

CHAPTER 19.70
TEMPORARY USE PERMITS

MCC 1385 1/16/13

<u>Section</u>		<u>Page</u>
19.70.010	Purpose	IV-19.70-1
19.70.020	Permitted Uses – Temporary Use Permits.....	IV-19.70-1
19.70.020	Permitted Uses – Special Event Permits	IV-19.70-2
19.70.030	Exemptions	IV-19.70-2
19.70.031	Prohibited Uses	IV-19.70-3
19.70.035	Development and Operational Standards for Temporary Use Permits.....	IV-19.70-3
19.70.036	Development and Operational Standards for Special Event Permits.....	IV-19.70-5
19.70.040	Application and Permit Issuance.....	IV-19.70-6
19.70.050	Findings	IV-19.70-8
19.70.060	Conditions of Approval	IV-19.70-8
19.70.070	Condition of Site Following Temporary Use	IV-19.70-9
19.70.080	Revocation	IV-19.70-9

19.70.010 PURPOSE

The Temporary Use and Special Event Permits allows for short-term activities which may be appropriate when regulated.

19.70.020 PERMITTED USES – TEMPORARY USE PERMITS

The following temporary uses may be permitted, subject to the issuance of a Temporary Use Permit:

1. Real estate offices and model homes within approved development projects;
2. On- and off-site contractors' construction yards in conjunction with an approved development project;
3. Trailer, coach or mobile home as a temporary residence of the property owner when a valid residential building permit is in force;
4. Pumpkin and Christmas tree sale lots;
5. Fireworks stands;
6. Emergency public health and safety needs;
7. Temporary vehicle sales and car shows held at San Manuel Park;

8. Fund-raising car washes;
9. Produce stands in community gardens;
10. Food carts, operated at fixed, pre-approved locations in the Main Street Overlay zone;
11. Food trucks on private property (limit of three trucks);
12. Group assemblies not subject to Section 19.70.025; and
13. Similar temporary uses which, in the opinion of the Director are compatible with the zone and surrounding land uses, pursuant to Section 19.02.070 (3) (Similar Uses Permitted).
MC 1393 12/2/13

19.70.025 PERMITTED USES – SPECIAL EVENT PERMITS

The following temporary uses may be permitted, subject to the issuance of a Special Event Permit:

1. Group assemblies with more than 100 attendees and/or for a duration longer than three days (excluding set-up and break-down);
2. Circuses, rodeos and carnivals, subject to compliance with Chapter 5.42 of the Municipal Code;
3. Fairs, festivals and concerts, when not held within premises designed to accommodate such events, such as auditoriums, stadiums, or other public assembly facilities;
4. Food truck events (more than three trucks).
5. Certified Farmers Markets.

19.70.030 EXEMPTIONS

The following uses are exempt from the provisions of this chapter:

1. Garage and yard sales, provided the sales only occur on parcels developed with a residential use, do not occur more than 12 times per year, for no more than three days per event, and only on the third weekend of the month, in compliance with Municipal Code Section 8.14.070. MC 1393 12/2/13
2. Temporary outdoor displays and sales, pursuant to Chapter 5.22 of the Municipal Code.
3. City-sponsored uses and activities, or activities occurring on City-owned property, occurring at regular intervals (weekly, monthly, yearly, etc.). Other City permits (building permits, encroachment permits, etc.) may be required.

19.70.031 PROHIBITED USES

1. Any use not allowed in the underlying zone.
2. Any food preparation activity, except for approved food carts, food trucks, or in conjunction as an accessory to an approved larger-scale temporary use or special event (i.e., food preparation as part of a carnival or company employee appreciation event).
3. Outdoor sale of goods not accessory to a primary retail use on the property or accessory to an event sponsored by an educational, fraternal, religious, or service organizations directly engaged in civic or charitable efforts, or to tax exempt organizations in compliance with 501(c) of the Federal Revenue and Taxation Code (i.e., flower stands at a service station).
4. Car washes not sponsored by an educational, fraternal, religious, or service organizations directly engaged in civic or charitable efforts, or to tax exempt organizations in compliance with 501(c) of the Federal Revenue and Taxation Code or by a bereaved family, and/or not located on the property controlled by the sponsoring entity, or on sites approved and developed as a commercial car wash.
5. Animal rides/petting zoos not in conjunction as an accessory to an approved larger-scale temporary use of special event (i.e., with a Christmas tree sales event or carnival).
6. Any other temporary use determined to be a nuisance or which does not comply with the requirements of this Development Code (i.e., located in a required parking space).

19.70.035 DEVELOPMENT AND OPERATIONAL STANDARDS FOR TEMPORARY USE PERMITS

A. Real Estate Office and Model Homes

1. **Accessory facility only.** On-site temporary real estate offices or temporary model home complexes, may be established only within the boundaries of a residential subdivision for the limited purpose of conducting sales of parcels within the same subdivision. Off-site sales of parcels from any temporary office shall require a Conditional Use Permit.
2. **Allowed locations.** In all residential zones and all mixed-use developments with a residential component.
3. **Requirements.** A temporary real estate sales office of model home complex established or maintained in compliance with this Subsection shall meet all of the following requirements:
 - a. An agreement and a cash deposit or surety bond in an amount sufficient to guarantee to the City the removal of the sales office or model home

complex, or the restoration of the premises in conformity with the approved Development Permit and with the applicable provisions of this Development Code within 60 days after the last residence or parcel within the subdivision has been sold and escrow closed shall be required.

- b. Off-street parking shall be provided at the same ratio as required for offices in compliance with Chapter 19.24 (Off-Street Parking Standards).
- 4. **Duration.** The temporary real estate sales office and temporary model home complex may be maintained until all of the on-site parcels in the subdivisions have been sold and the escrow closed.
- B. On- and Off-Site Contractors' Construction Yards - Shall be operated only in conjunction with an approved building permit. The construction yard shall be removed immediately upon completion of the construction project.
- C. Temporary Residence – Shall be limited to the property owner and only when a valid residential building permit is in force.
- D. Pumpkin and Christmas Tree Sale Lots
 - 1. **Exemptions.** A permit shall not be required when such sales are in conjunction with an established commercial business holding a valid business registration certificate.
 - 2. **Duration.** Pumpkin/Christmas tree sales shall only be held from October 1 through December 31.
 - 3. **Vacant Lots.** Applicants for Pumpkin/Christmas tree sales proposed on vacant lots shall provide adequate on-site parking spaces and access. A site plan shall be submitted to the Planning Division for review and approval and a \$1,000 cash deposit shall be provided to ensure clean-up of the site.
- E. Fireworks Stands – Allowed with a Temporary Use Permit when in compliance with Chapter 8.60 of the Municipal Code.
- F. Temporary Vehicle Sales and Car Shows may be held in the San Manuel Park, subject to an approved Temporary Use Permit. These activities are limited to twice per calendar year for a maximum of seven days per event type.
- G. Fund-Raising Car Washes
 - 1. Sponsorship shall be limited to educational, fraternal, religious, or service organizations directly engaged in civic or charitable efforts, or to tax exempt organizations in compliance with 501(c) of the Federal Revenue and Taxation Code, or to bereaved families.

2. Fund-raising car washes shall occur no more than 12 days per calendar year per property.
 3. Fund-raising car washes shall occur on the property controlled by the sponsoring entity, or on sites approved and developed as a commercial car wash.
 4. Fund-Raising car washes shall be conducted in compliance with applicable stormwater regulations to minimize potential water quality impacts.
- H. Food Carts – Shall be operated only at fixed, pre-approved locations in the Main Street Overlay zone, at least 500 feet away from any restaurant and under current permits from the County Environmental Health Services Division.
- I. Food Trucks – Shall be limited to no more than three trucks at any one time, on the same property occupied by the business/establishment hosting the temporary event, for no more than three days per event, with no event occurring more than twice per year per location and under current permits from the County Environmental Health Services Division. For the purposes of this Subsection, a shopping/business center shall count as a single host business/establishment. All other food truck events shall comply with Section 19.70.036 (Development and Operational Standards for Special Event Permits).
- J. Group Assembly – A Temporary Use Permit shall be required for a group assembly not to exceed 100 persons nor continue for a duration exceeding three days (excluding set-up and break-down). A Special Event Permit shall be required for all group assemblies exceeding these parameters, and for all circuses, rodeos, carnivals, fairs, festivals and concerts when not held within premises designed to accommodate such events, such as auditoriums, stadiums or other public assembly facilities. No permit is required for group assemblies that occur completely indoors and within premises designed to accommodate such events.

19.70.036 DEVELOPMENT AND OPERATIONAL STANDARDS FOR SPECIAL EVENT PERMITS

- A. Group assemblies over 100 attendees or for a duration longer than three days (excluding set-up and break-down), and for circuses, rodeos, carnivals, fairs, festivals, concerts and similar uses, a Special Event Permit shall be required unless the event occurs in a facility designed to accommodate such events. Events subject to a Special Event Permit shall occur no more than a maximum of 15 days per 180-day period per location.
- B. Food Truck Events – In addition to complying with all applicable San Bernardino food truck event requirements, a Special Event Permit shall be required for all proposed food truck events that do not meet the criteria stated in Section 19.70.035.I.
1. **Location.** Food truck events may occur on any property improved with a non-residential land use up to two times per year per location for a maximum of three days per event. A Special Event Permit does not allow a food truck operator to

roam the City streets. Food trucks operated in associated with an approved Special Event Permit must operate from the approved location per the permit only.

2. **Vacant lots.** Food truck events shall not occur on vacant lots or on unpaved surfaces.
- C. Certified Farmers Markets are allowed in the CG-1, CG-2, CG-3, CR-1, CR-2, CR-3, CCS-1, CCS-2, CCS-3 and CH zones subject to the following criteria: MC 1393 12/2/1/3
1. Such use shall be limited to not more than 120 days in a calendar year.
 2. Adequate provisions for traffic circulation, off-street parking, and pedestrian safety shall be provided to the satisfaction of the Community Development Director.
 3. Seventy-five percent (75%) of the total farmers market sales area must be for the sale of farm products such as fruits, vegetables, nuts, herbs, eggs, honey, livestock food products (meat, milk, cheese, etc.), or flowers and value added farm products such as baked goods, jams, and jellies.
 4. Farmers markets shall be certified and comply with the requirement of Chapter 10.5 Direct Marketing Requirements of Division 17 of the California Food and Agriculture Code.
 5. All farmers markets shall have a market manager authorized to direct the operations of all vendors participating in the market on site during hours of operation. Farmer’s market managers shall obtain and have on site all operating and health permits during hours of operation.
 6. Operating rules, hours of operation, and maintenance and security requirements shall be submitted for review to the satisfaction of the Community Development Director.

19.70.040 APPLICATION AND PERMIT ISSUANCE

- A. **General.** A Temporary Use Permit or Special Event Permit shall be required prior to commencement of any use listed in Sections 19.70.020 and 19.70.025. A Temporary Use Permit or Special Event Permit may be approved, modified, conditioned, or denied by the Director, or the Director may refer such application to the Commission. Decisions of the Director may be appealed to the Commission pursuant to Chapter 19.52 (Hearings and Appeals).

All events associated with any Temporary Use Permit or Special Event Permit shall operate in compliance with all of the conditions associated with the Temporary Use Permit or Special Event Permit.

A copy of the approved Temporary Use Permit or Special Event Permit, along with the associated conditions, shall be in the possession of the person in charge during the event. Such copies shall immediately be presented to any City enforcement official upon request for examination.

Submittal Requirements (all applications).

1. A completed application form and Notarized property owner’s authorization shall be provided.
2. Flame resistance certificate and specifications for tents/canopies.
3. List of all vendors and type of service provided.
4. All applicable fees, including any cleanup deposit, shall be provided.

B. Temporary Use Permit Applications.

1. Time to submit - A completed application form and fees shall be submitted no less than 10 working days from the date of the beginning of the proposed use (bereaved families submitting an application for a TUP, such as a fund-raising car wash, may submit an application at least five days in advance of the proposed event).
2. Review procedures - Upon receipt of a completed application and all related fees, the Community Development Department shall review and approve, modify, condition or deny the application. Note that review by outside agencies (i.e., the Fire Department or County Health Department) may be required.

C. Special Event Permit Applications.

1. Time to submit - A completed application form and fees shall be submitted no less than 60 working days from the date of the beginning of the proposed use.
2. Review procedures - Upon receipt of a completed application and all related fees, the Community Development Department shall route the application to all applicable outside agencies responsible for reviewing the application (i.e., Police, Fire, County Health Department, etc.). Upon obtaining proof that all requirements of all outside reviewing agencies are met, the Community Department shall review and approve, modify, condition or deny the application.
3. If off-site parking is required, the applicant shall provide proof from the owners of the properties on which the parking will be provided that the parking spaces to be used are not required parking spaces, or that the parking spaces used in conjunction with the special event will not be used during normal business hours. Additionally, the applicant shall provide a plan for shuttles or other means to ensure the safe passage of event attendees between the off-site parking spaces and the event.

19.70.050 FINDINGS

Standards for floor areas, heights, landscaping, parking, setbacks, and other structure and property development standards that apply to the category of use or the land use district of the subject site shall be used as a guide for determining the appropriate development standards for a temporary use. All activities shall be limited to their specified land use districts. A Temporary Use Permit or Special Event Permit may only be issued for activities allowed in the underlying land use district.

The Director may approve or conditionally approve a Temporary Use Permit or Special Event Permit application only when all the findings contained in Section 19.36.050 (Conditional Use Permits) are made.

19.70.060 CONDITIONS OF APPROVAL

In approving an application for a Temporary Use Permit or Special Event Permit, the Director may impose conditions deemed necessary to ensure that the permit will be in accordance with the findings required by Section 19.36.050. These conditions may involve any pertinent factors affecting the operation of such temporary event, or use, and may include, but are not limited to:

1. Provision for a fixed period not to exceed 90 days for a temporary use not occupying a structure, including promotional activities, or 1 year for all other uses or structures, or for a shorter period of time as determined by the Director or as specified in this Chapter. Food carts and produce stands may be permitted for one year initially, and renewed annually, subject to verification of compliance with conditions of approval and County permit requirements, as applicable.
2. Provision for temporary parking facilities, including vehicular ingress and egress and any necessary shuttles or other means to ensure safe passage of event attendees from off-site parking areas to the event. The use of off-site private parking lots overflow parking may only occur if there is a demonstrated need for the additional parking and that the additional parking spaces are not required parking spaces, or the business(es) providing the parking will be closed when the parking spaces are to be used in conjunction with the temporary or special event;
3. Regulation of nuisance factors such as, but not limited to, prevention of glare or direct illumination or drainage on adjacent properties, noise, vibration, smoke, dust, dirt, odors, gases, and heat;
4. Regulation of temporary structures and facilities, including placement, height and size, location of equipment and open spaces, including buffer areas and other yards;
5. Provision for sanitary and medical facilities, including toilet facilities;
6. Provision for solid, hazardous and toxic waste collection, including receptacles for trash and recyclables, and disposal;

7. Provision for security and safety measures, including fencing and lighting;
8. Standards for maintenance and upkeep, including irrigation and cutting of plant materials;
9. Regulation of signs;
10. Regulation of operating hours and days, including limitation of the duration of the temporary use, as outlined in Condition No. 1;
11. Submission of a performance bond or other surety devices, satisfactory to the City Engineer, to ensure that any temporary facilities or structures used will be removed from the site within a reasonable time following the event and that the property will be restored to its former condition;
12. Submission of a site plan indicating any information required by this Chapter;
13. A requirement that the approval of the requested Temporary Use Permit or Special Event Permit is contingent upon compliance with applicable provisions of the Municipal Code; and
14. Any other conditions which will ensure the operation of the proposed temporary use in an orderly and efficient manner and in accordance with the intent and purpose of this Chapter.

19.70.070 CONDITION OF SITE FOLLOWING TEMPORARY USE

Each site occupied by a temporary use shall be left free of debris, litter, or any other evidence of the temporary use upon completion or removal of the use, and shall thereafter be used, pursuant to the provisions of this Development Code. A bond or cash deposit for the amount of \$1,000 shall be deposited with the City for operations that occur on vacant or undeveloped sites, to ensure cleanup after the activity is finished. A performance security may be required for other proposed temporary uses prior to the commencement of such activities to ensure cleanup after those activities.

19.70.080 REVOCATION

A Temporary Use Permit or Special Event Permit may be revoked or modified by the Director if any one of the following findings can be made:

1. That circumstances have changed so that one or more of the findings of fact contained in Section 19.36.050 can no longer be made;
2. That the Temporary Use Permit or Special Event Permit was obtained by misrepresentation or fraud;
3. That one or more of the conditions of the Temporary Use Permit or Special Event Permit have not been met; and
4. That the use is in violation of any statute, ordinance, law, or regulation.