



CITY OF RIO VISTA COMMUNITY DEVELOPMENT

One Main Street - P.O. Box 745 - Rio Vista, CA 94571
707/374-2205 - 707/374-5531 Fax

TEMPORARY USE APPLICATION

Submitting incomplete and/or inaccurate information may result in delays in the processing of this application.

SITE ADDRESS	APN (ASSESSOR'S PARCEL NUMBER)
--------------	--------------------------------

TYPE OF TEMPORARY USE REQUESTED:	DATES:
----------------------------------	--------

PROPERTY OWNER (PRINTED)	MAILING ADDRESS		
PROPERTY OWNER'S SIGNATURE(1)	TELEPHONE	FAX	
I hereby certify that the information stated on forms, plans, and other materials submitted herewith in support of the application is true and correct to the best of my knowledge, and I further agree to uphold the conditions and limitations as set forth in Section 17.44.020 of the Rio Vista Municipal Code (see attached). It is my responsibility to inform the City of Rio Vista of any changes to information represented in these submittals.			
APPLICANT (PRINTED)	MAILING ADDRESS		
APPLICANT'S SIGNATURE	TELEPHONE	FAX	
I hereby certify that the information stated on forms, plans, and other materials submitted herewith in support of the application is true and correct to the best of my knowledge, and I further agree to uphold the conditions and limitations as set forth in Section 17.44.020 of the Rio Vista Municipal Code (see attached). It is my responsibility to inform the City of Rio Vista of any changes to information represented in these submittals.			

(1) Photocopied or FAXED signatures are not acceptable.

TYPE OF APPLICATION		<input type="checkbox"/> MOBILE OFFICE TRAILER/TRACT SALES	
<input type="checkbox"/> SPECIAL EVENT PERMIT(2)		<input type="checkbox"/> MARINE-RELATED	
<input type="checkbox"/> AMUSEMENT EVENTS		<input type="checkbox"/> CONSTRUCTION TRAILER/OFFICE/SHED	
<input type="checkbox"/> HOLIDAY SALES		<input type="checkbox"/> OTHER (SPECIFY)	

(2) To determine whether your event requires a "Special Event Permit," review the "Special Event Guidelines" (see attached). In addition to this Temporary Use Application, Special Event applications must include a completed "Special Event Questionnaire" (see attached).

Staff Comments/Conditions

Project No.	Received by	Date received
	Decision by	Date of decision
<input type="checkbox"/> Approved as submitted	<input type="checkbox"/> Approved with conditions	<input type="checkbox"/> Denied

NOTE: Any person dissatisfied with the decision of the Director of Community Development may appeal such decision within ten (10) days of the date of such decision. The appeal shall be filed in writing with the Planning Commission and shall clearly state the reason for appeal. Appeals can be submitted in person, sent via U.S. Mail, or by courier service. Electronically sent appeals are not acceptable. An appeal fee of \$100.00 must be submitted with the appeal letter.

SECTION 17.44.020. TEMPORARY USES

A. Purpose, Permit Issuance, and Application Procedure.

1. Purpose.

a. The purpose of this section is to control and regulate land use activities of a temporary nature, which may adversely affect the public health, safety, and welfare.

b. The intent of this section is to ensure that temporary uses will be compatible with surrounding land uses, to protect the rights of adjacent residences and landowners, and to minimize any adverse effects on surrounding properties and the environment.

2. Permit Issuance.

a. Issuance, Number and Term. Depending on the term of the permit, temporary use permits may be issued administratively by the zoning administrator or by the planning commission. A temporary use permit may be issued and approved administratively by the zoning administrator for a term of up to forty-five (45) days. A temporary use permit may be issued and approved by the planning commission for a term of up to six months. Each permit for a separate land use shall require a separate application and fee, as established by resolution of the city council. No more than four temporary use permits per year will be issued either administratively or by the planning commission for the same use at the same site within the city.

b. A temporary sign permit is subject to Chapter 17.56 and shall be evaluated separately from the temporary use permit.

c. Except as set forth herein, temporary use permits are required for activities held on private or public property (including city-owned property and public rights-of-way) for the types of uses listed in subsection B of this section.

3. Application Procedure.

a. Except as otherwise provided herein, applications for temporary use permits shall be delivered to the department of community development on a form provided by the department of community development. The zoning administrator shall either approve, conditionally approve, or deny a permit application, or, as appropriate, ensure that the permit application is presented to the planning commission for decision, within forty-five (45) days of the permit application. The failure to act upon the permit within the forty-five (45) day time-frame shall constitute the denial of the permit and provide the applicant the opportunity to appeal that denial as provided herein.

b. Notwithstanding subdivision (a), or any other provision of this code, the zoning administrator shall approve, conditionally approve, or deny a permit application concerning expressive activity within three business days of receipt of the application. The failure to act upon the permit within this time-frame shall constitute the denial of the permit and provide the applicant the opportunity to appeal that denial as provided herein. Any appeal for a permit concerning expressive activity shall be immediately appealable to the city council, which appeal shall be filed within ten (10) days of the action on the permit application. The appeal shall be agendaized for consideration by the city council no later than the next available regular city council meeting, unless otherwise agreed by the applicant. Judicial review of a permit concerning expressive activity shall be governed by the expedited judicial review procedures set forth at California Code of Civil Procedure Section 1094.8. For purposes of this section, "expressive activity" shall mean constitutionally protected expressive conduct or speech, the sole or principal object of which is the expression, dissemination or communication by verbal visual, literary or auditory means of opinion, views or ideas. Expressive activity includes, but is not necessarily limited to, public oratory and the distribution of literature. In order to invoke the expedited review provisions of this section, the applicant shall clearly state on the face of the application that it is an application concerning expressive activity and identify the proposed expressive activity.

c. Upon receipt of the temporary use permit application, the department of community development, in consultation with the police department, fire department, and public works department, shall determine if there are grounds for denial or conditional approval of the application pursuant to subsections B, C, and D of this section. If it is determined that there are grounds for denial, the permit shall be denied and the reason for the denial shall be provided to the applicant. If it is determined that there are grounds for conditional approval, the permit shall be conditionally approved. If it is determined that there are no grounds for denial nor grounds for conditional approval, the permit shall be approved.

B. Types of Temporary Uses.

1. General Circumstances. Except as set forth herein, and subject to the provisions set forth below for special circumstances, temporary use permits shall be required for the following uses on private or public property:

a. Any event involving more than one hundred (100) people; or

- b. Any event which requires a permit or license by the California Department of Alcoholic Beverage Control; or
- c. Any event that is likely to result in noise, as measured from the nearest property line, in excess of the standards set forth in the city's general plan, and/or Chapter 17.52, Noise Control, of the Rio Vista Municipal Code; or
- d. Any event which requires a traffic plan or police services for parking or pedestrian safety; or
- e. Any temporary commercial activity on a property that does not conform to the existing zoning, land use designation, or permitted or conditionally permitted use for said property; or
- f. Subject to meeting the criteria above, examples of the types of events that require temporary use permits, include, but are not limited to, indoor and outdoor carnivals, circuses, festivals, fairs, or parties, arts and craft shows, plant shows, concerts or other musical exhibitions or events, poetry readings, car, motorcycle, bicycle, or other vehicle shows or exhibitions, live animal events, holiday tree, pumpkin, Easter, fireworks, or other seasonal lot sales, performing arts exhibitions, parades, or processions.

2. Special Circumstances. The following types of temporary uses shall be subject to the following provisions.

a. Amusement Events. A carnival, circus, festival, fair or other similar ongoing amusement and entertainment event involving mechanized amusement rides, amplified sound of any kind, the sale of alcohol or food, or other regulated commercial activity, may be allowed in a nonresidential district, with a temporary use permit, for a period of not more than fifteen (15) consecutive days or three weekends, during a one-year period. Any time limit extensions are subject to review and approval from the department of community development. Such activities are subject to the following conditions and guidelines:

- i. The permit applicant shall comply with all business licensing requirements of Chapter 5.04;
- ii. All permit activities must have a minimum setback of one hundred (100) feet from any residential area, unless it is otherwise determined by the zoning administrator or planning commission, as applicable, that no adverse impact would result;
- iii. Restrooms and sanitation devices shall be provided;
- iv. Security personnel shall be provided pursuant to a security plan that is subject to approval by the police chief or designee; and
- v. Noise attenuation, as measured from the adjoining property line, for generators and other mechanical equipment, motor crossing activities, carnival rides, or other similar event, shall be used in compliance with Chapter 17.52, Noise Control, of the Rio Vista Municipal Code.

b. Holiday Sales. The sales of holiday trees, plants, and/or other seasonal holiday items, such as pumpkins, Easter lilies and fireworks may be allowed as a temporary use within a nonresidential district provided the applicant receives a temporary use permit from the department of community development and conforms to the conditions set forth in this title. Such sales may be permitted with a temporary use permit in a residential district when conducted by a not-for-profit organization on property owned or leased by such organization. No such use shall be authorized for a period in excess of forty-five (45) days.

c. Construction Trailers, Contractor's Office and Equipment Sheds. Temporary construction trailers, contractor's office and equipment sheds are allowed in any zoning district when accessory to a construction project, without a temporary use permit, subject to the provision of this section. No such use shall contain any sleeping or cooking accommodations. Such use shall be limited to a period not to exceed the duration of the active construction phase of such project. Such uses shall be maintained behind fenced areas, and shall be located in a manner to ensure that public safety access shall not be impeded.

d. Mobile Office Trailers/Tract Sales and Leasing Offices. Mobile office trailers and tract sales or leasing offices are permitted in any zoning district as a temporary accessory use when accompanying an otherwise permitted use, without an additional temporary use permit. Such uses shall not contain any sleeping or cooking accommodations, unless such office is located on-site as a display unit. Location and site considerations, including time limitations, are evaluated on a case-by-case basis by the department of community development, which may impose reasonable conditions on the use.

e. Marine-Related Uses. The storage of boats and other floating marine equipment for the purpose of making interior repairs to such vessels is permitted as a temporary use, without a temporary use permit, provided that no debris shall enter the water and that the user restores the site to the same condition it was in prior to the use.

f. Funeral Processions. Funeral processions conducted by a licensed mortuary or funeral home may proceed without a temporary use permit, provided the procession does not unduly interfere with the flow of traffic.

g. Expressive Activity on Public Property. Lawful and peaceful expression of non-commercial expressive activity on public sidewalks or other traditional public forum that does not unnecessarily impede the normal flow of pedestrian or vehicle traffic, or otherwise unduly impact public health, safety, or welfare, shall not require a temporary use permit.

h. City/Government Events and Activities. Activities or events produced by the city shall not require a temporary use permit, but shall be approved by the city council or its designee. Activities conducted solely by a governmental agency acting within the scope of its authority that do not anticipate the assembly of people, vehicles, equipment, or animals that will substantially interfere with the normal flow of pedestrian or vehicle traffic on public sidewalks and streets shall not require a temporary use permit.

C. Grounds for Denial. A permit for a temporary use may be denied based on any of the following grounds:

1. Information contained in the application, or supplemental information requested from the applicant, is found to be materially false or misleading.

2. The applicant fails to complete the application form within five calendar days after having been notified that additional information or documents is required to further process the application.

3. Another special event permit application has been received prior in time, or has already been approved, to hold another event at the same time and place requested by the applicant, or so close in time and place as to cause undue traffic congestion, or the police department is unable to meet the needs for police services for both events.

4. The time or size of the event will substantially interrupt the safe and orderly movement of traffic contiguous to the event site or route, or disrupt the use of a street at a time when it is usually subject to great traffic congestion.

5. The concentration of persons, animals and vehicles at the site of the event, or the assembly and disbanding areas around an event, will prevent proper police, fire, or ambulance services to areas contiguous to the event.

6. The size of the event will require diversion of so great a number of police officers or other personnel of the city to insure that participants stay within the boundaries or route of the event, or to protect participants in the event, as to prevent normal protection to the remainder of the city. Nothing herein authorizes denial of a permit when additional peace officers would be available to the city under applicable state law or mutual aid plans, if requested by the city in advance of the event. Nothing herein authorizes denial of a permit because of the need to protect participants from the conduct of others, if reasonable permit conditions can be imposed to allow for adequate protection of event participants with the number of police officers available to police the event.

7. The location of the event will substantially interfere with any construction or maintenance work scheduled to take place upon or along the city streets, or along any public right-of-way, or where construction work is scheduled in connection with a previously granted encroachment permit.

8. The event shall occur at a time when a school is in session at a route or location adjacent to the school or class thereof, and the noise created by the activities of the event would substantially disrupt the educational activities of the school or class thereof.

9. The applicant has failed to obtain all other necessary permits or licenses from the city and/or any other governmental or regulatory agency, including, without limitation, any necessary encroachment permits, business licenses, and permits or licenses from the California Department of Alcoholic Beverage Control.

10. Based on articulated facts, the issuance of the permit would otherwise unduly and adversely impact public health, safety, and welfare taking into account, without limitations, impacts caused by noise, traffic, solid waste, alcohol consumption, potential unlawful activity, or any other relevant factor impacting public health, safety, or welfare.

D. Permit Conditions. The approval of a temporary use permit may be conditioned on the imposition of reasonable requirements concerning the time, place, and manner of the event, and such requirements as are necessary to protect the health, safety, and welfare of persons and property, and the control of traffic. Such conditions may include:

1. Alteration of the date, time, route or location of the event proposed on the event application;

2. Conditions concerning the area of assembly and disbanding of parade or other events occurring along a route;

3. Conditions concerning accommodation of pedestrian or vehicular traffic, including restricting the event to only a portion of a street traversed;

4. Requirements for the use of traffic cones or barricades;
 5. Requirements for provision of first aid or medical facilities;
 6. Requirements for use of event monitors, and providing notice of permit conditions to event participants;
 7. Restrictions on the number and type of vehicles, animals, or structures at the event, and inspection and approval of structures for fire safety by the fire department;
 8. Compliance with animal protection ordinances and laws;
 9. Requirements for use of garbage and solid waste containers, cleanup and restoration of city property;
 10. Restrictions on use of amplified sound or other noise;
 11. An application to hold a neighborhood block party may be conditioned on notice and approval by fifty percent of the residents of dwellings along the affected street(s);
 12. Compliance with any relevant ordinance or law and obtaining any legally required permit or license;
 13. The provision of restrooms and/or other sanitation devices;
 14. The provision of security personnel;
 15. Noise attenuation, as measured from the adjoining property line, for generators and other mechanical equipment, motor crossing activities, carnival rides, or other similar event, shall be used in compliance with Chapter 17.52, Noise Control, of the Rio Vista Municipal Code;
 16. Restrictions on the outdoor storage of materials, merchandise, or inventory;
 17. Community-organized local sales events, such as neighborhood garage sales, shall not exceed three days in length and shall be limited to six special sales events per year per group;
 18. Provision of insurance and indemnity protecting the city, as determined by the city manager or designee, to reasonably protect the city, which may include, without limitation, provisions for minimum insurance coverage and insurance types, naming of the city and its employees and agents as additional insureds, providing adequate proof of insurance, and provisions requiring the permit applicant to defend, indemnify, and hold harmless the city and its employees and agents;
 19. A requirement that the applicant reimburse the city for all costs incurred by the city as the result of the event, and the city may require a deposit for such anticipated costs; and
 20. Such other conditions as are reasonably related to ensuring the public health, safety, and welfare.
- E. Fees. The city council may establish by resolution a fee or fees required to be paid upon filing of an application for a temporary use permit, which fees shall not exceed the reasonable cost of administering this section.
- F. Administrative Guidelines. The city manager shall be authorized to develop an administrative policy and guidelines, consistent with this chapter, to implement the provisions of this section.
- G. Appeals. Without limiting any other available remedy, a person aggrieved by a decision regarding a permit application pursuant to this section may appeal that decision pursuant to Section 17.66.080.

Attached: (1) Special Event Questionnaire
(2) Special Event Guidelines