

# Transformative temporary use

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## Abstract

Communities employ land use planning as a way to standardize how a community looks and to ensure that land uses are distributed in an efficient and ethical manner. A temporary, seasonal, or interim use is in effect for a defined purpose and a set period of time, after which it expires. Finding productive, temporary uses for underutilized (e.g., park, sidewalk) or vacant land and buildings can reverse disinvestment, foster a sense of community, curb crime, save on maintenance costs, spur economic activity for surrounding businesses, create market demand, and raise property values. Temporary uses can be an effective community and economic development tools. This guide explores four increasingly popular temporary uses: events, urban agriculture, building reuse, and street vending.

*Keywords: temporary, seasonal, interim, use, planning, economic, development, events, reuse, vending.*

## 1 What is a temporary use?

Throughout the United States, in community after community, there is increasing interest in revitalizing older, built-up areas. The motivation comes from many sources, including the smart-growth movement, the desire to protect green areas, and the need to maximize infrastructure investment. It also comes from the need to maximize the tax reserves: vacant land pays very little. Planners have many means at their disposal to stimulate interest in these vacant areas, but enabling active temporary use is one that is becoming increasingly popular and which, to date, has received only limited attention. The purpose of this paper is to describe and analyze temporary uses and explain how they can be of economic benefit to smaller communities struggling to create vitality and maximize their tax bases.



Communities employ land use planning as a way to standardize how a community looks and to ensure that land uses are distributed in an efficient and ethical manner. Most land uses are permanent and can only be changed through official planning processes (e.g., a comprehensive development plan or master plan), but residents can also petition to have their land uses changed.

Increasingly, however, communities are turning to temporary, seasonal, or interim use. As the name implies, a temporary use is in effect for a defined purpose and a set period of time, after which it expires. It is a land use, event, or structure that is in place for a short period of time. Temporary uses can transform any vacant space, such as an abandoned lot, a public park, or a sidewalk, giving it a productive use. The best temporary uses are often ones that are created with a specific community's needs in mind.

### **1.1 Planning and implementing temporary uses**

Temporary uses can be planned, financed, and operated by municipalities, independent parties, or both. Both entities can support temporary-use goals and bring external money into city businesses. Independent-party uses may be attractive to cities because they do not require city capital or manpower, but they bring in less revenue. (The revenue they do bring in comes primarily from fees, such as application fees.)

For cities with limited budgets and planning staff, it is often more realistic to encourage outside parties to plan, finance, and implement temporary uses. This method is often the best of both worlds for a city, because it can bring in uses without investing man-hours or city capital. To establish a successful temporary-use program in this manner, a city must be willing to be flexible and may need to waive site rental fees.

Temporary uses do not necessarily need to be "something to do." They can also include the establishment of places that create visual interest, meeting places, or identifiable landmarks. Artistic creations can easily, and sometimes inexpensively, serve all of these functions. This type of temporary use includes, for example, the establishment of a place to display sculptures, large installations, murals, or other art forms. This type of use can add definition and curb appeal to underutilized areas and create a sense of unity for a community.

### **1.2 The importance of temporary uses**

Many cities have experienced or are experiencing disinvestment, which has left them with areas of underutilized, or vacant, land and building space. Vacant land is not only a sign of disinvestment but can also attract activities that threaten the community's health and safety. Finding productive temporary uses for vacant land and buildings can reverse this trend and instead foster a sense of community. By providing vacant or abandoned lots and buildings with a use, it also spares the community the financial drain of needing to maintain them.

In addition to creating a productive use, curbing crime, and saving on maintenance costs, other possible benefits of temporary uses include:



- revenue for the community
- income for the businesses and residents in the community
- development of interest and investment in an area
- increased standard of living
- market demand to incubate future permanent uses
- safe, affordable activities for citizens

Aside from these benefits, temporary uses can also spur economic activity for surrounding permanent businesses by attracting likely shoppers to the area. This in turn can increase tax revenue and household incomes. In economics, it is called the agglomeration principle. The concept is that the more thriving businesses that are located together, especially if they sell similar goods, the more they all prosper. Small businesses usually think vendors take away their business, but in fact sometimes the reverse is true.

Temporary uses can create long-term benefits as well. By retaining and leasing an open lot for temporary uses, a city can create revenue and increase interest in the area. Increased interest may result in increased property values, making the lot more valuable for sale and development in the future. Because of these economic benefits, independent planning and research firms are now beginning to recommend temporary uses.

Nor should temporary uses be considered only as an option for periods of disinvestment. They can enhance the overall atmosphere and vibrancy of any city and can help develop and incubate new businesses in any economic climate. Temporary uses can be a great way for cities to ensure economic diversity and help prevent future disinvestment.

## 2 Types of temporary use

What follows is not an exhaustive inventory of temporary uses in a community, but rather an overview of four common and increasingly popular ones: events, urban agriculture, building reuse, and street vending.

### 2.1 Events

It is often hard to tell the difference between a temporary use and a temporary event. Events are temporary uses that require temporary space and borrow or rent use from another permanent use (e.g., a carnival on a parking lot). Temporary-use events can be a onetime occurrence; however, the most successful events often turn into permanent, annual events such as festivals.

### 2.2 Urban agriculture

In some cities vacant land is very common, but there is not a demand for many types of temporary use. However, almost every urban area can benefit from some type of urban agriculture, and its popularity is increasing. The most common type, community gardens, not only provide healthy, fresh food, but can also



improve appearances in blighted neighborhoods, add green space in urban areas, and cultivate a sense of belonging, community attachment, and self-sufficiency among residents.

Detroit is among the many cities in which community groups are promoting urban gardening and providing residents with resources. Programs such as the Gardening Resource Program, which provides resources and helps with organization of gardening projects, can work with local governments to explore funding options as well as resource sharing for water use.

### 2.3 Building reuse

As useful as temporary-use events or urban agriculture can be for vacant open land, they do not address the challenge of vacant buildings. By partnering with nonprofits and other entities that deliver community programming, a municipality may bring life to otherwise vacant buildings and pique interest in available real estate.

The Open Studio Program in the city of Chicago is a successful case in point. Begun in 2003 as a joint project of the Department of Planning and Development and the Cultural Resources Department to create a new temporary use in a vacant retail building in downtown Chicago, the Open Studio Project continued its work through December 2009. This program supplied studio space (on a monthly rotation) and a stipend of \$500 to artists who were accepted into the program. In exchange for the space and the stipend, the artists agreed to work in the studios and provide full access to the public, who were encouraged to come and watch the art being created. Eventually the building was sold in and the program moved to its second location.

### 2.4 Street vending

Once viewed as an illegal nuisance, street vending is now becoming a valuable temporary-use choice and an economic asset to cities. Street vending supplies convenient shopping choices, adds vibrancy to city streets, and offers people the opportunity to own their own business. There are some common concerns or misperceptions associated with street vending, but if those concerns are addressed, the result can be a successful experience for vendors, permanent business owners, residents, and shoppers. Managed correctly, street vending can offer a city the following key benefits.

- **Financial:** Street vending can be a huge economic asset to an area. Recent data shows that street vendors had an average wage of \$13.91 per hour and mean annual earnings of \$28,940. In cities such as New York, Philadelphia, and Washington, DC, vending carts averaged revenues of \$250,000 or more
- **Entrepreneurial:** Street vending offers opportunities for people who might not otherwise be able to own their own business or work at all to become entrepreneurs. This includes people with both mental and physical disabilities. Permanent business owners, especially retail



business owners, are often concerned that vendors selling similar goods and not paying for store space will undercut their sales. This is almost never true. In fact, as the economic agglomeration principle recognizes, the more thriving businesses there are in one area, the more they all prosper, especially if they are selling similar items.

- **Safety:** Research has shown that crime and vandalism are reduced simply by the presence of people. By drawing people to the streets, vending can create a safer environment.

It is also true that increased numbers of people on sidewalks can create overcrowding, which can force people to walk in the streets, creating potentially dangerous conditions. This can be remedied by proper cart zoning, including regulations that limit the size, location, density, and setbacks of carts.

- **Aesthetic:** Historically, street vendors' carts have been considered eyesore. Today, however, cities may regulate the kind of cart, cart materials, and method of displaying goods to ensure an aesthetically pleasing and standard appearance.

Street vending regulation codes should be clear and specific regarding location of carts, what can be sold, kinds of carts, safety and storage of goods and carts, permit costs, insurance, and methods for enforcement.

### 3 Factors to keep in mind

While there are many ways to implement temporary uses in a community, there are a few factors that are germane in all cases.

#### 3.1 Insurance

It is important for communities to evaluate the safety of each temporary use and to identify possible safety concerns, both to keep the public safe and to protect the municipality from liability or litigation. One way communities can release themselves from liability is by obtaining appropriate insurance. The insurance should cover third-party bodily injury, property damage, assumption of legal claims, and, in the case of insurance for events, event cancellation. Events as diverse as fairs, festivals, consumer shows, fundraisers, dances, meetings, luncheons, and parties can be covered by event insurance. Other temporary uses, such as street vending, can make use of other sorts of insurance. For example, communities may require that private users such as street vendors carry their own insurance. When vendors provide their own insurance, the premiums should be assessed on a per-cart basis and include such features as occurrence and aggregate limits, medical payments, and theft and personal-injury coverage.

Alternatively, a community can acquire a citywide insurance package that private entities buy into. Vendors wishing to participate simply contact the insurance company, pay their premium, and are added to the policy. This system ensures premiums are consistent and reasonable.



### 3.2 Safety

Temporary uses can help reduce blight and crime in cities, but it can be difficult to draw nonresident visitors into an area to utilize temporary uses and start the cycle of rebuilding if the perception is that crime is high in the area. It is imperative to have a solid marketing plan in place and to increase safety measures and police visibility. If safety measures are implemented successfully, the chances for return visitors, positive feedback, and word-of-mouth promotion will be much higher.

In the past several years, Detroit has been working to provide city residents and visitors with safe, fun entertainment. Through the success of events such as the Downtown Hoedown, Freedom Festival Fireworks, and other concerts, more and more people can be found enjoying downtown Detroit.

The list of safety measures below, originally intended for such events as the Freedom Festival Fireworks, can easily be adapted for any type of event:

- Enforce curfew for persons under the age of 17
- Close viewing sites when capacity is reached
- Limit access to surrounding roads, parking lots, and parking structures
- Forbid pets, alcohol, and contraband
- Increase lighting in viewing areas with floodlights after dark
- Install stationary cameras to monitor crowds and determine the desired capacity of certain areas
- Establish a location that children separated from their family or group can be taken to for reuniting

Other safety measures can be established for other sorts of temporary use. For example, safety measures for temporary use of a vacant building might include clearly marked exits and portable fire extinguishers.

### 3.3 Zoning/regulations

Traditionally, zoning has treated temporary uses as necessary nuisances that needed to be allowed but were to be limited so that they did not overstay their welcome (e.g., Christmas tree lot). Although limits and restrictions on temporary uses are still valid, current thinking supports zoning in a more welcoming way than in the past.

Most zoning laws contain language that regulates all temporary uses in general terms. The laws should also cover:

- Traffic access to and from the site
- Traffic control on the site
- Off-street parking
- Handicapped parking
- Buildings, tents, structures, fences, and screens



- Outdoor lighting, illumination, and electrical wiring
- Litter control
- Noise control and sound amplification
- Site security, maintaining order, and public safety

## **4 Planning principles**

Temporary uses represent an important tool for city planners. However, if they are to be effective, they must be guided by a set of working principles. We believe the following six can help create strong, sustainable, healthy communities when incorporated into a municipality's master plan or comprehensive development plan. Temporary uses are a cost-effective way for communities to meet their development goals.

### **4.1 The temporary use must reflect the character of the place in which it is established**

For example, a temporary beach bar complete with sand might be a reasonable temporary use in an area of active nightclubs or restaurants, or even in a warehouse district. In the first instance, it works because it fits in. In the second instance, when carefully designed, it would do no harm. On the other hand, placing such a use along the gold coast in Newport, California, would diminish the cultural and historic character of that special place.

### **4.2 There should be a detailed examination of the activities associated with the temporary use**

It is all too easy for temporary uses to shade off into not-quite-legal activity. Everyone has seen vendors selling "knock-off" goods, or items in unmarked boxes. (Where did they come from?) Because the operations are temporary, they can easily close up shop and move on without a loss of investment. The community must ensure that shady transactions are not occurring.

### **4.3 Temporary uses that are unique should be encouraged: they may represent the future of the marketplace**

For example, we have noted Tibetans selling homemade woolen hats while performing music along a busy shopping street, fashion designers strutting their wares with boxes of the items nearby, and gourmet hamburgers of Kobe beef at the edge of a park. The character of the sellers, the unique products, and the sense of color that they bring add immense value to the urban space.

### **4.4 Rules and regulations must be established to govern temporary uses**

The rules should include how long the use can operate and the activities that will be allowed. With activities that relate to food, there must be careful health



inspections. Just because a use is temporary does not mean that the municipality can relax its health and safety responsibilities. On the other hand, nor does it mean overzealous enforcement. There is something special about pushcarts, street vendors, and blanket spreaders. There is something good that comes out of using church and school parking lots to bring revenue to these institutions, and something positive about the vitality that a haunted Halloween castle brings to a downtown in October. These uses need to be regulated, controlled, and monitored in a way that nurtures them and encourages them to flourish.

#### **4.5 Temporary uses must complement but not compete with permanent businesses**

This issue often becomes contentious, particularly when dealing with farmers' markets or with flower sellers. It is recognized that farmers' markets often compete head to head with supermarkets. Farmers' markets pay few taxes and little rent for the use of a parking lot or for retail operating costs. Supermarkets, on the other hand, are fully taxed (property, sales, excise, etc.). Similarly, flower sellers typically will be offering yesterday's flowers (rapidly fading) at a bargain rate. The purchaser does not realize that the flowers are old; he or she only knows that a dozen roses cost only \$10.00 in the street but \$20.00 from the florist. Because of these conflicts of interest between temporary and permanent vendors, it is essential that the rules of engagement are carefully established. For example, in the case of the farmers' market, the products allowed for sale should only be local and fresh. With that limitation in place, most permanent market stores will recognize the value of these special goods and welcome the farmers' market to the area. They know that the customers attracted to the farmers' market will also visit their stores. Thus, both entities gain. In the case of the flower seller, if he or she clearly notes that the product is "yesterday's flowers" and the business is located away from the front door of a permanent florist, then arguments will be less likely. One of the best examples of a "yesterday's" or "over-fresh" market that we have visited is Boston's Haymarket. Centuries old, it opens twice weekly and provides great bargains in a crowded, colorful atmosphere. No one would call it elegant or serene, but everyone considers it vibrant, colorful, and a place for fun. Located along Boston's oldest block of buildings, it is historical in its own right. It proves that temporary markets that complement permanent markets provide economic value to the community.

#### **4.6 It makes sense to plan for and stimulate temporary uses according to the seasons and the big events that occur in a community**

For example, in Boston/Cambridge, there are four big events that occur each year: First Night (New Year's Eve), the Boston Marathon (April), the Boston Pops music series (July), and the Head of the Charles (October), the largest two-day rowing event in the world. Each of these is unique and each is an excellent place to create pop-up markets that might sell items related to the event.





## 5 Conclusions

We are convinced that temporary markets can be of tremendous value to cities and towns of all sizes. They are vibrant, exciting, and often reflect new markets. They provide opportunities for new businesses at low risk and can help to stabilize shopping areas in transition. They can complement existing markets and bring new customers to an area. Above all, when carefully monitored and nurtured, they can be transformative.

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