

Sec. 23-54. Temporary uses and structures.

(a) **Purpose.** This section is intended to provide for the regulation and control of temporary uses and temporary structures that occur on private property on an intermittent basis or for a specific period of time, not intended to become a permanent use or structure. This section ~~administrative procedure will assure~~ ensure that standards are addressed and that the temporary use or temporary structure will not have a negative impact on adjacent properties and neighborhoods.

~~—(b) **Permit required.** All temporary uses and structures shall obtain a temporary use permit pursuant to the procedures set forth in this section prior to the establishment of a temporary use or structure, unless otherwise stated in this section.~~

~~—(c) **Permit applications and fees.** Application for a temporary use or structure shall be filed with the Community Development Director on forms available in the Community Development Department. Each application shall be accompanied by:~~

- ~~(1) A site plan drawing, drawn to scale, showing the property lines and dimensions, location of all existing and proposed structures/buildings, parking lot landscaping areas, on street/off street parking spaces and drive aisles, driveways, location, size and setback dimensions to property lines of the proposed temporary use and/or structure.~~
- ~~(2) Other information and plans as may be required by the Community Development Director to determine whether a temporary use/structure permit application should be approved, conditionally approved, or denied. The Community Development Director may also authorize omission of any information or plans if he or she finds they are not necessary.~~
- ~~(3) Permit fee. The fee for a temporary use/structure permit shall be established by the Common Council and is on file in the Office of the City Clerk.~~

~~—(d) **Action upon acceptance of a permit application.**~~

- ~~(1) After acceptance of a complete application, the Community Development Director shall forward each application for a temporary use or temporary structure to the City Clerk's Office, Inspections Division, Fire Department, Health Department, Police Department, and Public Works Department Engineering Division. An authorized representative from each department shall review each application for a temporary use or temporary structure, insofar as the application relates to their respective department's duties based upon the City of Appleton Municipal Code, to determine whether the application for a temporary use or temporary structure complies with the ordinances and laws applicable thereto. These representatives shall furnish the Community Development Director, in writing, their recommendation as to whether an application for a temporary use or temporary structure should be approved, approved conditionally, or denied within five (5) business days after the application has been accepted by the Community Development Director.~~
- ~~(2) Within ten (10) business days after acceptance of a complete application and after notification to the City departments listed above, the Community Development Director shall approve, approve with conditions, deny such temporary use, or temporary structure permit.~~
- ~~(3) If there is recommendation for denial, the Community Development Director shall reject such temporary use or temporary structure permit in writing to the applicant stating the reasons for denial.~~

~~—(e) **Time limits on permit applications.** All temporary uses and structures shall be confined to the dates specified by the Community Development Director, on the temporary use permit.~~

~~—(f) **Violations; penalty.** Failure to comply with the approved or conditionally approved temporary use permit or the provisions of this chapter, or failure to obtain a temporary use permit shall be a violation of this section. Administration and enforcement shall be as prescribed in §23-69 of this chapter.~~

(gb) **General standards.** All temporary uses and structures shall meet the following requirements:

- (1) **Lot and setback requirements.**

- a. A temporary use and/or temporary structure shall not occur or be placed on a vacant lot, unless otherwise stated in this section.
- b. A temporary use and/or temporary structure shall comply with the minimum front, rear and side yard setback requirements for the principal structure (development standards) of the zoning district in which the temporary use or temporary structure is located, unless otherwise stated in this section.
- c. A temporary use and/or temporary structure shall not be placed in an area intended for emergency service vehicles.
- d. A temporary use and/or temporary structure that is located in a parking lot shall not occupy more than forty percent (40%) of the available parking spaces for the principal use(s).
- e. A temporary use and/or temporary structure shall not impede the vehicular traffic circulation or the movement of emergency vehicles on the lot.
- f. A temporary use and/or temporary structure shall not be placed in the required interior or perimeter parking lot landscaping areas.

(2) **Outdoor lighting.** The minimum regulations of §23-53, Outdoor lighting shall be complied with.

(3) **Parking spaces.** All required parking spaces shall be provided on the same lot with the temporary use, unless otherwise stated in this section. The number of parking spaces required for the temporary use is based on parking requirements for the most similar use type listed under §23-172 of this chapter, unless otherwise stated in this section. However, due to the primary pedestrian orientation of the Central Business District (CBD), the off-street parking requirements are not required for temporary uses located in the CBD. In addition, the number of off-street parking and loading spaces required are reduced by fifty percent (50%) for uses in the C-1 district.

(4) **Food sales.** Food sales shall be licensed and operated under valid City of Appleton Health Department permits pursuant to the Municipal Code and state laws.

(5) **Sanitary facilities.** Sanitary facilities, either portable or permanent, shall be made available to all employees, attendants and participants of the temporary use or temporary structure during its operation hours, as determined and required by the Inspections Supervisor.

(6) **Other code requirements.** The applicant shall apply for and receive all applicable permits and licenses pursuant to the Municipal Code prior to establishing a temporary use and/or temporary structure on a lot.

(7) **Cleanup.** The site shall be completely cleaned of unsold merchandise, debris and temporary structures including, but not limited to: trash receptacles, signs, stands, poles, electrical wiring or any other fixtures and accessories or equipment connected therewith, after the termination of the temporary use or temporary structure.

(h) **Temporary uses.** The following temporary uses may be permitted as specified:

(1) **Outdoor sale of seasonal agricultural products.**

- a. Permitted zoning districts: AG, P-I, C-1, C-2 or CBD.
- b. Outdoor sales of seasonal agricultural products may be allowed on a lot for no more than one hundred twenty (120) total days per calendar year.
- c. The provision for parking spaces shall be provided on the same lot with the temporary use and/or on-street, pursuant to the requirements of §23-54(b)(3). ~~except the provision for parking spaces are not required for temporary uses located in the Central Business District (CBD).~~
- d. Outdoor sale of seasonal agricultural products are exempt from the setback requirements of §23-54(b)(1)b, except that no outdoor sale of seasonal agricultural products, shall be located within the vision corner, pursuant to §23-50, of this chapter.

- e. Temporary structures associated with the temporary use shall comply with the standards of this section.

(2) Outdoor Christmas tree sales lot (including incidental sale of Christmas related items).

- a. Permitted zoning districts: AG, R-1A, R-1B, R-1C, R-2, R-3, P-I, C-1, C-2, or CBD.
- b. Outdoor Christmas tree sales lot (including incidental sale of Christmas related items) may be allowed on a lot for no more than forty-five (45) total days per calendar year.
- c. The provision for parking spaces shall be provided on the same lot with the temporary use and/or on-street, pursuant to the requirements of §23-54(b)(3), ~~except the provision for parking spaces are not required for temporary uses located in the Central Business District (CBD).~~
- d. Hours of operation for an outdoor Christmas tree sales lot (including incidental sale of Christmas related items) shall be limited to 8:00 a.m. to 8:00 p.m. when placed on a residential zoned lot or associated with a residence.
- e. Outdoor Christmas tree sales lot (including incidental sale of Christmas related items) are exempt from the setback requirements of §23-54(~~gb~~)(1)b, except that no outdoor Christmas tree sales lot (including incidental sale of Christmas related items) shall be located within the vision corner, pursuant to §23-50, of this chapter.
- f. Temporary structures associated with the temporary use shall comply with the standards of this section.

(3) Outdoor fireworks sales.

- a. Permitted zoning districts: C-1, C-2 or CBD.
- b. ~~b. Outdoor fireworks sales may be allowed on a lot for no more than sixty (60) total days per calendar year. Outdoor fireworks sales may be allowed on a lot pursuant to the timeframe listed on the fireworks vendor license issued by the City Clerks Office.~~
- c. The provision for parking spaces shall be provided on the same lot with the temporary use and/or on-street, pursuant to the requirements of §23-54(b)(3), ~~except the provision for parking spaces are not required for temporary uses located in the Central Business District (CBD).~~
- d. Outdoor fireworks sales are exempt from the setback requirements of §23-54(~~gb~~)(1)b, except that no outdoor fireworks sales shall be located within the vision corner, pursuant to §23-50, of this chapter.
- e. Temporary structures associated with the temporary use shall comply with the specific regulations of this section.

(4) Rummage sales.

- a. Permitted zoning districts: Any district when incidental to a residential dwelling.
- b. ~~No temporary use permit is required pursuant to §23-54(b).~~ - Provision for parking spaces is not required for rummage sales.
- c. Rummage sales may be allowed on a lot for no more than three (3) consecutive days and ~~that~~ no lot shall be used for more than three (3) such sales in one (1) calendar year.
- d. The display of rummage sale items are exempt from the setback requirements of §23-54(~~gb~~)(1)b, except that no rummage sale items shall be displayed and/or sold within the vision corner, pursuant to §23-50, of this chapter.

e. Temporary structures associated with the temporary use shall comply with the standards of this section.

(5) ***Outdoor temporary merchandise sales other than outdoor seasonal agricultural products, outdoor Christmas tree sales, outdoor firework sales/stands, rummage sales and outdoor farmers markets.***

a. Permitted zoning districts: C-1, C-2 or CBD.

~~b. No more than four (4) temporary use permits per lot shall be issued per calendar year.~~

~~b.e. Outdoor temporary merchandise sales may be allowed on a lot for no more than five (5) consecutive days and no lot shall be used for more than four (4) such sales per one (1) calendar year. The maximum time limit per temporary use permit shall be five (5) days.~~

~~c. d. The provision for parking spaces shall be provided on the same lot with the temporary use, pursuant to the requirements of §23-54(b)(3), except the provision for parking spaces are not required for temporary uses located in the Central Business District (CBD).~~

~~d. e. Outdoor temporary merchandise sales are exempt from the setback requirements of §23-54(b)(1)b, except that no outdoor temporary merchandise sales shall be displayed and/or sold within the vision corner, pursuant to §23-50, of this chapter.~~

~~e. f. Temporary structures associated with the temporary use shall comply with the standards of this section.~~

(6) ***Outdoor farmers market.***

a. Permitted zoning districts: AG, P-I, C-1, C-2 or CBD.

b. Outdoor farmers market may be allowed on a lot pursuant to the dates listed on the farmers market license issued by the City Clerks Office. ~~Outdoor farmers market may be allowed on a lot for no more than one hundred twenty (120) total days per calendar year.~~

c. The provision for parking spaces shall be provided on the same lot with the temporary use, pursuant to the requirements of §23-54(b)(3). ~~except the provision for parking spaces are not required for temporary uses located in the Central Business District (CBD).~~

d. Outdoor farmers markets are exempt from the setback requirements of §23-54(~~gb~~)(1)b, except that no outdoor farmers market shall be located within the vision corner, pursuant to §23-50, of this chapter.

e. Temporary structures associated with the temporary use shall comply with the specific regulations of this section.

(7) ***Temporary model home sales office.***

a. Permitted zoning districts: R-1A, R-1B, R-1C, R-2 or R-3.

~~b. No temporary use permit is required pursuant to §23-54(b).~~

~~b.e.~~ Temporary model home sales offices may be allowed on a lot for the purpose of promoting the sale, or rental of dwellings and/or lots, which are located only within the same residential development or subdivision for a period of three (3) years.

~~c.d.~~ The provision for parking spaces shall be provided on the same lot with the temporary use and/or on-street, pursuant to the requirements of §23-54(b)(3). ~~except the provision for parking spaces are not required for temporary uses located in the Central Business District (CBD).~~

~~d.e.~~ There is no more than one (1) temporary model home sales office in the residential development or subdivision.

~~e.f.~~ The temporary model home sales office shall be designed as a permanent dwelling that meets all relevant requirements of the Municipal Code.

~~f.g.~~ The temporary model home sales office will be converted to residential use after it is used as a temporary model home sales office.

(8) *Mobile food vendor*

a. Permitted zoning districts: P-I, C-O, C-1, C-2, CBD, M-1, or M-2.

b. Outdoor food vendor sales may be allowed on a lot for no more than one hundred twenty (120) total days per calendar year.

c. The provision for parking spaces shall be provided on the same lot with the temporary use, pursuant to the requirements of §23-54(b)(3).

d. Outdoor food vendor sales are exempt from the setback requirements of §23-54(b)(1)b, except that no outdoor food vendor sales shall be located within the vision corner, pursuant to §23-50, of this chapter.

e. Temporary structures associated with the temporary use shall comply with the specific regulations of this section.

(d) *Temporary structures.* The following temporary structures may be permitted as specified:

(1) *Temporary contractor's offices.*

a. Permitted zoning districts: Any district when associated with a construction project.

b. ~~No temporary use permit is required pursuant to §23-54(b).~~ Provision for parking spaces is not required for temporary contractor's offices.

c. Temporary contractor's offices may be located on a lot or vacant lot where there is a valid building permit issued for a permanent structure.

d. Temporary contractor's offices shall be removed from the site upon issuance of a certificate of occupancy permit or upon occupancy of the permanent structure.

e. Temporary contractor's offices shall be setback at least ten (10) feet from any property line.

f. Temporary contractor's offices shall not be located within the vision corner, pursuant to §23-50, of this chapter.

(2) *Tents or canopies.*

a. Permitted zoning districts: Any district when associated with any permitted temporary use not including temporary model home sales office.

~~1. No temporary use permit is required pursuant to §23-54(b).~~

~~12.~~ The maximum time limit shall be equal to the allowable time period for the temporary use, where such tent is incidental to the temporary use.

~~2.3.~~ Tents or canopies shall not be located within the vision corner, pursuant to §23-50, of this chapter.

b. Permitted zoning districts: C-1, C-2, CBD, M-1, or M-2 district when associated with an outdoor display.

~~1. No temporary use permit is required pursuant to §23-54(b).~~

~~1.2.~~ The maximum time limit shall be equal to the allowable time period for the outdoor display, where such tent is incidental to the outdoor display.

~~2.3.~~ Tents or canopies shall not be located within the vision corner, pursuant to §23-50, of this chapter.

(3) *Portable storage units.*

a. Permitted zoning districts: Any district when incidental to a residential dwelling.

~~1.~~ No temporary use permit is required pursuant to §23-54(b).

~~1.2.~~ A maximum of four (4) portable storage units not exceeding a cumulative gross floor area of two hundred (200) square feet shall be permitted on a lot for no more than sixty (60) total days per calendar year.

~~2.3.~~ The portable storage unit shall be placed on an impervious surface.

~~3.4.~~ The portable storage unit shall not be located within the vision corner, pursuant to §23-50, of this chapter.

~~4.5.~~ Portable storage units shall not be used for the purposes of a garage or shed.

b. Permitted zoning districts: P-I, C-O, C-1, C-2, CBD, M-1 or M-2.

~~1.~~ No more than three (3) temporary use permits per business shall be issued per calendar year.

~~1.2.~~ Two (2) portable storage units shall be the maximum allowed per lot temporary use permit.

~~2.3.~~ Portable storage units may be allowed on a lot for no more than thirty (30) consecutive days and no lot shall be used for more than three (3) times per one (1) calendar year. The maximum time limit per temporary use permit shall be thirty (30) days.

~~3.4.~~ Portable storage units shall be placed on an impervious surface.

~~4.5.~~ Portable storage units may be placed on a lot within a designated loading space or shall be placed on a lot pursuant to §23-54(~~g~~b), of this chapter.

(4) *Temporary structures other than tents, canopies, temporary contractor's offices, or portable storage units.*

a. Permitted zoning districts: Any district.

b. Temporary structures may be located on a lot provided the use occupying a temporary structure is listed as a principal permitted use or special use in the underlying zoning district.

c. The maximum time limit of the temporary structure other than a tent, canopy, temporary contractor's office, or portable storage unit permit shall be equal to the allowable time period for the temporary use, where such temporary structure is associated with a temporary use.

d. Except as set forth in §23-54(~~id~~d)(4)c, the maximum time limit ~~of the permit~~ for a temporary structure may ~~be approved for a period~~ not to exceed six (6) months per calendar year.

e. Temporary structures shall not be placed or located on pervious surfaces.

f. Temporary structures shall not be located within the vision corner, pursuant to §23-50 of this chapter.

(c) **Other temporary uses or temporary structures.** The Community Development Director may determine that an unlisted temporary use or temporary structure may be allowed if it is similar in character to other temporary uses or temporary structures listed in this section and meets the intent of this ordinance.

Table 3. Permitted Temporary Uses and Structures by Type and Zoning District.

Temporary Use Type	AG	R-1A R-1B R-1C R-2 R-3	NC	P-I	C-O	C-1	C-2	CBD	M-1	M-2	P
Outdoor sales of Seasonal Agricultural Products	<u>AP</u>	*	*	<u>AP</u>	*	<u>AP</u>	<u>AP</u>	<u>AP</u>	*	*	*
Outdoor Farmers Market	<u>AP</u>	*	*	<u>AP</u>	*	<u>A*</u>	<u>AP</u>	<u>AP</u>	*	*	*
<u>Outdoor Food Vendor Sales</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>*</u>
Outdoor Temporary Merchandise Sales	*	*	*	*	*	<u>A*</u>	<u>AP</u>	<u>AP</u>	*	*	*
Circus and Carnival	*	*	*	S	*	*	S	*	*	*	*
Rummage sales, when incidental to a residential dwelling	A	A	A	A	A	A	A	A	A	A	A
Outdoor Christmas tree sales lot	<u>AP</u>	<u>AP</u>	*	<u>AP</u>	*	<u>AP</u>	<u>AP</u>	<u>AP</u>	*	*	*
Outdoor Fireworks sales	*	*	*	*	*	<u>AP</u>	<u>AP</u>	<u>AP</u>	*	*	*
Temporary Model Home sales office	*	A	*	*	*	*	*	*	*	*	*
Temporary structures	<u>AP</u>	<u>PA</u>	<u>PA</u>	<u>PA</u>	<u>PA</u>	<u>PA</u>	<u>PA</u>	<u>PA</u>	<u>PA</u>	<u>PA</u>	<u>PA</u>
Temporary Construction Contractor's Offices Trailers	A	A	A	A	A	A	A	A	A	A	A
Portable storage unit when incidental to a residential dwelling	A	A	A	A	A	A	A	A	A	A	A
Portable storage unit	*	*	*	<u>AP</u>	<u>AP</u>	<u>PA</u>	<u>PA</u>	<u>PA</u>	<u>PA</u>	<u>PA</u>	*
Tents/canopies when associated with temporary use	A ¹	A ¹	A ¹	A ¹	A ¹	A ¹	A ¹	A ¹	A ¹	A ¹	A ¹
Tents/canopies when associated with outdoor display	*	*	*	*	*	A ¹	A ¹	A ¹	<u>A¹*</u>	A ¹	*

* = Temporary use type not allowed

A = Allowed ~~without a temporary use permit.~~

A¹ = Allowed ~~without a temporary use permit.~~ **However, Tents greater than 200 square feet and Canopies greater than 400 square feet require a permit from the Appleton Fire Department.**

~~P = Temporary use permit required~~

~~S = Special Use Permit Required~~

(Ord 145-08, §1, 10-7-08 (repealed and recreated entire §23-54))