




**PLANNING AND DEVELOPMENT DEPARTMENT MEMORANDUM**  
**#07-11**

December 5<sup>th</sup>, 2007

**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-1641, Amendment to Zoning ordinance – Chapter 11, Article 30, Item 3(o)- Permitted Uses

**RECOMMENDATION:**

Attached to this memorandum is proposed Council Bill CB-1641. Proposed Council Bill CB-1641 amends Article 11-30-3(o) Permitted Uses – Residential Zones, of the Northglenn Zoning Ordinance to remove language regarding the regulation of fabric, membrane, or cloth structures. Specifically, the request aims to remove time considerations from the requirement that these structures obtain a permanent permitted use permit if they are to be erected for more than 14 consecutive days or 30 days in any calendar year. The amendment would essentially require all fabric, membrane, or cloth structures to obtain a Permitted Use permit, regardless of how long the structure would be in use.

The proposed amended Zoning ordinance language reads as follows:

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

*(o) ~~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.~~*

The Planning Commission considered this amendment at their November 27, 2007 meeting and unanimously recommended denial of the amended language as written.

**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 current amendment addresses only the regulation as it is written under the Residential section of Article 30.

The above referenced changes are proposed to the Permitted Uses article of the zoning ordinance. Permitted Uses, as applied in the City, are land uses (in some cases structures)

not specified as direct uses-by-right within a specific zone but are considered allowable under an additional level of scrutiny by the Planning Commission. They are often perceived to involve certain impacts to the surrounding neighborhood that need to be carefully reviewed prior to their operation. Permitted Uses, once approved, are permanent in their application and often carry an additional set of conditions for required performance.

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.*

The specific changes proposed speak to the issue of Fabric, Membrane, or Cloth Structures allowed as a Permitted Use in Residential and subsequently, Agricultural and Industrial zones. In Residential zones they customarily take the form of tents, half-dome carports, or greenhouses. As proposed, the changes to the ordinance would remove the existing requirements that these structures obtain a Permitted Use permit if they are "erected for more than 14 consecutive days or more than 30 days in any calendar year."

The effect of removing time considerations from the ordinance would be to require a Permitted Use permit for any such structure (tent, canopy, etc.) regardless of the duration for which it would be erected. This is significantly more restrictive than the current process as the permit requires a public hearing and typically takes 45 – 60 days to review, administer, and seek action from the Planning Commission. Currently residents and institutions can erect these structures, for a limited time, with little to no involvement from the City. Additionally, a \$250.00 fee is attached to all Permitted Use permits.

At the November 27<sup>th</sup>, 2007 meeting the Planning Commission considered issues surrounding the proposed amendment. Following their discussion, they unanimously recommended denial of the proposed changes. Their discussions included thoughts that the proposed amendment may have unintended consequences and is more restrictive than what is currently in the ordinance. They also recognized that Staff is proposing to revise certain Zoning ordinance Articles in the near future. It is assumed that the Permitted Uses Article would be thoroughly examined through that process.

**POTENTIAL OBJECTION:**

City Staff is not aware of any specific opposition to the proposed ordinance change other than the Planning Commission's recommendation.

**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](mailto:treynolds@northglenn.org) or James Hayes, [jhayes@northglenn.org](mailto:jhayes@northglenn.org).

SPONSORED BY: COUNCIL MEMBER PAIZ

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1641  
Series of 2007

\_\_\_\_\_  
Series of 2008

A BILL FOR AN ORDINANCE AMENDING SECTION 11-30-3, SUBSECTION (o) REGARDING FABRIC, MEMBRANE OR CLOTH STRUCTURES AS A PERMITTED USE

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

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

(o) 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.

INTRODUCED, READ AND ORDERED POSTED this \_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
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:

APPROVED AS TO FORM:

\_\_\_\_\_  
DIANA L. LENTZ, CMC  
City Clerk

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COREY Y. HOFFMANN  
City Attorney