

MAY 18, 2016

**REPEALING IN THE ENTIRETY*****ITINERANT VENDING 106.42.106 (ARTICLE 4 – SPECIFIC LAND USES)*****ADD NEW SECTION*****TEMPORARY USES 106.42.250 (ARTICLE 4 – SPECIFIC LAND USES) AS SHOWN BELOW***

**106.42.250 - TEMPORARY USES** (NEW SECTION UNDER SPECIFIC LAND USES AND COMBINES THE FORMER ITINERANT VENDOR REGULATIONS INTO THIS SECTION)

This section describes short-term activities that may not comply with normal development standards of the applicable zoning district, but may otherwise be acceptable because of their temporary nature.

- A. **Permit Requirement.** Short-term activities as described below may be authorized through the issuance of a Temporary Use Permit. An application for a Temporary Use Permit shall be filed and processed in compliance with Chapter 106.60 (Permit Application Filing and Processing). It is the responsibility of the applicant to produce evidence supporting the required findings.
- B. **Exempt temporary activities.** The following temporary activities are allowed without a Temporary Use Permit. Temporary activities that do not fall within the following categories shall comply with Subsection C below.
1. **Agricultural products grown on-site.** The sale of agricultural products on the site where product is grown.
  2. **City-sponsored events.** Special events approved and sponsored by the City.
  3. **Construction Staging Areas - On-site.** On-site contractors' staging areas for an approved construction project. The construction area shall be removed immediately upon completion of the construction project, or the expiration of the Building Permit authorizing the construction project, whichever occurs first.
  4. **Deliveries.** Delivery activities of any establishment with a fixed place of business, which only delivers its products, services, or goods to a specified address in response to a customer request, order, or invoice previously placed through that fixed place of business.
  5. **Door-to-Door Solicitation.** Door-to-door solicitation in a residential area (this provision does not grant permission to solicit where an individual homeowner has posted a notice of "No Solicitation" or similar wording).
  6. **Emergency facilities.** Emergency public health and safety facilities and activities.
  7. **Garage sales.** No parcel may have more than three sales per year, and no sale may exceed two consecutive days.
  8. **Public park events.** Organizations selling goods or merchandise on park property with prior written authorization from the Sunrise Recreation and Park District.
  9. **Public property.** Activities conducted on public property including parks, schools or property under control of the City.
  10. **Special Event or Sale.** Special event or sale that is held within a completely enclosed building and would be permitted under the applicable land use table.
  11. **Temporary work trailers.** A trailer or mobile home used as a construction office, or a temporary work site for employees of a business, provided that:
    - a. The use is authorized by a Building Permit for the trailer, and the Building Permit for the permanent structure;

MAY 18, 2016

- b. The use is appropriate because:
  - (1) The trailer or mobile home will be in place during the construction of a subdivision, or the construction or remodeling of a permanent commercial or manufacturing structure for a maximum of one year, or upon expiration of the Building Permit for the permanent structure, whichever first occurs; or
  - (2) The applicant has demonstrated that the temporary work site is a short-term necessity for a maximum of one year, while a permanent work site is being obtained; and
- c. The trailer is removed prior to final building inspection or the issuance of a certificate of occupancy for the permanent structure.

12. Vending On Demand. Vendor shall maintain a valid City business licenses, County health permit, and comply at all times with all other applicable City and governmental requirements.

C. **Allowed temporary uses.** A Temporary Use Permit may authorize the following temporary activities within the specified time limits. Other temporary or short-term activities that do not fall within the categories defined below shall instead comply with the planning permit requirements and development standards that otherwise apply to the property.

- 1. Auto and RV Sales. The temporary outdoor sales of autos, mobile homes, boats, and RV's may occur on any paved site within a GC, SC, AC, or commercial SPA zone for a period of three consecutive days every three months not to exceed 12 days in a calendar year. The temporary sale may be set up one day prior to the three-day sale and taken down one day following the sale.
- 2. Construction staging areas – Off-site. Off-site contractors' staging areas, for an approved construction project subject to the following development standards:
  - a. Appearance/Safety. The Contractor shall erect and maintain temporary fencing and/or screening as needed to keep the site safe. Perimeter fencing shall be setback a minimum of five feet from the curb/sidewalk or street in the case of no sidewalks, to allow passage by pedestrians. The City may require additional fencing and screening methods depending on location of the temporary construction staging area.
  - b. Dust Control. The Contractor shall implement and maintain appropriate "Best Management Practices" at the site and along adjacent streets to minimize dust, erosion and sediment in accordance with State and local laws and to the satisfaction of the City.
  - c. Noise. All activities shall comply with the City's Noise Ordinance.
  - d. Notification. The contractor shall notify in writing all residents within 500 feet of the construction staging area of the activities that will be occurring at the site. The notice shall include a contact name and phone number of a person responsible for the management of the temporary construction staging area.
  - e. Permit Time Limit. A Temporary Use Permit for an off-site construction yard may authorize the yard for up to one year. In the circumstance that a project extends beyond one year, the applicant shall file for a new Temporary Use Permit.
  - f. Setbacks. Loose material (dirt, rock, sand, etc) shall not be stored within 20 feet of a residential building.
  - g. Signage. The contractor shall erect and maintain a sign at the entrance to the temporary construction staging area indicating: "Temporary Construction Staging Area", the name of the Contractor performing the work, and a 24 hour emergency phone number of a person responsible for the management of the temporary construction staging area.

MAY 18, 2016

- h. **Vacation of area.** Within 10 working days of substantial completion of the project, the Contractor shall remove all construction materials, equipment, and temporary fencing and apply appropriate permanent erosion control measures to the satisfaction of the City.
- 3. **Location filming.** The temporary use of a specific site for the location filming of commercials, movies, videos, etc., for the time specified by the Director, but not to exceed one year.
- 4. **Mobile home or travel trailer for night watchman.** A mobile home or travel trailer at an existing business, as a temporary residence for a night watchman.
- 5. **Model homes.** A model home or model home complex may be authorized prior to the completion of sales in a residential subdivision.
- 6. **Temporary real estate sales offices.** A temporary real estate sales office may be established within the area of an approved development project, solely for the first sale of homes. An application for a temporary real estate office may be approved for a maximum of one year. An extension may be granted by the Director.
- 7. **Temporary structures.** A temporary classroom, office, or similar structure, including a manufactured or mobile unit, may be approved for a maximum of one year from the date of approval, as an accessory use or as the first phase of a development project. An extension of one year may be granted by the Director. A temporary structure proposed for a longer time period shall comply with all provisions of this Zoning Code applicable to a permanent structure on the same site.
- 8. **Promotional sale associated with permanent on-site use.** An outdoor promotional sale may be permitted for 30 days at a grand opening and for 10 days per year thereafter. The promotional sale shall be for the purpose of promoting a use regularly and lawfully in operation on the premise.
- 9. **Reoccurring Community Events.** Outdoor events similar to a farmer's market, street fair, food truck round-up, or similar activity that occurs on a regular schedule may be authorized for up to one year. Event coordinator shall file a new Temporary Use Permit annually.
- 10. **Seasonal sales.** Seasonal sales (i.e., Christmas trees, and pumpkins) are permitted for up to 30 days.
- 11. **Similar temporary activities.** A temporary activity that the Director determines is similar to the other activities listed in this Subsection, and compatible with the applicable zoning district and surrounding land uses.
- 12. **Special events.** A single special event held outdoors including carnivals, safety fairs, fundraisers, or other similar activity in any zone may be authorized for no more than 10 consecutive days. At the discretion of the Director, the applicant shall be responsible for notifying adjoining property owners of the event.
- 13. **Storage Containers.** Storage containers are allowed in commercial zones with the approval of a Temporary Use Permit subject to the following development standards:

  - a. **Number of Containers Allowed.** One (1) container for the temporary storage of merchandise is allowed. One additional container may be allowed if the user's business exceeds 100,000 square feet of gross floor area.
  - b. **Multi-tenant sites.** For sites with multiple tenants, the City may limit the number of containers within the center or within an area.
  - c. **Allowable Container Size.** The container may not exceed 40 feet in length or 400 square feet per container.
  - d. **Permit Time Limit.** No more than one Temporary Use Permit may be allowed per calendar year. At no time shall a container be kept on site for more than 90 consecutive days, except that containers allowed for construction activities may be permitted until such time the construction activities are completed. Temporary storage containers, except containers allowed as construction activities, not removed by the

MAY 18, 2016

end of the 90 day period may be issued a fine for each day over the allowed 90 days that the container remains on the site, unless an extension is obtained from the Director.

- e. **Allowable Location.** The container shall be placed in the least conspicuous location available. The final location shall be determined by the Director.

- (1) The storage containers shall be placed on a level concrete or asphalt surface at all times.
- (2) Storage containers shall not be stacked on top of another container.
- (3) To the maximum extent possible, the storage containers should not be visible to the motoring public or from residential neighborhoods immediately adjacent to the property where they are located. The containers may be required to be screened by use of temporary fencing or some other method if the containers are visible from public rights of way or residences, as determined by the Director.

- f. **Other Development Standards.** The storage containers shall be used as an accessory to a primary use, located in an enclosed adjoining building.

- (1) The containers must be maintained in good condition as they were originally approved so as not to become unsightly or a nuisance.
- (2) A storage container shall not remain on a site if the use it is appurtenant to is abandoned.
- (3) No signage whatsoever shall be allowed on containers.

14. **Vending.** Vending is allowed in commercial zones with the approval of a Temporary Use Permit subject to the following standards:

- a. **Appearance and storage.** The vendor shall maintain the area within which vending activities occur in a clean, safe, sanitary, and dust-controlled condition. Unless authorized through the Temporary Use Permit, the vendor shall remove all evidence of vending and leave the site in a clean state at the close of each business day.
- b. **Location on particular roadways.** Vending may be restricted or prohibited along specific roadways, or portions thereof, which, as a result of limited parking, limited line-of-sight, traffic control impacts, high traffic flow, or other reasons specified, are determined to be unsafe for vending. This may include restrictions against operating during peak traffic hours, as determined by the City.
- c. **Obstructions, hazards.** No vendor shall obstruct vehicular traffic, bicycle traffic, sidewalk pedestrian traffic, or accessibility to vehicles parked adjacent to the curb, and shall not create public health or safety hazards. No vending activity shall occur within the traffic safety visibility area described in Section 106.30.060.E (Height Limit at Street Corners).
- d. **Proximity to other items.** No vending shall occur within 10 feet of a fire hydrant, fire escape, building entrance, bus stop, loading zone, handicapped parking space or access ramp, fire station driveway, or police station driveway. A greater distance or separation from other uses may be required, under the permit, in order to preserve line-of-sight, or for other safety reasons. The vending shall not damage landscaped areas.
- e. **Residential zoning districts.** With the exception of food products, vending shall not be permitted in a residential zone.
- f. **Rights-of-way.** Vending shall not be permitted in a roadway median, or within any other public right-of-way unless authorized through an encroachment permit issued by the City.
- g. **Permit display.** Each vendor shall maintain a copy of the Temporary Use Permit and Business License at the location of vending.

MAY 18, 2016

- h. **Signs.** Portable signage shall be removed daily. At no time are signs allowed to be placed within the public right-of-way, on a sidewalk, or in a location that would impede vehicular or pedestrian traffic.
  - i. **Vending vehicles or devices.** The width, length, and height of all vendor vehicles and devices shall be subject to review as a part of consideration of the Temporary Use Permit. The City's review shall include but not be limited to color, materials, and appearance of the vending vehicle or device; shade umbrellas; accessories (including ice chests and trash receptacles); and maneuvering necessary for set-up and takedown. All vehicles shall comply with the California Vehicle Code and California Health and Safety Code.
  - j. **Tables.** Tables for use by customers are prohibited unless authorized through the Temporary Use Permit. The vendor must be able to demonstrate that areas proposed for the use of tables, i.e. a plaza, open space area, or similar area has adequate room to not interfere with on-site travel movements. Sites using tables must demonstrate that adequate restroom facilities are available for use by customers.
  - k. **Time Limits.** Stationary vending is intended to be a temporary activity and may not occur in a single location more than 180 days within a twelve month period.
  - l. **Toilet and handwashing facilities.** Vendors that remain in place more than one hour must be situated within two hundred feet travel distance of a legally approved and permitted toilet and handwashing facility for use by the vendor. Vendors that remain in place more than four hours must demonstrate that adequate restroom facilities are available for use by customers.
  - m. **Other applicable regulations.** Each vendor shall comply at all times with all applicable City and other governmental requirements, including without limitation, health permit, the Americans with Disabilities Act, health and safety regulations, this Zoning Code.
- D. **Development standards.** The Director may establish the following standards based on the type of temporary use using the requirements of the applicable zoning district, and Articles 3 (Site Planning and Project Design Standards) and 4 (Standards for Specific Land Uses) for guidance:
- 1. Measures for removal of the activity and site restoration, to ensure that no changes to the site would limit the range of possible future land uses otherwise allowed by this Zoning Code;
  - 2. Limitation on the duration of approved "temporary structures," so that they shall not become permanent or long-term structures; and
  - 3. Other requirements as appropriate to minimize any adverse impacts of the use.

MAY 17, 2016

## Article 6

**REPEAL IN THE ENTIRETY**

**ITINERANT VENDOR PERMITS 106.62.070 (PLANNING PERMIT PROCEDURES)**

**REPEAL AND REPLACE**

**TEMPORARY USE PERMITS 106.62.030 (PLANNING PERMIT PROCEDURES)  
AND REPLACE AS SHOWN BELOW**

**106.62.030 – TEMPORARY USE PERMIT (PLANNING PERMIT PROCEDURES)**

- A. **Purpose.** This Section establishes procedures for the granting of Temporary Use Permits for short-term activities. This use is a special privilege, not a matter of right; it is subject to a revocable permit in compliance with Section 106.64.090 (Permit Revocation and Modification).
- B. **Applicability.** A Temporary Use Permit is required to authorize activities or events as described in Section 106.42.250.
- C. **Review Authority.** Temporary Use Permits may be approved or disapproved by the Director, in compliance with this section.
- D. **Application filing and processing.** An application for a Temporary Use Permit shall be filed and processed in compliance with Chapter 106.60 (Permit Application Filing and Processing). It is the responsibility of the applicant to provide evidence in support of the findings required. Only one Temporary Use Permit is required for special events; each individual participant is not required to obtain a Temporary Use Permit. All vendors participating in the event must obtain an individual City Business License.
- E. **Fee Exemptions.** A recognized 501(c)(3) organization shall not be required to pay a fee for the Temporary Use Permit, provided that the organization requests no more than one permit per year.
- F. **Health Permit.** The vending of food, produce, or other edible items requires a valid health or other permit issued by the appropriate agency.
- G. **Project review, notice and hearing.** Each application shall be reviewed by the Director to ensure that the proposal complies with all applicable requirements of this Zoning Code. Public notice and a hearing are not required prior to a decision on a Temporary Use Permit unless the Director determines that a hearing should be conducted. In the event that a hearing is required, notice shall be provided and the hearing shall be conducted by the Director in compliance with Chapter 106.76 (Public Hearings).
- H. **Findings and decision.** A Temporary Use Permit may be approved by the Director only after the Director first finds that the requested activity complies with applicable standards, and therefore, that the establishment, maintenance, or operation of the temporary activity would not be detrimental to the public health, safety, or welfare of persons residing or working in the neighborhood of the proposed activity. In the authorizing of a permit for vending, the Director may consider the location of nearby businesses, other high traffic generators, or proximity to other vendors to prevent the proliferation of vendors in an area thus negatively impacting traffic and pedestrian safety.
- I. **Post approval procedures.** The procedures and requirements in Chapter 106.64 (Permit Implementation, Time Limits, and Extensions), and those related to appeals and revocation in Article 7 (Zoning Code Administration), shall apply following the decision on a Temporary Use Permit application.
- J. **Condition of the site following temporary activity.** Each site occupied by a temporary activity shall be cleaned of debris, litter, or other evidence of the temporary activity on completion or removal of the activity, and shall thereafter be used in compliance with the provisions of this Zoning Code. A bond may be required before initiation of the activity to ensure cleanup after the activity is finished.

MAY 17, 2016

Article 6

- K. **Indemnification.** As a condition of issuance, the applicant agrees to indemnify, hold harmless, and defend the City and its representatives against liability and/or loss arising from activities connected with and/or undertaken in compliance with the Temporary Use Permit. The City is not liable for any business loss, property loss, or other damage that may result from use of the permit, or suspension or revocation of the permit, and no applicant shall maintain any claim or action against the City, its officials, officers, employees, or agents on account of any suspension or revocation.
- L. **Term of permit, renewal.** Each permit shall be valid for the time specified in the permit up to a maximum of one year. The permit may be renewed subject to compliance with all terms and conditions of the permit, the standard established in the Section 106.42.250, and payment of applicable fees.
- M. **Transferability.** The permit is not transferable to any other entity or person and is valid only as to the original applicant.

## CITY OF CITRUS HEIGHTS MUNICIPAL CODE - TITLE 106 - ZONING CODE

TABLE 2-5 Allowed Land Uses and Permit Requirements for Commercial and Industrial Zoning Districts		P Permitted Use, Zoning Clearance required MUP Conditional use, Minor Use Permit required UP Conditional use Permit required S Permit requirement set by Specific Use Regulations — Use not allowed						
LAND USE (1)	PERMIT REQUIRED BY DISTRICT							Specific Use Regulations
	BP	LC	SC	GC	AC	CR	MP	

## RESIDENTIAL USES

Emergency shelter	—	—	—	S	—	—	—	106.42.090
Home occupation	P	P	P	P	—	—	—	106.42.100
Live/work unit	MUP	MUP	UP	UP	—	—	—	106.42.110
Mixed use project residential component	—	S	S	S	S	—	—	106.42.130
Multi-unit dwelling	—	P	P	P	—	—	—	106.42.150
Single room occupancy (SRO) facility	—	—	—	UP	—	—	—	
Work/live unit	—	—	UP	UP	—	—	UP	106.42.110

## RETAIL TRADE

Accessory retail uses	P	P	P	P	P	P	P	
Alcoholic beverage sales	—	S	S	S	—	S	—	106.42.020
Bar	—	UP	UP	UP	—	UP	—	106.42.020
Brew Pub/Tavern	—	P	P	P	—	—	—	106.42.020
Building/landscape materials sales	—	—	P	P	—	—	—	
Construction and heavy equipment sales and rental	—	—	—	UP	P	—	P	
Convenience store	S	S	S	S	S	—	S	106.42.070
Drive-through retail	—	UP	UP	UP	—	—	—	106.42.080
Fuel dealer (propane for home and farm use, etc.)	—	—	—	P	—	—	—	
General retail	—	P	P	P	P	—	—	
Groceries, specialty foods	—	P	P	P	—	—	—	
Itinerant vendor	S	S	S	S	S	S	S	106.42.106
Mixed use project	—	S	S	S	S	—	—	106.42.130
Night club	—	—	UP	UP	—	—	—	
Office-supporting retail	S	P	P	P	—	—	S	106.26.030.C
Outdoor displays and sales	—	P	P	P	P	—	—	106.42.160
Public auction, flea market	—	—	—	UP	—	—	—	
Restaurant, café, coffee shop	S	P	P	P	P	MUP	S	106.26.030.C
Smoking paraphernalia establishment	S	S	S	S	S	S	S	106.42.230
Wood yard (firewood sales)	—	—	—	MUP	—	—	—	

## Key to Zone Symbols

BP	Business and Professional Office	AC	Auto Commercial
LC	Limited Commercial	CR	Commercial Recreation
SC	Shopping Center	MP	Industrial/Office Park
GC	General Commercial		

Notes:



## ARTICLE 8

### SECTION 106.80.020

#### Definitions, "I."

~~Itinerant Vending.~~ The following terms and phrases are defined for the purposes of Section 106.42.106) (Itinerant Vending).

1. ~~Itinerant Vending.~~ The conduct or housing of retail sales using a table, stand, cart, vehicle, or other device rather than from a permanent building. An "Itinerant Vendor" may travel from place to place and vend along an approved route and/or within an approved area, or may vend from a single or several locations on a regular basis.
2. ~~Point of Vending.~~ The location or approved route/area at/within which vending occurs.
3. ~~Stationary Vending.~~ Vending from the same location on a regular basis. Vending from any one location for more than two consecutive hours is stationary vending.
4. ~~Vending.~~ Selling, offering for sale, or displaying or dispensing of any goods or merchandise for sale or purchase to the public from any carrying device, box, bag, stand, human-powered device (including but not limited to any pushcart, wagon, bicycle, tricycle, or other wheeled container), portable stand, or any other device used for carrying goods or merchandise. This includes hawking, operating noise making devices, and any other activity or signage to attract attention to the vendor or the goods or merchandise. A vendor may be both stationary and itinerant depending on the vendor's method of operation. Examples of vending activity include hot dog carts/vehicles, flower carts/stands/sales, ice cream carts/vehicles, roadside sales, stationary food carts/vehicles, and similar activities.
5. ~~Vendor.~~ An individual or entity that engages in itinerant vending, including both owners and operators.

#### Definitions, "V."

**Vending.** The following terms and phrases are defined for the purposes of Section 106.42.250) (Temporary Uses).

1. **Vending.** Selling, offering for sale, or displaying or dispensing of any goods or merchandise for sale or purchase to the public from any carrying device, box, bag, stand, human-powered device (including but not limited to any pushcart, wagon, bicycle, tricycle, or other wheeled container), portable stand, or any other device used for carrying goods or merchandise. This includes hawking, operating noise-making devices, and any other activity or signage to attract attention to the vendor or the goods or merchandise. Examples of vending activity include hot dog carts/vehicles, flower carts/stands/sales, ice cream carts/vehicles, roadside sales, stationary food carts/vehicles, and similar activities. The sale of agricultural products grown on-site is not considered vending.
2. **Stationary Vending.** Vending from a single location for more than two consecutive hours is considered a day of stationary vending. For the purpose of this definition, a single location shall mean any location within a 1000 feet radius of the original location.
3. **Temporary Vending.** Stationary vending for a period not to exceed 180 days within a twelve month period shall be considered temporary. Stationary vending exceeding the 180 days shall be considered permanent and must comply with the applicable commercial development standards.
4. **Vending on demand.** Food vendors such as ice cream trucks or similar food vendors that stop or park only at the request of a bonafide purchaser for the purpose of making a sale and only so long as it take to make a sale.