

**ORDINANCE NO. 2013-07**

**AN ORDINANCE OF THE CITY OF JURUPA VALLEY, CALIFORNIA, ADDING CHAPTER 9.30, INTERIM USE PERMIT, TO TITLE 9, PLANNING AND ZONING, OF THE JURUPA VALLEY MUNICIPAL CODE, TO AMEND AND SUPERSEDE CERTAIN PROVISIONS OF RIVERSIDE COUNTY ZONING ORDINANCE NO. 348 AND FINDING AN EXEMPTION FROM CEQA UNDER SECTION 15378(b)(5) OF THE CEQA GUIDELINES**

**THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY DOES ORDAIN AS FOLLOWS:**

**SECTION 1.**            **Zoning Code Amendment.** Chapter 9.30, “Interim Use Permit” is hereby added to Title 9 “Planning and Zoning” of the Jurupa Valley Municipal Code to read as follows:

**“Chapter 9.30            Interim Use Permits**

**“Section**

9.30.010	Statement of Intent and Policy
9.30.020	Permitted Interim Uses
9.30.030	Application Process
9.30.040	Public Hearing Required
9.30.050	Conditions of Approval
9.30.060	Findings
9.30.070	Revocation

**9.30.010            Statement of Intent and Policy.**

A.        The intent of this section is to accommodate reasonable requests for interim uses within any zoning district, when such activities are desirable for the property owner and the community in the short term. Temporary interim uses allowed under this section shall be sensitive to the health, safety and general welfare of persons residing and working in the community and shall be conducted so as not to cause any long-term detrimental effects on surrounding properties and the community.

B.        This section does not supersede existing regulations allowing other temporary uses, such as Temporary Outdoor Event Permits. The issuance of an Interim Use Permit does not confer any permanent land use entitlement or property right to the holder of the permit.

**9.30.020            Permitted Interim Uses.**

A.        Interim Use Permits for uses of limited, specific duration (Nonrecurring) and which do not require the construction of any building or structure to accommodate the use, located within any zoning district in the City, as specified in this section, shall include but are not limited to:

1. Community gardens;
2. Storage of equipment, materials, non-commercial vehicles or prefabricated structures;
3. Grazing of livestock;
4. Fruit and vegetable cultivation and outdoor stand for sale of produce;
5. Storage of growing stock for nurseries;
6. Other similar uses as determined by the Planning Director

**9.30.030 Application Process.**

A. Applications for Interim Use Permits shall be accompanied by the filing fee as set by resolution of the City Council, and shall be made in writing on forms provided by the Planning Department that include the following information:

1. Name, address and phone number of applicant [or representative] and the property owner.
2. Assessor's Parcel Number of premises involved.
3. A site plan drawn in sufficient detail to clearly describe the following:
  - a) Physical dimensions of property.
  - b) Location and dimensions of all existing structures.
  - c) The proposed location of the interim use with setback dimensions;
  - d) Location and dimensions of all driveways, parking areas, landscape areas, fences, and walls.
  - e) Location and dimensions of all adjacent roadways showing location of street centerline and all existing improvements such as sidewalks, curbs, gutters, or curb cuts.
4. Panoramic photographs showing all sides of the on-site property and improvements as well as adjacent off-site properties.
5. Current zoning [with change of zone case number] and date it was adopted and became effective.
6. Written statement describing in detail the reasons for and purpose of conducting the use.
7. A completed property owner affidavit; and

8. Such other information as determined necessary by the Planning Department.

**9.30.040. Public Hearing Required.**

A. A public hearing shall be held on the application for an Interim Use Permit in accordance with the provisions of Section 18.26 of Riverside County Zoning Ordinance No. 348, as modified by City ordinances, and all the procedural requirements and rights of appeal as set forth therein shall govern the hearing.

B. The Planning Commission shall serve as the approving body for Interim use permits subject to a public hearing, as required by Section 18.26 of Riverside County Zoning Ordinance No. 348, as modified by City ordinances.

C. Once an application for the interim use permit has been deemed complete, the Planning Director shall consider and make a recommendation to approve, approve with conditions, or deny the permit. The recommendation shall be forwarded to the Planning Commission, which shall act to approve, approve with conditions, or deny the application.

**9.30.050 Conditions of Approval.**

A. No Interim Use Permit shall be approved for a period that exceeds three years from the date of approval. Property owners who propose to maintain an interim use for a longer period of time must re-apply for a new Interim Use Permit not less than four months prior to the expiration of a valid Interim Use Permit.

B. Any Interim Use Permit that is granted shall be established consistent with the approval and all conditions within six (6) months from the effective date thereof, otherwise the permit shall be null and void.

C. An interim use permit expires if the interim use ceases operation for a continuous period of at least one year.

D. As conditions of approval of the Interim Use Permit, the applicant may be required to record agreements or covenants prior to issuance of the permit, which assure that appropriate programs are implemented for the duration of the Interim Use. Conditions of approval may include, but are not limited, to:

1. Regulations of hours and days;
2. Requirements for bonds, surety, cash deposit, rights of entry or other guarantee or form of security for termination of the interim use pursuant to the conditions of approval, including cleanup and removal of structures or equipment;
3. Restoration of the interim use site to its original state within a specified period of time;

4. Regulation of permit duration;
5. Regulation of lighting;
6. Regulation of gas, smoke, noise, fumes, odors, vibrations or other related nuisances;
7. Such other conditions as are deemed necessary to protect the health, safety and welfare of the community and to assure compliance with the intent and purpose of this section.

**9.30.060. Findings.**

A. The Planning Commission shall make the following findings in granting an Interim Use Permit including but not limited to:

1. That the interim use will not be detrimental to the health, safety, or general welfare of the community.
2. That the interim use is a reasonable use of land and compatible with the general plan land use designation and zoning classification;
3. That the interim use will not adversely affect the adjacent properties, uses, buildings or other structures;
4. Provisions for adequate and safe traffic access/circulation, off-street parking and pedestrian safety have been provided and will be maintained during the operation of the use or activity;
5. That the granting of the Interim Use Permit is made subject to those conditions necessary to preserve the general welfare, not the individual welfare of any particular applicant; and
6. That the best interests of the community are served to allow the interim use.

**9.30.070 Revocation.** An Interim Use Permit may be revoked by the City at the sole and absolute discretion of the Planning Commission, upon thirty (30) days written notice pursuant to the procedural requirements of Section 18.31.

**SECTION 2. CEQA Finding.** The City Council hereby finds, in the exercise of its independent judgment and analysis, that this ordinance is exempt from the California Environmental Quality Act (CEQA) because this ordinance is an administrative activity of the City that will not result any direct or indirect physical changes in the environment pursuant to CEQA Guideline Section 15378(b)(5). Additionally, the adoption of this ordinance is also exempt from CEQA because there is no possibility the proposed ordinance would have a

significant impact on the environment pursuant to CEQA Guideline Section 15061(b)(3). In particular, the ordinance only allows for potential interim uses to be applied for and at that time CEQA review will be conducted to analyze the effects of any specific proposal. As no specific proposal is before the City at this time, any analysis of environmental effects would be speculative.

**SECTION 3.**        **Findings.**    The City Council hereby makes the following findings in adopting this Ordinance as required by the Jurupa Valley Ordinances and applicable state law:

(a)    The Zoning Amendment will be consistent with the Riverside County General Plan as there are no specific provisions regarding interim uses contained within the General Plan. As such, no consistency issues will result. Further, at the time any specific proposal for an interim use comes before the City, an analysis of General Plan consistency will be conducted at that time.

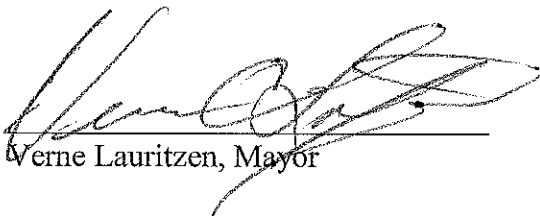
(b)    The City of Jurupa Valley is proceeding in a timely fashion with preparation of the City of Jurupa Valley General Plan. Additionally, the City Council finds that:

- (1)    There is a high probability that the Zoning Amendment will be consistent with the general plan proposal being considered or studied or which will be studied within a reasonable time;
- (2)    There is little or no probability of substantial detriment to or interference with the future adopted general plan if the proposed Zoning Amendment is ultimately inconsistent with the plan; and
- (3)    The proposed Zoning Amendment complies with all other applicable requirements of state law and Jurupa Valley Ordinances.

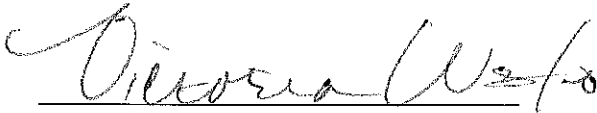
**SECTION 4.**        **Effect of Ordinance.**    This Ordinance is intended to supersede any ordinance or resolution of the County of Riverside in conflict with the terms of this ordinance.

**SECTION 5.**        **Certification.**    The City Clerk of the City of Jurupa Valley shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted in the manner required by law.

**PASSED, APPROVED AND ADOPTED** this 19<sup>th</sup> day of September, 2013.

  
\_\_\_\_\_  
Verne Lauritzen, Mayor

Attest:



Victoria Wasko, CMC, City Clerk

**CERTIFICATION**

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) ss.  
CITY OF JURUPA VALLEY )

I, Victoria Wasko, CMC, City Clerk of the City of Jurupa Valley, do hereby certify that the foregoing Ordinance was regularly introduced at a regular meeting of the City Council on September 5, 2013 and thereafter at a regular meeting held on the 19<sup>th</sup> day of September, 2013, it was duly passed and adopted by the following vote of the City Council:

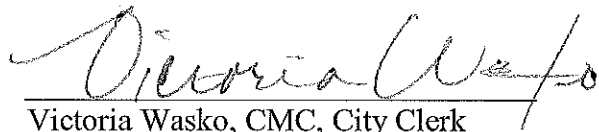
**AYES: GOODLAND, HANCOCK, JOHNSTON, LAURITZEN, ROUGHTON**

**NOES: NONE**

**ABSENT: NONE**

**ABSTAIN: NONE**

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the official seal of the City of Jurupa Valley, California, this 19<sup>th</sup> day of September, 2013.



Victoria Wasko, CMC, City Clerk  
City of Jurupa Valley

# Affidavit of Publication

(2015.5 C.C.P.)

## County of Riverside

## State of California

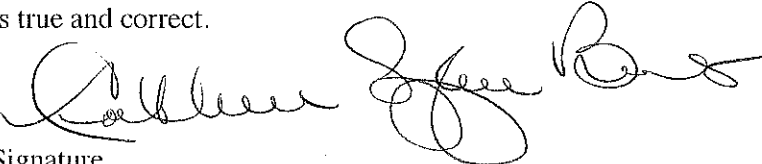
Catherine Sypin-Barnes, being first duly sworn, deposes and says: That at all times hereinafter, mentioned that she was a citizen of the United States, over the age of eighteen years, and a resident of said County, and was at and during all said times the principal clerk of the printer and publisher of The Riverside County Record-News, a newspaper of general circulation, adjudicated by court decree, printed and published weekly in said County of Riverside, State of California, that said Riverside County Record-News is and was at all times herein mentioned, a newspaper of general circulation as that term is defined in section 4460 of the Political Code, and, as provided by that section, is published for the dissemination of local and telegraphic news and intelligence of a general character, having a bona fide subscription list of paying subscribers, and is not devoted to nor published for the interest, entertainment or instruction of a particular class, profession, trade, calling, race or denominations; that at all said time said newspaper has been established, printed and published in said County and State at regular intervals for more than one year preceding the date of publication of the notice hereinafter mentioned; that said notice was set in type not smaller than nonpareil and was preceded with words printed in black face type not smaller than nonpareil describing and expressing in general terms the purport and character of the notice intended to be given; that the

### RIVERSIDE COUNTY RECORD NEWSPAPER

of which the annexed is a printed copy, published and printed in said newspaper in at least 1 weekly issues, as follows:

September 12, 2013

I certify (or declare) under penalty of perjury that the foregoing is true and correct.



Signature

Dated: September 12, 2013  
at Riverside, California

**CITY OF JURUPA VALLEY**  
Office of the City Clerk  
**NOTICE OF PROPOSED ORDINANCE**  
**NOTICE IS HEREBY GIVEN** that on September 5, 2013, the City Council of the City of Jurupa Valley, California, introduced the following ordinance by the following votes to wit:  
**ORDINANCE NO. 2013-07 – AN ORDINANCE OF THE CITY OF JURUPA VALLEY, CALIFORNIA, ADDING CHAPTER 9.30, INTERIM USE PERMIT, TO TITLE 9, PLANNING AND ZONING, OF THE JURUPA VALLEY MUNICIPAL CODE, TO AMEND AND SUPERSEDE CERTAIN PROVISIONS OF RIVERSIDE COUNTY ZONING ORDINANCE NO. 348 AND FINDING AN EXEMPTION FROM CEQA UNDER SECTION 15378(b)(5) OF THE CEQA GUIDELINES**  
**AYES: GOODLAND, HANCOCK, JOHNSTON, LAURITZEN, ROUGHTON**  
**NOES: NONE**  
**ABSENT: NONE**  
The proposed ordinance will be considered for adoption by the City Council at their September 19, 2013 meeting.  
The proposed ordinance is available for review in the City Clerk's Office, 8304 Limonite Avenue, Suite M, Jurupa Valley, California (951) 332-6464.  
Victoria Wasko, CMC  
City Clerk  
Published: September 12, 2013 RCR0722

# Affidavit of Publication

(2015.5 C.C.P.)

## County of Riverside

## State of California

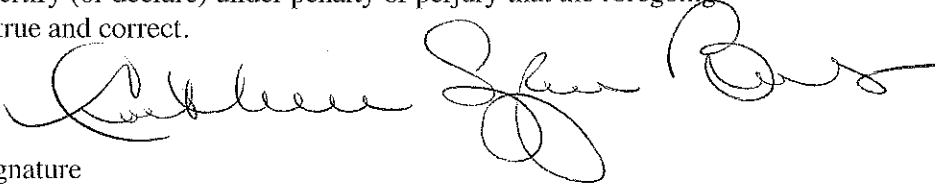
Catherine Sypin-Barnes, being first duly sworn, deposes and says: That at all times hereinafter, mentioned that she was a citizen of the United States, over the age of eighteen years, and a resident of said County, and was at and during all said times the principal clerk of the printer and publisher of The Riverside County Record-News, a newspaper of general circulation, adjudicated by court decree, printed and published weekly in said County of Riverside, State of California, that said Riverside County Record-News is and was at all times herein mentioned, a newspaper of general circulation as that term is defined in section 4460 of the Political Code, and, as provided by that section, is published for the dissemination of local and telegraphic news and intelligence of a general character, having a bona fide subscription list of paying subscribers, and is not devoted to nor published for the interest, entertainment or instruction of a particular class, profession, trade, calling, race or denominations; that at all said time said newspaper has been established, printed and published in said County and State at regular intervals for more than one year preceding the date of publication of the notice hereinafter mentioned; that said notice was set in type not smaller than nonpareil and was preceded with words printed in black face type not smaller than nonpareil describing and expressing in general terms the purport and character of the notice intended to be given; that the

### RIVERSIDE COUNTY RECORD NEWSPAPER

of which the annexed is a printed copy, published and printed in said newspaper in at least 1 weekly issues, as follows:

September 26, 2013

I certify (or declare) under penalty of perjury that the foregoing is true and correct.



Signature

Dated: September 26, 2013  
at Riverside, California

**CITY OF JURUPA VALLEY**  
Office of the City Clerk  
**NOTICE OF NEW ORDINANCE**

**NOTICE IS HEREBY GIVEN** that on September 19, 2013, the City Council of the City of Jurupa Valley, California, adopted the following ordinance by the following votes to wit:

**ORDINANCE NO. 2013-07 – AN ORDINANCE OF THE CITY OF JURUPA VALLEY, CALIFORNIA, ADDING CHAPTER 9.30, INTERIM USE PERMIT, TO TITLE 9, PLANNING AND ZONING, OF THE JURUPA VALLEY MUNICIPAL CODE, TO AMEND AND SUPERSEDE CERTAIN PROVISIONS OF RIVERSIDE COUNTY ZONING ORDINANCE NO. 348 AND FINDING AN EXEMPTION FROM CEQA UNDER SECTION 15378(b)(5) OF THE CEQA GUIDELINES**

**AYES: GOODLAND, HANCOCK, JOHNSTON, LAURITZEN, ROUGHTON**

**NOES: NONE**  
**ABSENT: NONE**

The text of the ordinance is available for review in the City Clerk's Office, 8304 Limonite Avenue, Suite M, Jurupa Valley, California (951) 332-6464.

**Victoria Wasko, CMC**  
City Clerk

Published: September 26, 2013 RCR0767