

# Attachment 4

## 21.69.120 Food trucks and food truck courts.

- A. **Purpose and Applicability.** The purpose of this section is to ensure that food trucks are compatible with surrounding and adjacent uses and do not create an adverse impact on adjacent properties by reason of noise, parking, and litter.
- B. **Special Events that Include Food Trucks.** The provisions of this section shall not apply to persons operating a food truck as part of a certified farmer's market, an authorized street fair or other event occurring under a special permit issued by the City of Paso Robles, or as allowed by the City in city parks provided that the food truck is part of the event and is complying with all terms of the permit or permits issued for the event.
- C. **Caterer.** The provisions of Subsection 21.69.120.D(1) (Temporary Use Permit Required) shall not apply to a food truck operating as a caterer (invited by a commercial business to provide food and/or beverages at a commercial business site) at a special event or events for up to 7 days in a fiscal year (July 1 – June 30), if only one food truck is operating at the special event or events at a time. Catering food trucks shall comply with Subsection 21.69.120.F (Operational Requirements for All Food Trucks).
- D. **Permit Requirements Food Trucks.** All food trucks shall comply with the operational requirements of Subsection 21.69.120.F (Operational Requirements for All Food Trucks). In addition, the following Zoning Approvals are required.
  - 1. ~~Food Truck (single vehicle operating in one location seven days or less).~~ Temporary food trucks lasting less than seven days in a single location are subject to the requirements of Subsection 21.69.120(D) (Operational Requirements for Food Trucks).—
  - 2. ~~Food Truck (single vehicle operating in one location more than seven days but less than one year).~~ Temporary food trucks lasting seven or more days (not to exceed one year) in a single location require approval of a temporary use permit (Chapter 21.20). No temporary use permit shall be issued for a food truck unless it conforms to the requirements of Subsections 21.69.120(D) (Operational Requirements for Food Trucks).—
  - 3. ~~Food Truck (single vehicle operating in one location one year or more).~~ Temporary food trucks operating for more than one year in a single location shall not operate without the approval of a site plan (Chapter 21.17). Applications for a food truck shall conform to the requirements of Subsections 21.69.120(D) (Operational Requirements for Food Trucks).—
  - 4. ~~Food Truck Court (two or more).~~ Two or more food trucks located on the same property require approval of a conditional use permit (Chapter 21.19). Applications for a food truck court shall conform to the requirements of this Subsection 21.69.120(D) (Operational Requirements for Food Trucks).
    - 1. **Temporary Use Permit Required.**
      - a. **Food Trucks.** Food trucks shall not operate without approval of a Temporary Use Permit (Chapter 21.20). No Temporary Use Permit shall be issued for a food truck unless it conforms to the requirements of Subsection

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21.69.120.E (Temporary Use Permits for Food Trucks) and Subsection 21.69.120.F (Operational Requirements for Food Trucks).

- b. **Commercial Business Sites.** A commercial business site shall require approval of a Temporary Use Permit (Chapter 21.20) if the site hosts catering food trucks, as defined and regulated in Subsection 21.69.120.C, at a special event or events for more than 7 days in a fiscal year.

**2. Conditional Use Permit Required.** Food Truck Courts require approval of a Conditional Use Permit (Chapter 21.19).

Applications for a Conditional Use Permit shall demonstrate permanent improvements to accommodate the Food Truck Court and shall conform to the requirements of Subsection 21.69.120.F (Operational Requirements for Food Trucks) to the satisfaction of the Review Authority.

**E. Temporary Use Permits for Food Trucks.** In addition to the standards in Chapter 21.20 (Temporary Use Permits), Temporary Use Permits for Food Trucks shall be subject to the following:

- 1. Duration.** Food Truck Temporary Use Permits shall last no more than 365 days and shall expire at the end of the fiscal year (as defined by Section 3.28.200 (Business license tax—How and when payable)) in which it is issued.
- 2. Payment.** Food Truck Temporary Use Permits are subject to the adopted fee for a Temporary Use Permit and are not prorated for portions of a fiscal year.
- 3. Sites.** Up to 2 specific locations included in a single submittal for a Food Truck Temporary Use Permit application are eligible to be reviewed and included in the issuance of the permit.

**F. Operational Requirements for Food Trucks.** All food trucks shall comply with the following requirements:

- 1. Private Property.** Food trucks shall operate only on private property with an existing commercial use and only as an accessory use to an existing business.
- 2. Written Approval of Owner.** The written approval of the owner of the location shall be obtained. A copy of this approval shall be provided to the zoning administrator with the permit application, prior to operating at the location. The vendor shall maintain proof of the owner's approval in the vehicle. The person operating the food truck shall present this proof upon the demand of a peace officer or city employee authorized to enforce.

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3. **Permanent Surface Parking.** The food truck shall only be stopped, standing, or parked on a permanent surface paved with concrete, asphalt, or similar as determined by the review authority.
4. **Litter Removal.** Each vendor shall provide adequate garbage receptacles accessible to customers for disposal of garbage. The food truck and surrounding property shall be maintained in a safe and clean manner at all times. The mobile vendor shall remove litter caused by its products from any public and private property within a twenty-five-foot radius of the food truck's location.
5. **No Discharge of Liquid.** The vendor shall not discharge any liquid (e.g., water, grease, oil, etc.) onto or into city streets, storm drains, catch basins, or sewer facilities. All discharges shall be contained and properly disposed of by the vendor.
- ~~6. **Temporary Shade Structures.** Temporary shade structures shall be removed whenever the food truck is not in operation.~~
7. **Noise.** The vendor shall be subject to the noise provisions set forth in Chapter 21.82 (Noise). The operation shall at all times be conducted in a manner not detrimental to surrounding properties or residents by reason of lights, noise, activities, parking, or other actions. The vendor shall prohibit loitering at the site and shall control noisy patrons on-site and those leaving the premises. No amplified music or loudspeakers shall be permitted.
8. **Hours of Operation.** Food truck vending hours shall be established by the review authority with the required permit.
9. **Business License Required.** The vendor shall have a valid business license issued by the city pursuant to Municipal Code Title 5 (Permits and Regulations) ~~Title 3, Chapter 3.28 (Business License Tax)~~. As part of its application for a business license, the vendor shall furnish to the city evidence of insurance, as deemed acceptable in the reasonable discretion of the city, against liability for death or injury to any person as a result of ownership, operation, or use of its food truck.
10. **Health Permit Required for Food Sales.** Vendors operating a food trucks shall have a valid permit issued by the San Luis Obispo County Health Agency. All required county health permits shall be in the possession of the mobile food vendor at all times during which it operates within the city.
11. **Fire Department Inspection.** All food trucks shall be inspected and approved by ~~the Paso Robles Fire and Emergency Services Department~~ a jurisdiction within the Central Coast Fire Prevention Association (CCFPA) prior to issuance of its initial business license and from time to time thereafter in the discretion of ~~the Paso Robles Fire and Emergency Services Department~~ a jurisdiction within the Central Coast Fire Prevention Association (CCFPA). At a minimum, all cooking equipment producing grease-laden vapors shall be protected by a UL 300 listed automatic fire extinguishing system. A Class K fire extinguisher shall be provided within each vending vehicle at an accessible location. All fire protection equipment shall be properly maintained and serviced at intervals required by the California Fire Code.
12. **Circulation.** Food trucks and trailers and associated equipment (~~such as tables, chairs, garbage receptacles, etc.~~) shall not alter the circulation pattern of parking lots nor shall they be parked in restricted areas marked for "no parking", "fire lane", etc.

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13. **Egress.** Food trucks shall not block egress from a building.
  14. **Equipment Storage.** Food trucks and associated equipment shall not be stored overnight at the location of vending.
  15. **Conditions of Approval.** Food trucks shall comply with all conditions of approval required by the review authority approving a temporary use permit, site plan, or conditional use permit.
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## **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 one to thirty days, and generally not more than thirty 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 ninety 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 seven days.
- D. Garage and rummage sales (subject to Section 21.20.040).
- E. ~~Single food truck operating in one location less than seven days (subject to Section 21.69.120).~~
- F. Temporary food service (such as barbecues) when located at the business's permanent location or in conjunction with a non-profit fundraising event lasting less than seven days.
- G. Sidewalk vending (subject to Subsection 21.20.040(B)).

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## **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 seven or more days (if less than seven days, no temporary use permit is required).
  - 3. Trailers/temporary buildings in conjunction with an existing on-site business and remaining no more than twelve months.
  - 4. Single food truck operating in one location ~~seven or more days but not~~ **no** more than one 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 seven or more days.
  - 6. Seasonal stands (such as pumpkin and Christmas tree sales) with a caretaker unit lasting up to ninety days.
  - 7. Circuses, carnivals, fairs, festivals, and concerts lasting up to thirty 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.

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2. The occupants of a dwelling shall be limited to two garage or yard sales per year, each having a duration of no more than two consecutive days.
3. Signs advertising garage or yard sales shall not be posted on public property. Signs on private property shall be removed within twenty-four hours after the sale.
- 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 sixty 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 two 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:

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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.
  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 twelve 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.**

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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.

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## **21.91.070 "F" definitions.**

**Family Day Care Home.** A day-care facility for children under the age of eighteen for periods of fewer than twenty-four hours a day licensed by the state, which is located in a dwelling unit, where a resident of the dwelling provides care and supervision for fourteen or fewer children (or capacity limits as set forth by the state, including children who reside at the home and are under the age of ten. See Health and Safety Code Section 1596.78. For larger and commercial facilities see "Day Care Center".

**Farmers' Market.** See "certified farmers market and year-round roadside produce stands".

**Financial Institutions.** A bank, savings and loan, credit union, or other financial institution that provides retail banking services to individuals and businesses. These uses include only those institutions engaged in the on-site circulation of cash money. Does not include check cashing stores.

**Food and Beverage Sales.** Retail sales of food and beverages for off-site preparation and consumption including groceries, supermarkets, mini-marts, delis, liquor stores, specialty food stores.

**Food and Kindred Products Processing.** Facilities that cook, manufacture, package, label, or store food and related products including animal processing for consumption off site but do not provide products directly to a consumer. Uses do not include any retail components unless such retail sales are permitted in the applicable zoning district. This use classification excludes "wineries, breweries and distilleries", which is defined separately. see also "industrial - artisan" for small scale facilities that include onsite sales.

**Food Truck.** A vending vehicle **or mobile food facility** selling food and/or beverages in an operable motorized coach or trailer with current department of motor vehicles registration and a current food safety permit acceptable to the San Luis Obispo County Environmental Health Services Division.

**Food Truck Court.** An area designated for two or more food trucks to park for the purpose of selling food and beverages.

**Fuel Sales.** See "vehicle fuel sales" and "vehicle charging station".

**Funeral Services.** An establishment primarily engaged in the provision of services involving the care, preparation, or disposition of human remains and conducting memorial services. Typical uses may include crematories, columbaria, mausoleums, mortuaries, funeral chapels, and funeral homes.

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**Table 21.32-1: Zoning District Use Regulations (portion)**

Temporary food service	—	—	—	—	—	—	—	T	T	T	T	T	T	T	T	T	—	—	—	When located at the business's permanent location or in conjunction with a non-profit fundraising event (longer than 7 days) See Chapter 21.20 (Temporary Use Permits)
Food truck	—	—	—	—	—	—	—	P/ T*	P/ T*	P/ T*	P/ T*	P/ T*	P/ T*	P/ T*	P/ T*	P/ T*	—	—	—	See Section 21.69.120 (Food Trucks and Food Truck Courts) <del>*Permits for one year or more require a site plan review (Chapter 21.17)</del>
Food truck court	—	—	—	—	—	—	—	C	C	C	C	C	C	C	C	C	—	—	—	See Section 21.69.120 (Food Trucks and Food Truck Courts)

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Temporary off-site construction yards	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	In conjunction with a valid building permit See Chapter 21.20 (Temporary Use Permits)
Temporary real estate sales offices	T	T	T	T	T	T	T	T	T	T	T	T	-	T	T	T	-	-	-	-	-	Within approved development projects See Chapter 21.20 (Temporary Use Permits)
Trailer/Temporary Building Use																						

**Table 5.3-1: Allowed Land Uses and Permit Requirements (Uptown Town Centre Specific Plan) (portion)**

Land Use Type	PERMIT REQUIREMENTS BY ZONE										Specific Use Regulations
	T3-N	T3-F	T4-N	T4-F	T4-NC	TC-1	TC-2	RSC	OS		
Temporary food service (e.g barbecues) when located at a business' permanent location or in conjunction with a non-profit fundraising event	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	-	
Food Truck	-	TUP	-	TUP	TUP	TUP	TUP	TUP	TUP	-	See Paso Robles Municipal Code Section 21.69.120 (Food Trucks and Food Truck Courts)
Food Truck Court	-	CUP	-	CUP	CUP	CUP	CUP	CUP	CUP	-	See Paso Robles Municipal Code Section 21.69.120 (Food Trucks and Food Truck Courts)

