



AGENDA ITEM REQUEST FORM

Communication to Board of County Commissioners

To: Chair Sandy Hollingsworth, Commissioner Web Sill and Commissioner Linda Isenhart

From: Tami Archer
Name
Planner
Title

Today's Date: March 8, 2022

BoCC Meeting Date: March 15, 2022

Does this item require a PUBLIC HEARING? Yes and has been advertised

Item: Proposed revisions to Gilpin County Zoning Regulations Section 4.5 – Commercial Business Sites

Request or Issue: Approval of proposed revisions to Section 4.5

Recommended Action / Next Step: Approval of revised Section 4.5

Financial Impact(s): None

Finance/HR Staff: N/A

Grant Apps: N/A

Associated Agencies: N/A

Background Information: On February 8, 2022 the Planning Commission held a public hearing for proposed changes to Section 4.5 of the zoning regulations regarding revisions to the section to make it easier for mobile businesses, such as a food truck, to operate in the county. The Planning Commission made revisions addressing those concerns. The attached documents are a result of those revisions.

Amount of agenda time needed: 15 minutes for a public hearing

Is this item time sensitive: Do you have a deadline on this item?

Contact for Follow Up: Tami Archer



MEMORANDUM

Date: March 8, 2022
To: Board of County Commissioners
From: Tami Archer, County Planner
Subject: Proposed Changes to Gilpin County Zoning Regulations
Section 4.5 – Commercial Business Sites

Planner

Tami Archer

Permit Technician Code Enforcement Official

April Nielsen

Located in the Historic
Gilpin County Courthouse
P.O. Box 661
203 Eureka Street
Central City, Colorado 80427

303.582.5831
303.582.5440 fax

www.gilpincounty.org

At the January 11, 2022 Planning Commission meeting, changes to Section 4.5 Commercial Business Sites were discussed. Proposed changes were made to the existing regulation. At the February 8, 2022 meeting, a public hearing was held for the public to weigh in on the changes. The comments from the public were in support of the changes. At the conclusion of the public hearing, the Planning Commission voted unanimously to recommend approval of the proposed changes to the Board of County Commissioners.

During the two meetings, it was determined that a major detriment to the operation of food trucks within unincorporated Gilpin County was the lack of a permitting process.

A permit for operation of a food truck could be considered a conditional use, and a process for permitting this use will allow the county to monitor this service. Staff believes this should be a two-part process, with two types of permits required.

The first permit would be applied for by the property owner. It could be very streamlined, requiring only an application and a simple site plan showing where the property is, where the food truck (or other mobile business) would be located on the property, and where customers would park. A small fee could be assessed to cover staff processing time. The purpose of this permit would be to notify the county of where a mobile business would be operating, and to ensure the property owner is aware of the compliance requirements outlined in Section 4.5 of the zoning regulations. Staff suggests this be an annual permit.

The second permit would be applied for by the mobile business operator. The requirements would vary depending on the type of mobile business. For a food truck, staff suggests requiring proof of existing licensing from a neighboring jurisdiction. Since Jefferson County and Gilpin County public health already work together, it would make sense that a Jeffco license is an option. Staff also suggests that a license from Boulder County be allowed because the food trucks that operate in Nederland would already have that licensing in place. Additionally, staff recommends that a Clear Creek County license be allowed because the licensing in Clear Creek is actually done by the state. Accepting a current license will lessen the burden on staff while still ensuring the health safety requirements are in place.

For all mobile businesses, staff recommends a plan be submitted outlining services offered, proposed hours, and the number of the active property owner mobile business permit. Staff recommends that tiered levels be available, and suggests 30, 120 and 365 day permits with corresponding fees. Staff also suggests that a mobile business operating permit be good for any location in the county (as opposed to being issued for only one parcel) provided the property owner has obtained their mobile business permit.

An updated fee schedule is included with recommended fees for the mobile business permit tiers.

PROPOSED REVISIONS

4.5 MOBILE VENDORS

All commercial business sites regardless of zoning shall include a permanent building in compliance with all applicable building, zoning, fire and health codes except Mobile Businesses and Temporary Vendor Stands in compliance with this section.

A. Mobile Businesses: Mobile businesses shall be defined as any business operated from a self-contained truck, van or trailer that is based on a qualifying location with the following conditions:

1. No additions, or other structures shall be attached to, or located adjacent to, mobile units.
2. Mobile businesses must obtain a Mobile Vendor Use Permit from the Community Development Department and pay the applicable fee. Various permit durations are available – contact Community Development for information.
3. A parcel owner must obtain a one-time Property Owner Mobile Vendor License with the County to allow a Mobile Business to operate on their property. This license is held by the property owner and is non-transferrable.
4. A Property Owner Mobile Vendor Use License shall be revoked where code violations exist. A license may be revoked for an habitual code violator. Habitual code violator shall be defined as an applicant cited for 2 code violations during the previous 12- month period or 3 code violations during the previous 3- year period. If denied, a waiting period of not less than 3 months shall pass before a new or renewal permit application may be submitted.
5. Mobile businesses shall not be located on Residential Subdivision (RS) zoned property in the absence of an approved Temporary Use Permit and/or approved Special Use Review.
6. Mobile businesses shall not cause parking shortages or interfere with normal traffic circulation patterns.
7. Mobile businesses must have all required Gilpin County Health Agency approvals.
8. A mobile food vendor may not locate within five hundred (500) feet of the primary entrance to an open and operating non-mobile restaurant, bar/restaurant or café unless written permission is granted by the non- mobile business or a variance is approved. This provision shall not apply to a mobile business established before a newly established competing non-mobile business.
9. Mobile Vendor Use Permits are non-transferable.
10. All applicable zoning codes shall apply to mobile businesses as they would to similar non-mobile businesses including parking, landscaping, screening and access requirements.
11. Onsite sanitation, when required, shall be approved by Gilpin County Health Agency.
12. Operating hours are permitted only between 6 am to 10 pm.
13. No indoor customer spaces shall be available.
14. No product display or service shall be permitted outside of a mobile business unit.
15. No alcohol shall be sold.

PROPOSED REVISIONS

16. Exterior signage not permanently affixed to the mobile unit shall be at least 15 feet from the adjoining right-of-way and no more than 150 feet from the unit. Non-affixed signage must not be illuminated.
17. Mobile businesses must comply with Gilpin County lighting regulations.
18. Amplified sounds associated with a mobile business are prohibited.
19. Trash originating from a mobile business site shall be removed from the mobile business site on a daily basis.
20. Trash shall not be permitted to migrate offsite. Property owners are responsible for complying with Gilpin County Trash Ordinances in effect.
21. Permit and any other certifications necessary to operate shall be on display in public view at all times.

B. Temporary Vendor Stands: Temporary vendor stands are prohibited in all zones with the following exceptions:

1. Vendors approved to operate at County-sanctioned events.
2. Temporary pre-packaged food vendors, state licensed cottage industry vendors, and non-alcoholic beverage vendor stands with Gilpin County Health Agency approvals located on private, commercial property or government-owned property with owner's permission for 3 hours or less during daylight hours are exempt from Mobile Vendor Use Permit requirements. Such vendors shall not cause parking shortages or interfere with normal traffic circulation patterns. Under no circumstances shall such stands operate from public road right-of-way or within 60 feet of the traveled portion of a public road, and are required to comply with all other requirements listed in Section 4.5.A 12 – 21.
3. Lands classified Agriculture by the Gilpin County Assessor may sell agricultural products produced onsite from a roadside stand provided the stand is located on private property a minimum of 30 feet from the traveled portion of the adjacent road.



**GILPIN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
FEE SCHEDULE**

BUILDING PLAN REVIEW	Residential	\$100
	Commercial	\$500 + consultant cost
CAMPING PERMIT - PRIVATE	30 Days per Calendar Year	TBD
CHANGE-IN-USE PERMIT	Residential Zoning	\$25
	Commercial Zoning	\$100
CODE ENFORCEMENT	Release of Violation	\$200
	After-the-Fact Permit	Current Fee + 100%
COPIES (per page)	Black & White	50¢
	Color	\$1.50
	Oversized	\$5
DEMOLITION		\$200
FLOOD PLAIN	Determination Letter	\$100
GRADING	100,000 >	0.07¢
<i>(Cut + Fill in cu yds)</i>	40,000 – 99,999	0.06¢
	20,000 – 39,999	0.05¢
	10,000 – 19,999	0.04¢
	3,500 – 9,999	0.03¢
	50 – 3,499	\$50
LEGAL NOTICES	Mailing / Publishing Cost	Actual Cost
MAILING		Actual Cost + \$2.50
MAPS & DOCUMENTS	Flood Plain Regulations	\$10
	GIS Maps ≤ 11 x 17 in.	\$10
	GIS Maps > 11 x 17 in.	\$30
	Growth IGA	\$25
	Master Plan	\$25
	PUD Regulations	\$10
	Street Map Book	\$100
	Subdivision Regulations	\$25
	Zoning Code	\$25
	1041 Regulations	\$25
MINING	Mining – Tier 1	\$50
	Mining – Tier 2	\$500
	Mining – Tier 3	\$1,000 + cost of consultant
	Mining – Tier 4	\$5,000 + cost of consultant
MOBILE VENDOR		
	Annual Property Owner Permit	\$25
	30 Day Mobile Business	\$50
	120 Day Mobile Business	\$250
	Annual Mobile Business	\$1,000
REZONING & PUD		\$1,250
ROAD NAME CHANGE		\$500
SIGN		\$100
SPECIAL USE REVIEW	Initial Review	\$1,000

	Annual Renewal	\$100
TEMPORARY USE PERMIT	Class A	\$250
	Class B	\$500
	Nonprofit with a physical location and year-round involvement in the County.	waived
SHORT-TERM RENTAL	Annual Operating Permit	\$200
SB – 35 EXEMPTIONS	BLE	\$0
	BLA all lots developed	\$500
	BLA any lots vacant	\$1,000 per vacant lot
	Transfer of Development Rights Option 1	\$500
	Rural Development	\$7,500 x Lots/Average Lot Size
SUBDIVISION		\$10,000 x Lots/ Average Lot Size
VACATE PUBLIC LAND		\$1,000
VARIANCE / BOA	Initial Development	\$1,000
	Addition to existing	\$500

EXHIBIT A