

-TO AMEND SECTION 4.35.090 I. OF THE CODE: PERMIT, VARIANCE, REZONING, SPECIAL EXCEPTION, SIGN AND LAND USE FEES; TO CREATE SECTION 18.30.280 OF THE COUNTY CODE: TEMPORARY USES; TO REPEAL SECTION 18.30.290 OF THE COUNTY CODE: MODEL HOMES/TEMPORARY REAL ESTATE SALES OFFICES-

The County Board of Supervisors of the County of Eau Claire does ordain as follows:

SECTION 1. That Subsection I. of Section 4.35.090 of the code be amended to read:

I.	<u>Stormwater Management</u>	<u>\$210.00</u>
	<u>Temporary Use Fee</u>	<u>\$50.00</u>
	<u>One time temporary use fee per site</u>	<u>\$30.00</u>

SECTION 2. That Section 18.30.280 of the code be created to read:

18.30.280 Temporary Uses. The purpose of these regulations and permit requirements is to ensure that only suitable temporary uses that require only the minimum necessary conditions or limitations (consistent with the temporary nature of the use) are allowed and to ensure that basic health, safety, and community welfare standards are met.

A. General Standards. The following standards shall apply to all temporary uses unless otherwise exempted:

1. All structures shall meet the applicable zoning setback requirements and cannot be located in the traffic-visibility triangle, nor within 20 feet of an access.
2. Shall meet all applicable county health and sanitation requirements.
3. Shall meet all applicable county building code requirements.
4. Conducted in a parking facility shall not occupy or remove from availability more than 10 percent of the spaces required for the permanent use.
5. May locate in a front yard but may not be closer than 10 feet from a property line, unless a more restrictive setback is required.
6. Shall not be located on a lot in a manner which would interfere with traffic circulation or vehicle or pedestrian safety.
7. Require that a scaled site plan be submitted to the department for review and for the issuance of a land use permit. At a minimum the scaled site plan shall include the location of the temporary use, lot dimensions, property lines, building locations, all access driveways, parking stalls, sign location, sanitary and well location, and floodplain, if applicable.
8. Temporary signage shall not exceed 32 square feet.
9. All temporary structures shall be removed from the premises after seven days of the growing season or holiday.
10. All lighting shall be shielded and directed downward to minimize light pollution.
11. Sufficient recycling and refuse containers to handle the material generated shall be provided.
12. One temporary use may be allowed per lot or tract of land under one ownership at a time.
13. Off site signage shall be allowed per 18.26.015 B.

14. ~~A temporary uses permit is valid for the calendar year. A permit becomes null and void at the end of the calendar year. A new permit is required for each calendar year the temporary use operates.~~ A temporary use permit issued under this section shall remain in effect as long as the authorized use continues. Any temporary use which is discontinued for 18 consecutive months shall be deemed to be abandoned. Prior to the reestablishment of an abandoned temporary use, a new land use permit shall be obtained under the terms of this chapter.

B. Agricultural produce stands including but not limited to sale of the following; berries, vegetables, apples, pumpkins, horticulture and trees sales.

1. Are allowed in all commercial districts.
2. Must be operated by the agriculture producer or an employee of the agriculture producer.
3. May be conducted from one of the following: a temporary shelter, a trailer, or from a motor vehicle.

C. Christmas Tree Sales.

1. Are allowed in all commercial districts.
2. May not to exceed 45 days, including site set up and clean up.
3. May be allowed per 18.23.010 G. 2.

D. Fireworks Stands.

1. Shall comply with Wis. Stat. §167.10.
2. And associated structure(s) shall be set back 100 feet from residential districts.
3. Require local town license for the sales of fireworks, if applicable.
4. Storage of fireworks shall be in conformance with state and federal standards.
5. Require a letter from property owner granting permission to the applicant to sell and/or store fireworks on the property.
6. Are allowed in all commercial districts.

E. Mobile Food Vendors.

1. Outside cooking areas shall be fenced.
2. May operate from a trailer or motor vehicle approved by the health department.
3. Are allowed in all commercial districts.

F. Temporary residence during construction of principal dwelling. An existing dwelling or manufactured home may be used as a temporary residence during construction of a new dwelling on the same parcel, subject to the following:

1. The owner of the property shall sign a contract with the department for the temporary residence.
2. Shall be removed from the property 30 days upon receiving final occupancy.
3. Cannot be converted to an accessory structure.
4. Shall be removed or destroyed at the time the contract for such temporary residence lapses.

G. Model homes/Temporary Real Estate Sales Offices. The purpose of this section is to provide for the erection of model homes and temporary real estate sales offices in subdivisions without adversely affecting the character of surrounding residential neighborhoods or creating a general nuisance.

1. Are permitted in all of the zoning districts, except where single-family dwellings are prohibited and shall comply with the Wisconsin Building Codes.
2. Must be used exclusively for the purpose of marketing lots or homes within a specific development and not for general real estate throughout the community.

3. Access, sanitary, building and zoning permits are required.
4. A maximum of three (3) employees may be at the office at one time.
5. Parking facilities shall be provided on the site and shall include at least four (4) parking spaces per model home unit or temporary real estate sales office.
6. Shall not incorporate outside lighting, which creates a nuisance due to glare or intensity or contains flashing or intermittent lighting. All lighting shall be shielded and directed downward.
7. All signage shall comply with the Chapter 18.26.
8. Must be removed from the development within five (5) years from the date of the land use permit or when eighty-five (85) percent of the development is complete, whichever occurs first.

H. Exemptions.

1. Garage sales, private auctions, moving sales, and similar activities for the sale of personal belongings when operated not more than three days in the same week and not more than twice in the same calendar year are allowed in all zoning districts.
2. Fund raising activities are exempt from the permit fee but shall comply with 18.30.280 A.
3. On-premises activities or existing businesses in compliance with outdoor storage requirements.
4. Radio promotions.

I. The land use controls supervisor may authorize additional or exempt other temporary uses not specifically listed in this subsection, when it is found that the proposed uses are in compliance with the provisions of this section.

SECTION 3. That Section 18.30.290 of the code be repealed:

ENACTED: September 15, 2009

Janet K. Loomis
County Clerk