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Chapter 19.740

TEMPORARY USE PERMIT

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19.740.010 Purpose.

The purpose of a Temporary Use Permit (TUP) is to regulate those uses and activities of a temporary nature that may affect the public peace, health, safety, and general welfare.

19.740.020 Applicability.

- A. Temporary uses shall be permitted on private property with the issuance of a Temporary Use Permit (TUP) as specified in Tables 19.150.020 C (Temporary Use Table) and 19.740.020 (Temporary Uses) in zones where the temporary use is permitted.
- B. Temporary uses shall be limited to the maximum number of contiguous days each use is allowed per event, the maximum number of occurrences each use is allowed and the maximum number of days per calendar year on each property or commercial complex as listed below.
- C. Non-City Sponsored events or uses located within the Public Right-of-Way, Public Park or other City owned land shall be subject to Chapter 2.28 of the Riverside Municipal Code and the granting of a Special Events Permit issued by the Arts and Cultural Affairs Division of the City of Riverside. Events which occur on both Public and Private Property (i.e. a Marathon using a public street but starting or ending at a privately owned shopping center) would be governed by the Special Event Permit provisions of Chapter 2.28 of the Riverside Municipal Code and not subject to a Temporary Use Permit.
- D. Temporary Uses listed in Table 19.740.020A below shall obtain a TUP for each event.
- E. A filing fee established by City Council Resolution shall be required prior to the issuance of a Major Temporary Use Permit.
- F. *Other Uses Not Listed* - The Community & Economic Development Director or their designee may determine that a use is similar to, and no more detrimental than, a listed Temporary Use. The maximum number of days and occurrences shall be at the discretion of the Community & Economic Development Director or their designee.
- G. Determination of City departments and other agencies whose approval is required prior to each occurrence will be determined by the Planning Division as part of the TUP review process with respect to each proposed temporary use.

<p>Table 19.740.020 Temporary Use Permit</p>

Temporary Use	Maximum Number of Consecutive Days per Event ^a	Maximum Number of Occurrences per Calendar Year ¹	Maximum Number of Days Per Calendar Year ¹	Type of Temporary Use Permit ^b
Car Show	3	16	48	Minor
Caretaker Living Quarters - Temporary During Construction	Initial period of no more than six months, except that individual extensions of up to three months each with a maximum of one year from the date of the initial siting may be granted.			Minor
Christmas Tree and Pumpkin Sales (Seasonal)	30	2	60	Major
Circus or Carnival (With or without Tent)	7	1	7	Major
Dwelling Unit (Motor Home, RV, Camper, etc.)	30	4	60	Minor
Entertainment (Trial basis)	A maximum of 20 entertainment days within a 60 day period is permitted. The maximum number of days per week shall be determined by the Planning Division in collaboration with the Riverside Police Department. Refer to 19.740.050.E.6 for more information. An extension of up to 90 days may be permitted as noted under 19.740.050.E.6.g during the processing of a Conditional or Minor Conditional Use Permit (depending on Zone) only if a MCUP or CUP has already been filed with the Planning Division.			Major
Fair, Concert, Exhibit or Similar Uses	7	2	14	Major
Fruit Stands	4	8	32	Minor
Garage Sales	Garage Sales are Regulated by Chapter 5.49 of the Riverside Municipal Code			N/A
Mobile Medical Units for Humans	7	2	14	Minor
Non-Commercial Car Wash	Contact Public Works Department for requirements for temporary Car Washes			N/A
Non-Commercial Tent Meetings	10	1	10	Major
Outdoor Preparation of Food (Temporary)	3	6	18	Major
Outdoor Sales in Conjunction with a Permanent Land Use (Parking Lot Sale)	5	8	40	Minor
Outdoor Sales Event not in Conjunction with a Permanent Land Use (Swap Meet)	4	4	16	Major

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Special Events (Events on Public Properties including streets, schools, or parks)	Special Events are administered by the Arts and Cultural Affairs Division pursuant to Chapter 2.28 of the Riverside Municipal Code			N/A
Subdivision Sales Trailer or Office During Construction	Initial period of no more than one year from the date of the initial siting may be granted.			Minor
<u>Temporary Emergency Shelter</u>	=	=	<u>180</u>	<u>Minor</u>
Temporary Holiday Storage Containers	45	1	45	Minor

¹ An applicant or property owner may request an increase in the maximum number of days per event, number of occurrences, or days per calendar year by requesting consideration of a Temporary Use Permit to the City Manager and paying all applicable filing fees.

² Events in compliance with all applicable Development Standards Listed in 19.740.050F shall be exempt from the Major TUP process and may file online; however, any event that does not comply with all applicable Development Standards may be considered under the TUP Major process.

19.740.040 Exemption.

- A. Any temporary uses allowed by this Chapter proposed to be located within the boundaries of the Riverside Convention Center shall be exempt from the TUP process. Any proposed tents or structures shall be reviewed and approved by the Building and Safety Division and/or Fire Department which may require additional permits. Events which utilize adjacent sidewalks or other public property shall be subject to the granting of a Special Events Permit.
- B. Activities clearly incidental to a Public K-12 School, College or University (UCR and RCC) regulated and funded by a public governmental agency, such as graduation and sporting events, contained entirely on-site (including all parking) shall be exempt from the TUP process.
- C. Activities clearly incidental to a Private K-12 School, College or University (CBU and LSU), such as graduation and sporting events, contained entirely on-site (including all parking) shall be exempt from the TUP process provided there is an active Conditional Use Permit (CUP) or Campus-Wide Specific Plan for the institution. Fairs, Concerts, etc. which rely on on-street parking or path of travel shall not be included in this exception. Vocational and Training Schools are not included in this exemption.
- D. Events sponsored and sanctioned by the Master Property Association or Property Manager for Regional Shopping Centers which are 20 acres or larger located within the CR – Commercial Retail, CG – Commercial General or CRC - Commercial Retail Center Zone shall be exempt from the TUP process provided the entire event occurs on Managed or Owned Properties.

19.740.050 Development, Operational and Location Standards.

- A. *Minor Temporary Uses* - Temporary Uses that comply with all applicable Development, Operational and Location standards listed in Chapter 19.740.050 may request a Minor TUP by using the online TUP system and are exempt from payment of the TUP filing fee. However, Temporary Uses that do not comply with all applicable standards may still be processed under the major Temporary Use Permit process provided the Zoning Administrator and all applicable Departments approve the request; the applicant shall be responsible for payment of the associated filing fee.
- B. *Major Temporary Uses* – Major Temporary Uses shall comply with all applicable Development, Operational and Location standards listed in Chapter 19.740.050 provided that the Zoning Administrator and all applicable Departments approve the request; the applicant shall be responsible for payment of the associated filing fee.
- C. Any use which is prohibited by state or federal law is also strictly prohibited.
- D. The Community & Economic Development Director or their designee may authorize minor deviations from the Development, Operational and Location Standards through the Major TUP review process (i.e. construction of a temporary stage); however, these deviations shall be discretionary and may be denied.
- E. All events must comply with Title 7 of the Riverside Municipal Code (Noise).
- F. Temporary Uses listed in Table 19.740.020 above shall comply with the following Development Standards:
 - 1. Car Show
 - a) The parking of vehicles shall occur on improved surfaces only (i.e. asphalt or concrete).
 - b) The event shall not occupy more than thirty percent of a required parking area and shall not substantially alter the existing circulation pattern of the site.
 - c) The event shall provide and maintain all state and federal disabled access requirements including, but not limited to parking, path of travel, sanitation facilities, etc.
 - d) The event shall not block or modify any fire lane or fire hydrant.
 - e) No stage shall be permitted.
 - f) No tents, canopies or other temporary structures with an individual area of 120 square feet shall be permitted.
 - 2. Caretaker Living Quarters - Temporary During Construction - For development standards for caretaker living quarters used during construction review Article XII Chapter 19.465.
 - 3. Christmas Tree and Pumpkin Sales (Seasonal) - Christmas tree and pumpkin sales lots are subject to compliance with the following criteria as set forth below:

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- a) Christmas tree or pumpkin sales within an existing retail center or business may not occupy more than ten percent of a required parking area and may not substantially alter the existing traffic circulation pattern of the site. The temporary sales area shall not obstruct any existing handicap accessible parking space. Sidewalks shall be maintained at a minimum width of four feet to provide for handicap access. A site plan shall be submitted for approval by the Community & Economic Development Director or their designee;
 - b) Christmas tree and pumpkin sales lots located on vacant property shall provide adequate on-site parking spaces and access. A site plan shall be submitted for approval by the Community & Economic Development Director or their designee. Upon approval, the sales lot shall be clearly marked in accordance with the approved site plan;
 - c) Hours of operation, including the use of generators and lot lighting, excluding security lighting, shall be limited to nine a.m. to ten p.m., unless other hours are specified by written approval issued by the Community & Economic Development Director or their designee. Security lighting shall be shielded to prevent light spillage onto adjacent properties;
 - d) Incidental sales of Christmas tree lights, tree decorations and stands may be permitted in conjunction with a Christmas tree sales lot, but sales of gift items are excluded; and
 - e) Other conditions to mitigate potential land use impacts and public safety can be required on a case-by-case basis as deemed necessary and appropriate by the Community & Economic Development Director or their designee.
4. Circus or Carnival (with or without tent)
- a) A Circus or Carnival within an existing retail center or business may not occupy more than ten percent of a required parking area and may not substantially alter the existing traffic circulation pattern of the site.
 - b) The event shall not obstruct any existing handicap accessible parking space. Sidewalks shall be maintained at a minimum width of four feet to provide for handicap access. A site plan shall be submitted for approval by the Community & Economic Development Director or their designee;
 - c) A Circus or Carnival located on vacant property shall provide adequate vehicular access. A site plan shall be submitted for approval by the Community & Economic Development Director or their designee. Upon approval, the sales lot shall be clearly marked in accordance with the approved site plan;
 - d) Hours of operation, including the use of generators and lot lighting, excluding security lighting, shall be limited to nine a.m. to ten p.m., unless other hours are specified by written approval issued by the Zoning Administrator. Security lighting shall be shielded to prevent light spillage onto adjacent properties;

- e) The Circus or Carnival shall be located a minimum of 100 feet from any residentially zoned or utilized property unless otherwise specified by written approval issued by the Community & Economic Development Director or their designee.
 - f) Other conditions to mitigate potential land use impacts and public safety can be required on a case-by-case basis as deemed necessary and appropriate by the Community & Economic Development Director or their designee.
5. Dwelling Unit (Motor Home, RV, Camper, etc.)
- a) A dwelling unit may only be permitted on a residentially used parcel.
 - b) The vehicle may not be parked within the Public Right-of-Way, overhang into the Public Right-of-Way, block any sidewalk or path of travel and may be no closer than 5 feet from any interior property line.
 - c) The vehicle must be parked on a concrete pad or driveway.
 - d) Generators may only be permitted between the hours of 7:00 am and 10:00 pm as permitted by Title 7 of the Riverside Municipal Code.
6. Entertainment (Trial basis)
- a) Prior to investing into a CUP or Minor CUP, a business may apply for a TUP to determine if such a business endeavor is viable for said business. Entertainment (Trial basis) is the temporary establishment of an entertainment operation on a trial basis.
 - b) These standards shall not apply to Entertainment Venues with a valid and active CUP or Minor CUP.
 - c) Entertainment (Trial basis) shall only be permitted in zones where "Assemblies of People – Entertainment" is Minor Conditionally or Conditionally Permitted by the Zoning Code or applicable Specific Plan.
 - d) Entertainment must be in conjunction with a full-service sit down restaurant.
 - e) Entertainment (Trial basis) is permitted for a maximum of twenty (20) events in a consecutive sixty (60) day period. The entertainment days and number of entertainment days per week shall be at the discretion of the Planning Division in collaboration with the Police Department.
 - f) Only one (1) application for Entertainment (Trial basis) shall be permitted for an operator of a business. A change in operators shall reset this time limit.
 - g) An additional extension period of up to ninety (90) days, for up to thirty (30) events may be granted subject to review and approval by the Planning Division and Police Department during the processing if a Conditional Use Permit has been filed with the Planning Division for permanent entertainment. A complete application for the Conditional or

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- Minor Conditional Use Permit, as applicable, must be submitted for review prior to the granting of the extension.
- h) A written security plan shall be reviewed and approved by the Planning Division and Police Department and shall include, at a minimum, a dress code, type of entertainment, location of security, and methods of dealing with drunk or misbehaving customers.
 - i) Written conditions of approval for all City Departments contained on the Temporary Use Permit application form shall apply to each event.
 - j) The security manager shall work directly with the Riverside Police Department whenever bands or other performances are expected to draw large crowds.
 - k) Entertainment shall be limited to interior areas only.
 - l) Entertainment shall end by 1:30 a.m.
 - m) A cover charge to enter the restaurant after 9:00pm during evenings with live entertainment shall be required.
 - n) A "Late Night" menu shall be available until within one-half hour of closing.
 - o) The premises on which the business is located shall be posted to indicate that it is unlawful for any person to drink or consume any alcoholic beverage in any public place or posted premises in accordance with Section 9.04.020 of the Riverside Municipal Code.
 - p) The applicant shall not share any profits, or pay any percentage or commission to a promoter or any other person, based upon monies collected as a door charge, cover charge, or any other form of admission charge, including minimum drink orders, or the sale of drinks, or rent out or otherwise receive compensation for the use of the facilities, unless the applicant or its representative or agent is present during the entire duration of the event, is responsible for all activities on the premises, and is responsible for ensuring compliance with all conditions of approval.
 - q) The maximum seating capacity or occupancy shall not exceed that which is established by the City Fire Marshall. More than one violation of this condition shall constitute a material violation of the permit. A security guard shall be stationed outside all entry and exit doors at all times of entertainment activities in the facility, including the exit doors to an outdoor patio (as applicable).
 - r) The business shall be in compliance with Title 7 (Noise Control) of the Municipal Code.
 - s) The posting of flyers and other propaganda within the outdoor areas of the project site and adjacent public and private property, including vehicles, shall be strictly prohibited.

- t) A copy of the Temporary Use Permit and the Conditions of Approval shall be available at the site and presented to City staff, including the Police Department and Code Enforcement upon request.
- u) Future entertainment requests may be denied should it be determined that the uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to public safety, property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
- v) The applicant shall comply with all federal, state and local laws and shall cooperate with the Riverside Police Department (RPD) in the enforcement of all laws relating to this permit. The violation of any laws in connection with this use or failure to cooperate with RPD will be cause for revocation of this permit. Failure to abide by all conditions of this permit shall be cause for revocation.
- w) A permit issued shall be based upon the business operations plan and information submitted by the applicant, which has been used as the basis for evaluation of the proposed use and for the conditions of approval herein. Permittee shall notify the Planning Division of any change in operations and such change may require a revision to the permit. Failure to notify the City of any change in operations is material grounds for revocation of the Temporary Use Permit.
- x) The granting of this request shall in no way exclude or excuse compliance with all other applicable rules and regulations in effect at the time this permit is exercised.
- y) A licensed and bonded security guard shall be required at an appropriate ratio, as determined by the Police Department and Planning Division during evenings of entertainment. Additionally, there shall be a doorman checking personal identification during the entire event. The firm or personnel providing security for the facility shall be subject to review and approval of the Police Department.
- z) Music shall be played indoors only and shall not be projected onto the outdoor area, including the patio areas or surrounding public spaces. All doors shall remain closed while entertainment activities are occurring to minimize noise impacts.
- aa) No loitering shall be permitted on any property adjacent to the licensee's premises and under control of the applicant.
- bb) No alcoholic beverages shall be permitted on the property adjacent to the licensed premises under the control of the licensee.
- cc) The licensee shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control.
- dd) A security camera surveillance system shall be provided for constant recording subject to the approval of the Police Department.

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- ee) Security personnel shall mechanically keep an accurate count of people in the restaurant and make the count available to public safety personnel upon request.
- ff) For informational purposes, failure to prevent extraordinary police services to your business in violation of Riverside Municipal Code Chapter 9.60 shall result in the owner being liable for the cost of extraordinary police service and will be cause for revocation of this permit.
- gg) Additional requirements for Entertainment in Conjunction with Alcohol Sales:
 - 1) No alcohol sales shall be permitted after 1:30 am.
 - 2) No alcoholic beverages are to be sold or dispensed for consumption beyond the premises.
 - 3) The sale of alcohol shall not constitute more than fifty percent of the total revenues generated by the establishment.
 - 4) The minimum age for admittance shall be 21 years of age.

7. Fair, Concert, Exhibit or Similar Uses

- a) A Fair, Concert, Exhibit or Similar Use within an existing retail center or business may not occupy more than ten percent of a required parking area and may not substantially alter the existing traffic circulation pattern of the site.
- b) The event shall not obstruct any existing handicap accessible parking space. Sidewalks shall be maintained at a minimum width of four feet to provide for handicap access. A site plan shall be submitted for approval by the Community & Economic Development Director or their designee;
- c) A Fair, Concert, Exhibit or Similar Use located on vacant property shall provide adequate vehicular access. A site plan shall be submitted for approval by the Community & Economic Development Director or their designee. Upon approval, the sales lot shall be clearly marked in accordance with the approved site plan;
- d) Hours of operation, including the use of generators and lot lighting, excluding security lighting, shall be limited to nine a.m. to ten p.m., unless other hours are specified by written approval issued by the Community & Economic Development Director or their designee. Security lighting shall be shielded to prevent light spillage onto adjacent properties;
- e) The Fair, Concert, Exhibit or Similar Use shall be located a minimum of 100 feet from any residentially zoned or utilized property unless otherwise specified by written approval issued by the Community & Economic Development Director or their designee.

- f) Other conditions to mitigate potential land use impacts and public safety can be required on a case-by-case basis as deemed necessary and appropriate by the Community & Economic Development Director or their designee.

8. Mobile Medical Units for Humans

- a) Mobile medical units shall not be located within any required front or street side yard. An interior side or rear yard where off-street parking is allowed may be occupied by a mobile medical unit.
- b) Mobile medical units shall not be placed within, disrupt or displace any required accessible path of travel or fire lane.

9. Non-Commercial Tent Meeting

- a) A Non-Commercial Tent Meeting within an existing retail or industrial center or business may not occupy more than ten percent of a required parking area and may not substantially alter the existing traffic circulation pattern of the site.
- b) The event shall not obstruct any existing handicap accessible parking space. Sidewalks shall be maintained at a minimum width of four feet to provide for handicap access. A site plan shall be submitted for approval by the Community & Economic Development Director or their designee;
- c) A Non-Commercial Tent Meeting located on vacant property shall provide adequate vehicular access. A site plan shall be submitted for approval by the Community & Economic Development Director or their designee. Upon approval, the sales lot shall be clearly marked in accordance with the approved site plan;
- d) Hours of operation, including the use of generators and lot lighting, excluding security lighting, shall be limited to nine a.m. to ten p.m., unless other hours are specified by written approval issued by the Community & Economic Development Director or their designee. Security lighting shall be shielded to prevent light spillage onto adjacent properties;
- e) The Non-Commercial Tent Meeting shall be located a minimum of 100 feet from any residentially zoned or utilized property unless otherwise specified by written approval issued by the Community & Economic Development Director or their designee.
- f) Other conditions to mitigate potential land use impacts and public safety can be required on a case-by-case basis as deemed necessary and appropriate by the Community & Economic Development Director or their designee.

10. Outdoor Preparation of Food (Temporary)

- a) The requirements for the outdoor preparation of food apply only when in conjunction with a permanent indoor restaurant and does not pertain to the outdoor preparation of food in association with legally established

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school or assemblies of people - non-entertainment, street fairs, carnivals or push carts that are regulated separately.

- b) For development standards for the temporary outdoor preparation of food the standards for Outdoor Dining and Food Preparation (Permanent) shall apply, Chapter 19.495.
- c) No tents, canopies or other temporary structures with an individual area of 120 square feet shall be permitted.
- d) Other conditions to mitigate potential land use impacts and public safety can be required on a case-by-case basis as deemed necessary and appropriate by the Community & Economic Development Director or their designee.

11. Outdoor Sales Event in conjunction with a Permanent Land Use

- a) An Outdoor Sales Event in conjunction with a Permanent Land Use within an existing retail center or business may not occupy more than ten percent of a required parking area and may not substantially alter the existing traffic circulation pattern of the site.
- b) The event shall not obstruct any existing handicap accessible parking space. Sidewalks shall be maintained at a minimum width of four feet to provide for handicap access. A site plan shall be submitted for approval by the Community & Economic Development Director or their designee;
- c) An Outdoor Sales Event must be in conjunction with, and clearly incidental to, an existing permanent use on site. Outdoor Sales on vacant lots is not permitted (see Outdoor Sales Event **not** in Conjunction with a Permanent Land Use below).
- d) The applicant shall provide and maintain all state and federal disabled access requirements including, but not limited to parking, path of travel, sanitation facilities, etc.
- e) The event shall not block or modify any fire lane or fire hydrant.
- f) No stage shall be permitted.

12. Outdoor Sales Event **not** in conjunction with a Permanent Land Use

- a) An Outdoor Sales Event not in conjunction with a Permanent Land Use within an existing retail center or business may not occupy more than ten percent of a required parking area and may not substantially alter the existing traffic circulation pattern of the site.
- b) The event shall not obstruct any existing handicap accessible parking space. Sidewalks shall be maintained at a minimum width of four feet to provide for handicap access. A site plan shall be submitted for approval by the Community & Economic Development Director or their designee;
- c) An Outdoor Sales Event not in conjunction with a Permanent Land Use located on vacant property shall provide adequate on-site parking spaces

and access. A site plan shall be submitted for approval by the Community & Economic Development Director or their designee. Upon approval, the sales lot shall be clearly marked in accordance with the approved site plan;

- d) The applicant shall provide and maintain all state and federal disabled access requirements including, but not limited to parking, path of travel, sanitation facilities, etc.
- e) The event shall not block or modify any fire lane or fire hydrant.
- f) No stage shall be permitted.
- g) Hours of operation, including the use of generators and lot lighting, excluding security lighting, shall be limited to nine a.m. to ten p.m., unless other hours are specified by written approval issued by the Community & Economic Development Director or their designee. Security lighting shall be shielded to prevent light spillage onto adjacent properties;
- h) The Outdoor sales area and Parking Lot shall be located a minimum of 100 feet from any residentially zoned or utilized property unless otherwise specified by written approval issued by the Community & Economic Development Director or their designee.
- i) Other conditions to mitigate potential land use impacts and public safety can be required on a case-by-case basis as deemed necessary and appropriate by the Community & Economic Development Director or their designee.

13. Subdivision Sales Trailer or Office During Construction

- a) The temporary unit shall be located on-site and in the rear half of the lot, unless otherwise approved by the Community & Economic Development Director or their designee. In no instance shall the temporary unit be located within public right-of-way.
- b) The temporary unit shall be located at least five feet from all property lines. For side and rear property lines adjoining an existing residential use, the setback of the underlying zone shall apply.
- c) The temporary unit shall be connected to water and electric utilities. Where required by the Public Works Department, the unit shall be connected to the sewer system.
- d) The unit shall be allowed to remain on the site for an initial period of no more than six months, except that individual extensions of up to three months each with a maximum of one year from the date of the initial siting may be granted by the Community & Economic Development Director or their designee. There shall be no fee for these time extensions. In considering whether to grant a time extension, the Community & Economic Development Director or their designee may consider evidence of any land use compatibility related complaints from surrounding residents and property owners.

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- e) No later than seven days following the issuance of a certificate of occupancy for the permanent building, the temporary unit shall be removed from the site.
- f) An active building permit shall be in effect prior to locating the temporary unit on-site and at all times that the unit remains on-site. The unit is to be removed within seven days of expiration of the building permit.

14. Temporary Emergency Shelter

- a) A written management and security plan shall be provided for review and approval by the Community & Economic Development Director or their designee.
- b) The owner and/or management shall become an active member of the Riverside Police Department's Crime Free Multi-Housing Program or equivalent program.
- c) A site maintenance and operations plan for ongoing property cleaning, noise control, and odor, dust, and litter control shall be submitted for review and approval of the Community & Economic Development Director or their designee prior to commencement of operations.
- d) The placement of beds are temporary and limited to the maximum number of days identified in Table 19.740.020.

~~44.15.~~ Temporary Holiday Storage Containers

- a) A maximum of four (4) temporary holiday storage containers may be permitted for retail outlets with 15,000 square feet or more of gross floor area for overstock of products and goods.
- b) A maximum of two (2) temporary holiday storage containers may be permitted for retail outlets with 10,000 to 15,000 square feet of gross floor area for overstock of products and goods.
- c) A maximum of one (1) temporary holiday storage containers may be permitted for retail outlets with 5,000 to 10,000 square feet or more of gross floor area for overstock of products and goods.
- d) The containers shall be located behind the building to minimize the visual impact from public view.
- e) The containers shall not be located within any building setback area.
- f) The containers shall maintain the minimum building setback from all property lines as determined by the California Building Code or 10 feet whichever is greater.
- g) The containers shall not be located within a fire lane nor block any fire hydrant.

~~15.16.~~ Vapor Recovery Operations - Vapor recovery operations for fuel-contaminated soil are subject to the site location criteria, operation and development standards below:

a) Site Location Criteria

- i. All equipment shall be located as far as possible, but not closer than 10 feet, to any property with a residential use or other uses designed for overnight human habitation, such as motels, hotels, hospitals or group homes.
- ii. The location on the site shall not disrupt the flow of traffic onto and off of the site.
- iii. Whenever possible, the facility shall not displace required parking. If this is not possible, the Zoning Administrator may grant a temporary displacement of required parking for the time the vapor recovery operation is in operation.

b) Operation and Development Standards

- i. All equipment shall be screened with landscaping, block walls or opaque fencing consistent with landscaping and/or physical improvements in the area.
- ii. Sound emanating from machinery shall be muffled so as not to exceed sixty dBA at the nearest property line of any nonresidential use and forty-five dBA at the nearest property line of a residential use or other uses designed for overnight human habitation, such as motels, hotels, hospitals or group homes.
- iii. The Community & Economic Development Director or their designee may limit the hours of operation to between nine a.m. and ten p.m. where vapor recovery operations are located near residential uses or other uses designed for overnight human habitation, such as motels, hotels, hospitals or group homes.
- iv. Approval from all applicable governmental agencies shall be obtained.
- v. At the conclusion of the vapor recovery operation, all machinery and improvements shall be completely removed from the site and the previously existing improvements shall be replaced in accordance with all local standards. The Community & Economic Development Director or their designee may require suitable documentation guaranteeing such removal and repairs.

19.740.060 Limitations of Approval.

Each permitted temporary use shall be limited to the maximum number of days and the maximum number of occurrences allowed per calendar year by Table 19.740.020 (Temporary Uses) of this Chapter unless extended by the Community & Economic Development Director or their designee. When either the maximum number of days or the maximum number of occurrences has been reached the temporary use shall not be permitted on the property for the

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duration of the calendar year. A commercial complex shall be considered as one property for purposes of determining the maximum number of occurrences allowed. A commercial complex is defined as a group of two or more commercial uses on a single parcel or contiguous parcels that utilize common off-street parking and access. (Ord. 7331 §110, 2016; Ord. 7211 §1, 2013; Ord. 6966 §1, 2007)

19.740.070 Temporary Outdoor Storage and Loading.

In all zones for those businesses or other authorized uses that ordinarily receive and/or send out merchandise, products and the like, articles to be loaded or unloaded may be temporarily stored outside for a period not to exceed two hours within specifically designated loading areas. No articles so stored shall be advertised or marked for sale at or from the loading area nor shall the loading area be used for merchandise display.

19.740.080 Application and Permit Issuance.

A. Major Temporary Use Permit -

1. A least five (5) working days prior to commencement of the event, the owner of the property proposed to be occupied by a temporary use or the owner's authorized representative:
 - i. Verify and obtain approval from any required Department necessary for the specific event.
 - ii. File the application for a temporary use permit with the Planning Division.
2. The Community & Economic Development Director or their designee shall review the temporary use permit application for compliance with Sections 19.740.020 (Applicability) and 19.740.050 (Development and Operational Standards) of this Chapter and shall approve or deny the application within five working days of receipt of a complete application. The applicant, having obtained all of the required City department and agency signatures, must obtain any additional required permits before operation of the temporary use. Approval of a temporary use permit does not constitute approval of any other required permits.
3. If in the judgment of the Community & Economic Development Director or their designee, a proposed temporary use, even if in compliance with Sections 19.740.020 (Applicability) and 19.740.050 (Development and Operational Standards) of this Chapter may have a substantial adverse impact on public health, safety or welfare, the Community & Economic Development Director or their designee may elect not to approve a temporary use permit and may refer the application for disposition by the City Council at its next regularly scheduled meeting.
4. Failure to comply with the limitations contained in Sections 19.740.020 (Applicability) and 19.740.050 (Development and Operational Standards) shall be grounds for denial and/or revocation of a temporary use permit.

B. Minor Temporary Use Permit -

1. Prior to the commencement of the event, a Minor Temporary Use Permit shall be obtained from the Planning Division by way of the TUP submittal website.

2. The applicant shall:

- i. Obtain written authorization from the property owner or authorized representative.
- ii. Verify that the TUP event complies with all applicable development standards established in 19.740.050.
- iii. Submit for a Minor TUP at least 5 working days prior to the commencement of the event.
- iv. If an event does not comply with the prescribed site location and operation criteria specified in Section 19.740.050 for those uses eligible for a Minor TUP (See Table 19.740.020) then the applicant shall apply for a Major TUP as listed in 19.740.080A above.

3. In the event a Minor TUP is reviewed by staff and determined to not be in compliance with all applicable development standards, staff will inform the applicant that a Major TUP is required.

- C. Failure to comply with any of the provisions of this section shall authorize the Community & Economic Development Director or authorized designee to issue a stop work order and upon issuance of the stop work order, the temporary use shall cease until continuation is authorized by the Community & Economic Development Director or authorized designee.
- D. Copies of the Temporary Use Permit (major and minor) shall be made available to City Staff upon request.

19.740.090 Revocation of Temporary Use Permits.

- A. If the Community & Economic Development Director or their designee determines that a temporary use is being operated contrary to the terms and conditions of a temporary use permit, or if circumstances under which the temporary use permit was issued have changed, such in the opinion of the Community & Economic Development Director or their designee, operation of the temporary use poses a negative impact on the public health, safety or general welfare, the Community & Economic Development Director or their designee shall issue an order to immediately cease and desist such operation. Upon receipt of the order, such operation of a temporary use shall immediately cease and desist.
- B. The Community & Economic Development Director or their designee's order to revoke a Temporary Use Permit may be appealed in writing within 2 working days of its receipt. The City Manager or authorized designee shall act on the appeal within 5 working days of the receipt of a property filed appeal. In any case, the temporary use must immediately cease and desist pending consideration of the appeal.

19.740.100 Appeal.

Appeals of the Community Development Director's Decision may be filed pursuant to Sections 19.680.030 B (Filing an Appeal) and 19.690.020 D (Effective Date of Permits and Actions) for action by the City Manager. (Ord. 7331 §110, 2016; Ord. 7211 §1, 2013; Ord. 6966 §1, 2007)

P17-0096, P17-0180, P17-0182, & P17-0521
Exhibit 4n
