

Village of Wilmette Temporary Use Application Handbook

When is a Temporary Use Permit Required?

Any temporary use, structure or activity that is not a permitted use or a special use in a particular Zoning district cannot be conducted or erected without a temporary use or *structure* permit issued by the Board of Trustees or the Director of Community Development.

A Temporary Use is requested for such commercial events as sidewalk sales, carnivals, festivals, fun runs, and open houses.

If you are unsure if your event requires a Temporary Use permit or if you need more information on the development process, please contact the **Community Development Department** at (847) 853-7550.

APPLICATION SUBMISSION

The following items must be submitted to the Community Development in order to request review of your project.

- Pre-Application Meeting. Although this step is optional, it is highly recommended that you schedule a meeting with the Department of Community Development to discuss your proposal and to clarify the process as it pertains to *your* request.
- Application Checklist and Form. Attached is the application form and checklist (pages 3-4 of this booklet).
- Filing Fee. For those events lasting longer than five (5) days, a filing fee is required. Please consult the department fee schedule.
- Letter to the Community Development Department. The letter should contain a brief description of the request, including purpose of the event, dates and times, staffing, anticipated vendors, parking, and any other information relevant to the proposed temporary use.
- Plans. If applicable, please submit a site plan indicating the location and layout of the event in a format no larger than 11" x 17".
- Application Deadline. For requests that do not require public notice, please submit your application a minimum of three weeks prior to the event. For requests that last more than five days and public notice is required, be submit your application a minimum of five weeks prior to the event. The pre-application meeting with staff can determine when your request will be reviewed and approved.

TEMPORARY USE APPROVAL PROCESS

How do I get a Temporary Use Permit?

Please fill out the attached application for a temporary use or structure permit and submit it to the Director of Community Development.

Are there limits on how long a Temporary Use can go on?

Yes. A temporary use is limited to a maximum of six months. An applicant who has obtained a temporary use or structure permit may request an extension of the permit period by filing a letter with the Director of Community Development stating the reasons for the request. The Director of Community Development shall transmit the letter to the Board of Trustees, which at a regular meeting may grant the request for good cause shown by the applicant.

Do I need to notify the neighbors or other affected parties about the request?

If the temporary use or structure will continue for more than five days total, you need to give written notice to the owners and occupants of all lots within 250 feet of the property lines of the lot for which the application has been filed. The Director of Community Development may require notice for structures and activities that continue for less than five days total, when the proposed structure or activity is of such scope or magnitude that the surrounding neighborhood might be impacted by temporarily increased traffic, parking, noise, artificial sound or lighting or other affects. Notice would be required in the same manner as required for structures and activities exceeding five days total.

- **Notice Delivery Method:** The notices shall be delivered by hand or by mail. Any notice delivered by hand shall be given to the person entitled to it or a member of that person's household over the age of 13. In the case of a corporation, the notice may be given to any officer, manager, or registered agent; and in the case of a partnership, to any general partner or manager. Any notice that is delivered by mail shall be sent to the person's last known address by first class mail, postage pre-paid. Copies of a written notice will be provided to you.
- **Timing:** The notices shall be delivered or mailed not more than 45 days nor less than ten days in advance of the meeting of the Board of Trustees where the request will be considered,
- **Proof of Notice:** A sworn affidavit must be filed with the Director of Community Development at least five days in advance of the scheduled meeting date, exclusive of the date of the meeting itself. The affidavit consists of a complete list of the names and last known addresses of the persons entitled to the notice and the method by which notice was delivered to each of them. An affidavit form will be provided to you.

Are there other permits I need to obtain?

If a tent or tents is part of the request, a separate tent may be required. Contact the Community Development Department for more information. If the event is take place on public property, a Public Demonstration permit must be issued by the Management Services Department. Please see the checklist on page 3 for a list of other possible issues with a temporary use or structure.

All correspondence should be addressed to the Assistant Director of Community Development, Village of Wilmette, 1200 Wilmette Avenue, Wilmette, IL 60091.

Checklist for Temporary Use Application

Please check all that apply and contact the department(s) listed. Also, please address in your application letter any aspects below that apply to your request.

Activity on Public Property Please contact the deputy village clerk at (847) 853-7511

- Will the event take place on public property (street, sidewalk, Village property)? If yes, a public demonstration permit is required.

Alcohol Please contact the deputy village clerk at (847) 853-7511

- Will there be alcohol served and/or sold at your event? If yes, a temporary liquor license is required.

Animals Please contact the police department at (847) 256-1200

- Will there be any animals at/participating in your event? If yes, please contact the police department to discuss.

Dumpsters Please contact the engineering department at (847) 853-7660

- Do you require dumpsters for trash collection and removal? If yes, a dumpster permit may be required.

Food/Sanitation Please contact the sanitarian at (847) 853-7508

- Will food be prepared, cooked, and/or served at your event?
 Do you intend to provide portable toilets?
If yes, please contact the sanitarian to discuss.

Fire Safety Please contact the fire marshal at (847) 853-7693

- Does your event require an open flame, as in grilling? If yes, please contact the fire department to discuss.

Outdoor Music Performance Please contact the police department at (847) 853-7552

- Will music (either live or recorded) be played outside for your event? If yes, please contact the police department to discuss.

Raffle Please contact the deputy village clerk at (847) 853-7511

- Will your event have a raffle? If yes, a raffle license is required.

Tents Please contact the electrical inspector at (847) 853-7525

- Does your event require a tent or tents? If yes, a tent permit is required for any open sided tent in excess of 700 square feet and any enclosed tent in excess of 350 square feet. All tents must meet applicable building and fire codes. Please see the tent handbook for complete information.

Traffic Please contact the police department at (847) 853-7552

- Will any part of this event take place on public property (street, sidewalk parkway, etc)?
 Does your event require the closing of any street/intersection/alley?
 Does your event require the closing of any public sidewalk?
 Does your event require barricades/cones?
 Does your event require a police presence (traffic control, security, etc)?
If yes, please contact the police department to discuss.

Application for Temporary Use Permit Hearing

Address of Event/Structure: _____

Date/Times of Event/Structure: _____

Description of Event/Structure: _____

Describe any structures or signs to be used as part of the Event: _____

Number of anticipated attendees: _____

What provisions will you make for parking for the Event: _____

Application Letter Attached: Yes No

| | |
|--------------------------------|-------------|
| Event Sponsor | |
| Organization or Company: _____ | |
| <u>Contact Person</u> | |
| Name: _____ | |
| Address: _____ | |
| Phone Number: Business: _____ | Home: _____ |
| E-mail: _____ | Fax: _____ |

Are you the legal owner of the property? Yes No

If not, please provide the following information with the property owner's signature, or attach a signed letter of authorization.

| | |
|-------------------------------|-------------|
| Property Owners | |
| Name: _____ | |
| Address: _____ | |
| Phone Number: Business: _____ | Home: _____ |
| Signature _____ | Date _____ |

I agree that if the temporary use is approved, sales tax receipts from this event, if any, will be property reported to the State as attributable to the Village.

Petitioner's Signature _____ Date _____

Temporary uses subject to approval by the Director of Community Development

The Director of Community Development may issue a temporary use permit for a temporary use:

- (a) Which is conducted entirely indoors for no more than five (5) days, upon a finding that the temporary use complies with all other Village ordinances, and that the temporary use will not be noticeable outside of the building in which it is conducted; or,
- (b) Which is a construction trailer or an equipment storage shed, provided that, upon investigation and review by the Site Plan Review Committee, the Committee finds:
 - (1) The trailer or shed is incidental to the construction of a building or other development; and,
 - (2) The trailer or shed is located on the same lot as the building or development; and,
 - (3) The trailer or shed remains on the property no longer than the time of the construction; and,
 - (4) The trailer or shed will be located no closer than 20 feet from any other property located in a residential district; and,
 - (5) The trailer or shed will be located no closer than 3 feet away from any lot line.

Temporary uses subject to the approval of the Wilmette Village Board

The following temporary use and structures, and any other temporary uses and structures not otherwise specified shall be permitted only upon approval by the Board of Trustees and only in accordance with the standards set forth below. Additionally, the Board of Trustees may attach conditions to the issuance of the permit as are deemed appropriate and necessary in order to achieve Village purposes.

- (a) Construction trailers and equipment storage sheds, provided that:
 - (1) The trailer or shed is incidental to the construction of a building or other development; and;
 - (2) The trailer or shed is located on the same lot as the building or development, or on an abutting lot; and
 - (3) The trailer or shed remains on the property no longer than the time of construction; and
 - (4) The trailer or shed will be located no closer than 20 feet from any other property located in a residential district.
 - (5) The trailer or shed will be located no closer than 3 feet from any lot line.

- (b) Christmas tree sales lots, provided that:
 - (1) The use is located on a lot that fronts a collector or major street; and
 - (2) The use is located on a vacant lot or parking area; and
 - (3) The trees are located at least 50 feet from any structure on another lot; and
 - (4) Trees remaining on hand after December 25 shall be removed from the premises no later than December 31 of the same year; and
 - (5) A refundable bond, in an amount established by the Village Manager, is posted with the Village.
- (c) Commercial film production conducted in accordance with Chapter 5-7 of the Village Code. (see the separate commercial filming application handbook)
- (d) Carnivals, provided that:
 - (1) Trailers and other equipment do not block driveways or other points of emergency vehicular access to any property; and
 - (2) Trailers and other equipment do not block a public street, alley, or sidewalk; and
 - (3) The operation will be located entirely on private property.
- (e) Vendors' carts and stalls.
- (f) Art, craft, book, and produce markets.
- (g) Sidewalk sales.
- (h) Any temporary use or structure which continues for more than five days.
- (i) Two principal buildings, provided that:
 - (1) The existing principal building shall be demolished and removed once the new principal building is issued a Certificate of Occupancy or after one year, whichever comes sooner unless an extension has been granted by the Village Board; and
 - (2) An application shall be made in writing, upon forms provided by the Director of Community Development, and shall be filed in the office of the Director of Community Development. Such application shall contain any information which the Director of Community Development shall find necessary to allow the Village Board to make a fair determination of whether approval should be granted including but not limited to the following:
 - (i) Site Plan Showing location and setback of existing and proposed principal buildings; and

- (ii) Proof of financial ability to complete the proposed development; and
 - (iii) Utility plan; and
 - (iv) Grading and drainage plan for pre and post demolition; and
- (3) The existing principal building and proposed principal building be separated by at least 15' and that the proposed principal building and existing building have at least a 5' clear path on either side; and
- (4) The applicant seeking said permit shall submit to the Director of Community Development:
- (i) A bond, to be deposited with the Village Treasurer and not to earn interest, equal to the estimated cost of removal of the principal building as evidenced by a written estimate submitted by the applicant's contractor; and,
 - (ii) An authorization, made on a form to be provided by the Director of Community Development, by the property owner granting the Village of Wilmette, or any contractor or other party working at the direction of the Village of Wilmette, upon the failure of the property owner to demolish and remove the preexisting principal building, permission to enter the property after completion of the construction of any new principal building or after one year whichever comes sooner and demolish and remove any preexisting principal building at the property owner's expense, and apply any bond on deposit to the cost of said demolition and removal.

In the event of a property owner's failure to demolish and remove a preexisting principal building, the Village may confiscate the bond described in Section 6.5.3(i)(4)(i) and, using the proceeds thereof, exercise its rights as described in Section 6.5.3(i)(4)(ii).

In the event that the Village shall incur reasonable expenses exceeding the amount of a bond described in Section 6.5.3(i)(4)(i) in the course of exercising the rights authorized by the property owner pursuant to Section 6.5.3(i)(4)(ii), the property owner shall be liable to the Village for such additional expense.

Nothing herein shall affect or preempt the Village's ability to enforce its ordinances through citation or any other means provided for in this Code.

