

CHAPTER 21.20. TEMPORARY USE PERMITS

21.20.010. PURPOSE AND APPLICABILITY

- A. **Purpose.** This Chapter establishes a process for review and approval of certain uses that are intended to be of limited duration of time and will not permanently alter the character or physical facilities of the site where they occur.
- B. **Applicability.** For purposes of this Chapter, a temporary land use activity is defined as a land use that is interim, non-permanent, and/or seasonal in nature, located on private property, and lasting from 1 to 30 days, and generally not more than 30 consecutive days in duration. Temporary uses shall consist of the following categories:
1. **Exempt Temporary Uses.** Exempt temporary uses, as identified in Section 21.20.020 (Exempt Temporary Uses), that do not require issuance of a Temporary Use Permit.
 2. **Allowed Temporary Uses.** Non-exempt temporary uses, including special events, as identified in Section 21.20.030 (Allowed Temporary Uses), that require a Temporary Use Permit.

21.20.020. EXEMPT TEMPORARY USES

The following uses do not require a Temporary Use Permit:

- A. Seasonal stands (such as pumpkin and Christmas tree sales) without a caretaker unit lasting up to 90 days.
- B. Construction offices in conjunction with construction of a building or other approved development project.
- C. Parking lot sales and other promotional events where only on-site businesses are participating and lasting no more than 7 days.
- D. Garage and rummage sales (subject to Section 21.20.040).
- E. Single food truck operating in one location less than 7 days (subject to Section 21.69.120).
- F. Temporary food service (such as barbecues) when located at the business' permanent location or in conjunction with a non-profit fundraising event lasting less than 7 days.
- G. Sidewalk vending (subject to Subsection 21.20.040.B).

21.20.030. ALLOWED TEMPORARY USES

- A. The following activities may be approved by a Temporary Use Permit:
1. Real estate sales offices (within approved development projects).
 2. Parking lot sales and other promotional events where only on-site businesses are participating and lasting 7 or more days (if less than 7 days, no Temporary Use Permit is required).

Attachment 2

3. Trailers/temporary buildings in conjunction with an existing on-site business and remaining no more than 12 months.
4. Single food truck operating in one location 7 or more days but not more than 1 year (subject to Section 21.69.120)
5. Temporary food service (such as barbecues) when located at the business' permanent location or in conjunction with a non-profit fundraising event lasting 7 or more days.
6. Seasonal stands (such as pumpkin and Christmas tree sales) with a caretaker unit lasting up to 90 days.
7. Circuses, carnivals, fairs, festivals, and concerts lasting up to 30 days.
8. Off-site construction yards with a valid building permit (no Temporary Use Permit is required if on an immediately adjacent property).
9. Similar temporary uses as determined by the Zoning Administrator.

B. **Temporary Uses Requiring an Administrative Use Permit.** Other temporary events and special events, outdoor sales, and displays may be allowed with the approval of an Administrative Use Permit pursuant to Chapter 21.19 (Conditional Use Permits and Administrative Use Permits) so long as they are determined to not impact neighboring uses or otherwise create significant impacts.

21.20.040. USES REQUIRING SPECIAL REGULATORY PROVISIONS

Because of the temporary nature and unique aspects of certain activities, special regulatory provisions are established for the following:

- A. **Rummage Sales.** Rummage sales are expressly prohibited within the City limits, except when conducted by a charitable or nonprofit organization within a completely enclosed permanent building or structure, or when located on the site of an existing church, social hall, school, clubhouse, auditorium, recreation building, theater, or a location of similar nature.
- B. **Garage or Yard Sales.**
 1. Garage or yard sales may be conducted at dwellings throughout the City; provided, that the merchandise which has been placed on sale is the result of the normal accumulation of used items acquired by a single family or group of families, and is not in any way connected with an established business.
 2. The occupants of a dwelling shall be limited to 2 garage or yard sales per year, each having a duration of no more than 2 consecutive days.
 3. Signs advertising garage or yard sales shall not be posted on public property. Signs on private property shall be removed within 24 hours after the sale.

Attachment 2

C. **Food Trucks.** See Section 21.69.120 (Food Trucks and Food Truck Courts).

D. **Sidewalk Vending.** Sidewalk vendors are subject to the following provisions:

1. Sidewalk vending is permitted only on paved sidewalks within the public right-of-way and City parks.
2. Sidewalk vending shall not block the accessible path of travel nor curb ramps.
3. Sidewalk vending is not permitted within parks with a concession agreement.
4. Stationary vending is not permitted in residential zoning districts.
5. Sidewalk vendors shall have a valid City of Paso Robles business license.
6. No motorized vehicles are permitted on City sidewalks or within parks.
7. Carts, tables, and other equipment and supplies shall not be left unaccompanied nor stored in the public right-of-way or parks overnight.

21.20.050. APPLICATION PROCESSING

An application for a Temporary Use Permit shall be filed and processed on the prescribed application forms in accordance with the procedures in Chapter 21.09 (Application Processing and Common Procedures). An application for a Temporary Use Permit for a seasonal stand with a caretaker unit, circus, carnival, fair, festival, and concert shall be filed no less than 60 days prior to the date on which the temporary use is planned to commence. An application for a Temporary Use Permit for all other allowed uses shall be filed no less than 2 weeks prior to the date on which the temporary use is planned to commence. The Zoning Administrator may waive this time period requirement based on circumstances which prevent a timely filing.

21.20.060. ACTION BY THE ZONING ADMINISTRATOR

All requests for Temporary Use Permits on private property may be approved, conditionally approved, or denied by the Zoning Administrator (subject to agreement by other affected departments). The Zoning Administrator may refer applications to the Planning Commission or its designated subcommittees.

21.20.070. FINDINGS FOR APPROVAL AND REVOCATION

A. **Required Findings.** The review authority may approve or conditionally approve a Temporary Use Permit application only if it first makes all of the following findings:

1. The proposed use is temporarily permitted within, and would not impair the integrity and character of, the subject zoning district and complies with all applicable provisions of the Building and Fire Codes.
2. The subject site is physically suitable for the type and density/intensity of the proposed use.

Attachment 2

3. The location, size, design, and operating characteristics of the proposed temporary use will not adversely impact surrounding properties.
4. The proposed temporary use will not adversely impact the public health, safety, or welfare.
5. There will be no potentially significant negative impacts upon environmental quality and natural resources that could not be properly mitigated and monitored.
6. There are adequate provisions for public access, parking, water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to the public health and safety.

B. **Revocation.** A Temporary Use Permit may be revoked or modified by the Zoning Administrator if any one of the following findings can be made:

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

21.20.080. CONDITIONS OF APPROVAL

- A. **General.** In approving a Temporary Use Permit, the review authority may impose conditions deemed necessary to ensure compliance with adopted standards or the findings required in Subsection 21.20.070.A (Required Findings) and may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.
- B. **Conditions.** Conditions may include, but are not limited to, the following: hours of operation, provisions for parking areas, lighting and signage, traffic circulation and access, performance standards, and other measures necessary to not adversely impact surrounding properties.

21.20.090. PERMIT DURATION

In no case shall a Temporary Use Permit be approved for longer than 12 months. Approval of a Temporary Use Permit shall not be an entitlement that runs with the land and shall not be assignable or transferable to any other person.

21.20.100. CONDITION OF SITE FOLLOWING TEMPORARY USE

Each site occupied by a temporary use shall be cleaned of debris, litter, or any other evidence of the temporary use upon completion or removal of the use and shall continue to be used in compliance with this Title.