

January 20, 2006

William W. Way, City Manager  
City of California City  
21000 Hacienda Blvd.  
California City, CA 93505

**RE: Temporary Land Use Ordinance**

The enclosed ordinance incorporates the changes suggested by the council at first reading as follows:

1. Section 9-2.2A07(d): title underline removed;
2. Section 9-2A07(d)(1)(ii): "sue" becomes "use";
3. Section 9-2.2A07(d)(2)(iv): "on or" deleted;
4. Section 9-2.2A09: insert "general" after "(a)"; and
5. Section 9-2.2A09(g): similar wording on political signs inserted to cover garage signs.

Very truly yours,

LEMIEUX & O'NEILL



Wayne K. Lemieux

WKL/lms  
Enclosure

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL  
OF THE CITY OF CALIFORNIA CITY  
AMENDING THE CITY OF CALIFORNIA MUNICIPAL CODE  
AS IT RELATES TO TEMPORARY LAND USES**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CALIFORNIA  
CITY as follows:**

**1. Purpose.**

This ordinance changes the California City Municipal Code as it relates to temporary land uses.

**2. Findings.**

The Council finds, determines and declares as follows:

(a) A duly-noticed public hearing was conducted by the Planning Commission and Council in connection with the following Code revisions ("revisions").

(b) The Planning Commission and Council determined the proposed revisions are consistent with the General and Specific Plans of the City and will promote the welfare and safety of the community.

(c) This action will not result in environmental impact.

**3. Amendment.**

Article 2A is added to Title 9, Chapter 2 of the California City Municipal Code is amended and reenacted to read as follows:

**"ARTICLE 2A - TEMPORARY USES**

**Sec. 9-2.2A01. Purpose.**

Some temporary uses of land are inconsistent with underlying general plan and zoning requirements, unless conditions are imposed to achieve consistency. This article describes temporary uses which may be consistent with the issuance of a conditional permit.

This Article accommodates land uses which are temporary and are not otherwise permitted or permitted as conditional uses. The character of such uses requires proper conditions to protect the owners, occupants, and users of adjacent property.

**Sec. 9-2.2A02. Scope.**

The provisions of this Article shall apply to the temporary uses enumerated herein. Any building or structure not conforming to the requirements of this Article shall be deemed a permanent use and shall be allowed only if such use is a permitted or permitted as a conditional use in the zone where the use is located. The requirements of this Chapter shall not be construed to prohibit or limit this Code and other laws. This Article does not apply if the use is otherwise permitted.

**Sec. 9-2.2A03. Definitions.**

The following terms are defined for the purposes of this Article.

(a) "Temporary" means a period not to exceed twelve (12) months.

(b) "Structure" means any building, shelter, sign, wall, fence, pole or other improvement with a fixed location on the ground above grade constructed or installed by man and permanently attached to the ground, but not including poles, lines, cables, pipelines, or other transmission or distribution facilities of utilities.

(c) "Vehicle" means a properly licensed automobile, truck, trailer, boat or other device in which a person or thing is or can be transported from one place to another or a bicycle.

**Sec. 9-2.2A04. Temporary Uses Allowed.**

(a) Uses Allowed – business. Any person may sponsor or conduct for profit or non-profit purposes the temporary uses set forth below upon the issuance of a temporary business license.

- (1) Auction
- (2) Christmas tree sales
- (3) Farmers market
- (4) Festival, show, exhibit, circus, carnival, outdoor dance, community fair, concert, or other activity of a similar nature.
- (5) Fireworks stand
- (6) Produce stand
- (7) Motorized vehicle sales, not to exceed 48 hours in duration, by a licensed dealer
- (8) Temporary construction or model home office
- (9) Temporary retail sales not exceeding two hundred (200) square feet.
- (10) Cargo Containers

(b) Uses Allowed – Non-business. Any person may sponsor or conduct the temporary uses set forth below upon the issuance of a temporary use permit.

- (1) Garage/yard sale
- (2) Temporary Car wash
- (3) Occupancy of a vehicle designed for temporary occupancy, herein "motor home."

**Sec. 9-2.2A05. Temporary Use Permits.**

No person shall install or conduct any temporary use without a temporary use permit.

**Sec. 9-2.2A06. Development Standards – General.**

- (a) A temporary use shall be:
  - (1) An accessory use to the main use of the property, or
  - (2) Compatible, in terms of character and intensity of use, with permitted or conditional uses allowed in such zone.
  
- (b) The owner of the property where a temporary use is proposed shall provide a written statement authorizing the use.
  
- (c) For all temporary uses allowed under section 9-2.2A04(a), specific areas shall be designated for ingress and egress of vehicular traffic and for patron admission, ensuring the safety of patrons, the exclusion of persons not entitled to entry, and the enforcement of State and local laws and ordinances. The adequacy of such areas shall be based upon the number of patrons reasonably expected to attend the temporary use.
  
- (d) For all temporary uses allowed under section 9-2.2A04(a), the applicant shall provide evidence of liability insurance. Such insurance shall:
  - (1) Name the City as an insured;
  - (2) Hold the City harmless from any claim arising from personal injury or property damage resulting from the temporary use; and
  - (3) Provide that the insurance shall not be canceled prior to giving the City at least ten (10) days written notice of such cancellation.
  
- (e) Off-street parking shall be provided on the lot or parcel where the temporary use is located.
  
- (f) The duration of temporary use permits shall be as follows:
  - (1) Auctions; garage/yard sales: Three (3) days (not more than four (4) per year);
  - (2) Temporary retail sales: Ten (10) days (not more than four (4) per year on a given lot or parcel);
  - (3) Fireworks stand: Thirty (30) days;

- (4) Christmas tree sales; motorized vehicle sales by a licensed dealer: Sixty (60) days;
- (5) Produce stand; farmers market: Ninety (90) days;
- (6) Temporary construction or model home office: For the duration of construction activity so long as construction is diligently pursued and the offices are located on the property under construction or development, but not to exceed 120 days. A Conditional Use Permit is required for periods exceeding 120 days; and
- (7) Festival, show, exhibit, circus, carnival, outdoor dance, community fair, concert, or other enterprise of a similar nature: For the time period within which the use is operated, but not to exceed fourteen (14) days.

(g) Trash shall be removed and the site restored to its prior condition within three (3) days after the temporary use has concluded. The failure to its prior condition constitutes a nuisance.

(h) Authorized law enforcement officers, zoning enforcement officers, fire control officers, and other governmental personnel shall be permitted free access to the temporary use to make inspections to ensure compliance with this Article.

**Sec. 9-2.2A07. Standards: Specific.**

(a) The temporary uses described in this section shall satisfy the requirements of this section in addition to the general requirements of the preceding section.

(b) A temporary car wash may be operated with a permit. The permit shall contain at least the following conditions:

- (1) Use shall not occur within 100 feet of a residential dwelling;
- (2) Use shall not occur earlier than one hour after sunrise or later than one hour before sunset;
- (3) The number of permits issued by the planning director for a specific geographic area or specific time shall not constitute a public or private nuisance;
- (4) Applicant shall agree to not litter or otherwise disturb property which is used;
- (5) Applicant shall use property only with the written permission of the property owner(s); and
- (6) The applicant shall pay application and permit fees in amounts from time-to-time established by the Council by resolution in amounts sufficient to offset the costs incurred by the City to review the application and issue and enforce the permit.

(c) A person may use a motor home to temporarily occupy property with a temporary use permit. The permit shall contain at least the following conditions:

- (1) The person proposing to occupy the motor home secures a temporary occupancy permit from the Planning Director, or designee;

(2) The motor home includes a self-contained tank for holding sewage wastes and the owner of the motor home makes arrangements to dispose of wastes in a manner approved by health officials;

(3) The occupancy is limited to a period of not more than thirty (30) days, provided the Director may extend the period of occupancy for one additional thirty-day period upon the showing of good cause; and

(4) Upon termination of the occupancy, the property shall be restored to the same condition as existent prior to the commencement of occupancy.

(d) Temporary Uses to Aid Construction.

(1) One vehicle may be temporarily placed to facilitate construction or security, provided:

(i) A building permit has been issued for the property on which the temporary structure is to be located;

(ii) The temporary structure is removed, and such use terminates, upon the completion of the construction specified in the building permit. In no event shall the use permit allow such use for more than two (2) years;

(iii) The temporary structure may be used as living quarters only if the Building Official issues a permit for such use; and

(iv) The Commission may require the removal of such temporary structure upon ten (10) days' prior written notice if a residential structure is constructed within 300 yards of the construction site or if the use otherwise threatens the integrity of the zone.

(2) Cargo containers are permitted for temporary storage of construction materials and equipment provided:

(i) If the container is to be placed on the same property which is being improved;

(ii) If the container is to be placed on property adjacent to the property being improved, only with the written consent of the adjacent property owner on whose land the container is sited;

(iii) A building permit has been obtained for construction and the materials and equipment to be stored in the container are used for that construction; and

(iv) The container is removed before the issuance of an occupancy permit.

#### **Sec. 9-2.2A08. Temporary Sales Offices.**

A temporary sales office may be located on a lot in a residential district for a period not to exceed twelve (12) months to facilitate residential sales. The Planning Director will determine whether the sales office is ancillary to sales and whether the use is temporary. The Planning Director's decision may be appealed to the Commission.

**Sec. 9-2.2A09. Temporary Signs.**

(a) General.

Signs, pennants and banners for temporary displays, grand openings, or special events may be permitted for a period not to exceed thirty (30) successive days in a six-month period. Temporary signs relating to national holidays may be erected in any zone for a period of not more than sixty (60) days. No portable sign, wind-driven sign, or balloon sign shall be allowed except as provided in this section. As used herein, "Temporary Sign" means a sign intended for use during a limited period of time.

(b) Temporary Real Estate Sales Signs.

(1) Signs for model homes, in subdivisions or commercial areas, shall be for less than six (6) months.

(2) Signs advertising the sale of real property by the owner are exempt from the permit requirement but shall meet the following standards:

(i) Not more than one temporary real estate sign shall be placed on the lot, but where the lot is bounded by more than one street, one sign shall be allowed along each adjacent street. Size shall not exceed twenty-four (24) inches by thirty (30) inches;

(ii) Temporary real estate signs shall not be illuminated;

(iii) Temporary real estate signs shall be a minimum of ten (10) feet from any street right-of-way and property line;

(iv) If attached to a building, a temporary real estate sign shall not exceed above the roofline or parapet wall of that building;

(v) The sign height shall be lower than the height of the enclosed buildings or walls and the signs shall not be visible from a public street or adjoining property;

(vi) Real estate signs shall be removed within ten (10) days after close of escrow for the sale of the property; and

(vii) Any sign placed in the public "right-of-way" shall require a permit issued by the City and any location or placement shall be approved by the City Engineer. The numbers of directional signs allowed for "open house" and any similar real estate promotion shall be limited to two per quarter mile, with turn identifiers exempted from this provision. Signs shall be on display only when the advertised real estate is open for inspection.

(3) This section shall not restrict the number or size of temporary real estate signs erected out-of-doors within a courtyard or enclosed mall.

(c) Temporary subdivision signs shall meet the following standards:

(1) Off-site temporary subdivision signs:

(i) The signs shall be located at primary streets providing directions to the subdivision; and

(ii) The overall height of each sign shall not exceed eight (8) feet and thirty-two (32) square feet in total area.

(2) On-site temporary subdivision signs:

(i) The signs shall be located at the primary entrance to the subdivision or at the model homes; and

(ii) The overall height of each sign shall not exceed eight (8) feet and thirty-two (32) square feet in area.

(d) Temporary Construction Signs.

(1) Where a building is under construction, temporary signs may be erected to identify the project owner, architect, landscape architect, contractor, building, lender, and proposed use, provided however, they meet the following standards:

(i) There shall be no more than one such temporary construction sign at each end of any one project;

(ii) The sign shall not exceed thirty-two (32) square feet in area;

(iii) The sign shall not be illuminated;

(iv) The sign shall not be attached to a building;

(v) The sign shall be freestanding and stationary, not exceeding a maximum height of eight (8) feet; and

(vi) The sign shall be removed at the time of final inspection of the project.

(e) Temporary Special Event Signs.

(1) Temporary special event signs may be erected for a period not to exceed ninety (90) days and meet the following standards:

(i) The signs shall be removed within ten (10) days following the conclusion of the event or campaign;

(ii) In residential zones, each sign shall not exceed six (6) square feet in area or a height of (4) feet; and

(iii) Signs placed in a public right-of-way shall require City approval via a permit fee and a cleanup deposit. A location plan of such signs shall be submitted to the Planning Director for approval prior to the issuance of a permit.

(f) Temporary Commercial Signs.

Signs, inflatable devices, banners, flags, or pennants used to promote special sales and/or promotions shall meet the following standards:

(1) Signs shall conform to the specific size restrictions required for the sign type as defined in this ordinance. All flags, banners, and pennants shall be considered temporary and in no instance shall exceed thirty-two (32) square feet in area nor be flown or hung from a pole greater than thirty (30) feet in height without a waiver from the City;

(2) Permits for such temporary signs shall not be issued for longer than a thirty-day period and may be renewed in thirty-day increments for a total of one hundred twenty (120) days per year; and

(3) Inflatable devices shall not attain a height of more than one hundred (100) feet. These devices must be taken down every evening. Inflatable devices made from metallic or electrically conductive material are prohibited.

- (g) Temporary Garage Sale Signs.
- (1) Signs are permitted to announce garage sales.
  - (2) Garage sale signs may be installed within rights of way adjacent to City streets, but not within medians of City streets, if the following requirements are met:
    - (i) A refundable cleaning deposit in the amount of \$50.00 for the first ten signs, and \$100.00 for signs in excess of ten if posted within the City.
    - (ii) Signs are removed within two days after the sale to which they relate or if the signs are not removed, the City shall remove the signs and deduct the actual costs of removal from the deposit set forth above.
    - (iii) A sign larger than thirty-two square feet in area shall not be erected unless a building permit is secured from the City.
    - (iv) The signs shall not be erected more than five days prior to the sale.
    - (v) The bottom edge of the signs shall be no less than 48" nor more than 60" from the ground.

**Sec. 9-2.2A10. Temporary Use Permit Approval Process.**

- (a) This section sets forth procedures for considering and approving a temporary use permit.
- (b) The Planning Director, or designee, shall issue or revoke temporary use permits.
- (c) Any person may apply for a temporary use permit.
- (d) A complete application shall be submitted to the Planning Director in a form established by the Planning Director with any fee established by the City's schedule of fees.
  - (1) The application shall include at least the following information:
    - (i) The name, address and telephone number of the applicant and the applicant's agent, if any;
    - (ii) The name and address of the applicant and the name and address of every person or company the applicant represents;
    - (iii) The person chiefly responsible for the event or use and/or the sponsoring organization and its chief officer;
    - (iv) The requested temporary use;
    - (v) The place, date, time of the event, and hours of operation of the proposed use;
    - (vi) A statement of the approximate number of persons, animals, and/or vehicles which will participate in the event or be generated by the use and an explanation of how said number was derived, such as number of pre-sold tickets, available seating and/or parking, and past experience with similar activities; and

(vii) Other such items as reasonably requested by the Planning Director to determine the feasibility of the temporary use.

(viii) Evidence of insurance.

(2) After the application is determined to be complete, the Planning Director shall solicit recommendations from the City Fire Chief, Police Chief, City Engineer, and other enforcement agents as deemed necessary. The Planning Director shall approve, approve with conditions, or deny the application pursuant to this article. Conditions of approval shall be limited to conditions needed to conform the temporary use permit to approval standards.

(3) After making a decision, the Planning Director shall give the applicant written notice of the decision.

(4) A record of temporary use permits shall be maintained in the office of the Planning Director.

(e) The following standards shall apply to the issuance of a temporary use permit. No temporary use permit shall be issued unless the Planning Director finds the proposed temporary use:

(1) Will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working within the vicinity, or injurious to property, improvements or the public in general;

(2) Will not substantially interrupt the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area, nor block traffic lanes or hinder traffic during peak commuter hours on weekdays on any primary arterial street or principal commuter route designated by the City;

(3) Will not conflict with construction or development in the public right-of-way or at public facilities;

(4) Will not unduly interfere with the movement of police, fire, ambulance, or other emergency vehicles on the streets, nor require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City;

(5) Will not conflict with nor be incompatible with the permitted uses and regulations of the zone within which the temporary use is located; and

(6) Is in compliance with regulations, conditions and licensing requirements of applicable provisions of the California City Municipal Code.

(f) An applicant aggrieved by the decision of the Planning Director may appeal the decision to the Planning Commission in the same manner as other land use decisions are appealed to the Commission. The Commission's decision shall be final."

**4. Other.**

(a) Sections 9-2.204; 9-2.206; 9-2.308; 9-2.309; 9-4.211; 9-4.305; and 9-4.409 through 9-4.413, inclusive, of the California City Municipal Code are hereby repealed.

(b) Except as provided herein, the California City Municipal Code is reaffirmed and readopted.

**PASSED, APPROVED AND ADOPTED** on \_\_\_\_\_, 2006, by the following votes:

AYES:  
NOES:  
ABSTAIN:  
ABSENT

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

[SEAL]

