

CITY OF GRAND JUNCTION, COLORADO

Ordinance No. 2746

CREATING SECTION 4-13, TEMPORARY USES AND STRUCTURES AND AMENDING CHAPTER 12, DEFINITIONS AND LIMITATIONS AND SECTION 4-3-4, USE/ZONE MATRIX OF THE GRAND JUNCTION ZONING AND DEVELOPMENT CODE

Recitals.

The City of Grand Junction recognizes that there are uses, buildings and structures which, because of their unique characteristics, should not be permitted in any particular zone district on a permanent basis but which may be either necessary or desirable for a temporary period provided that they are carefully regulated with respect to location and operation. Currently, there are no provisions in the Zoning and Development Code which address such uses and a permitting process for them. This text amendment is proposed for that purpose.

The Grand Junction Planning Commission at its May 3, 1994 hearing recommended approval of the text amendment.

The City Council has duly considered the matter and the recommendation of the Planning Commission and finds that the amendments to the Zoning and Development Code are appropriate in order to define and permit certain temporary uses.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

1. Section 4-13 is adopted and shall read as follows:

4-13 TEMPORARY USES AND STRUCTURES

The Temporary Use Permit is a mechanism by which the City may allow a use to locate within the City on a short-term basis and by which it may allow seasonal or transient uses not otherwise allowed. Prior to conducting or establishing a temporary use or structure, approval of a Temporary Use Permit by the Community Development Department, with approval of the Police and Fire Departments, is required.

4-13-1 USES PERMITTED - The uses listed below are allowed temporary uses subject to the regulations, time periods and/or restricted zone districts specified. Unless otherwise specified herein, Temporary Use Permit renewals or extensions shall not be allowed. All other uses shall be considered permanent and subject to all regulations within this and other applicable Codes.

A. Temporary Retail Sales Uses

Christmas Tree Sales. Limited to location in B-2, B-3, C-1, C-2, I-1 and H.O. zones only non-residential zones for a period of time not to exceed 45 days. This use may include a

portable structure no larger than 120 square feet or a recreational vehicle for use as a sales office

that must be removed at the end of the permit period.

Fireworks Stands. Limited to only non-residential zones for a period of time not to exceed 45 days. A maximum of one (1) structure, not to exceed 120 square feet in area shall be allowed. The structure must be portable and completely removed at the end of the permit period.

Seasonal Sale of Agricultural Products. Limited to only non-residential zone districts for a period of time not to exceed four (4) consecutive months per calendar year. A maximum of one (1) building/display booth shall be allowed and may cover a maximum of 400 square feet. The structure must be portable and completely removed at the end of the permit period.

Seasonal Greenhouses (accessory to established business). Limited to only non-residential zone districts for a period of time not to exceed six (6) months per calendar year. A maximum of one (1) building shall be allowed and may cover a maximum of 2,000 square feet. The structure must be portable and completely removed at the end of the permit period.

Sidewalk Vendors. The sale of food, beverages, or merchandise from a stand or motor vehicle, or from a person may be allowed in non-residential zone districts as designated in Section 4-3-4, "Outside Sale Retail Goods", and shall be limited to a period not to exceed 90 continuous days per calendar year in a given location. Even if at any time the vendor does not occupy the permitted site, the 90-day limit shall not be extended.

Any and all vending, which term shall include the sale of food, beverages or merchandise from a stand, motor vehicle, or person conducted within the boundaries of the Downtown Development Authority (DDA) shall be conducted in accordance with the terms, limitations and regulations of a DDA vending permit. No vendor shall commence or continue vending until such vendor possesses a current and valid DDA vending permit. The text of the DDA regulations is appended hereto and approved hereby. In the event that the DDA determines to modify its regulations, the DDA shall submit such changes to the City Council for its review, by resolution, before such changes shall be effective.

A Temporary Use Permit issued by the Community Development Department is required for any and all vending occurring outside of the DDA boundary.

B. Real Estate Development and Construction-Related Temporary Uses

Contractors Office and Equipment/Storage Sheds - Accessory to a Construction Project (Residential or Non-Residential). Multiple temporary structures may be allowed under one temporary use permit. Placement of such a temporary use is limited to a period of time determined by an estimated project completion date with the option of an extension of up to one year as and if approved by the Administrator.

Real Estate Office in a Trailer/Mobile Home. One (1) temporary structure such as trailer or mobile home may be used as a real estate sales office in any new construction project for the sale of units within that project only. Such a temporary use may be allowed in all zone districts. The permit shall be valid for a period of six (6) months or until the first unit for the project is

completed, whichever occurs first.

Real Estate Office in a Model Home - Accessory to Construction of a New Residential Development. Limited to a period of time not to exceed one year with the option of an extension of up to one year as and if approved by the Administrator. The number of employees utilizing the office at any one time may not exceed five (5). A real estate office may not contain sleeping or cooking accommodations unless located in a model dwelling.

Single Family Dwelling in Temporary Structure. During the active construction period (after a building or grading permit has been issued) of a construction project involving a non-residential use or a residential development with building permit(s) for more than 50 units at any one time, one (1) mobile home or trailer may be allowed on the same property to be used as a temporary residence by a night watchman for a period not to exceed 12 months or the active construction period, whichever is less. The temporary home shall be removed from the site within 14 days of issuance of the final Certificate of Occupancy for a non-residential structure or the first residential unit if within a residential development.

- C. Amusement Enterprises. Carnival, circus, or menagerie and amusement rides may be allowed in any non-residential zone district for a period not to exceed 15 days within any calendar quarter. This classification excludes events conducted in a permanent entertainment facility.
- D. Promotional Activities in Business and Commercial Zones Involving the Display of Goods and Merchandise. Such activities may be conducted outside of, if associated with the businesses within, enclosed buildings for a period of not more than seven (7) consecutive days. No food or drink may be displayed or sold outside the building except in accordance with standards and prior written approval of the Mesa County Health Department. If the private sidewalk or pedestrian way in front of the building is used for display of merchandise, a minimum width of four (4) feet must remain unobstructed for pedestrian use. A Temporary Use Permit for promotional activities may be renewed twice during any calendar year, for a maximum of 21 days per calendar year.

Any and all promotional activities conducted within the boundaries of the Downtown Development Authority (DDA) shall be conducted in accordance with the guidelines and restrictions of the DDA and are not subject to the provisions of this section of the Code. A Temporary Use Permit through the Community Development Department is not required.

- E. Special events and activities conducted on public property such as school sites and City parks shall be exempt from the provisions of this section of the Code but must comply with any guidelines, regulations and permitting process required by the authorizing agency (e.g. School District 51 or City Parks and Recreation Department).
- F. Similar and Compatible Uses Not Specified. Other uses which are similar and compatible to those allowed as temporary uses in this section. Determination of what constitutes similar and compatible shall be made by the Administrator. In such instances, the applicant shall provide adequate information by which the proposal can be reviewed, which includes but may not

necessarily be limited to the following:

1. type of use;
2. number of employees;
3. parking/circulation needs;
4. hours of operation; and
5. duration of operation.

4-13-2 TEMPORARY USE PERMIT REVIEW CRITERIA - All temporary uses listed in Section 4-13-1 require a Temporary Use Permit. The Administrator may approve or modify and approve an application for a Temporary Use Permit if the following criteria, specific regulations and time limitations are met.

- A. Compatibility with/Effect on Surrounding Area. The allowance of such use will not be detrimental to the public health, safety and general welfare, and the use is consistent with the purpose and intent of this Code and the specific zoning district in which it will be located; and the use is compatible in intensity, characteristics and appearance with existing land uses in the immediate vicinity of the temporary use, and the use, value and qualities of the neighborhood surrounding the temporary use will not be adversely affected by the use or activities associated with it. In addition to those listed herein, factors such as location, noise, odor, light, dust control and hours of operation will be considered; and
- B. Location on Public Property. The use shall not be on publicly owned property unless the applicant first obtains approval of a revocable or other applicable permit through the City or the owner, if not the City (also see section 5-2-1); and
- C. Traffic. The location of the temporary use or structure is such that adverse effects on surrounding properties will be minimal, particularly regarding any type of traffic generated or impacted by the temporary use or structure and impact upon traffic circulation in the area; and
- D. Parking and Access. Adequate off-street parking, according to section 5-5 of this Code, is provided to serve the use. The use does not displace the required off-street parking spaces or loading areas of the principal permitted uses on the site. The entrance and exit drives are designed to prevent traffic hazards and nuisances; and
- E. Property Line Setbacks. Structures and/or display of merchandise must comply with the yard and property line setback requirements of the zone district within which it is located. The items must be displayed so as not to interfere with the sight visibility triangle of the intersection of the curb line of any two streets or a driveway and a street. In no case shall items be displayed within the public right-of-way; and
- F. Sales Tax License. Before a temporary use involving the sale of merchandise may begin, a sales tax license must be obtained from the City Finance Department. If not obtained, the Temporary Use Permit shall be revoked; and

- G. Signs. Signage for the temporary use must conform to the regulations of section 5-7 of this Code. Signage for temporary uses shall be permitted only within the timeframe for which the temporary use is permitted. In no case shall the total signage permitted for any parcel be exceeded; and
- H. Number Per Parcel. Only one Temporary Use Permit shall be permitted for a single parcel of land at any given time; and
- I. Period of Time Between Permits. The period of time between any temporary use permit on a parcel and application for another temporary use permit on that parcel must be at least three times the amount of time of the first (previous) permit; and

4-13-3 CONDITIONS OF APPROVAL - In the allowance of such a use, the Administrator or, upon appeal, the Board of Appeals shall have authority to require such reasonable conditions as necessary to protect the public health, safety and general welfare and to ensure that the use, value and qualities of the neighborhood surrounding the proposed location will not be adversely affected.

4-13-4 APPLICATION - Applicants for a Temporary Use Permit shall submit a completed application form which contains such information as established by the Administrator who shall approve or deny the application within ten (10) working days of submittal.

4-13-5 APPEALS - Any decision of the Administrator may be appealed to the Board of Appeals. Refer to Chapter 10 regarding the appeals process.

2. Chapter 12, Definitions and Limitations is amended to read:

TEMPORARY, USE OR STRUCTURE

Any use or structure placed on a parcel of land for a period of short duration in a calendar year as further specified in Section 4-13. Temporary uses or structures have no permanent hook-ups to utility services. Such uses require a Temporary Use Permit.

PRODUCE STAND

An open air stand or place for the seasonal selling of agricultural produce. A produce stand must be portable and capable of being dismantled or removed from the sales site.

FARMERS MARKET

A structure or place where agricultural produce is brought for the purposes of retail sales. A farmers market differs from a produce stand in that there may be more than one (1) seller allowed per parcel of land and the structure from which produce is sold at a farmers market need not be portable or capable of being dismantled or removed from the site. See also Sections 4-3-4, 4-5 and 4-6 regarding requirements/approvals for a Farmers Market.

3. Section 4-3-4 of the Zoning and Development Code is amended as follows:

PRODUCE STANDS (delete reference to "products produced on premises")

Introduced this 18th day of May, 1994.

Passed and adopted this 1st day of June, 1994.

ATTEST:

/s/ Stephanie Nye
City Clerk

/s/ R.T. Mantlo
President of City Council

