



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: October 5, 2021

AGENDA TITLE

Introduction, first reading and consideration of a motion to order published by title only Ordinance 8510, which proposes to amend Title 9, "Land Use Code," to allow restaurants as limited uses in regional parks within the public (P) zoning district and setting forth related details.

REQUESTING DEPARTMENT / PRESENTERS

Nuria Rivera-Vandermyde, City Manager
Jacob Lindsey, Director
Charles Ferro, Development Review Manager
Karl Guiler, Senior Planner / Code Amendment Specialist

OBJECTIVE

Define the steps for Planning Board consideration of this request:

1. Hear Staff presentation.
2. Hold public hearing.
3. Planning Board discussion.
4. Planning Board recommendation to City Council.

EXECUTIVE SUMMARY

A controversy about the restaurant at the reservoir has raised questions about the regulation of restaurant uses in large city parks. Accessory restaurant uses have been present within larger city parks and facilities for a long time. The proposed code change would expressly permit restaurants as limited uses within the city's large regional parks in the public zoning district. Staff is proposing changes to the Land Use Code in the draft Ordinance 8510 within **Attachment A**, the proposed standards would make restaurants

allowed by right if within a regional park that is owned by a government and is 100 acres or more in size provided the restaurant is located no closer than 500 feet from any residential zone. By right means that the use would be permitted without any special review and could be established if it otherwise meets the limitations described above. Restaurants closer than 500 feet could only be approved pursuant to a Use Review. Use Review is a discretionary process that requires public notice, compliance with specific criteria on compatibility and character etc., and where any staff decision on the application is subject to citizen appeal or Planning Board call up. This code change would only apply to the Flatirons Golf Course, Boulder Reservoir and Valmont Park, as these park facilities are the only regional park or recreation areas in the city that fit the definition of a regional park.

A discussion of these facilities is provided in the ‘Background’ section below along with rationale for the community benefits associated with restaurants in larger parks with an analysis of the consistency of the proposed changes with [Boulder Valley Comprehensive Plan](#) policies.

Case study examples of restaurants in parks are provided in **Attachment B**. The proposed changes would not change the standards applicable to other, smaller neighborhood parks or the civic area within the city where such uses are only permitted on a limited basis if considered accessory uses within government facilities like the Boulder Public Library (e.g., Seeds Library Cafe).

STAFF RECOMMENDATION

Suggested Motion Language:

Motion to introduce and order published by title only Ordinance 8510, which proposes to amend Title 9, “Land Use Code,” to allow restaurants as limited uses in regional parks within the public (P) zoning district.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic – Restaurants in the city’s regional parks will support local businesses, provide unique offerings and foster meaningful connections to Boulder among its residents, workforce and visitors.
- Environmental – None identified.
- Social - Restaurants in the city’s regional parks will facilitate people’s ability to gather, eat and celebrate in the public parks, with agreements designed to maximize these community benefits and others.

OTHER IMPACTS

- Fiscal – No impacts.
- Staff time – The code amendment has been processed within normal staff work plans.

BOARD AND COMMISSION FEEDBACK

Planning Board

Planning Board is set to review the ordinance on October 7, 2021. Staff will include the board's feedback and recommendation in the second reading memorandum.

Parks and Recreation Advisory Board

Staff shared an overview of the proposed ordinance at the September 27, 2021 Parks and Recreation Advisory Board (PRAB) meeting. While the PRAB did not take action on this item, members generally expressed support for the zoning update.

PUBLIC FEEDBACK

Notice of the proposed change has been sent out in the Planning and Development Services newsletter, Parks and Recreation department newsletter, and shared directly with Reservoir neighbors in a Parks and Recreation communication.

BACKGROUND

Below is a general discussion about restaurants in parks in the city of Boulder followed by how they are currently regulated by the Land Use Code.

Restaurants in parks

Restaurants in parks contribute to placemaking by providing spaces for people to eat, gather and celebrate; they provide community benefit through enhancing place-based experiences with specialized services and by providing revenues to cash-strapped agencies. They exist in parks of many jurisdictions and sizes all over the world and here in the United States help to make public spaces the heart of every community. Several case studies outlining examples of restaurants in parks that support thriving public spaces are shared in **Attachment B**.

In Boulder, the public realm has been carefully designed, developed, and fostered to provide spaces for people to connect to nature and each other. Historically, that has included access to food and beverage to support these connections. Examples are further outlined below and include the Spice of Life Events Center at Flatirons Golf Course. The decline of tax revenues related to the pandemic and shifting consumer trends highlight the importance, now more than ever, of the Boulder Parks and Recreation 2014 master plan direction to actively seek out partnerships to help build community and strengthen financial sustainability. Engagement to date for the Parks and Recreation master plan update, including input from City Council, supports continuation of partnership efforts, and current financial challenges accentuate the value of diverse revenue streams.

Allowing restaurants by right through limited use standards in the city's regional parks (not including the smaller neighborhood parks) aligns with the Boulder Valley Comprehensive Plan and Parks and Recreation master plan and also supports community-developed and PRAB-approved concept plans for these parks. Only three current park facilities meet the proposed definition of regional parks and they are owned by the City of Boulder (the Area III – Planning Reserve parkland may also meet this definition when developed). The following section is background on the policy and plans that support restaurants in Boulder's regional parks and at Valmont City Park.

Boulder Valley Comprehensive Plan Alignment

Boulder’s regional parks include the Boulder Reservoir, Flatirons Golf Course and Valmont City Park. While each is in a distinct and unique setting in the community, they share common characteristics. Each is 100 acres or greater in size, serving the entire city and surrounding region with specialized recreational assets that draw regional users such as ball fields, swimming facilities, boating, golf courses and natural lands for passive recreation. Regional park and recreation uses are of a scale and design to allow hosting of large and small events, such as concerts and festivals, and are often destination points for visitors. Each location fosters opportunities for people to connect with nature and each other and contribute to Boulder’s renown quality of life that attracts, sustains, and retains diverse businesses and investments in the local economy. In addition to supporting very broad community goals, restaurants in regional parks can contribute to and be in alignment with Boulder Valley Comprehensive Planning (BVCP) policy in several areas. Two of the most salient are:

5.10 Role of Arts, Cultural, Historic and Parks & Recreation

Amenities: Parks and recreation amenities are recognized as important contributors to the city’s economic vitality and quality of life. *Restaurants in the city’s regional parks will support local businesses, provide unique offerings and foster meaningful connections to Boulder among its residents, workforce and visitors.*

8.14 City Parks & Recreation: Parks and Recreation facilities provide one of the most effective ways to build a person’s sense of community and quality of life, especially in redeveloping areas and in the revitalization of neighborhoods in the city. *Restaurants in the city’s regional parks will facilitate people’s ability to gather, eat and celebrate in the public parks, with agreements designed to maximize these community benefits and others.*

Parks and Recreation Planning Alignment

Broader community planning and direction, as captured in the City Council approved [2014 Parks and Recreation master plan](#), provides support for partnerships that support community building and financial sustainability. The plan includes several policies that support partnerships in parks to “leverage maintenance and capital building funds” (Taking Care of What We Have) and to “increase funding and optimize service provision” (Financial Sustainability).

The Parks and Recreation [Design Standards Manual](#) (DSM) calls out that food services, restaurants, and/or concessions are typical in City & Regional Parks (Valmont City Park, Flatirons Golf Course, and the Boulder Reservoir). The DSM also highlights that though these areas have a wide variety of assets and activities, future additions to the parks should be guided by the needs of the entire community and region that is served in conjunction with the potential assets and modifiers for city and regional parks, rather than the list of existing assets and modifiers.

Additional community planning demonstrates specific support for restaurants at the regional parks (the Boulder Reservoir, Flatirons Golf Course and Valmont City

Park). Details from the site-specific planning processes are highlighted here, with complete planning documents also available as linked.

Flatirons Golf Course

At a broader community level, and while not within the defined area of the East Boulder Sub-Community Plan, the city's only golf course is adjacent to the southern border of the area and just east of the 55th and Arapahoe Station Area. With a full summary on recent engagement available [here](#), a restaurant at Flatirons Golf Course can help address feedback noting desires to:

- Support small businesses, with food and beverage one of the most requested retail types.
- Provide new places for social gathering as well as passive recreation or green spaces.
- Develop 15-minute neighborhoods, with dining readily available to current and future neighbors.

Flatirons has a history of food service, with the Flatirons Country Club providing hospitality on-site as part of the membership and for events. The Parks and Recreation department began operating Flatirons Golf Course as a municipally owned public golf course in 1986. The original clubhouse was converted to become the Flatirons Events Center, which was further expanded to a total of 17,400 SF in 1991. For more than 10 years and up until 2013, Spice of Life leased the facilities for meetings and events as well as off-site catering. Included in the original structure was a snack bar operated by a third-party vendor.

The September 2013 floods contributed to a City Council approved decision to demolish the past its life cycle, extremely energy inefficient, inaccessible, and hazardous Flatirons Events Center. In 2020 and as outlined in the demolition decision, Boulder Parks and Recreation began planning for the facility's replacement; the 2021 Capital Improvement Program (CIP) includes funding for the design and construction of a PRAB-approved concept plan. Final design and permitting are underway, with construction bidding anticipated winter 2021-2022.

The [PRAB approved concept plan](#) outlines a restaurant envisioned to appeal to the surrounding neighborhoods as well as to daily golfers, and the event lawn will be utilized for many community activities and events. As the project team finalizes the building's design, the intentions are to deliver a well thought out and functional facility that will reach new markets and increase revenue.

As one survey respondent and neighbor shared, "With a full-service bar/restaurant, this could easily become a place to grab a reasonable dinner with the family after a round of golf or just to enjoy the outdoors without having to go very far (live 3 blocks west)." Revenues from successful hospitality can contribute interfund subsidy to increase golf accessibility to the broader community and support community programming at Flatirons.

Boulder Reservoir

The City of Boulder Reservoir (“the reservoir”) is one of the most popular and heavily visited park facilities in the city and region. It is also one of only six northern Front Range facilities supporting water-based and powerboating recreation opportunities and though smaller than other area facilities, the reservoir offers a significant range of services to the community and maintains one of the highest visitation rates of approximately 300,000 per year.

The Reservoir has always operated a concessions area near the beach provided by an outside contractor. Prior to the demolition of the previous Bathhouse and Administration Building and patio as described previously, the concessions area was on the ground level and provided a snack bar concessions experience with grab and go food and drinks.

In 2012, the Boulder Reservoir Master Plan (BRMP) indicated that the most critical facility serving reservoir visitors was needing repairs and renovation, and in 2016, staff began planning for its replacement based on the cost of rehabilitation exceeding that of a new facility. The final concept plan, approved by the PRAB in January of 2017, was developed based on feedback from a cross-section of Boulder community members, reservoir user groups and the PRAB. The details of that process and concept plan may be found in the [January 2017 PRAB memo](#) (starting on page 27). Based upon community engagement, including several open houses, on-site feedback sessions, and policy direction from the Boulder Reservoir Master Plan and Boulder Parks and Recreation Master Plan, these goals were established and approved by the PRAB:

- Extending shoulder season use opportunities of the Boulder Reservoir Regional Park;
- Establishing partnerships with various groups to expand programming and offset construction and operating costs;
- Expanding concessions offerings with possibilities of obtaining a liquor license for the site and for exploring a partnership with a larger scale concessionaire;
- Creating a “welcoming” and “family oriented” design character, promoting a healthy and athletic lifestyle, and focusing on sustainability of the facility; and
- Creating multi-use spaces serving a variety of events across all generations of user groups.

The PRAB and Council-approved lease with Landloch, LLC to operate Driftwind Restaurant at the Rez is designed to achieve these goals and includes guiding principles to ensure that operations of the leasehold align with and promote community values. The [2021 Operations Overview](#) was developed, with input from members of the PRAB and council, to respond to concerns about potential impacts to neighbors and wildlife.

Valmont City Park

Findings of the East Boulder Sub-community plan apply to Valmont City Park as well, and both the developed and undeveloped portions of the park fall within the planning area.

The [2015 South Valmont City Park concept plan](#) supports many of the same desires expressed to date in the East Boulder sub-community plan (access to food and beverage, walkable amenities), and emphasizes the development of facilities that will support a wide range of activities and uses and serve nearby neighbors and the region. The South Valmont portion of the city park is at concept plan only, and development of any facilities will include more specific and targeted outreach to develop facility specific concept plans. Future community facilities are outlined in the South Valmont concept plan; facility development, such as food and beverage, is dependent upon future public/private partnerships to become reality as they are unfunded.

Restaurants in Public zones in the Land Use Code

Currently, there are or were several examples of restaurants or cafes within the city's Public zoning districts within city facilities including but not limited to the following:

- The cafe/coffeeshop (i.e., Seeds) within the Boulder Public Library
- Mustard's Last Stand within the Park Central building in the civic area;
- The former cafeteria/concessions stand at the Boulder Reservoir facility more recently replaced by the Driftwind Restaurant at the Rez restaurant
- The former Spice of Life restaurant at the Flatirons Golf Course currently in process of being replaced by a new clubhouse.

While restaurants are not explicitly permitted uses in the Public (P) zoning districts as they are denoted as "n/a" (not applicable) in the [Use Table within Chapter 9-6, "Use Standards," B.R.C. 1981](#) and not every scenario is the same, most of the restaurant or cafe use examples above are considered accessory uses to the principal use on the lot, which is the government facility located in the P zone. Accessory uses in the code are defined as follows:

Accessory use means a use located on the same lot as the principal building, structure, or use to which it is related and that:

- (1) Is subordinate to and customarily found with the principal use of the land; and
- (2) Is operated and maintained for the benefit or convenience of the occupants, employees, and customers of or visitors to the premises with the principal use.

As many of the restaurant or cafe uses (broadly considered restaurants in the Land Use Code) above operate for the benefit of visitors to park sites and are customarily found within government facilities on some park properties as discussed above (and are usually subject to generally the same hours of operation etc.), the examples above have been considered accessory uses. However, in the case of Mustard's, the restaurant use pays rent to the city and is in the P zone, but largely operates separate from the government facility at Park Central (e.g., separate hours and functions independently) and thus, is not considered an accessory use. The code, rather, considers Mustard's a nonconforming use that has operated in the Park Central building for decades and predates the current regulations on restaurants.

The proposed code change discussed in detail below is meant to make it clear that restaurants are permitted uses in the regional parks if specific requirements are met. Restaurants in other parks and within the P zone are intended to continue being considered accessory uses to the government facilities they are located within.

ANALYSIS

As stated above, restaurants are allowed as accessory uses in the Public (P) zoning districts. However, this has created some controversy related to restaurant operations within parks and the proposed code change reflected in the ordinance within **Attachment A** is meant to clarify the city's planning goals and policies around its regional parks.

At the Boulder Reservoir, a City Council approved lease is guiding the operations of Driftwind Restaurant at the Rez. The restaurant's operations plan aligns with all currently applicable zoning and ordinances and the operating hours outlined for 2021 are planned to through 2022. Thus, any zoning change are not anticipated to have any impact on operations at this site.

Expressly allowing restaurants that are 500 feet from any residential zone within these three regional park settings will support successful public private partnerships and thus community benefit through a clear ability to advertise the restaurants as amenities on their own (furthering access to dining in 15-minute neighborhoods) and a clear ability to develop operational plans that support successful restaurants. These are benefits to the Boulder community. For example, in the winter months with earlier sunsets, restaurants could allow park visitors and nearby neighbors to enjoy a full-service dinner even if the greens at the golf course, or amenities at Valmont City Park are not open.

Moving forward, restaurants in the city's two regional parks and Valmont City Park would be established through public private partnerships, and specific lease agreements designed to enhance the experience and to deliver a community benefit. The update allows the city to appropriately program these public spaces while still providing for full public review through lease approval: the Parks and Recreation Advisory Board must approve any lease greater than one year and City Council must approve any lease 3 years or longer.

The proposed code change ensures compatibility with adjacent land uses by requiring a Use Review for any restaurant use that is within 500 feet of a residential zoning district. This distance is meant to minimize any impacts on residential uses that may derive from restaurants such as noise or smell. The 500 foot measurement is already used for restaurants in other locations in the city where if closer than 500 feet to residential zones, the impacts of any restaurant or any associated outdoor seating would be evaluated as part of a Use Review application. The 500-foot measurement is measured from any exterior walls associated directly with any restaurant use or if applicable, from the edge of any railing or confines of any outdoor seating area. Any associated liquor licensing would be subject to the full review and approval of the Beverage Licensing Authority. An adaptive management approach, as outlined in the BVCP, will ensure that operations align with and contribute to city goals always.

Therefore, staff is proposing the following modifications to the code which is reflected in the draft ordinance in **Attachment A**:

- Land Use Category: Revise the land use category “Restaurants in Industrial Zones” in the [Use Table of Chapter 9-6, “Use Standards,” B.R.C. 1981](#) to be “Restaurants in Industrial **and Public** zones”.
- Limited Use: Under the “Restaurants in Industrial and Public Zones” category, a new limited use reference (L¹⁸) is proposed to be added related to restaurants within regional parks. Limited uses are those that are allowed by-right, if they meet specific limitations. The new L¹⁸ use would be permitted as follows:

Allowed by right if located in a regional park where the use and any associated outdoor seating is no closer than 500 feet to a residential zoning district. Allowed by use review if located in a regional park and the use and any associated seating is located closer than 500 feet to a residential zone. Otherwise prohibited.

This is consistent with other limited uses where if the specific limitation is not met, a Use Review would be required. Further, the 500-foot limitation is consistent with other restaurant categories near residential zones. If located closer than 500 feet from the limits of the restaurant use and any associated outdoor seating areas, then a Use Review would be required to ensure that the particular use is appropriate in the proposed location and would not adversely affect a surrounding residential area.

- Regional Park Definition: To clarify what qualifies as a regional park, staff has coordinated with the Department of Parks and Recreation to create a new definition for “Regional park” in the Land Use Code that aligns with park typologies in the Parks and Recreation Design Standards Manual. [Section 9-16, “Definitions,” B.R.C. 1981](#) would be revised to add the following new definition:

Regional park means a park or recreation area owned by a public agency and 100 acres or greater in size, serving the entire city and surrounding region with specialized recreational assets that draw regional users such as ball fields, swimming facilities, boating, golf courses and natural lands for passive recreation. Regional parks are of a scale and design to allow hosting of large and small events, such as concerts and festivals, and are often destination points for visitors.

The definition acknowledges that restaurants would not be permitted in all parks of the city as most parks are much smaller than regional parks and much closer to residential uses where impacts of a restaurant use would potentially be greater. Restaurants like Seeds Cafe would continue to operate as accessory uses to the government facility that are within (i.e., Boulder Public Library).

- Parking requirements: As restaurants in regional parks would have different parking needs than typical restaurants in other mixed-use settings (e.g., commercial areas with a mix of restaurant and retail or office uses) -- they would have shared parking with other park users, staff has found it appropriate to add a special requirement within the parking requirements for restaurants within a regional park. Typical restaurant parking requirements require one parking space for every three seats with some exceptions to allow a limited amount of outdoor seating to encourage outdoor seating and this is also factored in with other commercial uses on a site that may have different parking requirements (e.g., one space for every 300 feet of office space etc.). A park environment is unique and many of the parking needs for the activities within parks are already determined by the Department of Parks and Recreation. Like other uses that have unique parking needs (e.g., day care centers), staff finds it appropriate to set the parking requirement for restaurants in regional parks as **“Determined through review; parking needs of the use must be adequately served through on-street or off-street parking.”** In such case, it may be appropriate when a new restaurant is proposed within a regional park that a parking study demonstrate that the parking needs would be met. The proposed change above would be made to [Table 9-4, “Use Specific Motor Vehicle Parking Requirements for Nonresidential Uses in All Zones,” B.R.C. 1981 within Chapter 9-6, “Parking Standards,” B.R.C. 1981.](#)

CONCLUSION

Staff finds that the proposed changes discussed within this memorandum and within **Attachment A** would be consistent with BVCP policies 5.10 and 8.14 as noted below.

5.10 Role of Arts, Cultural, Historic and Parks & Recreation

Amenities: Parks and recreation amenities are recognized as important contributors to the city’s economic vitality and quality of life. *Restaurants in the city’s regional parks will support local businesses, provide unique offerings and fostering meaningful connections to Boulder among its residents, workforce and visitors.*

8.14 City Parks & Recreation: Parks and Recreation facilities provide one of the most effective ways to build a person’s sense of community and quality of life, especially in redeveloping areas and in the revitalization of neighborhoods in the city. *Restaurants in the city’s regional parks will facilitate people’s ability to gather, eat and celebrate in the public parks, with agreements designed to maximize these community benefits and others.*

Staff also finds that the clearer language of when restaurants are permitted within regional parks will remove any confusion on the use.

Lastly, staff anticipates revisiting restaurant uses in general in the city as the use table is complicated related to restaurants. This is something that has been included in the scope of the broader Use Table and Standards project and has been previously presented to the Planning Board and discussed amongst the Planning Board subcommittee on the Use Table and Standards changes. With a new hire assisting with code amendments joining

P&DS, staff also anticipates more progress on that project into the latter part of 2021 and into 2022.

ATTACHMENTS

Attachment A- Draft Ordinance 8510
Attachment B- Case studies on restaurants within parks

ORDINANCE 8510

AN ORDINANCE AMENDING, TITLE 9, "LAND USE CODE," B.R.C. 1981, TO ALLOW RESTAURANTS AS LIMITED USES IN REGIONAL PARKS WITHIN THE PUBLIC (P) ZONING DISTRICT AND SETTING FORTH RELATED DETAILS.

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

Section 1. Section 9-6-1, "Schedule of Permitted Land Uses," B.R.C. 1981, is amended 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.

...

(d) Use Table:

TABLE 6-1: USE TABLE

....

DINING AND ENTERTAINMENT USES:

Zoning District	R R - - 1 2	R L - - 1 2	R M - - 1 3	R M X - - 1	R M X - - 2	R H - - 1 3	R H - - 3 6	R H - - 6	M H - - 3	M U - - 3 1	M U - - 2	M U - - 4	M U - - 4	B T - - 1 2	B M S	B C - - 1 2	B C S	B R - - 1 2	D T - - 4 5	D T - - 5	D T - - 1 1	I S - - 1 2	I G	I M	I M S	P	A	
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	Additional References

Form-Base Code Areas Uses
Appendix M

DINING AND ENTERTAINMENT USES:

Art or craft studio space	*	U	U	U	U	U	U	U	U	*	L ₆	L ₆	L ₆	A	A	A	A	A	A	A	A	A	A	A	*	A	U	*	
Breweries	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	L ₈	L ₇	L ₇	L ₉	*	*	9-6-6(b)

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Section 2. Section 9-6-2, "Limited Use Standard - General," B.R.C. 1981, is amended as follows:

9-6-2. Limited Use Standard – 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

Use Limitations, per Table 6-1, "Use Table"	
L ¹	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.
L ²	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.
L ³	Allowed by right if at least 50% of the floor area of the building is for nonresidential use, otherwise by use review only.
L ⁴	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.
L ⁵	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.
L ⁶	Allowed by right for 2,000 square feet or less of floor area per lot or parcel, otherwise by use review only.
L ⁷	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)(4), B.R.C. 1981.
L ⁸	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)(4), B.R.C. 1981. If the use exceeds 15,000 square feet in floor area, it requires use review.

L ⁹	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)(4), B.R.C. 1981. The use is prohibited to exceed 15,000 square feet.
L ¹⁰	Allowed by right for 20,000 square feet or less of floor area per lot or parcel, otherwise prohibited.
L ¹¹	Allowed by right for less than 20,000 square feet of floor area per use, otherwise by use review only.
L ¹²	Allowed by right for less than 10,000 square feet per lot or parcel, otherwise by use review only.
L ¹³	Allowed by right for 15,000 square feet or less of floor area per lot or parcel, otherwise by use review only.
L ¹⁴	Allowed by right for 15,000 square feet or less of floor area per lot or parcel, otherwise prohibited.
L ¹⁵	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.
L ¹⁶	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.
L ¹⁷	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.
L ¹⁸	<u>Allowed by right if located in a regional park where the use and any associated outdoor seating is no closer than 500 feet to a residential zoning district. Allowed by use review if located in a regional park and the use and any associated seating is located closer than 500 feet to a residential zoning district. Otherwise prohibited.</u>

Section 3. Section 9-9-6, "Parking Standards," B.R.C. 1981, is amended as follows:

9-9-6. Parking Standards.

(a) Rationale: The intent of this section is to provide adequate off-street parking for all uses, to prevent undue congestion and interference with the traffic carrying capacity of city streets, and to minimize the visual and environmental impacts of excessive parking lot paving.

(b) Off-Street Parking Requirements: The number of required off-street motor vehicle parking spaces shall be provided in Tables 9-1, 9-2, 9-3, and 9-4 of this section; the number of required off-street bicycle parking spaces shall be provided in Table 9-8 of this section:

...

(4) Use Specific Motor Vehicle Parking Requirements for Nonresidential Uses:

**TABLE 9-4: USE SPECIFIC MOTOR VEHICLE PARKING REQUIREMENTS
FOR NONRESIDENTIAL USES IN ALL ZONES**

<i>Use</i>	<i>Parking Requirement</i>
Large daycare (less than 50 children)	Determined through review; parking needs of the use must be adequately served through on-street or off-street parking.
Nonresidential uses in General Improvement Parking Districts	No parking required
Restaurant, brewpub, or tavern - outside of retail centers greater than 50,000 square feet	Indoor Seats: 1 space per 3 seats.
	Outdoor Seats:
	1. If outdoor seats do not exceed 20% of the indoor seats, no additional parking is required.
	2. For the portion of the outdoor seats exceeding 20% of indoor seats: 1 space per 3 seats.
	3. Notwithstanding the requirements of (1) and (2) above, the following applies to uses that are nonconforming as to parking for indoor seats and the sole principal use of the site: No additional parking is required if the number of outdoor seats does not exceed 60% of the existing number of parking spaces on the site.
Retail centers over 50,000 square feet of floor area that:	Less than 30 percent of the total floor area is occupied by restaurants, taverns, or brewpubs: 1 space per 250 square feet of floor area for retail, commercial, and office uses and restaurants, brewpubs, and taverns.
i) Are under common ownership, or	
ii) management, or	30 percent or more and less than 60 percent of the total floor area is occupied by restaurants, taverns, or brewpubs: 1 space per
iii) Are approved through a common site review approval, and	175 square feet of floor area for retail,

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1 2	iv) Contain a mix of some or all of the following uses: retail, commercial, office, restaurants, brewpubs, and taverns, which	commercial, and office uses and restaurants, brewpubs, and taverns.
3 4 5 6	v) together comprise more than 50 percent of the total floor area, and	60 percent or more of the total floor area is occupied by restaurants, taverns, or brewpubs: 1 space per 100 square feet of floor area for retail, commercial, and office uses and restaurants, brewpubs, and taverns.
7 8 9 10 11	vi) Where written consent of all property owners within the retail center are included with the application.	This use-specific parking standard shall not apply to other uses for which a use-specific parking standard is created in this Table 9-4 or to uses other than retail, commercial, and office uses, restaurants, brewpubs, and taverns. For those uses, parking shall be provided as required for each such use under this Section 9-9-6, B.R.C. 1981, and in addition to the requirement above.
12 13	<u>Restaurants in a regional park</u>	<u>Determined through review; parking needs of the use must be adequately served through on-street or off-street parking.</u>
14 15 16	Motels, hotels, and bed and breakfasts	1 space per guest room or unit, plus required spaces for nonresidential uses at 1 space per 300 square feet of floor area
17	Theater	Greater of 1 parking space per 3 seats, or the parking ratio for the zone district
18 19	Fuel service station	General ratio for the use zone plus storage of 2 vehicles per service bay
20 21	Religious assembly:	(See Paragraph (f)(8) of this section for permitted parking reductions)
22	a. Religious assemblies created prior to 9/2/1993	1:300
23 24 25	b. Religious assemblies created after 9/2/1993	1 space per 4 seats, or 1 per 50 square feet of assembly area if there are no fixed seats - assembly area includes the largest room plus

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1		any adjacent rooms that could be used as part of the assembly area
2		
3	c. Uses accessory to a religious assembly and created after 9/2/1993	Uses accessory to the religious assembly shall meet the standards applicable to the use as if the use is a principal use
4		
5	d. Total parking of a religious assembly and accessory uses created after 9/2/1993	Parking for the religious assembly use and any accessory use shall be for the use which has the greatest parking requirement
6		
7	Small recycling collection facility	1 space for attendant if needed
8	Large recycling collection facility	General parking ratio for the zone plus 1 space for each commercial vehicle operated by the facility
9		
10	Recycling processing facility	Sufficient parking spaces for a minimum of 10 customers, or the peak load, whichever is greater, plus 1 space for each commercial vehicle operated by the facility
11		
12		
13	Warehouse or distribution facility or uses in industrial zones with accessory warehouse spaces	1 space per 1,000 square feet of floor area used for warehousing or storage of goods, merchandise, or equipment. Parking for floor area used for associated office space or production areas and not for warehousing or storage as outlined above shall be provided consistent with Table 9-3.
14		
15		
16		
17		
18	Self-service storage facility	3 spaces for visitor parking, plus parking for any floor area used as office space or otherwise not used for self-service storage shall be provided consistent with Table 9-3.
19		
20	Airport and aircraft hangers	1 space per outside airplane or glider tie down space;
21		
22		1 space per 1,000 square feet of floor area of private airplane hangar space (with or without external or internal walls);
23		
24		
25		

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	1 space per 2,000 square feet of floor area of commercial or executive airplane hangar space; and
	Parking for floor area used as office space or otherwise not used for airport hanger shall be provided consistent with the requirements of Table 9-3.

...

Section 4. Section 9-16-1, "General Definitions," B.R.C. 1981, is amended 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:

...

Recycling processing facility means a building or enclosed space used for the collection of recyclable material, used motor oil and batteries in accordance with applicable health and safety regulations, and scrap metal but not including motor vehicles, and its processing for efficient shipment or to an end-user's specifications by baling, briquetting, compacting, composting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, or remanufacturing.

Regional park means a park or recreation area owned by a public agency and 100 acres or greater in size, serving the entire city and surrounding region with specialized recreational assets that draw regional users such as ball fields, swimming facilities, boating, golf courses, and natural lands for passive recreation. Regional parks are of a scale and design to allow hosting of large and small events, such as concerts and festivals, and are often destination points for visitors.

Regulated activity means those activities requiring a stream, wetland, or water body permit pursuant to Subsection 9-3-9(d), B.R.C. 1981. (Wetlands)

...

Section 5. This ordinance is necessary to protect the public health, safety, and welfare of the residents of the city and covers matters of local concern.

Section 6. The city council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

1 INTRODUCTION, READ ON FIRST READING, AND ORDERED PUBLISHED BY
2 TITLE ONLY this 5th day of October 2021.

3
4
5 _____
Sam Weaver, Mayor

6 Attest:

7 _____
Elesha Johnson, City Clerk

8
9 READ ON SECOND READING, PASSED AND ADOPTED this 26th day of October
10 2021.

11
12
13 _____
Sam Weaver, Mayor

14 Attest:

15
16 _____
Elesha Johnson, City Clerk



Restaurants in Parks

CASE STUDIES

OVERVIEW: All over the world, and here in the United States, restaurants in parks contribute to placemaking by providing spaces for people to eat, gather and celebrate – helping to make public spaces the heart of every community. Restaurants in public parks provide community benefit through enhancing place-based experiences, by providing revenues to cash-strapped agencies, and by providing specialized services.

These case studies provide examples of restaurants in parks. The type of public agency varies and each amenity is operated by a third-party.

Case studies are intended to be a brief overview and not comprehensive of all details. The level of information is structured differently for each study based on information available at this time.

September 21, 2021

**City of Boulder
Parks and Recreation**





San Jacinto Plaza, El Paso, Texas



SNAPSHOT

Property: San Jacinto Plaza
 Location: El Paso, Texas
 Population: 681,728
 Park Type/Features: Historic Plaza
 Property Owner: City of El Paso
 Third-party Contractor: Rent a Chef
 Restaurant Name: La Placita Café by Rent a Chef
 Restaurant Hours: Mon-Thu 11 a.m.- 6 p.m.,
 Fri-Sat 11 a.m.-10 p.m., Sun 11 a.m.-11 p.m.
 Event Rentals: N/A
 Community Benefit: Fixed Rent, Healthy Options

OVERVIEW

In 2015, the City of El Paso requested letters of interest for a restaurant partner to operate in San Jacinto Plaza, a popular park in downtown. The lessee pays the city \$6,000 per year and handles general upkeep of the facility. The lease also mandates that at least 10% of the menu is healthy food. The menu “includes gourmet burgers, Cuban sandwiches, paninis, hot dogs, tacos, lettuce wraps, nachos, chili cheese fries, parfaits and cold drinks” according to the business journal El Paso Inc. “We’re very busy, especially during the weekends,” said cafe cashier Stephanie Piedra. “We have a wide variety to choose from, but I think our most popular snack is corn in a cup and an ice-cold cucumber lemonade”. Before COVID, the restaurant was open until 1 a.m. on some weekend nights.

More Information:

[Rent a chef on Facebook](#)

[2015 Lease](#)

[Article about San Jacinto Plaza in El Paso Inc.](#)



Malibu Pier, California



SNAPSHOT

Property: Malibu Pier

Location: Malibu, California

Population: 12,620

Park Type/Features: Waterfront

Property Owner: California State Park

Third-party Contractor: Malibu Farm

Restaurant Name: Malibu Farm Restaurant and Malibu Farm Café

Restaurant Hours: Mon-Fri 11 a.m. – 8 p.m., Sat-Sun 9 a.m. – 8 p.m.

Event Rentals: Yes

Community Benefit: Drives Tourism, Local Farm to Table

OVERVIEW

The Malibu Pier, owned and operated by California State Parks since 1980, has become a key destination for the town, thanks in part to a revived food scene. A slow summer season and other challenges led previous restaurant partners to leave Malibu pier in 2012. Malibu Farm held a short-term lease and eventually took over the restaurant leases for both spaces on the Malibu pier in 2014. The partnership has been so successful that Malibu Farm expanded to other cities, most recently to San Diego pier in partnership with the San Diego Port Authority.

More Information:

[Main Pier Website](#)

[California State Park Website](#)

[Malibu Times Article on 2012 History](#)

[Article on Expansion to San Diego](#)



Lone Tree Golf Course, Colorado



SNAPSHOT

Property: Lone Tree Golf Course

Location: Lone Tree, Colorado

Population: 12,923 in Lone Tree, South Suburban Parks and Recreation District serves approximately 157,000

Park Type/Features: Golf Course

Property Owner: South Suburban Parks and Recreation District

Third-party Contractor: N/A

Restaurant Name: Lone Tree Grill

Hours: Everyday 8 a.m. – Dusk. Open later weekends in Summer.

Events: Yes

Community Benefit: Revenue, Community Space

OVERVIEW

The South Suburban Parks and Recreation District operates restaurants and event rentals at each of their four golf courses in the metro area. Each of these restaurants are open into the evening and host music until 9 p.m. on Fridays during the summer. Lone Tree Grill is unique as it is part of the larger hotel on the property. The restaurant and events allow many community members to use the space beyond golfers. Events may run past midnight depending on the rental agreement.

More Information:

[Lone Tree Grill Website](#)

[Events at Lone Tree](#)



Former Venue: Spice of Life at Flatirons Golf Course, Boulder, Colorado



SNAPSHOT

Property: Flatirons Golf Course

Location: Boulder, Colorado

Population: 105,673

Park Type/Features: Golf Course

Property Owner: City of Boulder

Third-party Contractor: A Spice of Life

Restaurant Name: A Spice of Life Event Center

Hours: Varied

Events: Yes

Community Benefit: Revenue, Community Space

OVERVIEW

A Spice of Life operated an events center at Boulder's golf course starting in 1998. When the city purchased this course, the contract with Spice of Life was renewed and continued until flood damage from 2013 caused the building to be shut down. During this time, Spice of Life collaborated with the city to host many community events, philanthropic events and internal events. Very few modifications were made to the original contract during this period.

More Information:

[Final Amendment between City of Boulder and A Spice of Life 2013](#)