

Chapter 20.50 - TEMPORARY USES AND STRUCTURES

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20.50.010 Purpose

This chapter establishes requirements for the establishment and operation of temporary uses and structures. These requirements are intended to allow for temporary uses and structures in Merced while ensuring that they do not negatively impact neighboring properties and the community at large.

20.50.020 Temporary Uses Allowed By Right

The following temporary uses are permitted by right. No permits or approvals from the Planning Division are required.

- A. Garage Sales.** Garage sales in residential zoning districts that comply with Chapter 9.54 (Garage Sales) of the Merced Municipal Code.
- B. Fund Raising Events.** Fund raising events when sponsored by a non-profit organization directly engaged in civic or charitable efforts. Fund raising events require property owner permission and shall not involve vehicle sales.
- C. On-Site Construction Yards.** Temporary construction yards and office trailers that are located on-site, less than 1 acre in size, and established in conjunction with an approved project. The construction yard and trailer shall be immediately removed within 30 days of completion of the construction project or expiration of the building permit.
- D. Temporary Outdoor Displays of Merchandise in Non-Residential Zones.** Temporary outdoor displays of merchandise in non-residential zones that comply with the following standards.

1. Items are displayed in a manner consistent with Section 20.44.100 (Outdoor Displays of Merchandise).
2. Items may be displayed for a maximum of 7 consecutive days, no more than 4 times per year on any one property.
3. Following the completion of the temporary display, all signs, stands, poles, electrical wiring, or any other fixtures, appurtenances or equipment associated with the display shall be removed from the premises.

20.50.030 Temporary Uses Requiring a Permit

A Temporary Outdoor Use Permit per Section 20.50.050 is required for the following temporary uses, except for Farmer's Markets which require permits as shown below:

A. Farmer's Markets. Farmer's markets for a maximum of three days per week.

1. **Non-residential Zoning Districts.** A Minor Use Permit shall be required.
2. **Residential Zoning Districts.** A Conditional Use Permit shall be required. To approve a Conditional Use Permit for a farmer's market, the City shall make all of the following findings:
 - a. The market is certified by California Department of Food and Agriculture.
 - b. The market obtained appropriate permits from the Fire Department.
 - c. Adequate parking is available on-site and within 1/4-mile radius. Parking requirement may be reduced upon approval from the Director of Development Services.



B. Seasonal Sales. Seasonal sales (e.g., Christmas trees, pumpkins, fireworks) for a maximum of 30 consecutive calendar days, no more than 4 times per year on a single property. Seasonal flower sales are allowed up to 6 times per year by a business on a same parcel. Seasonal sales shall not be permitted on any residentially zoned property and shall not involve vehicle sales.



C. Off-Site Construction Yards. Construction yards located off-site in conjunction with an approved project. The construction yard shall be immediately removed within 30 days of completion of the construction project or expiration of the building permit.

D. Employee Trailers. Trailer or commercial modular units used as a work site for employees

of a business, for a maximum of 12 months.

E. Real Estate Offices. Real estate offices used exclusively for the sale of homes or other real estate for a maximum of three years or within 30 days when the last home is sold, whichever comes first.

F. Circuses and Carnivals. Circuses and carnivals that comply with the following standards:

1. The use will be open to the public for no longer than seven days.
2. Merced County Health Department approval is obtained for food vendors.
3. The use is not located within 500 feet of any residential zone.
4. Off-street parking is provided as determined necessary by the Director of Development Services.
5. A security plan is submitted and approved by the City of Merced Police Department.
6. A fire safety plan shall be approved by the Merced Fire Department. The plan shall describe, with appropriate illustrations, all electrical, vehicle ingress, egress, and maximum occupancy of the site.
7. A business license is required per Title 5 (Business Licenses and Regulations) of the Merced Municipal Code.
8. The use shall meet all Building Code and Fire Code requirements.



G. Other Similar Activities. Similar temporary activities determined by the Director of Development Services to be compatible with the applicable zoning district and surrounding uses.

20.50.040 Sidewalk Dining

Temporary sidewalk dining within the public right-of-way is permitted with the approval of a Restaurant Encroachment Permit as described in Chapter 12.36 (Restaurant Encroachment Permit) of the Merced Municipal Code.

**20.50.050 Temporary Outdoor Use Permit**

- A. Conditions.** Upon the approval of the Temporary Outdoor Use Permit, the Director of Development Services may attach the conditions relating to the following and any others which are considered reasonably necessary in connection with temporary use:
1. Restrictions on hours of operation.
 2. Maintenance of accessibility for the disabled.
 3. Protection of fire lanes and access.
 4. Preservation of adequate on-site circulation.
 5. Cleanup of the location or premises.
 6. Use of lights or lighting or other means of illumination.
 7. Operation of any loudspeaker or sound amplification in order to prevent the creation of any nuisance or annoyance to the occupants of or commercial visitors to adjacent buildings or premises.
 8. Temporary outdoor use permits are limited to the actual owner or tenant of the premises and must be for the existing use being conducted in an enclosed building on the premises by the owner or tenant.
- B. Bond.** In addition to any other conditions imposed, the Director may require the posting of a cash bond in an amount sufficient to guarantee the removal of any fixtures, equipment, or stands and the cleanup of the location or premises immediately upon the expiration of any such temporary use.
- C. Appeal.** The applicant shall follow the appeal procedure in Chapter 20.74 (Appeals), except:
1. The applicant shall appeal the decision of the Director of Development Services to the Planning Commission within three calendar days of the date of any such action.
 2. No appeal is allowed for the action of the Planning Commission.