

***DRAFT PROPOSED NEW ZONING ORDINANCE***  
***Private Property***

*(June 2017)*

**30.185.420 Temporary Uses**

- A. **Purpose.** The City recognizes that certain temporary uses can be a benefit to the community and should be allowed; provided that short-term negative effects, such as noise, lighting, parking, and traffic, are minimized. This section establishes standards for certain uses that are intended to be of limited duration of time and that will not permanently alter the character or physical facilities of the site where they occur.
- B. **Limitations.** Any use allowances described in this Section do not override any use limitations placed on a lot pursuant to existing discretionary approvals. Temporary uses shall comply with all other applicable provisions of the Santa Barbara Municipal Code, including, but not limited to, the Sign Ordinance, the Outdoor Lighting Ordinance, applicable Building and Fire Codes, and any applicable design review of buildings or structures.
- C. **Determination of Approval Required.** The Community Development Director shall determine if a particular use, structure, or event represents a variation from the normal operations of a legally recognized use on a lot and shall be subject to the requirements of this Section.
- D. **Exempt Temporary Uses.** The following temporary uses are exempt from a permit or other approval under this Chapter.
1. ***Temporary Events Subject to Other City Temporary Use Permits.*** Temporary uses that receive a Coastal Development Permit, Coastal Exemption, or uses that are permitted with a temporary use permit by other City Departments, such as a Parks and Recreation Permit, Parade Permit, or Circus and Carnival Permit, or similar permit or approvals, are exempt from a permit or approval under this Section.
  2. ***Garage Sales.*** Residential garage, yard, or estate sales of personal property conducted by, or on behalf of, a resident of the premises may be conducted consistent with the following standards:
    - a. *Number of Events.* A maximum of four times per 12-month period, per lot.
    - b. *Duration.* A maximum of three consecutive days per event.
  3. ***Non-Profit Fund Raising.*** Fund raising sales by a nonprofit organization may be conducted consistent with the following standards:
    - a. *Location.* Located in a nonresidential zone on a lot developed with nonresidential uses.
    - b. *Number of Events.* A maximum of four times per 12-month period, per site.
    - c. *Duration.* A maximum of three consecutive days per event.
    - d. *Parking.* Parking spaces or loading areas required for other uses shall not be displaced.

- e. *Obstructions.* The fundraising sale shall not obstruct the right-of-way, sight distances, building or site ingress or egress, or otherwise create hazards for vehicle or pedestrian traffic.
  - 4. ***Construction Building or Office.*** A recreational vehicle or mobilehome may be used as a construction building or office at the site of a construction project for the duration of such project.
  - 5. ***Catering.*** Mobile Food Vendors may operate as caterers to private events when food or beverages are not sold, or offered for sale, to the general public.
- E. **Temporary Uses Requiring a Zoning Clearance.** The following types of temporary uses may be conducted with a Zoning Clearance pursuant to Chapter 30.280, Zoning Clearance. A Zoning Clearance is required for each separate temporary use occurrence and expires at the conclusion of the individual use, activity, or event. Temporary uses in the Coastal (CZ) Overlay Zone shall also require either a Coastal Exemption or Coastal Development Permit pursuant to Chapter 30.50, Coastal (CZ) Overlay Zone.
- 5. ***Mobile Food Vendors.*** Mobile Food Vendors on private property located and operated in compliance with the following standards:
    - a. *Location.* Mobile Food Vendors may only operate in nonresidential zones, on lots developed with nonresidential uses.
    - b. *Number.* Maximum one truck per day per parking lot.
    - c. *Duration.* Maximum four hours per day per parking lot. No lot may have a mobile food vendor onsite for more than 90 days total in any 12-month period.
    - d. *Distance.* No mobile food vendor on private property shall operate closer than a 500-foot radius from another mobile food vendor operating on private property.
    - e. *Required Parking.* No parking spaces are required for a Mobile Food Vendor that meets all of the standards under this Section.
    - f. *Displaced Parking.* Mobile Food Vendors may displace up to three required nonresidential parking spaces for a maximum of four hours per day per parking lot, provided that no more than 10 percent of the total number of parking spaces on-site are displaced. Required parking spaces for an existing nonresidential use may be displaced if the existing nonresidential use is not open during the event.
    - g. *Location.* Mobile food vehicles used by vendors shall not be permitted as a permanent or proprietary location on any property within the City. Vehicles shall not be left unattended at any time, or be left onsite when inactive, or stored overnight.
    - h. *Obstructions.* Location and operation including customers, seating, and equipment, shall not obstruct the right-of-way, sight distances, or otherwise create hazards for vehicle or pedestrian traffic. The location shall comply with applicable accessibility requirements and the Americans with Disabilities Act.
    - i. *Allowed Products.* Operations are limited to the sales of food and beverages for immediate consumption.

- j. *Allowed Vehicles.* Operations shall only be conducted from a motor vehicle, or vehicle with a trailer consistent with State law and County Health Department approvals. Other types of food vending from a temporary structure such as a push cart, standalone trailer, or kiosk are not allowed under this Title.
- k. *Nuisance.* Mobile Food Vendors shall be responsible for keeping the area clean of any litter or debris and shall provide trash receptacles for customer use on-site. No vendor shall ring bells, play chimes, play an amplified musical system, or make any other notice to attract attention to its business while operating within city limits. The use of prohibited or unpermitted signs for mobile food vendors is not allowed.

F. **Temporary Uses Requiring a Performance Standard Permit.** Temporary uses that do not meet certain standards to be considered exempt or allowed pursuant to Zoning Clearance may be permitted with a Performance Standard Permit pursuant to Chapter 30.255, Performance Standard Permit, as follows:

1. ***Additional Allowances.*** The Staff Hearing Officer may approve additional allowances for the following standards.
  - a. *Use Limitation.*
  - b. *Location.*
  - c. *Size.*
  - d. *Number of Events.* Up to 12 times per 12-month period, per site. A Performance Standard Permit approval may authorize multiple occurrences of a temporary use provided all occurrences are conducted within a 12-month period. Conditional Use Permit approval is required for temporary uses that occur over multiple years.
  - e. *Duration.* Up to 11 consecutive days per event. Up to 24 consecutive months for a temporary structure.
  - f. *Time Limit.*
  - g. *Surfacing.*
  - h. *Parking Displacement.* A parking analysis may be used to establish the number of parking spaces required for all uses for the duration of the event.
  - i. *Obstructions.*
  - j. ***Mobile Food Vendors.***
2. ***Required Findings.*** The Staff Hearing Officer may approve or conditionally approve an application for a Performance Standard Permit only upon making the following findings, in addition to any other findings required pursuant to this Title:
  - a. The proposed use will not unreasonably affect adjacent properties, their owners or occupants, or the surrounding neighborhood, and will not in any other way constitute a nuisance or be detrimental to the health, safety, peace, comfort, or general welfare of persons residing or working in the area of such use or to the general welfare of the City; and

- b. The proposed use will not unreasonably interfere with pedestrian, bicycle or vehicular traffic or circulation in the area surrounding the proposed use, and will create a demand for additional parking that cannot be safely and efficiently accommodated by existing parking areas.
3. ***Conditions of Approval.*** The Staff Hearing Officer may impose reasonable conditions deemed necessary to ensure compliance with the findings listed in Paragraph 30.185.420.F.2, Required Findings, above, including, but not limited to: regulation of ingress and egress and traffic circulation; fire protection and access for fire vehicles; regulation of lighting, noise and odors; regulation of hours or other characteristics of operation; and removal of all trash, debris, signs, sign supports and temporary structures and electrical service and returning the site to its original condition. The Staff Hearing Officer may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

**G. Temporary Uses Requiring a Conditional Use Permit.**

1. A Conditional Use Permit is required for any temporary use that has the potential to affect the community at large or the neighborhood beyond a 300-foot radius from the project site.
2. A Conditional Use Permit is required for any temporary use that will occur on the same site more than 12 times per year or that will occur over multiple years.