




PLANNING AND DEVELOPMENT MEMORANDUM
#08-03

February 20, 2008

TO: Honorable Mayor Kathleen M. Novak and City Council Members

FROM: A. J. Krieger, City Manager 
James Hayes, Director, Planning and Development Department 
Travis Reynolds, Senior Planner 

SUBJECT: CB-1649 - Fabric, Membrane, and Cloth Structures – Zoning Amendment, Articles 29 and 30

RECOMMENDATION:

Attached to this memorandum is a proposed Council Bill for a Zoning Ordinance. The bill proposes to amend multiple sections of Article 11-30 - Permitted Uses and Article 11-29 - Temporary Uses, of the Northglenn Zoning Ordinance to change the procedures by which Fabric, Membrane, or Cloth structures are regulated (**CB-1649**, includes Planning Commission recommended grammatical changes).

BACKGROUND:

In the late 1990's a number of permanent fabric structures began appearing in the City. At the time the zoning ordinance was silent regarding such structures. Pursuant to a Citizen's Survey, conducted in 1997 regarding permanent fabric structures, Council elected to address the structures. In January of 1999, Council passed an ordinance establishing a definition for these structures and requiring the acquisition of a Permitted Use permit for such structures erected for more than 14 consecutive days or 30 days in any calendar year. The ordinance addressed these structures in all zones of the City. The proposed amendment attempts to standardize regulation of these structures and allow greater flexibility for placement of these structures while still providing staff and/or Planning Commission oversight.

The zoning ordinance currently applies the following definition to Fabric, Membrane or Cloth Structures via 11-5-2 (b) (57.1):

Fabric, Membrane or Cloth Structures. Shall include "membrane structures" as defined in the adopted building codes of the City or any structure, enclosure or shelter constructed of pliable material supported in any manner. This definition shall not include awnings, unsupported tarpaulins or blankets, or umbrellas.

Additionally, the zoning ordinance applies the following language to address regulation of Fabric, Membrane, or Cloth structures in numerous sections of Article 30 – Permitted Uses. The ordinance indicates that structures fitting within established timing parameters are required to apply for and get approval from the Planning Commission for a Permitted Use permit.

Fabric, membrane, or cloth structures to be erected for more than 14 consecutive days or more than 30 days in any calendar year. Any such structure shall be maintained in good repair.

In recognition of the ever changing nature of Fabric, Membrane or Cloth structures based on technology breakthroughs, enhanced materials, and updated manufacturing processes, the proposed amendment attempts to update their regulation while building consistency and flexibility into the process for applicants.

Currently, any Fabric, Membrane, or Cloth structure erected for 14 consecutive days or more than 30 days in any calendar year must obtain a Permitted Use permit. The process includes a public hearing in front of the Planning Commission, an approximate 45-60 day processing time, and a \$250.00 fee.

The following table is a summary of how these structures would be regulated with the adoption of the amendment. Fees for applicable permits would remain the same.

Required Permit / Days Erected	0-14 Days	14-180 Days	180+ Days
No Permit from the City of Northglenn	● (North Metro Fire permit possibly required)	n/a	n/a
Temporary Use Permit	n/a	●	n/a
Permitted Use Permit	n/a	n/a	●

In summary, any Fabric, Membrane, or Cloth structure erected for 0-14 days would simply need to meet the requirements of the North Metro Fire Rescue District depending on the nature of the structure. Some tents require Fire District approval and some do not. Any structure erected for 14-180 days would require application and approval of a Temporary Use Permit by the staff of the Planning and Development Department. A Permitted Use Permit, including a public hearing and approval from the Planning Commission, would be required for all Fabric, Membrane, or Cloth structures that are more semi-permanent in nature (180+ days). The amendment(s) would enact these regulations in all districts where the structures are allowed.

At the February 12, 2008 meeting of the Northglenn Planning Commission, the Commission recommended approval of the amendments to the ordinance with limited grammatical changes (**Attachment A – ~~Double Strikethrough~~ and Underline**). None of these changes will affect the substance of the proposed amendment.

The original drafted ordinance amendment, from the January 24, 2008 study session, is also attached for your reference (**Attachment B**).

POTENTIAL OBJECTION:

City Staff is not aware of any specific opposition to the proposed ordinance change.

BUDGET/TIME IMPLICATIONS:

City Staff is not aware of any budget or time implications.

STAFF REFERENCE:

If Council members have any comments or questions they may contact Travis Reynolds, treynolds@northglenn.org or James Hayes, jhayes@northglenn.org.

SPONSORED BY: COUNCIL MEMBER PAIZ

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1649
Series of 2008

Series of 2008

A BILL FOR AN ORDINANCE AMENDING SECTIONS 11-30-3(o), 11-29-5, 11-30-6(a)(9), 11-29-9, 11-30-8(a)(3), AND 11-29-11 REGARDING FABRIC, MEMBRANE OR CLOTH STRUCTURES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. Section 11-30-3(o) of the Northglenn Municipal Code is amended to read as follows:

*Fabric, membrane, or cloth structures to be erected for more than **one hundred eighty (180) days in any calendar year, requiring written approval is provided by the North Metro Fire and Rescue District.** ~~14 consecutive days or more than 30 days in any calendar year.~~ Any such structure shall be maintained in good repair. **Fabric, membrane, or cloth structures to be erected for more than fourteen (14) and less than one hundred eighty (180) days in any calendar year are subject to the temporary use provisions of Section 11-29-5(e).** *Fabric, membrane, or cloth structures to be erected for less than fourteen (14) days do not have to apply for a permitted use permit.**

Section 2. Section 11-29-5 is hereby amended by the addition of a new subsection (e), which shall read as follows:

(e) Fabric, membrane, or cloth structures to be erected for more than fourteen (14) and less than one hundred eighty (180) days in any calendar year, provided that:

- (1) These structures will be reviewed and approved administratively by the Director of Community Development or his/her designee;*
- (2) The structures can otherwise meet the current adopted Building Code at the time of application; and*
- (3) Approval in writing is granted from the North Metro Fire and Rescue District.*

Fabric, membrane, or cloth structures shall conform to the minimum requirements of the zone district within which the use is requested; provided, however, if conditions are set forth via the permit, the most restrictive shall apply.

Section 3. Section 11-30-6(a)(9) is hereby amended as follows:

Fabric, membrane, or cloth structures to be erected for more than 14 consecutive days or more than 30 one hundred eighty (180) days in any calendar year, requiring written approval is provided by the North Metro Fire and Rescue District. Any such structure shall be maintained in good repair. Fabric, membrane, or cloth structures to be erected for more than fourteen (14) and less than one hundred eighty (180) days in any calendar year are subject to the temporary use provisions of Sections 11-29-8 and 11-29-9. Fabric, membrane, or cloth structures to be erected for less than fourteen (14) days do not have to apply for a permitted use permit.

Section 4. Section 11-29-9 is hereby amended by the addition of subsection (c), which shall read as follows:

(c) Fabric, membrane, or cloth structures to be erected for more than fourteen (14) and less than one hundred eighty 180 days in any calendar year, provided that:

- (1) These structures will be reviewed and approved administratively by the Director of Community Development or his/her designee;*
- (2) The structures can otherwise meet the current adopted Building Code at the time of application; and*
- (3) Approval in writing is granted from the North Metro Fire and Rescue District.*

Fabric, membrane, or cloth structures shall conform to the minimum requirements of the zone district within which the use is requested; provided, however, if conditions are set forth via the permit, the most restrictive shall apply.

Section 5. Section 11-30-8(a)(3) is hereby amended as follows:

Fabric, membrane, or cloth structures to be erected for more than 14 consecutive days or more than 30 one hundred eighty (180) days in any calendar year, requiring written approval is provided by the North Metro Fire and Rescue District. Any such structure shall be maintained in good repair. Fabric, membrane, or cloth structures to be erected for more than fourteen (14) and less than one hundred eighty (180) days in any calendar year are subject to the temporary use provisions of Section 11-29-11(b). Fabric, membrane, or cloth structures to be erected for less than fourteen (14) days do not have to apply for a permitted use permit.

Section 6. Section 11-29-11 is hereby amended by the addition of subsection (b), which shall read as follows:

(b) Fabric, membrane, or cloth structures to be erected for more than fourteen (14) and less than one hundred eighty 180 days in any calendar year, provided that:

- (1) *These structures will be reviewed and approved administratively by the Director of Community Development or his/her designee;*
- (2) *The structures can otherwise meet the current adopted Building Code at the time of application; and*
- (3) *Approval in writing is granted from the North Metro Fire and Rescue District.*

Fabric, membrane, or cloth structures shall conform to the minimum requirements of the zone district within which the use is requested; provided, however, if conditions are set forth via the permit, the most restrictive shall apply.

INTRODUCED, READ AND ORDERED POSTED this ____ day of _____, 2008.

KATHLEEN M. NOVAK
Mayor

ATTEST:

DIANA L. LENTZ, CMC
City Clerk

PASSED ON SECOND AND FINAL READING this ____ day of _____, 2008.

KATHLEEN M. NOVAK
Mayor

ATTEST:

DIANA L. LENTZ, CMC
City Clerk

APPROVED AS TO FORM:

COREY Y. HOFFMANN
City Attorney

ATTACHMENT A

SPONSORED BY: _____

COUNCILMAN'S BILL

ORDINANCE NO.

No. _____
Series of 2008

_____ Series of 2008

A BILL FOR AN ORDINANCE AMENDING SECTIONS 11-30-3(o), 11-29-5, 11-30-6(a)(9), 11-29-9, 11-30-8(a)(3), AND 11-29-11 REGARDING FABRIC, MEMBRANE OR CLOTH STRUCTURES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. Section 11-30-3(o) of the Northglenn Municipal Code is amended to read as follows:

Fabric, membrane, or cloth structures to be erected for more than *one hundred eighty (180) days in any calendar year, ~~provided that approval in writing requiring written approval is provided by the North Metro Fire and Rescue District.~~* ~~14 consecutive days or more than 30 days in any calendar year.~~ Any such structure shall be maintained in good repair. *Fabric, membrane, or cloth structures to be erected for more than fourteen (14) and less than one hundred eighty (180) days in any calendar year are subject to the temporary use provisions of Section 11-29-5(e). Fabric, membrane, or cloth structures to be erected for less than fourteen (14) days ~~need not~~ do not have to apply for a permitted use permit.*

Section 2. Section 11-29-5 is hereby amended by the addition of a new subsection (e), which shall read as follows:

(e) Fabric, membrane, or cloth structures to be erected for more than fourteen (14) and less than one hundred eighty (180) days in any calendar year, provided that:

- (1) These structures will be reviewed and approved administratively by the Director of Community Development or his/her designee;
- (2) The structures can otherwise meet the current adopted Building Code at the time of application; and
- (3) Approval in writing is ~~provided~~ granted from the North Metro Fire and Rescue District.

Fabric, membrane, or cloth structures shall conform to the minimum requirements of the zone district within which the use is requested; provided, however, if conditions are set forth via the permit, the most restrictive shall apply.

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Section 4. Section 11-29-9 is hereby amended by the addition of subsection (c), which shall read as follows:

(c) Fabric, membrane, or cloth structures to be erected for more than fourteen (14) and less than one hundred eighty 180 days in any calendar year, provided that:

- (1) These structures will be reviewed and approved administratively by the Director of Community Development or his/her designee;
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Fabric, membrane, or cloth structures shall conform to the minimum requirements of the zone district within which the use is requested; provided, however, if conditions are set forth via the permit, the most restrictive shall apply.

Section 5. Section 11-30-8(a)(3) is hereby amended as follows:

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Fabric, membrane, or cloth structures shall conform to the minimum requirements of the zone district within which the use is requested; provided, however, if conditions are set forth via the permit, the most restrictive shall apply.

INTRODUCED, READ AND ORDERED POSTED this ____ day of _____,
2008.

KATHLEEN M. NOVAK
Mayor

ATTEST:

DIANA L. LENTZ, CMC
City Clerk

PASSED ON SECOND AND FINAL READING this ____ day of _____, 2008.

KATHLEEN M. NOVAK
Mayor

ATTEST:

DIANA L. LENTZ, CMC
City Clerk

APPROVED AS TO FORM:

COREY Y. HOFFMANN
City Attorney

ATTACHMENT B

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