



Processing Fee: _____
Date Paid: _____
Receipt #: _____
By: _____

## Application for Temporary Outdoor Use Permit

(Supplement to Business License Application)

\*\*\*\*\* A complete application must be submitted at least two weeks prior to the date of the event \*\*\*\*\*

**I. Applicant Information**

Event Name/Sponsor: \_\_\_\_\_  
 Applicant's Name: \_\_\_\_\_ Phone #: (\_\_\_\_) \_\_\_\_\_  
 Applicant's Mailing Address: \_\_\_\_\_

**II. Event Characteristics**

Description of Event: \_\_\_\_\_  
 Site Address: \_\_\_\_\_ APN: \_\_\_\_\_  
 Event Date / Time: \_\_\_\_\_

**Site Plan** (drawn to scale) that includes the following items:

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Adjacent Streets         | <input type="checkbox"/> Adjacent Uses        | <input type="checkbox"/> Adjacent Parking Lots |
| <input type="checkbox"/> Perimeter of Event Area  | <input type="checkbox"/> Fence Location/Types | <input type="checkbox"/> Customer Parking Area |
| <input type="checkbox"/> Fire Lanes               | <input type="checkbox"/> Exits/Entrances      | <input type="checkbox"/> Tent Location(s)      |
| <input type="checkbox"/> Equipment/Ride Locations | <input type="checkbox"/> Sign Locations       | <input type="checkbox"/> Lights                |
| <input type="checkbox"/> Power Source             | <input type="checkbox"/> Handicapped Access   |  |

- The proposed site plan shall be signed by the property owner(s). If the event is in a parking lot that has "shared parking," then the signatures of the affected property owners are also required.
- If equipment, tents, or other structures will be set up and installed by someone other than the applicant, then the proposed site plan shall also be signed by said installer in order to confirm "set-up" locations of the equipment, rides, tents, trailers, etc.

**III. Submittal Requirements of the Building Department Regarding Tent and Other Structures – please contact the Inspection Services Department at 209-385-6861. Include these with the application.**

**IV. Advertising / Sign Proposal**

Below, describe the method, number, and location of signs proposed for the event. The City encourages you to utilize other media (example: radio, etc.) to advertise the event. See sign allowances and prohibitions below:

<u>Type of Sign:</u>	<u>Number of Signs:</u>	<u>Location:</u>
_____	_____	_____
_____	_____	_____

Permitted Signs: Banners attached to event structures (may not be affixed to landscaping).

Prohibited Signs: Large inflatable balloons, movable signs, including but not limited to hand-held signs, picket signs, signs within or alongside rights-of-way, off-site signs, flyers, and signs within the "clear vision corners of street and driveway intersections."

**V. Clean-Up Requirements**

It is the responsibility of the applicant to restore the property to a clean and nuisance-free condition.

**VI. Permits**

All necessary permits shall be kept on the site, for example: DMV License and auto salesman permits.

**VII. Property Owner(s)'s Permission to Operate**

Owner's Signature: \_\_\_\_\_ Owner's Name (Printed): \_\_\_\_\_

**VIII. Right of Refusal**

If the event is found to be proposed or operated in a manner that is inconsistent with the City-approved plans or ordinances and codes for such event, then the City reserves the right to terminate the permit at any time and to prohibit such event and/or operator from utilizing the site in the future for temporary outdoor events.

**For Staff Use Only:**

PLANNING: Approved \_\_\_\_\_ Denied \_\_\_\_\_ By: \_\_\_\_\_ Date: \_\_\_\_\_

FIRE DEPT.: Approved \_\_\_\_\_ Denied \_\_\_\_\_ By: \_\_\_\_\_ Date: \_\_\_\_\_

### **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.

### **20.50.050 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.