

CITY OF GRAND JUNCTION, COLORADO

Ordinance No. 2916

AMENDING SECTION 4-13, AND CHAPTER 12 OF THE ZONING AND DEVELOPMENT CODE OF THE CITY OF GRAND JUNCTION, TEMPORARY USES AND STRUCTURES, AND DEFINITION OF TEMPORARY USE

RECITALS:

Section 4-13, Temporary Uses and Structures, of the Zoning and Development Code lists specific types of temporary uses and structures. A transient use that does not meet the specific limitations set forth in this section is either denied or is required make application for a Special Use Permit or Conditional Use Permit. The proposed text amendment allows for flexibility in permitting Temporary Uses, while still adhering to established criteria.

Also, the definition of Temporary Use does not exempt uses that are at a location for less than forty-eight hours. The proposed definition of Temporary Use exempts such uses due to the low impact that they pose.

Planning Commission recommended approval of the proposed text amendments at their April 9, 1996 hearing.

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

That Chapter 12, Definitions, of the Zoning and Development Code is hereby amended to read as follows:

Temporary Use or Structure - Any use or structure placed on a parcel of land for a period exceeding forty-eight (48) hours and less than four months and as further specified in Section 4-13. Temporary uses and associated temporary structures shall have no permanent hook-ups to utility services. See temporary use criteria in Section 4-13.

and,

That section 4-13 of the Zoning and Development Code is hereby amended to read as follows:

Section 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 seasonal or transient uses can be allowed. Prior to conducting or establishing a temporary use or structure, approval of a Temporary Use Permit by the Community Development Department is required.

4-13-1 Uses Permitted - An allowed use in all non-residential zone districts or as indicated in Section 4-3-4, may be a Temporary Use, provided that:

A. Compatibility with Surrounding Area. The allowance of a Temporary Use and/or Temporary Structure shall not be detrimental to the public health, safety and general welfare, and the use shall

be consistent with the purpose and intent of this Code and the specific zoning district in which it will be located and the use shall be 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 shall 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 may be considered; and

B. Traffic. The location of the temporary use and/or structure, or its intensity, is such that adverse effects on surrounding properties will be minimal, as determined by the Administrator, particularly regarding any type of traffic generated or impacted by the temporary use or structure and impact upon traffic circulation in the area; and

C. 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 shall be designed to prevent traffic hazards and nuisances; and

D. 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 property owner, if not the City (also 5-2-1);

1. Special events and activities conducted on public property such as school sites and City parks shall be exempt from the provisions of section 4-13 of this 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).

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, stored or sold 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 if issued or shall not be issued until licensure is obtained; and

G. Signs. Signage for temporary uses shall be permitted only within the time frame for which the temporary use is permitted. The total sign allowance for a temporary use shall be thirty-two (32) square feet, not including permanent signage that may be on a vehicle or booth. All signs for temporary uses shall be attached to a structure, vehicle or existing sign post. Portable signs, such as "Sandwich Boards," etc., shall not be allowed. Off-premise signage for a temporary use shall not be allowed; and

H. Number per parcel. Only one temporary use shall be permitted for a single parcel of land at any given time; and

I. Period of Time Between Temporary Uses. A minimum of thirty (30) days between any

temporary use on a parcel is required.

4-13-2 CONDITIONS OF APPROVAL- In the allowance of such a use, the Administrator 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.

4-13-3 - 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.

4-13-4- APPEALS- A denial by the Administrator may be appealed to the Board of Appeals. Refer to Chapter 10 regarding the appeals process.

Introduced on first reading this 17th day of April, 1996.

PASSED and ADOPTED on second reading this 1st day of May, 1996.

**/s/ Linda Afman
Mayor**

ATTEST:

**/s/ Stephanie Nye
City Clerk**