



<p>Temporary Use Permit Number</p> <p>_____</p> <p>Fee Paid: _____ Date: _____</p>

APPLICATION FORM FOR TEMPORARY VENDOR PERMIT:

NOTE: Temporary buildings are not allowed unless a Development Plan and Building Permit have been issued approving the construction of the new permanent building.

Description of proposed Temporary Use: _____

Applicant: _____ Telephone _____ Fax _____

Address: _____ Zip Code _____ E-mail _____

Property Owner of temporary use location: _____ Telephone _____

Address: _____ Zip Code _____

Premises Involved:

Address of Temporary Use _____

Tax Schedule No(s). _____
(This can be obtained from the El Paso County Tax Assessor located at 1675 Garden of the Gods Road, #2300; phone (719) 520-6600 or at their web site <http://www.land.elpasoco.com>)

Existing Zone _____ Acreage _____

First Date of Operation/Set Up _____ Last Date of Operation/Removal _____

Name and File # of current approved Development Plan (if applicable) _____

Describe signage to be used in conjunction with the proposed Temporary Use _____

OWNER/APPLICANT ACKNOWLEDGEMENT OF RESPONSIBILITIES:

The signature(s) below hereby certify that I(we) have familiarized myself(ourselves) with the rules and regulations with respect to this application. I(we) further certify that the statements contained herein and the information on the attached site plan are in all respects true and accurate to the best of my(our) knowledge.

Signature of Property Owner – consent to temporary use Date

Signature of Applicant Date

PRE-APPLICATION CONFERENCE:

A pre-application conference with the planning staff is not mandatory for this application, however, if you would like a pre-application meeting, please call 385-5982 and one will be scheduled for you.

PUBLIC NOTICE:

Public notice (i.e., posting and surrounding property mailings) in conjunction with the administrative review of this application is at the discretion of Planning & Development.

FEES:

An application review fee will be required to accompany this application (checks payable to City of Colorado Springs). The fee schedule is as follows:

Temporary Use Permit	\$106 plus \$23 per month
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APPLICATION REQUIREMENTS:

SUBMITTAL REQUIREMENTS:

This application should be submitted to the Development Review Enterprise, 2880 International Circle #200-7, Colorado Springs, CO 80910
An application must be completed in full and accompanied by the following information:

APPLICANT

PLANNER

- | | | |
|-------|--|-------|
| _____ | 1. Two (2) copies of a PROJECT STATEMENT identifying the following: | _____ |
| | <ul style="list-style-type: none"> • A clear DESCRIPTION of the proposed temporary use. • A JUSTIFICATION based on the review criteria why the proposed temporary use should be approved. | _____ |
| _____ | 2. Submit a LEGAL DESCRIPTION of the proposed project in the following space or on a separate sheet of paper. Subdivision names must be as shown on the recorded plat and include the Book and Page or Reception Number. Any exceptions must be completely written out in metes and bounds. Easements not on the parcel should not be included. | _____ |
| _____ | | |
| _____ | | |
| _____ | | |
| _____ | 3. A VICINITY MAP (does not have to be drawn to scale). The vicinity map should show the proposed site outlined with the existing adjacent streets within the neighborhood. | _____ |
| _____ | 4. Provide AUTHORIZATION from the property owner if the applicant is other than the owner and the owner has not signed this application. This can be in the form of an authorization letter, but it must specify the extent to which the representative is authorized. | _____ |
| | 5. City Planning may require other ADDITIONAL INFORMATION for this application as needed. | |

TEMPORARY USE SITE PLAN CONTENT REQUIREMENTS:

APPLICANT

PLANNER

- | | | |
|-------|--|-------|
| _____ | The applicant is required to PROVIDE: | _____ |
| _____ | 1. Two (2) copies of the APPROVED DEVELOPMENT PLAN showing the location of the proposed temporary building or; | _____ |
| _____ | 2. If no temporary building is proposed, two (2) copies of a complete SITE PLAN must be submitted. The site plan must include all of the information set forth below.
The plans MUST BE FOLDED (if larger than 8½” x 14”) to no larger than 11” x 14” with the lower right hand corner facing up. | _____ |

SITE PLAN CONTENT REQUIREMENTS

Please complete the following checklist by checking all appropriate categories under APPLICANT column, indicating compliance with these content requirements. All submitted plans shall contain the following information:

<u>APPLICANT</u>		<u>PLANNER</u>
_____	1. Indication of the scale (e.g. 1" = 20') and a bar scale.	_____
_____	2. North arrow.	_____
_____	3. Property address.	_____
_____	4. Property lines and dimensions.	_____
_____	5. Location and dimensions of fences and existing and/or proposed structures.	_____
_____	6. Location, type, dimension and size of proposed temporary use.	_____
_____	7. Setbacks of the proposed temporary use.	_____
_____	8. Location, number and size of parking spaces provided for the proposed Temporary Use.	_____
_____	9. Location, number and size of existing parking spaces located within the development site, which will remain unencumbered by the proposed temporary use.	_____
_____	10. Location and names of all adjacent rights-of-way.	_____
_____	11. Location, type, dimension and size of existing and/or proposed signs.	_____
_____	12. Address and phone number of applicant/owner.	_____

FORMAL REVIEW TIME PERIOD:

The administrative review procedure will take up to five (5) days to complete, unless no approved Development Plan exists, in which case the review will take up to 14 days

FINAL DISPOSITION:

APPROVAL:

After completion of the temporary use review, the reviewing planning staff member will provide a copy of the temporary use permit to the applicant.

DENIAL:

If this application is denied, the planning staff member will provide written notification to the applicant that will clearly specify all of the reasons for denial.

APPEALS:

The administrative decision of the planning staff member to approve or deny an application for a Temporary Use may be appealed to the City Planning Commission within ten (10) days from the date of the administrative decision. The appeal must be in writing and specify briefly the grounds for the appeal. If a perfected appeal is filed within this ten (10) day period, the administrative decision to approve or deny will be suspended until the appeal process is finalized.

TEMPORARY VENDOR PERMIT INFORMATION AND REVIEW CRITERIA:

Applications for a Temporary Vendor Use must meet all of the criteria listed in the Zoning Code before the application can be approved by the Planning & Development.

The temporary vendor 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. It shall be unlawful for any person to conduct or establish any temporary use until a temporary vendor permit has been approved by the Manager.

Planning & Development will determine whether a particular Temporary Vendor Permit needs to be referred to another agency within the City. The following are some examples of when a Temporary Use is referred:

- Temporary structures that require a building permit should also be submitted to the Regional Building Department and the Fire Department for their approval.
- A sales tax license is required from the Sales Tax Office if the Temporary Use involves the sale of merchandise.

Applicants are required to have a Building Permit for certain types of temporary structures. The applicant is responsible for obtaining any required Building Permit prior to the placement of the temporary structure on the property. Any operation found to be in non-compliance shall have their Temporary Vendor Permit revoked.

A temporary vendor at commercial centers may be subject to additional regulations, specific time periods and/or restricted zone districts: Temporary vendors are allowed to locate within C-5, C-6 and PBC zoned commercial retail centers, subject to a temporary use permit, under the following conditions:

- The subject property shall be zoned C-5, C-6 or PBC, classified under Section 7.3.202 of the City Code as a commercial center and occupied by retail uses.
- The owner of the commercial retail center consents to the temporary use.
- The approved development plan for the property shall illustrate the location for temporary vendors. If the approved development plan does not reflect an area for temporary vendors then a minor amendment to the development plan shall be required prior to, or concurrently with, the review of the temporary use permit. The review of the minor amendment to the development plan shall confirm that the temporary vendor use complies with the development plan review criteria as set forth in Section 7.5.502.E of the City Code. Special emphasis shall be placed on the impact the temporary vendor use will have on the ability of the site to continue to comply with the parking, fire lane, pedestrian and vehicular circulation requirements.
- No commercial retail center shall be allowed to contain more than three (3) temporary vendors, at any given time.
- Signage for temporary vendors shall be limited to signs that comply with Section 7.4.409.E of the City Code.
- Any tents or temporary buildings associated with a temporary vendor use shall be subject to the approval of the Fire Department and Regional Building Department for compliance with relevant Fire and Building Codes.
- Temporary uses involving the sale of food products shall be subject to the approval of the El Paso County Department of Health.
- Temporary use permits for temporary vendors in commercial retail centers shall expire within twelve (12) months of the date of issuance but may be administratively renewed upon submittal of a new temporary use application and a finding that the application continues to comply with all relevant criteria.
- A minor amendment to a development plan application accompanying a temporary use permit application shall be subject to the public notification procedures set forth in Section 7.5.902.C of the City Code.
- Noncompliance with the terms and conditions of the temporary use permit shall be grounds for revocation of the permit.

REVIEW CRITERIA: Planning & Development 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. **Health, Safety And General Welfare:** The allowance of such use will not be detrimental to the public health, safety and general welfare, and the use is compatible with the purpose and intent of this Zoning Code and in the specific zoning district in which it will be located.
- B. **Intensity, Characteristics And Appearance:** The use is compatible in intensity, characteristics and appearance with existing land uses in the immediate vicinity of the proposed location, and the use, value and qualities of the neighborhood surrounding the proposed location will not be adversely affected by the use or activities with it. Factors such as location, access, traffic generation, noise, light, dust control and hours of operation will all be considered.
- C. **Publicly Owned Property:** The use shall not be on publicly owned property unless the applicant first obtains approval of a revocable permit authorizing such use.
- D. **Off Street Parking:** Adequate off street parking 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.
- E. **Display Of Merchandise:** Display of merchandise for sale need not comply with the yard and setback requirements of this Zoning Code provided that no merchandise shall be displayed within thirty feet (30') of the intersection of the curb line of any two (2) streets or within the required landscaped setback area.
- 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's sales tax office.
- G. **Temporary Uses In The FBZ District:** The allowance of and specific requirements for temporary uses may be included as a part of an FBZ regulating plan.

Conditions of Approval:

In the allowance of such use, Planning & Development or upon appeal, the Planning Commission 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.

OFFICIAL CITY USE ONLY:

Fee Receipt # _____
Site Plans (2) _____
Project Statement (2) _____
Vicinity Map _____

Date Application Accepted _____
Authorization _____
Legal Description _____
Intake Staff _____

CITY APPROVAL/DENIAL:

Inspector _____
Approved: _____
Approval Date: _____

Date Received _____
Denied: _____
Denial Date: _____

Conditions/Reasons: _____

DO NOT REMOVE THIS PAGE – IT MUST BE KEPT WITH THE ORIGINAL APPLICATION FORM!

The City of Colorado Springs-Planning Group is committed to ensuring that all of our services are accessible to those with disabilities. We encourage participation by all individuals. If you have a disability, advance notification of any special needs will help us better serve you. Please call the Planning & Development at (719) 385-5905 to request any special service that you may require. A one (1) week advance notice to allow us to accommodate your request is appreciated.