



TEMPORARY USE PERMIT APPLICATION

Fee _____
File No. _____

PROPERTY OWNER INFORMATION

Name(s) _____
Contact _____
Address _____
City _____ State _____ Zip _____
Phone _____ Email _____

BUSINESS/APPLICANT INFORMATION (If different from owner)

Name(s) _____
Contact _____
Address _____
City _____ State _____ Zip _____
Phone _____ Email _____

SITE INFORMATION

Property Address _____
Present Zoning _____ Present Land Use _____

USE SPECIFICATIONS

Type of Use/Activities to Take Place _____
Duration of Event _____
Days and Hours of Operation _____
Number of Employees _____ Number of Clients/Day _____
Size of Temporary Structure _____ Location of Sanitary Facilities _____
Proposed Parking _____ Estimated Vehicles/Hour _____
State Tax ID #/Heath Inspection Certificate/Any other applicable Licenses _____

SIGNATURE

I/We, the undersigned am/are the **(owner(s))**, **(duly authorized applicant)**, **(Circle One)** of the aforementioned property. By execution of my/our signature, I/we do hereby officially apply for a temporary use permit as indicated above.

Signature: _____ Date _____

APPLICATION SUBMITTAL REQUIREMENTS

- | Yes | No | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. Complete application packet |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. Owner authorization /letter |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. Application fee |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. Scaled plot plan or site plan showing all existing and proposed structures and enclosures |

OWNER AFFIDAVIT

I/WE _____, hereby referred to as the “Undersigned”, being of lawful age, do hereby on this _____ day of _____, 20____, make the following statements to wit:

1. I/We the Undersigned, on the date first above written, am/are the lawful owner(s) in fee simple absolute of the following described real property:

See “Exhibit A, Legal Description” attached hereto and incorporated herein by reference.

2. I/We the undersigned, have previously authorized and hereby authorize _____ (Herein referred to as “Applicant”), to act on my/our behalf for the purpose of making application with the City of Gardner, regarding _____ (common address), the subject property, or portion thereof. Such authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process. I/We further attest that I/We agree to be legally bound by the application made on our behalf by applicant and the resultant action upon such application by the City of Gardner.

3. It is understood that in the event the Undersigned is a corporation or partnership then the individual whose signature appears below for and on behalf of the corporation or partnership has in fact the authority to so bind the corporation or partnership to the terms and statements contained within this instrument.

IN WITNESS THEREOF, I, the Undersigned, have set my hand and seal below.

Owner

Owner

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me on this _____ day of _____, 20____, by _____.

My Commission Expires: _____
Notary Public

TEMPORARY USE STANDARDS

Temporary Use. Where temporary uses are permitted, all of the following standards shall be met:

1. A temporary use meeting the standards of this section shall be permitted by the Business and Economic Development Director or designee upon review of a plot plan or site plan in accordance with standards.
2. The temporary use shall be comparable in scale, impact and type of use to an otherwise allowed use in the district.
3. All temporary structures shall meet the required minimum setback for the building type located on the property, or (in the case of vacant property) the required minimum setback for one of the permitted building types in that zoning district.
4. No portion of the temporary use, or accessory activities associated with the temporary use, shall be located within 30 feet of the property line of an existing residence or a residentially zoned district.
5. The use, considering expected attendance, duration, hours of operation, and peak times, shall not create any traffic problems considering access to the site, parking on the site or on adjacent streets, or travel patterns on surrounding streets.
6. The hours of operation shall be between 7:00 am and midnight, except as may be further limited through administrative review based on the specific use and the context of the proposed location.
7. Any use where typical visits are longer than two hours, or an event where a significant component is on-site consumption of food and beverages, shall provide adequate sanitary facilities. Such facilities shall generally be based on one station per 100 persons expected in a peak hour.
8. The duration of the event shall be limited as follows (does not apply to Food and Beverage – Mobile uses):
 - a. Special events – no more than seven days.
 - b. General merchandise sales or services – no more than seven days.
 - c. Seasonal sales – no more than 90 days.
 - d. Or other appropriate administrative limitation based on the specific use and context of the proposed location.
9. All necessary permits for facilities, public safety, or insurance shall be obtained prior to the final approval and activation of the use.
10. All materials, equipment and temporary structures shall be removed upon the discontinuance of the use, and the site otherwise restored to its pre-use condition.

FOOD AND BEVERAGE - MOBILE STANDARDS

Food and Beverage – Mobile. Where Food and Beverage – Mobile uses are permitted as a temporary use subject to additional standards, all of the following standards shall be met in addition to the standards of Section 17.05.050 (Y) pertaining to temporary uses (this section does not apply to special events, seasonal stationary product sales, or transient merchants using public streets who do not park at one location):

1. Standards applicable to all Food and Beverage – Mobile uses:
 - a. Shall provide appropriate waste receptacles at the site of the unit and remove all litter, debris, and other waste attributable to the vendor on a daily basis.
 - b. Shall comply with all other applicable federal, state, county and City regulations and obtain all applicable permits or licenses.
 - c. Shall not be located within the sight triangle as prescribed in Section 17.04.010 (D).
 - d. Shall be located at least 10 feet from building entrances.
 - e. Shall only be located on properties that contain permitted non-residential uses in all districts, or on vacant properties that contain approved access and parking surface improvements.
 - f. Shall provide evidence of property-owner approval.

- g. Shall be limited to intermittent, not continuous or permanent, operation at any one location per calendar year.
 - h. Shall be permitted per location on an annual basis (permit duration is one calendar year).
 - i. Shall be limited to one unit per lot except as provided below.
2. Standards applicable to Vending Carts:
 - a. Shall meet all requirements for accessory outdoor food and beverage service except that it need not be associated with the adjacent business.
 - b. Vending carts shall be limited to a maximum size of 40 square feet in area and shall not exceed a maximum height of 10 feet.
 - c. All vending carts shall be securely anchored while in use, but shall have wheels to enable removal in case of emergency.
 3. Standards applicable to Mobile Food Vending Unit. (i.e. Food Trucks / Trailers):
 - a. Standards applicable to all Mobile Food Vending Units:
 - (1) All food shall be prepared, sold, or displayed inside of a mobile food vending unit or on equipment directly associated with the mobile food vending unit.
 - (2) There shall be no dining area within 10 feet of a mobile food vending unit, including but not limited to tables and chairs, booths, stools, benches, and stand up counters.
 - (3) When extended, awnings for mobile food vending units shall have a minimum clearance of seven feet between the ground level and the lowest point of the awning or support structure.
 - (4) Besides signage that is physically part of the mobile food vending units, only one portable pedestrian sign is allowed in accordance with Chapter 17.10 GMC.
 - (5) Shall not use any flashing or blinking lights or strobe lights; all exterior lights over 60-watt equivalent shall contain opaque, hooded shields to direct illumination downwards.
 - (6) Shall not use loud music, amplification devices, or “crying out” or any other audible methods to gain attention which causes a disruption or safety hazard as determined by the Code Inspection Officer.
 - (7) Shall be parked at least 25 feet from driveways at all times.
 - b. Standards applicable to Mobile Food Vending Units located on public property:
 - (1) The customer service area for mobile food vending units shall be on the side of the street that faces a curb, lawn, or sidewalk when parked. No food service shall be provided on the driving lane side of the truck or vehicle.
 - (2) Mobile food vending units parked on public streets shall conform to all applicable parking regulations and shall not hinder the lawful parking or operation of other vehicles.
 - (3) Mobile food vending units utilizing public parking spaces shall be parked in conformance with all applicable parking restrictions, and shall not hinder the lawful parking or operation of other vehicles.
 - (4) Shall not operate on public property within one block of a City-sanctioned or authorized street fair, public festival, farmer’s market or event without authorization from the event sponsor.
 - (5) Any required power on City-controlled property shall be self-contained and shall not use utilities drawn from the City-controlled property without City approval.
 - c. Standards applicable to Mobile Food Vending Units located on private property:
 - (1) Any required power on private property shall be negotiated with the property owner, however power cables or similar devices shall not be run across any City street, alley, or pedestrian facilities.
 - d. Standards applicable to Mobile Food Vending groupings (i.e. Food Truck Courts, Food Truck Rallies):
 - (1) There shall be a 20’ separation between any mobile food vending unit and any permanent structure.
 - (2) There shall be a 10’ separation between mobile food vending units.
 - (3) A fire lane shall be maintained.