



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: October 29, 2019

AGENDA TITLE:

Items related to the Use Tables & Standards Project and the Opportunity Zone:

- (1) Third reading and consideration of a motion to adopt Ordinance 8337 amending Title 9, "Land Use Code," B.R.C. 1981, to update Use Standards for zoning districts located in the federally designated Opportunity Zone (Census Tract 122.03) to ensure development consistent with the BVCP; and
- (2) Second reading and consideration of a motion to adopt Ordinance 8358 amending Title 9, "Land Use Code," B.R.C. 1981, to create an Opportunity Zone overlay prohibiting demolition of attached dwelling units in federal Census Tract 122.03 for the period the tract is a qualified Opportunity Zone and repealing Ordinance 8308, as amended by Ordinances 8312 and 8314, and setting forth related details.

PRESENTERS

Jane S. Brautigam, City Manager

Tom Carr, City Attorney

Chris Meschuk, Asst. City Manager / Interim Director of Planning

Charles Ferro, Development Review Manager, Planning

Karl Guiler, Senior Planner / Code Amendment Specialist

Andrew Collins, Planner II / Code Amendment Specialist

EXECUTIVE SUMMARY

The purpose of this item is for City Council to consider the adoption of two ordinances associated with zoning districts of the federally designated [Opportunity Zone](#) (Census Tract 122.03):

- Third reading and adoption of Ordinance 8337 amending the Land Use Code to update the Use Standards and Use Table to better align future development to the [Boulder Valley Comprehensive Plan \(BVCP\)](#). **Attachment A.**
- Second reading and adoption of Ordinance 8358, creating a new overlay district prohibiting the demolition of existing attached dwelling units (consisting of at least three attached units) within Census Tract 122.03, for the duration of the federal Opportunity Zone program; and repealing the moratorium Ordinance 8308. **Attachment B.**

Proposed Ordinance 8337 contains recommended changes to the Use Standards and Table (and associated sections) of the Land Use Code, to better align the Use Standards and Table regulations with the latest version of the BVCP, which was adopted in 2017. Proposed changes also include streamlining the Use Table 6-1 and updates to the structure of [Chapter 9-6, Use Standards, B.R.C.1981](#), such as the new proposed Limited Use designations. These changes to the Land Use Code are consistent with the direction and feedback provided City Council and by the Use Table Subcommittee. Council passed the proposed ordinance on first reading at its Aug. 6, 2019 meeting. A second reading and public hearing was conducted on Sept. 3, 2019, and a continuation of the second reading deliberation to Oct. 15th, where the proposed ordinance was amended on second reading ([link to the Oct. 15th memo and meeting packet](#)).

Proposed Ordinance 8358 (**Attachment B**) would repeal the Opportunity Zone moratorium Ordinance 8308 as amended by Ordinances 8314 and 8312, and would create a new overlay district that would prohibit the demolition of existing attached residential units in the Census Tract 122.03. The overlay district would be included in Chapter 9-3, “Overlay Districts” B.R.C. 1981. City Council passed the ordinance on first reading at its Oct. 15, 2019 meeting.

On Oct. 15th, City Council considered amendment options to Ordinance 8337 related to efficiency living units (ELUs), office uses in business zoning districts, office uses in residential zoning districts, and amended Ordinance 8337 as follows, consistent with the staff recommendation:

(1) Efficiency Living Units –

- Council decision - Raise the current Use Review threshold for ELUs from 20 percent to 40 percent in the Use Table.

(2) Office and like uses in the Business Regional (BR), Business Main Street (BMS), and Business Transitional (BT) zones –

- Council decision - Change from an Allowed by-right use to a new Limited Use (L17). Allowing by-right up to 20,000 square feet of office floor area per parcel, conditionally allowed up to 40,000 square feet per parcel if meeting the on-site affordable residential conditions (Section 9-6-8, B.R.C. 1981), and a discretionary Use Review option requiring the inclusion of residential or retail uses as part of a mixed-use project.

(3) Office and like uses in Residential zones –

- Council decision - Maintain the current Use Review requirement and make no change to the Use Table.

Council also chose to include the minor revisions to the proposed ordinance as included in the [Oct. 15th memo as Attachment G](#). See proposed Ordinance 8337 for the changes to Title 9, Land Use Code, B.R.C., related to the Use Standards and Table (**Attachment A**).

At the Oct. 15th meeting, City Council did not to move forward with proposed Ordinance 8347, but instead chose the proposed Ordinance 8358 option to establish a new overlay district that would prevent the demolition of existing attached dwelling units (three or more units) within Census Tract 122.03 for the duration of the federal Opportunity Zone Program. Council also chose to concurrently repeal the moratorium Ordinance 8308 (as amended) on new development within the Opportunity Zone. See proposed Ordinance 8358 for further details (**Attachment B**).

STAFF RECOMMENDATION

Suggested Motion Language:
 Staff requests council consideration of this matter and action in the form of the following motion:

- (1) Motion to adopt on third reading Ordinance 8337 amending Title 9, “Land Use Code,” B.R.C. 1981, to update Use Standards for zoning districts located in the federally designated Opportunity Zone (Census Tract 122.03) to ensure development consistent with the BVCP; and
- (2) Motion to adopt on second reading Ordinance 8358 amending Title 9, “Land Use Code,” B.R.C. 1981, to create an Opportunity Zone overlay prohibiting demolition of attached dwelling units in federal Census Tract 122.03 for the period the tract is a qualified Opportunity Zone and repealing Ordinance 8308, as amended by Ordinances 8312 and 8314, and setting forth related details.

ATTACHMENTS

- A: Proposed Ordinance 8337
- B: Proposed Ordinance 8358

ORDINANCE 8337

AN ORDINANCE AMENDING TITLE 9, "LAND USE CODE," B.R.C. 1981, TO UPDATE USE STANDARDS FOR ZONING DISTRICTS LOCATED IN THE FEDERALLY DESIGNATED OPPORTUNITY ZONE (CENSUS TRACT 122.03) TO ENSURE DEVELOPMENT CONSISTENT WITH THE BVCP; AND SETTING FORTH RELATED DETAILS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO:

Section 1. Section 9-1-2, "How to Use This Code," B.R.C. 1981, is amended to read as follows:

9-1-2. - How to Use This Code.

A general description of these land use regulations follows. This description is intended to provide the reader with some guidance using this code. This section is not intended to be a substitute for the standards, criteria and procedures contained in this code.

...

(c) Modular Zone System: Zoning districts in Boulder are comprised of standards from three modules: use, form and intensity. Combining elements of the three modules creates a zoning district. The zoning districts are identified in Section 9-5-2, "Zoning Districts," B.R.C. 1981.

(1) Use Module: The use module establishes the uses that are permitted, permitted with limitations pursuant to Section 9-6-2, "Limited Use Standards - General," B.R.C. 1981, conditionally permitted pursuant to Section 9-2-2, "Administrative Review Procedures," B.R.C. 1981, prohibited, or that may be permitted through use review pursuant to Section 9-2-15, "Use Review," B.R.C. 1981. Conditional uses are reviewed through an administrative (staff) review process to ensure conformance with specific ~~specific~~ conditional use standards. If the use requires a use review, then the project will be required to complete a discretionary review to ensure that any impacts of the use on the surrounding area are minimized. Finally, if the use is an existing legal use that is no longer allowed in the zoning district, and there is a proposal to change or modify the use, it may also be required to complete a use review.

...

(k) Enforcement of The Land Use Regulations: Violations of the land use regulation are investigated by the ~~Development and Inspection Services division of the Public Works~~ Planning Department and are prosecuted in municipal court, by district court actions or through administrative hearings. A hearing also is available before the Planning Board to

1 protest a violation of a development review approval. The enforcement provisions are
2 found in Chapter 9-15, "Enforcement," B.R.C. 1981.

3 ...

4 Section 2. Section 9-1-4, "Transitional Regulations," B.R.C. 1981, is amended to read as
5 follows:

6 **9-1-4. - Transitional Regulations.**

7 This section addresses the applicability of new substantive standards enacted by this title to
8 activities, actions and other matters that are pending or occurring as of the effective date of this
9 title.

10 ...

11 (e) Existing Uses Subject to Use Limitations or That Require a Use Review or Conditional Use
12 Approval:

13 (1) Use Review or Conditional Use Approvals: Any previously approved use that was
14 established prior to the adoption of new regulations that make such use permitted only
15 pursuant to a conditional use or a use review shall be allowed to continue in operation.
16 Any change or expansion of a use that was established prior to the adoption of new
17 regulations that make such use permitted pursuant to a conditional use or a use review
18 shall be made in conformance with the applicable standards for use review, conditional
19 uses or for changes or expansions to nonconforming uses.

20 (2) Limited Uses: Any previously allowed use that was established prior to the adoption of
21 new regulations that make such use permitted only subject to use limitations shall be
22 allowed to continue in operation and may be changed within the existing floor area of the
23 use or replaced by another limited use subject to the same use limitation category if such
24 change or replacement use does not increase the degree of nonconformity with the use
25 limitations adopted after the use was established. Other changes to a limited use that was
established prior to adoption of the new regulations that imposed the use limitations shall
be made in conformance with the applicable use limitations or in conformance with the
applicable standards for changes or expansions to nonconforming uses. In a non-
conforming use review, the floor area of a use established before adoption of a floor area
limitation may be cumulatively increased by up to ten percent of the floor area of the use
established prior to adoption of the floor area use limitation.

(3) Discontinued Use: If active and continuous operations of ~~such~~ a use subject to the
standards of paragraphs (e)(1) or (e)(2) of this section are not carried on for a period of
one year, it shall thereafter be occupied and used by a use meeting the requirements of
this title, as required by Subsection 9-10-2(a), B.R.C. 1981.

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1 Section 3. Section 9-2-1, "Types of Reviews," B.R.C. 1981, is amended to read as
2 follows:

3 **9-2-1. - Types of Reviews.**

4 (a) Purpose: This section identifies the numerous types of administrative and development review
5 processes and procedures. The review process for each of the major review types is
6 summarized in Table 2-1 of this section.

7 (b) Summary Chart:

8 **TABLE 2-1: REVIEW PROCESSES SUMMARY CHART**

<i>I. ADMINISTRATIVE REVIEWS</i>	<i>II. ADMINISTRATIVE REVIEWS - CONDITIONAL USES</i>	<i>III. DEVELOPMENT REVIEW AND BOARD ACTION</i>
Administrative form-based code review Building permits	Accessory Units (Dwelling, Owners, Limited)	Annexation/initial zoning BOZA variances
Change of address	Wireless Communications Facilities	Concept plans
Change of street name Demolition, moving, and removal of buildings with no historic or architectural significance, per Section 9- 11-23, "Review of Permits for Demolition, On-Site Relocation, and Off-Site Relocation of Buildings Not Designated," B.R.C. 1981	Attached Dwelling Units and Efficiency Living Units in the University Hill General Improvement District Bed and Breakfasts Cooperative Housing Units Daycare Centers	Demolition, moving, and removal of buildings with potential historic or architectural significance, per Section 9-11-23, "Review of Permits for Demolition, On-Site Relocation, and Off-Site Relocation of Buildings Not Designated," B.R.C. 1981
Easement vacation	Detached Dwelling Units with Two Kitchens	Form-based code review
Extension of development approval/staff level	Drive-Thru Uses Group Home Facilities	Landmark alteration certificates other than those that may be approved by staff per Section 9-11-14, "Staff Review of Application for Landmark Alteration Certificate," B.R.C. 1981
Landmark alteration certificates (staff review per Section 9-11-14, "Staff Review of Application for Landmark Alteration	Home Occupations Manufacturing Uses with Off-Site Impacts	

1	Certificate," B.R.C. 1981)		
2	Landscape standards variance	Medical or Dental Clinics or Offices or Addiction Recovery Facilities in the Industrial General Zoning District near the Boulder Community Health Foothills Campus	Lot line adjustments Lot line elimination
3	Minor modification to approved site plan		Minor Subdivisions
4	Minor modification to approved form-based code review	Neighborhood Service Centers	Out of city utility permit
5	Nonconforming use (extension, change of use (inc. parking))	Offices, Computer Design and Development, Data Processing, Telecommunications, Medical or Dental Clinics and Offices, or Addiction Recovery Facilities in the Service Commercial Zoning Districts	Rezoning Site review Subdivisions
6	Parking deferral per Subsection 9-9-6(e), B.R.C. 1981		Use review
7	Parking reduction of up to fifty percent per Subsection 9- 9-6(f), B.R.C. 1981	<u>Offices, Computer Design and Development Facilities, Medical or Dental Clinics and Offices, Addiction Recovery Facilities, and Medical and Dental Laboratories in the BMS, BR and BT Zoning Districts, Not within the University Hill General Improvement District, if the total Floor Area of such Uses on the Lot or Parcel Exceeds 20,000 sf</u>	Vacations of street, alley, or access easement
8	Parking reductions and modifications for bicycle parking per Paragraph 9-9- 6(g)(6), B.R.C. 1981		
9	Parking stall variances	Recycling Facilities	
10	Public utility	Religious Assemblies	
11	Rescission of development approval	Residential Care, Custodial Care, and Congregate Care Facilities	
12	Revocable permit	Residential Development in Industrial Zoning Districts	
13	Right-of-way lease	Residential Uses in the MU-3 Zoning District Fronting Pearl Street	
14	Setback variance	Restaurants, Brewpubs, and Taverns	
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	Sales or Rental of Vehicles on Lots Located 500 Feet or Less from a Residential Zoning District Service Stations	
Site access variance Solar exception Zoning verification	Shelters (Day, Emergency, Overnight, temporary) Temporary Sales Transitional Housing Certain Uses in BC Areas designated in Appendix N	

Section 4. Section 9-2-2, “Administrative Review Procedures,” B.R.C. 1981, is amended to read as follows:

9-2-2. - Administrative Review Procedures.

- (a) Purpose: Administrative review of projects will occur at various times in project development to ensure compliance with the development standards of the city.
- (b) Scope of Administrative Review: Every application found in this title that permits an administrative review or action shall be subject to the following procedures. The list of administrative reviews is found in columns I and II of Table 2-1 of this section. Any reference that authorizes an action by the city manager that is not specifically identified in column I or II of the chart shall be assumed to be an informal application procedure.
- (c) Application Requirements:
- (1) Informal Application: Those reviews not identified in column I or II of the chart shall submit an application in the form of a letter addressed to the city manager.
 - (2) Formal Application: The administrative review requests found in columns I and II shall be submitted on an application form provided by the city manager. No application will be accepted until it is determined to be complete. This determination will be made within five days of the submission of the application.
 - (3) Required Information: The letter or application shall include the information required and address all criteria identified in the code section under which review and action is sought or required.

1 (4) Additional Information: If, in the city manager's judgment, the application does not
 2 contain sufficient information to permit an appropriate review, the manager may request
 3 additional information from the applicant. This additional information may include,
 4 without limitation, a written statement describing the operating characteristics of
 proposed and existing uses and a site plan showing dimensions, distances, topography,
 adjacent uses, location of existing and proposed improvements, including but not limited
 to landscaping, parking, and buildings.

5 (d) Conditional Use Review:

6 (1) Purpose: Conditional uses are uses which are appropriate in a given zoning district if the
applicable conditional use criteria have been satisfied. The requirements are intended to
 7 ensure that the use is compatible with the surrounding area.

8 (2) Standards and Criteria: Conditional uses shall be permitted in a given zoning district if
the use meets the criteria set forth in Sections 9-6-3 through 9-6-11, B.R.C. 1981, and
 9 other requirements of this code and any other ordinance of the city. The criteria set forth
 10 in Sections 9-6-3 through 9-6-11, B.R.C. 1981, cannot be met by using the variance
process. Conditional uses shall not be located on nonstandard lots except as otherwise
permitted.

11 (3) Review: Conditional uses are reviewed pursuant to the administrative review procedures
set forth in this section. The applicant shall demonstrate to the city manager that the
 12 applicable criteria have been satisfied.

13 (4) Violations: No person shall violate a provision of a conditional use approval.

14 (5) Expiration: Any conditional use review approval which is not established within one year
of its approval, discontinued for at least one year, or replaced by another use of land shall
 15 expire.

16 (e) Administrative Review Decision:

17 (1) Approval: If the city manager approves an administrative review application, a building
 18 permit or approval may then be issued, provided that all other requirements of this code
 19 and all other ordinances of the city are satisfied.

(2) Denial: An administrative review application will be denied for failure to comply with
 this code or another ordinance of the city. If a development application is denied, the
 reasons for the denial will be stated in writing.

(3) Judicial Review: Any person aggrieved by the final decision of the city manager may
 seek judicial review pursuant to Subsection 9-4-4(g), B.R.C. 1981.

21 Section 5. Section 9-2-12, "Development Progress Required," B.R.C. 1981, is amended

22 to read as follows:

23 ...

24 (e) Rescission of Development Approval: If, after use review, site review, Planned
 25 Development (PD), Planned Residential Development (PRD), or Planned Unit

1 Development (PUD) approval is granted pursuant to this chapter, the owner of property
 2 desires to develop, instead, under the provisions of Chapters 9-6, "Use Standards," 9-7,
 3 "Form and Bulk Standards," and 9-8, "Intensity Standards," B.R.C. 1981, the owner
 4 may request rescission of such use review, site review, PD, PRD or PUD approval by
 5 filing a written request for rescission with the city manager. The manager will grant a
 6 rescission of such use review, site review, PD, PRD, or PUD approval if no building
 7 permit has been issued for the development and neither the city nor the developer has
 8 taken any actions in detrimental reliance on the terms of the development agreement.
 9 The manager may also rescind a site review, PD, PRD, or PUD approval if the existing
 or proposed development complies with all the use, form, and intensity requirements of
 Chapters 9-6, "Use Standards," 9-7, "Form and Bulk Standards," and 9-8, "Intensity
 Standards," B.R.C. 1981, and there is no substantial public benefit in maintaining the
 original approval. An owner may also request a rescission of a use review or special
 review approval in order to return the property to a use that is permitted as a matter of
 right, as a limited use, or as a conditional use if it is able to meet all applicable standards
 for such use under this title.

10 ...

11 Section 6. Section 9-4-2, "Development Review Procedures," B.R.C. 1981, is amended
 12 to read as follows:

13 **9-4-2. - Development Review Procedures.**

14 (a) Development Review Authority: Table 4-1 of this section summarizes the review and
 15 decision-making responsibilities for the administration of the administrative and development
 16 review procedures described in this chapter. The table is a summary tool and does not describe
 17 all types of decisions made under this code. Refer to sections referenced for specific
 18 requirements. Form and bulk standards may also be varied by site review. Additional
 19 procedures that are required by this code but located in other chapters are:

- 17 (1) "Historic Preservation," chapter 9-11;
- 18 (2) "Inclusionary Housing," chapter 9-13; and
- 19 (3) "Residential Growth Management System," chapter 9-14.

20 **TABLE 4-1: SUMMARY OF DECISION AUTHORITY BY PROCESS TYPE**

<i>Standard or Application Type</i>	<i>Staff/City Manager</i>	<i>BOZA</i>	<i>Planning Board</i>	<i>City Council</i>
...				
Conditional Use SECTION 9-2-1	D	—	—	—

1	<u>Limited Use</u> <u>SECTION 9-6-2</u>	<u>D</u>	=	=	=
2					
3	Site Review SECTION 9-2-14	D(14)	—	CA, D(30)	CA
4					
5	...				
6	KEY:				
7	D = Decision Authority		CA = Call-Up and Appeal Authority		
8	R = Recommendation only		(n) = Maximum number of days for call-up or appeal		
9					

Section 7. Chapter 9-6, "Use Standards," B.R.C. 1981, is amended to read as follows:

9-6-1. - Schedule of Permitted Land Uses.

The schedule shows the uses which are permitted, permitted with limitations, conditionally permitted, prohibited, or which may be permitted through use review pursuant to Section 9-2-15, "Use Review," B.R.C. 1981.

(a) Explanation of Table Abbreviations: The abbreviations used in Table 6-1 of this section have the following meanings:

(1) Allowed Uses: An "A" in a cell indicates that the use type is permitted by right in the respective zoning district. Permitted uses are subject to all other applicable regulations of this title.

(2) Limited Uses: A "L" in a cell indicates that the use type is permitted by right in the respective zoning district provided that the limitations set forth in Table 6-3, "Use Limitations," are met. The applicable limitations of Table 6-3 are identified by superscript numbers following the applicable "L" in Table 6-1. If a use limitation in Table 6-3 is not met or if otherwise specifically required in Table 6-3, the use may be approved in accordance with the procedures and standards authorized in Table 6-3.

(~~2~~3) Conditional Uses: A "C" in a cell indicates that the use type will be reviewed in accordance with the procedures established in Section 9-2-2, "Administrative Review Procedures," B.R.C. 1981. Conditional use applications shall also meet the ~~additional~~ standards set forth in Sections 9-6-~~23~~ through 9-6-~~110~~, B.R.C. 1981, for "~~Specific Conditional Use and Use Review~~ Standards," or other sections of this title.

(~~3~~4) Use Review Uses: A "U" in a cell indicates that the use type will be reviewed in accordance with the procedures established in Section 9-2-15, "Use Review," B.R.C. 1981. Use review applications shall also meet the ~~additional~~ standards set forth in Sections 9-6-~~23~~ through 9-6-~~110~~, B.R.C. 1981, for "~~Specific Conditional Use and Use~~

1 Review Standards. In addition to Table 6-1, Table 6-2, "Use Review Thresholds,"
 2 B.R.C. 1981, applies to use review applications and adds standards to specific use types.
 3 The applicable limitations of Table 6-2 are identified by superscript numbers following
 4 the applicable "U" in Table 6-1.

5 ~~(4) Ground Floor Restricted Uses: A "G" in a cell indicates that the use type is permitted by~~
 6 ~~right in the respective zoning district, so long as it is not located on the ground floor facing~~
 7 ~~a street, with the exception of minimum necessary ground level access, otherwise by use~~
 8 ~~review only.~~

9 ~~(5) Residential Restricted Uses – M: An "M" in a cell indicates the use is permitted, provided~~
 10 ~~at least fifty percent of the floor area is for residential use and the nonresidential use is~~
 11 ~~less than seven thousand square feet per building, otherwise by use review only.~~

12 ~~(6) Residential Restricted Uses – N: An "N" in a cell indicates the use is permitted, provided~~
 13 ~~at least fifty percent of the floor area is for nonresidential use, otherwise by use review~~
 14 ~~only.~~

15 ~~(7) Prohibited Uses: An asterisk symbol ("*") in a cell indicates that the use type is prohibited~~
 16 ~~in the zoning district.~~

17 ~~(8) Additional Regulations: There may be additional regulations that are applicable to a~~
 18 ~~specific use type. The existence of these specific additional use regulations is noted~~
 19 ~~through a reference in the last column of the use table entitled "Specific Use Additional~~
 20 ~~References." References refer to subsections of Sections 9-6-32 through 9-6-110, B.R.C.~~
 21 ~~1981, for "Specific Conditional Use and Use Review Standards," or other sections of this~~
 22 ~~title. Such standards apply to all districts unless otherwise specified. Uses located on a lot~~
 23 ~~or parcel designated in Appendix L, "Form-Based Code Areas," are subject to the~~
 24 ~~requirements of this chapter, but may also be subject to additional use regulations~~
 25 ~~pursuant Appendix M, "Form-Based Code."~~

~~(9) n/a: Not applicable; more specific use applications apply.~~

(b) Interpretation: The city manager may decide questions of interpretation as to which category
 uses not specifically listed are properly assigned to, based on precedents, similar situations,
 and relative impacts. Upon written application, the BOZA may determine whether a specific
 use not listed in Table 6-1 of this section is included in a specific use category. Any use not
 specifically listed in Table 6-1 of this section is not allowed unless it is determined to be
 included in a use category as provided by this section.

(c) Multiple Uses of Land Permitted: ~~Allowed~~~~Permitted~~ uses, limited uses, conditional uses, and
 uses permitted by use review may be located in the same building or upon the same lot.

(d) Use Table:

TABLE 6-1: USE TABLE

RESIDENTIAL USES:

Zoning District	RR-1, RR-2, RE, RL-1	RL-2, RM-2	RM-1, RM-3	RMX-1	RMX-2	RH-1, RH-2, RH-4, RH-5	RH-3, RH-7	RH-6	MH	MU-3	MU-1	MU-2	MU-4	BT-1, BT-2	BMS	BC-1, BC-2	BCS	BR-1, BR-2	DT-4	DT-5	DT-1, DT-2, DT-3	IS-1, IS-2	IG	IM	IMS	PA		
Use Modules	R1	R2	R3	R4	R5	R6	R7	R8	MH	M1	M2	M3	M4	B1	B2	B3	B4	B5	D1	D2	D3	I1	I2	I3	I4	PA	Specific Use Standard & Additional References	
Form-Based Code Areas Uses																									Appendix M			
Residential Uses: RESIDENTIAL USES																												
Detached dwelling units	A	A	A	A	C	<u>A</u> ₁ <u>5</u>	<u>A</u> ₁ <u>5</u>	*	*	C	<u>U</u> ₁ <u>5</u>	<u>U</u> ₁ <u>5</u>	<u>A</u> ₁ <u>5</u>	<u>A</u> ₁ <u>5</u>	*	C	*	<u>A</u> ₁ <u>6</u>	A	A	A	*	U	U	*	U	U	9-8-4 9-6-43(f), (j), (k) 9-6-110
Detached dwelling	C	C	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	C	C	9-6-43(b)

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6	Transiti	C	C	C	C	C	C	C	*	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		
7	onal																																
8	housing																																

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9-6-
43(g)

Dining and Entertainment: DINING AND ENTERTAINMENT USES

10	Zoning District	R	R	R	R	R	R	R	M	M	M	M	B	B	B	B	D	D	D	I	I	I	I	I	I	I	I	I	I	I	I				
11		-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1			
12		,R	,R	,R	,R	,R	,R	,R	,R	,R	,R	,R	,R	,R	,R	,R	,R	,R	,R	,R	,R	,R	,R	,R	,R	,R	,R	,R	,R	,R	,R	,R	,R		
13		-2,	-2,	-2,	-2,	-2,	-2,	-2,	-2,	-2,	-2,	-2,	-2,	-2,	-2,	-2,	-2,	-2,	-2,	-2,	-2,	-2,	-2,	-2,	-2,	-2,	-2,	-2,	-2,	-2,	-2,	-2,	-2,	-2,	
14		R	R	R	R	R	R	R	R	M	M	M	M	B	B	B	B	D	D	D	I	I	I	I	I	I	I	I	I	I	I	I			
15		X-1	X-1	X-1	X-1	X-1	X-1	X-1	X-1	X-1	X-1	X-1	X-1	X-1	X-1	X-1	X-1	X-1	X-1	X-1	X-1	X-1	X-1	X-1	X-1	X-1	X-1	X-1	X-1	X-1	X-1	X-1	X-1		
16		X-2	X-2	X-2	X-2	X-2	X-2	X-2	X-2	X-2	X-2	X-2	X-2	X-2	X-2	X-2	X-2	X-2	X-2	X-2	X-2	X-2	X-2	X-2	X-2	X-2	X-2	X-2	X-2	X-2	X-2	X-2	X-2		
17		H-1	H-1	H-1	H-1	H-1	H-1	H-1	H-1	H-1	H-1	H-1	H-1	H-1	H-1	H-1	H-1	H-1	H-1	H-1	H-1	H-1	H-1	H-1	H-1	H-1	H-1	H-1	H-1	H-1	H-1	H-1	H-1		
18		H-2	H-2	H-2	H-2	H-2	H-2	H-2	H-2	H-2	H-2	H-2	H-2	H-2	H-2	H-2	H-2	H-2	H-2	H-2	H-2	H-2	H-2	H-2	H-2	H-2	H-2	H-2	H-2	H-2	H-2	H-2	H-2	H-2	
19		H-3	H-3	H-3	H-3	H-3	H-3	H-3	H-3	H-3	H-3	H-3	H-3	H-3	H-3	H-3	H-3	H-3	H-3	H-3	H-3	H-3	H-3	H-3	H-3	H-3	H-3	H-3	H-3	H-3	H-3	H-3	H-3	H-3	
20		H-4	H-4	H-4	H-4	H-4	H-4	H-4	H-4	H-4	H-4	H-4	H-4	H-4	H-4	H-4	H-4	H-4	H-4	H-4	H-4	H-4	H-4	H-4	H-4	H-4	H-4	H-4	H-4	H-4	H-4	H-4	H-4	H-4	
21		H-5	H-5	H-5	H-5	H-5	H-5	H-5	H-5	H-5	H-5	H-5	H-5	H-5	H-5	H-5	H-5	H-5	H-5	H-5	H-5	H-5	H-5	H-5	H-5	H-5	H-5	H-5	H-5	H-5	H-5	H-5	H-5	H-5	
22		H-6	H-6	H-6	H-6	H-6	H-6	H-6	H-6	H-6	H-6	H-6	H-6	H-6	H-6	H-6	H-6	H-6	H-6	H-6	H-6	H-6	H-6	H-6	H-6	H-6	H-6	H-6	H-6	H-6	H-6	H-6	H-6	H-6	
23		H-7	H-7	H-7	H-7	H-7	H-7	H-7	H-7	H-7	H-7	H-7	H-7	H-7	H-7	H-7	H-7	H-7	H-7	H-7	H-7	H-7	H-7	H-7	H-7	H-7	H-7	H-7	H-7	H-7	H-7	H-7	H-7	H-7	
24		H-8	H-8	H-8	H-8	H-8	H-8	H-8	H-8	H-8	H-8	H-8	H-8	H-8	H-8	H-8	H-8	H-8	H-8	H-8	H-8	H-8	H-8	H-8	H-8	H-8	H-8	H-8	H-8	H-8	H-8	H-8	H-8	H-8	H-8
25		H-9	H-9	H-9	H-9	H-9	H-9	H-9	H-9	H-9	H-9	H-9	H-9	H-9	H-9	H-9	H-9	H-9	H-9	H-9	H-9	H-9	H-9	H-9	H-9	H-9	H-9	H-9	H-9	H-9	H-9	H-9	H-9	H-9	H-9

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Form-Based Code Areas Uses																	Appendix M									
<u>Dining and Entertainment: DINING AND ENTERTAINMENT USES</u>																										
Art or craft studio space ≤2,000 square feet	*	U	U	U	U	U	U	U	*	<u>A_{L6}</u>	<u>A_{L6}</u>	<u>A_{L6}</u>	A	A	A	A	A	A	A	A	*	A	U	*		
Art or craft studio space >2,001 square feet	*	U	U	U	U	U	U	*	*	M	U	U	A	A	A	A	A	A	A	A	A	*	A	*	*	
Breweries, distilleries or wineries ≤15,000 square feet and with a restaurant	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	<u>E_{L8}</u>	<u>E_{L7}</u>	<u>E_{L7}</u>	<u>E_{L9}</u>	*	*	9-6-56(b)(3.5)
Breweries, distilleries or wineries ≤15,000 square feet and without a restaurant	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	*	*	

1	restaur																											
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6	es or	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*					
7	wineries																											
8	with or																											
9	without																											
10	a																											
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13	>15,000																											
14	square																											
15	feet																											
16	Commer	*	*	*	*	*	*	*	*	*	*	*	A	*	*	*	U	U	U	U	U	A	A					
17	cial																											
18	kitchen																											
19	s and																											
20	and cateri																											
21	ng																					*	*					
22																												
23	Indoor	*	*	*	*	*	*	*	*	*	*	U	*	U	U	U	A	U	U	U	*	*	*	*	*	*		
24	amusem																											
25	ent																											
26	establi																											
27	shment																											
28	Mobile																											
29	food	*	*	*	*	*	*	*	*	*	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	*		
30	vehic																											
31	le on																											
32	private																											
33	propert																											
34	y																											
35	Mobile																											
36	food	C	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	C	C	C	C	C	*
37	vehic																											
38	le on																											
39	public																											
40	right-of-																											
41	way																											

1	Museums	*	*	*	*	*	*	*	*	*	*	*	A	U	A	C	A	A	A	A	A	U	U	U	U	*	*	9-6-110	
2																													
3	Restaurants in industrial zones (general)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	C	C	C	C	n/a	n/a	9-6-65(b)
4																													
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6																													
7	Restaurants, brewpubs, and taverns no larger than 1,000 square feet in floor area, which may have meal service on an outside patio not more than 1/3 the floor area, and which close no later than 11 p.m.	*	*	*	*	*	U	A	*	*	A	A	A	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
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24	Restaurants, brewpubs, and	*	*	*	*	*	n/a	*	*	*	*	A	*	A	U	A	A	A	A	A	A	C	n/a	n/a	n/a	n/a	n/a	n/a	
25																													

1	taverns outside the University Hill general improvement district - no larger than 1,500 square feet in floor area, which may have meal service on an outside patio not more than 1/3 the floor area, and which close no later than 11 p.m.																									
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19																										
20	Restaurants, brewpubs, and taverns over 1,000 square feet in floor area, or																									
21		*	*	*	*	*	U	*	*	*	U	A	U	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	
22																										
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24																										
25																										

1	ty Hill																												
2	general																												
3	improve																												
4	ment																												
5	district																												
6	Restaura																												
7	nts,																												
8	brewpub																												
9	s, and																												
10	taverns																												
11	with an																												
12	outdoor																												
13	seating																												
14	area of																												
15	300	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a					
16	square																												
17	feet or																												
18	more																												
19	within																												
20	500 feet																												
21	of a																												
22	residenti																												
23	al																												
24	zoning																												
25	district																												
26	Small																												
27	theater																												
28	or																												
29	rehearsa	*	*	*	*	*	*	*	*	*	*	*	U	*	U	U	U	A	U	U	U	A	A	U	A	*	*		
30	l space																												
31	Taverns																												
32	<u>in</u>																												
33	<u>industria</u>	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	
34	<u>l</u>																												
35	<u>zones</u> (ge																												
36	<u>neral)</u>																												
37	Tempor	*	*	*	*	*	*	*	*	*	*	*	C	C	C	C	C	C	C	C	C	C	C	C	C	C	*		
38	ary																												
39	outdoor																												9-6-65(c)

1	entertain																													
2	ment																													

Lodging-uses:LODGING USES

5																															
6	R	R				R																									
7	-	-				-																									
8	,	,				,																									
9	R	R	R	R	R	R	R	R	M	M	M	M	B	B	B	B	B	D	D	D	I	I	I	I	I	I	P	A			
10	L	L	L	M	M	M	M	M	X	X	X	X	T	M	C	C	R	T	T	T	S	S	S	S	S	G	M	S	A		
11	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
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13	R	R	R	R	R	R	R	R	M	M	M	M	B	B	B	B	B	D	D	D	I	I	I	I	I	I	P	A			
14	L	L	L	M	M	M	M	M	X	X	X	X	T	M	C	C	R	T	T	T	S	S	S	S	S	G	M	S	A		
15	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

16																															
17	Use																														<u>Additional</u>
18	Module	1	2	3	4	5	6	7	8	H	1	2	3	4	1	2	3	4	5	1	2	3	1	2	I3	I4	P	A		<u>Referen</u>	
19	s	1	2	3	4	5	6	7	8	H	1	2	3	4	1	2	3	4	5	1	2	3	1	2	I3	I4	P	A		<u>ces</u>	
20																															Specific
21																															Use
22																															Standard

Form-Based Code Areas Uses

Appendix M

Lodging-uses:LODGING USES

24	Hostels																													
25							U	U			U	A	U	<u>G</u>	U	<u>G</u>			A	<u>L</u>	<u>L</u>	U		U	U				9-3-2(i)	

1	Bed and breakfas ts	*	*	*	*	*	U	<u>A</u>	*	*	U	<u>A</u>	<u>A</u>	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	9-3-2(i) 9-6- 65(a)
2																													
3	Motels and hotels	*	*	*	*	*	*	*	*	*	*	*	<u>A</u>	U	<u>A</u>	*	*	<u>A</u>	A	A	U	*	*	*	*	*	*	9-3-2(i)	
4																													
5																													

Public and Institutional Uses: PUBLIC AND INSTITUTIONAL USES

8	Zoning District	R	R	R	R	R	R	R	R	M	M	M	M	B	B	B	B	B	D	D	D	I	I	I	I	P	A	
9		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
10		1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
11		,	,	,	,	,	,	,	,	,	,	,	,	,	,	,	,	,	,	,	,	,	,	,	,	,	,	,
12		R	R	R	R	R	R	R	R	M	M	M	M	B	B	B	B	B	D	D	D	I	I	I	I	P	A	
13		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
14		2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
15		,	,	,	,	,	,	,	,	,	,	,	,	,	,	,	,	,	,	,	,	,	,	,	,	,	,	,
16		R	R	R	R	R	R	R	R	M	M	M	M	B	B	B	B	B	D	D	D	I	I	I	I	P	A	
17		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
18		1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
19																												
20																												<u>Additio</u>
21																												<u>nal</u>
22																												<u>Referen</u>
23																												<u>ces</u>
24																												<u>Specific</u>
25																												<u>Use</u>
																											<u>Standar</u>	
																											<u>d</u>	
	Form-Based Code Areas Uses																											
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Public and Institutional Uses: PUBLIC AND INSTITUTIONAL USES

1	Public and Institutional Uses: PUBLIC AND INSTITUTIONAL USES																													
2	Airports and heliports	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	U	*	9-3-2(i)	
3	Cemeteries	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	A	A		
4	Daycare, home	A	A	A	A	A	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*		
5	Daycare center with ≤50 children or adults (excluding employees)	U	U		U	U	C	C	U	U	<u>A</u>	U	U	U	<u>A</u>	U	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	U	<u>A</u>	<u>A</u>	U	U	U	U	U	U	9-3-2(i) 9-6-76(a)
6	Daycare center with >50 children or adults (excluding employees)	U	U	U	U	U	U	*	*	U	U	U	U	U	A	U	A	A	A	U	A	A	U	U	U	U	U	U	9-3-2(i) 9-6-6(a)	
7	Day shelter	*	*	U	*	U	C	C	*	*	U	C	U	C	C	C	C	C	C	C	C	C	C	C	C	C	C	U	*	9-6-76(b)
8	Emergency shelter	U	U	U	U	U	C	C	*	*	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	U	*	9-3-2(i) 9-6-76(b)
9	Essential municipal	U	U	U	U	U	U	U	U	U	U	U	U	U	A	A	A	C	A	A	A	A	A	A	A	A	A	U	U	9-3-2(i) 9-6-110

1	al and																												
2	public																												
3	utility																												
4	services																												
5	Governmental facilities	U	U	U	U	U	U	U	U	U	U	U	U	A	A	A	C	A	A	A	A	A	A	A	A	U	*	9-3-2(i) 9-6-11 <u>θ</u>	
6	Mortuaries and funeral chapels	*	*	*	*	*	*	*	*	*	*	*	U	U	U	U	U	U	*	*	U	*	*	*	*	*	*		
7	Nonprofit membership clubs	*	*	*	*	*	*	*	*	*	*	*	A	U	<u>G</u> <u>L</u> ¹	A	A	A	A	A	A	*	*	*	*	U	*		
8	Overnight shelter	*	*	U	*	U	C	C	*	*	U	C	U	C	C	C	C	C	C	C	C	C	C	C	C	C	U	*	9-3-2(i) 9-6- <u>7</u> <u>6</u> (b)
9	Private elementary, junior and senior high schools	U	U	U	U	U	A	U	*	*	U	U	U	A	A	<u>G</u> <u>L</u> ¹	A	A	A	U	A	U	*	*	*	*	*	*	9-3-2(i)
10	Public elementary, junior and senior high schools	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	*	9-3-2(i)
11	Public colleges	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	*	

1	and																														
2	universit																														
3	ies																														
4	Private	*	*	*	*	*	*	*	*	*	*	*	*	U	*	A	*	A	*	U	U	*	U	U	*	A					
5	colleges																														
6	and																														
7	universit																														
8	ies																														
9	Public	*	*	*	*	*	*	*	*	U	U	U	C	A	<u>G</u>	<u>L</u>	C	A	A	<u>G</u>	<u>L</u>	A	A	*	U	*	U	U	*	9-6-11 <u>0</u>	
10	and																														
11	private																														
12	office																														
13	uses																														
14	providin																														
15	g social																														
16	services																														
17	Religiou	A	A	A	A	U	A	A	*	*	A	U	U	A	A	A	A	A	A	A	A	A	A	*	*	*	*	*	*		
18	s																														
19	assembli																														
20	es																														
21	Adult																														
22	educatio																														
23	nal																														
24	facilities																														
25	with																														
26	<20,000	U	U	U	U	U	U	U	*	*	U	U	U	<u>A</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	
27	square																														
28	feet of																														
29	floor																														
30	area																														
31	Adult																														
32	educatio																														
33	nal																														
34	facilities																														
35	with																														
36	≥20,000	U	U	U	U	U	U	U	*	*	U	U	U	*	A	G	C	A	A	U	A	U	U	U	U	U	U	U	A	*	
37	square																														
38	feet or																														
39	more of																														

1	floor																																														
2	area																																														
3	Vocational and trade schools	*	*	*	*	*	*	*	*	*	*	*	*	*	A	U	<u>GL</u> ¹	C	U	A	U	U	U	U	A	A	A	A	A	A	A	A	A	U											9-6-11 ¹⁰		

6
7 ~~Office, Medical and Financial Uses: OFFICE, MEDICAL AND FINANCIAL USES~~

8	Zoning District	R R - 1	R L - 2, R M - 2	R M - 1, R M - 3	R M X - 1	R M X - 2	R H - 1, R H - 2, R H - 3, R H - 4, R H - 5	R H - 6	R M H	M U - 3	M U - 1	M U - 2	M U - 4	B T - 1, B T - 2	B M S	B C - 1, B C - 2	B C S	B R - 1, B R - 2	D T - 4	D T - 5	D T - 1, D T - 2, D T - 3	I S - 1, I S - 2	I G	I M	I M S	P	A																		
19	Use Modules	R 1	R 2	R 3	R 4	R 5	R 6	R 7	R 8	M H	M 1	M 2	M 3	M 4	B 1	B 2	B 3	B 4	B 5	D 1	D 2	D 3	I 1	I 2	I 3	I 4	P	A																	
24	Form-Based Code Areas Uses																									Additional References Specific Use Standard																			
25																										Appendix M																			

Office, Medical and Financial Uses: OFFICE, MEDICAL AND FINANCIAL USES

2	Data processing facilities	*	*	*	*	*	*	*	*	*	*	*	C	A	<u>G</u> _{L1}	C	<u>E</u> _{L5}	A	<u>G</u> _{L1}	A	A	*	A	A	A	*	*	9-6-87	9-6-110		
5	Financial institutions	*	*	*	*	*	*	<u>M</u> _{L2}	*	*	<u>M</u> _{L2}	<u>M</u> _{L2}	<u>M</u> _{L2}	C	U	<u>A</u> _{L1}	C	A	A	<u>E</u> _{L1}	<u>E</u> _{L1}	<u>E</u> _{L1}	*	*	*	*	*	*	9-6-87	9-6-110	
8	Hospitals	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	A	*	9-3-2(i)		
10	Medical or dental clinics or offices or addiction recovery facilities	*	U	U	U	*	U	U	*	*	<u>M</u> _{L2}	U	U	C	<u>A</u> _{L1}	<u>A</u> _{L1}	C	<u>E</u> _{L5}	<u>A</u> _{L1}	<u>G</u> _{L1}	A	A	*	C	*	*	U	*	9-3-2(i)	9-6-87	9-6-110
16	Medical and dental laboratories	*	*	*	*	*	*	<u>M</u> _{L2}	*	*	<u>M</u> _{L2}	<u>M</u> _{L2}	<u>M</u> _{L2}	C	<u>A</u> _{L1}	<u>A</u> _{L1}	C	A	<u>A</u> _{L1}	*	*	*	U	A	*	U	*	*	<u>9-6-8</u>	9-6-110	
19	Offices, administrative	*	*	*	*	*	*	*	*	*	*	*	*	C	<u>A</u> _{L1}	<u>A</u> _{L1}	C	<u>E</u> _{L5}	<u>A</u> _{L1}	<u>G</u> _{L1}	A	A	*	A	A	*	*	*	9-6-87	9-6-110	
22	Offices, professional	*	U	U	U	U	U	<u>M</u> _{L2}	*	*	<u>M</u> _{L2}	<u>M</u> _{L2}	<u>M</u> _{L2}	C	<u>A</u> _{L1}	<u>A</u> _{L1}	C	<u>E</u> _{L5}	<u>A</u> _{L1}	<u>G</u> _{L1}	A	A	*	*	*	*	*	*	9-6-87	9-6-110	

1	Offices, technical; with <5,000 square feet of floor area	*	U	U	U	U	U	M _{L2}	*	*	M _{L2}	M _{L2}	M _{L2}	A	A _{L1/2}	A _{L1/2}	C	C _{L5}	A _{L1/2}	G _{L1}	A	A	A	A	A	A	*	*	9-6-87	9-6-110
6	Offices, technical; with >5,000 square feet of floor area	*	U	U	U	U	U	M _{L2}	*	*	M _{L2}	M _{L2}	M _{L2}	U	A _{L1/2}	U	C	C _{L5}	A _{L1/2}	G _{L1}	A	A	*	A	A	A	*	*	9-6-87	9-6-110
11	Offices - other	*	U	U	U	U	U	M _{L2}	*	*	M _{L2}	M _{L2}	M _{L2}	C	A _{L1/2}	A _{L1/2}	C	C _{L5}	A _{L1/2}	G _{L1}	A	A	*	*	*	*	*	*	9-6-87	9-6-110

Parks and Recreation Uses: PARKS AND RECREATION USES

16	Zoning District	R	R																																
17		-	-																																
18		1	1																																
19		,	,																																
20		R	R																																
21		L	L																																
22		-	-																																
23		,	,																																
24		R	R																																
25		L	L																																

1	s																											
2	facilities																											
3		Retail Sales Uses: <u>Retail Sales Uses:</u>																										
4	Accessory sales	*	*	*	*	*	A	A	*	*	C	C	C	C	C	C	C	C	C	C	C	C	9-16					
5																												
6	Convenience retail sales	*	U ₁	U ₁	U ₁	*	U	<u>A</u> ₆	*	*	A	*	A	U	A	A	U	U	*	A	A	€	€	*	€	*	*	
7																												
8	≤2,000 square feet																											
9																												
10	Convenience retail sales	*	*	*	*	*	U	U	*	*	M	M	*	A	U	A	A	A	U	A	A	A	*	€	*	€	*	*
11																												
12	≥2,000 square feet																											
13																												
14																												
15	Retail fuel sales	*	U	U	U	*	U	U	*	*	U	U	U	C	U	C	C	U	C	*	U	U	C	C	*	U	*	*
16	(not including service stations)																											
17																												
18																												
19	Retail sales	*	*	*	*	*	*	*	*	*	U ₂	*	U ₂	<u>A</u> ₁	*	<u>A</u> ₁	<u>A</u> ₁	A	A	A	A	<u>A</u> ₁	*	*	*	*	*	*
20																												
21	≤5,000 square feet																											
22																												
23	Retail sales	*	*	*	*	*	*	*	*	*	*	*	A	*	A	A	A	A	A	A	A	A	*	*	*	*	*	*
24																												
25	≥5,000 square feet but ≤20,000																											

1	Car washes	*	*	*	*	*	*	*	*	*	*	*	*	*	*	U	A	U	U	U	U	*	*	*	*	*	*	
2																												
3	Drive-thru uses	*	*	*	*	*	*	*	*	*	*	*	*	*	*	U	U	U	U	U	U	*	*	*	*	*	*	9-6-109(c)
4																												
5	Fuel service stations or retail fuel sales	*	*	*	*	*	*	*	*	*	*	*	U	U	U	C	C	C	*	U	C	C	C	*	U	*	*	9-6-109(d)
6																												
7																												
8																												
9	Sales and rental of vehicles	*	*	*	*	*	*	*	*	*	*	*	*	*	*	U	A	U	*	*	*	A	A	*	*	*	*	
10																												
11																												
12	Sales and rental of vehicles within 500 feet of a residential use module	*	*	*	*	*	*	*	*	*	*	*	*	*	*	U	U	U	*	*	*	C	C	*	*	*	*	9-6-109(i)
13																												
14																												
15																												
16																												
17																												
18	Service of vehicles with no outdoor storage	*	*	*	*	*	*	*	*	*	*	*	U	*	U	U	A	U	*	*	*	A	A	A	A	*	*	
19																												
20																												
21																												
22	Service of vehicles with limited outdoor storage	*	*	*	*	*	*	*	*	*	*	*	*	*	*	U	U	U	*	*	*	A	A	*	A	*	*	
23																												
24																												
25																												

1	Industrial Uses: <u>Industrial Uses:</u>																													
2	Building and landscaping contractors	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	A	*	*	*	*	A	A	A	A	*	*			
3																														
4																														
5																														
6																														
7	Cleaning and laundry plants	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	A	A	A	A	*	*		
8																														
9																														
10	Cold storage lockers	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	U	U	U	U	U	U	A	A	A	A	*	*		
11																														
12	Computer design and development facilities	*	*	*	*	*	*	*	*	*	*	*	*	*	*	A	<u>A</u> ₁ ₇	<u>G</u> ₁ ₇	<u>C</u> ₅	<u>E</u> ₅	<u>A</u> ₁ ₇	<u>G</u> ₁ ₇	A	A	*	A	A	A	*	*
13																														
14																														
15																														
16	Equipment repair and rental with outdoor storage	*	*	*	*	*	*	*	*	*	*	*	*	*	*	U	A	U	U	U	U	U	A	A	A	A	*	*		
17																														
18																														
19																														
20																														
21	Lumber yards	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	A	A	*	*	*	*		
22																														
23	Manufacturing uses ≤15,000	*	*	*	*	*	*	*	*	*	*	*	<u>A</u> ₄	*	*	*	<u>A</u> ₄	*	*	*	*	<u>A</u> ₃	A	A	A	*	*			
24																														
25																														

1	Firewood operations	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	A	A	A	*	*	*
2																											
3																											
4	Greenhouse and plant nurseries	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	A	A	A	A	A	A
5																											
6																											
7																											

Accessory: ACCESSORY USES

10	Zoning District	R R - 1, R R - 2, R E, R L - 1	R L - 2, R M - 2	R M - 1, R M - 3	R M X - 1	R M X - 2	R H - 1, R H - 2, R H - 4, R H - 5	R H - 3, R H - 6	R H	M U - 3	M U - 1	M U - 2	M U - 4	B T - 1, B T - 2	B M S	B C - 1, B C - 2	B C S	B R - 1, B R - 2	D T - 4	D T - 5	D T - 1, D T - 2, D T - 3	I S - 1, I S - 2	I G	I M	I M S	P	A																												
11																																																							
12																																																							
13																																																							
14																																																							
15																																																							
16																																																							
17																																																							
18																																																							
19																																																							
20																												Use Modules	R 1	R 2	R 3	R 4	R 5	R 6	R 7	R 8	M H	M 1	M 2	M 3	M 4	B 1	B 2	B 3	B 4	B 5	D 1	D 2	D 3	I 1	I 2	I 3	I 4	P	A
21																																																							
22																																																							
23																																																							
24																																																							
25																																																							

Additional References Specific Use Standard

9-6-2. – Limited Use Standards – General.

- (a) Purpose and Scope: The purpose of this section is to set forth limitations for specified uses of land. The limitations are intended to ensure that the use is compatible with the surrounding area. Limited uses are those uses which are allowed by-right in a given zoning district if the use complies with the limitations contained in Table 6-3, “Use Limitations.” If a use limitation in Table 6-3, “Use Limitations,” is not met or if otherwise specifically required in Table 6-3, the use may be approved in accordance with the procedures and standards authorized in Table 6-3.
- (b) Requirements: Limited uses shall comply with the limitations set forth in this section, all other requirements of this code, and any other ordinance of the city.
- (c) Use Limitations: The use limitations in Table 6-3, “Use Limitations,” apply to any use specified as a limited use (L^x) in Section 9-6-1, “Schedule or Permitted Uses” and Table 6-1, “Use Table,” B.R.C 1981.
- (d) Expiration: Any limited use which is not established within one year of its approval, discontinued for at least one year, or replaced by another use of land shall expire.

TABLE 6-3 USE LIMITATIONS

<u>Use Limitations, per Table 6-1, “Use Table”</u>	
<u>L¹</u>	<u>Allowed by right if the use is not located on the ground floor facing a street, with the exception of minimum necessary ground level access, otherwise by use review only.</u>
<u>L²</u>	<u>Allowed by right if at least 50% of the floor area of the building is for residential use and the nonresidential use is less than 7,000 square feet per building, otherwise by use review only.</u>
<u>L³</u>	<u>Allowed by right if at least 50% of the floor area of the building is for nonresidential use, otherwise by use review only.</u>
<u>L⁴</u>	<u>Allowed by right for 2,000 square feet or less of floor area of the building. Allowed by-right for greater than 2,000 square feet of floor area, provided the cumulative nonresidential uses’ floor area is less than 7,000 square feet of the building, and at least 50% of the building’s floor area is for residential uses. Otherwise by use review only.</u>
<u>L⁵</u>	<u>Allowed by right if the combined total amount of any office, computer design and development facility, data processing facility, telecommunication, medical or dental clinic or office, or addiction recovery facility uses does not exceed 50% of the total floor area of the building. Otherwise prohibited.</u>

1	<u>L⁶</u>	<u>Allowed by right for 2,000 square feet or less of floor area per lot or parcel, otherwise by use review only.</u>
2		
3	<u>L⁷</u>	<u>Allowed by right for 15,000 square feet or less of floor area per use and without a restaurant. If the use exceeds 15,000 square feet in floor area, the use may be approved pursuant to a conditional use review if it meets the criteria of Paragraph 9-6-6(b)(3.5), B.R.C. 1981.</u>
4		
5		
6	<u>L⁸</u>	<u>Allowed by right for 15,000 square feet or less of floor area per use and without a restaurant. If the use is less than or equal to 15,000 square feet in floor area and has a restaurant, the use may be approved pursuant to a conditional use review if it meets the criteria of Paragraph 9-6-6(b)(3.5), B.R.C. 1981. If the use exceeds 15,000 square feet in floor area, it requires use review.</u>
7		
8		
9	<u>L⁹</u>	<u>Allowed by right for 15,000 square feet or less of floor area per use and without a restaurant. If the use is less than or equal to 15,000 square feet in floor area and has a restaurant, the use may be approved pursuant to a conditional use review if it meets the criteria of Paragraph 9-6-6(b)(3.5), B.R.C. 1981. The use is prohibited to exceed 15,000 square feet.</u>
10		
11		
12	<u>L¹⁰</u>	<u>Allowed by right for 20,000 square feet or less of floor area per lot or parcel, otherwise prohibited.</u>
13		
14	<u>L¹¹</u>	<u>Allowed by right for less than 20,000 square feet of floor area per use, otherwise by use review only.</u>
15		
16	<u>L¹²</u>	<u>Allowed by right for less than 10,000 square feet per lot or parcel, otherwise by use review only.</u>
17		
18	<u>L¹³</u>	<u>Allowed by right for 15,000 square feet or less of floor area per lot or parcel, otherwise by use review only.</u>
19		
20	<u>L¹⁴</u>	<u>Allowed by right for 15,000 square feet or less of floor area per lot or parcel, otherwise prohibited.</u>
21	<u>L¹⁵</u>	<u>Allowed by right if the detached dwelling unit existed on the lot or parcel on August 6, 2019, or where more than one dwelling unit is on the lot or parcel, otherwise by use review only. For purposes of this limitation, “existed on” means a detached dwelling unit that is constructed on or before said date or for which a complete building permit application was submitted on or before said date provided the applicant pursues all requirements and deadlines set by the city manager and this code for the construction of the unit.</u>
22		
23		
24		
25		

<p>1 <u>L¹⁶</u></p> <p>2</p> <p>3</p> <p>4</p> <p>5</p>	<p><u>Allowed by right if the units on the lot or parcel meet the requirements for permanently affordable units set forth in Chapter 9-13, "Inclusionary Housing," B.R.C. 1981, or if the use is not located on the ground floor along a major street, as defined by Appendix A, "Major Streets," B.R.C. 1981, with the exception of minimum necessary ground level access. The limitation on ground floor use along a major street applies to a depth of 30 feet measured from the building's major street facing façade. Otherwise by use review only.</u></p>
<p>6 <u>L¹⁷</u></p> <p>7</p> <p>8</p> <p>9</p> <p>10</p>	<p><u>Allowed by right if located within the University Hill general improvement district, or if the combined total amount of any office, computer design and development facility, medical or dental clinic or office, addiction recovery facility, and medical and dental laboratory uses does not exceed 20,000 square feet on the lot or parcel. If the combined total amount of floor area of these uses exceeds 20,000 square feet on the lot or parcel, the use may be approved pursuant the criteria in Paragraph 9-6-8(a)(2), B.R.C. 1981.</u></p>

11 **9-6-32. - Specific Conditional Use & Use Review Standards - General.**

12 (a) ~~Purpose and Scope: The purpose of this chapter is to set forth additional requirements for~~
 13 ~~specified uses of land. The requirements are intended to ensure that the use is compatible with~~
 14 ~~the surrounding area. Conditional uses are those uses which are appropriate in a given zoning~~
 15 ~~district if the applicable conditional use criteria have been satisfied. The city manager will~~
 16 ~~determine after a review of all of the facts presented whether a proposal satisfies the~~
 17 ~~conditional use criteria. Land uses which require a use review are those uses which may be~~
 18 ~~acceptable if it is demonstrated that the use is suitable for the location in accordance with the~~
 19 ~~procedures and criteria in Section 9-2-15, "Use Review," B.R.C. 1981, and, when required,~~
 20 ~~the standards and criteria in this chapter.~~

21 (b) Scope: Conditional use and use review standards are the standards contained in Sections 9-6-
 22 3 through 9-6-11, B.R.C. 1981; they apply to conditional use reviews and use reviews.

23 (1) Uses which require a conditional use review (C) are those uses which are appropriate in
 24 a given zoning district if the applicable conditional use standards of this chapter have
 25 been satisfied. Conditional use reviews will be reviewed pursuant to the procedures in
Section 9-2-2, "Administrative Review Procedures," B.R.C. 1981.

(2) Uses which require a use review (U) are those uses which are suitable in a location if the
applicant demonstrates that the use meets the use review criteria in Section 9-2-15, "Use
Review," B.R.C. 1981, and, the conditional use and use review standards and criteria of
this chapter.

(b) ~~Application Requirements for Use Review and Conditional Uses: Applications for a~~
~~conditional use will be reviewed in accordance with the procedures established in Section 9-~~
~~2-2, "Administrative Review Procedures," B.R.C. 1981. Use review applications will be~~
~~reviewed in accordance with the procedures established in Section 9-2-15, "Use Review,"~~
~~B.R.C. 1981.~~

~~(e) Conditional Use Standards, Criteria, Review, and Expiration:~~

- ~~(1) Standards and Criteria: Conditional uses shall be permitted if the use meets the criteria set forth in this chapter and other requirements of this code and any other ordinance of the city. The criteria set forth in this chapter cannot be met by using the variance process. Conditional uses shall not be located on nonstandard lots except as otherwise permitted.~~
- ~~(2) Review: It shall be the responsibility of the applicant to demonstrate to the city manager that the applicable criteria have been satisfied.~~
- ~~(3) Violations: No person shall violate a provision of a conditional use approval.~~
- ~~(4) Expiration: Any conditional use review approval which is not established within one year of its approval, discontinued for at least one year, or replaced by another use of land shall expire.~~

9-6-43. - Specific Conditional Use and Use Review Standards - Residential Uses.

...

(i) Residential Development within the University Hill General Improvement District in the BMS Zoning District: The following standards and criteria apply to any attached dwelling units and efficiency living units within the University Hill General Improvement District in the BMS zoning district:

- (1) The units meet the requirements for permanently affordable units set forth in Chapter 9-13, "Inclusionary Housing," B.R.C. 1981, and
- (2) With the exception of minimum necessary ground level access, the use shall not be located on the ground floor facing a street, otherwise by use review only.
- (3) Requirement for Efficiency Living Units: Where efficiency living units comprise ~~twenty~~ forty percent or more of the total number of units in the development, the use may only be approved pursuant to Section 9-2-15, "Use Review," B.R.C. 1981.

...

(k) Detached Dwelling Units in the RH, MU-1, MU-2, and MU-4 Zoning Districts: In the RH, MU-1, MU-2, and MU-4 zoning districts, a new detached dwelling unit may be approved pursuant to a use review if the approving authority finds that:

- (1) The use meets the use review criteria in Paragraphs 9-2-15(e)(1), (3), (4), and (5), "Use Review," B.R.C. 1981;
- (2) The dwelling unit is designed to create pedestrian interest through design elements such as design detail, location of building frontages, location of entrances and windows, and front porches; and
- (3) The dwelling unit is located in an area where detached dwelling units predominate.

9-6-54. - Conditional Use and Use Review Standards - Agriculture and Natural Resource Uses.

...

1 **9-6-65. - Conditional Use and Use Review Standards - Temporary Lodging, Dining,**
2 **Entertainment, and Cultural Uses.**

3 ...

4 **9-6-76. - Conditional Use and Use Review Standards - Public and Institutional Uses.**

5 (a) Daycare Centers: The following criteria apply to any daycare center except home daycares:

- 6 (1) Fencing is provided around outdoor play areas.
- 7 (2) If the use is adjacent to an arterial, collector, or minor arterial as shown in Appendix A,
8 "Major Streets," of this title, off-street loading and unloading areas are provided.
- 9 (3) Adequate off-street parking is provided for employees, volunteers, and visitors.
- 10 (4) Child daycare facilities are properly licensed by the State Department of Social Services.
- 11 (5) For nursery care (any child under the age of eighteen months), the facility provides fifty
12 square feet of useable indoor floor area per child or a total of six hundred square feet of
13 useable floor area, whichever is greater.
- 14 (6) For child care other than nursery care, the facility provides thirty square feet of useable
15 indoor floor area per child or a total of six hundred square feet of useable floor area,
16 whichever is greater.
- 17 (7) All child day care facilities shall provide a minimum of seventy-five square feet of usable
18 outdoor play area per child or a total of two thousand four hundred square feet of useable
19 outdoor play area, whichever is greater.
- 20 (8) In the MH and RH-6 zoning districts, the use shall not provide care to more than fifty
21 persons, not including employees.
- 22 (9) In the RM-1, RM-3, RH-1, RH-2, RH-3, RH-4, RH-5, RH-7, and MU-3 zoning
23 districts, the use may only be approved pursuant to Section 9-2-15, "Use Review,"
24 B.R.C. 1981.

25 ...

18 **9-6-87. - Conditional Use and Use Review Standards - Office, Medical and Financial Uses.**

19 (a) Offices, Computer Design and Development, Data Processing, Telecommunications, Medical
20 or Dental Clinics and Offices, Medical and Dental Laboratories, Financial Institutions, or
21 Addiction Recovery Facilities: The following criteria apply to the uses and zoning districts
22 specified in this subsection:

- 23 (1) In the BCS zoning district, the combined total amount of any office, computer design and
24 development facility, data processing facility, telecommunication use, medical or dental
25 clinic or office, or addiction recovery facility shall not exceed fifty percent of the total
26 floor area of the building.
- 27 (2) In the BMS zoning district outside the University Hill general improvement district and
28 in the BR and BT zoning districts, the combined total amount of floor area of any
29 office, computer design and development facility, medical or dental clinic or office,

1 addiction recovery facility, and medical and dental laboratory uses on a lot or parcel
 2 shall not exceed 20,000 square feet unless the uses are approved pursuant to the
 3 criteria in subparagraph (A) or subparagraph (B) below:

4 (A) The uses may be approved as conditional uses if the following criteria are met:

5 (i) The total amount of floor area of any office, computer design and
 6 development facility, medical or dental clinic or office, addiction recovery
 7 facility, and medical and dental laboratory uses does not exceed 40,000
 8 square feet on lot or parcel;

9 (ii) Dwelling units are constructed on the same lot or parcel or within the area
 10 of the same approved site review, planned unit development or form-based
 11 code review and at least thirteen percent of those dwelling units meet the
 12 requirements for permanently affordable units set forth in Chapter 9-13,
 13 “Inclusionary Housing,” B.R.C. 1981; and

14 (iii) No less than two permanently affordable units are constructed on said lot or
 15 parcel or within said area of an approved site review, planned unit
 16 development or form-based code review.

17 (B) The uses may be approved pursuant to a use review if the approving authority
 18 finds that the uses:

19 (i) Meet the use review criteria in Paragraphs 9-2-15(e)(1), (3), (4), and (5), “Use
 20 Review,” B.R.C. 1981; and

21 (ii) The proposed uses are part of a mixed-use development that includes
 22 residential or retail uses.

23 ~~(32)~~ In the MU-4 zoning district, any public and private office use providing social services;
 24 data processing facility; financial institution; medical or dental clinic or office;
 25 addiction recovery facility; medical and dental laboratory; office, administrative; office,
 professional; and office, other, shall not exceed 20,000 square feet in floor area of the
 building. The floor area may exceed 20,000 square feet if the use is approved pursuant
 to a use review and the approving authority finds that the use:

(A) Meets the use review criteria in Paragraphs 9-2-15(e)(1), (3), (4), and (5), "Use
 Review," B.R.C. 1981; and

(B) The proposed use will contribute to a diversity of uses in the area and to making the
 area a lively and engaging place.

~~(43)~~ In the IG zoning district, the following standards and criteria apply to any medical or
 dental clinics or offices and any addiction recovery facilities:

(A) The use must be located on a lot or parcel designated in Appendix K, "Properties
 Where Medical or Dental Clinics or Offices and Addiction Recovery Facilities May
 Be Located as Conditional Uses in the IG Zoning District;"

(B) The use must be located in a building existing on the lot or parcel with a certificate
 of occupancy on or before April 7, 2015, or in a building for which a building permit
 application for new construction on the lot or parcel was submitted on or before April
 7, 2015; and

(C) Any changes to the building for the medical or dental clinic or office use or addiction recovery facility use shall not result in a cumulative total increase in floor area of more than ten percent of the floor area of the building existing on April 7, 2015, or shown in the building permit application submitted on or before April 7, 2015, as applicable.

(54) In the BMS, DT-1, DT-2, DT-3, DT-4, and DT-5 zoning districts, ~~financial institutions are permitted by right so long as they are not located on the ground floor facing a street.~~ A financial institution on the ground floor facing the street may be approved pursuant to Section 9-2-15, "Use Review," B.R.C. 1981. In addition to meeting the use review criteria, the applicant shall demonstrate that the use contributes to an active and vibrant pedestrian streetscape.

9-6-98. - Conditional Use and Use Review Standards - Parks and Recreation Uses.

9-6-109. - Conditional Use and Use Review Standards - Commercial, Retail and Industrial Uses.

(a) Wireless Communications Facilities:

(1) Standards: A wireless communications facility is permitted as a principal use on a lot if the following conditions are met:

...

(S) Summary of Appropriate Locations: Table 6-42 of this section summarizes the allowable location for an antenna and transmission equipment.

TABLE 6-24: ANTENNA AND TRANSMISSION EQUIPMENT LOCATIONS

Locations	Antenna on building wall or within building	Antenna on existing conforming penthouse or mechanical screen	Antenna on a roof	Transmission equipment within principal building	Transmission equipment on a roof	Transmission equipment on ground
On buildings under 55' in height	Yes	Yes, if it does not project above an existing penthouse or	Yes, subject to the standards in Subparagraph 9-6-109(a)(1)(F)	Yes	Yes, subject to the standards in Subparagraphs 9-6-910(a)(1)(F) and (G), B.R.C. 1981. May not project above the	Yes, if not possible to locate within building or on the roof, subject to the standards in Subparagraph 9-6-

		mechanical screen	, B.R.C. 1981		maximum allowable building height of the underlying zoning district	<u>109(a)(1)(G)</u> , B.R.C. 1981
On buildings over 55' in height	Yes	Yes, if it does not project above an existing penthouse or mechanical screen	No	Yes	No	Yes, if not possible to locate within building or on the roof, subject to the standards in Subparagraph 9-6- <u>109(a)(1)(G)</u> , B.R.C. 1981

(f) Neighborhood Business Center:

- (1) Limitations: A neighborhood business center may be located only in the R2, R3, R6 and R7 use modules. Neighborhood business centers shall also comply with the requirements of sections 9-2-15, "Use Review," and 9-2-14, "Site Review," B.R.C. 1981.
- (2) Criteria: No neighborhood business center shall be developed or operated except in conformance with all of the following criteria:

...

(D) Permitted Nonresidential Uses: The nonresidential uses permitted are restaurants, as set forth in subparagraph (f)(2)(E) of this section, and the list of uses and their respective size limitations set forth in table 6-~~53~~ of this section, notwithstanding any restrictions within section 9-6-1, "Schedule of Permitted Land Uses," B.R.C. 1981. Each "use" shall be a separate business or commercial operation.

TABLE 6-53: NEIGHBORHOOD BUSINESS CENTER USE RESTRICTIONS

Allowed Uses	Size Restrictions
Daycare center	50 children - not to exceed 2,500 square feet
Offices - professional/technical/general	1,000 square feet maximum per office use and the cumulative total of all office uses shall not exceed 20 percent of the total floor area of the neighborhood business center

1 2 3	Offices - medical/dental/including other health arts, including chiropractors, physical therapists, nutritionists, mental health practitioners	1,000 square feet maximum per office and the cumulative total of all office uses shall not exceed 15 percent of the total floor area of the neighborhood business center
4	Personal service use	1,500 square feet maximum per use
5 6 7 8	Establishments for the retailing of convenience goods	1,500 square feet maximum per use, however a convenience food store may be a maximum of 5,000 square feet if it does not exceed 50 percent of the total floor area of the neighborhood business center
9 10	Full service food market or grocery store	10,000 square feet maximum, provided that such use does not exceed 50 percent of the neighborhood business center
11 12	General retail	1,000 square feet maximum per use
13	Art and studio space	1,000 square feet maximum per use

14 ...

- 15 (i) Sales of Vehicles Within Five Hundred Feet of Residential Use Module: The following
 16 criteria shall apply to any use in an industrial or business zoning district for the sale or lease
 17 of motor vehicles, mobile homes, campers, boats, motorized equipment and accessories for
 18 such vehicles, on a lot or parcel located five hundred feet or less from a residential zoning
 19 district:
- 18 (1) No person shall allow outdoor intercoms and similar devices that electronically amplify
 19 sound to be audible at or beyond the property line.
 - 19 (2) The use shall not be open for business during the hours of 9:00 p.m. through 7:00 a.m.
 - 20 (3) During regular business hours, outdoor lighting on the property shall not exceed an
 21 average of ten foot-candles.
 - 21 (4) During all other times, outdoor lighting on the property shall be in conformance with the
 22 standards set forth in section 9-9-16, "Lighting, Outdoor," B.R.C. 1981.

23 ...

24 **9-6-110. - Conditional Use and Specific Use Review Standards - ~~for~~ Business Community
 25 Areas Designated in Appendix N.**

1 (a) In the BC zoning districts, detached dwelling units, duplexes, attached dwellings, townhouses,
2 efficiency living units, fraternities, sororities, dormitories, boarding houses, museums,
3 essential municipal and public utility services, governmental facilities, public and private
4 office uses providing social services, adult educational facilities, vocational and trade schools,
5 data processing facilities, financial institutions, medical or dental clinics or offices, addiction
6 recovery facilities, medical and dental laboratories, administrative offices, professional
7 offices, technical offices, offices - other, broadcasting and recording facilities, business
8 support services, computer design and development facilities, telecommunication uses, and
9 automobile parking lots, garages or car pool lots as a principal use are permitted by right,
10 provided that, if the use is located within an area designated in Appendix N "Business
11 Community (BC) Areas Subject to Special Use Restrictions," the use is a conditional use,
12 unless in a use review process, and the following conditional use standards apply:

13 (1) The use shall not be located on the ground floor, with the exception of minimum
14 necessary ground level access.

15 (2) The combined floor area of any non-residential uses subject to this section shall be limited
16 to ten percent of the total floor area on the lot or parcel except that if the use is located
17 within an approved site review or planned unit development, the combined floor area of
18 any non-residential uses subject to this section shall be limited to ten percent of the total
19 floor area within the boundaries of the site review or planned unit development approval.

20 (3) A principal use of automobile parking lot or garage shall be a park and ride facility.

21 (4) The standards of paragraphs (1), (2), and (3) do not apply if the use is approved pursuant
22 to Section 9-2-15, "Use Review," B.R.C. 1981. In addition to meeting the use review
23 criteria, the applicant shall demonstrate that the use on the ground floor or with a
24 combined floor area larger than ten percent of the total floor area, as applicable, will not
25 adversely affect the intended function and character of the area as a neighborhood serving
business area where retail-type stores predominate. In determining whether this criterion
is met, the reviewing authority shall consider the location and design of the proposed use
and the existing and approved uses on the lot or parcel and in the area.

Section 8. Section 9-16-1, "Definitions," B.R.C. 1981, is amended to read as follows:

9-16-1. - General Definitions.

...

(c) The following terms as used in this title have the following meanings unless the context
clearly indicates otherwise:

...

Limited use means a use that is allowed within a zoning district if specific limitations
are met.

...

1 Section 9. This Ordinance shall apply to any building permit or conditional use applied
2 for after August 6, 2019. Any project for which a complete site review, conditional use, or
3 technical document review application has been submitted to the city prior to August 6, 2019,
4 that proposes a use inconsistent with the provisions of this ordinance will be permitted to
5 establish the proposed use under the use standards of Chapter 9-6, "Use Standards," B.R.C.
6 1981, in effect at the time the site review, conditional use, or technical document review
7 application was submitted. Technical document review applications are administrative in nature
8 and the application date shall be the date that the fee required by Section 4-20-43, B.R.C. 1981,
9 has been paid. Such applicants shall be required to pursue such development approvals and meet
10 all requirements deadlines set by the city manager and the Boulder Revised Code necessary to
11 establish the proposed use. The applications for such project shall demonstrate compliance with
12 all applicable laws. Any failure to meet requirements of the city manager or this ordinance will
13 result in a denial of such application. Any subsequent application shall meet the requirements in
14 place at the time of the application.
15

16 Section 10. All references in the Boulder Revised Code to Sections 9-6-2 through 9-6-
17 10, B.R.C. 1981, shall be updated to show the new section numbers and titles of the sections
18 adopted with this Ordinance.

19 Section 11. This Ordinance is necessary to protect the public health, safety, and welfare
20 of the residents of the city, and covers matters of local concern.

21 Section 12. The City Council deems it appropriate that this Ordinance be published by
22 title only and orders that copies of this Ordinance be made available in the office of the city clerk
23 for public inspection and acquisition.
24
25

1 INTRODUCTION, READ ON FIRST READING, AND ORDERED PUBLISHED BY
2 TITLE ONLY this 6th day of August 2019.

3 _____
4 Suzanne Jones,
5 Mayor

6 Attest:

7 _____
8 Lynnette Beck,
9 City Clerk

10 READ ON SECOND READING, AMENDED AND PASSED this 15th day of October
11 2019.

12 _____
13 Suzanne Jones,
14 Mayor

15 Attest:

16 _____
17 Lynnette Beck,
18 City Clerk

19 READ ON THIRD READING, ADOPTED this 29th day of October 2019.

20 _____
21 Suzanne Jones,
22 Mayor

23 Attest:

24 _____
25 Lynnette Beck,
City Clerk

ORDINANCE 8358

AMENDING TITLE 9, "LAND USE CODE," B.R.C. 1981, TO CREATE AN OPPORTUNITY ZONE OVERLAY PROHIBITING DEMOLITION OF ATTACHED DWELLING UNITS IN FEDERAL CENSUS TRACT 122.03 FOR THE PERIOD THE TRACT IS A QUALIFIED OPPORTUNITY ZONE AND REPEALING ORDINANCE 8308, AS AMENDED BY ORDINANCES 8312 AND 8314, AND SETTING FORTH RELATED DETAILS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO:

Section 1. Section 9-3-1, "Purpose of Overlays and How to Use the Overlays," B.R.C. 1981, to amended to read as follows:

9-3-1. - Purpose of Overlays and How to Use the Overlays.

- (a)...
- (3) Airport Influence Zone, ~~and~~
- (4) Medium Density Overlay Zone, and
- (5) Opportunity Zone Overlay.

Section 2. A new Section 9-3-12, "Opportunity Zone Overlay," B.R.C. 1981, is added to read as follows:

9-3-12. - Opportunity Zone Overlay.

- (a) Legislative Intent: The purpose of this section is to enact an overlay zone for Census Tract 122.03, described in Appendix O, "Census Tract 122.03," and associated standards in order to protect the public health, safety and welfare:
 - (1) Federal Census Tract 122.03 was certified by the federal government as an opportunity zone;
 - (2) Investors in the opportunity zone, through opportunity zone funds, will receive favorable tax relief as an incentive to invest in business and real estate within Census Tract 122.03;
 - (3) It is anticipated that opportunity zone funds may lead to accelerated investment in Census Tract 122.03;

- 1 (4) The Boulder Valley Comprehensive Plan provides that the city will work with
neighborhoods to protect and enhance neighborhood character and livability and
2 preserve the relative affordability of existing housing stock;
- 3 (5) The Boulder Valley Comprehensive Plan describes that the city will make special
efforts to preserve and rehabilitate existing housing servicing low-, moderate-, and
4 middle-income households; and
- 5 (6) It is the intent of this section to prevent accelerated demolition of the existing
relatively affordable multi-family housing stock in Census Tract 122.03 to protect
6 existing neighborhood character in this area and preserve the existing housing stock
and its relative affordability.

7 (b) Applicability of this Section: The standards of this section shall apply during that period
of time that Census Tract 122.03 is a qualified opportunity zone, as that term is defined
8 in 26 U.S.C. § 1400Z-1, or any successor legislation.

9 (c) No Demolition: Except as expressly allowed under subsection (e), no person shall carry
10 out or permit demolition of a building or part thereof that results in removal of any
attached dwelling unit in Census Tract 122.03.

11 (d) No Demolition Applications: The city manager shall not accept any demolition or
12 development application that proposes the demolition of a building or a part thereof and
results in removal of any attached dwelling unit in Census Tract 122.03 unless the
13 application proposes work allowed under subsection (e).

14 (e) Unsafe Buildings: As an exception to the standards of this section, a building or part
15 thereof may be demolished if the city manager has declared the building or relevant part
thereof to be unsafe or dangerous to the general public, occupants, or property or
16 otherwise unfit for human occupancy, and such that it is unreasonable to repair the
structure or relevant part thereof. In making such determination, the city manager will
17 consider the deficiencies of the structure or part thereof, including without limitation,
18 damage, decay, faulty construction, potential for collapse, disrepair or the presence of
health and safety concerns such as unsanitary conditions, infestation of rats or vermin, the
19 presence of filth and contamination, or other conditions that constitute a hazard to
occupants or the public.

20 (f) Maintenance: The city council intends to preserve from deliberate or inadvertent neglect
21 attached dwelling units in Census Tract 122.03. No owner, lessee or occupant of an
attached dwelling unit shall fail to comply with the ordinances of the city regulating
22 property maintenance, including without limitation Chapter 10-2, "Property Maintenance
Code," B.R.C. 1981.

23 Section 3. The council adopts Attachment A titled "Appendix O: CENSUS TRACT
24 122.03," as an amendment to Title 9, "Land Use Code," B.R.C. 1981.
25

1 Section 4. This Ordinance repeals Ordinance 8308, and its amendments in Ordinances
2 8312 and 8314.

3 Section 5. For the limited purposes of adopting this Ordinance, City Council suspends
4 the provisions of Subsection 9-1-5(a), "Amendments and Effect of Pending Amendments,"
5 B.R.C. 1981.

6 Section 6. This Ordinance is necessary to protect the public health, safety, and welfare of
7 the residents of the city, and covers matters of local concern.

8 Section 7. The City Council deems it appropriate that this Ordinance be published by
9 title only and orders that copies of this Ordinance be made available in the office of the city clerk
10 for public inspection and acquisition.

11
12 INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY
13 TITLE ONLY this 15th day of October 2019.

14 _____
15 Suzanne Jones,
16 Mayor

17 Attest:

18 _____
19 Lynnette Beck,
20 City Clerk

21 READ ON SECOND READING, PASSED AND ADOPTED, this 29th day of October
22 2019.

23 _____
24 Suzanne Jones,
25 Mayor

26 Attest:

27 _____
28 Lynnette Beck,
29 City Clerk

