

C. If the permittee vacates the premises or ceases the home occupation for a period of ninety days. (Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.76.080 Appeal.

If the home occupation permit is terminated for any of the reasons cited in Section 17.76.070, and the permittee feels that the decision to terminate was incorrect, he may appeal the action to the planning commission in writing, outlining the reasons that he feels that the action of the director of community development was incorrect or arbitrary and including any extenuating circumstances he feels are appropriate. (Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

Chapter 17.77.

TEMPORARY USE PERMITS

Sections:

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17.77.010 Purpose and intent.

The purpose of this chapter is to control and regulate land use activities of a temporary nature which may adversely affect the public health, safety and welfare. The intent is to ensure that temporary uses will be compatible with surrounding land uses, to protect the rights of adjacent residents and land owners, and to minimize any adverse effects on surrounding properties and the environment. (Ord. No. 1143, § 1, 1-25-2011)

17.77.020 Authority.

The community development director has the authority to approve, conditionally approve or to deny such request.

The community development director may establish conditions and limitations to minimize detrimental effects on surrounding properties, including but not limited to hours of operation, provision on parking, signing, lighting, and traffic circulation access.

The community development director also may require a cash deposit or cash bond to defray the costs of cleanup of a site by the city in the event the applicant fails to leave the property in a presentable and satisfactory condition, or to guarantee removal and/or re-conversion of any temporary use to a permanent use allowed in the subject zoning district.

(Ord. No. 1143, § 1, 1-25-2011)

#### 17.77.030 Application.

The property owner or the owner's authorized representative shall file an application for a temporary use permit with the planning division at least ten days prior to the date the proposed use takes place. Circus carnivals, fairs or similar amusement enterprises must submit an application thirty days prior to date the proposed use takes place.

The application form shall be filed along with any data and information deemed necessary to evaluate and process the application as may be required by the community development director.

(Ord. No. 1143, § 1, 1-25-2011)

#### 17.77.040 Required findings.

The application shall not be approved as submitted or in modified form unless the community development director makes the following findings:

A. The proposed temporary use will be located, operated and maintained in a manner consistent with the policies of the general plan and the provisions of the zoning ordinance.

B. Approval of the application will be compatible with, and not detrimental to uses, property or improvements in the surrounding area.

C. Approval of the application will not be detrimental to the public health, safety or general welfare.

D. The proposed temporary use complies with the various provisions of this chapter.

E. All building, electric, plumbing, fire, encroachment or other permits required by city ordinances shall be obtained.

(Ord. No. 1143, § 1, 1-25-2011)

17.77.050 Permitted uses for outdoor events.

The following uses may be allowed in the commercial or manufacturing zones, subject to the issuance of a temporary use permit for outdoor events and sales:

A. Christmas Tree Lots or Pumpkin Sale Lots. For a maximum of thirty days per calendar year per event.

B. Circuses, Carnivals, Fairs, or Similar Amusement Enterprises. For a maximum ten-day period, provided the applicant provides safety certification of rides and equipment. If the proposed event is within five hundred feet of any residential zone, the applicant shall mail notice of the event at least twenty-one days prior to the proposed date of the event to all property owners within four hundred feet of the proposed event.

C. Outdoor Meetings, Outdoor Art and Craft Shows, Group Activities, or Sales within Parking Areas. For a maximum of seven consecutive days in each ninety-day period.

D. Sales, Bazaars, Dinners, Parties or Other Outdoor Events (other than those uses listed in [subsections] (A) and (B) above) Held By and On the Property of a Religious Institution. Provided the religious institution can provide evidence, to the reasonable satisfaction of the community development director, of 501(c) Federal Revenue and Taxation Code status, concurrently with the application.

E. Outdoor Display and Sale of Merchandise, Such as Sidewalk Sales. For merchandise regularly sold on the premises of the immediately adjacent business, for a period not to exceed three consecutive days in a ninety-day period. See Code Sections 17.14.205, 17.16.205 and 17.18.195 for additional requirements applicable to the outdoor display of merchandise for sale.

(Ord. No. 1143, § 1, 1-25-2011)

17.77.060 Development standards for outdoor events.

Any temporary use permit for outdoor events shall be subject to the following conditions:

A. Any outdoor sales and display area shall be located immediately adjacent to the building at the main entrance along walkways adjacent to the street elevation.

B. Any outdoor sales and display area shall not encroach into the city right-of-way or into the code required parking area.

C. All outdoor sales and display areas shall be subject to the following:

1. Merchandise shall be displayed in a manner that allows free access from all doorways to a separate pedestrian walkway.

2. Merchandise shall be displayed in a manner that allows a minimum designated four-foot walkway for pedestrians.

3. Except at specified access points, designated pedestrian walkways shall be physically separated from vehicular traffic by a change in elevation, bollards, a fence, hedge, temporary merchandise displays or other physical barrier.

4. Merchandise displays shall not block designated fire lanes.

5. Merchandise displays shall be subject to the review and approval of the community development director.

D. Any outdoor sales and display of merchandise shall be limited to the following days: Friday, Saturday, and Sunday on non-holiday weekends and to Friday, Saturday, Sunday and Monday on holiday weekends. Holidays will be defined as federal holidays and include New Year's Day, Birthday of Martin Luther King Jr., Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving, and Christmas.

E. Sales of alcohol are prohibited at any outdoor sales and display, or outdoor event.

F. Sales of food products for preparation or consumption off-premises are prohibited at any outdoor sales and display, or outdoor event.

G. Sales of prepared food may be permitted subject to the discretion of the community development director.

No merchandise, products or items shall be stored outside an enclosed structure. On a daily basis, all merchandise products and items must be relocated inside the building or within an approved storage area when the store is closed for business.

(Ord. No. 1143, § 1, 1-25-2011)

17.77.070

17.77.070 Indoor events.

The following uses may be allowed in within an enclosed structure or building in the commercial and industrial zones, subject to the issuance of a temporary use permit for indoor events and sales:

A. Indoor Meetings, Art and Craft Shows, Group Activities or Sales. For a maximum of three consecutive days in each ninety-day period.

B. Bazaars, Dinners, Company Parties or Other Similar Events. A maximum of one event in a one hundred eighty-day period.

C. Events Held By and On the Property of a Religious Institution. Provided the religious institution can provide evidence, to the reasonable satisfaction of the community development director, of 501(c) Federal Revenue and Taxation Code status, concurrently with the application.

(Ord. No. 1143, § 1, 1-25-2011)

17.77.080 Development standards for indoor events.

The temporary use permit shall be subject to the following conditions:

A. The applicant shall provide a floor plan showing all entrances and exits of the proposed facility to be used for the event.

B. The applicant shall provide a security plan to ensure the safety of the people attending the event.

The floor plan for the proposed facility will be reviewed and approved by the fire department, and the security plan shall be reviewed and approved by the sheriff's department prior to the event. The above information must be submitted twenty-one days prior to the event to provide adequate time to review the application.

(Ord. No. 1143, § 1, 1 25-2011)

17.77.090 Prohibited uses.

Rave parties or other similar types of events shall not be permitted in any zone.

(Ord. No. 1143, § 1, 1-25-2011)

17.77.100 Other regulated uses.

Unless otherwise indicated in this Chapter 17.77, the provisions of this chapter do not apply to the following: fireworks stands; garage and yard sales; outdoor storage and

operation; outdoor markets; swap meets; or public dances. Regulations pertaining to the following uses can be found in the following portions of this Code:

- A. Fireworks Stands: Chapter 8.08.
  - B. Garage and Yard Sales: Chapter 5.10.
  - C. Outdoor Storage and Operations: Sections 17.14.200, 17.16.200, 17.18.190.
  - D. Outdoor Markets: Section 17.18.050(D).
  - E. Public Dances: Chapter 9.40.
- (Ord. No. 1143, § 1, 1-25-2011)

#### 17.77.110 Appeals.

The applicant or any interested party may appeal the decision the community development director to the planning commission in writing within ten days of such decision. The decision of the planning commission shall be final.  
(Ord. No. 1143, § 1, 1-25-2011)

### Chapter 17.78

#### HISTORIC PRESERVATION

##### Sections:

- 17.78.010 Title.
- 17.78.020 Purpose.
- 17.78.030 Definitions.
- 17.78.040 Cultural resources management commission.
- 17.78.050 Commission powers and duties.
- 17.78.060 Designation criteria.
- 17.78.070 Designation procedures.
- 17.78.080 Permits.
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- 17.78.110 Disapproval -Showing of hardship.
- 17.78.120 Maintenance and repair.
- 17.78.130 Local, state and federal law.
- 17.78.140 Enforcement and penalties.

#### 17.78.010 Title.

The provisions of this chapter shall be known as the historic and aesthetic resources management ordinance of the city or by the short title of "the historical ordinance." (Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)