

Selling From a Movable Structure, Vacant Lot, or Parking Lot

Attachment to Administrative Review Application Form



**City of Boulder
Planning and Development
Services Center**

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CRITERIA FOR SELLING FROM A MOVABLE STRUCTURE, VACANT LOT, OR PARKING LOT

The city's land use regulations permit sales from a movable structure, a vacant lot, or a parking lot as a conditional use if specified criteria are met. **In order for such sales to be allowed as a conditional use, approval of an administrative review application is required.**

In order for an administrative review application to be approved for sales from a movable structure, vacant lot, or parking lot, Planning and Development Services must find that the application meets the applicable criteria. These criteria are found in Section 9-6-5(c), B.R.C. 1981 of the city's land use regulations and are listed below. In particular, sales must be an allowed land use in the zoning district where the subject property is located (generally BC and BR zoning districts).

The administrative review application must include a written statement which addresses how the proposal meets the applicable criteria. The written statement must specify the dates and duration of the proposed sales period. (These sales are limited to a maximum of two consecutive weeks; the applicant should allow ample time for the administrative review process and any other necessary permits or licenses prior the proposed sales period.) The required site plans must show the information specified in the criteria, including the location of the proposed sales area, screening, and fences. The criteria cannot be met by using the variance process. In addition, these sales must meet other city code requirements that may apply.

Sales of Christmas trees on a lot are considered as a conditional use in the category of "selling from a movable structure, vacant lot, or parking lot" and approval of an administrative review application is required. An expedited review process is used for these tree sales applications due to the timely nature of the sales season. Christmas tree sales must comply with the criteria listed below, however the requirements of criteria (a-8) must be completed by December 30. In addition, if a sign is proposed, the applicant should contact Planning and Development Services Sign Code Administrator for specific sign regulations that apply to Christmas tree sales.

CRITERIA (CITY CODE EXCERPT OF SECTION 9-6-5(a), B.R.C. 1981):

(a) Temporary Sales or Outdoor Entertainment

(1) Standards: The city manager may permit temporary sales or outdoor entertainment events if the following conditions are met:

- (A)** Such uses are temporary and limited to two consecutive weeks in any three-month period, unless otherwise approved by the city manager;
- (B)** Such uses conducted from movable structures or upon vacant lots shall submit a site plan, including, without limitation, the location, setback from property line, screening, sign, and fence locations, if applicable, and electric meter locations or power source;
- (C)** Applicants shall obtain the appropriate sales tax license and, if applicable, temporary fence permits;
- (D)** All exterior areas used for such uses and the lot or parcel that such uses occur upon shall meet the bulk requirements of Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981;
- (E)** Such uses may not adversely affect the required parking or result in unsafe conditions or unacceptable levels of congestion; and
- (F)** Upon termination of the use pursuant to paragraph (A) above, the lot or parcel shall be returned substantially to its original condition. All litter, fences, borders, tie-down materials, and other items associated with the temporary sale shall be promptly removed. Unless otherwise approved by the city manager, "promptly" as used in this paragraph shall mean within five days.
- (G)** Temporary sales shall only be conducted by the owner or lessee of the property on which it is conducted and only in conjunction with the principal use of the property;

(2) Prohibitions: No person shall sell merchandise or services from a motor vehicle, trailer, mobile home, or tent upon any public or private property, including, without limitation, lots or portions thereof that are vacant or used for parking except as provided in this Section.

Ordinance Nos. 5784 (1996); 7364 (2004).