



## Temporary Use Permit Information and Submittal Requirements Checklist

City of Indian Wells  
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# TEMPORARY USE PERMIT

## TEMPORARY USE PERMITS.

- (a) Purpose. The Temporary Use Permit (TUP) allows for:
- (1) Short-term activities or uses that are established for a short period of time (e.g., construction offices, off-site parking facilities; tents, signs/banners, etc.); or
  - (2) Special events, as defined in Section 21.08.445(b), which may be appropriate when regulated.
- (b) Permit Required. No person or entity shall operate, maintain, conduct, advertise, or sell or furnish tickets for, a temporary use unless they first obtain a Temporary Use Permit from the City. A temporary use or event shall be allowed only under a TUP granted in accordance with the requirements of this Section. The TUP shall be in addition to any other regulatory approvals, including but not limited to a business license, mobile food facility permit, or encroachment permit as required by the City Municipal Code. TUPs are considered either: 1) Minor TUP or; 2) Major TUP.
- (1) Minor TUPs are generally considered a short-term use or event that would have little to no effect on surrounding properties and occur entirely upon private property not zoned for residential use. The use or event must be located within an existing site of sufficient size to provide adequate space, circulation and parking for the anticipated use, or event attendance, and shall meet the following performance standards, as determined by the Community Development Director:
    - (i) the temporary use or event will not extend beyond 6-months;
    - (ii) hours of operation are limited to 7:00am to 10:00pm daily;
    - (iii) adequate parking for the anticipated attendance shall be provided on-site;
    - (iv) the event or activities will not generate nuisance factors such as but not limited to direct glare or illumination on adjacent properties, noise, vibration, offensive odor, smoke, dust, etc.;
    - (v) all trash generated by the use or event shall be picked up both on- and off-site at the end of each day of the event;
    - (vi) any alcohol sales and consumption shall be permitted by the California Department of Alcoholic Beverage Control;
    - (vii) any amplified sound used at the event or other noise generation activities will be in conformance with the City's Noise Ordinance (Chapter 9.06); and
    - (viii) adequate provision for traffic safety and security measures shall be provided.

(2) Application Requirements (Minor TUP) — The following information is required for submittal of a Minor TUP application:

- (i) A completed application form;
- (ii) An application fee as established by the City Council;
- (iii) A description of the temporary use including the date, time, hours and location;
- (iv) Plans (to scale) to include site plans showing temporary facilities, parking areas, on-site vehicle and pedestrian circulation, refuse collection areas, security, emergency, electrical, mechanical, and sanitary facilities, (Ord. 482 § 1, 2001); and
- (v) Any other information as required by the Community Development Director to comprehensively analyze the scope and potential effects of the temporary use or event.

(3) Review and Approval Authority (Minor TUP) - The Director of Community Development may administratively approve or deny Minor TUPs within 30-days of a completed application. A Minor TUP may be denied, approved as applied for, approved in modified form, or approved with conditions as necessary to protect the best interests of the surrounding properties, the neighborhood, the City as a whole, and the intent and purposes of applicable City regulations and standards.

(4) Major TUPs include any short-term use or event that does not qualify as a Minor TUP and may have the potential to affect surrounding land use and traffic circulation, as determined by the Community Development Director. Major TUPs may include property zoned for commercial and private residential use and shall be issued only after any required environmental review. Major TUPs must meet the following performance standards:

- (i) the temporary use or event will not extend beyond 12-months;
- (ii) hours of operation are limited to 7:00am to 10:00pm daily;
- (iii) adequate parking for the anticipated attendance shall be provided on-site and/or off-site with approval from the affected property owner and a plan for professional shuttle services;
- (iv) any potential nuisance factors associated with the use or event, such as but not limited to direct glare or illumination on adjacent properties, noise, vibration, offensive odor, smoke, dust, etc. must be reduced to less than significant levels through applied mitigation or conditions of approval;
- (v) all trash generated by the use or event shall be picked up both on- and off-site at the end of each day of the event;
- (vi) any alcohol sales and consumption shall be permitted by the California Department of Alcoholic Beverage Control;
- (vii) any amplified sound used at the event or other noise generation

activities will be in conformance with the City's Noise Ordinance (Chapter 9.06);

- (viii) adequate provision for traffic safety and security measures shall be provided.
- (5) Application Requirements (Major TUP) – The following information is required for submittal of a Major TUP application:
  - (i) A completed application form;
  - (ii) An application fee as established by the City Council;
  - (iii) 2-sets of certified mailing labels with a radius map of all properties within 300-feet of the project site (may be extended to 500-feet);
  - (iv) A description of the temporary use or event including the date, time, hours and location;
  - (v) Plans (to scale) to include site plans showing temporary facilities, parking areas, on-site vehicle and pedestrian circulation, refuse collection areas, security, emergency, electrical, mechanical, and sanitary facilities, an/or any other information which may be necessary to adequately and completely explain the entire temporary use. (Ord. 482 § 1, 2001);
  - (vi) An estimate of the market rate cost to remove the temporary use and all temporary accessories related to the event or activity within five (5) days of the termination of the temporary use;
  - (vii) A Statement on the dates and times of the contemplated use including the time to set up, remove, and restore the site;
  - (viii) A Statement of the number of persons and vehicles expected at such temporary use; (Ord. 482 § 1, 2001)
  - (ix) A list of all vendors, by name, address, and telephone number, including business license numbers;
  - (x) A Statement or plan showing arrangements for parking, ingress, egress, and areas to be blocked off and areas designated as "No Parking" areas;
  - (xi) A Statement of arrangements for security;
  - (xii) A Statement of arrangements for sanitation, health, and drinking water;
  - (xiii) A Statement of arrangements made for fire safety;
  - (xiv) A Statement of arrangements made for building safety such as television towers, grandstand seating, temporary wiring, spot lights, etc.;
  - (xv) A Statement of arrangements made for sales and serving of food, beverages, and alcohol;

- (xvi) A Statement of arrangements for overnight camping; and
  - (xvii) Any other information as required by the Community Development Director to comprehensively analyze the scope and potential effects of the temporary use or event.
- (6) Review and Approval Authority (Major TUP) - The Director of Community Development may administratively approve or deny Major TUPs within 30-days of a completed application provided a noticed public meeting is held at the Planning Department with the Director, planning staff and affected public to go over the proposed use or event details to address any concerns or questions. Alternatively, the Director has the authority to schedule a Major TUP for formal public hearing with the Planning Commission, at his/her discretion subsequent to review of a completed application. A letter of notification for the administrative public meeting shall be sent to all property owners and residents within 300-feet of the subject property as shown upon the current tax assessor's records of Riverside County. Notice of the public meeting shall be given by U.S. Postal Service Certified Mail, not less than ten (10) days prior to the date of the meeting. Certified mailing labels shall be provided to the City by the Applicant as required under Section 21.06.060 (d)(3). An administrative decision to grant or deny a Major TUP shall be made by the Community Development Director based on the findings in Section 21.06.060 (f). The Director shall schedule a Major TUP for a formal public hearing with the Planning Commission, when a TUP:
- (i) has been determined not to be exempt under the California Environmental Quality Act (CEQA);
  - (ii) has significant concerns raised by the public which cannot be resolved amicably between the affected parties through application of reasonable conditions; or
  - (iii) the use or event would not operate longer than a 12-month period.
- (7) Administrative Public Meeting – Findings. The Community Development Director upon conclusion of the public meeting for a Major TUP shall declare his/her decision based on the following findings:
- (i) the temporary use or event is determined to be categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to Public Resources Code Section 21083 and CEQA Guidelines Section 15300 et seq. (14 C.C.R. Section 15300 et seq.);
  - (ii) the location of the temporary use or event is in accord with the objectives and purposes of this Chapter, the Zoning Ordinance, the City's General Plan, and any applicable Master Development Plan or Specific Plan;
  - (iii) the temporary use or event will not be detrimental to the public health, safety, or welfare, or be materially injurious to properties or

improvements in the vicinity, or otherwise that the economic benefit to the City of the temporary use or event outweighs any minor or temporary detriment to nearby property owners or occupants.

- (iv) the temporary use or event will comply with each of the applicable provisions of the Zoning Code.
- (8) A Major TUP that is substantially unchanged regarding location and activities from a previous temporary use, which was reviewed and approved through a public meeting, may be issued without any subsequent public meetings, with a provision that the original conditions of approval still apply. The Community Development Director may schedule a public meeting for the subsequent temporary use or event if the Director determines there are significantly changed circumstances following the previous approval.
- (c) Exceptions. Any temporary use meeting the following criteria shall be exempt from the temporary use permit process contained within this Section:
- (1) any temporary use or event which will be held within an enclosed structure or grounds and will be completely encompassed (including parking) within the premises of a hotel or sports complex property that is normally associated with the main function of the structure or grounds (e.g., conference rooms, ball rooms, event lawns, etc.) and does not require the review or approval of any other permit or application; and
  - (2) any temporary use or event specifically approved by a Conditional Use Permit (CUP);
- (d) Appeal. In the event the Applicant is denied; the Applicant may appeal the decision in accordance with the appeal procedures set forth in Section 21.06.110.
- (e) Conditions. The City may require such conditions as operational limitations, traffic control plans, security plans, cleanup bonds, dust control, financial requirements, security deposits, financial statements or such other requirements as deemed necessary for the protection of the City and the greater public health, safety, and welfare of its residents and property owners.
- (f) Removal and Restoration Bond. Unless waived by the Community Development Director, the Applicant shall post a bond or a similar guarantee, acceptable to the City, sufficient to cover one hundred ten (110) percent of the market rate cost to remove the temporary use and all temporary facilities related thereto from the site(s) and/or structure(s) upon which they were situated, and restored to the previous condition within five (5) days of termination of the temporary use or event. Should the applicant fail to comply with this requirement, the City shall cause such removal and restoration to occur and shall defray the cost of same by deducting all the cost incurred

from the applicant's removal and restoration bond.

- (g) Revocation. If the conduct of a temporary use or event violates any provision of this Chapter or the Zoning Code, or if there is a failure to comply with any conditions of such temporary use permit, the Community Development Director may revoke the permit or take action to ensure compliance.
- (h) Admission Tax. For qualifying events, the City's Admission Tax shall be levied per Municipal Code Section 3.14.020.
- (i) Waiver of Fees. In the event of special circumstances, demonstrated hardship, or for charitable (nonprofit) organizations the Community Development Director may waive, modify, or reduce any and all fees for the processing of a temporary use permit as required by this Section.

# **TEMPORARY USE PERMIT PUBLIC HEARING REQUIRED SUBMITTAL REQUIREMENTS CHECKLIST**

- Documentation with owner's and applicant's signature;
- Application fee as per the current fee schedule;
- One (1) set of certified mailing labels for all property owners and residents within a three hundred feet (300') of the subject property as shown on the current tax assessor's records of Riverside County;
- Description of the temporary use or event including date, time, hours, and location;
- Insurance naming City of Indian Wells as additional insured;
- Plans (to scale) to include site plans showing temporary facilities, parking areas, on-site vehicle and pedestrian circulation, refuse collection areas, security, emergency, electrical, mechanical, and sanitary facilities, and/or any other information which may be necessary to adequately and completely explain the entire temporary use;
- An estimate of the market rate cost to remove the temporary use and all temporary accessories related to the event or activity within five (5) days of the termination of the temporary use;
- A statement on the dates and times of the contemplated use including the tie to set up, remove, and restore the site;
- A statement of the number of persons and vehicles expected at such temporary use;
- A list of all vendors, by name, address, and telephone number, including business license numbers;
- A statement or plan showing arrangements for parking, ingress, egress, and areas to be blocked off and areas designated as "No Parking" areas;



- A statement of arrangements for security;
- A statement of arrangements for sanitation, health, and drinking water;
- A statement of arrangements made for fire safety;
- A statement of arrangements made for building safety such as television towers, grandstand seating, temporary wiring, spot lights, etc.;
- A statement of arrangements made for sales and serving of food, beverages, and alcohol;
- A statement of arrangements for overnight camping;
- Any other information as required by the Community Development Director to comprehensively analyze the scope and potential effects of the temporary use or event

Environmental application if applicable;

Information as required for a public hearing contained in Section 21.06.100(a) of the Municipal Code;

Completed admission tax information and finance clearance signature form; and

Other information as required per the request of the Community Development Director.

## **CITY OF INDIAN WELLS ADMISSION TAX INFORMATION AND FINANCE CLEARANCE SIGNATURE**

The City of Indian Wells requires that an Admission Tax be collected on each admission charge to events in the City. The maximum levy is 10% of the admission charge to the event. Details on this Admission Tax and the process of collection are found in this document and any questions regarding the Admission Tax may be directed to the Finance Department at 760-346-2489. Thank you for your cooperation in working with the City to make events run smoothly and efficiently.

The following information relates directly to the Admission Tax and is taken from Municipal Code Section 3.14.020.

**ADMISSION TAX.** There is hereby imposed a tax ("Admission Tax") on each Admission Charge to any Event. The Admission Tax is a debt owed by the Patron to the City, which debt shall be extinguished only by payment to the Operator or to the City. The Admission Tax shall be in addition to all other taxes or fees imposed by law. The Admission Tax shall be a maximum of ten percent (10%) of the Admission Charge to an Event. Notwithstanding the maximum amount of the Admission Tax heretofore set forth, for calendar year 2006 the Admission Tax shall be five percent (5%) of the Admission Charge to an Event, and for calendar year 2007 and for each calendar year thereafter, the City Council is authorized to decrease by ordinance or resolution the Admission Tax, or to increase by ordinance or resolution the Admission Tax up to a maximum of ten percent (10%) of the Admission Charge to an Event. In order to decrease or increase the Admission Tax for any calendar year as permitted hereunder, the City Council shall do so on or before January 1 to take effect the following January 1.

Each Operator shall collect the tax imposed by this chapter from any Patron when he or she pays an Admission charge or purchases an Admission ticket or a multiple Event ticket. All taxes collected by Operators pursuant to this Chapter shall be held in a separate bank account in trust for the benefit of the City until payment thereof is made to the City.

**EXEMPTIONS TO TAX.** An application shall be filed with the Director for exemption from the tax imposed by this chapter if the charge paid for the Event is one specified by this section. The Director may require such information in the application for the certificate of exemption, or in addition hereto, as will enable the Director to determine whether the Admission Charge for which the exemption is sought is eligible therefore.

## **CITY OF INDIAN WELLS ADMISSION TAX INFORMATION AND FINANCE CLEARANCE SIGNATURE (Continued)**

The following Admission Charges shall be exempt when approved by the Director:

Admission Charges for Events by bona fide non-profit organizations such as country clubs, social clubs, tennis clubs, governmental entities and schools;

Admission Charges paid by Event sponsors. Event sponsors shall mean persons who contribute goods, services or money towards the Event and who in return: receive a non-exclusive license to use the Event logo in conjunction with that person's own name or products; or who receive the right to name recognition as an official sponsor in the venue where the Event is held; or receive the right to identify itself as an official sponsor of the Event in advertising and promotional materials; or who are identified by the Event Operator in promotional materials as a sponsor if approved by the Director. Prior to the Event, the Operator shall submit to the Director a list of all sponsors. The list must be approved by the Director to receive an exemption.

**CERTIFICATE.** Prior to conducting, operating, or maintaining any Event which is subject to this chapter, each Operator shall register with the Director and obtain from him or her an "Admission tax collection certificate" to be at all times posted in a conspicuous place on the premises, or on file with the manager of the Facility.

**DEPOSIT.** Upon registration, a non-fixed Operator shall make an advance deposit with the Director equal to the estimated amount of the tax to be collected by the Operator as determined by the Director. In lieu of a cash deposit, an Operator may provide a letter of credit in accordance with the City's letter of credit standards as maintained by the Director.

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### **City of Indian Wells Finance Department Review and Signature**

- The proposed temporary use event is subject to the Admission Tax and said Tax must be collected according to the terms and conditions of Municipal Code Section 3.14.020.
- The proposed temporary use event is exempt from payment of the Admission Tax according to the terms and conditions of Municipal Code Section 3.14.020.

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**Signature from Official Representative of  
Finance Department of the City of Indian Wells**