

2600 Fresno Street, Third Floor **Development and Resource Management Department**

Fresno, California 93721-3604 **Jennifer K. Clark, AICP, Director**

(559) 621-8277 FAX (559) 498-1026

Date *Please reply to*:

 Planner Name

 (559) 621-XXXX

Applicant Name
Company Name
Email Address
(Sent via email only)

**SUBJECT: TEMPORARY USE PERMIT APPLICATION NO. P19-XXXXX FOR PROPERTY LOCATED AT 1234 South east avenue (APN: xxx-xxx-xx)**

Dear Mr. \_\_\_\_\_\_:

The Development and Resource Management Director, on January 1, 2019, took the following action:

1. Approved, *subject to compliance with conditions*, Temporary Use Permit Application NoP19-XXXXX,which proposed a temporary tent for a temporary pumpkin patch.

The approval of this project is subject to compliance with the following Conditions of Approval:

**CONDITIONS OF APPROVAL**

PART A – PROJECT SPECIFIC REQUIREMENTS

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|  |  | Applicant shall obtain the necessary building permits (tent permit, electrical permit, etc.) prior to commencement of operation. |

PART B – STANDARD REQUIREMENTS FOR SPECIFIC USE (Remove the items below that do not apply)

1. **Seasonal Sales.** The annual sales of holiday related items such as Christmas Trees, pumpkin lots/patches and similar items may be permitted in accordance with the following standards:
	1. Time Period. Seasonal sales, including Christmas Tree and pumpkin lots, associated with holidays are allowed up to a month preceding and one week following the holiday.
	2. Goods, Signs, and Temporary Structures. All items for sale, as well as signs and temporary structures, shall be removed within five days after the end of sales, and the appearance of the site shall be returned to its original state.
	3. Parking. The Director may require a shake-off area or alternative design to ensure that dirt is not deposited onto public streets.
2. **Temporary Outdoor Display and Sales.** Temporary Outdoor Sales, including, but not limited to, grand opening events, and other special sales events, shall obtain a Temporary Use Permit and shall be subject to the following:
	1. Relationship to Principle Use. The outdoor display and sales area shall be directly related to a business occupying a primary structure on the same site.
	2. Display Locations.
		1. If located in the public right-of-way, an encroachment from the Public Works Department is required.
		2. Location of the displayed merchandise may not disrupt the normal circulation of the site, nor encroach upon driveways, pedestrian walkways, or required landscaped areas; or obstruct sight distances; or otherwise create hazards for vehicle or pedestrian traffic.
	3. Building Setback of 15 Feet or Less. Merchandise shall be no closer than 15 feet from a public street unless the building is located closer to the street. If so, merchandise may be located closer than 15 feet.
	4. Building Setback Greater Than 15 Feet. Outdoor sales shall be located entirely on private property outside any required setback (or landscaped planter in zoning districts that do not have required setbacks), fire lane, or fire access way. A minimum setback of 15 feet from any public right-of-way is required.
	5. Hours. Outdoor events may only be held during the normal business hours of the establishment.
	6. Number of Events. No more than six events at one site shall be allowed within any 12-month period. Events shall not last more than five days per event and there shall be a minimum of 14 days between events.
	7. Existing Parking. The available parking shall not be reduced to less than 90 percent of the minimum number of spaces required by Article 24, Parking and Loading.
	8. Tents/Structures. Temporary canopies and shade structures may be permitted. Temporary canopies may be required to obtain a Building Permit. A building *permit* is required for any temporary tent, shade structure canopy larger than 400 square feet.
	9. Appearance. When Temporary Sales are not in operation, all evidence shall be removed from the site including all tables, tents, temporary membranes, canopies, barricades, products, signs, litter, etc. The parking lot must be left in a clean condition, free of waste. Permanent buildings, structures, and signs are excepted.
	10. Refuse/Litter. The operator shall provide waste removal and shall be responsible for collecting trash and recycling after each event, including in the parking lot.
	11. Signs. Additional signs beyond those normally allowed for the subject use shall not be provided as a result of the outdoor display and sales area.
	12. Transactions/Point of Sale. All sales shall occur as part of the normal business activity of the establishment, via a register, or hand-held device. Patrons shall have the option of paying for purchases in the establishment as part of normal business activity.
3. **Special Events and Sales.** Other short term special events may be permitted in accordance with the standards below.
	1. Location. Events are limited to non-residential districts.
	2. Number of Events. No more than six events at one site shall be allowed within any 12-month period. Events shall not last more than five days per event and there shall be a minimum of 14 days between events.
	3. Products. The outdoor display and sales area shall be directly related to a business occupying a primary structure on the same site.
	4. Signs. Refer to Article 26, Signs.
	5. Existing Parking. The available parking shall not be reduced to less than 90 percent of the minimum number of spaces required by Article 24, Parking and Loading.
4. **Carnivals, Fairs, and Festival Events.** Carnivals, fairs, and festival events are subject to the following standards:
	1. Location. Carnivals, fairs, and festival events are limited to areas within Commercial or Employment districts, or on property owned by a public school.
	2. Time Limit. When abutting or adjacent to a Residential District or a street that serves a Residential District the hours of operation shall be limited to 7 a.m. to 10 p.m.
	3. Lighting. Lighting shall be hooded and directed away from residential uses.

PART C- OTHER CONDITIONS OF APPROVAL

1. TIMING: Unless otherwise prescribed in this Code, the Director shall prescribe the duration of the use, however in no case shall a Temporary Use exceed 30 consecutive days or a total of 60 days in a one year period. The applicant has requested that event start on October 10, 2017 and run until November 4, 2017 (26 days).

PART D - MISCELLANEOUS

1. Approval of this special permit shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development including, but not limited to, the following:
	1. All existing and proposed improvements including but not limited to buildings and structures, signs and their uses, trees, walls, driveways, outdoor storage, and open land use areas on the subject property and all of the preceding which are located on adjoining property and may encroach on the subject property;
	2. All public and private easements, rights-of-way and any actual or potential prescriptive easements or uses of the subject property; and,
	3. Existing and proposed grade differentials between the subject property and adjoining property zoned or planned for residential use.
2. Approval of this site plan may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this special permit, the Zoning Ordinance, and all Public Works Standards and Specifications. The Development and Resource Management Department shall not assume responsibility for any deletions or omissions resulting from the Development Permit process or for additions or alterations to construction plans not specifically submitted and reviewed and approved pursuant to this site plan or subsequent amendments or revisions.
3. The Director, in approving this Temporary Use Permit has made the following determinations:
	1. The proposed use will not unreasonably affect adjacent properties, their owners and occupants, or the surrounding neighborhood, and will not in any other way constitute a nuisance or be detrimental to the health, safety, peace, comfort, or general welfare of persons residing or working in the area of such use or to the general welfare of the City; and;
	2. The proposed use will not unreasonably interfere with pedestrian or vehicular traffic or circulation in the area surrounding the proposed use, and will not create a demand for additional parking that cannot be safely and efficiently accommodated by existing parking areas or a parking management plan.

**APPEALS**

Please be advised that this project may be subject to a variety of discretionary conditions of approval. These conditions based on adopted City plans and policies, those determined through Development Permit and environmental assessment essential to mitigate adverse effects on the health, safety and welfare of the community, and recommend conditions for development that would on the whole enhance the project and its relationship to the neighborhood and environment.

Discretionary conditions of approval may be appealed. All code requirements, however, are mandatory and may only be modified by variance, provided the findings pursuant to Section 15-5506 of the Fresno Municipal Code can be made. Discretionary conditions of approval will ultimately be deemed mandatory unless appealed in writing to the Director within 15 days of approval.

If you wish to appeal the decision, a written request must be received at the Development and Resource Management Department by **October 20, 2017**. The written request, addressed to Jennifer K. Clark, Director, should include the following:

1. The application number referenced above;
2. The appellant’s interest in or relationship to the subject property;
3. The decision or action appealed; and,
4. Specific reasons why the applicant believes the decision or action appealed should not be upheld.

Sincerely,

Planner Name, Title
Development Services Division

Enclosures: Exhibits A-1 and A-2 dated October 5, 2017