

CHAPTER 84.25 TEMPORARY STRUCTURES AND USES

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84.25.010 Purpose

This purpose of this Chapter is to provide development and use standards for temporary structures and uses that might not meet the normal development or use standards of the applicable land use zoning district, but may otherwise be acceptable because of their temporary nature, and to prohibit the use of vehicles as substitutes for structures unless otherwise allowed, permitted, or exempted. The intent of these standards is to minimize the potential incompatibility of a temporary structure or use or use of a vehicle in lieu of such structures and to regulate the location, operation, and/or duration to protect the public convenience, health, interest, safety, and general welfare.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

84.25.020 Applicability

This Chapter provides development and use standards for structures and uses that fall within the categories in Section 85.15.020 (Types of Temporary Use Permits and Review Authorities). Regulations for temporary special events are provided in Chapter 84.25 (Temporary Structures and Uses).

Adopted Ordinance 4011 (2007)

84.25.030 Exempt Temporary Structures and Uses

The temporary structures and uses listed in this Section shall be exempt from obtaining a Temporary Use Permit. Temporary structures and uses that do not fall within the following categories shall comply with Section 85.15.020 (Types of Temporary Use Permits and Review Authorities)

- (a) **Construction yards - On-site.** On-site contractors' construction yards, for an approved construction project. The construction yard shall be removed immediately upon completion of the construction project, or the expiration of the Building Permit authorizing the construction project, whichever first occurs.

- (b) **Emergency facilities.** Emergency public health and safety needs/land use activities, as determined by the Board.
- (c) **Events on sites approved for public assembly.** An event on the site of, or within, a golf course, meeting hall, religious facility, school, theater, or other similar facility designed, and approved by the County for public assembly.
- (d) **Fund-raising car washes.**
 - (1) Car washes on property within a commercial, industrial, or institutional land use zoning district, limited to a maximum of two days per month for each sponsoring organization.
 - (2) Sponsorship shall be limited to educational, fraternal, religious, or service organizations directly engaged in civic or charitable efforts, or to tax exempt organizations in compliance with 501(c) of the Federal Revenue and Taxation Code.
 - (3) Even though fund-raising car washes are exempt from obtaining a Temporary Use Permit, they shall still be conducted in compliance with applicable stormwater regulations to minimize potential water quality impacts.
- (e) **Garage sales.** Garage sales, not to exceed four per year, each of which may not exceed three consecutive days. For multi-family dwellings, a maximum of two garage sales per calendar year per legal dwelling unit shall be allowed. All other provisions of Chapter 84.10 shall apply.
- (f) **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. Even though this use is exempt from a Temporary Use Permit, it does require a Film Permit issued by the Inland Empire Film Commission and processed in compliance with County Code Section 41.2201 et seq. (Issuance of Filming Permits and Fees).
- (g) **Public property or public right-of-way.** Construction and maintenance activities conducted on public properties that are authorized by an Encroachment Permit issued by the Department of Public Works.

Adopted Ordinance 4011 (2007)

84.25.040 Structures and Uses Allowed with Temporary Use Permit

The temporary structures and uses identified in this Section shall be allowed in any land use zoning district subject to the standards in this Section and a Temporary Use Permit issued in compliance with Section 85.15 (Temporary Use Permits).

- (a) **Batch Plants.** Batch plants necessary for the construction of major public infrastructure improvements provided proper review in compliance with the California Environmental Quality Act (CEQA) is completed.

- (b) **Construction yards - Off-site.** Off-site contractors' construction yards, for an approved construction project. The construction yard shall be removed immediately upon completion of the construction project, or the expiration of the Building Permit authorizing the construction project, whichever first occurs.
- (c) **Events.** Art and craft exhibits, auctions, carnivals, circuses, concerts, fairs, farmer's markets, festivals, flea markets, food events, open-air theaters, outdoor entertainment/sporting events, religious revivals, rummage sales, second hand sales, swap meets, and other special events for up to five consecutive days, or four two-day weekends, within a 12-month period, allowed only on nonresidential properties. Refer to Chapter 85.16 (Temporary Special Event Permits) for specific requirements for a Temporary Special Event Permit.
- (d) **Seasonal holiday sales facilities.** Seasonal holiday sales activities (e.g., Christmas, Halloween, Thanksgiving, etc.) including temporary residence/security trailers, on nonresidential properties, for up to 45 days.
- (1) **Date of opening.** A Christmas tree sales facility shall not be open for business during any calendar day before Thanksgiving. Other holiday sales facilities shall not be open more than 30 days before the holiday.
 - (2) **Additional permits.** The applicant shall secure an electrical permit if the facility is to be energized and the proper permits from the Building Division for any temporary structure or shelter.
 - (3) **Fire prevention.** Each Christmas tree/holiday sales facility shall comply with fire prevention standards as approved and enforced by the Fire Chief, including any burning or open fires or flocking or painting.
 - (4) **Maintenance.** Seasonal holiday sales facilities shall be kept clean and free of debris at all times during use of the property.
 - (5) **Merchandise.** A seasonal holiday sales facility shall not engage in the sale of any merchandise not directly associated with the holiday identified by the applicant as the basis for the seasonal holiday facility.
 - (6) **Off-street parking.** Public Works shall approve all public access and surfacing of the parking area.
 - (7) **Removal of facility.** The seasonal holiday facility shall be removed within 14 days after Christmas or other holiday.
- (e) **Temporary occupancy.** A temporary occupancy use shall be located on the same parcel or on a contiguous parcel under the same ownership or control as the primary construction project, property being protected, or other primary use for which the Temporary Use Permit was requested and approved.

(1) During construction.

- (A) Major development projects.** Temporary structures and property may be used during the construction phase of an approved major development project (e.g., residential projects with five or more dwelling units or any commercial or industrial project). The structures or property may be used as offices or for the storage of equipment and/or tools.
- (B) Minor development projects.** An existing dwelling unit or a temporary structure and property may be used during the construction phase of an approved minor development project (e.g., residential projects with four or fewer dwelling units). The structure or property may be used as a temporary residence, an office, or for the storage of equipment and/or tools.
- (C) Appropriate conditions.** The permit shall contain reasonable and necessary conditions regarding the following matters:
- (I) Provisions for adequate ingress and egress.
 - (II) Provisions for the work to be performed on-site.
 - (III) Provisions for the storage of asphalt, concrete, and dirt at designated sites within the subject property; provided, the applicant furnishes a schedule, acceptable to the Director, for the periodic disposal or recycling of these materials.
 - (IV) Provisions designed to minimize potential conflicts between the work to be performed on-site and the ordinary business and uses conducted within the County.
- (D) Length of permit.** The permit may be approved for up to 12 months following the issuance of the companion Building Permit, or upon completion of the subject development project, whichever first occurs.
- (E) Extension of permit.** The permit may be extended by the Director if a written request for extension is submitted at least 14 days before expiration of the permit and reasonable reasons are provided by the applicant to justify the requested extension (e.g., the delay was caused by reasons beyond the control of the applicant). The permit may be extended for up to an additional 12 months.
- (F) Validity of permit.** A Temporary Use Permit issued in conjunction with a construction project shall become invalid upon the occurrence of one of the following:
- (I) Cancellation of the Building Permit for the approved temporary structure or use; or.

- (II) Completion of the Building Permit for the approved temporary structure or use; or
 - (III) Expiration of the time for which the approval has been granted.
- (G) **Condition of site following completion.** All temporary structures and related improvements shall be completely removed from the subject site following expiration of the Temporary Use Permit or within 30 days of completion of the development project, whichever first occurs.
- (2) **Property protection by security personnel.**
- (A) Temporary residential structures shall be allowed for security personnel engaged in the short-term protection of:
 - (I) Legally established and permitted commercial, commercial agricultural, industrial or institutional uses; or
 - (II) Construction projects that have current and valid permits issued by the Building and Safety Division.
 - (B) A Temporary Use Permit for a temporary residential structure for security personnel shall not be granted or extended for a period of time to exceed five years after the date the Temporary Use Permit was first issued. If a structure is needed for a longer term than three years, a caretaker's residence shall be established in compliance with the applicable land use zoning district and Section 84.01.040 (Commercial and Industrial Accessory Structures and Uses).
- (f) **Temporary outdoor storage or sales.** Interim operation of an exterior storage area or short-term exterior sales display area. Provisions regulating seasonal sales lots are in Section 84.25.040 (d) (Seasonal Sales Lots.)
- (g) **Temporary sale offices/model homes.**
- (1) **Model homes.** A model home or model home complex may be authorized before the completion of subdivision improvements in compliance with the following standards.
 - (A) The sales office and any off-street parking shall be converted back to residential use and/or removed before the issuance of the Final Occupancy Permit or within 14 days from the close of escrow of the last parcel in the subdivision, whichever first occurs.
 - (B) The model home complex shall be used to sell only units within the development within which the complex is located.

- (C) Model home permits and model home sign permits will be finalized and the model homes will be allowed to be open to the public only after all required bonding has been accomplished and accepted by the County and a Temporary Use Permit has been issued.
 - (D) At least one model home shall be fully landscaped with drought tolerant xeriscape materials.
 - (E) The review authority may require other conditions of approval deemed necessary to protect the public health, safety, and general welfare of persons residing or working in the neighborhood.
- (2) **Real estate sales offices.** A temporary real estate sales office (modular structure) may be established within the area of an approved subdivision, solely for the first sale of homes. An application for a temporary real estate office may be approved for a maximum of 12 months from the date of approval.
- (3) **Temporary on-your-lot builder model home/sales office.** Single-family dwelling unit when used as a temporary sales office and model home for the sale of construction services to build single-family residential units on vacant lots, subject to the following:
- (A) **Activities restricted to construction services and related sales of vacant lots.** The on-your-lot builder model home/sales office shall be used only for the sale of construction services to build single-family residential dwelling units on vacant lots and related real estate sales. Real estate sales shall be limited to the sale of vacant lots in conjunction with the sale construction services for the same lot. Real estate sales shall be an accessory and subordinate use to the primary use of construction service or sales.
 - (B) **Inspection annually by Fire Department.** An annual inspection shall be made by the Fire Department in order to ensure compliance with conditions of approval of the Temporary Use Permit.
 - (C) **Location of structure.** The on-your-lot builder model home/sales office structure shall be located fronting on a roadway designated by the General Plan in the Circulation and Infrastructure Element as one of the following:
 - (I) Major Arterial Highway.
 - (II) Major Divided Highway.
 - (III) Major Highway.
 - (IV) Secondary Highway.
 - (V) Mountain Major.

(VI) Mountain Secondary.

- (D) **Parking.** A minimum of two paved and two other alternate parking spaces shall be provided. The Fire Chief shall approve alternate parking spaces subject to surfacing requirements and possible alternate locations (e.g., on-street parking) where it is deemed necessary and appropriate.
- (E) **Pennants, flags, and signs.**
- (I) **Freestanding or monument sign.** Only one accessory freestanding or monument sign shall be allowed and it shall neither exceed 32 square feet nor 12 feet in height. The sign shall only be allowed on the same lot as the model home/sales office and shall be kept in good repair. A freestanding sign shall maintain a minimum clearance of eight feet between the bottom edge of the sign and the ground. The leading edge of a freestanding sign shall be no closer than one foot from the planned right-of-way. Signs shall comply with the provisions of Chapter 83.13 (Sign Regulations) that are not in conflict with this Subsection.
- (II) **Open house sign and pennants.** One "open house sign" no larger than 24 inches by 18 inches on poles no higher than four feet may be displayed. No more than two pennants shall be displayed. Pennants shall be no greater than two feet by three feet and shall be mounted on poles no higher than four feet. Hours of open house sign and pennant flag displays shall be no earlier than sunrise and no later than sunset.
- (III) **Flags.** Also, each site shall be allowed to have a maximum of four flags that are each a maximum 12 square feet in area and a maximum 12 feet in height. Flags shall be maintained in good repair. For the purpose of this Section, this shall mean no weathered, faded or tattered flags are allowed.
- (IV) **Prohibited signs.** Other than as allowed by this Section, moveable or portable signs, off-site directional signs, plastic banners, balloons, streamers, propellers, or other similar apparatus that are primarily placed and intended to attract the attention of the general public shall not be allowed.
- (F) **Performance bond.** A bond shall be required to ensure removal of any signs or flags and to reconvert, where necessary, any garage conversion.
- (G) **Xeriscape.** The model home shall be fully landscaped with drought-tolerant xeriscape materials.

- (H) **Transfer of permit.** A Temporary Use Permit for an on-your-lot builder model home/sales office may be transferred to another party. A transfer shall not entitle the new owner to use the Temporary Use Permit for a longer time period than five years from the issuance of the original permit. The Code Enforcement Division shall be notified of any transfer of ownership.
- (I) **Agreement to terminate a temporary use.** Before the issuance of the Temporary Use Permit for the first year and as a condition of the permit approval, the permittee shall enter into an agreement with the County, which shall be recorded in the Official Records of the County by the County Recorder. The agreement shall establish the responsibility of the permittee to comply with the provisions of this Chapter. This will include acknowledgement that the permittee shall terminate the model home/sales office no later than five years from the date of the initial permit and shall restore the structure to a use allowed by the current land use zoning district in which the subject property is located.
- (h) **Temporary nonresidential structures.** A temporary structure, including a manufactured or mobile unit, used to provide temporary office, retail, meeting, assembly, wholesale, manufacturing and/or storage space, may be approved for a maximum of 12 months from the date of approval, as an accessory use for commercial, commercial agricultural, industrial, or institutional uses or as the first phase of a development project.
- (1) The Building Official shall determine that the proposed use complies with the development standards in Division 2 (Land Use Zoning Districts and Allowed Land Uses) and Division 3 (Countywide Development Standards) including:
- (A) Adequate access, circulation, and parking.
 - (B) Appropriate buffering from abutting uses.
 - (C) Fencing.
 - (D) Landscaping.
 - (E) Lighting.
 - (F) Signage.
- (2) Under exceptional or extraordinary circumstances, a Temporary Use Permit for temporary nonresidential structures may be extended beyond the 5-year limitation at the discretion of the review authority.
- (i) **Temporary work trailers.** A trailer or mobile home used as a temporary work site for employees of a business; provided, that:

- (1) The use is authorized by a Building Permit for the trailer or mobile home, and the Building Permit for the permanent structure;
 - (2) The use is appropriate because:
 - (A) The trailer or mobile home will be in place during construction or remodeling of a permanent commercial or manufacturing structure for a maximum of 12 months, or upon expiration of the Building Permit for the permanent structure, whichever first occurs; or
 - (B) The applicant has demonstrated that the temporary work site is a short-term necessity for a maximum of 12 months, while a permanent work site is being obtained; and
 - (3) The trailer or mobile home is removed before final building inspection or the issuance of a Certificate of Occupancy for the permanent structure.
 - (4) A Temporary Use Permit issued in conjunction with a construction project shall become invalid upon:
 - (A) Cancellation of the Building Permit for the approved temporary structure or use; or
 - (B) Completion of the Building Permit for the approved temporary structure or use; or
 - (C) Expiration of the time for which the approval has been granted.
- (j) **Temporary signs.** See Section 83.13.070 (Temporary Signs).
- (k) **Temporary transportable treatment units (TTTU).** Temporary Transportable Treatment Units (TTTU) used for treating hazardous waste or groundwater contamination.
- (1) Temporary transportable treatment units shall only be allowed in either of the following instances:
 - (A) The site where a TTTU will be located and operated complies with the siting criteria and procedures identified in the San Bernardino County Hazardous Waste Management Plan; or
 - (B) The Chief of Environmental Health Services Division determines that the proposed TTTU use does not create additional health risks as demonstrated by a site-specific health risk assessment and a Certificate of Land Use Compliance is issued and recorded in compliance with Chapter 85.05 (Certificate of Land Use Compliance).

- (2) A Temporary Use Permit issued in conjunction with a TTTU shall become invalid upon the occurrence of one of the following:
 - (A) Violation of a permitting requirement; or
 - (B) Completion of the project; or
 - (C) Expiration of the time for which the approval has been granted.
 - (3) The Environmental Health Services Division shall conduct an annual inspection in order to ensure compliance with any conditions of approval.
 - (4) A Temporary Use Permit for a temporary transportable treatment unit shall not be granted or extended for a period of time to exceed five years after the date the Temporary Use Permit was first issued.
- (I) **Similar temporary activities.** A temporary activity that the Director determines is similar to the other activities listed in this Section and compatible with the applicable land use zoning district and surrounding land uses.

Adopted Ordinance 4011 (2007)

84.25.050 Additional Development Standards

- (a) **Additional standards.** In addition to the standards in Section 85.15.020 (Types of Temporary Use Permits and Review Authority), above, the Director shall establish the following additional standards for a proposed temporary structure or use, using the requirements of the applicable land use zoning district, Division 3 (Countywide Development Standards), and Division 4 (Standards for Specific Land Uses and Activities) for guidance:
- (1) **Structure and property development improvements.** Access, floor areas, heights, landscaping, off-street parking, setbacks, signs, utilities, and other structure and property development improvements and features;
 - (2) **Removal of the activity and site restoration.** 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 Development Code. Performance security may be required before installation of the temporary structure or initiation of the temporary use to ensure cleanup after the structure is removed or the use is finished in compliance with Section 86.06.050 (Performance Guarantees); and
 - (3) **Time limitation.** Limitation on the duration of an approved "temporary structure," to a maximum of 12 months, so that it shall not become a permanent or long-term structure.

- (b) **Display of permit and approvals.** A valid Temporary Use Permit shall be prominently displayed so that it is visible at all times from the exterior of the permitted structure or use and available for inspection. A permitted temporary structure shall provide evidence of approval by the State Department of Housing and Community Development as required by the Health and Safety Code or the U.S. Department of Housing and Urban Development, where applicable.
- (c) **Other regulations.** Installation of a permitted structure or use shall comply with the requirements and regulations of the Department and the following:
- (1) Development Code.
 - (2) Building and Safety Division.
 - (3) Fire Department.
 - (4) Environmental Health Services Division.
 - (5) Applicable State and Federal regulations.

Adopted Ordinance 4011 (2007)

84.25.060 Interim Operation of Activities Requiring a Conditional Use Permit

- (a) **Interim operation of activities requiring a Conditional Use Permit.** A Temporary Use Permit may be issued for the interim operation of any use requiring a Conditional Use Permit for a period of time not to exceed 12 months, provided the Temporary Use Permit does not authorize the construction or establishment of new permanent structures and the review authority makes the findings required for approval of a Conditional Use Permit in compliance with Chapter 85.06 (Conditional Use Permit/Minor Use Permit).
- (b) **Concurrent application filing.** The Temporary Use Permit application shall be filed concurrently with an application for Conditional Use Permit, where appropriate.

Adopted Ordinance 4011 (2007)

84.25.070 Camping or Occupancy of Temporary Structure Prohibited

- (a) **Prohibited use.** It shall be unlawful to place, install, build, maintain, use, or occupy any temporary structure on any parcel of real property subject to the provisions of this Development Code for the purpose of camping, dwelling, maintaining or establishing temporary or permanent residency unless such placement, installation, construction, maintenance, use, or occupancy is first authorized by a Temporary Use Permit, Special Event Permit, or other land use approval required by this Development Code.
- (b) **Applicability.** This section shall apply to the following temporary structure:
- (1) Any tent, lean-to, box, or other make-shift building or enclosure constructed of any material for which no building permit has been issued and no Temporary Use Permit, Special Use Permit, or other land use approval has been granted;

(2) Any vacant building, temporary or permanent, deemed substandard pursuant to Health and Safety Code Section 17920.3 and Sections 63.063 or 63.064 of Title 6 of the San Bernardino County Code; and

(3) Any building under construction and unfinished, regardless of whether or not building, (plumbing, etc.) permits have been issued.

(c) Camping in Vehicle Prohibited. It shall be unlawful to place, maintain, use, or occupy any vehicle on any parcel of real property for the purpose of camping, dwelling, or maintaining, or establishing a temporary or permanent residency unless such placement, maintenance, use, or occupancy is authorized pursuant to this chapter.

(d) Vehicle applicability. This subsection shall apply to the following vehicles:

(1) All recreational motor vehicles;

(2) Recreational towed vehicles;

(3) Mobile homes;

(4) Commercial coaches;

(5) Office trailers;

(6) Park trailers;

(7) Passenger vehicles;

(8) Trailers;

(9) Campers; and

(10) Commercial vehicles.

(e) Notice to Abate

(1) The Director may issue to any person occupying any structure or vehicle prohibited in violation of this Section a notice, including an order to vacate the structure or vehicle after 30 days of the date of the notice.

(2) If deemed necessary by the Director to prevent or remedy an immediate threat to health and safety of the public or occupants of the structure, the Director may issue any person occupying any structure or vehicle prohibited in violation of this Section an order to vacate the structure or vehicle with less than 30 days notice; or institute any appropriate action or proceeding to prevent, restrain, correct, or abate the violation or nuisance.

Adopted Ordinance 4043 (2008)