

# City of Selma

**Note: The completed application and all required accompanying documents must be received at least 30 days in advance of the Christmas Tree Sale.**

## TEMPORARY USE PERMIT (Temporary Sales-Christmas Tree Sales)

**Commentary:** This document has been created by the City of Selma Community Development Department as a tool to guide the applicant(s) through the temporary use permit application procedures.

Staff will:

- . • Review and evaluate the application in light of the standards for temporary uses contained in the City of Selma Municipal Code.
- . • Render an approval, an approval with conditions, or a denial of the application. In the event of a denial of the application, staff will inform the applicant of reason(s) for the denial.

**This is to certify that the Community Development Director has authorized the issuance of a Temporary Use Permit to allow the following use on the property described below, subject to requirements, conditions, and restrictions stated in this permit:**

Date: \_\_\_\_\_

Permit Number: \_\_\_\_\_

Zoning: \_\_\_\_\_

Use: \_\_\_\_\_

Legal description or APN # of the premises:

Owner of Property: \_\_\_\_\_

Address of Property: \_\_\_\_\_

Applicant's Phone Number: \_\_\_\_\_

**NOTE: For a list of requirements, conditions and restrictions see next page  
REQUIREMENTS, CONDITIONS, AND RESTRICTIONS**

- Christmas Tree Sales shall be permitted in nonresidential zoning districts (C-2).
- Application may be made between the first day and last day of October of each year except when the last day falls on a Saturday or Sunday; then, the following business day shall be determined to be the last day.
- Use shall be confined to APN# \_\_\_\_\_ beginning \_\_\_\_\_ and extending through \_\_\_\_\_. Maximum length of permit shall be 45 days; Christmas Tree Sales shall be allowed for a period not to exceed 45 days per calendar year. Requests for modifications or waivers from any of the time limits herein specified shall require review and approval in accordance with the Conditional Use Permit procedures of Chapter 16 of the Selma Municipal Code.
- Be accompanied by an assurance that if the permit is issued to applicant, applicant shall, at the time of receipt of permit, deliver to the City Clerk a five hundred thousand dollar (\$500,000.00) combined single limits insurance certificate designating the City as an additional insured.
- Be made in writing accompanied by a permit fee of Ninety five dollars, \$95.00 (Christmas Tree Lot Permit \$50.00, Fire Inspection \$50.00).
- Prior to the issuance of a permit, each applicant shall file with the City Clerk a cash deposit, certificate of deposit or a surety bond made payable to the City in the amount of one hundred dollars (\$100.00) to assure compliance with the provisions of this Chapter. Such deposit, certificate or bond shall be refundable upon compliance with the provisions and requirements of this Chapter, including, but not limited to, the removal of the stand and the cleaning of the site. In the event the permittee does not so comply or remove the stand or clean the site, in the manner required by the Fire Official, the City may do so, or cause the same to be done by other persons, and the reasonable cost thereof shall be charged against the permittee and his deposit or surety bond.
- A site plan or map, drawn to scale, shall be submitted, showing the location of structures, improvements, parking areas and other features that exist or are proposed on the site; the parking layout shall also include a delineation of individual parking stalls and bays intended to accommodate patrons.
- Written permission shall be obtained from the owner of the property on which the sales are to be conducted and shall accompany the application. (See attached Affidavit)
- All sales shall be conducted at least 30' from the right-of-way of any street.
- A minimum of 30' setback shall be maintained from property used or zoned for residential purposes.
- Any temporary structure shall be located at least four (4) feet from any structures on the property.
- The property shall be of sufficient size to provide adequate off-street parking in addition to required parking for any existing use on the property.
- Access approval from the highway authority having jurisdiction over the subject road shall be

required. The access drive to the site shall be at least 150 feet from the right-of-way of any public road intersection or other major access drive unless there is an existing access within 150' of the intersection and the highway authority having jurisdiction grants approval to use the existing access.

- The main road from which access is taken shall be always kept free of dust, dirt, mud and other debris.
- Sales shall be conducted in such a manner so as not to interfere with traffic or cause a nuisance.
- No structures shall be constructed without first acquiring a building permit and having an inspection.
- One temporary sign, up to 16 square feet in area, shall be permitted per entrance or per road frontage for temporary uses and special events for which a temporary use permit has been issued in accordance with Section 11.28.7 of the Selma Municipal Code. The total number of signs shall not exceed 2. Such signs shall be allowed for the duration of the temporary use permit or such other time as expressly established at the time of approval of the temporary use permit. All temporary signs shall be removed immediately upon cessation of the temporary use.
- The Community Development Director shall have the authority to suspend, revoke or modify a temporary use permit immediately upon determination that the conditions and requirements set forth in the permit have been violated. Written notice of the Community Development Director's determination to suspend, revoke or modify the permit shall be promptly provided by the applicant. A determination shall be final and conclusive unless the applicant takes an appeal to the Planning Commission, by filing a notice of appeal with the Chairman of the Committee within 10 calendar days after receipt of notice of the Community Development Director's determination.
- The Community Development Director shall have the authority to deny Temporary Use Permits to any person who owns, applied for or otherwise caused an uncorrected violation of a provision of the Selma Municipal Code or who has demonstrated a willful history of violations, including any condition attached to the permit or approval previously granted by the county. This provision shall apply regardless of whether the property for which the permit or other approval is sought is the property in violation.
- The Community Development Director shall have the authority to deny Temporary Use Permits on any land or structure or improvements thereon upon which there is an uncorrected violation of a provision of the Selma Municipal Code, including any condition attached to a permit or approval previously granted by the City. This enforcement provision shall apply regardless of whether the current owner or applicant is responsible for the violation in question.
- Lot site shall be kept free of weeds, trash and debris at all times.
- If combustible material is used as ground cover (i.e., sawdust, hay, pine straw), materials shall be kept damp at all times.
- Trash, debris, sawdust and other ground cover shall be removed within ten (10) days after the close of the sale period.
- At no time shall any open flame device or open fire (i.e., cooking, warming type) be allowed on the lot site.
- Provide a garden hose equipped with a spray type nozzle. Hose is to be attached to a pressurized water source and of a length able to reach all points of the lot site.

- Provide a minimum of two (2) 2A10BC dry chemical fire extinguishers when a portable generator and flammable liquids (gasoline) are located and used on the lot site. Extinguishers must be tagged with the California State Fire Marshal seal.
- Trees sold or delivered to commercial establishments, hospitals, rest or guest homes, or childcare centers shall be flame retardant treated.
- Any tree for the use in public buildings or are sold as "flame-proofed" shall be properly treated with a flame retardant approved by the Fire Chief and needs to be tagged with the following information.
  - Name of applicator
  - Address of applicator
  - Chemical used (Trade or symbol)
  - Date treated
- Gasoline generators must be located outside of any sales area, ten (10) feet away from any storage areas, and away from areas of public contact. Flammable liquids shall only be stored in and dispensed from approved safety containers. Containers must be stored outside of and away from any sales area, areas of public contact or sleeping areas. Maximum allowable quantity of flammable liquids shall not exceed five (5) gallons at any time.
- Outside sales only. Buildings shall not be used for sales. Buildings may be used for storage after approval by the Fire Marshal.
- Tents shall be used only for storage and flocking of trees. Any tent used shall be flame retardant and have affixed to it a tag or label identifying the California State Fire Marshal seal.
- "NO SMOKING" signs shall be posted in a minimum of three locations, all of which are to be easily visible by all customers.
- The sale of Christmas trees shall not begin before twelve o'clock (12:00) noon on November 11 and shall not continue after ten o'clock (10:00) P.M. Except for November 11, the sale of fireworks shall not begin before eight o'clock (8:00) A.M. and shall not continue after ten o'clock (10:00) P.M. each day.
- All unsold stock and accompanying litter shall be removed from the location by five o'clock (5:00) P.M. on December 26.
- The Christmas tree stand shall be removed from the temporary location by twelve o'clock (12:00) noon on December 27, and all accompanying litter shall be cleared from said location by said time and date.

**Community Development Director:**

**I, the undersigned, have read and agree to abide by the above stated requirements, conditions, and restrictions for the use of the subject property for which this Temporary Use Permit is being granted.**

Applicant's/Applicants' Signature \_\_\_\_\_

**CHECK LIST FOR TEMPORARY SALES- Christmas Tree Sale**

**For Office Use Only**

The following items are on file in relation to the temporary use permit being requested: Yes No

1. *Is the Use permitted in the Zoning District? ):*
2. *If located in a residential zone, are the hours of operation restricted to daylight hours?*
3. *Maximum length of permit shall be 45 days:*
4. *Written permission from the owner of the property:*
5. *A site plan, drawn to scale, showing setbacks of temporary structures and parking areas*
6. *Are the sales conducted at least 30 feet from the right-of-way of any street?*
7. *Is minimum of 30-foot setback maintained from property used or zoned for residential purposes?*
8. *Arrangement for temporary sanitary facilities:*
9. *Permission from the Highway Authority:*
10. *Is the access drive to the site a minimum of 150 feet from the right of way of any public road intersection or other major access drive? If not, is permission granted from the highway authority for the existing access?*
11. *Is sufficient off-street parking for the temporary use in addition to the required parking for the permanent use available?*
12. *Has the applicant applied for building permits for all proposed temporary structures?*
13. *Are all proposed temporary structures located four (4) feet from all other structures?*
14. *Proposed signage (number\_\_\_\_)(sq.ft.\_\_\_\_):*

Name: Counter Staff \_\_\_\_\_ Date \_\_\_\_\_

**AFFIDAVIT I, owner of APN# \_\_\_\_\_ give**

**permission to \_\_\_\_\_ for the use of the**

**subject property for temporary sales: Christmas Tree Sale.**

**I also will allow the applicant to use the sanitary facilities located on the subject  
property.**

\_\_\_\_\_ **Property Owner**