at least, if not better than, the condition that it was in prior to the establishment of the temporary use. The applicant shall make any repairs to the property from damage inflicted by the temporary use.

12.2 APPLICATION AND APPROVAL:

An application for a temporary use permit must be filed with the Community Development Department in advance of the beginning of the proposed use. To determine whether the applicant will meet the standards set forth in this Section, the applicant shall submit the following information:

1. A survey or site plan of the property to be used, rented or leased for the temporary use, including all information necessary to accurately locate and portray the location of the proposed temporary use.
2. A written description of the proposed temporary use and period of time requested for the use.
3. Sufficient information to determine that yard requirements, sanitary facilities, vehicle and pedestrian access, signage and parking spaces are adequately provided for.
4. Such other information and certification as may reasonably be required by the Community Development Department to reach a determination that the proposed temporary use will comply with this Section.

If the applicant's plans do not comply with the provisions outlined in this Section 12, then the application shall be denied. If the applicant's plans comply with the provisions of this section, then the Community Development Department may grant approval of the application. If at any time during operation of the temporary use the use fails to comply with this Section 12, then approval shall be deemed immediately revoked and the temporary use shall be terminated immediately.

No temporary use shall be approved if such use would conflict with a previously approved temporary use.

12.3 SPECIAL TEMPORARY USES:

The following outdoor uses are considered special temporary uses and shall require approval of a Special Event Permit by the Village Board in accordance with Chapter 20 of the Lake in the Hills Municipal Code instead of a Temporary Use Permit.

1. Carnivals, circuses, car shows, races, and parades;
2. The following events when the number of persons will exceed 100; tent meetings, exhibitions, fairs, shows, musical performances, speeches, rallies, plays, and motion pictures;
3. Any event on residential property that is operated for profit and when the number of persons will exceed 100.

12.4 Temporary Use Chart

| Permitted Temporary Use | Zoning District | Time Limited | Number Limited | Parking | Additional Limitations |
|----------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|-----------------------------------------------------|-------------------------------|
| Outdoor craft shows or sales, art shows or sales, rummage sales, and any other outdoor exhibits or sales | B-2, B-3, B-4, M-1 | Maximum of 4 consecutive days | No more than 2 times in a 12 month period. | As required by the type of business; see Section 18 | Regular business hours |
| Farm Product Sales | A-1, B2, B-3, B-4, M-1 | Maximum of 8 consecutive hours | No more than 5 sales per 7-day period. No more than 16 7-day periods per year. | Minimum 5 spaces | Seller produced goods only |
| Christmas tree sales | All B districts, M-1 | Maximum of 45 consecutive days | 1 per year | Minimum 8 spaces | 8 a.m. to 9 p.m. |
| Contractors' offices & equipment sheds | Any use district; must be accessory to construction project | Not to exceed duration of the active construction phase of such project or 1 year, whichever is less. | | Minimum 5 spaces | Limited to construction hours |
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| Permitted Temporary Use | Zoning District | Time Limited | Number Limited | Parking | Additional Limitations |
|-------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|----------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|
| Employment/ recruiting offices | Any use district; must be accessory to a building or tenant space under construction | Until Certificate of Occupancy for building/tenant space is issued or for 60 consecutive days, whichever comes first | | Minimum 1 space for every employee on premises, plus 1 space per 300 square feet | 8 a.m. to 9 p.m. |
| Membership sales offices | Any use district; must be accessory to a building or tenant space under construction | Until Certificate of Occupancy for building/tenant space is issued or for 60 consecutive days, whichever comes first | | 1 space per 300 square feet | 8 a.m. to 9 p.m. |
| (On site) real estate offices, in- cluding model units | Any use district; must be accessory to a new development. | Not to exceed period of active selling/leasing of units or space or to activities related to the development in which such office is located. | | Minimum 5 spaces | No such office shall serve as a general office or headquarters of any firm. 9 a.m. to 8 p.m. |
| Outdoor display of seasonal goods for retail sale | B-1, B-2, B-3, B-4 | Maximum of 90 consecutive days | No more than 2 times in a 12 month period. | | 1 2 3 4 |
| Outdoor service areas | B-3, B-4, B-5 | Maximum of 120 consecutive days. | | | 2 4 |

| Permitted Temporary Uses | Zoning District | Time Limited | Number Limited | Parking | Additional Limitations |
|----------------------------------------|--------------------------------------------------------------|--------------------------------|-------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Portable storage/ moving containers | Any use district; must be accessory to a principal structure | Maximum of 15 consecutive days | No more than 1 unit at a time, 2 times in a 12 month period | Access to on-site parking must be maintained; no unit may be located within required parking spaces | Maximum size of 8' X 8' X 16'; must be setback 5 feet from side and rear lot lines and half the distance of the required front yard (see def.) setback from relevant lot lines; must be placed on asphalt or concrete surface |

1. The height of any display shall not exceed 5 feet and the overall display area shall not exceed 5% of the parking lot/access drive area, where the outdoor display is located. The outside storage of materials cannot be located where there is a designated area for turning radii for vehicles, trucks and fire equipment.
2. Adequate sidewalk width shall be maintained for pedestrian access per Fire District guidelines and shall not be reduced under 3 feet.
3. If the outdoor display is limited to the sidewalk/walkways associated with a business, there shall be no time limits on the display.
4. No outdoor display area or outdoor dining area shall be situated on any landscaped area.