

ZONING

§ 180-27 Outdoor Commercial Establishments. [Previously Temporary Buildings repealed 4-14-98, Ord. 98-09, and Temporary Uses and Structures §180.27.1 renamed and renumbered 9-18-01, Ord. 01-07]

- A. Purpose: Outdoor Commercial Establishments allow a transient or mobile commercial use and/or structure not otherwise allowed under the Town's Zoning Chapter to locate within the Town on any non-residential property with the owner's consent. This section is intended to allow outdoor commercial establishments which contribute to the pedestrian and small mountain town atmosphere of the town by permitting certain outdoor commercial uses such as, but not limited to, community festivals, food vendors, outdoor commercial displays, and temporary structures.
- B. Outdoor Commercial Establishment Permit Approval: It shall be unlawful to construct, erect or use, or to cause to be constructed, erected, changed or used, in any district of the town, any outdoor commercial structure, or to engage in an outdoor commercial use, unless and until an Outdoor Commercial Establishment Permit has been approved by the Community Development Department as provided in this Section 180-27. At the discretion of the Community Development Department, any application for an Outdoor Commercial Establishment Permit may be referred to the Planning Commission for approval.

Exemption: Notwithstanding any of the forgoing, seasonal or temporary town sponsored outdoor community-wide events and festivals, held on town controlled property or on private property with permission of the property owner, are exempt from the regulations under this section of the Zoning Code.

- C. Outdoor Commercial Establishment Permit Review Criteria: The Community Development Department shall approve an application if all of the following applicable criteria and specific regulations are met or may deny an application for failure to meet the following applicable criteria and specific regulations or may impose such conditions of approval as may be necessary for approval of an Outdoor Commercial Establishment permit to ensure that all of the following applicable criteria and specific regulations are met:
1. The allowance of such Outdoor Commercial Establishment will not be detrimental to the public health, safety or general welfare, and the Outdoor Commercial Establishment is compatible with the purpose and intent of this Zoning Code and the specific zoning district in which the Outdoor Commercial Establishment is proposed.
 2. The Outdoor Commercial Establishment is compatible in intensity, characteristics and appearance with the existing land uses in the immediate vicinity of the proposed location. The use, value and qualities of the neighborhood surrounding the proposed location will not be adversely affected by the Outdoor Commercial Establishment or activities within it. Factors such as location, access, traffic generation, noise, lighting, parking, dust control, hours of operation, and structure, height, size, and appearance will be considered.

ZONING

3. The applicant shall receive written consent from the property owner. If the Outdoor Commercial Establishment is to be located partially or entirely on Town property, approval of the Town Council is required.
4. Adequate parking is to be provided to serve the Outdoor Commercial Establishment. The Outdoor Commercial Establishment must not be located on or displace required parking spaces, including off-site spaces, seasonal snow storage areas (from October 31st to April 15th) or loading areas of the principal permitted uses on the site. Required parking will be calculated based on the town's parking requirements in Section 180-23 of this Zoning Code. Parking required for the Outdoor Commercial Establishment shall be paved unless the applicant provides a method to minimize air pollution or dust on the property and on adjacent properties.
5. No food or drink may be sold except in accordance with the standards and written approval of the Summit County Environmental Health Department.
6. It shall be unlawful for any Outdoor Commercial Establishment merchandise or other promotional materials to hang from any building facade or door or from any foliage, and no Outdoor Commercial Establishment shall block any window, door or architectural feature of a building.
7. Outdoor Commercial Establishments shall not be located within the right-of-way of any town street or alley without the approval of the Town Council. Outdoor Commercial Establishments, upon approval from the Community Development Department and Public Works Department, may be allowed within the town's three foot sidewalk easement adjacent to both sides of the Main Street right-of-way as long as the Outdoor Commercial Establishment does not impede pedestrian traffic, snow removal or general maintenance activities.
8. No Outdoor Commercial Establishment will be approved in a residential zoning district under this section of the Town Code or in an area where exclusively residential uses exist.
9. Vendor Carts. In addition to meeting all other requirements of this section, vendor carts must provide for trash disposal. A vendor cart may not exceed 100 square feet in area.
10. An Outdoor Commercial Establishment is limited to a maximum of ten (10) square feet of signage, including any banners. All other requirements of Section 180-22 of this Zoning Code as amended from time to time, shall apply.
11. At the discretion of the Community Development Department or Town Council, financial security may be required to ensure compliance with any condition of approval and/or to ensure that the subject property is restored to its original use and condition.

ZONING

12. Before an Outdoor Commercial Establishment involving the sale of merchandise or food may begin, the applicant's business must have a valid business license from the Town Clerk's office.
- D. Application. Application for an Outdoor Commercial Establishment Permit shall include:
1. A general Development Application form obtained from the Community Development Department.
 2. A plan showing property lines, existing and proposed features relevant to the Outdoor Commercial Establishment, the location of the Outdoor Commercial Establishment in relationship to uses and structures in the immediate vicinity, setbacks from property lines, fencing or screening, lighting, trash receptacles, sign locations, and parking. An application for an Outdoor Commercial Establishment shall include drawings of any structure including elevations and a description of colors and materials proposed.
 3. A letter of intent explaining the nature of the Outdoor Commercial Establishment including but not limited to the time period requested, hours of operation, and anticipated circulation patterns.
 4. Such other information as may be deemed necessary by the Community Development Department for the purposes of evaluating the application.
 5. Payment of the applicable permit fee and security deposit, if any. If determined necessary by the Community Development Department or Town Council, financial security may be required to ensure compliance with any and all conditions of approval and/or to restore the subject property to its original use and condition.
- E. No Vesting of Outdoor Commercial Establishments. A development application for and an approval of an Outdoor Commercial Establishment shall not constitute nor be interpreted by any property owner, applicant or court as a site specific development plan entitled to vesting under Article 68 of Title 24 of the Colorado Revised Statutes. Outdoor Commercial Establishments shall be considered transitory at all times and shall not vest. The failure of an applicant to adhere to any condition of approval for an Outdoor Commercial Establishment shall result in the immediate forfeiture of approval and such establishment and the use of any accompanying structure shall immediately cease and may be subject to abatement as a public nuisance as provided for in the Code of the Town of Frisco.
- F. Appeals. Any appeal of the Community Development Department decision regarding an Outdoor Commercial Establishment permit shall be made in accordance with Section 180-46 of this Zoning Code.