



**TEMPORARY USE APPLICATION – STATIONARY MERCHANT**

**Development Name and/or Address:** \_\_\_\_\_

**Petitioner Information:**

Primary Contact: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Phone #: \_\_\_\_\_ Email: \_\_\_\_\_ Cell #: \_\_\_\_\_

**Site Information:**

Site Address or Location: \_\_\_\_\_ Acres: \_\_\_\_\_ Property ID # (PIN): \_\_\_\_\_  
Existing Land Use: \_\_\_\_\_ Current Zoning: \_\_\_\_\_  
Brief Description of the Proposed Development (Attach additional sheets if necessary): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Other Applicant and Interested Parties:**

Name	Company	Address	Phone # / Email
Petitioner: _____			
Owner: _____			
Developer(s): _____			
Land Planner: _____			
Engineer: _____			
Agent/Attorney: _____			

**Surrounding Zoning and Land Use:**

Zoning	Jurisdiction (Village or County)	Land Use
North: _____		
South: _____		
East: _____		
West: _____		

**Special Note to Petitioners:**

- A. Stationary merchants are permitted in the C-2, C-3, C-4, C-5, C-6, and C-7 Commercial Districts, I-1 Limited Industrial District and H Hospital District.
- B. Stationary merchants shall not be located within 100 feet of a residential district or a property recommended for residential use in the Village’s Comprehensive Plan.
- C. Effective Period: Once approved, the temporary use is valid for six (6) calendar months (180 days) and shall have the effective dates of either January 1 through June 30, or July 1 through December 31.
- D. Renewal: Upon request, the Village Board may renew the temporary use permit for the stationary merchant for an additional six (6) calendar months (180 days), having the effective dates of either January 1 through June 30, or July 1 through December 31, provided there are no more than 5 temporary use permits for stationary merchants in the Village at one time. A payment of \$100 is required for an extension or renewal.

## Checklist of Required Temporary Use Stationary Merchant Application Items

- One (1) original completed "Temporary Use Application - Stationary Merchant" form and 30 copies.
- 45 copies of a sketch plan drawn to scale and accurately portraying the proposed stationary merchant location and other sketch plan requirements noted on the attached "Temporary Use for a Stationary Merchant Requirements" form.
- One (1) original and 30 copies of a written statement as to the applicant's experience in operating similar businesses in New Lenox or other communities.
- One (1) original and 30 copies of a written statement noting the proposed duration (type of seasonal items, foods, preparation methods - prepackaged or cooked / prepared on-site, etc.) and days / hours of operation of the stationary merchant.
- If the applicant does not own or lease the property at which the stationary business will operate, then one (1) original and 30 copies of a written statement from the property owner(s) that grants permission for the applicant to operate the stationary business, including any restrictions imposed by the property owner.
- Proof of general liability insurance in the amount of at least \$1,000,000 for injury or death arising out of operation of the stationary merchant, listing the Village of New Lenox as additionally insured.
- Payment of the \$100 review fee.
- Payment of the \$500 Security Deposit (separate check).

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I, \_\_\_\_\_, the Petitioner, hereby appeal to the Corporate Authorities of the Village of New Lenox, Will County, Illinois, for a temporary use for a stationary merchant in accordance with the information provided in this application. I certify that the information and statements contained in this application and the documents submitted herewith are true and factual to the best of my knowledge.

I understand that all correspondence from Village staff, including Village consultants, will be directed to the Primary Contact. It will be the Primary Contact's responsibility to inform all other interested parties of any correspondence and the status of the application.

I understand that, once the Temporary Use for a Stationary Merchant is granted by the Village Board, the petitioner must obtain a Transient Merchant license from the New Lenox Police Department before beginning operation of the stationary merchant activity.

By: \_\_\_\_\_  
Petitioner

Signed and sworn to before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

(Seal)



## **TEMPORARY USE – STATIONARY MERCHANT**

### **STATIONARY MERCHANT DEFINITION:**

- A transient merchant or business operator who sells or serves prepared, pre-packaged or unprepared, unpackaged food or foodstuffs of any kind, non-alcoholic beverages or seasonal items (flowers; fireworks; pumpkins, gourds and decorative corn; or Christmas trees and decorations) from a vehicle or other conveyance upon privately or publicly owned property. The subject property shall contain an existing permanent business that operates in a fixed building with a valid certificate of occupancy.

A stationary merchant shall not be permitted to operate upon public streets, sidewalks, alleys or other public ways of the Village. A stationary merchant shall not be permitted upon a vacant parcel or stand-alone parking lot.

### **CONCEPT PLAN REQUIREMENTS (drawn to scale):**

- Parcel boundaries of the property where the stationary merchant will be located.
- Footprint and dimensions of all existing and proposed buildings and structures on the property.
- All curb cuts, drive aisles, and parking spaces on the property.
- The required number of parking spaces for the existing use(s) on the property, the number of parking spaces provided, and the number of parking spaces the proposed stationary merchant will occupy.
- Exact location of the proposed stationary merchant, which includes the exact location of the vehicle / other conveyance.
- Exact location of proposed lighting, proposed signage on the vehicle or other conveyance, description of equipment that may generate noise, and all other activities associated with the proposed stationary merchant.

### **APPROVAL STANDARDS:**

- No more than one (1) stationary merchant shall be allowed per individual lot, zoning lot, business / industrial park or shopping center. There shall be no more than five (5) temporary use permits for stationary merchants in the Village at one time.
- The stationary merchant shall be located on an improved surface per Village requirements. The stationary merchant shall not be located within the required building setbacks of the underlying zoning district.

- All food, beverages and seasonal items shall be sold from the permitted stationary merchant vehicle or other conveyance. A drive-through shall not be permitted in conjunction with the stationary merchant.
- The stationary merchant shall provide a self-enclosing trash receptacle. The stationary merchant area must be kept clean and free of litter, garbage and debris during its hours of operation. No waste, liquids, litter or garbage shall be dumped onto sidewalks, gutters, storm drainage inlets or streets.
- The location of the stationary merchant shall not negatively impact the public safety and welfare, including but not limited to traffic flow, fire lanes, pedestrian circulation and off-street parking. The subject property shall provide for the minimum number of required off-street parking spaces for the existing permanent / primary uses(s).
- Tables, chairs, fences, barricades, etc. for a stationary merchant are prohibited.
- Speakers shall be prohibited on the vehicle or other conveyance used for the stationary merchant.
- Free-standing signs shall not be permitted in conjunction with the stationary merchant.
- Connection to Village water and sewer is prohibited. Any connection to a source of electricity must comply with Village requirements.
- The stationary merchant shall obtain any necessary licenses from the Village.
- A fire extinguisher shall be located at the stationary merchant and the applicant must adhere to any requirements of the jurisdictional fire district.
- A stationary merchant shall comply with all requirements of the Will County Health Department.
- The stationary merchant operation shall be removed entirely from the site on a daily basis. The stationary merchant area shall be cleaned of litter, garbage and debris at closing each day. No overnight storage of any kind shall be allowed.
- The hours of operation shall be limited to the hours between 7:00 a.m. and 9:00 p.m. However, upon recommendation of the Zoning Board of Appeals and approval by the Village Board, different hours of operation may be permitted or restricted.

**SECURITY DEPOSIT:**

- A \$500 Security Deposit shall be submitted with the Temporary Use application and will be used for any necessary clean-up not performed after expiration of the temporary use. Once the temporary use has expired, the applicant has ten (10) days to remove any vehicle, other conveyance and debris from the subject property. If the stationary merchant area is properly cleaned after the expiration of the temporary use as evidenced by an inspection by the Village, then the \$500 Security Deposit will be returned.