

EXHIBIT “A”

The following are modifications to Chapter 16.12 (additions are in underlined red text and deletions are shown with ~~red and strikethrough~~):

Chapter 16.12

PERMITS AND PROCEDURES

ARTICLE XI. - SPECIAL EVENTS AND TEMPORARY USES

16.12.370 - Purpose of provisions.

The purpose of this article is to control and regulate special events and other land use activities of a temporary or recurring nature that may adversely affect the public health, safety, and welfare. The intent is to ensure that these events and uses will be compatible with surrounding land uses, to protect the rights of adjacent residences and landowners, and to minimize any adverse effects on surrounding properties and the environment.

(Ord. 2002-11 Exh. A (part), 2002)

(Ord. No. 2012-14, § 3(Exh. A), 8-7-12)

16.12.375 - General provisions.

- A. A temporary use or structure which does not have a valid and current use permit as specified herein is declared to be a public nuisance, subject to the enforcement provisions of the development code and other applicable laws.
- B. A change in ownership or operator of a use or structure subject to a permit as specified in this article, or a change of structure or modification of the structure or use allowed on a parcel subject to such a permit, shall not affect the time periods established by this article to allow such temporary uses, special events or structures.
- C. Noncompliance with the conditions set forth in approving the permit shall be grounds for the reviewing authority to cancel and void any use permit for a temporary use. Except in the case of a demonstrated emergency, the reviewing authority shall give prior notice of such an action to the permittee. The permittee may appeal such a decision by filing an appeal as allowed and specified in Section 16.12.055. The revocation shall be considered in accordance with Section 16.12.075.
- D. Unless otherwise specified in this article, the development services director, or his or her designee, is authorized to approve, conditionally approve with reasonable conditions, or to deny a permit for a temporary use or special event. The approval may establish conditions and limitations, including but not limited to: days and hours of operation, provision of parking areas, signing and lighting, traffic circulation and access, temporary or permanent site improvements, and other measures necessary to minimize detrimental effects on surrounding properties.
- E. The development services director, or his or her designee, 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 reconversion of any temporary use to a permanent use allowed in the subject land use designation.

(Ord. 2002-11 Exh. A (part), 2002)

(Ord. No. 2012-14, § 3(Exh. A), 8-7-12)

16.12.380 - Special event permits.

- A. All special events shall be subject to the following requirements, as applicable:
1. The approval period for any special event shall be for the time period specified on the approval but in no circumstances shall it exceed more than twenty-one (21) continuous days, or more than four consecutive weekends of operation in any ninety-day period.
 2. Adequate provisions for traffic circulation, off-street parking, and pedestrian safety shall be provided to the satisfaction of the development services director, or his or her designee.
 3. Sanitation facilities shall be provided for the duration of the event; the number and location to be determined by the reviewing authority.
 4. Security personnel shall be provided as required by the city police department.
 5. Parking accommodations for amusement enterprise workers and support vehicles shall be provided as required by the reviewing authority.
 6. Noise attenuation for generators and carnival rides shall be provided as approved by the reviewing authority.
 7. Adequate emergency access shall be provided as approved by the fire department.
 8. A certificate of insurance shall be submitted to the planning division, naming the city as co-insured, for not less than one million dollars (\$1,000,000.00) of general liability coverage, prior to issuance of any permits. This requirement may be waived for small events entirely on private property with no impacts to public facilities.
 9. Adequate staging area shall be provided as approved by the development services director, or his or her designee.
 10. Any platforms, stages, tents, or screening devices erected for the event shall be constructed to the satisfaction of the building official and/or fire marshal. The structure shall be removed from the site immediately following the event.
 11. If involvement by government personnel (public works, fire, and police) is required, a deposit to cover estimated costs shall be submitted prior to issuance of the permit. Upon completion of the event, the city will, within twenty (20) working days, either refund any unused portion of the initial deposit, or require payment of any additional expenses incurred.
 12. In cases where food and/or alcohol products will be sold to the general public in conjunction with the event, proof that permits were obtained from the county department of environmental health services and other applicable agencies shall be submitted prior to issuance of any permits.
 13. Portable searchlights may be permitted, provided that the beam, when lit, shall not be at an angle of less than sixty (60) degrees from the horizontal, and that no advertising is located on the searchlight or its supporting structure.
 14. Inflatable signs, balloons or bounce houses may be permitted provided that they are securely tethered. Insurance as specified in subsection (9) shall be required for any event using such inflatable devices.
- B. Special Event Permits. A special event permit shall be required for the following uses, including but not limited to:
1. Parking lot and sidewalk sales for businesses located within a commercially designated property. Any special event for the sale of automobiles, boats, recreational vehicles, pools, spas, trucks, heavy equipment, mobile homes, sheds, modular buildings or similar items shall be limited to businesses with their primary establishment within the Victor Valley, including the town of Apple Valley and the

cities of Adelanto, Hesperia and Victorville. The city may, at its option, issue a permit to an applicant with a primary business establishment out of this area, should no special event to sell the proposed items have occurred within the previous three months. The applicant is required to establish the point of sale for the event to be within the city for sales tax purposes. Prior to approval of a permit, the city shall receive a copy of the seller's permit evidencing that the point of sale is within the city.

2. Swap meets, outdoor art and craft shows and exhibits.
3. Fairs, concerts, or festivals, held outdoors or in temporary enclosures.
4. Circuses, carnivals, rodeos, pony riding, or similar traveling amusement enterprises.
5. Parades and other events conducted within the public right-of-way.
6. Auctions or distress sales.
7. Special events for charitable organizations on facilities they occupy on a continual basis.

(Ord. No. 2012-14, § 3(Exh. A), 8-7-12)

16.12.382 - Temporary uses.

A. A temporary occupancy permit, temporary special event and/or building permit shall be required for the following uses:

1. A temporary special event permit is required for food and drink carts located on the property adjacent to established commercial or industrial uses hosting the event. In addition, the use shall have obtained permits from the county department of environmental health services. The regulations within Section 16.16.061 entitled "mobile food vehicle regulations" will apply if the cart meets the definition within Section 16.08.532.
2. Christmas tree lots or pumpkin patches shall obtain approval of a temporary special event subject to the following guidelines and conditions:
 - a. Christmas tree lots may operate during the week before Thanksgiving through December 25th. This time does not include reasonable setup or teardown activities. Pumpkin patches may operate during the last week of September through October 31st. Such uses shall be located on unoccupied portions of corner lots abutting at least one road designated on the city's master plan of arterial highways. The sale of Christmas trees may also occur on developed commercial sites occupied by existing retailers that sell trees and plants.
 - b. All lighting shall be directed away from and shielded from adjacent residential areas.
 - c. Adequate provisions for traffic circulation, off-street parking, and pedestrian safety shall be provided as approved by the development services director, or his or her designee.
 - d. All requirements of the city, fire and police departments shall be met for the duration of the use.
3. Trailer coaches, motor homes, or mobile homes may be placed on active construction sites, for use as temporary living quarters for security personnel, or as a temporary residence for the subject property owner with approval of a temporary occupancy permit. The following restrictions shall apply:

a. The development services director may approve a temporary vehicle for the duration of the construction project, or for a specified period, but not for more than one year. If exceptional circumstances exist, a one-year extension may be granted; provided, that the building permit for the first permanent dwelling or structure on the same site has also been extended.

b. Installation of these vehicles may occur only after a valid building permit has been issued by the building division.

c. Vehicles permitted pursuant to this section shall not exceed a maximum gross square footage of six hundred fifty (650) square feet in size (tongue not included), and shall have a minimum of two hundred fifty (250) square feet for one or two persons, or a minimum of six hundred (600) square feet for occupancy by three or more persons. The unit must have a valid California vehicle license. Pickup campers shall not be permitted.

d. The temporary vehicle installation must meet all requirements of the county department of environmental health services and the city building and safety division.

e. Any permit issued pursuant to this section in conjunction with a construction project shall become invalid upon cancellation or completion of the building permit for which this use has been approved, or the expiration of the time for which the approval has been granted.

f. The permitted vehicle shall be removed from the site within thirty (30) days of the final approval of the building permit. A motor home, fifth-wheel trailer, or other recreational vehicle permitted under this section shall be disconnected from all utilities at the time of final approval.

g. Any vehicle permitted under this section shall be connected to approved sewage, electrical and water facilities at all times when the vehicle is authorized by a temporary occupancy permit

h. A building permit for the installation of a mobile home to be used as a temporary residence permitted under this section shall not be issued, if more than ten years have elapsed between the date of manufacture and the date of the application for the issuance of the permit to install the mobile home.

4. Temporary Office Modules. Temporary structures, such as office trailers or prefabricated structures for use as interim offices, classrooms or for security personnel shall require approval of a temporary occupancy permit. The temporary structure shall be allowed in any designation that allows the use pursuant to Section 16.12.085. Recreational vehicles, cargo containers, and mobile homes shall not be used for this purpose. The location of such structures shall be fully screened from the public right-of-way or adjacent residential properties. The city may limit the time allowed for the use of such temporary structures, where it is feasible for such offices, classrooms or security facilities to be integrated into permanent structures.

5. Model Homes. Model homes may be used as offices solely for the sale of homes within a recorded tract with approval of a temporary occupancy permit, subject to the following conditions:

a. The sales office may be located in the garage of one of the model homes, a temporary office trailer, or within the livable portion of one of the models.

b. Approval shall be for a three-year period, at which time the sales office shall be terminated, and if applicable, the structure remodeled to a single-family dwelling. Extensions may be granted by the building official in one-year

increments, but no extension shall be granted if over ninety (90) percent of the development is sold.

c. A cash deposit, letter of credit, or other security approved by the city shall be submitted to the city, in an amount to be set by the city, to ensure the restoration or removal of the structure.

d. The sales office is to be used only for transactions involving the sale, rent, or lease of lots and/or structures within the tract in which the sales office is located, contiguous tracts, or a planned community. However, the planning commission may consider off-site model homes sales offices where permitted by the land use designation, subject to the granting of a temporary occupancy permit as specified in Section 16.12.382.

e. Failure to terminate the sales office and remodel the structure, or failure to apply for an extension on or before the expiration date, will result in forfeiture of the cash deposit, a halt in further construction or inspection activity on the project site, and enforcement action to ensure the remodeling of the structure.

f. Street improvements and temporary off-street parking at a rate of two spaces per model shall be completed as approved by the planning division, prior to commencement of sales activities or the display of model homes. Access to the parking area shall be prohibited from the rear of double frontage lots. Future street right-of-way along the front or street side yard, with a fully paved surface, may be used for no more than five of the required parking spaces, prior to the time that said right-of-way is accepted by the city for public use.

g. All fences proposed in conjunction with the model homes and sales office shall be located outside the public right-of-way.

h. Flags, pennants, or other on-site and off-site advertising shall be regulated pursuant to Chapter 16.36 of the Development Code.

i. Use of signs shall require submission of a sign permit application for review and approval prior to installation.

6. Off-Site Model Homes. A model home sales office, when not located within one of the three circumstances identified in item Section 16.12.382(A)(5)(d), shall be considered an off-site model home sales office, requiring approval of a temporary occupancy permit. The following criteria shall apply:

a. A sales office may only be located within the dwelling itself, or within the garage. Trailers, modular units, or any similar temporary structure shall not be permitted.

b. The structure shall be constructed pursuant to the minimum requirements of the land use designation in which it is located.

c. Paved parking areas shall provide for at least five spaces and shall be located in proximity to the model home sales office. This off-street parking area shall be completed prior to the commencement of activities or display of model homes and shall include applicable handicapped parking spaces, signs and pavement markings.

d. All fences proposed in conjunction with the model home sales office shall be located outside of the public right-of-way.

e. Adequate on-site lighting shall be provided to ensure a safe and secure environment, while at the same time being designed and placed in such a manner as to prevent stray light or glare from becoming a nuisance factor for

adjacent residentially designated properties and abutting roadways. The lighting design employed shall be a low-level type of system and is not intended to provide the same level of lighting as a comparable commercial or office use. A detailed lighting plan shall be submitted for review and approval to the building division.

f. The temporary occupancy permit shall be for a five-year period. Time extensions may be granted up to a maximum of another two years. Any requests for extension of this temporary use permit beyond the maximum of seven years would require the approval of a conditional use permit, pursuant to Article III of this chapter.

g. Adequate access from a public right-of-way shall be provided to the structure. A twenty-six (26) foot wide driveway shall be provided as approved by the city engineer.

h. The structure shall meet all requirements of the city building division, including but not limited to the installation of handicapped accessible restroom facilities, and adequate utility facilities.

i. With the exception of the paved parking and signs, an off-site model home shall be developed and landscaped as a single-family residence. Full landscaping, utilizing drought-resistant type materials, shall include a permanent, underground irrigation system, specimen size trees, and the use of shrubbery, ground cover, non-plant landscape materials, to produce an efficient yet pleasing outdoor environment.

j. When the temporary occupancy permit allowing a model home has expired, the home shall be converted and/or remodeled to conform to all requirements for single-family homes, including a two-car garage. A detached garage may be constructed to meet this requirement.

k. A city business license shall be required.

(Ord. 2002-11 Exh. A (part), 2002)

(Ord. No. 2012-14, § 3(Exh. A), 8-7-12)

16.12.385 - Application procedure.

Applications for temporary use permits and special event permits shall be filed with the planning division in a manner prescribed by the city, along with a fee as adopted by resolution of the city council at least 14 days prior to the event for minor events unless a shorter time frame is authorized by the Director of Development Services. Any special event permit which requires a partial or complete street closure or which may be attended by approximately 500 people shall be considered a major event. Major special events may require approval of a traffic control plan and/or other study, use of police and/or fire personnel, and/or providing a surety as required by the review authority. Major events shall be filed with the city at least 60 days prior to the event unless a shorter time frame is authorized by the Director of Development Services. Special events with fewer attendees may also be considered a major event if the event requires that police and/or fire personnel be onsite or if the site or facilities may not accommodate the number of expected participants.

(Ord. 2002-11 Exh. A (part), 2002)

(Ord. No. 2012-14, § 3(Exh. A), 8-7-12)

16.12.390 - New application following denial.

Following the denial of a permit application for a temporary use, no application for the same or substantially the same use on the same or substantially the same site shall be filed within one year of the date of denial.

(Ord. 2002-11 Exh. A (part), 2002)

(Ord. No. 2012-14, § 3(Exh. A), 8-7-12)